

WARWICK TOWNSHIP
Board of Supervisors' Public Meeting Minutes
March 20, 2006

Members Present: Judith A. Algeo, Chair
Edward P. Thompson, Vice Chairman
Bert Parrish, Member

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

■ **CALL TO ORDER:**

The Warwick Township Board of Supervisors' March 20, 2006, public meeting, held at Warwick Township Administration Office, 1733 Township Greene, Jamison, PA., was called to order at 7:05 p.m., by Judith Algeo, Chair, who then led attendees in the pledge of allegiance.

■ **APPROVAL OF MINUTES:**

⇒ March 6, 2006 (exhibit)

**Motion by Mr. Thompson to approve the Board of Supervisors' public meeting minutes for March 6, 2006, as submitted.
Second to motion by Mr. Parrish.**

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

Motion passed unanimously.

■ **EXECUTIVE SESSION:**

Ms. Algeo stated that the Board of Supervisors had met in Executive Session, prior to this evening's meeting to discuss some matters of personnel and litigation.

■ **ANNOUNCEMENTS:**

Ms. Algeo announced that the annual egg hunt is scheduled for Saturday, April 8 at 1:00 p.m., and the event is free for all residents.

■ **CITIZENS' COMMENT:**

➤ John Gamble, Tripp Avenue, said that Upper Dublin is enabling their residents to have wireless access to the internet and thinks Warwick Township should be able to do the same for their residents, especially those with a capped income.

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■ **MANAGER'S REPORT:**

⇒ Appointment to Elected Auditor Vacancy – (exhibit)

Ms. Weniger presented a recommendation from the Elected Auditors for appointing Mr. Andrew J. Malone to the vacant elected auditor position.

**Motion by Bert Parrish to appoint Andrew J. Malone to the Elected Auditor vacancy left by Al Karalis, term to end December 31, 2007.
Second to motion by Mr. Thompson.**

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

Motion passed unanimously.

⇒ Appointment to the Planning Commission Vacancy (exhibit)

Ms. Weniger presented a recommendation to appoint Ronald V. Tornari, Sr., to the Planning Commission vacancy left by Andy Lewis.

**Motion by Mr. Thompson to appoint Ronald Tornari to the vacancy on the Planning Commission, replacing Andy Lewis, with term to expire December 31, 2007.
Second to motion by Mr. Parrish.**

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

Motion passed unanimously.

⇒ Request to Purchase Backhoe (*continued from March 6, 2006*) (exhibit)

Ralph Carp, Public Works Director, presented this request and summarized information about the vehicle. As noted at the last meeting, a demo of this machine was compared with one from another company and the features on this backhoe were preferred. Ms. Weniger notes that the approval of this purchase would be earmarking the 2007 Road machinery fund as well.

**Motion by Mr. Thompson to authorize the purchase of a Case 590, at a cost of \$66,517 (with net trade in allowance of \$13,500), as recommended by the Public Works Director.
Second to motion by Mr. Parrish.**

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

Motion passed unanimously.

⇒ Clean up of State Roads (exhibit)

Ms. Weniger explained a state road cleanup program using minimum security prisoners. Ms. Weniger noted that on the first day the workers picked up 93 bags of trash, a garage door, etc. We would like the cleanup to be done on a regular basis. There is no cost as far as the people picking up the trash, but there may be a small cost for provision of traffic control when the areas don't have shoulders. Ms. Weniger also said that we are anticipating partnering with PADOT and assist with traffic control, and use our street sweeper to cleanup on York Road.

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Chief Costello explained that this clean up program came from a program called TAG (Townships Against Graffiti), which originated because of graffiti problems and we can look at a model ordinance from Bensalem to see if Warwick could use it.

⇒ Parks and Recreation Comprehensive Plan – Recommendation (exhibit)

Dan Sharapan, Parks and Recreation Director, reported that three RFPs were received for the Parks and Recreation Comprehensive Plan and after review, Mr. Sharapan recommends Urban Research and Development Corporation out of Bethlehem, PA. at a cost of \$30,000, \$15,000 of this to be paid by a DCNR grant secured for this purpose. The plan will begin mid-May and is anticipated to be completed in under one year.

Motion by Bert Parrish to hire Urban Research and Development Corporation out of Bethlehem, PA. for the Parks and Recreation Comprehensive Plan, at a cost of \$30,000, as presented by the Parks and Recreation Director.

Chair Algeo invited comment or discussion.

Bob McCarthy, resident, asked if the Parks and Rec. Comprehensive Plan works along with the Township Comprehensive Plan which is currently being updated. Ms. Weniger noted that the Parks and Recreation Comprehensive Plan must be consistent with the Township's overall Long Term Comprehensive Plan. Ms. Weniger also notes that the review process provides a check and balance to assure this compliance.

Second to motion by Mr. Thompson.

Motion passed unanimously.

⇒ Bill Payments for March 6, 2006 (exhibit)

General Fund	
check No. 12227 – 12302	\$ 108,044.36
check No. 103	\$ 10,018.14
Parks & Recreation Fund	
check No. 3499 – 3514	\$ 9,574.25
Capital Projects Fund	
check No. 884 – 887	\$ 2,963.45
Firehouse & Equipment Fund	
check No. 199	\$ 20,000.00
Open Space Fund	
check No. 312	\$ 15,965.00
Road Machinery Fund	
check No. 136 - 137	\$ <u>406.75</u>
TOTAL	\$ <u>166,971.95</u>

Motion by Mr. Thompson to approve Bill Payments for March 20, 2006, subject to audit.

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Second to motion by Mr. Parrish.

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

Motion passed unanimously.

■ **ASSISTANT MANAGER/ZONING REPORT:**

⇒ Cornell – Request Final Approval (exhibit)

There was no one present to represent Cornell. This item tabled.

⇒ Zimmer-Luginbuhl – Request Final Approval (exhibit)

Mr. Scott reported that the Zimmer-Luginbuhl project received conditional preliminary approval from the Board last year.

At this point, Ms. Algeo turned the meeting over to Mr. Thompson.

Jim DeNave, Heritage Building Group, gave an overview of the project and noted that there was nothing to address in the CKS review letter. Mr. DeNave also explained the proposed water main to come off of Valley Road and reported that grinder pumps are proposed and land is to be given to the authority at some time in the future if the authority decides to re-locate the pump station. Mr. DeNave said there is a tentative meeting scheduled with the water and sewer authority regarding details of the sewer. Mr. Thompson asked if grinder pumps require a maintenance agreement with the Township. Mr. DeNave said he does not believe so.

Dave Connell, Township Engineer, said that in his letter, he believes all plan review issues are satisfactorily taken care of. Mr. Thompson asked who maintains the detention basin. Mr. DeNave said it would be the responsibility of the homeowner of lot 3. Applicant notes that even though part of the basin extends to another property, making one homeowner responsible seems to alleviate neighbor conflicts regarding responsibility. Mary Eberle, Township Solicitor, explained that there is a detention basin maintenance agreement needed as part of the documentation. Mr. Thompson asked about the detention basins and also asked if there was erosion control in place. Mr. Connell said calculations regarding the detention basin have been resubmitted and are satisfactory. Mr. Connell also explained outlet structures, typically with multi stage functions. Mr. Connell said the erosion control, sheet 6 of the plan, has the timing sequence with the basin which is usually the first thing built, when the site is most hazardous. The sedimentation trap will catch water until the basin itself is built. Mr. Thompson asked about widening of Valley Road. Mr. Connell confirmed the widening is 9.2 feet on Valley, to the curb line. Mr. Thompson asked about sidewalk. Mr. DeNave said the waiver request was sidewalk along Almshouse. Mr. Thompson asked about the light post on the plan. Mr. DeNave said no pole is shown and the lantern type light pole would be on lot 3, as recommended by the Planning Commission at the February meeting.

Discussion continued addressing such issues as street trees, pump station, seepage pits, and curbing on one side. Mr. Thompson also requests, even if there are no sidewalks, that there be an area for children waiting for the school bus. Also included in discussion was open space requirement for parks and recreation and road improvements. Ms. Eberle noted active open space fee is \$1,000 per lot, for three lots and a total of \$15,000 for common open space.

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Vice Chairman Thompson invited comment or discussion.

Mr. Connell wanted to confirm the percentage calculation for the fee in lieu of road widening. A 75% calculation was agreed on.

Motion by Mr. Thompson to grant Zimmer-Luginbuhl Tract Final Approval, as prepared by Heritage Building Group, according to plans prepared by Cornerstone Engineers, dated January 17, 2006; subject:

- lantern type light pole at end of driveway on lot 3
- CKS' letter, dated March 10, 2006
- CKS' letter, dated January 6, 2006
- Planning/Zoning memo, dated March 14, 2006
- Water and Sewer Authority Agreement
- Execution of development and escrow agreements
- detention basin maintenance agreement for the owner of lot 3, including an easement for the portion of the basin on lot 2
- an agreement for a shared driveway
- fee in lieu of open space is \$1,000 per lot
- fee in lieu of common open space is a total of \$15,000
- fee in lieu for Almshouse Road improvements and waiver of sidewalk on Valley Road to be 75% of constructions costs, as calculated by Dave Connell, Township Engineer,
- a concrete or bituminous school bus stop shall be constructed at the driveway on Valley Road
- removal of the note on the plan referring to the seepage pit (note 3 on sheet 4)
- installation of street trees on Almshouse Road

Second to motion by Mr. Parrish.

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

Motion passed.

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

Ms. Algeo resumed her position as Chair.

⇒ Borgeson Tract was removed from this evening's agenda due to outstanding requirements needing to be addressed by the applicant.

⇒ Warwick Office Park – Corridor Overlay Approvals (exhibit)

Herb Sudfeld, attorney for applicant presented renderings of the proposed office buildings, materials such as stone, shingles, stucco which are planned for the project. Bill Messick, a managing partner in this project, was also present this evening.

Mr. Thompson would like the building numbers referenced on the plot plan to show where each building will be on the site. Applicant will do as Mr. Thompson requests and submit to Tom Scott.

Mr. Messick noted some areas where the stucco may be applied to portions of the buildings, noting that stucco may replace some of the siding, but will not replace any of the

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fieldstone areas on the building. Mr. Messick said though the renderings show a more brown shingle on the roof, applicant is proposing using a slate gray shingle and had a sample with him this evening.

There was discussion regarding the Route 263 discount storage sign. Mr. Sudfeld stated that the intention is to move the sign to the other side of the street. Mr. Sudfeld explained that the PennDOT permit application is requiring a wider radius at Kendarbren to allow for truck traffic. Mr. Sudfeld said he has not yet applied for a sign for the Warwick Office Park project and has not received permission from Mr. Meyer yet.

Ms. Weniger is requesting applicant to provide the Township with some of these renderings so that the Township can have something to check when the buildings are actually built, to make sure things look as applicant is saying it will look like. The applicant agreed to provide the renderings and the sample products to the Township.

It was noted that the Warwick Office Park Sign is not being presented and will have to come back before the Board of Supervisors for approval.

Mr. Thompson made a motion to grant Warwick Office Park Corridor Overlay Approval, as presented, with the roof color to be slate gray as discussed this evening, noting that the sign for the project will require a future approval from the Board of Supervisors.

Second to motion by Mr. Parrish.

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

Motion passed unanimously.

■ **SOLICITOR'S REPORT:**

⇒ Warwick Office Park – Development Agreement (exhibit)

Mary Eberle, Township Solicitor, reported that there are a few items that need to be confirmed. The title company is in possession of the easements and they are holding them in escrow. Ms. Eberle wants to ascertain minor issues such as revision dates and initials of proper parties, and as long as we are not releasing linens, these are things that can go on the checklist of things to be accomplished before linens can be released. Ms. Eberle spoke of concern about Walgreens and putting a traffic signal in. Ms. Eberle also spoke of the HOP, building permits, etc. Ms. Eberle said an option is to allow applicant to do site work until they get their Highway Occupancy Permit. Ms. Eberle reported that Mr. Sudfeld indicated that instead of signing a professional services agreement, he would like to sign full fledged development agreements.

Mr. Sudfeld is looking for approval of the project, and hopes to sign and fund the agreement on Friday, and be able to do site work, at applicant's risk, until the PennDOT permit is issued. Ms. Eberle reported Mr. Scott's discomfort with release of linens before issuance of the PennDOT permit, noting that banks see the release of linens as a trigger for building permits. Ms. Eberle said that release of linens usually means that applicant has met all conditions of approval. Ms. Eberle states we would have to notify the bank that when we are releasing the linens, it does not mean what it normally means. Mr. Connell is uncomfortable without the HOP issued by PennDOT because he has no idea if PennDOT thinks this is a good idea. Mr. Sudfeld

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shared an email he received from PennDOT stating that PennDOT is on board with the traffic signal and is in favor of elimination of the center island in the driveway and is still thinking of the pork chops.

Mr. Thompson asked about Walgreens. Mr. Sudfeld said this project is first and Walgreens is fully on board.

Ms. Eberle again explained problems with releasing liens before being ready to issue building permits. Mr. Sudfeld invited the Township to put all protections for the Township into the agreement. Ms. Eberle notes deed restrictions may help. Mr. Sudfeld said that the applicant is taking risk with doing site work and if the HOP does not come through, it is applicant's risk. Ms. Weniger asked what will happen if the Warwick Office Park does not get the PennDOT permit. Mr. Henry said Walgreens has signed a letter of intent, and they are waiting for us.

Ms. Eberle said there is nothing in the MPC to prevent this, but there are problems once you record liens, there is nothing to stop anyone from transferring property. If the property is transferred to someone else, they can come in with recorded land development subdivision plan. Mr. Sudfeld said the Township can put protections in the financial securities agreement and offered to put a deed restriction in his deed, stating that no building permit will issued on this site until PennDOT permits are issued for the traffic signal. Ms. Eberle said deed restrictions for the all of the properties involved in this would help alleviate that concern. Ms. Eberle said you cannot put a time restriction on a recorded plan. Mr. Sudfeld said if the PennDOT permit is not received, applicant would have to come back to the Board of Supervisors with a revised final plan. Mr. Sudfeld wants to get site work started and not miss a season. Additionally, Mr. Sudfeld states that applicant will not come and ask for permits ahead of time.

Mr. Thompson asked if the amount of site work could be restricted. Ms. Eberle suggested the Board could restrict site work prior to the PennDOT permit. Mr. Thompson asked where the property would be entered. Mr. Sudfeld said the property could be entered on the lane already existing or Kendarbren. Mr. Messick said once the excavation and grubbing equipment is on the site, it will stay on the site until the basin is installed and stabilized.

Mr. Connell again stated discomfort and is concerned that the permit will not issue as cleanly and clearly as Mr. Sudfeld thinks. Mr. Connell asked if the permit does not issue, how will we get in and out of the project with it configured the way it is. Mr. Sudfeld notes the HOP process is usually a nine month process for PennDOT and applicant started the process in the third or fourth week of September and they have had two reviews.

Mr. Messick feels site work prior to the permit would be the demolition of existing structures, selective removal of trees, the bulk earthmoving to create basins, and shaping roads from where the road turns behind the storage to connect to the Outback area. Ms. Eberle notes each deed would have a notation that no building permits would issue until the HOP for the signal and the permit for intersection improvements are issued by PennDOT. Mr. Connell notes there are two separate permits, signal permit and highway occupancy permit.

There was brief discussion as to the number of units that will be allowed. Mr. Sudfeld said the condominium documents would note the number of units and cannot go beyond the square footage that exists. Ms. Eberle said individual tenants cannot change the condo agreement but the owner can and that would not be a Township matter.

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Mr. Thompson made a motion to approve execution of the Warwick Office Park - Kendarbren Development Agreement, provided that through a combination of amendments to the Development Agreement and deed restrictions for all properties involved with this subdivision/land development, public notice is given of the following: the following site preparation work may be done, and no other,

- **selective demolition of existing structures,**
- **selective tree removal,**
- **excavation, earth moving, clearing, grubbing,**
- **erosion and sediment control,**
- **construction of detention basin, storm sewer pipes,**
- **there will be no sanitary or water, no work to be done on Kendarbren Drive**
- **construction at entrance must be through the road by Outback, not through the fifty foot link or Kendarbren Drive**
- **deed restrictions/provisions in the development agreement will provide that no building permits are issued until the Highway Occupancy Permit and Signal Permit have been issued and that site preparation is limited as stated above. The deed restrictions will be applied to each lot individually.**

Second to motion by Mr. Parrish.

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

Motion passed unanimously.

Ms. Algeo said she feels the Board is going out on a limb right now and they are doing so because Bill Henry works hard in this community. Ms. Algeo said she does not want to be back here in three months with any of the problems or additional requests.

Ms. Eberle informed Mr. Sudfeld that settlement will not happen on Friday since the development agreement has to be revised and signed. Mr. Sudfeld has to get restrictions on the deed, get them approved and sent back to the title company. Mr. Sudfeld was told that the Board of Supervisors will be together next Monday night and if the documents are ready, they will sign the documents and they will be given to Mr. Sudfeld on Tuesday morning.

■ **ENGINEER'S REPORT:**

⇒ Nestle Wood Estates / Morrison Tract, Escrow Release N^o 8 (exhibit)

Dave Connell, Township Engineer, presented this escrow release in the amount of \$56,235.00, leaving a balance of \$207,202.16.

Motion by Mr. Thompson to approve Nestle Wood Estates / Morrison Tract, Escrow Release N^o 8 in the amount of \$56,235.00, leaving a balance of \$207,202.16, as presented by the Township Engineer.

Second to motion by Mr. Parrish.

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

Motion passed unanimously.

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⇒ Country Club Knoll I – Dedication (exhibit)

Dave Connell, Township Engineer, noted this matter was tabled from the last meeting. Mr. Connell reports that Mr. Gundlach and some homeowners came to an agreement. Mr. Connell notes a letter from Mr. Gundlach, dated March 9 outlining items to be completed for dedication.

**Motion by Mr. Thompson to approve Country Club Knoll, Phase I dedication, as presented by the Township Engineer.
Second to motion by Mr. Parrish.**

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

Motion passed unanimously.

⇒ The Hahn Tract, Phase I (Woodfield Estates, Phase IV) Second Revised Final Inspection Punchlist (exhibit)

Dave Connell, Township Engineer, is presenting The Hahn Tract, Phase I (Woodfield Estates, Phase IV) Second Revised Final Inspection Punchlist for consideration.

Mr. Thompson asked if this has to do with the sidewalk. Mr. Connell said it is separate from the sidewalk issue and we have seen motion by the developer as to the planning for constructing that sidewalk.

**Motion by Mr. Thompson to approve The Hahn Tract, Phase I (Woodfield Estates, Phase IV) Second Revised Final Inspection Punchlist, as presented by the Township Engineer.
Second to motion by Mr. Parrish.**

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

Motion passed unanimously.

⇒ Wilkinson Road Culvert Update (no exhibit)

Mr. Connell notes all surveying is done and the engineering is done as well as the plan preparation. Mr. Connell reported that this week, permit applications will be submitted to the DEP for the environmental permits and to Bucks County Conservation District for the soil and erosion control permits. These may take some time to be issued, and in the meantime we will be in the process of preparing the contract documents so we can go out to bid as soon as the permit is issued.

■ **OLD BUSINESS:** There was no old business to discuss.

⇒ Ms. Weniger asked Mr. Connell to explain the difference in the PennDOT applications and how the Township will be required to be the lead person applying.

Mr. Connell said there have been some changes with PennDOT in the last year or two. There was a change to the Municipalities Planning Code, where the Municipality can no longer escrow the developer's improvements to PennDOT roadways. PennDOT has procedurally started looking for the municipality to be the actual applicant.

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Ms. Algeo asked who will be holding the escrows. Mr. Connell said PennDOT requires a bond along with the application. Mr. Connell believes the situation will be evolving over time.

⇒ Ms. Algeo asked what we are doing about the Cornell item on the agenda this evening and do we have a time deadline. Mr. Scott said he tried to call the applicant and received no answer, but he does have a waiver from the applicant.

■ **NEW BUSINESS:**

⇒ Ms. Weniger presented a letter regarding House Bill 1902, concerning the recycling grant. The original bill was going to require curbside pick up of leaves and we had written a letter in opposition due to the cost to the Township. The bill was amended to take that requirement out, but now the Senate will be considering House Bill 1902 and there is some threat that one of the state senators will try to put that language back into the bill. Ms. Weniger has prepared a letter to State Senator Mary Jo White and Tommy Tomlinson, opposing that language regarding curbside pickup being put back into the bill.

Ms. Algeo feels it may carry more weight if all three Supervisors sign the letter rather than just the signature of the Chair. The letter will be amended and sent with all three signatures.

■ **PUBLIC COMMENT:** There was no public comment this evening.

■ **ADJOURNMENT:**

The March 20, 2006, Warwick Township Board of Supervisors' meeting was adjourned at 9:25 p.m.

Respectfully submitted,

Gail V. Weniger,
Township Manager/Secretary

These minutes were approved at the
Board of Supervisors' meeting held: **April 3, 2006**