

WARRINGTON TOWNSHIP BOARD OF SUPERVISORS

MINUTES FOR JUNE 23, 2009

The regular meeting of the Warrington Township Board of Supervisors was held on June 23, 2009, 7:30 p.m., at the Township Building located at 852 Easton Road, Warrington, PA 18976. The members present were as follows:

1. ATTENDANCE:

Carol M. Butterworth, Chairperson; Michael W. Lamond, Jr., Vice Chairperson; Glenn McKay, Secretary; and Rebecca A. Kiefer, Assistant Secretary; 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; Richard Lesniak, Director of Fire, Inspection and Emergency Services; Michael J. Bean, Fire Chief; James Miller, Chief of Police; Thomas Mazzo, Chief of Ambulance Corps; and Barbara Livrone, Executive Assistant to the Township Manager.

2. PLEDGE OF ALLEGIANCE

The meeting opened with a pledge to the flag.

3. EMERGENCY SERVICES COMMENDATIONS. Mr. Lamond made the special presentations and awarded citations of commendation to Warrington Community Ambulance Corps members: Paramedic Mark Scholl and EMT Jeremy Ronan for their exemplary conduct and contribution in resuscitating a 49-year old man in cardiac arrest and expressed the appreciation of all the citizens for their actions.

4. APPROVAL OF BILL LIST: 6/9/09-6/23/09 - \$456,794.64. This agenda item was moved to the end of the agenda to enable the supervisors to spend more time on reviewing the breakdown of expenses incurred. Mrs. Kiefer noted that the breakdown information, normally part of the bill list, was not included in the meeting book she received, and therefore, she was not comfortable to take any action on the bill list without benefit of the information in the detail normally provided. Mrs. Kiefer also commented that she was willing to approve payroll and utility payments to avoid any contractual issues or late fees.

Motion – It was moved by Mr. Lamond, seconded by Mr. McKay that the Board of Supervisors voted to approve the bill list from 6/9/09 to 6/23/09 in the amount of \$456,794.64. This motion passed by a roll call vote of 3 yeas. Mrs. Kiefer had left the meeting before the vote was taken.

5. APPROVAL OF MINUTES:

a) May 26, 2009.

Motion – It was moved by Mrs. Kiefer, seconded by Mrs. Butterworth that the Board of Supervisors voted to table the minutes of the May 26, 2009 meeting. This motion passed by a vote of 4-0.

6. MINUTES FOR POSTING

a) June 9, 2009

Motion – It was moved by Mrs. Kiefer, seconded by Mr. Lamond that the Board of Supervisors voted to post the minutes of the June 9, 2009 meeting. This motion passed by a vote of 4-0.

7. PUBLIC COMMENT

a) Easement Agreement/Stormwater Runoff. Ernie Montella, who owns two properties one at 1924 Appalossa Drive and one at 24 Dapple Drive, said this problem goes back to 1977. He referenced a letter written by Tim Tieperman, township manager that goes back to 2006 that states that the Board did an extensive research of the files and he challenged that statement. He said that you could not have researched the files and come up with that conclusion. That letter was written to provoke him into litigation and he will do if he has to. He said he did with the 1983 Board and he won't hesitate to do it with the township again. He said we settled that 1983 litigation in his favor and now he feels the township has conveniently turned it around to their favor.

Mr. Montella said this problem started in 1977 and that is when the Board agreed with the builders of Fox Hollow that they had made all the stipulations. He noted one of the stipulations that said Deeds of Dedication, Street and Sewer Lines and Easements said they could not start that division over there unless you had all the Deeds of Easement. He said the township did not have an easement on his property and you had no right to dump stormwater runoff from all the houses above me across my property.

Mr. Montella said he is going to wait another two weeks to see what the supervisors are planning to do to resolve this problem to his satisfaction. If he is not satisfied, he will take the township to court. Mr. Zarko said the advice that the Board got was from the prior solicitor. He said that was the basis of the letter that was written by the township manager. He recommended to the Board that we have our new solicitor review the information and report back to the Board to see if his findings would be the same as the prior solicitor.

b) Dredging of Palomino Basin at John Barclay Elementary School. John Wright, who resides at 1072 Connemara Circle, wanted to know the status of the dredging of the Palomino Basin. His other concern is the geese problem in this area. He said today he had to go out today and remove the geese droppings from his driveway. He said there is a way to get rid of the geese and the State says you can do it. He wants to know that the township is doing something to resolve the geese problem. Mr. Zarko said we had reported at the last meeting that we are working on a major rehabilitation of the Palomino Basin. He said part of the work is going to be doing some improvements around the perimeter of the basin, which we hope will discourage the geese population from gathering there. We are hoping to start that work this year dependent upon getting the proper permits and we're working with the Department of Environmental Protection on that at this point.

8. PUBLIC HEARING

a) 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. Mr. Clarke reported that his office received correspondence from the attorney representing the applicant requesting that this public hearing for Soprano's Pizzeria be continued. He said they are waiving the 45-days time period for the township supervisors to render a decision. He said they are also granting the township an extension until August 21, 2009 to render a decision.

Motion – It was moved by Mrs. Kiefer, seconded by Mr. Lamond, that the Board of Supervisors granted an extension to Bada Bing Bada Boom, Inc. until the second meeting in July and the extension deadline is for August 21, 2009. This motion passed by a vote of 4-0.

9. **MANAGER'S REPORT.** Mr. Tieperman reviewed the manager's report which included a) Green Architectural Presentation; b) Consortium Inter-Municipal Agreement; c) Open Space Encroachment Prevention Plan; d) 2010 Budget Preparations; e) TV Station ID (Revised); f) Action Line Tracking Reports; g) Trash Hauler Violations; h) Harvest Grant Status Report; i) Ad Hoc Recycling Committee Update; j) Lamplighter Villa Update; k) Meeting with Meridian HOA Representatives; l) 2008 Water Quality Report; m) Lower Nike Park Driveway Improvements; n) Junk Mail Complaints; o) Meeting with TPD on Federal Stimulus Highway Grants; and p) Correspondence.

Open Space Encroachment Prevention Plan. Staff was recommending developing a proactive solution that utilizes a staggered post and rail system to delineate municipal open space boundaries to deal with open space encroachment. The Board was in concurrence to proceed with this remedy, which is modeled after Cutler's Woodbridge development.

Lower Nike Park Driveway Improvements.

Motion – It was moved by Mrs. Kiefer, seconded by Mr. McKay, that the Board of Supervisors approved the change order for the Lower Nike Park Driveway Improvements as stated by the township manager. This motion passed by a vote of 4-0.

a) **Warrington Fire Company Monthly Report.** Chief Bean reviewed his monthly report for May 2009.

b) **Parks and Recreation Monthly Report.** Mrs. Hanel, Director of Administrative Services/Parks and Recreation reviewed her monthly report for June 2009.

c) **Ambulance Corps Monthly Report.** Chief Thomas Mazzo reviewed his monthly report for June 2009.

NEW BUSINESS (ACTION/DISCUSSION ITEMS):

10. **Consider adoption of Resolution to incorporate the Phelps property at 3627 County Line Road into the Muirfield/County Line Road Sewer District and amending the inter-municipal sewer service agreement with the Montgomery Township Municipal Sewer Authority.** Mr. Zarko reported that this amendment is to add the Phelps property at 3627 County Line Road into the Muirfield/County Line Road Sewer District. He said the Muirfield Sewer District flows to the Montgomery Township Municipal Sewer Authority. He said the agreement amendment also addresses a credit for tapping fees and adjustments in the Montgomery Township Municipal Sewer Authority tapping fees that was made a couple of years ago.

Motion – It was moved by Mrs. Kiefer, seconded by Mr. Lamond, that the Board of Supervisors approved the adoption of a resolution to incorporate the Phelps property at 3627 County Line Road into the Muirfield/County Line Road Sewer District and amending the inter-municipal sewer service agreement with the Montgomery Township Municipal Sewer Authority. This motion passed by a vote of 4-0.

11. **Consider adoption of an Ordinance to amend the Warrington Township Code Enforcement Ordinance for the regulation of demolition activities.** Mr. Zarko reported that the Board had discussed this Ordinance at the time the Board authorized advertisement. The basic purpose of this Ordinance is to establish procedures and requirements for demolition of buildings that are going to be used as part of emergency services training operations and to establish a timeline for the demolition to occur after the training operations have taken place.

Motion – It was moved by Mr. McKay, seconded by Mr. Lamond, that the Board of Supervisors adopted an Ordinance to amend the Warrington Township Code Enforcement Ordinance for the regulation of demolition activities. This motion passed by a vote of 4-0.

12. **Consider adoption of an Ordinance to amend the Ordinance readopting the Ordinances previously adopted prior to July 1, 1999 and incorporating those provisions into the Warrington Township construction code, as amended by the International Construction Code, 2006 series, including the Building, Plumbing, Fire, Residential, Mechanical, Fuel Gas, and existing Building Codes.** Mr. Zarko reported that what this Ordinance does is incorporates PVC laterals into the township's building code.

Motion – It was moved by Mrs. Kiefer, seconded by Mr. Lamond, that the Board of Supervisors amended the Ordinance readopting the Ordinances previously adopted prior to July 1, 1999 and incorporating those provisions into the Warrington Township construction code, as amended by the International Construction Code, 2006 series, including the Building, Plumbing, Fire, Residential, Mechanical, Fuel Gas, and existing Building Codes. This motion passed by a vote of 4-0.

13. **Consider adoption of a Resolution designating a Public Water and Sanitary Sewer District and Establishment of Special Tapping fees upon the subject Properties within such District for the Horsham Water and Sewer Authority/County Line Road Area.** Mr. Zarko reported that this was previously discussed with the Board. He said the Horsham Water and Sewer Authority installed public water and sanitary sewer system within County Line Road. This is located between Bradford Greene development and Park Avenue on the Horsham Township side. He said the Warrington properties that are involved would include 24 potential sewer connections and 18 water connections. He said the Board previously approved an agreement with the Horsham Water and Sewer Authority addressing the cost and connection requirements for the Warrington properties and this was done back in June.

Motion – It was moved by Mr. Lamond, seconded by Mrs. Kiefer, that the Board of Supervisors adopted the Resolution designating a Public Water and Sanitary Sewer District and Establishment of Special Tapping fees upon the subject Properties within the County Line Road Water and Sewer District for the Horsham Water and Sewer Authority/County Line Road Area. This motion passed by a vote of 4-0.

14. **Consider authorization to advertise proposed Ordinance establishing requirements for connection for properties within the Horsham Water and Sewer Authority/County Line Road Areas Water and Sewer District.** Mr. Clarke asked the Board to table this item until the first meeting in July. He said we're working on language making sure that our connection requirements for this sewer district are consistent with the agreement in Horsham although it is different from our requirements in other sections of the system.

Motion – It was moved by Mr. McKay, seconded by Mr. Lamond that the Board of Supervisors voted to table the authorization to advertise a proposed Ordinance establishing requirements for connection for properties within the Horsham Water and Sewer Authority/County Line Road Areas Water and Sewer District. This motion passed by a vote of 4-0.

15. **Consider adoption of an Ordinance Enacting Part 2 – Parks and Open Space Rules and Regulations under Chapter 16 (Parks and Recreation).** Mrs. Hanel reported that we had previously discussed adding the last rule #18 to the Parks and Open Space Rules and Regulations.

Motion – It was moved by Mr. Lamond, seconded by Mr. McKay, that the Board of Supervisors adopted an Ordinance Enacting Part 2 – Parks and Open Space Rules and Regulations under Chapter 16 (Parks and Recreation). This motion passed by a vote of 4-0.

16. **Authorize advertisement of a proposed rental inspection ordinance.** Mr. Lesniak reviewed several documents related to the proposed implementation of a Rental Inspection Program.

Motion – It was moved by Mr. Lamond, seconded by Mr. McKay, that the Board of Supervisors denied the authorization to advertise for a proposed rental inspection ordinance. This motion was denied by a vote of 0-4.

OLD BUSINESS (ACTION/DISCUSSION ITEMS):

17. **Review status of ATV issues and disposition of said ordinance.** Mr. Mrozinski reported that at a recent Board meeting we were asked to update them on the status of the ATV Ordinance. He said in cooperation with Chief Miller they reviewed the Ordinance and addressed the concerns we had relative to enforcement.

Motion – It was by Mr. McKay, seconded by Mr. Lamond that the Board of Supervisors voted to continue the discussion on the status of ATV issues and disposition of said ordinance until the next meeting. This motion passed by a vote of 4-0.

18. **Consider approval of a site lease agreement between Clearwire and Warrington Township at 2210 Shetland Drive.** Mr. Clarke reported that the township has not entered into an agreement with Clearwire for the property located at 2210 Shetland Drive. We have an agreement with Clearwire for another location.

Mr. Clarke requested that Mr. Mrozinski get him copies of every cell tower lease that the township leases he'll do a spreadsheet on when they were signed, and what total dollar amounts are. He said as soon as he gets these copies then he'll cross-reference them with Vivian Bell to make sure that we're actually receiving this money.

Motion – It was moved by Mr. McKay, seconded by Mrs. Kiefer, that the Board of Supervisors tabled the approval of a site lease agreement between Clearwire and Warrington Township at 2210 Shetland Drive until the Board has sufficient information to make a decision. This motion passed by a vote of 4-0.

19. **Consider approval of a site lease agreement between Clearwire and Warrington Township at 1485 Stuckert Road.** Mr. Clarke reported that the township has not entered into an agreement with Clearwire for the property located at 1485 Stuckert Road. We have an agreement with Clearwire for another location.

Motion – It was moved by Mr. Lamond, seconded by Mrs. Kiefer, that the Board of Supervisors tabled the approval of a site lease agreement between Clearwire and Warrington Township at 1485 Stuckert Road until the Board has sufficient information to make a decision. This motion passed by a vote of 4-0.

20. **Discuss Status of Bid/Construction Schedule for Maple Avenue Extension Project.** Mr. Zarko said we have obtained all the necessary regulatory agency permits and approvals needed for the project. He said we got our Conservation District approval and notified verbally by PennDOT that we got our PennDOT permit. He said the bidding documents for the project have been completed. He said the right of way acquisition isn't going as well. We've obtained two right of way documents from the six property owners involved. One of the other property owners has indicated a willingness to provide the documentation but yet he has his attorney looking and hasn't gotten back to us. He said the remaining

three property owners have been unresponsive or they are expecting payment in order to provide the necessary right of way. Mr. Zarko said we have just received some information concerning appraisals on the properties via email. He is recommending that the Board discuss in executive session to make a decision on which direction we're going on the project for the Maple Avenue Extension Project.

A discussion followed on whether or not the sidewalk should be placed on the north or south side of the road. Mr. Zarko said there is no problem with moving the sidewalk to the south side of the road it's just a little more costly and probably would be used more.

21. **To consider the following escrow releases:**

Development Name	Release #	Amount
Spognardi Tract	5	\$ 13,072.00
St. John Neumann Cemetery	6	\$ 51,535.75
Lamplighter Village II, Phase IVs	7	\$ 9,331.15

Motion - It was moved by Mrs. Butterworth, seconded by Mr. Lamond, that the Board of Supervisors approved the escrow release for Spognardi Tract, Release #5 in the amount of \$13,072.00. This motion passed by a vote of 3-0.

Motion - It was moved by Mr. Lamond, seconded by Mr. McKay, that the Board of Supervisors approved the escrow release for St. John Neumann Cemetery, Release #6 in the amount of \$51,535.75. This motion passed by a vote of 3-0.

Motion - It was moved by Mr. Lamond, seconded by Mr. McKay, that the Board of Supervisors approved the escrow release for Lamplighter Village II, Phase IVs, Release #7, in the amount of \$9,331.15. This motion passed by a vote of 3-0.

22. **To consider the following extension requests:**

a) **Ball/Colibraro Tract.**

Motion - It was moved by Mr. Lamond, seconded by Mr. McKay, that the Board of Supervisors approved the extension request for Ball/Colibraro Tract until 7/31/09. This motion passed by a vote of 3-0.

b) **Reese/Garges Properties Lot Line Change.**

Motion - It was moved by Mr. Lamond, seconded by Mr. McKay, that the Board of Supervisors approved the extension request for Reese/Garges Properties Lot Line Change until 10/11/09. This motion passed by a vote of 3-0.

c) **Sequoia Supply.**

Motion - It was moved by Mr. Lamond, seconded by Mrs. Butterworth, that the Board of Supervisors approved the extension request for Sequoia Supply until 6/20/10. This motion passed by a vote of 3-0.

23. **To consider the following dedication requests:**

a) **Children of America**

- (1) Legal Descriptions - Rights of Way
- (2) Resolution and Deed of Dedication

Motion – It was moved by Mr. Lamond, seconded by Mr. McKay, that the Board of Supervisors approved the resolution for dedication of roadways for Isabella Braccia. This motion passed by a vote of 4-0.

b) **Warrington Shoppes**. Mr. Clarke reported that John J. Iannozzi, Esq. is here representing Warrington Shoppes for a dedication request. Mr. Zarko said this dedication request was submitted for the Warrington Square Shopping Center also known as Warrington Shopping Center, and also known as Danny Jake. He said the dedication request is for the property located at County Line Road and Limekiln Pike intersection. He said the dedication includes onsite and off-site public water and sanitary sewer facility improvements that were constructed in conjunction with the development. All of the required improvements have been completed.

Motion – It was moved by Mr. Lamond, seconded by Mr. McKay, that the Board of Supervisors approved the dedication request for onsite and off-site public water and sanitary sewer facility improvements for Warrington Square with the agreement with Warrington Shoppes, LP and also known as Danny Jake. This motion passed by a vote of 4-0.

24. **CONSENT AGENDA:**

a) **Agreement to prepare solar/geothermal application for Tradesville plant and township administration building.** The Board was in agreement to table this matter until the next meeting.

Mrs. Kiefer left the meeting at 10:40 p.m.

The Board went into Executive Session at 10:40 p.m. and resumed the regular meeting at 11:05 p.m. Mr. Clarke reported that the Board discussed several legal issues in executive session.

25. **ADJOURNMENT**

Motion - It was moved by Mr. Lamond, seconded by Mr. McKay, the Board of Supervisors voted to adjourn the meeting at 11:15 p.m. This motion passed by a vote of 3-0.