



WARRINGTON BOARD OF SUPERVISORS MINUTES FOR SEPTEMBER 9, 2014

ATTENDANCE

Gerald B. Anderson, Chairperson; John R. Paul, Vice Chairperson; Marianne Achenbach, Secretary/Treasurer; Matthew W. Hallowell, Sr., Member; Shirley A. Yannich, Member. Staff present was Timothy J. Tieperman, Township Manager; William H.R. Casey, Esq., Township Solicitor, Thomas A. Gockowski, Township Engineer, Barry Lubert, 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.

EXECUTIVE SESSION REPORT:

There was no executive session report.

APPROVAL OF BILL LISTS:

1. August 26, 2014 – September 9, 2014: \$ 450,316.31

Mrs. Achenbach motioned, seconded by Mr. Paul, to approve the bill list from August 26, 2014 through September 9, 2014 totaling \$ 450,316.31. By roll call vote, the motion passed unanimously 5-0.

APPROVAL OF MINUTES:

2. July 8, 2014

Mr. Paul motioned, seconded by Mr. Hallowell, to approve the July 8, 2014 Meeting Minutes. The motion passed unanimously 5-0.

3. August 12, 2014

Mrs. Paul motioned, seconded by Mrs. Yannich, to approve the August 12, 2014 Meeting Minutes. The motion passed unanimously 5-0.

MINUTES FOR POSTING:

4. August 26, 2014

Mrs. Paul motioned, seconded by Mrs. Achenbach, to post the August 26, 2014 Meeting Minutes. The motion passed unanimously 5-0.

PUBLIC COMMENT (*The Board will hear from any interested resident or taxpayer who would like to comment on an item not on this evening's agenda. Respondents are asked to keep their comments to 3 minutes.*)

There was no public comment.

PUBLIC HEARING:

5. Public hearing for consideration of proposed Ordinance authorizing the incurrent of non-electoral and electoral debt:

Mr. Anderson explained that the public hearing's purpose was to consider a proposed ordinance authorizing the incurrence of non-electoral and electoral debt. Mr. Casey confirmed that the required public hearing notice was published in the August 29, 2014 edition of the *Intelligencer*. Mr. Anderson then introduced the following officials involved with this bond issue: Mr. Warren White, Underwriter; Mrs. Megan Santana of Fox Rothschild, Bond Counsel.

Mr. White summarized the bid results for the 2014 bond issue and reviewed several Power Point slides explaining the bid process and projected savings from the refinancing. He stated there was good demand for the issue. Following general discussion among Board members, Mr. Anderson asked if there were any public comments. There being none, he closed the hearing at 7:48 p.m.

OLD BUSINESS (ACTION/DISCUSSION ITEMS):

6. Consider adoption of Ordinance 2014-O-18 authorizing the incurrence of debt in the amount of \$21,715,000:

As a follow-up to the public hearing, Mr. Paul motioned, seconded by Mrs. Achenbach, to approve the adoption of Ordinance 2014-O-18, authorizing the incurrence of debt in the amount of \$21,715,000. The motion passed unanimously 5-0.

Bond counsel Megan Santana from Fox Rothschild provided a brief overview of the 2014 bond documents to supplement the public hearing discussions. Mr. Casey also affirmatively reviewed the documents with Ms. Santana and found them to be in good order. There being no further comments from either the Board or public, Mr. Anderson asked for a motion. Mr. Paul motioned, seconded by Mrs. Achenbach, to approve the adoption of Ordinance 2014-O-18, authorizing the incurrence of debt in the amount of \$21,715,000.

7. Receive brief presentation on proposed open space priority ranking system:

EAC Chair Fred Suffian, appearing on behalf of the Open Space Task Force, presented a recommended priority ranking system for the Board's review and consideration. He shared various Power Point Slides to explain the methodology used in developing this list. He stated the list was shared and vetted by the Park and Recreation Board, Environmental Advisory Council, Bike/Hike Committee and Historical Commission. He also provided a listing of the top ten (10) parcels based on these recommended criteria. He said the next stage is to bring the human touch to the mix and start walking the parcels and meeting with the prospective owners. Mr. Suffian confirmed that the list was in random order.

Mr. Anderson thanked Mr. Suffian for the report and the hard work employed by all the committees in developing this ranking system. He said it's important now to begin moving forward with the acquisition process; especially given that Warrington's open space monies from the County are set to expire soon. He also suggested the Task Force study the Camp America parcel, that it's adjacent to Twin Oaks. He said the Task Force should explore easement connections to these municipally-owned parcels. Mrs. Yannich commented that the ranking system will play an important role in the grants procurement process.

Mr. Paul commented there was a grants expert at the PSATS conference who offered her assistance in helping municipalities write open space grants.

All Board members generally agreed that the proposed ranking system was a good working document and that OSTF members should begin walking and ranking these parcels and develop a positive dialogue with the owners of these parcels.

8. Receive brief presentation from Prime Builders regarding Phillips Avenue development:

At the request of the Chairman, Mr. Stephen Katz was in attendance to answer some questions regarding Prime Builder's residential development plans for Phillips Avenue. Mr. Katz acknowledged there were concerns that the company was attempting to circumvent the development process. He said he wanted to put these rumors to rest and explain Prime's overall vision for the areas. He said it was always the company's intention to utilize the existing paper streets for access to the three planned lots. He said there was never any desire to access these lots on Phillips Avenue. He then presented a sketch plan showing a total of ten (10) residential lots as part of the overall vision of this tract. Mr. Katz assured the Board that once these initial three (3) lots are develop, Prime will then return to the Township and submit a formal 10-lot subdivision application.

After the presentation, Board members expressed several concerns. Mr. Paul took issue with the large dirt pile on the parcel and its negative impact on the marketing of the new lots. Mr. Anderson reiterated his concern that this was still an attempt to bypass the normal development process, although acknowledging that Prime does have the right to utilize paper streets for the initial three (3) lots. Mrs. Achenbach asked for a sample copy of the Agreement of Sale. Mrs. Yannich expressed serious reservations over the Board's inability to review an entire plan, stating there was nothing to review. She expressed further concern these three (3) lots would set a precedent.

Two residents commented on the residential plans: Mr. Stan Schwartzman asked whether Prime will help contribute to help defray costs for the Phillips/Street traffic light. Mr. Frank Veschi asked whether he would have access to the property since his property abuts the paper street.

9. Consider adoption of Resolution approving land development waiver for St. Robert Bellarmine Roman Catholic Church :

Prior to entertaining a motion approving the land development waiver, Mr. Anderson acknowledged an email that he received earlier from Supervisor Yannich, inquiring whether the Board should have held a conditional use hearing prior to granting the waiver since a church is a conditional use within the RA zone. Mr. Anderson asked Mr. Casey to research the legalities and offer an opinion. Mr. Casey responded that the street file dates back to 1967, at which time the Zoning Hearing Board granted a special exception for the Church's construction. He stated further that the planned narthex addition does not rise to the level of a land development and that the stormwater management impact is de minimus. More importantly, the improvement does not expand the sanctuary, which would have accommodated more parishioners. Rather, the narthex was designed to serve the existing Church population.

Nevertheless, to eliminate any doubt about the need for a conditional use, Mr. Anderson recommended the Board consider authorizing the advertisement of a brief conditional use hearing and waiving the required fee so as not unnecessarily penalize the church for this technicality. Mr. Paul seconded the motion. The motion passed 4-0-1 with Mrs. Yannich recusing.

10. Consider adoption of Resolution approving preliminary/final plan for Warrington Springs – Phase III:

Mr. Gundlach updated the Board on the phase three plans, stating that they have addressed all major comments from the September 2nd Planning Department Meeting. He also referenced that they reviewed but respectfully declined the BCPC recommendation to remove the designated road in favor of direct access to Street Road in addition to moving the sidewalks to the frontages of the new homes. Mr. Anderson concurred that the BCPC recommendations did not make any sense. Mr. Gundlach also confirms that they will be in compliance with all landscaping requirements and have indicated a “will comply” with all CEC comments.

There being no further comments, Mr. Paul motioned, seconded by Mrs. Achenbach, to adopt a Resolution approving the preliminary/final plan for Warrington Springs – Phase III. The motion passed unanimously 5-0.

11. Review and consider authorizing legal advertisement for amendments to Chapters 8 and 27 of the Township Code to update Warrington’s Floodplain Management Ordinance:

Being a FEMA-mandated ordinance change, Mr. Paul motioned, seconded by Mr. Hollowell, to authorize the legal advertisement for amendments to Chapters 8 and 27 of the Township Code to update Warrington’s Floodplain Management Ordinance. The motion passed unanimously 5-0.

NEW BUSINESS (ACTION/DISCUSSION ITEMS):

12. Review proposed Malcolm’s redevelopment and concept plan:

Attorney Gundlach, representing the equitable owners of the Malcolm property, presented a concept plan for the redevelopment of the site, which was identical the concept plan shared at the September 2nd Planning Department Meeting. He says the applicant has a signed, court-approved agreement of sale. He described the proposed use in some detail. It would be a 3-story self-storage building, which would have a very low traffic impact because of the type of use. The building would have only one (1) employee with limited hours of operation. The building would not exceed the Township’s maximum 55’ height maximum.

Mr. Gundlach also proposed an ordinance amendment to permit this proposed use as an allowed used subject to conditional use approval. He provided a draft Ordinance for the Board’s review and consideration.

Mrs. Yannich commented that it is an attractive building but is concerned about the lack of parking space. Mr. Gundlach responded that this would not be an office building, which agreed would definitely require more parking. He reiterated the building would be limited to only storage and would not be allowed to be converted to any other use.

Mr. Anderson asked Board members whether they would be more inclined to iron out the issues within the existing Office-Industrial (OI) Zone or consider a different type of zone change altogether. Mrs. Yannich stated the current zone already permits warehousing and did understand why this use couldn’t be interpreted under the warehouse provision. Mr. Gundlach stated that his conventional understanding of a warehouse varies substantially from what is considered self-storage.

Mr. Anderson suggested that before the Board considers any major zoning change or conditional use provision, that it first explore redefining “warehousing” to include the proposed redevelopment use. Board members concurred with this recommendation, which will be placed on a future agenda for

consideration. Meanwhile, having received a favorable review of the proposed redevelopment, Mr. Gundlach indicated his client will proceed forwarding in refining the plan.

13. Consider minor land development plan for HomeStarr Realty at 850 Easton Road:

Mr. Jeffery Hill, President/Owner of HomeStarr Realty, was in attendance to answer questions related to its minor land development. He addressed a number of items that were included in the Township Engineer's July 31, 2014 review letter. All were "will comply." Having been favorably reviewed by the Planning Department, Mr. Paul motioned, seconded by Mrs. Achenbach, to approve the minor land development plan for 850 Easton Road. The motioned passed 4-0-1 with Mrs. Yannich recusing because of conflict of interest.

14. Consider award of multi-prime bid package for the DPW and Salt/Brine Facilities:

The Board reviewed the September 4, 2014 bid recommendation letter from Buckl Architects. Mr. Casey confirmed that the bids were properly advertised and that the lowest responsible bidders did follow all bidding procedures and included all required documentation as part of their bid. Mr. Paul explained the reasons behind some of the alternate awards. The total combined bid of \$1,633,340 was summarized as follows:

Contract	Contractor	Amount
General Contractor	Craftsource	\$ 914,500
Electrical	AJM Electric	\$ 169,890
Mechanical	B & E Boiler Works	\$ 204,000
Plumbing	Stan-Roch Plumbing	\$ 288,250
Fire Protection	Guy M. Cooper	\$ 18,000
Fire Alarms	Pinnacle Electric	\$ 38,700
		\$ 1,633,340

Mr. Anderson, however, expressed a concern that he did not see any written documentation showing that due diligence reference checks were conducted on any of the low bidders. He also wanted confirmation that none were on any debarment list. He recommended tabling the bid awards until this information was received. Mr. Paul seconded the motion. The motioned passed unanimously 5-0.

15. MANAGER'S REPORT:

a. Consider advertisement authorization for a zoning change at 2210 Shetland Drive:

Mr. Tieperman explained that this proposed ordinance will rezone 2210 Shetland Drive to the CR/O/IU zoning district. He noted that this zone is more in line with the historical use of this property and was included as part of the negotiations with the new tenant. Mr. Paul moved to authorize advertisement of the proposed zoning change. Mr. Hallowell seconded the motion. The motion passed unanimously 5-0.

b. Consider Resolution for Non-Uniform Pension Plan Contribution:

Mr. Tieperman stated that as part of the 2009 budget process, the Board should have passed official Resolution requiring non-union employees to contribute 1% of their base salary into the Non-Uniform Defined Benefit Plan. The Board had asked Staff to give employees a courtesy notification of this finding to ensure that this Resolution was only a housekeeping measure. There being no employee feedback, Mr. Paul motioned, seconded by Mrs. Yannich to approve the Resolution. The motion was passed unanimously 5-0.

c. **Consider approval of amended Employee Handbook to include Duplicate Health Insurance Waiver:**

Mr. Tieperman explained that this change to the Employee Handbook emulates the same provision that was added to the police collective bargaining agreement, which thus far has resulted in over \$90,000 in savings. There being no issues, Mr. Paul motioned, seconded by Mrs. Yannich to include a new section in the Employee Handbook permitting health insurance waivers. The motion passed unanimously 5-0.

d. **Consider advertisement authorization for Ordinance amendment for special sewer tapping fee at 151 Upper State Road (Calhoun)**

Mr. Tieperman explained that this Ordinance adds new properties to the sewage collection area treated by the Chalfont/New Britain Township Joint Sewage Authority and also sets a \$23,388.00 special sewer tapping fee for this property. Mr. Paul moved that the Board authorize its advertisement. Mr. Hallowell seconded the motion. The motion passed unanimously 5-0.

e. **Consider deed of easement approval for sanitary sewer facilities along Upper State Road (Calhoun)**

Mr. Tieperman explained that this is a perpetual sewer easement that will allow for the sewer connection to five new properties along Upper State Road. Mr. Casey stated the easement is good order for approval. Mr. Paul moved to approve the easement. Mr. Hallowell seconded the motion. The motion passed unanimously 5-0.

f. **Consider deed of dedication approval for sanitary sewer facilities for 2222 Bristol Road (Bareladze)**

Mr. Tieperman explained that the Water and Sewer Department has completed all public improvements and installed a sewer main on 2222 Bristol, which is now ready for public dedication. Mr. Paul motioned, seconded by Mr. Hallowell, to adopt a Resolution approving the deed of dedication for sanitary sewer facilities at 2222 Bristol Road. The motion passed unanimously 5-0.

g. **Consider Resolution for Master Casting Agreement**

Mr. Paul motioned, second by Mr. Hallowell, to adopt a Resolution approving the PennDOT Master Casting Agreement. The revised Resolution specifically authorizes the Chairman to sign the document and the Secretary to attest it. The motion passed unanimously 5-0.

16. CHAIRMAN'S REPORT:

a. **Volunteer Recognition Update**

Mr. Anderson stated recognition will take place at a future date.

b. **Ratification of Emergency Water/Sewer Contract:**

Mr. Anderson explained the reasons for the letting of this emergency water/sewer contract. Township officials discovered that an old sewer main interceptor across Street Road at Brinkworth Avenue had bowed near the center causing sewage backup at the upstream manhole and that further investigation disclosed water and sewer lines in the same conduit, jeopardizing public health. He said that the Water/Sewer Department has obtained three written estimates from qualified contractors to make these emergency repairs.

Mr. Paul, therefore, moved to award an emergency contract to Joao & Bradley Construction, Co in the amount of \$98,000. Mrs. Yannich seconded the motion. The motion passed unanimously 5-0.

17. ENGINEER'S REPORT:

a. **Warrington Ridge Update:**

Mr. Gockowski updated the Supervisors on the status of public improvements at Warrington Ridge. About 25% of the roads have been paved.

18. SOLICITOR'S REPORT:

a. **Consider approval of Warrington Pointe Developer's Agreement (aka Pulte Homes @Valley Gate):**

Mr. Paul motioned, seconded by Mrs. Achenbach, to approve the Development Agreement between Warrington Township and Pulte Homes conditioned on the filing of all necessary escrow funds. The motion passed unanimously 4-0-1. Mrs. Yannich abstained.

b. **Consider approval of Warrington Springs Phases I and II Developer's Agreement:**

Prior to the Board's approval of the developer's agreement, there was an issue regarding the fee in lieu of open space that required resolution before approved the developer's agreement. Mr. Gundlach stated that his client was seeking a credit for some fence work that was already performed at the Supervisors' request in addition to other planned park-related projects to connect with the Township's trail system. After some discussion, the Board agreed to split the cost of the fence 50/50 or \pm 25,000.

Mr. Gundlach presented an estimate from a nearby nursery showing the value of an average tree credit to be around \$225 or \$109,350, representing 486 trees. The value of the fee-in-lieu calculation amounted to \$280,000 for a combined tree credit/fee-in-lieu calculation of \$389,000. Mr. Gundlach stated that Phase III will actually be preserving 64 extra trees, for which his client was seeking a credit. The Board agreed to take this request under advisement.

The Board then discussed its desire for the Warrington Springs developer to install trail and sidewalk connectors to the Township's park and trail network, the cost of which would be monitored and verified by the Township Engineer. These costs would then be subtracted from developer's open space/tree credit contribution, the different of which would be returned to the Township upon the projects' completion. After some discussion, the Board members agreed to this conceptual arrangement.

Mr. Paul motioned, seconded by Mr. Hallowell, to approve the development agreement with a special stipulation that grants the developer a 50% credit for the costs of the fence and the value of the trail and bridge connector, which shall be included in Exhibit C of the developer's agreement. The motion passed unanimously 5-0.

19. ESCROW AND MAINTENANCE BOND RELEASES:

a. **Warrington Glen – Phase II Escrow Release #4: \$160,363.25:**

Mr. Anderson moved that the Board approve the Warrington Glen – Phase II Escrow Release #4 in the amount of \$160,363.25. Mr. Paul seconded the motion. The motion passed unanimously 5-0.

b. **Valley Gate – Site Development Escrow Release #10: \$794,320.78:**

Mr. Anderson moved that the Board approve Valley Gate – Site Development Escrow Release #10 in the amount of \$794,324.78. Mr. Paul seconded the motion. The motion passed unanimously 5-0.

20. EXTENSION REQUESTS: None

21. DEDICATION REQUESTS: None

SUPERVISOR COMMENTS: None

ADJOURNMENT

There being no further business Mr. Paul motioned, seconded by Mrs. Achenbach to adjourn the meeting at 10:28 p.m. The motion passed unanimously 5-0.

Respectfully Submitted By:



Timothy J. Tieperman, Township Manager