

WARRINGTON TOWNSHIP BOARD OF SUPERVISORS

MINUTES FOR SEPTEMBER 23, 2008

The regular meeting of the Warrington Township Board of Supervisors was held on September 23, 2008, 7:30 p.m. at the Township Building located at 852 Easton Road, Warrington, PA 18976. The members present were as follows:

1. ATTENDANCE:

Paul Plotnick, Chairman; Carol Butterworth, Vice Chairman; Glenn M. McKay, Secretary; Michael W. Lamond, Jr., Assistant Secretary; Timothy J. Tieperman, Township Manager; Michael P. Clarke, Esq.; Township Solicitor; Thomas F. Zarko, Township Engineer; Michael Mrozinski, Director of Planning and Economic Development; Paul Gdanski, Director of Public Works; Richard Lesniak, Director of Fire, Inspection and Emergency Services; Dan Hinkle, Fire Chief; and Vivian Bell, Finance Director.

2. PLEDGE OF ALLEGIANCE

The meeting opened with a pledge to the flag.

3. EXECUTIVE SESSION: Mr. Clarke reported that after the 9/9/08 meeting of the Board an executive session meeting was held to discuss a matter of potential litigation.

4. APPROVAL OF BILL LIST: 9/09/08 to 9/23/08

Motion – It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors voted to approve the bill list from 9/09/08 to 9/23/08 in the amount of \$806,710.10. This motion passed by a roll call vote of 4 yeas.

5. APPROVAL OF MINUTES

a) August 5, 2008

Motion – It was moved by Mrs. Butterworth, seconded by Mr. Lamond, that the Board of Supervisors voted to approve the minutes of the August 5, 2008 meeting. This motion passed by a vote of 3-1. Mr. McKay abstained.

b) August 26, 2008

Motion – It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors voted to approve the minutes of the August 26, 2008 meeting. This motion passed by a vote of 4-0.

6. MINUTES FOR POSTING

a) September 2, 2008

Motion – It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors voted to approve posting the minutes of the September 2, 2008 meeting. This motion passed by a vote of 4-0.

b) September 9, 2008

Motion – It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors voted to approve posting the minutes of the September 9, 2008 meeting. This motion passed by a vote of 4-0.

7. PUBLIC COMMENT

a) Shetland Drive. Mr. Robert Adams, who resides at 1006 Carriage Way, said there is construction going on and the traffic patterns have changed. He wanted to know why there are two left turning lanes off of Shetland Drive going south onto Route 611 instead of only one. He felt the need to keep one of those lanes open to make a right turn on red.

Mr. Zarko said the developer of that tract had a traffic study done as part of the development process. In that traffic study there were counts done and projections for future traffic flow once the development was built out and also ten years hence. As a result of that traffic study PennDOT had suggested that modifications be made to the intersection including the dual left turning lane. They felt that by putting in the dual left turning lane that would be an enhancement to address the traffic that would be generated by the development.

Mr. Adams asked if there was any input from the residents in that area. Mr. Zarko said the development was reviewed by the Township at a public meeting and the traffic study was discussed at that time. Mr. Adams said that usually when they are going to change a pattern to a double left turning lane they institute a new right turning lane and take away a little of their footage so they don't take away that right turn on red.

Mr. Zarko said he would get back and take a look at the traffic study and get in touch with PennDOT. If it's a significant issue out there, we'll see if something can be done to correct any sort of problem.

b) PUC Meeting. Mr. Lamond asked if the Board might be interested in becoming party to the PECO Public Utility Commission meeting. He said they will be discussing the CAPS coming off. He said in order for the Township to state something from our residents, stopping it if we can to keep the rates lower, he felt we should send someone to this meeting and have them report back to the Board. Mr. Clarke said PECO had filed the petition with the PUC regarding the CAP generation rates that are scheduled to come off in January 2011. He said the purpose of this notice is to provide anyone with an opportunity to review the filing. Mr. Clarke said his office could pull the filing and find out what the status is and can report back at a subsequent meeting.

8. PUBLIC HEARING:**a) Conditional Use Hearing for T-Mobile Northeast, LLC to allow the installation of a telecommunications facility and related equipment on Costner Avenue.**

Mr. Clarke reported that this hearing has been properly advertised. He stated earlier today Mr. Tieperman received a correspondence from the applicant's attorney. He read the letter from the law firm of Benner and Wild indicating that T-Mobile and he were not aware of the scheduling for this public hearing to be held this evening. The letter goes on to say that due to scheduling conflicts arising from previously scheduled applications elsewhere T-Mobile cannot produce witnesses needed to qualify the subject application for conditional use approval. He said Mr. Benner asked that the conditional use hearing be continued to the Board's meeting on October 28.

Motion – It was moved by Mrs. Butterworth, seconded by Mr. Lamond, that the Board of Supervisors accepted the request for continuance of the conditional use hearing for T-Mobile Northeast, LLC until October 28. This motion passed by a vote of 4-0.

9. **MANAGER'S REPORT:** Mr. Tieperman reviewed the manager's report which included a) Web Page Redesign; b) 2007 Audit Report; c) Ad Hoc Building Committee; d) Zoning Enforcement Activities; e) ATV Ordinance Update; f) Route 202 Parkway Update; and g) Tel-Vue Project.

Mr. Rick Lesniak, Director of Fire, Inspections, and Emergency Services reviewed his monthly report for September 2008.

Fire Chief Dan Hinkle reviewed his monthly report for September 2008.

Mr. Paul Gdanski, Public Works Director reviewed his monthly report for September 2008.

Mr. Tieperman reviewed Carolyn Hanel's Parks and Recreation monthly report for September 2008 in her absence.

a) Swim Club 2008 Season Report.

Mr. McKay requested a more refined report on the total revenue from the snack stand and the reallocation of the expenses between the operation of the Swim Club and the Snack Stand. He felt the Parks and Recreation Board should look at the different types of memberships.

b) Stipulation of Settlement.

Motion – It was moved by Mrs. Butterworth, seconded by Mr. Lamond, that the Board of Supervisors upon the recommendation of the Township Solicitor, authorize Steven A. Hann, Esq. to execute the Stipulation of Agreement on behalf of the Warrington Township Water & Sewer Authority in the matter of Hatfield Township Municipal Authority et al. v. Commonwealth of Pennsylvania, Department of Environmental Protection, EHB docket No. 2004-046-MG, regarding the TMDL Group Appeal/Neshaminy Creek Watershed. This motion passed by a vote of 4-0.

Motion – It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors authorized Steven A. Hann, Esq. on behalf of the Township to pursue reimbursement of attorneys' fees and costs associated with this matter. This motion passed by a vote of 4-0.

c) **2009 Emergency Services Banquet.** Mr. Lesniak reported that he wanted to discuss the plans for the upcoming April 18, 2009 Emergency Services Banquet. He said there will be approximately 200 people invited. Ms. Katie Braun reviewed the menu choices and the possible locations. The Board was in agreement to hold this banquet at the Spring Mill Manor.

NEW BUSINESS (ACTION/DISCUSSION ITEMS):

10. Consider authorizing the formal letting of bids for the West End Fire Station.

Motion – It was moved by Mr. Lamond, seconded by Mrs. Butterworth, that the Board of Supervisors authorized the advertisement for the bidding for the West End Fire Station #78. This motion passed by a vote of 4-0.

11. Review, discuss and authorize advertisement of a proposed Ordinance to regulate sex offenders under Chapter 19 of the Warrington Township Code. Mr. Tieperman reported that this is an ordinance that has been passed by a majority of the Bucks County municipalities. Mr. Clarke said essentially what this ordinance does is it restricts anyone over the age of 18 who qualifies under Megan's Law is someone who has to register as a sexual offender is not permitted to reside in the Township within 2500' of any school, park, amusement park, skate park, roller rink, arcade, skating rink, athletic fields, movie theater, playground or child day-care facility. He said this has been reviewed by Staff and also by Chief Miller. This ordinance is trying to recognize that most of the studies that have been done regarding sex offenders indicate that those who are labeled as predators tend to commit their crimes within a very close area in which they live. It is a recognition that in restricting them from living in close proximity to areas where children, for the most part, will be present. This is something that will not give those who have been convicted of these crimes before the opportunity to be in close proximity to these areas where children tend to congregate.

Mr. Clarke said from prior experience in other municipalities the State Board of Probation and Parole has been made aware of many of these ordinances in a lot of these townships. They are taking the first step that when someone is paroled on one of these charges of not letting someone move into the community where one of these ordinances is in effect. Part of the effectiveness of these ordinances in several communities has been that the State Board of Probation and Parole is recognizing it and adhering to it in where they will allow people to live.

Mr. Lamond said he would like to see added to the requirements township open space areas where sexual offenders are not permitted to reside in the Township within 2500'. Mr. Clarke suggested that what Mr. Lamond is referencing he does not believe would constitute a substantial amendment to this ordinance.

Motion – It was moved by Mr. Lamond, seconded by Mr. McKay, that the Board of Supervisors authorized the advertisement of a proposed Ordinance to regulate sex offenders under Chapter 19 of the Warrington Township Code. This motion passed by a vote of 4-0.

OLD BUSINESS (ACTION/DISCUSSION ITEMS):**12. To consider the following escrow releases:**

Development Name	Release #	Amount
Spognardi Tract	1	\$ 35,904.80

Motion - It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors approved the escrow release for the Spognardi Tract, Release #1 in the amount of \$35,904.80. This motion passed by a vote of 4-0.

13. To consider the following extension requests:**a) Barton and Helen Charles Minor Subdivision.**

Motion – It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board approved the extension request for the Barton and Helen Charles Minor Subdivision until 9/19/09. This motion passed by a vote of 4-0.

b) Bhakta Personal Care Facility.

Motion – It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board approved the extension request for the Bhakta Personal Care Facility until 10/31/08. This motion passed by a vote of 4-0.

c) Pleasantville United Church of Christ.

Motion – It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board approved the extension request for the Pleasantville United Church of Christ until 12/1/08. This motion passed by a vote of 4-0.

d) Ric-Lin: Center Street Minor Subdivision.

Motion – It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board approved the extension request for the Ric-Lin: Center Street Minor Subdivision until 9/23/09. This motion passed by a vote of 4-0.

14. To consider the following dedication requests:**a) Windsong Subdivision.**

Motion - It was moved by Mrs. Butterworth, seconded by Mr. Lamond, that the Board of Supervisors approved the resolution for denial of dedication of public improvements for the Windsong Subdivision. This motion passed by a vote of 4-0.

b) Whisper Ridge South Subdivision.

Motion - It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors approved the resolution for denial of dedication of public improvements for the Whisper Ridge South Subdivision. This motion passed by a vote of 4-0.

c) **Valley Square-Phase II/Parcel F.**

Motion - It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors approved the resolution for the dedication of water and sewer mains for Valley Square-Phase II/Parcel F (Wegmans Food Market, Inc.). This motion passed by a vote of 4-0.

15. **Consider approval for release of 18 month maintenance bond for Katz Office Building – 1243 Easton Road.**

Motion – It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors authorized the release of the 18-month maintenance bond for the Katz Office Building located at 1243 Easton Road. This motion passed by a vote of 4-0.

16. **Consider adoption of Resolution authorizing lease agreements with MetroPCS for tower co-locations on township property.** Mr. Tieperman noted that the Board had held the conditional use hearing at its last meeting for the tower-co-locations on township property.

Motion – It was moved by Mr. Lamond, seconded by Mrs. Butterworth, that the Board of Supervisors tabled and directed the solicitor to enter into re-negotiations on the lease agreements with MetroPCS for tower co-locations on township property. This motion passed by a vote of 4-0.

CONSENT AGENDA

17. **Consider a motion to advertise for parking and trucking restrictions on Kelly Road.**

Motion – It was moved by Mrs. Butterworth, seconded by Mr. Lamond, that the Board of Supervisors authorized the advertisement of an ordinance to restrict heavy truck traffic on Kelly Road and also to restrict parking along the section of Kelly Road that is 30' wide. This motion passed by a vote of 4-0.

18. **Consider a motion to advertise for trash bid for Willow Knoll.**

Motion – It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors authorized the advertisement for trash bid for Willow Knoll. This motion passed by a vote of 4-0.

19. **Consider a motion to advertise for the snow plowing bid.**

Motion – It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors authorized the advertisement for the snow plowing bid. This motion passed by a vote of 4-0.

20. **Consider a motion officially approving PSA agreement with George J. Donovan Associates for West End Fire Station #78, as reviewed and approved by the Township Solicitor.**

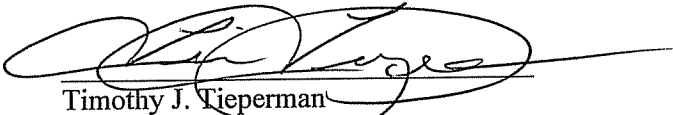
Motion – It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors officially approved the PSA agreement with George J. Donovan Associates for the West End Fire Station #78, as reviewed and approved by the Township Solicitor. This motion passed by a vote of 4-0.

21. **Consider a motion to approve a change order for the King Park Expansion Project.**

Motion – It was moved by Mrs. Butterworth, seconded by Mr. Lamond, that the Board of Supervisors approved the change order for the King Park Expansion Project to be done by Bucks County Outdoor Environments in the amount of \$5,630. This motion passed by a vote of 4-0.

22. **ADJOURNMENT**

Motion – It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors voted to adjourn the meeting at 9:30 p.m. This motion passed by a vote of 4-0.



Timothy J. Tieperman
Township Manager

10 / 29 / 2008

Date