

WARWICK TOWNSHIP
Board of Supervisors' Public Meeting Minutes
MARCH 17, 2008

Members Present: Judith A. Algeo, Esq., Chair
Edward P. Thompson, Vice Chairman
John Cox, Member

Others Present: Gail Weniger, Township Manager
Dave Connell, Township Engineer
Mary Eberle, Township Solicitor
Tom Scott, Assistant Manager
Linda Grant, Recording Secretary

■ **CALL TO ORDER:**

The Warwick Township Board of Supervisors' March 17 2008 public meeting, held at Warwick Township Administration Office, 1733 Township Greene, Jamison, PA., was called to order at 7:02 p.m., Chair, Judith Algeo who then led attendees in the pledge of allegiance.

■ **APPROVAL OF MINUTES:**

⇒ March 3, 2008 Board of Supervisors' public meeting minutes (exhibit)

Motion by Mr. Thompson to approve the March 3, 2008 Board of Supervisors' public meeting minutes, as submitted.
Second to motion by Ms. Algeo.

Chair Algeo invited comment or discussion. There being none, the vote was called.

Motion passed unanimously.

(E. Thompson, J. Algeo – in favor; J. Cox – abstained)

■ **EXECUTIVE SESSION:**

Chair Algeo reported that the Board of Supervisors' had met in executive session prior to this evening's meeting to discuss matters of open space and litigation.

■ **ANNOUNCEMENTS:**

Ms. Algeo announced that on Wednesday, April 2, 2008, the Bucks County Commissioners' meeting will be held here at 10:00 a.m.

■ **CITIZENS COMMENTS:**

➤ Nick Buerger, 1481 Greenleaf wants to follow up on the issue he spoke of last week. Chief Costello reported that the restricted pedestrian crossing signs are posted on the Warwick side. Mr. Buerger wants to know how we can review what was supposed to be there. Ms. Algeo reminds, as discussed before, the project was approved and finished in 1995. Mr. Buerger asked

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if he can look at PennDOT approvals or look at recommendations by PennDOT Ms. Algeo suggested Mr. Buerger request the plans from PennDOT Mr. Buerger asked about litigation he came across during his investigation between the Warwick Engineer at the time, Robert Showalter and Warwick Township and he would like the Board to investigate what this is about.

Mr. Buerger's father spoke, stating that it is shameful that there are lost records.

■ **MANAGER'S REPORT:**

⇒ Emergency Service Request for T-Mobile ZHB Application (exhibit)

Gail Weniger reported that Lt. Goldberg asked about the possibility of piggy backing the emergency repeater for the Township with the T-Mobile application. Ms. Weniger noted that PECO actually owns the tower that T-Mobile will go on and we would have to get permission from PECO. Ms. Weniger also asks if the Board is interested in pursuing this further.

Mr. Thompson believes it would be costly and if the system went down, considering the height and location of the antennae. He expressed concern regarding the strict PECO rules that may apply. Mr. Thompson asked for clarification on the uses of our antennae and Ms. Weniger noted it was only to be used for our emergency services.

Ms. Weniger agreed that Mr. Thompson had brought up some very valid points and feels the request should be withdrawn.

⇒ Road Materials Consortium Bid Award (exhibit)

Ms. Weniger reported that the bids were received and opened on February 22, 2008 and the recommendation is to award to Eureka Stone Quarry, Inc. which is the low bidder on several of the material used and lowest when we consider the cost of hauling.

**Motion by Mr. Thompson to approve the Bucks County Consortium Road Materials Bid, awarded to Eureka Stone Quarry, Inc.
Second to motion by Mr. Cox.**

Chair Algeo invited comment or discussion. There being none, the vote was called.

Motion passed unanimously.

⇒ Bill Payments for March 17, 2008 (exhibit)

General Fund	
Check N ^o : 15050 through 15110	\$ 130,388.23
Park & Recreation	
Check N ^o : 4410 through 4424	\$ 6,371.42
Open Space Fund	
Check N ^o : 354	\$ 798.00
Total -	<u>\$ 144,167.87</u>

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**Motion by Mr. Thompson to approve March 17, 2008 Bill Payments, subject to audit.
Second to motion by Mr. Cox.**

Chair Algeo invited comment or discussion. There being none, the vote was called.

Motion passed unanimously.

⇒ Treasurer's Report – January 2008 (exhibit)

General Fund	\$	3,292,100
Firehouse and Equipment		877,824
Road Machinery Fund		166,265
General Obligation / Sinking Fund		324,572
Open Space Fund		284,653
Capital Projects Fund		1,322,015
Highway Aid Fund		2,387
Parks and Recreation		403,431
Capital Reserve		<u>605,979</u>
Total	\$	<u>7,279,226</u>

**Motion by Mr. Thompson to accept the Treasurer's Report for January 2008, as prepared by Rose Christie, Finance Director, subject to audit.
Second to motion by Mr. Cox**

Chair Algeo invited comment or discussion. There being none, the vote was called.

Motion passed unanimously.

■ **ASSISTANT MANAGER:** Nothing to report.

■ **SOLICITOR REPORT:**

⇒ Jenkins/Moyer Conservation Easement – Resolution N^o. 2008-15 (exhibit)

Mary Eberle, Township Solicitor, presented an agreement of sale for the Jenkins/Moyer Conservation Easement, the actual document will be signed at settlement. The Township was approached by the conservancy to ask if we will share the cost of acquiring the easement over the Jenkins/Moyer property. This resolution authorizes the execution of all documents and disburse \$155,000 to acquire the conservation easement. Settlement is to be held on or before June 30, 2008.

**Motion by Mr. Thompson to adopt Resolution N^o. 2008-15 for the Jenkins/Moyer property development rights and to authorize execution of the agreement of sale, with the Warwick Township contribution to be \$155,000.
Second to motion by Mr. Cox.**

Chair Algeo invited comment or discussion. There being none, the vote was called.

Motion passed unanimously.

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⇒ Comcast Ordinance and Agreement (exhibit)

Mary Eberle, Township Solicitor, presented the Comcast Ordinance and Agreement, explaining that we finished negotiations through the consortium for a new franchise agreement with Comcast. The ordinance, which has been legally advertised, authorizes the execution of the franchise agreement, and a side letter between Comcast and the Township providing \$20,415 to the Township to assist with funding.

**Motion by Mr. Thompson to authorize execution of the franchise agreement with Comcast, adoption of Ordinance N^o. 2008-01 and execution of the side letter.
Second to motion by Mr. Cox.**

Chair Algeo invited comment or discussion. There being none, the vote was called.

Motion passed unanimously.

⇒ Ridings of Warwick, Phase II – Final Plan Approval and Signing of the Development Agreement (exhibit)

John Cox asked about turfing going on at Watson Road and the entrance to phase II as well and inquired if there was any additional work that would alleviate the problem. Mr. Cox also voiced concern of the safety of the walking path. Richard McBride, attorney for applicant, believes this is an unfinished condition and explained PennDOT permit status. Dave Connell, Township Engineer, reported that the proximity of the walking path to the roadway has been brought to his attention by several people and believes that we have come to a scheme where it looks close now, but will be six or seven feet farther apart. The other issue about encroaching off the edge of the roadway, Mr. Connell notes it is an uncurbed roadway and if someone chooses to drive off the road, there is nothing we can do about it. Mr. Cox said one of his concerns is that is a very busy stretch especially school time where the bus stop is and there are no barriers between the road and the walkway. Mr. Cox suggested street trees at close intervals. Mr. Cox also had questions about the open space which appeared as a trail in the original plans and now appears as a strip of lawn between two properties.

Discussion took place regarding options to alleviate the problems Mr. Cox notes. At the conclusion of this discussion, it was noted that the pedestrian trail could be shifted away from the roadway. Additionally, applicant will place street trees every 20 ft. along the entrance road in Phase II. Applicant will also install a sign to note the end of the pedestrian trail where it approaches the Dark Hollow Road. During discussion of the trails, applicant noted a plan amendment will be submitted for lot #24 and #25 to be deed restricted open space and record a declaration satisfactory to the Township Solicitor. The applicant will review the plans regarding whether the trail discussed has been installed. Mr. Cox also mentioned drainage on Watson Road. Mr. Connell notes there is some touching up that is needed and is a development maintenance issue.

Motion by Mr. Thompson to approve the development agreement for Ridings of Warwick, Phase II and to grant final plan approval subject to:

- applicant to move the trail further from Rushland Road in the area of the entrance road with traffic calming device across Zachary – Phase II
- Zachary should have more street trees – Phase II
- applicant will ensure that the trail has been installed along the south side of open space B – Phase I

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- applicant will amend the plan to show open space behind lot 24 and lot 25 will be made part of lots 24 and 25 and will further be deed restricted to remain natural – Phase I
- applicant and the Township Engineer will look at Watson Road to determine if one or two roadside swales are necessary to solve the storm water problem with installation of at least one swale – Phase I
- applicant shall install a stop or warning sign where the trail enters Dark Hollow Road – Phase I

Second to motion by Mr. Cox.

Chair Algeo invited comment or discussion. There being none, the vote was called.

Motion passed unanimously.

Ms. Weniger asked Mr. McBride if the basins will be naturalized. Ms. Eberle said the original Phase I agreement said there would be a fee in lieu and the first draft of the development agreement said it would be a fee in lieu of \$15,000 for the one acre detention basin. That was amended to say that the applicant and the Township will work together and the applicant can avoid the \$15,000 fee if they make the basin naturalized. Mr. McBride said applicant will get pricing on what it would cost to naturalize and if that reduces or eliminate maintenance, it will be an offset against the \$15,000. Mr. Mc Bride asked if the Township wants the basin in Phase I done as well. Ms. Weniger responded affirmatively.

At this point, Chair Algeo turned the meeting over to Vice Chairman Thompson.

⇒ Algeo-Cervone Easement (exhibit)

Mary Eberle, Township Solicitor, reported that applicant has requested an easement across tmp 51-3-121-1 which is owned by the Township, for the purpose of installing an underground force main. Ms. Eberle reports that she has spoken with the Executive Director of the sewer authority and he indicated that the authority is in agreement with doing that, it will be a force main and not an 8" sewer main. Ms. Eberle is presenting a sanitary sewer easement, with legal description attached. Ms. Eberle said there is a slight difference from the easement that we normally take for developers, that when we have an easement in a development, any construction of any kind is not allowed over top of the easement area. Since this is Township property, passive recreation facilities will be allowed over top of the easement.

Mr. Thompson explained to audience present that Ms. Algeo's property on Creek road has a failed system and she will have to run a 1,000 ft sewer line out to the Mignatti development, crossing open space.

**Motion by Mr. Thompson to approve Algeo-Cervone Sanitary Sewer Easement.
Second to motion by Mr. Cox.**

Mr. Thompson invited comment or discussion. There being none, the vote was called.

Motion passed.

(E. Thompson, J. Cox – in favor; J. Algeo – abstained)

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Ms. Algeo resumed her position as chair.

■ **ENGINEER REPORT:**

⇒ 2008 Roadway Improvement Program – Request to Advertise (exhibit)

Dave Connell, Township Engineer, is asking for authorization to advertise for bid for the 2008 Roadway Improvement Project.

Mr. Thompson asked about a bituminous overlay. Mr. Connell explained that is basically the tar and chip and there is a micro surface put on top of that.

Motion by Mr. Thompson to authorize advertise the 2008 Roadway Improvement Program for bid.

Second to motion by Mr. Cox.

Chair Algeo invited comment or discussion. There being none, the vote was called.

Motion passed unanimously.

Chair Algeo turned the meeting over to Vice Chairman Thompson.

⇒ Mignatti Driveway Waiver Request (from February 4, 2008) (no exhibit)

Dave Connell, Township Engineer, reported that at previous discussion, applicant requested a waiver regarding the slope of the driveway the Board has since had an opportunity to look at the driveway.

Mr. Cox and Mr. Thompson noted that they have no problem with the requested waiver.

Ms. Algeo resumed her position as chair.

■ **OLD BUSINESS:**

➤ Mr. Thompson asked if there are new plans for the Route 263 update. Mr. Connell said the newest were five weeks ago. Ms. Weniger noted there was no stormwater on the plans last reviewed by CKS. Ms. Weniger will provide the Board members with a copy of the CKS memo regarding those plans.

■ **NEW BUSINESS:** There was no new business to discuss this evening.

■ **PUBLIC COMMENT:**

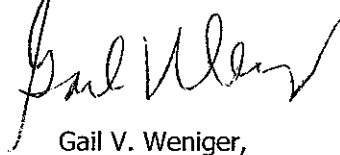
➤ A resident asked the Board of Supervisors to enforce the three minute policy for the Citizens Comment portion of the meeting.

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■ **ADJOURNMENT:**

The March 17, 2008, Warwick Township Board of Supervisors' meeting was adjourned at 8:20 p.m.

Respectfully submitted,



Gail V. Weniger,
Township Manager/Secretary

These minutes were approved at the
Board of Supervisors' meeting held: **APRIL 7, 2008**

2008-05-20 10:00 AM
Warwick Township Board of Supervisors

2008-05-20 10:00 AM
Warwick Township Board of Supervisors

2008-05-20 10:00 AM
Warwick Township Board of Supervisors

Warwick Township
DISCLOSURE STATEMENT

I, Judith Algeo, hereby disclose that I will not
(please print name clearly)

be participating in any discussion / hearing or decision on the matter(s) of:

Mugnatti Drive Waiver Request

The nature of my conflict is Eastburn and Gray represents
Mugnatti Co.

Judith A. Algeo
Signature

Date: 3/17/08

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Warwick Township
DISCLOSURE STATEMENT

I, Judith Algeo, hereby disclose that I will not
(please print name clearly)

be participating in any discussion / hearing or decision on the matter(s) of:

Algeo - Cervone Easement

The nature of my conflict is the easement will benefit
property I own ~~at 100~~

Judith A. Algeo
Signature

Date: 3/17/08

11/15/08 10:00 AM

11/15/08 10:00 AM

11/15/08 10:00 AM