

WARWICK TOWNSHIP
Board of Supervisors' Public Meeting Minutes
JULY 10, 2006

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

Others Present: Gail Weniger, Manager
Dave Connell, P.E., Township Engineer (left at 7:30 to attend Planning
Commission Meeting)
Mary Eberle, Esq., Township Solicitor
Tom Scott, Assistant Manager
Linda Grant, Recording Secretary

■ **CALL TO ORDER:**

The Warwick Township Board of Supervisors' July 10, 2006, public meeting, held at Warwick Township Administration Office, 1733 Township Greene, Jamison, PA., was called to order at 7:00 p.m., by Judith Algeo, Chair, who then led attendees in the pledge of allegiance.

■ **OPEN SPACE:**

**Motion by Mr. Thompson to authorize the Solicitor to prepare a resolution requesting the November ballot include a referendum asking voters whether they favor incurring additional debt for the purpose of preserving open space.
Second to motion by Mr. Parrish.**

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

Motion passed unanimously.

■ **APPROVAL OF MINUTES:**

— June 19, 2006, (exhibit)

**Motion by Mr. Thompson to approve the Board of Supervisors' public meeting minutes for June 19, 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 reported that the Board of Supervisors had met in Executive Session, prior to this evening's meeting to discuss matters of litigation and open space.

■ **ANNOUNCEMENTS:**

Ms. Weniger reminded that there is no second meeting in July and the next meeting will be on August 7.

■ **CITIZENS' COMMENT:**

There were no Citizens' Comments.

■ **MANAGER'S REPORT:**

— Resolution N^o. 2006-17 – DROP Program (exhibit)

Ms. Weniger reported that the Board of Supervisors needs to create a resolution so that Chief Costello can have his pension money go into his DROP account with ICMA.

**Motion by Mr. Parrish to adopt Resolution N^o. 2006-17, to establish a fund into which checks will be deposited when a Warwick Township Police Officer elects to participate in a deferred retirement option plan and providing an administrator and coordinator for the account.
Second to motion by Mr. Thompson.**

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

Motion passed unanimously.

— Stover Mill Basin Update - (exhibit)

Ms. Weniger reported on the Stover Mill Basin update, explaining that there are a couple of components to this matter. The Board of Supervisors needs to pass a declaration of disaster emergency in order to be eligible for any funds from FEMA. We are hoping to get some reimbursement for the work and we feel confident that we can do the project in-house, using rental equipment. We may also have to use a rental operator. Ms. Weniger notes the Board has in front of them, the Declaration of Disaster Emergency, that the disaster occurred on June 28, 2006, causing injury, damage and suffering to person or property of Warwick Township, specifically, Stover Mill Basin.

Ms. Algeo asked if we can use this money if there is another problem as a direct result of this storm, or is this totally for the basin. Ms. Weniger said it doesn't specify the basin, but that is how we are planning to use it. Lt. Goldberg notes that FEMA is concerned that we are going past the deadline, but if there are other areas, we need to know as soon as possible.

**Motion by Mr. Thompson to approve the Declaration of Disaster Emergency for June 28, 2006.
Second to motion by Mr. Parrish.**

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

Motion passed unanimously.

Dave Connell, Township Engineer, described the work that is planned to be done on the detention basin. Rob Merrick, Roadmaster, further noted that a portion may need to be manufactured elsewhere. Mr. Connell states this would be a relatively low cost.

Motion by Mr. Parrish to authorize the Public Works Director to take the necessary steps to repair the Stover Mill Detention Basin, as presented to the Board of Supervisors this evening.

Second to motion by Mr. Thompson.

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

Motion passed unanimously.

— Public Works – Garage Door Replacement – Award Bid (exhibit)

Ralph Carp, Public Works Director, reported that the Township received four bids for replacement of garage doors at the Guinea Lane public works facility, and is recommending that the Board of Supervisors award the bid to Jador Company, in Norristown.

Mr. Thompson asked if we were just replacing the doors, and the tracks and motors are staying. Mr. Carp said no, they will all be done. The doors are 20 gauge, paint-able white doors and were projected to cost \$15,000 to \$18,000. Mr. Parrish confirmed that this is for all the doors. Mr. Carp said, yes, it is for five overhead doors including weather stripping.

Motion by Mr. Thompson to approve the purchase of five (5) replacement overhead garage doors for the Guinea Lane facility at a cost of \$17,450, from the Jador Company, in Norristown, as presented 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.

— Police Vehicle – Award Bid (exhibit)

Lt. Goldberg reminded that The Township went out for bid for a police car and received no bids. We have gone out for bid again and received a bid from Warnock Ford. The bid is for a Ford Crown Victoria, with options, at a cost of \$22,994.00. Lt. Goldberg is recommending awarding the bid to Warnock Ford.

Ms. Algeo asked where Warnock is located. Lt. Goldberg said they were in New Jersey, and further explained that local dealers have said the profit margin is too low. Mr. Thompson asked what we are getting for the money. Lt. Goldberg said it will be a 2007 Crown Victoria, with interceptors and standard options, rear wheel drive, V-8 sedan.

Motion by Mr. Thompson to approve the purchase of a new police vehicle, a 2007 Ford Crown Victoria, with options, at a cost of \$22,994.00, as presented by Lt. Goldberg.

Second to motion by Mr. Parrish.

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

Motion passed unanimously.

— Bill Payments – July 10, 2006

General Fund check No. 12595 - 12643	\$	144,385.34
Parks & Recreation Fund check No. 3649 - 3682	\$	18,801.62
Capital Projects Fund check No. 907 910	\$	5,068.15
Open Space Fund check N ^o : 315	\$	97.15
TOTAL		<u>\$ 168,352.26</u>

**Motion by Mr. Thompson to approve Bill Payments for July 10, 2006, subject to audit.
Second to motion by Mr. Parrish.**

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

Motion passed unanimously.

— Treasurer's Report – May 2006

General Fund	\$	3,681,463
Firehouse and Equipment		794,217
Road Machinery Fund		173,750
General Obligation / Sinking Fund		752,702
Open Space Fund		32,626
Capital Projects Fund		1,156,239
Highway Aid Fund		287,087
Park and Recreation		631,372
Capital Reserve		<u>570,889</u>
Total		<u>\$8,080,345</u>

**Motion by Mr. Thompson to accept the Treasurer's Report for May 2006, as prepared
by Rose Christie, subject to audit.
Second to motion by Mr. Parrish.**

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

Motion passed unanimously.

■ **ASSISTANT MANAGER'S REPORT:**

— Spring Dance Hot Tub (LD 03-01) – (exhibit)

Tom Scott presented this plan, explaining that this applicant is before the Board for review of the proposed building with regard to the overlay district for the new building. Mr. Scott also notes that a storage container approval was conditioned upon removal of the container from the site in November 2005 and Mr. Sine is asking for an extension.

Mr. Sine explained that due to a family situation, he was on personal leave for most of last year. Mr. Sine is asking for an extension for the 36 foot container. Mr. Thompson asked how long an extension is being requested. Mr. Sine said about three or four more months. Mr. Thompson has no problem with extending the time, but is asking applicant to clean up the wood crates in the back faster than he usually does.

**Motion by Mr. Thompson to grant the corridor overlay district approval for the storage building, phase III of Spring Dance Hot Tub, and also grant an extension of the permit for the onsite trailer for six (6) months.
Second to motion by Mr. Parrish.**

Ms. Algeo notes Mr. Scott will send a letter to Mr. Sine at the end of six (6) months.

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

Motion passed unanimously.

— Meetinghouse Road

Mr. Thompson asked Ralph Carp, Public Works Director, why Meetinghouse Road ended up with a spray and chip overlay. Mr. Thompson said it was more than filling in cracks on the whole road from East Rockspray down to Dogwood, with anywhere from an inch to ½ of an inch overlay was put on that road. Mr. Carp said that was always part of the plan and explained how the road was repaired.

— Middle Bucks Institute of Technology – Overlay District (exhibit)

Mr. Scott said the renovation at the facility has yielded a request by various contractors at the school itself for temporary structures placed on the site during construction, some for storage of the furniture, some for offices for the contractors who are on the job. This was done after the project received approval.

Damon Kane, project architect and Dr. Erwin, MBIT, Director, were present for this matter. Mr. Kane noted the structures would be needed until approximately the end of next summer.

**Motion by Mr. Thompson to approve Middle Bucks Institute of Technology's request for temporary storage facilities for the duration of eighteen (18) months, from today.
Second to motion by Mr. Parrish.**

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

Motion passed unanimously.

Mr. Thompson if applicant has had conversation with Mr. Kiriakidi. Dr. Erwin said they are still talking.

— Verizon Update – Bucks County Consortium Franchise Agreement (exhibit)

Tom Scott reported that the Bucks County Consortium met and deficiencies in the Verizon agreement were noted, which would end up costing member municipalities revenue when and if technology shifts to the ability to deliver television service via a technology that right now would not be considered cable service and would make the revenue from a franchise agreement disappear. There were also other things in the agreement that were thought to be counter productive. The group is going to suggest changes to the agreement and we will get a report back in a couple of weeks.

Mary Eberle, Township Solicitor, said she thinks the state and the U.S. senate bill will allow existing franchises to continue. Ms. Eberle further explained that she believes that the committee is tired of not having an agreement and will probably recommend what is on the table right now. Ms. Eberle does not believe Verizon will give Bucks County a better deal than they gave Montgomery County. Ms. Eberle said the bills, in the state legislature and congress, provide 5% franchise fees for municipalities. Also, neither bill provides mandatory build-out, as Comcast does, which is a negative. The public education and government channels, will have to be supplied, if you already have them through Comcast. Your right to regulate your right of ways will remain intact and delineated. The current federal bill that is in commerce committee says that state laws would be preempted.

Ms. Algeo asked if we will be prohibited from signing with both companies. Ms. Eberle said no, the courts ruled exclusive franchises are not permitted. If the state laws get passed, we will not have any agreements.

■ **SOLICITOR'S REPORT:**

— VC Meeting Report (exhibit)

Mary Eberle, Township Solicitor, reminded that these are just ideas to give the Board of Supervisors a place to start.

For benefit of those in attendance, Ms. Eberle explained the Jamison Village area, along Route 263 from Mill Road to Meetinghouse Road. Instead of trying to create extra districts, VCI and VCII, VCIII, etc., the recommendation is that a specific area be zoned VCII. If the regulations are a little different than what WaWa has, WaWa can be non-conforming, at least the districts can be consistent.

Ms. Eberle spoke of a commercial district and specific allowed uses for the different areas, noting some uses that would not be permitted.

During lengthy discussion, Ms. Eberle asked the Supervisors to suggest where they would like to see things. Ms. Eberle noted a suggestion to keep the district consistent and ban pumps as an accessory to convenience stores and regulate lighting. Ms. Weniger said Tom Comitta had

page 7 of nine pages

suggested creating a design standard book that goes along with the zoning and specific design standards to each district. The books would specify things like the kind of light we need, signs, etc.

Mr. Thompson voiced concerns about impervious surface allowances. Mr. Parrish generally agrees with the concept. Ms. Algeo likes the idea of a walk-able area.

Ms. Eberle notes that Tom Comitta had suggested that it may be more desirable to negotiate parcel by parcel so that the Board has some control. Ms. Eberle said we need to know from the Board what they want and also noted comments this evening can be used to work on this project. Also during discussion, Ms. Eberle said the Board may not want an open space requirement, that it might be better to require a Park and Rec. contribution. Ms. Weniger said there is someone who wants to come in to present a sketch plan for the property next to where WaWa is going.

Ms. Algeo said she feels we are off to a good start and thanked everyone for their work on the project.

■ **ENGINEER'S REPORT:**

— Warwick Office Park – Escrow Release N^o. 1 (exhibit)

Ms. Weniger presented and Escrow Release for Warwick Park in the amount of \$92,603.60.

**Motion by Mr. Parrish to approve Warwick Office Park – Escrow Release N^o. 1, in the amount of \$92,603.60.
Second to motion by Mr. Thompson.**

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

Motion passed unanimously.

— Morrison Tract – Surplus Topsoil (exhibit)

The Main Street Group has requested permission to remove surplus topsoil from the Morrison Tract. CKS' letter reminds that the Development Agreement requires this and the Township Engineer notes no objection to the request.

Ms. Algeo said she has seen Heritage Creek II and is very concerned about the amount of topsoil that comes off, and is concerned that there may be the same problem with the Morrison Tract.

**Motion by Mr. Parrish to approve the Morrison Tract Surplus Topsoil Removal request, as presented by the Township Engineer.
Second to motion by Mr. Thompson.**

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

Motion passed unanimously.

Ms. Weniger said the topsoil removal subject was brought up at the Long Term Planning meeting and it was suggested that developers keep the topsoil in the Township. Ms. Eberle said West Rockhill is doing that. The Board of Supervisors would like to look into the option of keeping topsoil in the Township.

■ **OLD BUSINESS:**

Ms. Algeo notes the map has not been changed and the easel as not been fixed. Murray Gayman was in the audience and Ms. Algeo asked Mr. Gayman if he would please fix the easel. Mr. Gayman will take the easel home to fix it for the Township.

■ **NEW BUSINESS:**

— Ms. Weniger spoke of the cost of a crossing guard for Bridge Valley Elementary School noting there will not be any students from Warwick crossing the street. Ms. Weniger has done some research and found that the school district should be paying half the cost of the crossing guards. Also, there has been no response from the manager at Buckingham regarding paying their share of the crossing guard. The amount of money involved may be approximately \$6,000.

The Board of Supervisors is in favor of the manager invoicing the school district for the cost of the crossing guards.

— Mr. Thompson asked for an update on Heritage Creek and the stipulation. Ms. Weniger said Steve McKenna emailed her that he was going to call and he has not called. Ms. Eberle said there is an email from John VanLuvanee saying that he and Steve were talking it over and they will get back to us.

Mr. Thompson also asked about the time frame for this. Ms. Eberle said that all their legal work is in order, a secured development agreement, financial security and all easements. They could start any time, although Ms. Eberle does not know what Mr. Connell has on his list.

Mr. Thompson spoke of the road improvements only at the entrance way and is concerned about the road. Ms. Eberle reminds there is a provision in the Heritage Creek and the WaWa development agreements to say that any damage their development traffics causes to the Township road will be repaired by them. At the end of the project, the Township could ask them to split the cost of overlaying

■ **PUBLIC COMMENT:**

□ Murray Gayman, Historical Society, reported that the new president for the Historical Society is Dave Mullen. Murray also reported that the archeologist camp started today with about 15 students, one of which is a senior citizen. Murray also said that the Moland House has acquired some antiques and invited the Board to come for a private tour.

■ **ADJOURNMENT:**

The July 10, 2006, Warwick Township Board of Supervisors' meeting was adjourned at 8:25 p.m.

Respectfully submitted,

Gail V. Weniger,
Township Manager/Secretary

These minutes were approved at the
Board of Supervisors' meeting held: **August 7, 2006**

