

WARWICK TOWNSHIP
Board of Supervisors' Public Meeting Minutes
OCTOBER 6, 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
Linda Grant, Recording Secretary

■ **CALL TO ORDER:**

The Warwick Township Board of Supervisors' October 6, 2008 public meeting, held at Warwick Township Administration Office, 1733 Township Greene, Jamison, PA., was called to order at 7:00 p.m., Chair, Judith Algeo who then led attendees in the pledge of allegiance.

■ **APPROVAL OF MINUTES:**

⇒ September 15, 2008 (exhibit)

Motion by Mr. Thompson to approve the Board of Supervisors' public meeting minutes for September 15, 2008, as submitted.
Second to motion by Mr. Cox.

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

Motion passed.

■ **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 personnel and open space.

■ **ANNOUNCEMENTS:**

Ms. Weniger reminded that Warwick Weekend has been rescheduled for Friday, October 24th and Saturday the 25th. Friday there will be fireworks here, at Community Park and on the 25th there will be the traditional Warwick Day.

Ms. Weniger also announced that the draft budget for 2009 will be presented on Monday, November 17, 2008.

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■ **CITIZENS COMMENTS:**

John Gamble, Tripp Avenue, stated that the construction on York Road has made it impossible to get out of School Road and is asking if there is any way that we can get the lights re-timed. He also asked if we can do something about the potholes on School Road.

Ms. Algeo said that PennDOT only told of the construction at the last minute and advised Mr. Gamble to call PennDOT.

Ms. Weniger said noted that the Road Master was present and he would to fill the holes.

Mr. Gamble thanked Lorenzo Cuoci, Road Master, for his quick action addressing the drainage problem on Tripp Avenue.

➤ **MANAGER REPORT:**

⇒ 2008-2009 Consortium Salt Bid Award (exhibit)

Ms. Weniger reported that bids were received by Doylestown Borough on behalf of the Bucks County Consortium. There were three bids. Cargill Incorporated is considered a non-responsive bidder due to the limit on the amount of salt they would be able to supply. Ms. Weniger then referred to the section of the bid document noting that the bid required flexibility in the amounts. The lowest responsible bidder, as recommended by the Road Master, is International Salt Company, Inc.

Mr. Cox asked if it is correct that the bid of \$65 is up from \$45 last year. Ms. Weniger said that is correct.

**Motion by Mr. Thompson to award the 2008-2009 Consortium Salt Bid to International Salt Co., LLC (\$69.50 per ton delivered - \$65.00 per ton undelivered), as recommended by Lorenzo Cuoci, Road Master.
Second to motion by Mr. Cox.**

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

Motion passed unanimously.

⇒ 2008-2009 Snow Removal Bid – Request Authorization to Advertise (exhibit)

Ms. Weniger notes the specifications for this bid are the same as they have been for the past years. The bid includes equipment and operators to supplement our in house forces with snow removal. We are asking authorization for this bid.

**Motion by Mr. Thompson to authorize advertisement of the 2008-2009 Snow Removal Bid.
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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⇒ Five Year Financial Forecast and Recommendations (no exhibit)

Ms. Weniger reported that concurrently with the five year plan, the auditors were doing a five year financial forecast for us, with recommendations. The forecast for five years shows that our revenues, in almost every category, will be stagnant or declining. Our expenses have gone up in most, if not all areas, and many times significantly. Over the past five years we have made many budgetary cuts and revisions, allowing for the rate of increase in expenditures to be much less than anticipated.

Despite these efforts, it is a fact that each year, we use some of the reserve money which is noted on the budgets as "cash brought forward" to balance the operational budgets. We also utilize the earmarked reserves to the level we can to supplement each budget. We will be approaching the time, in 2010, when the fund balances will be as low as they should go.

Ms. Weniger notes scenarios, one showing what may happen if with no tax increase in the next five years and no local service tax, another scenario shows no tax increase, but we add a local service tax. Ms. Weniger explained that a local service tax \$1.00 per week and is levied on people that are employed in the Township and who make over \$12,000. Ms. Weniger notes many surrounding municipalities have already passed this local service tax.

Ms. Weniger further reported forecasted probabilities from this work done by the auditors.

Ms. Weniger continued with the scenario of no local service, but a re-allocation of real estate millage, which may have to occur to make the various operating funds balance. Ms. Weniger noted the township development rate has slowed and fees-in-lieu of are not at the level they were previously. She notes that if the Board were to consider a local service tax, it would be necessary to authorize advertisement this evening in order to meet the requirements to have it adopted by December 1st for enactment in 2009.

Ms. Eberle agreed that this time line was correct, noting that she could have it advertised and ready for consideration at the November 17th meeting.

Ms. Weniger spoke of how we can keep Parks and Recreation operations going without raising taxes. She recalled that the budget presentations for the past few years anticipated the need to reallocate the Park and Recreation taxes being earmarked in a reserve for capital projects back to the operational funds. The alternative would be a tax increase, which the Board has previously noted they do not want.

Mr. Cox asked if we authorize this tonight, does it mean we have to enact it. Ms. Weniger clarified that there is a time requirement for enactment, but once it is advertised, the Board can decide not to adopt the local services tax. This will allow consideration of the draft budget with the LST and without the LST.

Motion by Mr. Thompson to authorize advertisement of the Local Tax Service Ordinance.

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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- ⇒ Resolution N^o 2008 -26 Policy for Contributions in Lieu of Sidewalk and Pedestrian Walkways and Trails (exhibit)
- ⇒ Resolution N^o 2008-27 Policy for Contributions in Lieu of Road Improvements (exhibit)

Ms. Weniger noted these resolutions will address requests from developers to pay a fee in lieu of sidewalks and pedestrian walkways and trails and also for a fee in lieu of road improvements. The resolutions before the Board this evening are the cumulative effort and product from discussion at two prior Board meetings.

Ms. Weniger explained that a fund would be established in which the contributions would be maintained for construction/improvements of the Township sidewalk system. It also gives a designation that upon the recommendation of the Township Engineer, Township Planning Commission with the Board of Supervisors to approve the requested waiver at 75% of the current construction cost.

Motion by Mr. Thompson to approve Resolution N^o 2008 -26 Policy for Contributions in Lieu of Sidewalk and Pedestrian Walkways and Trails, and Resolution N^o 2008-27 Policy for Contributions in Lieu of Road Improvements, as presented by the Township Manager. Second to motion by Mr. 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.

- ⇒ Carroll (2929 Bridge) LD – Consideration for Preliminary/Final Approval (exhibit)

Ms. Weniger presented this request for Preliminary/Final Approval for a minor subdivision. The Planning Commission recommended approval at their August meeting. Applicant is asking for waivers from sidewalks and curbs, waivers from replacement of street trees, and they have received relief from the Zoning Hearing Board for lot size.

Dean Renniger, Gilmore and Associates, was present for applicant. Mr. Renniger said the proposed subdivision is a 24,000 sq. foot lot, to divide into two lots at 12,000 sq. feet each. Lot 1 will maintain an existing dwelling and lot 2 is for a proposed new single family dwelling.

Dave Connell, Township Engineer, states that comments in his previous review letter have mostly been addressed. Mr. Connell noted item 5, waivers and item 6, drainage issues. Mr. Connell said applicant has agreed to do appropriate things, which are relatively minor. The Board needs to address applicant's waiver requests. Mr. Connell approved applicant's calculation for a fee in lieu and notes the Board can consider that fee in lieu of.

Mr. Cox invited comments or discussion from any neighbors. There were none.

Mr. Thompson asked if wireless interconnected smoke detectors were part of our ordinance. Ms. Eberle said that would be something for the building code.

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Motion by Mr. Cox to grant Preliminary/Final Approval for the Carroll minor subdivision, subject to

- CKS' review letter, dated September 24, 2008;
- approve waivers for curbing, sidewalk and pavement widening with the appropriate fee in lieu of, 75% of the calculation;
- approve waiver from street trees;
- applicant required to install wireless interconnected smoke detectors.

Second to motion by Mr. Thompson.

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

Motion passed.

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

Ms. Algeo resumed her position as chair.

⇒ T-Mobile – Presentation of pole styles (ZHB matter 10/07/08) (no exhibit)

Nicholas Cuce, attorney for applicant notes plans have been re-engineered and more plantings and fencing has been changed from chain link to board on board to cover the equipment.

Mr. Cox commented that this site is a poor choice, close to the residents.

Larry Washington, T-Mobile zoning manager, noted other property owners were approached and some expressed a lack of interest and this site is suitable, based on requirements.

Ms. Eberle requested that when T-Mobile comes in for other applications, they should look at public ground first, if everyone in the community has to look at the facility, everyone in the community should benefit.

The consensus is to go with the tree rather than the pole. The Board requested that Ms. Eberle write a letter to the zoning hearing board noting that the Board recommends the tree feature and to make sure the fencing and plantings are included.

⇒ Bill Payments – October 6, 2008 (exhibit)

General Fund		
Check N ^o : 15728 - 15792	\$	129,002.35
Park & Recreation		
Check N ^o : 4708 through 4738	\$	11,574.84
Capital Projects Fund		
Check N ^o : 1088 - 1094	\$	14,015.10
Highway Aid Fund		
Check N ^o : 2535 - 2536	\$	69,796.47

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Firehouse & Equipment Fund Check N ^o : 223	\$ 777.00
General Obligation Fund Check N ^o : 1005	\$ <u>56,352.15</u>
Total -	<u>\$ 281,517.91</u>

Motion by Mr. Thompson to approve Bill Payments for October 6, 2008, 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:** No report this evening.

■ **SOLICITOR REPORT:**

Mary Eberle, Township Solicitor, noted the first item of her report was addressed earlier in the meeting.

⇒ Dedication Morrison, Borgeson, Nestle Wood

Ms. Eberle reported that there is a road offered for dedication, Nestle Woods Way, but a title report for that road has not been received as of 5:00 p.m. today.

Sharon Fidele, Main Street Development Group, presented paperwork for this matter.

At this time, it was determined to move on to the Engineer's Report while Ms. Eberle reviews the paperwork.

■ **ENGINEER REPORT:**

⇒ Warwick Meadows III, Escrow Release N^o: 4 (exhibit)

Dave Connell, Township Engineer, presented Warwick Meadows III, Escrow Release N^o: 4 for approval.

Motion by Mr. Thompson to approve Warwick Meadows III, Escrow Release N^o: 4, in the amount of \$19,003.50 (leaving a balance of \$518,700.35), 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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⇒ Warwick Meadows III, Escrow Release N^o 5 (exhibit)

Dave Connell, Township Engineer, presented Warwick Meadows III, Escrow Release N^o 5 for approval.

Motion by Mr. Thompson to approve Warwick Meadows III, Escrow Release N^o 5, in the amount of \$31,328.50 (leaving a balance of \$487,371.85), 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.

⇒ Locort Land Development (Warwick Business Campus, Lot 31) Request Authorization to Create Punch List (exhibit)

Motion by Mr. Thompson to authorize the Township Engineer to create a punch list for Locort Land Development (Warwick Business Campus Lot 31), as requested.

Second to motion by Mr. Cox.

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

Motion passed unanimously.

⇒ Walgreens - Request Authorization to Create Punch List (exhibit)

Ms. Algeo asked if this means the intersection is finished. Dave Connell, Township Engineer, reported this will be included on the punch list. This authorization is to begin the punch list.

Motion by Mr. Thompson to authorize the Township Engineer to create a punch list for Walgreens, as requested.

Second to motion by Mr. Cox.

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

Motion passed unanimously.

■ **SOLICITOR REPORT continued:**

⇒ Dedication Morrison, Borgeson, Nestle Wood

Ms. Eberle reported that upon review, there are things to be changed and she does not suggest that it be approved in the form it is in.

This matter was tabled.

Ms. Algeo turned the meeting over to Mr. Thompson.

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⇒ Fry Land Development – Preliminary/Final – First Amendment to Conservation Easement
(exhibit)

Mark Capuccio, attorney for applicant, said there is no developable lot is being created with this subdivision. This property was put into a conservation easement in 2002, and at that time it was anticipated the home on the lot would be subdivided and sold, so the two acre parcel was created around the house.

Mr. Capuccio explained the intent for Mrs. Fry to access her parcel, noting 7/10 of an acre that would be added into the conservation easement at no charge to the Township and the subdivision line would moved. Mr. Capuccio noted there is no building lot being created, and will amend the conservation easement.

Ms. Weniger asked if it would be appropriate for the value of the additional conservation easement to satisfy the waivers. Mr. Thompson said it was his intention not to apply any fee in lieu of.

Mr. Capuccio referred to staff letter of October 2, noting all comments are will comply.

Mr. Thompson asked if we can make the statement that the existing home must be hooked to water and sewer before a U&O. Ms. Weniger reported that Mike Sullivan of Water and Sewer said it is within the distance that requires hookup to water and sewer. Ms. Eberle said there is a mandatory connection ordinance which requires all houses to hookup if they are within a certain distance.

Motion by Mr. Cox to approve the Fry minor subdivision, subject to:

- **CKS letter, dated, August 28, 2008;**
 - **staff review, dated October 2, 2008,**
 - **as consideration for the land to become part of the conservation easement.**
- approval of a waiver from sidewalk and road improvements**

Second to motion by Mr. Thompson.

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

Motion passed.

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

■ **OLD BUSINESS:** There was no old business this evening.

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

■ **PUBLIC COMMENT:**

Eric Wilhelm, 2106 Wynn Way, Marsha Yates, 2104 Wynne Way, and Sandy Roma, 2102 Wynne Way, were present to discuss problems with the resident at 2135 Warwick Road. The residents have complaints of noise and odors. There is a rooster that starts crowing at 2 or 3 in the morning, there is terrible odors from the animals' feces. There are four horses, some chickens and two roosters. The residents said they have complained previously and have been looking at the Township Code to try to resolve the problems. Mr. Wilhelm asked if the noise ordinance could be enforced.

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There was discussion as to what limitations there are for the noise ordinance and how noise is measured. Mary Eberle, Township Solicitor, suggested that the residents should consult an attorney regarding public nuisance. At the end of the discussion Ms. Eberle stated that this matter should be referred to the zoning officer, that there may be a reasonable argument for setbacks regarding agricultural use.

■ **ADJOURNMENT:**

The October 6, 2008, Warwick Township Board of Supervisors' Reorganization meeting was adjourned at 8:10 p.m.

Respectfully submitted,



Gail V. Weniger,
Township Manager/Secretary

These minutes were approved at the
Board of Supervisors' meeting held: **October 20, 2008**

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:

- ① Carroll - 2929 Bridge - L.D. - consideration for P/E approval
- ② Fay Land Development - P/E - 1st Amendment to Conservation
Easement

The nature of my conflict is both parties represented by Eastburn
is Gray where I am a shareholder.

Judith A. Algeo
Signature

Date: 10/6/08

