



**WARRINGTON TOWNSHIP BOARD OF SUPERVISORS
MINUTES FOR OCTOBER 9, 2012**

The regular meeting of the Warrington Township Board of Supervisors was held on October 9, 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; Matthew W. Hallowell, Sr., and Shirley A. Yannich, members. Staff present were Timothy J. Tieperman, Township Manager; William R. Casey, Esq., Township Solicitor; Ken Yeager, Engineer; and Barbara Livrone, Executive Assistant to the Township Manager; and Barry Lubert, Chief Financial Officer. Excused: Marianne Achenbach and Richard Wieland.

MOMENT OF SILENCE

Mr. Anderson asked for a moment of silence.

PLEDGE OF ALLEGIANCE

The meeting opened with a pledge to the flag.

EXECUTIVE SESSION REPORT

Mr. Anderson reported that no executive session meeting was held.

APPROVAL OF BILL LIST:

1. September 25, 2012 – October 9, 2012 \$1,382,159.23

Mr. Paul motioned, seconded by Mrs. Yannich, to approve the bill list from 9/25/12 to 10/9/12 totaling \$1,382,159.23. This motion passed by a roll call vote of 4-0.

APPROVAL OF MINUTES:

2. September 11, 2012

Mr. Paul motioned, seconded by Mr. Hallowell, to approve the September 11, 2012 Meeting Minutes. The motion passed by a vote of 4-0.

MINUTES FOR POSTING:

3. September 25, 2012

Mr. Paul motioned, seconded by Mrs. Yannich, to approve the posting of the September 25, 2012 Meeting Minutes. The motion passed by a vote of 4-0.

PUBLIC COMMENT:

- Joe Walsh (454 Folly Road) spoke regarding the need to cut the high grass off of the Illg Tract.

PUBLIC HEARING:**4. Consider the adoption of a resolution approving the transfer of a liquor license from a Pizza Hut in Richboro (725 2nd Street) to Champps at Valley Square Shops (Unit 902).**

Mark E. Kozar, Esq., with Flaherty & O'Hara, is the legal counsel for Champps Operating Corporation, the applicant for a liquor license transfer from a Pizza Hut in Richboro (725 2nd Street) to Champps at Valley Square Shops (Unit 902). After being sworn in, Mr. Kozar talked about the newly proposed restaurant and provided some corporate background on the Champps organization. He also distributed a proposed menu.

The being no Board objections, Chairman Anderson asked if there were any public comment regarding the proposed transfer. Ms. Joan Klein (201 Canterbury Court) inquired of the exact location of the Champps restaurant in Valley Square.

Mr. Paul motioned, seconded by Mr. Hollowell, to approve the transfer of a liquor license from a Pizza Hut in Richboro (725 2nd Street) to Champps at Valley Square Shops (Unit 902). The motion passed by a vote of 4-0. (*See Attachment A*)

OLD BUSINESS:**5. Consider adoption of Ordinance amending Chapter 27 (Zoning) to authorize a map change for the Illg tract to permit Age Qualified and Institutional Senior Residential Community Multifamily Districts.**

Mr. Anderson announced that this agenda topic is a continuance of the discussion held at the Board's September 11, 2012 regular meeting.

Richard P. McBride, Esq. with McBride & Murphy is the legal counsel for the Illg Tract owners. He updated the Board on the reasons for this requested map change. He explained that if this map change were approved, age-restricted housing would be built. Half of the property would be zoned as IUA (age-restricted residential community district); the other half as IUB (Institutional Senior Residential Community Multi-Family District). Mr. McBride availed himself for any questions.

Mr. Paul expressed concerns over a letter the Township received from the Bucks County Planning Commission and stated that it should be revised to affirm that TDRs may be legitimately used to achieve the 1.3" per acre ratio. The property is now restricted to 3 acre lots.

Mr. McBride responded that he would definitely send a letter to the Bucks County Planning Commission requesting that an updated letter be draft affirming these legal facts.

Following Board deliberations on this matter, Chairman Anderson opened the floor to the public at large for general comments. The following residents offered comments on the proposed map change:

- Vince Evans (706 Barrington Court) opined that the least negative impact on the Township would be the 95 single homes.
- Bruce Dupuis (3062 Bradley Road) stated he has concerns over placing a higher density retirement community next to one that is already in place.
- Chris McDemus (1007 Linden Way) inquired why this tract is allowed to use TDRs if the owners had already received monies for their development rights many years ago.

- Eric Thompson (291 Folly Road) read a prepared statement in opposition to this proposed map change.
- Larry Allen (1403 Kingsbury Court) asked how many homes have been approved for the four developments surrounding the area in which she currently resides.
- Ruth Schemm (390 Folly Road) commented about the Warrington greenbelt and its importance to the Township's overall economic development. She also raised question regarding the TDR calculations in addition to stormwater concerns.
- Fran McKee (507 Plymouth Court) asserted that should this zoning change move forward, its approval should stay with the property. Furthermore, she asked the Board to consider a one year moratorium on all new development.
- Dave Gibson (259 Folly Road) said the Board should not approve this application in light of the recommendations of denial from both the Bucks County and Warrington Township Planning Commissions.
- Bill Jeitner (402 Barton Lane) expressed his concerns over the extra traffic congestion caused by this development.
- Wayne Bullock (1525 Turk Road) commented on his personal experience as a Supervisor during the 1997 curative amendment. He stated the curative amendment processed spanned many meetings, all of which were open to the public and involved total transparency.

Public comment on this Ordinance amendment ended at 8:45 p.m. Chairman Anderson stated that it will be on a future Board agenda at one of its November meetings.

NEW BUSINESS (ACTION/DISCUSSION ITEMS):

6. Consider amendment to the final development plan for Penrose Walk.

This agenda item was tabled until some time in November.

7. Review and disposition of DPW Facility Bids.

Mr. Paul recommended that the Board reject the current DPW Facility Bids, being outside the approved budget parameters. (*See Attachment B*)

Mr. Anderson motioned, seconded by Mrs. Yannich, to reject all four multi-prime bids and to authorize the Township Manager and Mr. Paul to prepare revised site plans for the DPW shell and salt brine building only. The Board agreed that building fit outs will be programmed in a future capital budget as funds become available. The motion passed by a vote of 4-0.

8. CHAIRMAN'S REPORT:

a. Bow Hunting in Open Space Areas

Mr. Anderson expressed concern that eleven (11) bow hunting permits have been issued in the Township, a practice that was approved by a prior Board despite ordinance provisions to the contrary. He stated that the park ordinance clearly states that hunting is not permitted in park areas. He recommended to the Board that the ordinance be revised so that there is no ambiguity

that hunting is prohibited not only in the township's park areas but municipal open space lands as well.

Mr. Anderson motioned, seconded by Mr. Paul, to direct the Township Manager to rescind all permits that have been issued and enforce the no hunting ban in all park and open space areas. The Township Manager was further directed to bring amending Ordinance for the Board's review and advertisement at the next regular meeting.

b. **Scheduling of Budget Workshops**

Two (2) budget workshops were scheduled for October 16 (operating budget) and October 23 (capital budget) in concert with the regular agenda.

9. **SOLICITOR'S REPORT:**

a. **Meridian**

Mr. Casey reported that Steve Gallo, representing Wells Fargo Bank, said that he would be submitting a report by week's end on the required parking lot repairs at the Meridian development as well the required measures to secure the clubhouse. This would include securing the clubhouse, closing all windows and turning off all electric. He said if he doesn't meet that deadline, the Township can finalize the citation and proceed with enforcement. (*See Attachment C*)

Bill Snodgrass (4215 Meridian) expressed his concerns with the delays to get these parking lot repairs completed.

The Board directed the Solicitor to contact Mr. Gallo informing him of the deadlines and the Township's intent to place liens on the property and that no extension will be granted.

Mrs. Yannich issued the following statement: "I recuse myself and step down from voting on any matters involving Meridian Residential development. I am an owner of a condominium in which I reside and my daughter owns a condominium in Meridian at Valley Square. I have a conflict of interest and cannot be objective.

10. **SUPERVISOR COMMENTS:**

Warrington Day

Mr. Paul reported he attended the Warrington Day Committee's "wrap-up" meeting to review final budget numbers and preliminary plans for next year's event. He stated there were discussions on whether to continue the event at Valley Square or to relocate it to its traditional venue at the Nike Parks.

Mr. Paul is recommending that because of parking issues and other restrictions which prevented the Valley Square venue from being a truly community event, Warrington Days 2013 should revert back to the Nike park areas, specifically in the Lower Nike area where the pavilions and bandstand is located. He is working closely with Public Works to get electricity and water service extended to these pavilions.

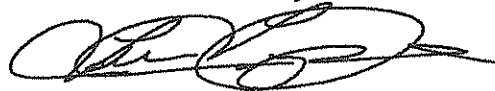
He is also recommending that the carnival be discontinued. Despite the loss in carnival revenue, with proper early organization and volunteer mobilization, there is no reason the event should cost the Township money. He's recommending a \$10,000 budget placeholder for the 2013 budget. He said next year that community groups, religious organization and all vendors will be invited to participate. The tentative date for next year's event is October 12-13, 2013.

Mr. Anderson asked Mrs. Yannich to work with the Township Manager on an ordinance amendment to address the "no hunting" prohibition in the Township's parks and open space and to report back at the 10.23.2012 meeting. Mr. Tieperman indicated that he was working with a park board subcommittee on comprehensive revisions to all the Township's park regulations. Mr. Anderson asked that priority be given to the hunting ban ordinance.

ADJOURNMENT

There being no further business, Mr. Paul motioned, seconded by Mr. Hallowell, to adjourn the meeting at 9:16 p.m. The motion passed unanimously.

Edited and Reviewed By:



Timothy J. Tieperman, Township Manager

ATTACHMENT "A"



RESOLUTION 2012-R- 33

INTER-MUNICIPAL LIQUOR LICENSE TRANSFER

CHAMPPS OPERATING CORPORATION

WHEREAS, the Warrington Township Board of Supervisors is authorized, pursuant to Act 141 of 2000 to approve the inter-municipal transfer of liquor licenses; and

WHEREAS, applicant CHAMPPS Operating Corporation has requested that the Board of Supervisors approve the transfer of License R-18991 to a location known as The Shoppes at Valley Square, Unit 902, Warrington, Warrington Township, Pennsylvania.

WHEREAS, a public hearing was held on the applicant's request on October 9, 2012 pursuant to advertisement and notice; and

WHEREAS, at the October 9, 2012 hearing the Board of Supervisors determined that the applicant is the lessee of the aforesaid Unit 902, where it will operate a restaurant and bar with a liquor license as permitted by the Pennsylvania Liquor License Control Board; and

WHEREAS, after considering all of the testimony and evidence presented at the hearing, the Board found that the requested transfer will not adversely affect the welfare, health, peace or morals of Warrington Township or its residents.

NOW, THEREFORE, upon motion and by unanimous vote, it is hereby RESOLVED by the Board of Supervisors, as follows:

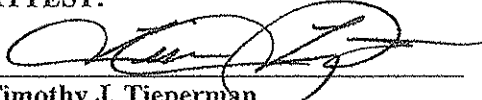
The Warrington Township Board of Supervisors, Bucks County, Pennsylvania hereby approves the transfer of Pennsylvania Liquor License No. R-18991 from Pizza Hut of America, Inc., 725 2nd Street, Richboro, Bucks County, Pennsylvania to Unit 902 at The Shoppes at Valley Square in Warrington, Bucks County, Pennsylvania.

BE IT FURTHER RESOLVED that the liquor license transfer is subject to approval by the Pennsylvania Liquor Control Board.

RESOLVED, this 9th day of October, 2012.

BOARD OF SUPERVISORS OF WARRINGTON TOWNSHIP

ATTEST:



Timothy J. Tieperman
Township Manager



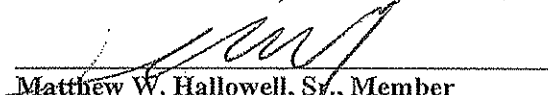
Gerald B. Anderson, Chairperson



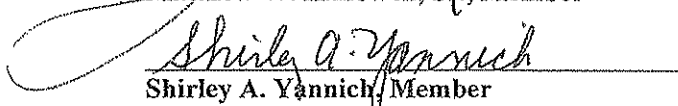
John R. Paul, Vice Chairman

Absent

Marianne Achenbach, Secretary-Treasurer



Matthew W. Hallowell, Sr., Member



Shirley A. Yannich, Member

ATTACHMENT "B"

Warrington



Township

852 EASTON ROAD, WARRINGTON, PA 18976

215-343-9350 ■ FAX 215-343-5944

www.warringtontownship.org



BOARD OF SUPERVISORS

GERALD B. ANDERSON, Chairperson
JOHN R. PAUL, Vice Chairperson
MARIANNE ACHENBACH, Secretary-Treasurer
MATTHEW W. HALLOWELL, SR., Member

SHIRLEY A. YANNICH, Member

TOWNSHIP MANAGER
TIMOTHY J. TIEPERMAN

October 5, 2012

MEMO TO: BOARD OF SUPERVISORS

FROM:  TIMOTHY J. TIEPERMAN

RE: DISPOSITION OF DPW BIDS AND STAFF RECOMMENDATIONS

Background

On August 31, 2012 the Township opened bids for the new public works facility. The project budget was set at \$1.6 million based on a concept design prepared by George Donovan Associates. However, the final bid results for the building shell (\$548,466), general contractor (\$1,498,500), plumbing/fire protection (369,200), electrical (\$439,500) and mechanical (\$331,900) resulting in a combined bid tally of \$3,187,566. When combined with \$190,000 in other associated costs, this leaves a project budget deficit of around \$1.8 million.

Since the bid opening, the Staff project team went back to the drawing board with the architect and engineer to develop a downsized project scope that closes this project deficit. The team explored four (4) options:

1. Hold the bids for the maximum 90 day review period and secure additional funding to complete the project as bid.
2. Reject all multi-prime bids and prepare revised site plans to accommodate the salt brine building only.
3. Reject all multi-prime bids and pursue a phased construction process. Develop revised site plans for the salt brine building only (phase 1) and prepare site plans for the DPW building as part of a future DPW project (phase 2).
4. Reject all 4 multi-prime bids and prepare revised site plans for the DPW shell and salt brine building. Building fitouts would be programmed in a future capital budget as funds become available.

Preferred Option

After thoroughly reviewing each of these options, the project team chose option #4 after reworking its estimates and consulting with the architect and engineer. The revised project scope includes a fully completed salt brine building and a new DPW building without the finishing fit-outs, which would be programmed in a future capital budget as funds become available.

Since the DPW shell was already under contract, Staff believes option #4 to be the most viable alternative.

The revised project budget is shown in Table I below:

TABLE I
Revised Project Budget for DPW Shell and Salt Brine Building

Project Line Item	Totals
Building shell base bid	\$564,124
Change Order 001	(13,375)
Change Order 002	(2,283)
Escalator clause charges	19,669
Additional shell design	5,063
Site work	240,595
Additional Site Design	18,090
DPW building foundation	238,288
Salt/brine building foundation/walls	164,026
Additional foundation design	6,000
Electric service	15,000
DPW building electrical	60,000
DPW building mechanical	40,000
DPW sprinkler system	25,000
Fit-out electrical/sprinkler rooms	10,500
Additional architectural services	25,900
Subtotal	\$1,391,598
15 percent contingency	208,740
Total cost estimate	\$1,600,338

Recommendation

Staff recommends the following:

1. Reject all of the multi-prime bids that were opened on August 31, 2012
2. Authorize Buckl and CEC to prepare new bid documents for Option #4
3. Approve Revised Project Budget
4. Authorize Bid Advertisement for Revised Scope

ATTACHMENT “C”

Warrington



Township

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BOARD OF SUPERVISORS
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SHIRLEY A. YANNICH, Member

TOWNSHIP MANAGER
TIMOTHY J. TIEPERMAN

NOTICE OF PROPERTY MAINTENANCE CODE VIOLATIONS AND CORRECTION ORDER

September 4, 2012

Rouse / Chamberlin
500 Exton Commons
Exton, PA. 19341

Attn: Stephen Gallo, Project Manager

Re: Meridian of Valley Square Development

Parcel No. 50-031-034-005

Dear Mr. Gallo,

Due to resident complaints, the township performed a site inspection on August 30, 2012 and found violations of the property Maintenance code.

These violations, along with references to the corresponding subsections of the 2003 International Property Maintenance Code (hereinafter "PM") that were/are being violated, consist of the following:

1. **P.M. 107 Notices and Orders, subsection 107.1 Notice to person responsible.**

Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given to the person responsible for the violation as specified in this code.

- Notice is hereby given.

2. **P.M. 302 EXTERIOR PROPERTY AREAS, subsection 302.3 Sidewalks and driveways.**

All sidewalks, walkways, stairs, driveways, parking areas and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

- Violations:

- Drain grates around the buildings and in the driveways are missing the grates or are loose. Injury and tripping hazard.
 - Accessible ramps from parking spaces in front of the buildings in disrepair. Paver bricks settling. Unsafe for wheelchair and walker use.
 - All curb ramps at street level over the maximum ¼" elevation change. Tripping hazard and inaccessible for wheelchair and walker use.
 - Accessible parking access aisles not smooth and level as required, pavement loose or missing. Injury hazard for vehicle to wheelchair or walker transfer.
 - Curb ramp not installed at North West corner of building 4000 and loose stone creating tripping hazard. Recommend installing ramp.
 - Stone parking areas behind buildings 3000 and 4000 unlevel and loose stone creating tripping hazard. Recommend paving these areas.
3. **P.M. 304 EXTERIOR STRUCTURE, subsection 304.2 Protective Treatment, states in part,**
All exterior surfaces, including but not limited to, doors and windows shall be maintained in good condition.
- Violations
 - Club House, multiple windows and door glazing (glass) broken and have exposed sharp edges. Injury hazard. Recommend boarding up from outside of building.
 - Club house not secured due to broken door.
4. **P. M. 604 ELECTRICAL FACILITIES, sub section 604.3 Electrical system hazards,**
States in part, improper wiring or installation, deterioration or damage or similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.
- Violations
 - The electrical service cable to the club house is in contact with the ground at numerous locations and is an electrical and tripping hazard. Repair or remove the hazard.

CORRECTION ORDER


You will be permitted thirty (30) days from the date of this Notice and Order to restore the property to a safe and acceptable condition. Apply for and secure all required permits and approvals as required.

RIGHT TO APPEAL

Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

RIGHT TO FILE A LIEN

Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.



Joseph N. Pfizenmayer
Fire Marshal



Gary L. Toth, KMS
Building Inspector

Cc: Timothy J. Tieperman, Township Manager
William H.R. Casey, Solicitor
Roy Rieder, Director