

WARRINGTON TOWNSHIP BOARD OF SUPERVISORS

MINUTES FOR JULY 28, 2009

The regular meeting of the Warrington Township Board of Supervisors was held on July 28, 2009, 7:30 p.m., at the Township Building located at 852 Easton Road, Warrington, PA 18976. The members present were as follows:

ATTENDANCE:

Carol M. Butterworth, Chairperson; Michael W. Lamond, Jr., Vice Chairperson; Glenn McKay, Secretary; Rebecca A. Kiefer, Assistant Secretary; and Paul Plotnick, Member; Timothy J. Tieperman, Township Manager; Thomas F. Zarko, Township Engineer; Carolyn Hanel, Director of Administrative Services/Parks and Recreation; Michael Mrozinski, Director of Planning and Economic Development; Michael P. Clarke, Esq., Township Solicitor; Joe Fuchs, Deputy Fire Chief; Richard Lesniak, Director of Fire, Inspection and Emergency Services; Chief Thomas Mazzo, Community Ambulance; and Vivian Bell, Township Treasurer.

PLEDGE OF ALLEGIANCE

The meeting opened with a pledge to the flag.

EXECUTIVE SESSION REPORT. Mr. Clarke reported that the Board did not hold an executive session since the last time we met.

1. **APPROVAL OF BILL LIST: 7/14/09-7/28/09 - \$1,026, 837.92**

Motion – It was moved by Mr. Lamond, seconded by Mr. McKay, the Board of Supervisors voted to approve the bill list from 7/14/09 to 7/28/09 in the amount of \$1,026,837.92. This motion passed by a roll call vote of 5 yeas.

2. **APPROVAL OF MINUTES:**

a) **June 23, 2009**

Motion – It was moved by Mr. Lamond, seconded by Mr. Plotnick, the Board of Supervisors voted to table the minutes of the June 23, 2009 meeting. This motion passed by a vote of 4-1.

3. **MINUTES FOR POSTING**

a) **July 14, 2009**

Motion – It was moved by Mr. Lamond, seconded by Mr. McKay, the Board of Supervisors voted to post the minutes of the July 14, 2009 meeting. This motion passed by a vote of 5-0.

PUBLIC COMMENT

a) **Acquiring Permits.** Mrs. Madeline Sturm, who resides at 115 Breezy Hollow Drive, said she is interested in the township's position on acquiring permits after the fact retroactivity. In 2005 we had asked the township permit office what was required for a lawn irrigation system. We were told no

permits but we could get a special one for the irrigation system if we chose. She said we did that and a week ago she received a violation letter from the permit office saying we were supposed to have a permit.

b) **2009 Budget Discussion.** Mr. Fred Achenbach, 905 Farnham Court, said during the 2009 Budget discussion there was a reference made by several of the supervisors regarding a comprehensive study that was made that determined that most businesses were not paying their fair share of the taxes. He wondered if that was a public document.

Mrs. Butterworth asked Mr. Clarke if the Board held a hearing on this matter. Mr. Clarke said it was an ordinance hearing to adopt the Business Privilege Tax Ordinance.

c) **West End Fire Station.** Mr. Achenbach said he noticed that the West End Fire Station is nearing completion. He said he assumed that that building would be served with public water and sewer. Mr. Zarko said yes this building would be served with public water and sewer. Mr. Achenbach asked if the cost of public water and sewer being served at this location was included in the bond funding. Mr. Zarko said their share of the overall cost for extending the public sewer system is included a part of that. Mr. Achenbach asked what the cost was for the public water and sewer portion of the project. He asked if anyone else was going to be served with the public water and sewer. Mr. Zarko said yes the Mill Creek Building where the Codes Office is and capacity has been provided within that system to accommodate the needs of the four residential properties on Mill Creek Road.

d) **Bradford Greene.** Mrs. Pamela Porty, who resides at 533 Mockingbird Way, and lives in the Bradford Greene townhouse development. She said our townhouse development backs up to Lower Nike Park. She said verbally their development was promised that the township was planning on building a walking bridge from the townhouse development to Lower Nike Park. She understands that Lower Nike Park has received some type of a grant or funding to do renovations at the park. She brought with her a petition containing 50 signatures and they are asking for the township to consider a walking bridge as part of the renovation project.

e) **County Line and Stump Roads.** Mrs. Kiefer said she has received a number of telephone calls asking her what's going on at corner of County Line and Stump Roads. She said apparently someone is doing construction and has put up a fence. Mr. Mrozinski said this is a residential property that is under new ownership and they did apply for a fence permit. He said he would check out what's going on at this location.

PUBLIC HEARING:

4. To receive public comments and consider action on an application filed by Bada Bing Bada Boom, Inc., d/b/a Soprano's Pizzeria for the inter-municipal transfer of a liquor license to 1380 Easton Road, Store #14, Warrington, PA.

Motion – It was moved by Mrs. Kiefer, seconded by Mr. Lamond, the Board of Supervisors voted to open the public hearing on an application filed by Bada Bing Bada Boom, Inc., d/b/a Soprano's Pizzeria for the inter-municipal transfer of a liquor license to 1380 Easton Road, Store #14, Warrington, PA. This motion passed by a vote of 5-0.

Michael Clarke reported that this hearing has been properly advertised. He said this hearing was originally scheduled to be held on June 23, 2009 and then at the request of the applicant's attorney, the matter has been continued until today. He said this is a public hearing on an application filed by Bada Bing Bada Boom, Inc. d/b/a Soprano's Pizzeria for an inter-municipal transfer of a liquor license to 1380 Easton Road, Store #14, Warrington, PA. He said the public hearing on the application for a transfer of an inter-municipal liquor license is required by the Pennsylvania Liquor Code, Section 4-461B.3 of the

Liquor Code provides that an inter-municipal transfer of a license must first be approved by the governing body of the receiving municipality when the total number of existing restaurant liquor licenses and eating place retail dispenser licenses in the receiving municipality equals or exceed one license per 3,000 inhabitants. He said the code requires that the municipality hold at least one public hearing for the purpose of receiving comments and recommendations of interested individuals residing within the municipality. Currently the township has 15 issued liquor licenses. However, because several were grandfathered that is why the township is over what is required under the Liquor Control Board.

Mr. Clarke said the applicant tonight is represented by Brandon R. Wind, Esq. Mr. Wind presented testimony from his client. Mr. Wind responded to Mrs. Butterworth's question by explaining what an E-License was and said that this license only permits the dispensation and sale of beer.

Mr. Wind asked his client if he heard the stipulation that he had set out regarding restrictions upon his activities should he come to a point where you either sell or transfer any of the assets of Bada Bing Bada Boom. Mr. Wind further reiterated if his client did understand that should he transfer the assets of Bada Bing Bada Boom, which would occur simultaneously to the transfer of the license, that he himself would no longer be affiliated with Soprano's.

Mr. Clarke asked Mr. Wind, for the purposes of this hearing, if he would agree that the application submitted by your client is part of the record. Yes, said Mr. Wind. Mr. Clarke also asked Mr. Wind if he would agree that the advertisement for the hearing originally scheduled for June 23, 2009 is also part of the record. Yes, said Mr. Wind. Mr. Clarke also asked Mr. Wind if he would agree that the letter of Stephanie M. Shortall, Esq. from your office of June 23, 2009 requesting a continuance and granting an extension until August 21, 2009 for the Board to render a decision is also made part of this record. Yes, said Mr. Wind. Mr. Clarke asked Mr. Wind if he would agree that the advertisement for this hearing this evening for July 28, 2009 is also a part of the record of this hearing. Yes, said Mr. Wind.

Motion – It was moved by Mr. Lamond, seconded by Mrs. Kiefer, the Board of Supervisors voted to close the public hearing on an application filed by Bada Bing Bada Boom, Inc., d/b/a Soprano's Pizzeria for the inter-municipal transfer of a liquor license to 1380 Easton Road, Store #14, Warrington, PA. This motion passed by a vote of 5-0.

Motion – It was moved by Mrs. Kiefer, seconded by Mr. Plotnick, that the Board of Supervisors voted to approve adopting a resolution granting the application for an inter-municipal transfer of a liquor license of Bada Bing Bada Boom, Inc., d/b/a Soprano's Pizzeria at 1380 Easton Road, Store #14, Warrington, PA. This motion passed by a vote of 5-0.

DEPARTMENT REPORTS:

5. **MANAGER'S REPORT.** Mr. Tieperman reviewed the manager's report which included a) 2010 Budget Status; b) Regional Police Study Committee; c) Ambulance Committee; d) Municipal Space through Diligence Studies; e) 2009 Roadway Management Program; f) Shank Tot Lot Relocation; g) Melting Pot Application; h) Document Management; i) Ad Hoc Recycling Committee Status; j) Mill Creek Area Low Pressure Sewer Project Road Detour; k) Update on Interstate Zoning Hearing Board Decision; l) Millcreek Elementary School Zone; m) Bradford Greene Residents' Petition; n) Warrington Cares; and o) Correspondence.

6. **Warrington Fire Company Monthly Report.** Mr. Joe Fuchs, Deputy Fire Chief reviewed his monthly report for June 2009.

7. **Parks and Recreation Monthly Report.** Mrs. Carolyn B. Hanel, Director Administrative Services/Parks and Recreation, reviewed her monthly report for July 2009.

8. **Warrington Community Ambulance.** Chief Thomas Mazzo reviewed his monthly report for June 2009.

NEW BUSINESS (ACTION/DISCUSSION ITEMS):

9. **Consider resolution in support of the PA Conservation Works! [aka Harvest Grant] application.** Mr. Zarko said the township staff is preparing a joint municipal grant application for an energy savings project with Newtown Township. He said this particular project would involve the replacement of some existing street lights in several neighborhoods throughout the township. With energy saving LED streetlights the joint municipal grant application in the amount of \$250,000 per municipality and the deadline for the grant application is August 14.

Motion – It was moved by Mr. Lamond, seconded by Mrs. Kiefer, that the Board of Supervisors adopt the resolution in support of the PA Conservation Works! [a.k.a Harvest Grant] application. This motion passed by a vote of 5-0.

10. **Consider adoption of Resolution approving rights-of-way acquisitions as part of the Maple Avenue Road Reconstruction.** Mr. Zarko reported that bids for the Maple Avenue Road Reconstruction are to be received tomorrow. He said township staff is continuing to work to obtain the right of way or easements that are required to implement the project. To date four of the six property owners provided all or some of the required acquisition documents. Staff intends to continue to work with the property owners to obtain the necessary easements or rights-of-way but to ensure that there would be no problem with the scheduling of the project.

Motion – It was moved by Mr. Plotnick, seconded by Mr. McKay, that the Board of Supervisors approve the resolution for the Township of Warrington to condemn or take real property identified as a portion of Bucks County Tax Map Parcel 50-23-139-2. This motion passed by a vote of 4-1. Mrs. Kiefer voted no.

Motion – It was moved by Mr. Plotnick, seconded by Mr. McKay, that the Board of Supervisors approve the resolution for the Township of Warrington to condemn or take real property identified as a portion of Bucks County Tax Map Parcel 50-32-31, 50-32-30-1, and 50-32-32. This motion passed by a vote of 4-1. Mrs. Kiefer voted no.

Motion – It was moved by Mr. Plotnick, seconded by Mr. McKay, that the Board of Supervisors approve the resolution for the Township of Warrington to condemn or take real property identified as a portion of Bucks County Tax Map Parcel 50-32-25 and 50-32-24-1. This motion passed by a vote of 4-1. Mrs. Kiefer voted no.

OLD BUSINESS (ACTION/DISCUSSION ITEMS):

ESCROW AND MAINTENANCE BOND RELEASES:

11. **Consider Escrow Release for Villas of Lamplighter; Phase 3- Release #10 in the amount of \$17,100.**

Motion - It was moved by Mr. Lamond, seconded by Mr. Plotnick, that the Board of Supervisors approved the escrow release for Villas of Lamplighter, Phase 3, Release #10 in the amount of \$17,100.00. This motion passed by a vote of 5-0.

12. **Consider Release of (18) Month Maintenance Bond of Highland Meadows.**

Motion – It was moved by Mr. Lamond, seconded by Mr. McKay, that the Board of Supervisors approved the release of the 18 Month Maintenance Bond for Highland Meadows. This motion passed by a vote of 5-0.

EXTENSION REQUESTS:

13. **Consider Extension Request for Ball/Colibraro Tract Major Subdivision – Lower State Road (SR 3003) and Bellflower Boulevard.**

Motion – It was moved by Mr. Lamond, seconded by Mr. McKay, that the Board of Supervisors approved the extension request for the Ball/Colibraro Tract Major Subdivision – Lower State Road (SR 3003) and Bellflower Boulevard until 9/30/09. This motion passed by a vote of 5-0.

14. **Consider Extension Release for Valley Square, Phase I.**

Motion – It was moved by Mr. Lamond, seconded by Mr. Plotnick, that the Board of Supervisors approved the extension request for Valley Square, Phase I to satisfy conditions of final approval. This motion passed by a vote of 5-0.

15. **Consider Extension Release for High Grove Manor.**

Motion – It was moved by Mr. Lamond, seconded by Mr. Plotnick, that the Board of Supervisors approved the extension request for High Grove Manor to satisfy conditions of final approval until 10/18/09. This motion passed by a vote of 5-0.

DEDICATION REQUESTS: None

16. **Consider dedication of additional roadways in Redstone Woods Development.** Mr. Zarko reported that the township accepted the dedication of several roadways within Redstone Woods back in 2006. We recently realized that the approval resolution for that deed of dedication only listed a portion of the roadways.

Motion – It was moved by Mrs. Kiefer, seconded by Mr. Plotnick, that the Board of Supervisors approved the resolution for dedication of roadway improvements for Redstone Woods - Phases I, II, and III. This motion passed by a vote of 5-0.

CONSENT AGENDA:

17. **Leck Leaf Collection Agreement.** Mr. Tieperman said the Ad Hoc Committee, as part of their leaf collection program changes, is recommending that we enter into an agreement with Leck Landscaping for a 30 yard drop-off container.

Motion – It as moved by Mr. McKay, seconded by Mrs. Kiefer, that the Board of Supervisors approved the Leck, Inc. agreement for a dumpster service as per the service agreement in our packet subject to the Solicitor's review and approval of the terms and conditions to be effective 8/1/09. This motion passed by a vote 5-0.

18. **Cancellation of August 25, 2009 Board of Supervisors Meeting.** Mr. McKay said if we cancel the August 25, 2009 Board of Supervisors meeting how is the Board going to handle the bill list payments, which we wouldn't be able to approve because there would be no meeting. Mrs. Kiefer asked if we could authorize the salaries and anything that would incur a service charge and utilities.

Mr. Clarke stated that salaries and insurance premiums are one thing but non-regular disbursements are another. He said things that fall into the category of being discretionary should not be paid by the township until approved by the Board.

19. **Notice to Proceed Cove Road Swale Restoration.** Mr. Mrozinski reported that this is an ongoing code enforcement matter that has been several years in the making. He said the township even had to go into court about this matter. The resident who said he would perform the work has not done so even after the court order. Therefore, we were forced to obtain the services of an outside contractor. He said we put out an RFP and one contractor submitted a proposal.

Motion – It was moved by Mr. Lamond, seconded by Mr. Plotnick, the Board of Supervisors voted to authorize the township to enter into a contract with RMW Construction, Inc. for a price not to exceed \$9,000 for work to be done on 1048 Cove Road Swale Restoration effective 8/3/09. This motion

20. **Appointment of Supervisor to Regional Police Study Committee.** Mrs. Butterworth said she would like to be appointed as the liaison supervisor to serve on the Regional Police Study Committee.

21. **Authorize posting of Warrington Day banner across Valley Square Boulevard.** Mrs. Hanel reported that staff is requesting permission to post the Warrington Day banner sign from August 12-September 14 across Valley Square Boulevard near the intersection of Easton Road. We feel this location will give more visibility to advertise Warrington Day being held on September 12.

It was the consensus of the Board that they had no problem with posting the Warrington Day banner across Valley Square Boulevard.

22. **Lowes Tax Appeal.** Mr. Clarke reported on the Lowes Home Center tax assessment appeal. He said, as the Board is aware that each time these tax assessments appeals are filed the school district, which has the most money at risk, always takes the laboring war in these matters. He said we stand by and allow the school district to resolve the matter. He said the school district had resolved the matter with Lowes Home Center and there is a stipulation, which will adjust the value of the property and the school district is asking that we sign the stipulation and forward it to the County for their signature and to the Board of Assessment Appeals for their signature.

Motion – It was moved by Mrs. Kiefer, seconded by Mrs. Butterworth, the Board of Supervisors approved a resolution that would allow the Solicitor to enter into the stipulation and proposed order for Lowes Home Center, Inc. vs. Bucks County Board of Assessment Appeals, the Warrington Township Board of Supervisors authorizes the township solicitor to execute the stipulations. This motion passed by a vote of 5-0.

23. **Public Hearing for Bada Bing Bada Boom.** Mr. Clarke said as the Board is well aware we had a public hearing this evening for Bada Bing Bada Boom, which is a restaurant in Warrington known as Soprano's Pizzeria. He said the Board approved the liquor license transfer from Bada Bing Bada Boom. Shortly after the license was approved this evening by the Board the restaurant delivered three pizzas to the township meeting room. He said while it was obviously a well-meaning gesture it was clearly inappropriate on their behalf to deliver these pizzas. Had it been under different circumstances it probably would have been his advice to either throw them out or give them back. He said when the

Board reaches a decision on a matter of significant importance like this and when this has to go to the Liquor Control Board it is clearly inappropriate gesture on their part to have delivered these pizzas.

ADJOURNMENT

Motion - It was moved by Mr. McKay, seconded by Mrs. Kiefer, the Board of Supervisors voted to adjourn the meeting at 10:15 p.m. This motion passed by a vote of 5-0.