

WARWICK TOWNSHIP
Board of Supervisors' Public Meeting Minutes
AUGUST 6, 2007

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

Others Present: Gail Weniger, Township Manager
Bryan McAdam, 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' August 6, 2007 public meeting, held at Warwick Township Administration Office, 1733 Township Greene, Jamison, PA., was called to order at 7:07 p.m., by Chair, Judith Algeo, who then led attendees in the pledge of allegiance.

■ **APPROVAL OF MINUTES:**

⇒ July 2, 2007 public meeting minutes (exhibit)

**Motion by Mr. Thompson to approve the minutes of July 2, 2007, as submitted.
Second to motion by Mr. Cox.**

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

Motion passed unanimously.

■ **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 litigation.

■ **ANNOUNCEMENTS:**

Chair Algeo announced that Warwick Administrative Offices will be closed Labor Day, Monday, September 3 and also, that the Board of Supervisors has scheduled a Special Meeting to Adopt Bank Loan Ordinance – Tuesday, August 21st, 7:00 p.m.

■ **CITIZENS' COMMENTS:** There were no citizens' comments.

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■ **MANAGER'S REPORT:**

⇒ Ridings @ Warwick – Bridge Detail – Request Direction (exhibit)

Gail Weniger, Township Manager, reported that the Ridings @ Warwick, Phase II, needs some board direction regarding the pedestrian bridge and whether it will accommodate vehicles, before final plan approval. Ms. Weniger stated that there is an adjudication on the matter.

Mary Eberle, Township Solicitor, distributed copies of the adjudication to the Board and said there was a conditional use approval that was required for the cluster part of the development. Ms. Eberle read from the adjudication:

"Any land development plans submitted for the property shall prevent through traffic from Rushland to Dark Hollow Road by constructing that part of the road which crosses the stream in such a manner as to limit access to pedestrian and emergency vehicle traffic, no greater in weight than vehicles classified as Class 5 under the Pennsylvania Motor Vehicle Code."

Ms. Eberle continued, stating that during the land development stage, there was discussion as to whether to make the bridge over the creek big enough for just pedestrians or wide enough for emergency vehicles and then erect bollards. There was no conclusion reached and the matter was deferred to the final plan stage of Phase II.

Richard McBride, attorney for applicant, summarized previous discussion and notes this is only a 12 foot wide bituminous passage, bollards are four feet apart to allow carriages, bikers, joggers, walkers, etc. to have connections.

Mr. Thompson stated that he is in favor of pedestrian traffic. Mr. Cox asked about the possibility of eliminating options by not allowing enough width to get our maintenance vehicles down there if we are to be responsible for open space with mowers, etc. Mr. Thompson said the area is steep slopes.

During discussion Ms. Algeo voiced concern about getting emergency vehicles to the other side. The classification of the bridge was included in this discussion and Mr. Thompson said he would like to drop the class five and believes class two would encompass an ambulance. Paul Kinderman voiced concern that lowering the bridge to a class II would not be adequate for our fire trucks. Chief Costello suggests that the road should be built to facilitate vehicles and put the bollards up, because in the future if it does not work, we would have to re-build or add to it.

Mr. Cox and Ms. Algeo are comfortable with limiting to pedestrian and emergency vehicle traffic, as written in the adjudication. Mr. Thompson would like to limit to pedestrian only.

Motion by Mr. Cox to accept the pedestrian bridge (Ridings @ Warwick, Cutler Group), built as stated in item #7 of the Adjudication, and specifically placing break away bollards.

Second to motion by Ms. Algeo.

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

Motion passed.

(Mr. Cox, Ms. Algeo – in favor; Mr. Thompson – opposed)

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- ⇒ Parks and Recreation & Open Space Comprehensive Plan Grant – Resolution N^o 2007-23 (exhibit)

Ms. Weniger reported that this resolution states confirms that the Parks and Recreation & Open Space Comprehensive Plan has been completed in accordance with the DCNR grant agreement and the resolution is a requirement of the grant.

**Motion by Mr. Thompson to approve Resolution N^o 2007-23, noting completion of the Parks and Recreation & Open Space Comprehensive Plan in accordance with the Department of Conservation and Natural Resources grant agreement.
Second to motion by Mr. Cox.**

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

Motion passed unanimously.

- ⇒ Employee Handbook Amendment Recommendation (exhibit)

Ms. Weniger noted a recommended amendment changing the language of item "G. Health Care Insurance" for new employees hired after October 1, 2005. Ms. Weniger said the proposal is that all full time employees, hired after October 1, 2005, will be provided with health care coverage for themselves at no cost, or greatly reduced cost. The proposed coverage will consist of HMO, featuring major medical prescription and dental, and co-pays would be the responsibility of the employee. Mr. Thompson noted the language does not read to include families. Ms. Weniger stated families are included.

**Motion by Mr. Thompson to amend the Employee Handbook (adopted November 7, 2005), to read that employees hired on or after October 1, 2005 health coverage will consist of an HMO, featuring major medical, prescription, vision and dental with co-pays being the responsibility of the employee and family members.
Second to motion by Mr. Cox.**

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

Motion passed unanimously.

- ⇒ Millbrook Society - Request for Funding (exhibit)

Ms. Weniger reported that the Millbrook Society is requesting funding, in the amount of \$700, for the archaeological dig at the Moland House.

**Motion by Mr. Thompson to approve the request from the Millbrook Society for a \$700 (seven hundred dollars) contribution from the Township for archeological digs at the summer kitchen at the Moland House.
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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- ⇒ ICMA Referendum for the 401A Money Purchase Retirement Plan – Resolution N° 2007-25 (exhibit)

Gail Weniger noted this matter allows the addition of a new plan. The benefit of a 401A over a 456 is that the taxes are deferred until the time of retirement and taking the money out.

**Motion by Mr. Thompson to approve Resolution N° 2007-25 for establishment of a 401A Money Purchase Retirement Plan.
Second to motion by Mr. Cox.**

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

Motion passed unanimously

- ⇒ Public Works Building Renovations – Request Authorization to Bid (exhibit)

Ms. Weniger presented this bid, which encompasses replacement of doors, windows, porch poles, some exterior work, siding, recessed lights, aluminum capping. It also includes taking down a non-weight bearing wall inside of the building to create an office, industrial grade carpet squares for the floor and replacing the drop ceiling. \$60,000 was planned in the budget for capital improvements at public works this year. We have spent some but there is approximately \$57,000 remaining. We have received estimates from the 50's to the 70's. We are asking for authorization to put this project out to bid.

Mr. Thompson asked if removal of trees is included in the bid. Ms. Weniger said the trees would be removed in-house by our employees.

**Motion by Mr. Thompson to authorize advertisement of the Public Works Building Renovations bid, as presented.
Second to motion by Mr. Cox.**

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

Motion passed unanimously.

- ⇒ Parks and Recreation Ball Field Renovations – Request Authorization to Bid (exhibit)

Dan Sharapan, Director of Parks & Rec., noted that this will require less work than initially thought since the Warwick Township Baseball Association has already done much of the work.

Mr. Cox asked for a summary of what we are talking about. Dan said Hidden Pond and Guinea Lane, Field 6 will be the more expensive of the fields and we may be looking at approximately \$12,000 total, although there is a slim possibility that we will come in around \$10,000. Mr. Cox notes the Hidden Pond field is usually pretty wet and asked if that is some of the drainage items in the specs. Mr. Sharapan said there is no drainage work for Hidden Pond, because there is really not a problem there. Ms. Weniger noted the original estimates were about \$30,000, but since the club did some of the work, it has saved us a good amount of money.

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**Motion by Mr. Thompson to authorize advertisement of the Parks and Recreation Ball Field Renovations bid for Guinea Lane and Dark Hollow, as presented.
Second to motion by Mr. Cox.**

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

Motion passed unanimously.

⇒ Bill Payments – July 16, 2007

| | |
|---|----------------------|
| General Fund Check N ^o : 14106 through 14262 | \$ 97,505.37 |
| Park & Recreation Check N ^o : 4120 through 4148 | \$ 21,516.95 |
| Open Space Fund Check N ^o : 339 | \$ <u>823.50</u> |
| Total - | \$ <u>119,845.82</u> |

**Motion by Mr. Thompson to approve Bill Payments for July 16, 2007, as presented,
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.

⇒ Bill Payments – August 6, 2007

| | |
|--|----------------------|
| General Fund Check N ^o : 14163 through 14228 | \$ 129,234.41 |
| Park & Recreation Check N ^o : 4120 through 4148 (<i>voiding check N^o: 4149</i>) | \$ 14,793.74 |
| Open Space Fund Check N ^o : 340 | \$ 2,254.52 |
| Capital Projects Fund Check N ^o : 985 through 987 | \$ 11,939.20 |
| Firehouses & Equipment Fund Check N ^o : 214 | \$ <u>16,640.00</u> |
| Total - | \$ <u>174,861.87</u> |

**Motion by Mr. Thompson to approve Bill Payments for August 6, 2007, as presented,
subject to audit.**

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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 for May 2007 (exhibit)

| | | |
|-----------------------------------|----|------------------|
| General Fund | \$ | 4,048,475 |
| Firehouse and Equipment | | 869,008 |
| Road Machinery Fund | | 169,566 |
| General Obligation / Sinking Fund | | 659,187 |
| Open Space Fund | | 14,902 |
| Capital Projects Fund | | 1,268,647 |
| Highway Aid Fund | | 269,766 |
| Park and Recreation | | 568,625 |
| Capital Reserve | | <u>604,282</u> |
| Total | \$ | <u>8,472,458</u> |

Motion by Mr. Thompson to accept the Treasurer's Report for May 2007, 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'S REPORT:**

⇒ Reiff Land Development (Warwick Business Campus, Lot 9 (exhibit))

Tom Scott reported that this application, by Steve Adams Realty Group, LLC, is for a single building for contractor use on Lot 9, within the LI district. The application is for Preliminary/Final Approval and was reviewed by the Planning Commission last month. The Planning Commission recommended approval conditioned upon CKS' memo of June 25, 2007 and the Planning/Zoning memo of July 3, 2007.

Mr. Thompson asked about the easement. Mr. Claus explained there are two easements proposed, one is a temporary grading easement and the other is a storm easement, relating to stormwater management. Mr. Thompson asked about the stone storage area. Applicant stated that is for storing heavy equipment for his paving business.

Motion by Mr. Thompson to grant Preliminary/Final approval for Reiff Land Development.

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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⇒ 1992 York Road – Corridor Overlay District Sign (exhibit)

Tom Scott reported that 1992 York Road is now occupied by Pagano Brothers Italian Family Restaurant and applicant has submitted a proposed sign relating to the Corridor Overlay District. This is a free-standing sign, which was used by the previous occupant and a sign on the wall of the building facing southbound traffic on York Road.

Applicant notes the signs were already there and have only been changed to express the current occupant. The bottom portion of the sign on the wall for Gym Mini Crickets will be removed when they have their own sign.

**Motion by Mr. Thompson to approve the Pagano Brothers Italian Family Restaurant signs, as presented.
Second to motion by Mr. Cox.**

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

Motion passed unanimously.

⇒ Redeemer Lutheran Church, 2100 York Road – Bright Academy Day Care sign – Corridor Overlay District (exhibit)

This request is for a permanent sign with yellow background and blue lettering and wooden posts and dimensions of 5' wide x 3' high and a temporary banner, white vinyl with red lettering and dimensions of 6' by 3'.

There was brief discussion as to the color of the signs and the fact that this is not consistent with current color schemes. Applicant notes that the yellow background is proposed to be a light yellow. The bottom of the sign will be 3' from the ground making the sign 6' high by 5' wide. Mr. Thompson asked Chief Costello to look at this for the location of the sign and note the site triangle regarding making the turn out of the parking lot.

**Motion by Mr. Thompson to approve the Bright Eyes Academy sign with colors to be pale yellow background with blue lettering, sign is 6' high by 5' wide, and location of the sign is subject to confirmation of the site triangle by Chief Costello.
Second to motion by Mr. Cox.**

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

Motion passed unanimously.

■ **SOLICITOR'S REPORT:**

Mary Eberle, Township Solicitor, asked to move St. Cyril up on the agenda this evening.

⇒ St. Cyril Dedication and Acceptance of Indemnification (exhibit)

Mary Eberle, Township Solicitor, explained that we are looking for certification of completion of improvements and release of escrow this evening. There are two outstanding

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issues, the first is a bit of landscaping that has not been done and the church is asking to be able to delay landscaping until the Fall. The other is that there was work done on an adjacent property and we are requesting indemnification in case something happens to that at some point in the future.

Ms. Eberle noted there was a question of applicant's authority for the Archdiocese and gave the opinion that the Archdiocese would be bound by the representations of the parish through its leader, Monsignor Powell.

Mr. Thompson notes he has no problem with releasing all escrow since the landscaping is minor, involving re-seeding of the detention basin and addressing an erosion problem.

Motion by Mr. Thompson to authorize execution of the Indemnification agreement with St. Cyril and to release all remaining construction escrow funds for St. Cyril. Second to motion by Mr. Cox.

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

Motion passed unanimously.

⇒ Solid Waste Ordinance N^o 2007-01 – Adoption (exhibit)

Mary Eberle, Township Solicitor, noted that we have revised the unconstitutional language, incorporated the new County plan and have come into compliance with ACT 140. This ordinance has been reviewed by Lynn Bush and Lale Byers, Bucks County Planning Commission and DEP, which suggestions have been incorporated into the ordinance.

During discussion, Mr. Thompson asked about how yard waste will be picked up. Ms. Eberle said it is not known how, but the residents will be instructed by the hauler. There was discussion as to how often the yard waste will be picked up. Ms. Eberle believes that since Warwick has a drop off center for yard waste, only one collection of curbside leaf waste is required and if there is a need for more, the resident needs to take the yard waste to the drop off. It was noted during discussion that if a hauler does not want to provide a leaf pickup service, they will not be permitted to do business in Warwick Township. Ms. Eberle points out that the Board of Supervisors has the option to change the ordinance to require a monthly collection if they wish.

Mr. Thompson is concerned that depending on time of the year and weather conditions, the typical car will not be able travel to the drop off because of muddy conditions. Mr. Thompson would like to talk with Dave Ritter about having a paved drop off area for people with cars and small vehicles.

Mr. Cox commented that there are still rural areas in the Township and people are not going to want to pay an increased rate to their trash hauler. Mr. Thompson would like to know what the haulers are going to do. Ms. Eberle explained that we need to have this ordinance adopted by September 15 in order to be sure our grant funding stays in place. Ms. Eberle said that if the haulers cooperate, the dates could be in the Township newsletter and even if they do not cooperate, the newsletter could have something asking the residents to pay close attention to their hauling schedule because a leaf waste collection has been added.

Motion by Mr. Thompson to adopt Waste Management Ordinance N^o 2007-01. Second to motion by Mr. Cox.

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

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Motion passed unanimously.

⇒ Bank Loan Ordinance – Authorization to Advertise (exhibit)

Mary Eberle, Township Solicitor, explained that this ordinance was prepared to comply with the DCED requirements.

Ms. Weniger further explained this is the bank loan for open space and we have received proposals from Commerce, Wachovia, National Penn, First Bank of Newtown and Fulton. The best proposal came from First National Bank of Newtown with a five year rate of 4.25% over a term of 20 years, with the rate to be adjusted after five years. Warwick already has a working banking relationship with First National Bank of Newtown. There is a special meeting to adopt this ordinance scheduled in two weeks. It will go to DCED for their review and after their approval, we will make settlement on the transaction and hopefully have settlements done by the end of September.

Mr. Thompson asked, in the event that we settle on more open space for the total seven million, can we close this out at anytime. Ms. Weniger stated there is no pre-payment penalty.

**Motion by Mr. Thompson to authorize advertisement of the Bank Loan Ordinance and; to award the loan to First National Bank of Newtown in the amount of \$2,665,000 for the acquisition of open space.
Second to motion by Mr. Cox.**

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

Motion passed unanimously.

⇒ Resolution of Conservation Easement – Sallada, Resolution N^o 2007-24 (exhibit)

Mary Eberle, Township Solicitor, presented this matter, explaining that the agreement has been signed by the Salladas. This Resolution authorizes the expenditure of \$260,000 to purchase the conservation easement on the Sallada property and authorizes the chairman of the Board of Supervisors, the Township Manager and/or the Township Solicitor to execute any documents necessary to complete the purchase.

Mr. Thompson asked if there are restrictions on this easement. Ms. Eberle does not believe there are any restrictions, and further explained that the Salladas have two acres, and if they want to put four small buildings on those two acres, they can as long as they comply with the zoning ordinance.

**Motion by Mr. Thompson to adopt Resolution N^o 2007-24 for the acquisition of open space conservation easement for the Sallada property (tmp 51-010-049).
Second to motion by John Cox.**

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

Motion passed unanimously.

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

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⇒ Rt. 263 Meyer Mini Storage – Development Agreement (exhibit)

Mary Eberle, Township Solicitor, presented the Kendarbren Partners, L.P., Meyer-Mini Warehouses Development Agreement. Ms. Eberle said the easements that were needed were given to us when they were working on the Commonwydds II property and Walgreens. We signed the extinguishment of the easement we had in the back of the property several months ago. There is nothing left in this development except posting escrow, signing development agreements and having the applicant get started.

Mr. Thompson asked if this has anything to do with Commonwydds. Ms. Eberle stated this a completely separate development. Mr. Thompson noted that Commonwydds and Walgreens are delinquent on escrows. Ms. Eberle noted that the Manager has addressed the Walgreens delinquency. Ms. Weniger reported that we have not received the money.

**Motion by Mr. Thompson to execute Meyer Mini Warehouses (Kendarbren Partners) Development Agreement and Memorandum of Development Agreement, as presented by the Township Solicitor.
Second to motion by Mr. Cox.**

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

Motion passed unanimously.

Ms. Algeo resumed her position as chair.

■ **ENGINEER'S REPORT:**

⇒ York Road Improvements – Potential Basin Locations (exhibit)

Bryan McAdam, Township Engineer, noted that PennDOT is proposing improvements to York Road and, as part of their design process, have identified several locations where they may wish to put detention basins. CKS Engineers has reviewed these very preliminary plans. Mr. McAdam noted that of the nine proposed basins, one is not in the Township and of the other eight, two are on Township property.

Ms. Algeo commented that the location of basin, #1, station 166, is a heavily wooded area, and asked if they would be taking out all those trees. Mr. McAdam said yes. Ms. Weniger reminded that PennDOT is looking for input from the Board and believes it would be good to send them suggestions. Ms. Weniger said that the locations for basins on private property are good locations, they preserve greenway. Ms. Weniger said she also asked PennDOT if they do underground basins and was told that they do not and found that PennDOT does what is required to condemn the property. Ms. Weniger also explained that adding impervious surface on each side of York Road creates a need for stormwater basins.

During discussion, Mr. Thompson presented a document that shows there will be detention basins every quarter mile along the corridor and suggests that PennDOT put detention basins by the smokestack on the other side of the Lutheran Church. Mr. Thompson wants to see a long term plan from PennDOT for these basins and points out that there are no sizes or pipe locations noted, and it is not known where they will drain. Mr. Thompson is also concerned that there will eventually be chain link fences around these basins and asks about a long term plan and who will maintain the basins.

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Mr. McAdam reminds this is very preliminary. Ms. Weniger suggested that we ask PennDOT to come and discuss this matter. Mr. Thompson would like to make sure the meeting is well advertised so the residents are aware.

⇒ Warwick Business Campus, Lots 26 and 28 (TC Management) Request for Release of Escrow Funds (exhibit)

Bryan McAdam, Township Engineer, reported that the improvements for Warwick Business Campus, Lots 26 and 28 are complete and the developer is requesting release of escrow. Mr. McAdam states that release is recommended.

Motion by Mr. Thompson to approve release of remaining escrow for Warwick Business Campus Lots 26 and 28, in the amount of \$46,437.80, as submitted by the Township Engineer.
Second to motion by Mr. Cox.

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

Motion passed unanimously.

⇒ Morrison/Nestle Wood Estates Tract – Final Inspection Punch List Acceptance (exhibit)

Bryan McAdam, Township Engineer, presented a final inspection punch list for Morrison/Nestle Wood Estates Tract.

Motion by Mr. Thompson to accept the Morrison/Nestle Wood Estates Tract – Final Inspection Punch List, as presented by the Township Engineer.
Second to motion by Mr. Cox.

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

Motion passed unanimously.

⇒ 1521 Guinea Lane Subdivision - Authorization to Create Punch List (exhibit)

Bryan McAdam, Township Engineer, presented a request to create a punch list for 1521 Guinea Lane Subdivision.

Mr. Cox asked if there are escrow funds associated with lot #3. Mr. McAdam is not certain but believes it is likely set up as one for the punch list. Mr. McAdam will make sure to check with the Solicitor.

Motion by Mr. Thompson to authorization creation of a punch list for 1521 Guinea Lane Subdivision, as presented by the Township Engineer.
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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■ **OLD BUSINESS:**

- Mr. Thompson asked for an update from CKS for the walking trail at the Moland House. Mr. McAdam said his office is working on this and will check on the status. Ms. Weniger notes this needs to be checked with our comprehensive plan to see that it is consistent with the plan.
- Mr. Thompson referred to the item in his packet about Mill Road and states that he would prefer to see Mill Road left open.

■ **NEW BUSINESS:**

- Ms. Algeo congratulates our staff and Gail for the gold star for our website having complete access to the community and the items you can get from our website, such as the zoning ordinance, meeting minutes, etc. and noted that Warwick is only one of six townships!

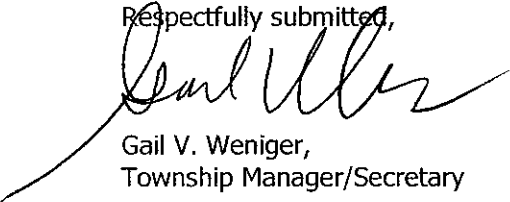
■ **PUBLIC COMMENT:**

- Ms. Algeo reminded that there is a special meeting scheduled for Tuesday, August 21 at 7:00 p.m.

■ **ADJOURNMENT:**

The August 6, 2007, Warwick Township Board of Supervisors' public meeting was adjourned at 8:55 p.m.

Respectfully submitted,


Gail V. Weniger,
Township Manager/Secretary

These minutes were approved at the
Board of Supervisors' meeting held: **September 4, 2007**

Warwick Township
DISCLOSURE STATEMENT

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

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

Meyer Ministorage Warehouse

The nature of my conflict is my employment in Eastburn &
Gray, a law firm that has provided
legal services to the Applicant in the past

Judith A. Algeo
Signature

Date: 8/6/07

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