

WARWICK TOWNSHIP
Board of Supervisors' Public Meeting Minutes
April 6, 2009

Members Present: Judith A. Algeo, Esq., Chair
John W. Cox, Vice Chairman
Edward P. Thompson, 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' April 6, 2009 public meeting, held at Warwick Township Administration Office, 1733 Township Greene, Jamison, PA., was called to order at 7:05 p.m., by Chair, Judith Algeo who then led attendees in the pledge of allegiance.

■ **APPROVAL OF MINUTES:**

⇒ March 16, 2009 Board of Supervisors' public meeting minutes. (exhibit)

The March 16, 2009 public meeting minutes are tabled.

■ **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.

■ **ANNOUNCEMENTS:**

Chair Algeo announced that the April 20, 2009 meeting has been cancelled and the next Board of Supervisors' public meeting will be held on Monday May 4, 2009.

■ **CITIZENS COMMENTS:** There were none.

■ **MANAGER'S REPORT:**

⇒ Montessori School – Corridor Overlay Sign – Request Approval (exhibit)

There was no one present for this matter and the matter was tabled.

⇒ LD 02-10 Bridge Valley at Furlong, Phases 1A, 1B and 2 – Request Final Punch List (exhibit)

**Motion by Mr. Cox to authorize the Township Engineer to create a final Punchlist for Bridge Valley at Furlong, Phases 1A, 1B and 2.
Second to motion by Mr. Thompson.**

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

Motion passed unanimously.

⇒ LD 08-07 (2046 Almshouse Road/CMS Builders) Preliminary Plan (exhibit)

Gail Weniger, Township Manager, reported that the Planning Commission, at their meeting held on January 12, 2009, had recommended that the Board of Supervisors grant preliminary approval subject to the CKS review letter, dated, January 6, 2009; the Bucks County Planning Commission letter, dated January 12, 2009; the Township Staff letter, dated January 8, 2009; and that there be a note on the plan stating that the house on lot 4 was built on a pond, with structural engineer sign-off and applicant will provide full disclosure prior to sale of that house.

Applicant states all comments in review letters are will comply.

Mr. Cox asked for assurance that the ground is stable and stated that he feels the organization was not forthcoming with everything regarding the filling of the pond.

Applicant states the lot 4 property will have a basement and there will be a structural engineer involved as part of the process.

Dave Connell, Township Engineer, states he had previously expressed similar concerns at the Planning Commission since he wasn't comfortable with the filling of the pond. Mr. Connell notes that the applicant did contact DEP and the conservation district prior to filling the pond.

Mr. Thompson asked when the process kicks in whether the applicant will have a professional geo technical engineer take boring samples during the process.

Chair Algeo asked when the buyer of lot 4 will be notified that there was pond on that lot previously.

Dave Connell, Township Engineer, reported there is a note on the plan for disclosure to future owners of lot 4, prior to recording plans. Mary Eberle, Township Solicitor, noted that we normally make it a paragraph in the settlement agreement, which is signed before the agreement of sale. It was also noted that it is setup that the buyer has a ten year leeway to allow for a lawsuit against the builder.

Tom Mellon, owner, said he promises that he will personally make sure of disclosure, about the pond that was previously on lot 4, to the buyer of lot 4.

Mr. Cox also asked where the dirt for filling the pond came from and whether there are any contaminants for which the Township may be liable. He also notes that currently there is enough water standing so that ducks are present. Mr. Cox also asked about grading encroachment on the property of others. Mr. Connell notes the grading on the South side has been changed so that is not encroaching.

Dave Connell, Township Engineer, reported there is a substantial swale being graded to accommodate water. Mr. Connell explained what the applicant is doing that will work to alleviate water problems.

Mr. Thompson asked about the location of the swale and also about possible future impervious surfaces and how it will affect the grading plan. Mr. Connell noted that there is a system in place that requires calculations to include the amount of impervious surface allowed on each lot.

Mr. Thompson asked who will maintain the orchard. Applicant states the Homeowners Association will maintain the orchard. Applicant reminds that the Planning Commission members requested that the orchard should remain.

Mr. Cox asked about the orchard being part of Township open space. Ms. Weniger explained that staff feels maintenance of the orchard would be costly, be a problem to access, and not benefit the community as a whole but rather just two lot owners. Therefore, Ms. Weniger stated staff recommends taking a fee in lieu of open space. Applicant's engineer suggested that instead of running drainage down Almshouse Road, the discharge could be guided to the orchard if it remains as Township open space, noting there would be an easement needed.

Ms. Weniger asked about dedication of the cul de sac. Applicant proposes that the cul de sac should be for the homeowners. Mr. Thompson believes that since these people also pay taxes, the Township should take dedication of the cul de sac.

Ms. Algeo invited public comment.

Mark Gregoski, 2043 Carmel Drive, noted concerns about the amount of water flooding his property, and showed a picture of an area that has a "lake" and it seems worse since the pond was filled. Mr. Gregoski says his backyard is unusable because water does not drain. Dave Connell, Township Engineer, explained to Mr. Gregoski that the developer must decrease the rate of runoff by 75%.

Mr. Gregoski also notes the proposed home on lot 3 would have windows facing his windows and is asking for the home to be shifted somewhat so it will not be homes facing bathroom to bathroom. Applicant will consider shifting the home on lot 3. Mr. Connell believes the home cannot be shifted because of setback requirements.

Ms. Algeo asked if there are fruit bearing trees in the orchard and states confusion as to how the Homeowners Association will maintain the orchard while the orchard is part of the property for lot 3. Applicant states it is not known if the orchard is a viable orchard and that needs to be determined. Applicant also states the orchard presents as BMP for the stormwater management system per NPDES. Mr. Thompson believes rushing water through the orchard, as part of stormwater management, will wash away ground and the result will be trees blowing down.

Mr. Thompson asked if these will be serviced by Water and Sewer. Mr. Connell said yes.

Mr. Cox asked if this plan should go back to the Planning Commission. Mr. Thompson prefers existing features to be shown on plans and voices concerns with water runoff through the orchard being so concentrated. Mr. Thompson is requesting a report on the condition of the orchard. Applicant offers to remove or reduce the orchard if the Township desires.

Ms. Algeo commented that she believes if the Township does not take dedication of the cul de sac, it would appear that this is a private community and not open to the public for walking.

Ms. Weniger noted that if the Township takes dedication of the cul de sac, there needs to be consideration of the proposed street light plan. Mr. Connell notes the Township need only place a light at the main intersection, not in the cul de sac. The applicant agrees to limit the lighting as suggested by Mr. Connell.

Motion by Mr. Cox to grant preliminary approval for LD 08-07 (2046 Almshouse Road/CMS Builders) Preliminary Plan, subject to the following:

- 1. Compliance with CKS' review letter dated February 23, 2000;**
- 2. As part of the process of review of the building permit for Lot #4, the applicant shall submit a report from a structural engineer, with input from a geotechnical engineer, who has taken soil borings in the area of the former pond. The report must certify that the building will be structurally sound and that the fill is free of containments.**
- 3. The Applicant shall execute a Development Agreement and provide Financial Security for the proper installation of the public improvements in a form deemed acceptable to the Township Solicitor.**
- 4. The Development Agreement shall include a requirement that all prospective purchasers of Lot #4 are provided with disclosure that the house is being built on the site of a former pond. The disclosure shall be in a form approved by the Township Solicitor, consistent with the note on the Plan.**
- 5. The Applicant shall provide the Township with fully executed Water and Sewer service agreements with the WTWSA.**
- 6. As part of the final plan approval process, the Applicant shall submit the opinion of an arborist as to the viability of the orchard/woodlands and the Board of Supervisors shall consider the issue of maintenance and preservation of the orchards/woodlands at the time of final approval.**
- 7. The Applicant shall offer the cul-de-sac for dedication and shall file a Petition with the Township establishing a separate street light district. The Applicant shall amend the lighting plan to show one light only at the intersection of Almshouse Road.**
- 8. The Applicant shall submit a fee in lieu of \$1000 per lot for common open space and \$1000 per lot for active open space.**
- 9. The Applicant shall provide disclosure to the Buyer of Lot #3 that the house should be aligned "offset" from the existing house immediately to the rear of Lot #3.**
- 10. The Board of Supervisors rejected the Applicant's proposal to revise the drainage plan for the detention basin.**

**11. Grant of Waivers: Scale of Drawings and Lack of Existing Features
Second to motion by Mr. Thompson.**

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

Motion passed unanimously.

⇒ LD 07-02 1775 Stout Drive – Request Final Punch List (exhibit)

**Motion by John Cox to authorize the Township Engineer to create a Final punch list for LD 07-02 1775 Stout Drive.
 Second to motion by Mr. Thompson.**

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

Motion passed unanimously.

⇒ Bill Payments April 6, 2009 (exhibit)

General Fund		
Check N ^o : 16424 – 16484	\$	190,793.88
Park & Recreation		
Check N ^o : 4968 through 4995	\$	13,669.89
Parks & Rec. Capital Projects Fund		
Check N ^o : 1004 - 1007	\$	6,705.50
Firehouse & Equipment Fund		
Check N ^o : 226	\$	80,081.44
Highway Aid Fund		
Check N ^o : 2540	\$	3,329.72
General Obligation Fund		
Check N ^o : 1009	\$	<u>55,180.46</u>
Total -	\$	<u><u>349,760.89</u></u>

**Motion by Mr. Cox to approve the April 6, 2009 Bill Payments, subject to audit.
 Second to motion by Mr. Thompson.**

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

Motion passed unanimously.

⇒ Treasurer's Report - January 2009 (exhibit)

General Fund	\$	3,468,853
Firehouse and Equipment		1,084,571
Road Machinery Fund		226,947
General Obligation / Sinking Fund		439,889
Open Space Fund		121,812
Capital Projects Fund		59,183
Highway Aid Fund		97,761
Parks and Recreation		318,300
Parks and Recreation Capital Fund		1,494,335
Capital Reserve		<u>589,642</u>
Total	\$	<u><u>7,901.293</u></u>

**Motion by Mr. Cox to accept the Treasurer's Report for January 2009, as prepared by Rose Christie, Finance Director, subject to audit.
Second to motion by Mr. Thompson.**

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

Motion passed unanimously.

■ **SOLICITOR REPORT:**

There was no Solicitor's Report this evening.

■ **ENGINEER REPORT:**

⇒ Road Paving Project 2009 - Authorization to Bid (exhibit)

Dave Connell, Township Engineer, requested authorization to advertise the 2009 Road Paving project for bid.

**Motion by Mr. Cox to authorize advertisement for bid for the Road Paving project for 2009.
Second to motion by Mr. Thompson.**

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

Motion passed unanimously.

⇒ Warwick Meadows III, Escrow Release N°. 8 (exhibit)

**Motion by Mr. Cox to approve Warwick Meadows III, Escrow Release N°. 8, in the amount of \$23,825.00 (leaving a balance of \$363,726.85), 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.

⇒ Route 263 and Deer Run – Discussion (exhibit)

Dave Connell, Township Engineer, summarized the history of this project, noting that there is a new signal design and will require additional engineering. Mr. Connell also reported that curb/driveway reconfiguration can be done with signage rather than physical improvements. PennDOT has approved a signal based on the previous plan with updating the timings. Ms. Algeo guessed that the cost, with additional engineering might be expected to be approximately \$132,000. Mr. Connell agreed. Mr. Thompson reminded that the Township is in possession of some lighting poles already, which may help with costs. Mr. Connell will look into the lights at the Township.

Ms. Weniger noted she has been looking into grants and wherever else there may be monies for this project. Ms. Weniger reported there was money put aside for Country Club Knoll development for road improvements, but is not specific as to location, so this might possibly be

used toward cost of the traffic signal but suggested that the solicitor be consulted on this determination. Ms. Eberle, Township Solicitor, reviewed and read aloud the language in the development agreement and agreed that the fee in lieu could be used for another project. Mr. Connell will proceed with the engineering of the plans as originally directed by the BOS.

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

■ **NEW BUSINESS:**

➤ Ms. Weniger noted there are recommendations from the Parks and Recreation Board that were not on this evening's agenda. (exhibit)

1. The Park Board recommends that the Board of Supervisors allow Rachel and Rich Duffy to erect a sign in honor of Matt Hollander for field 3 at Guinea Lane. The sign will be 18' x 24', similar to the sign currently on field 4.

The consensus of the Board of Supervisors is to grant this request.

2. The Park Board recommends that the Board of Supervisors allow Warrington Warwick Girls Softball to put a port a pot at Hampton Chase Park by the front fields, with 3 white pines planted around the port a pot.

The consensus of the Board of Supervisors is to deny this request.

Ms. Weniger notes that the other two recommendations do not have enough supporting documentation to bring to the BOS at this time. They will be considered at a later date.

➤ Ms. Weniger informed the Board of Supervisors that Warwick's fee schedule does not allow for duty tow. Currently the application fee is \$100 per year and Lt. Goldberg is recommending that the Board consider adding a duty tow application of \$300 to the fee schedule.

Ms. Algeo suggested that this be considered during the budget process. The Board agreed to consider the additional fee with the fee schedule in 2010.

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

■ **ADJOURNMENT:**

The April 6, 2009, Warwick Township Board of Supervisors' public meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Gail V. Weniger,
Township Manager/Secretary

These minutes were approved at the
Board of Supervisors' meeting held: **May 4, 2009**

