



## **WARRINGTON TOWNSHIP BOARD OF SUPERVISORS MINUTES FOR FEBRUARY 28, 2012**

The regular meeting of the Warrington Township Board of Supervisors was held on February 28, 2012, 7:30 p.m., at the Township Building located at 852 Easton Road, Warrington, PA 18976. The members present were as follows:

### **ATTENDANCE:**

Gerald Anderson, Chairperson; John Paul, Vice Chairperson; Marianne Achenbach, Secretary/Treasurer; Matthew W. Hollowell, Sr. and Shirley A. Yannich, members. Staff present were Timothy J. Tieperman, Township Manager; William R. Casey, Esq., Township Solicitor; Richard Wieland, Township Engineer; Barry Lubber, Chief Financial Officer; and Barbara Livrone, Executive Assistant to the Township Manager.

### **MOMENT OF SILENCE**

Mr. Anderson asked for a moment of silence.

### **PLEDGE OF ALLEGIANCE**

The meeting opened with a pledge to the flag.

### **RECOGNITION OF EAGLE SCOUT MICHAEL DeVITO**

On behalf of the entire Board of Supervisors, Chairman Anderson presented Michael DeVito of Boy Scout Troop 137 with a special recognition resolution, commending him on his attainment of Eagle Scout. Mr. DeVito's Eagle Scout project entailed work at the Special Equestrians Center in Warrington Township.

### **APPROVAL OF BILL LIST:**

#### **1. February 14, 2012 – February 28, 2012: \$493,941.92**

Mrs. Achenbach motioned, seconded by Mr. Paul, to approve the bill list from 2/14/12 to 2/28/12 totaling \$493,941.92. This motion passed by a roll call vote of 5-0.

### **APPROVAL OF MINUTES:**

#### **2. January 24, 2012**

Mr. Paul motioned, seconded by Mrs. Yannich, to approve the January 24, 2012 Meeting Minutes. The motion passed by a vote of 5-0.

### **MINUTES FOR POSTING:**

#### **3. February 14, 2012**

Mr. Paul motioned, seconded by Mr. Hollowell, to approve the posting of the February 14, 2012 Meeting Minutes. The motion passed by a vote of 5-0.

## **PUBLIC COMMENT**

Lee Fein of 2060 Dapple Drive commented on a gas leak problem at a rental property that he owns at 101 Fulgens Court in the Bluestone Creek development. Mr. Tieperman stated that he would have a final resolution to this issue by the Board's next regular meeting.

Mr. Paul motioned, seconded by Mr. Hallowell to adjourn the regular meeting at 7:40 p.m. for the purpose of conducting a public hearing.

## **PUBLIC HEARING:**

### **4. Hearing for the inter-municipal transfer of a liquor license to the Fairways Golf Course.**

Mr. Brian Sheehan of 2467 Greensward South submitted an application dated February 2012 for the inter-municipal transfer of a liquor license R-17946, LID 24409 from Creeden's Restaurant, Inc., T/A Emils Diner in Sellersville to the Fairways Golf Course located at 750 Country Club Lane, being County Tax Parcel No. 50-021-079. Mr. Sheehan's desire is to offer an eating establishment for the on-premise consumption of alcoholic beverages at the golf course.

Two individuals requested and were granted party-of-record status: Ms. Ameer S. Farrell, Esq., of Kaplan & Stewart, representing Ms. Deborah McGonigal, who owns three parties adjacent to the golf course: 806 Putter Court, 809 Putter Court, and 2370A Greensward South; and Russell Diamond, who resides at 739 Country Club Lane. Both parties spoke in opposition to the transfer.

There was substantial discussion on this transfer application among the parties of record, residents, as well as signification deliberation among the Supervisors. [*The text of these discussions are included in the official transcript*]

The Board agreed to reconvene the public hearing on Tuesday, March 27 at which time the applicant will be asked to supply answers to all the questions raised at this meeting.

Chairman Anderson convened the regular meeting at 8:55 p.m.

## **OLD BUSINESS**

### **5. Consider adoption of Resolution approving final land development approval for T.J. Smith's Parking Lot Expansion.**

Mr. Thomas R. Hecker, attorney for the applicant, indicated that T.J. Smith's current restaurant site has 60 parking spaces. The proposal is to add twenty-four (24) additional parking spaces behind the restaurant with access to Kelly Road. Mr. Gregory M. Elko, PE. of Langan Engineering & Environmental Services, summarized the details of the land development plan.

Staff's recommendation is that the Board of Supervisors grants approval with the condition that the applicant comply with requirements outlined in the review letters from the township engineer.

Mr. Paul motioned, seconded by Mr. Hallowell, to adopt the Resolution approving final land development approval for T.J. Smith's parking lot expansion with restrictions as noted in the Resolution. The motion passed unanimously.

**6. Consider formal adoption of Ordinance rejoining the Delaware Valley Workers Compensation Trust.**

Mr. Paul motioned, seconded by Mrs. Yannich, to formally adopt the Ordinance rejoining the Delaware Valley Workers Compensation Trust in accordance with the Workers' Compensation Act and the Pennsylvania Inter Governmental Cooperation Law. The motion passed unanimously.

**NEW BUSINESS (ACTION/DISCUSSION ITEMS):**

**7. Discussion on proposed land swap and other Board open space issues.**

Mr. John McGowan, Chairman of the Open Space and Land Acquisition Task Force, provided a progress report of the Committee's activities over the past several months. He distributed a statement of objectives for the Board's review. Committee member Kathy Newcomb accompanied Mr. McGowan as did Staff liaison Dale Hall. Mrs. McGowan reviewed the Committee's 2012 Goals:

- 1) Fill Task Force Vacancies;
- 2) Create a plan to use all available County matching funds (apply by December 31, 2014)
- 3) Complete the open space inventory
- 4) Place restrictions on current unrestricted open space
- 5) Develop a public information program
- 6) Identify specific parcels for preservation
- 7) Develop open space goals for the Morrissey/Eureka Tract
- 8) Develop recommendations for new open space funding

Mr. McGowan asked the Board for specific direction on where they would like the Task Force to focus its efforts in the upcoming months.

Mr. Anderson briefly reviewed the Board's objectives, focusing on those relating to open space, one of which was possible consideration of an open space referendum in conjunction with the presidential elections this November. He stated that he would be seeking feedback from the Task Force on parcels for acquisition consideration as well as a more definitive action plan.

Mr. Paul suggested the Township needs additional open space for organized sports within the Township. He said it's important to strike a balance between active and passive recreation needs.

Mrs. Yannich remarked that she attended the Task Force's January 30, 2012 meeting and wanted to confirm that there are still available funds (\$379,492) from the County's Open Space Program, which does carry a municipal match. Her main concern was in the area of trail connectivity.

Mrs. Achenbach would like the Township to preserve the open space that it currently owns and work toward achieving a good balance between both active and passive recreation opportunities in Warrington.

Mr. Anderson reviewed the Township's original Open Space Plan and commented on outright ownership versus the purchasing of development rights. He cited the Garges Farm as an example. He believes that it is better for the Township to own open space. He would like to see a letter forwarded to the Bucks County Commissioners advising of the Township's interest in looking into an open space referendum.

The last issue discussed pertained to the proposed Cardamone/Yu open space “land swap.” Mr. McGowan explained that the Task Force supported this land swap in concept, but knows there are some complex legal hurdles that would need to be overcome before this swap could happen. Rachel L. Butch, P.E., of Showalter & Associates, represented Mr. Cardamone and spoke to the swap details.

Mr. Anderson said he did some research on this land swap proposal and spoke recently to an attorney that had represented Mr. Cardamone ten years ago. He said there are many complex issues involved here, among which is who would pay the legal costs and compliance with all state and county regulations. He stated that while the County Open Space Committee might favor this swap, the County Staff has not favorably recommended it. He fears such a transaction would cause the Township to lose some credibility when purchasing land with past open space dollars, only to sell it to a private interest in the future.

After some deliberation, the Board agreed by a straw poll, that this swap should not proceed based on Mr. Anderson’s research and the position of the County Staff.

**8. Consider amendments to Chapter 22, Sections 325-326 of the Warrington Township Subdivision and Land Development Ordinance regarding new landscaping standards.**

Mrs. Yannich motioned, seconded by Mr. Hallowell, to adopt the amendments to Chapter 22, Sections 325-326 of the Warrington Township Subdivision and Land Development Ordinance regarding new landscaping standards. The motion passed unanimously.

Mr. Anderson directed the Township Manager to send a letter to the Township Planning Commission commending them for the fine good they did reviewing the amendments to Chapter 22, Sections 325-326 of the Warrington Township Subdivision and Land Development Ordinance regarding new landscaping standards.

**9. Review proposed Financial Security Ordinance for new developments and considers authorizing advertisement.**

Mr. Paul motioned, seconded by Mrs. Achenbach, to authorize the advertisement of the proposed financial security ordinance for new developments. The motion passed unanimously.

**10. MANAGER’S REPORT:**

**Consent Items**

**a. Cell Tower Lease Renewal – Orchard Hill Water Tower**

Mr. Paul motioned, seconded by Mrs. Yannich, to approve the five-year lease in the amount of \$132,000 with Verizon Wireless for the cell tower lease renewal for the water tank at Orchard Hill off Stuckert Road. The motion passed unanimously.

**b. Report on bond refinancing timetable**

Mr. Tieperman updated the Board on the bond refinancing timetable.

**c. Purchasing Policy Revisions (for action at 03.13.2012 BOS Meeting)**

Mr. Tieperman is proposing that the Board consider taking action on the Purchasing Policy Revisions at their 03.13.2012 BOS meeting.

d. **Authorize Bid Advertisement – Pine Cone Road Culvert Replacement Project**

Mr. Paul motioned, seconded by Mr. Hallowell to authorize the advertisement for the Pine Cone Road Culvert Replacement Project. The motion passed unanimously.

e. **202 Parkway Video Sharing Agreement**

Mr. Paul motioned, seconded by Mrs. Achenbach to accept the offer of PennDOT to provide Warrington Township access to the feeds from the video cameras and install the system at no cost to the Township as part of the Route 202 Bypass construction project. The motion passed unanimously.

f. **Policy on Credit Card Banking Fees**

Mr. Tieperman said this policy is related to the Township's new software package and providing incentives to residents to use transactions more frequently. He stated Staff's recommendation is to absorb the credit banking fee to encourage more residents to use the new on-line billing interface.

g. **2012-2013 Bucks County Consortium Sign Materials and Post Bid**

Mr. Paul motioned, seconded by Mr. Hallowell, to approve the 2012-2013 Bucks County Consortium Sign Materials and Post Bid and award the contracts to Garden State Highway Products, Inc. and the US Municipal Supply. The motion passed unanimously.

11. **ENGINEER'S REPORT:**

a. **Lamplighter Update.**

Mr. Wieland reported that escrow funds have been received and deposited for Phases, 1, 2, and 3 for Lamplighter Villas. He said the next step is to prepare the bid specifications for the escrow items. He stated there are a number of steps that need to be done first before the bids can be let.

Mr. Anderson asked Bill Casey, to investigate the possibility of using a third person option agreement to achieve some savings from the regular bidding process.

Mr. Herb Rubenstein of 907 Farnham Court identified a list of public improvements that needs to be addressed, including but not limited to the replacement of defective sidewalks and improvements to the development's storm water management system. He requested that the Board of Supervisors be aggressive to ensure the prompt completion of these repairs. He asked that the HOA be given an opportunity to review the Township's final punch list. Mr. Anderson responded affirmatively to this request, stating that Mr. Paul and Mr. Wieland will be in touch with the HOA Board at the appropriate time.

b. **Victory Gardens Update**

Mr. Wieland reported that he understands there was a request in the Victory Gardens agreement that traffic diagram be attached showing all traffic movements and configuration as well as movement restrictions. He said he hopes to have a final meeting with the residents to review the agreement prior to the next meeting.

**12. SOLICITOR'S REPORT:**a. **Executive Session Report**

Mr. Anderson reported that an executive session was held on police personnel issues prior to this evening's meeting.

**SUPERVISOR COMMENTS****Salt, Cinders, vs. Salt Brine**

Mr. Paul said he received several complaints from residents relating to the mixture of salt, cinders and sand. He believes there needs to be a better communication platform to explain to residents the reason behind these mixtures.

Mr. Tieperman stated that he is targeted mid-March for the new complaint system to go live. He said BOS members will soon be able to access and monitor all complaints that come into the Township on a daily basis. He plans to have a demo at the March 27, 2012 meeting.

**ADJOURNMENT**

Mr. Paul motioned, seconded by Mr. Hallowell, to adjourn the meeting at 10:20 p.m. The motion passed unanimously.

Edited and Reviewed By:



Timothy J. Tieperman, Township Manager