

# **WARRINGTON TOWNSHIP BOARD OF SUPERVISORS**

## **MINUTES FOR NOVEMBER 24, 2009**

The regular meeting of the Warrington Township Board of Supervisors was held on November 24, 2009, 7:30 p.m., at the Township Building located at 852 Easton Road, Warrington, PA 18976. The members present were as follows:

### **ATTENDANCE:**

Carol M. Butterworth, Chairperson; Michael W. Lamond, Jr., Vice Chairperson; Glenn McKay, Secretary; Rebecca A. Kiefer, Assistant Secretary; and Paul Plotnick, Member; Thomas F. Zarko, Township Engineer; Michael Mrozinski, Director of Planning and Economic Development; Michael P. Clarke, Esq., Township Solicitor; Barbara Livrone, Executive Assistant to the Township Manager; Vivian Bell, Township Treasurer; Carolyn Hanel, Director of Administrative Services/Parks and Recreation; Chief Thomas Mazzo, Community Ambulance; Michael J. Bean, Fire Chief; and Richard Lesniak, Director of Fire, Inspection and Emergency Services.

### **PLEDGE OF ALLEGIANCE**

The meeting opened with a pledge to the flag.

**EXECUTIVE SESSION REPORT:** Mr. Clarke reported that at the conclusion of the November 17, 2009, meeting the Board held an executive session to discuss personnel matters.

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

#### **1. 11/10/09 – 11/24/09 – \$1,419,165.88**

Motion – It was moved by Mr. Lamond, seconded by Mr. McKay, the Board of Supervisors voted to approve the bill list from 11/10/09 to 11/24/09 in the amount of \$1,419,165.88. This motion passed by a roll call vote of 5 years.

### **APPROVAL OF MINUTES:**

#### **2. October 27, 2009**

Motion – It was moved by Mr. Lamond, seconded by Mr. McKay, the Board of Supervisors voted to approve the minutes of the October 27, 2009 meeting as amended. This motion passed by a vote of 5-0.

### **MINUTES FOR POSTING:**

#### **3. November 17, 2009**

Motion – It was moved by Mr. Lamond, seconded by Mr. McKay, the Board of Supervisors voted to post the minutes of the November 17, 2009 meeting. This motion passed by a vote of 5-0.

**PUBLIC HEARING:****4. Conditional Use Amendment for Clear Wireless, LLC located at 2210 Shetland Drive.**

Motion – It was moved by Mr. Lamond, seconded by Mr. Plotnick, the Board approved opening the conditional use amendment hearing for Clear Wireless, LLC located at 2210 Shetland Drive. This motion passed by a vote of 5-0.

Mr. Clarke reported this conditional use amendment hearing for Clear Wireless, LLC is for a site located at 2210 Shetland Drive, tax parcel # is 50-025-028. Mr. Clarke said this is an application requesting an amendment to the application for conditional use dated May 20, 2009 which was heard by the Board of Supervisors of Warrington Township on September 22, 2009. It allowed the installation of telecommunications equipment containing up to five (5) antennas on an existing structure and cabinets with related equipment on a pad base located at 2210 Shetland Drive.

Mr. Clarke said the proposed amendment would allow the installation of an antenna RAD Center being at a higher elevation than previously approved. Mr. Zarko indicated to him that he had spoken with the applicant; and unfortunately, the applicant had not been notified of the hearing. In light of the fact that this is a very simple amendment to an application the supervisors have already previously approved it was Mr. Zarko and his opinion that it was best to bring to the Board's attention this evening. Mr. Clarke said this is simply a relocation of antennas to a different height on the tank and asked the Board consider approving this amended application conditioned upon the applicant executing the amended lease that has been agreed to by the applicant and agreed to by the township. This has been necessitated by the fact that Clear Wireless is going a little higher up on the antenna and the township has asked for some additional monthly rental, which they have agreed to but they have not yet provided the township with a copy of the signed lease.

Mr. Zarko said the difference in this application is when the applicant went to install the antennas on the tank they ran into a conflict with the original elevation where they wanted to place the antennas, which was at an elevation of 130' above grade. Mr. Zarko said the applicant was able to fit the antennas in a location that is 145' above grade, which made Clear Wireless, align with some existing antennas from Metro PCS. Mr. Zarko said as a result of them putting antennas at a higher elevation, the township went back to the applicant and renegotiated the lease agreement. The arrangement was previously \$2,300 a month and they were agreeable to \$2,500 a month. Mr. Zarko said the purpose of this amended application is to formalize the change in height of the antennas and to also formalize the modified lease agreement. Mr. Zarko said the applicant is agreeable to all of the conditions that were presented to them and doesn't see any issue in recommending to the Board that this be approved.

Mr. Clarke said by giving the applicant this approval it allows them to place their antennas higher up on the tank. Mr. Clarke said without a signed lease they can't go and install the antennas.

Motion – It was moved by Mr. Lamond, seconded by Mr. McKay, the Board of Supervisors voted to close the conditional use amendment hearing for Clear Wireless, LLC located at 2210 Shetland Drive. This motion passed by a vote of 5-0.

Motion – It was moved by Mr. McKay, seconded by Mrs. Kiefer, that the Board of Supervisors voted to approve the conditional use amendment for Clear Wireless, LLC for the antennas located at 2210 Shetland Drive with the condition that the existing lease be amended to reflect \$2,500 per month and signed by the applicant and the condition that the height be 145'. This motion passed by a vote of 5-0.

5. **To receive public comments and consider action on an application filed by Red Robin International, Inc. for the inter-municipal transfer of a liquor license at Red Robin, Valley Square Lifestyle Center, Routes 611 and 132, Warrington, PA.** Mrs. Butterworth said the Board has received a request for an extension. Mrs. Butterworth said the attorney for Red Robin is asking that they would respectfully request the inter-municipal transfer hearing be continued until January 12, 2010 or January 26, 2010. The applicant has asked for a thirty day continuance as they were unaware that the Board was not meeting December 22, 2009.

Motion – It was moved by Mrs. Kiefer, seconded by Mr. Lamond, the Board of Supervisors accepted the extension for the inter-municipal transfer hearing of a liquor license at Red Robin, Valley Square Lifestyle Center, Routes 611 and 132, Warrington, PA until the January 26, 2010 meeting. This motion passed by a vote of 5-0.

#### **DEPARTMENT REPORTS:**

6. **Warrington Fire Company Monthly Report.** Fire Chief Michael J. Bean reviewed his monthly reports for October 2009 for the Warrington Fire Company.

7. **Warrington Community Ambulance Corps.** Chief Thomas G. Mazzo reviewed his monthly report for October 2009 for the Warrington Community Ambulance Corps.

8. **Fire, Inspection and Emergency Services Monthly Report – Presentation of Emergency Management Certificates.** Mr. Richard Lesniak reviewed his monthly report for October 2009 for Fire, Inspection and Emergency Services.

Mr. Harry Crow, Operations Training Officer for the Bucks County Emergency Management Agency, presented a Basic Certification certificate to Lee Greenberg and a Professional Certification certificate to Richard Lesniak on behalf of the Pennsylvania Emergency Management Agency.

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

9. **Consider Preliminary Plan Approval of Gavin Lingo Subdivision.** Mr. Zarko reported this proposed subdivision site is approximately 6.76 acres in size and is located at the southeastern corner of the Pickertown Road/Stump Road intersection, within the “R3-Single-Family Residential Zoning District”. He said the applicant proposes to subdivide the parcel into seven (7) single-family lots ranging in size from 17,033 square feet to 21,961 square feet, plus a 2.87 acre open space parcel that includes a proposed detention basin, and associated public and site improvements.

Mr. Zarko said the latest CKS review letter pertaining to this subdivision is dated 9/1/09. Mr. Zarko said there are a couple of items in the review letter that Staff would like to discuss with the Board. Mr. Zarko said the first issue has to do with the proposed open space and the applicant is offering to dedicate the 2.87 acre open space area to the township. Mr. Zarko said the Board would need to decide whether this dedication should be considered or whether they would prefer to have a fee in lieu of the open space. Another option would be if the open space should be owned and maintained by a homeowners association. Mr. Zarko said it should be noted the Bike & Hike/Park and Recreation Board, and the Planning Commission have all recommended the township take dedication of the open space area.

Mr. Zarko said the next item that needs to be discussed with the Board is the proposal concerning the detention basin maintenance. He said the applicant is proposing the detention basin in the open space area be dedicated to the township for the township’s future maintenance responsibilities.

Mr. Zarko said there are a number of waivers the applicant is requesting, which he reviewed with the Board. He said the remaining items in the CKS letter are minor in nature and Staff is recommending that they be considered as conditions of approval.

Stephen Harris, Esq., attorney for the applicant stated he thought at the Township Planning Commission meeting the Planning Commission had recommended, with regard to the detention basin, that it be dedicated and maintained by the homeowners association. Mr. Harris said the items Mr. Zarko stated in his CKS letter will be in compliance by the applicant. Mr. Harris asked that this plan be given preliminary plan approval and the township accept the open space and the detention basin be dedicated to the homeowners association.

Brenda Bossard, residing at 1200 Stump Road, said she believes the owner should have the right to do what they want with their own property. However, her concern is there are a lot of houses proposed for that small piece of property. Ms. Bossard stated people speed all the time on Stump Road and children will be killed. Ms. Bossard other concern is with water issues from the development. Her property is located on the stream and her property has flooded twice.

Dennis & Melody Eble, residing at 926 Stump Road, said their property is located directly across from this proposed subdivision. Mr. Eble said their primary objection to this development is that it really doesn't conform to the surrounding community.

Bill Hansell, residing at 108 Green Ash Lane, commented about the bike which is being dedicated to the township. Mr. Hansell said he does not want this bike trail being put behind his property. He talked about the detention basin and he understands that it will be maintained by a homeowner association. He asked who will be the homeowners association. Mr. Harris responded the homeowners association is comprised of the seven owners of the proposed subdivision.

Mr. Hansell's other concern was the location of a school bus stop and that is going to hold up traffic on Stump Road. He asked about the timelines for construction and asked if this was going to interfere with the 202 Parkway going in? Mrs. Kiefer responded there is an established schedule, which is being refined right now. Initially, they established a primary date for when they are going to be working at Pickertown Road and that may change depending on the contractual things going on right now.

Dolores Engle, residing at 3557 Pickertown Road, asked how far over from her property can they build the single-family home on the Lingo property facing Pickertown Road. Mr. Harris said the side yard in that district is 30'. Her other issue is that she has a beautiful 50-year old maple tree at the end of her property. She asked if there is any injury to her maple tree what recourse action she will have. Mr. Clarke responded by saying if there is any damage to the neighboring properties caused by the developer the developer would be responsible for repairing the damage.

A number of residents expressed their concern that they find the current design to be unacceptable from everyone's perspective.

Carl Blankemeyer, residing at 958 Scarlet Oak Drive, asked two questions. Mr. Blankemeyer asked if someone can provide how they are to be impacted by the plan and asked for some information as to how this plan has been accommodated with the 202 Parkway construction plans. Mr. Blankemeyer asked if the construction plans were going to be sequenced or are they all going to be happening at the same time. If they are, what's going to be the impact on traffic, road conditions, etc?

Mr. Harris responded by saying the coordination of construction will occur during any pre-construction meetings that we have with the engineer. He said we're not proposing to build a bike path but the open space will be available if the township determines at some point in the future how to utilize the land.

Rachel Nemeč, residing at 942 Scarlet Oak Drive, said to be very sensitive if the bike trail is going to be considered. She said these are the backyards of young children and we need to keep in mind the safety of these children.

Margo Coulter, residing at 222 Red Maple Court, said she can attest to the water conditions at Pickertown and Stump Roads. Some times you have to wait several days before you can drive through the overflow of water. She said she is against leaving any door open for any trail to go through the woods behind their properties. She said it is just asking for trouble and basically giving an escape route out to Stump Road or Pickertown Roads; i.e., vandalism, etc.

Bill Hansel said he thinks the biggest concern is the fact of where they want to put the bike trail. He said is this dark green area shown on the map really valuable to the township or to the Lingo's to get rid of it and use it. He said instead of accepting the open space take the fee and utilizes the money to put the bike trail going all the way up Bristol Road and leave the land in its natural state.

Mrs. Kiefer asked about the wet areas on Pickertown Road. She suggested the development address some of these issues and make some corrective action to those issues. Mr. Zarko said this development is not impacting the pipes that cross underneath Pickertown or Stump Roads. He said those are upstream of the development. He said the development is addressing all of the drainage that is going to be added as a result of the proposed single-family lot construction and they are addressing the drainage in accordance with the requirements of the ordinance.

Mr. McKay talked about the cul-de-sac concept and it hasn't been proven that you can't put a cul-de-sac in this development. He said the cul-de-sac would provide one access rather than six accesses. He said if a cul-de-sac went in the bike and hike trail could be extended back by the basin.

Bill McNaney, P.E., discussed several issues with cul-de-sacs on this site. He said you wouldn't be able to put a cul-de-sac straight through the middle of this site and have it mirror Modesto Court. He said the other issue with the cul-de-sac would be you would be adding impervious surface along the stream corridor. His other concern he had was the proximity to an intersection serving seven houses coming out to Pickertown Road in proximity to Stump Road.

Mr. McKay asked if the applicant would provide traffic calming measures along Stump Road. Mr. Harris said this can be discussed between preliminary and final plan approval.

Mr. Lamond requested fee in lieu of open space and also suggested placing an "L" shaped road entrance off of Stump and Pickertown Roads. This road would be located between the last lot and stormwater retention basin and continue to the back of property by the creek out to Pickertown Road. This "L" shaped road would eliminate the six entrances onto Stump Road and would provide an access for emergency vehicles to both Stump and Pickertown Road.

Mr. Harris' conclusion is to look at all of the issues raised and come back before the Board on December 8, 2009. He said he would discuss the timing with his client and advise Mike Mrozinski whether or not they want to come back on December 8 or whether the Board wants him to come back after the first of the year.

Motion – It was moved by Mr. McKay, seconded by Mr. Plotnick, the Board of Supervisors voted to table the preliminary plan approval of the Gavin Lingo Subdivision until the December 8, 2009 meeting. This motion passed by a vote of 5-0.

10. **Consider bid award for Costner Drive Air Stripping Tower Replacement Project.** Mr. Zarko reported this project involves replacement of a groundwater treatment system at the township's Costner's Well Site.

Motion – It was moved by Mr. Lamond, seconded by Mr. McKay, the Board of Supervisors approve awarding the contract for the Costner Drive Air Stripping Tower Replacement Project to Clipper Pipe & Service, Inc. in the amount of \$112,649.00. This motion passed by a vote of 5-0.

11. **Consider Proposal from Carroll Engineering Corporation for MuniLogic to Application Xtender Document Management Integration.** Mr. Mrozinski reported Staff has reviewed various proposals for upgrading and replacement of the township's existing Geographic Information Service (GIS). Mr. Mrozinski said the Water and Sewer and Planning and Development Department are very dependent on it and to some degree the Park and Recreation's Department. It is a web based system to be used by all departments.

Motion – It was moved by Mr. Plotnick, seconded by Mr. McKay, the Board of Supervisors approve the contract with Carroll Engineering Corporation for the MuniLogic System at a cost of \$26,400. This motion passed by a vote of 5-0.

#### **OLD BUSINESS (ACTION/DISCUSSION ITEMS):**

12. **Water and Sewer System Evaluation Study.** Mr. Zarko reported that Mr. Tieperman has scheduled Dave Bush from Keystone Alliance to provide a presentation of the water and sewer system evaluation study at the December 1, 2009 Board of Supervisors meeting.

13. **Redstone Woods Development-Open Space Environmental Restrictions Transfer Proposal.** Mr. Zarko reported he and Mr. Tieperman had met with Jackie Winkler of the Corps of Engineers to review the proposed swap of the environmentally restricted areas. Ms. Winkler heard what the township had to say and was going to take this information back to her superiors and get back to the township as to whether the proposal will be acceptable. It seems the proposal to take the areas off of Redstone will be acceptable but wants to review other locations. Ms. Winkler had originally proposed to restrict a certain portion of the Bluestone Creek Open Space that was recently accepted in dedication by the township.

14. **Solar Grant for Tradesville.** Mr. Zarko reported the State was contacted to get a status update on the solar grant for Tradesville. Mr. Zarko said we were advised the DCED is currently preparing the commitment letters and agreements and they should be issuing them next week. Mr. Zarko said once the information is obtained, Mr. Zarko will be able to review the information and report back to the Board as to the specifics of the grant and any conditions that would have to be met.

15. **Maple Avenue Project.** Mr. Zarko reported PennDOT inspectors came out when the township was ready to perform the work and PennDOT decided they wanted to increase the scope of work from what was originally approved with the Highway Occupancy Permit. Originally there were substantial increases in scope to basically improve some defective sections of roadway and repave a significant portion of Street Road. Again, this was not required in the original permit. Mr. Zarko has been trying to negotiate with PennDOT. PennDOT has come back with a compromise position much less scope of work. Mr. Zarko is working with the contractor to get a cost proposal for this additional work, which will be presented to the Board.

16. **Holbert Subdivision.** Mr. Clarke reported on 10/13/09 the Board granted final approval for the Holbert Subdivision. He said one of the conditions of approval is that they have to satisfy all requirements within 90-days of the date of the resolution or until 1/13/10. He said the Holbert's are writing to request an indefinite extension of the approval and the 5-year period. Mr. Holbert's intent was

to create lots on the subdivision where his children could build homes, but at this time, the children have not determined whether or not they wish to do so and the Holbert's may not want to move forward with this plan.

Motion – It was moved by Mrs. Butterworth, seconded by Mrs. Kiefer, the Board of Supervisors voted to grant the indefinite extension for the Holbert Subdivision. This motion failed by a vote of 1-4.

Motion – It was moved by Mr. Lamond, seconded by Mr. McKay, the Board of Supervisors consider an extension on the plans and agreements for the Holbert Subdivision for a period of 5-years for review, which would be on 11/30/14. This motion passed by a vote of 5-0.

#### **ESCROW AND MAINTENANCE BOND RELEASES:**

##### **17. Consider Acceptance of Completion of Site Improvements and Final Escrow Release #6 for Fox Subacute in the amount of \$45,365.40.**

Motion - It was moved by Mr. Lamond, seconded by Mr. Plotnick, the Board of Supervisors approve the final escrow release #6 for Fox Subacute in the amount of \$45,365.40. This motion passed by a vote of 5-0.

#### **EXTENSION REQUESTS:**

##### **18. Consider Extension Request for Warrington Senior Commons.**

Motion – It was moved by Mr. Lamond, seconded by Mr. McKay, the Board of Supervisors approve the extension request for Warrington Senior Commons until 11/19/10. This motion passed by a vote of 5-0.

##### **19. Acknowledge withdrawal of Land Development Application for Paul Valley Town Center.**

Motion – It was moved by Mr. Lamond, seconded by Mr. Plotnick, the Board of Supervisors accept the withdrawal of the land development application for Paul Valley Town Center. This motion passed by a vote of 5-0.

#### **DEDICATION REQUESTS:**

##### **20. Consider Dedication Acceptance of Public Water Facilities within Home Depot Land Development.**

Motion – It was moved by Mr. Lamond, seconded by Mr. Plotnick, the Board of Supervisors accept dedication of public water facilities within Home Depot Land Development subject to submission of a final maintenance bond, title insurance commitment in a form acceptable to the solicitor. This motion passed by a vote of 5-0.

21. **Grant of Stormwater Management Easement on The Home Depot USA, Inc.** Mr. Zarko reported the purpose of the easement is to allow the township the ability to go on site to do periodic inspections and perform emergency maintenance if necessary to the stormwater management system if the property owner doesn't follow through with the maintenance.

Motion – It was moved by Mr. Lamond, seconded by Mr. Plotnick, the Board of Supervisors grant approval of the grant of stormwater management easement on The Home Depot USA, Inc. site. This motion passed by a vote of 5-0.

**22. Consider Denial of Public Improvements Dedication Request for Titus Road Outparcel Land Development.**

Motion – It was moved by Mr. Lamond, seconded by Mrs. Kiefer, the Board of Supervisors denied the public improvements dedication request for the Titus Road Outparcel Land Development based on discrepancies noted in CKS' letter dated 11/20/09. This motion passed by a vote of 5-0.

**CONSENT AGENDA:**

**23. Consider approval for snow plowing contractors.** Mr. Carl Sames, Public Works Director, reviewed the 2009-2010 snow plowing and salting contractor's bids.

Mr. Steve Zeller, representing Pro Com Roofing Corporation in Warrington Township said his firm has had this contract for keeping the sidewalks clear for the past 9-10 years. He understands that his company is not getting the sidewalk contract this year. Mr. Zeller's concern is if another company, which has a bid substantially lower than the other bidders for the township to review their employee records. Mr. Sames said if the low bidder doesn't work out then the work reverts to Pro Com.

Mr. Clarke said this is not a bid but a request for proposal and there is no requirement under the law that you take the person who is low in a setting where there is a request for proposal. The township needs to request three quotes. There is a requirement when it's over \$10,000, to accept the low bid.

Motion – It was moved by Mr. McKay, seconded by Mrs. Kiefer, the Board of Supervisors approve the 2009-2010 snow plowing and salting contractor's bids as presented by Mr. Sames in his memo dated 11/20/09. This motion passed by a vote of 5-0.

**24. Consider the recommendation for two (2) Final 2010 Minimum Municipal Obligations for the Warrington Township Police Pension Plan and Warrington Township Employees Pension Plan.**

Mrs. Bell reported on the recommendations for the two (2) Final 2010 Minimum Municipal Obligations for the Warrington Township Police Pension Plan and Warrington Township Employees Pension Plan.

Motion – It was moved by Mr. McKay, seconded by Mr. Lamond, the Board of Supervisors approve the final 2010 minimum municipal obligations for the Warrington Township Police Pension Plan in the amount of \$501,212. This motion passed by a vote of 5 years.

Motion – It was moved by Mr. Plotnick, seconded by Mr. Lamond, that the Board of Supervisors approve the final 2010 minimum municipal obligations for the Warrington Township Employees Pension Plan in the amount of \$148,324. This motion passed by a vote of 5 years.

**ADJOURNMENT**

Motion - It was moved by Mr. Lamond, seconded by Mrs. Kiefer, the Board of Supervisors voted to adjourn the meeting at 10:15 p.m. This motion passed by a vote of 5-0.