

WARRINGTON TOWNSHIP BOARD OF SUPERVISORS

MINUTES FOR JULY 8, 2008

The regular meeting of the Warrington Township Board of Supervisors was held on July 8, 2008, 7:30 p.m. at the Township Building located at 852 Easton Road, Warrington, PA 18976. The members present were as follows:

1. ATTENDANCE:

Paul Plotnick, Chairman; Carol Butterworth, Vice Chairman; Glenn M. McKay, Secretary; Michael W. Lamond, Jr., Assistant Secretary; and Rebecca A. Kiefer, Member; Timothy J. Tieperman, Township Manager; Michael P. Clarke, Esq.; Township Solicitor; Thomas F. Zarko, Township Engineer; Michael Mrozinski, Director of Planning and Economic Development; Paul Gdanski, Director of Public Works; Thomas F. Zarko, Township Engineer; Vivian Bell, Finance Director; Chief James Miller, Chief of Police; and Carolyn Hanel, Director of Administrative Services/Parks and Recreation.

2. PLEDGE OF ALLEGIANCE

The meeting opened with a pledge to the flag.

3. MOMENT OF SILENCE. A moment of silence was observed in memory of Robert Sugarman, our former township solicitor who had recently passed away. Mr. Plotnick said he was a wonderful man and did a great job for the township.

4. EXECUTIVE SESSION: Mr. Clarke reported that at the Board of Supervisors executive session meeting held on June 24, 2008 personnel matters involving the police contract negotiations were discussed and consulted with labor counsel.

5. PRESENTATION:

a) Swearing in of Officer Eric Sanford. Mrs. Butterworth briefed the Board on the credentials of the township's latest police officer, Officer Eric Sanford. Officer Sanford will fill the vacancy created by the retirement of a police officer and he will be our 30th police officer. Chief Miller recognized individuals who were in attendance tonight in the swearing-in ceremony of Officer Eric Sanford.

Mr. Plotnick performed the swearing in of Officer Eric Sanford. Chief Miller said on behalf of the Warrington Township Board of Supervisors Officer Eric Sanford was presented with a Certificate of Appointment.

b) Recognition of Len Point, Warrington's First Township Manager. Mr. Plotnick presented Len Point with a Certificate recognizing his service to the township as Warrington's First Township Manager.

6. PUBLIC HEARING:**a) Ordinance amending Warrington Township's Non-Uniformed Employees' Pension Plan.**

Mr. Tieperman reported at previous meetings that we have a timeline and checklist of activities to go through to prepare our petition before the PMRS to merge the Warrington Township Municipal Authority Pension Plan with the Township's Non-Uniformed Employees' Pension Plan.

Motion – It was moved by Mr. Lamond, seconded by Mrs. Butterworth, that the Board of Supervisors accepted the ordinance of the Township of Warrington, Bucks County, PA, amending the Warrington Township Non-Uniformed Employees' Pension Plan with a change on Page 2 (I-1)-- Year of Service that deletes the words in the bracket that says regularly working not less than 40 hours per week). This motion passed by a vote of 5-0.

b) Conditional Use hearing for Cricket Communications to allow the installation of three (3) wireless communications facility on an existing structure located at 2647 County Line Road. Mr. Clarke called for a motion to open the conditional use hearing.

Motion – It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors approved opening the conditional use hearing for Cricket Communications. This motion passed by a vote of 5-0.

Mr. Clarke said this is a conditional use hearing for Cricket Communications, Inc. He said the property is identified as Tax Parcel #50-015-004, which is located in the Township of Warrington, Bucks County, PA. He said this is an application requesting conditional use to allow the installation of a wireless communications facility on an existing structure located at 2647 County Line Road. He said the applicant Cricket Communications is represented by Richard Lemanowicz, Esq.

Mr. Clarke said as he had indicated to Richard Lemanowicz prior to the start of this hearing that it is the Board's desire that in addition to introducing your exhibits that you identify those witnesses who would be called upon to testify this evening. After that Mr. Lemanowicz would be asked to summarize the testimony that each one of those witnesses would give and call his witnesses forward and have them identified and sworn in and to essentially ask them if they heard your summary. If they were called upon to testify would their testimony be identical to your summary. At that time if there are any questions from the Board for any of your witnesses they will ask questions at that time.

Mr. Lemanowicz introduced the applicant's professional engineer, Michael Bollinger and the applicant's radio frequency engineer, syed adha.

Mr. Lemanowicz gave a brief summary of the testimony that these witnesses would offer in this matter.

Motion – It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors approved closing the conditional use hearing for Cricket Communications. This motion passed by a vote of 5-0.

Motion – It was moved by Mr. McKay, seconded by Mr. Lamond, that the Board of Supervisors approved the conditional use for Cricket Communications to allow the installation of three (3) wireless communications facility on an existing structure located at 2647 County Line Road. This motion passed by a vote of 5-0.

c) **Conditional use hearing for Pleasantville United Church of Christ to allow a community House of Worship in the RA Residential Agricultural District.** Mr. Clarke called for a motion to open the conditional use hearing.

Motion – It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors approved opening the conditional use hearing for Pleasantville United Church of Christ. This motion passed by a vote of 5-0.

Mr. Clarke said this is a conditional use hearing for Pleasantville United Church of Christ. He said the property is identified as Tax Parcel #'s 50-006-006, 50-004-061, 50-006-005-003, 50-006-005-001, and 50-004-095, which is located in the Township of Warrington, Bucks County, PA. He said this is an application requesting conditional use to allow a community House of Worship in the RA Residential Agricultural District as part of its Subdivision and Land Development Application for an expansion of its existing buildings and associated improvements located on only the western side of Limekiln Pike. He said the applicant is represented this evening by Edward Murphy, Esq.

Mr. Clarke asked Mr. Murphy if he was present for the prior conditional use hearing. Yes, responded Mr. Murphy. Mr. Clarke said to Mr. Murphy that he heard him tell the prior applicant's attorney that we would like you to introduce the application, admit any exhibits that you may have, identify your witnesses and ask them to come forward and to be sworn, and then to give a brief summary of the testimony that his witness would offer in this matter.

Mr. Murphy said we are here tonight to consider the conditional use application for the proposed expansion of the Pleasantville United Church of Christ. He summarized the principal elements of the conditional use, which he feels are needed to establish in order to obtain the Board's support for this conditional use. He said the property today consists of five separate tax parcels and is located on the westerly as well as easterly side of Limekiln Pike. As part of the conditional use and later as the preliminary land development plan is only those parcels on the westerly side of Limekiln Pike. Those parcels are zoned RA Residential Agriculture. Two parcels on the easterly side of Limekiln Pike are zoned PI Planned Industrial and they are not part of tonight's application.

Mr. Murphy introduced the applicant's professional engineer, Richard Stonebeck from the firm of Charles and Shoemaker.

Mr. Zarko said he is comfortable that the applicant has met the intent of the ordinance with regard to improving stormwater management from the site.

Mrs. Kiefer said basically what we have here is that the rate of flow is being reduced to 45% of the current rate. She asked what is our requirement? 25% said Mr. Zarko.

Mrs. Dara King, who resides at 120 Muirfield Lane and her neighbors are concerned with the reduction of the water flow and the speed in which it is going into the basin, which is Lot 1. This basin is filled with water all year long. Our concern is that this basin is going to create another full basin in the neighborhood, which brings issues of potential drowning and other concerns. She is also concerned about the appearance of the basin and hoping that something will be done to help maintain the integrity of the homes.

Mrs. King asked if this new basin will also drain within how long of a period of time or will it hold a certain amount of water. Mr. Zarko said it is going to hold back a certain amount of water every time it rains. He said the more severe the rainfall event the longer it will take to drain.

Motion – It was moved by Mrs. Butterworth, seconded by Mr. Lamond, that the Board of Supervisors approved closing the conditional use hearing for Pleasantville United Church of Christ. This motion passed by a vote of 5-0.

Motion – It a moved by Mrs. Butterworth, seconded by Mrs. Kiefer, that the Board of Supervisors approved the conditional use for Pleasantville United Church of Christ to allow a community House of Worship in the RA Residential Agricultural District. This motion passed by a vote of 5-0.

d) **Ordinance amending Chapter 15 (Motor Vehicle and Traffic)**. Mr. Zarko gave a summary of all the changes that we were recommending, which include the ordaining of speed limit signs, stop signs at intersections or eliminating stop signs that no longer are required due to traffic signalization. He said what we have proposed to do initially was to ordain speed limit signs and stop signs within developments that were recently dedicated to the Township.

Motion – It was moved by Mr. McKay, seconded by Mr. Lamond, that the Board of Supervisors approved an ordinance of the Township of Warrington, Bucks County, PA, to amend the Warrington Township Motor Vehicles and Traffic Ordinance. This motion passed by a vote of 5-0.

7. **MANAGER'S REPORT:** Mr. Tieperman reviewed the manager's report which included a) Transit Forum; b) Warrington Community Business Alliance; c) Ad-hoc Advisory Committee; d) Investment of Bond Proceeds; e) DEP Grant Audits; f) Route 202 Update; g) Keith Valley/Kansas Road Trail Link; h) Redstone Open Space Maintenance; i) Other Business; and j) Correspondence.

Mr. Thomas Zarko, Township Engineer reviewed his monthly report for June 2008.

Mr. Plotnick reported that he had attended the PLCM Training Conference in Gettysburg to get support for a resolution for the mercantile tax. He said there was overwhelming acceptance at this Conference.

Mr. McKay reported that the Warrington Township Historic Commission is recommending seven (7) historic homes for plaques and they are looking for authorization from the Township to order the plaques. Approximate cost is \$38/plaque.

Motion – It was moved by Mr. Lamond, seconded by Mrs. Butterworth, that the Board of Supervisors approved the expenditure of monies needed to purchase seven (7) historic plaques for the Warrington Township Historic Commission. This motion passed by a vote of 5-0.

NEW BUSINESS (ACTION/DISCUSSION ITEMS):

8. **Consider adoption of a Resolution for final subdivision approval for Garges Minor Subdivision.** Mr. Zarko reviewed the final plan for the Garges Farm Tract, which is approximately 72 acres located on the northeasterly side of Pickertown Road just southwest of the Pickertown Road/Elbow Lane intersection.

Mr. Zarko said this current proposal involves the creation of a 2-acre single-family residential lot for future development while retaining the balance of the site as farmland subject to an agricultural conservation easement. He said the site is located within the RA Zoning District.

Motion – It was moved by Mr. McKay, seconded by Mr. Lamond, that the Board of Supervisors approved the resolution for final plan approval for the Garges Farm along with a note on the plan to eliminate the requirement for street trees to be planted along the frontage of lot 1. This motion passed by a vote of 5-0.

9. Consider adoption of a Resolution for preliminary plan approval for Pleasantville United Church of Christ. Mr. Zarko reported that this proposed land development site is located on Limekiln Pike immediately south of the Limekiln Pike and Muirfield Lane intersection. He said the site is comprised of five (5) parcels currently totaling approximately 14.14 acres in size. The applicant proposes to consolidate the five parcels into two lots. The westerly lot, which is located in the RA Zoning District would include approximately 13.04 acres. This lot would include expansion of the existing Pleasantville United Church of Christ including two building additions, expanded parking areas, stormwater management facilities, and associated site improvements. The easterly lot, which is located in the PI Zoning District would include approximately 1.1 acres. No development is proposed at this time.

Mr. Zarko summarized the four (4) waivers in CKS's latest review letter dated 6/12/08.

Mr. Zarko said Mr. Murphy and Mr. Stonebeck, are here representing the applicant if the Board has any questions for them.

Mrs. Dara King, who resides at 120 Muirfield Lane, expressed her three concerns about the conditional use application for this church. Currently she said there are three light poles aiming down. The one light in the back of the church is left on all night long. She said the new lights are going to shine directly into her kids room and the master bedroom as well. She wanted to know if some restrictions could be put in that the lights could be put on some kind of timer and be required to be turned out at a certain time of night.

Mr. Murphy addressed Mrs. King's concern about the proposed new lighting. He explained that the new lights will shine downward. These lights have been approved by the Township's lighting consultant. He has been advised by the church that those lights today are on a timer and they are set to go off somewhere between 10:00 and 11:00 PM. except for special church activities. He said this is what is being proposed to the Board and hopefully this will alleviate any of Mrs. King's concerns about lights together with the additional buffering that will be installed.

Mrs. Kiefer asked is what we should be discussing right now is CKS's letter of 6/12/08 and the itemized waivers rather than referencing the resolution at this point in time. Mr. Zarko said we are talking about the four (4) waivers as outlined in CKS's letter of 6/12/08, which he summarized and stated the staff's position on each one of the requests.

Mrs. Kiefer said part of the preliminary and plan approval is compliance with CKS's letter. She asked about the supplemental plantings provided in the 15' street buffer. She didn't know what Mr. Zarko meant by supplemental. Does it mean in addition to what's being proposed? Mr. Zarko said that is correct and the applicant has proposed to provide those additional plantings. She asked about the access driveway within the northwesterly side yard buffer area of the site. She asked what is Mr. Zarko's proposal on that? Mr. Zarko said his proposal would be that it is an issue that has to be resolved whether it be resolved by locating the driveway outside of the buffer area or by the applicant going to the zoning hearing board and either getting an interpretation or relief to leave the driveway where it's at.

Mrs. Kiefer said she spent the last two days searching the township's zoning. Fortunately, we have a really neat product where you can go and hit a search word and it will take you to each one of the listings of the word. She found multiple listings that has on there that a buffer may include a sidewalks and accessways. She didn't find anything that specifically said that it couldn't. She said she was a little confused and thought maybe someone could clarify that for her. We've talked about it but it's an issue that we have to have clearly on the table.

Mr. Clarke said the issue was brought to his attention in Mr. Zarko's review letter. There had been some discussions with the applicant's attorney, Carolyn Edwards and on 6/12/08 she sent a letter to his office outlining her position that she doesn't believe that zoning relief is required for a driveway within the buffer. He said this buffer is required under our ordinance when a non-residential use is adjacent to a residential use. There is a requirement for a 50' buffer. This letter dated 6/12/08 was sent to him and within a week he spoke to Ms. Edwards about this issue. He told her that the Board was reviewing this issue but his preliminary opinion was that it was not the township or the Board of Supervisors purvue to interpret a section of the zoning code. If the zoning code said buffer, then that 50' buffer had to be maintained. These conversations continued with Ms. Edwards until finally just about a week ago when again I informed her for the second or third time that my opinion was that they were going to have a driveway in the buffer that there needed to be some sort of zoning relief.

Mr. Clarke said to Mrs. Kiefer that she is correct that our zoning ordinance does not define the word buffer but it is quite clear that whenever an ordinance doesn't define a word the case law is clear that you look for other areas where there are definitions of that word.

Mrs. Kiefer said she understands his reference to the zoning hearing board. Having served on the board for 12 years and as vice chairman for 10 of them I'm well aware of the sanctrosank capability that we endow with the zoning hearing board. However, in all those years these instances have been discussed at other times and determined at a supervisors level and the majority of them we did not receive these kind of questions or requirements when she was serving on the board.

Mrs. Kiefer said she found at least seven locations where it repeatedly stated that accessway and sidewalks could be located in the buffer. If there is nothing that specifies that they definitely cannot then I would find that we should err on exactly what it states in our zoning ordinance said Mrs. Kiefer.

Motion – It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors adopted a resolution for preliminary plan approval for Pleasantville United Church of Christ subject to resolution of the driveway buffer issue, resolution of the outstanding issues noted within CKS's letter dated 6/12/08, and resolution of all the issues in the planning commission letter. This motion passed by a vote of 5-0.

CONSENT AGENDA

10. APPROVAL OF BILL LIST: 6/24/08-7/8/08

Motion – It was moved by Mr. McKay, seconded by Mrs. Butterworth, that the Board of Supervisors voted to approve the bill list from 6/24/08 to 7/8/08 in the amount of \$622,208.80. This motion passed by a roll call vote of 5 yeas.

11 APPROVAL OF MINUTES

a) June 3, 2008

Motion – It was moved by Mrs. Butterworth, seconded by Mr. Lamond, that the Board of Supervisors voted to approve the minutes of the June 3, 2008 meeting. This motion passed by a vote of 4-1. Mr. McKay abstained.

12. MINUTES FOR POSTING

a) June 10, 2008

Motion – It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors voted to approve posting the minutes of the June 10, 2008 meeting. This motion passed by a vote of 5-0.

a) June 24, 2008

Motion – It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors voted to approve posting the minutes of the June 24, 2008 meeting. This motion passed by a vote of 5-0.

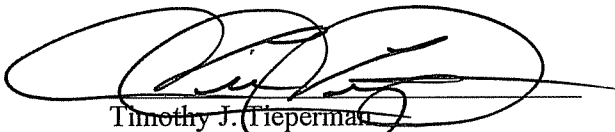
13. FUTURE AGENDA TOPICS:

a) Recover Costs in Emergency Situations. Mrs. Butterworth asked if the township could recover costs when emergency personnel are required to assist other municipalities in emergency situations; i.e., insurance companies or the property owner. She talked to Chief Miller and he said in order to do this the Township would have to pass an ordinance. She learned that State laws say that fire companies can't bill for things that taxpayers paid for. She wanted to know what the State laws would allow the township to do. Mr. Lamond said the township can recover material costs but that would be the extent of it. She referenced she had a copy of an ordinance from another township.

14. EXECUTIVE SESSION. An executive session meeting will follow this meeting to discuss the status of the police contract negotiations and an update on the right of way issues and pending litigation.

15. ADJOURNMENT

Motion – It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors voted to adjourn the meeting at 10:35 p.m. This motion passed by a vote of 5-0.


Timothy J. Tieperman
Township Manager

9/10/2008
Date