

WARRINGTON TOWNSHIP BOARD OF SUPERVISORS

MINUTES FOR OCTOBER 13, 2009

The regular meeting of the Warrington Township Board of Supervisors was held on October 13, 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; and Paul Plotnick, Member; Timothy J. Tieperman, Township Manager; 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; and Richard Lesniak, Director of Fire, Inspection and Emergency Services.

PLEDGE OF ALLEGIANCE

The meeting opened with a pledge to the flag.

COMMENDATION PRESENTATION

Carol Butterworth presented a Citation of Commendation to Army Specialist Joseph Walter Chicoski of the Military Police for his exemplary service and contribution to our country by protecting our freedom. His dedication reflects great credit upon himself, his family, the United States Army, and the Township of Warrington.

EXECUTIVE SESSION REPORT. Mr. Clarke reported that the conclusion of the September 22, 2009, meeting the Board held an executive session to discuss two matters of potential litigation.

APPROVAL OF BILL LIST: 9/22/09 – 10/13/09 – \$860,578.44

Motion – It was moved by Mr. Lamond, seconded by Mr. McKay, the Board of Supervisors voted to approve the bill list from 9/22/09 to 10/13/09 in the amount of \$860,578.44. This motion passed by a roll call vote of 4 yeas.

APPROVAL OF BILL LIST: 9/8/09 – 9/22/09 – \$29,483.27

Motion – It was moved by Mr. Lamond, seconded by Mr. McKay, the Board of Supervisors voted to approve the bill list from 9/8/09 to 9/22/09 in the amount of \$29,483.27. This motion passed by a roll call vote of 4 yeas.

APPROVAL OF MINUTES:

2. August 25, 2009

Motion – It was moved by Mr. Lamond, seconded by Mr. McKay, the Board of Supervisors voted to approve the minutes of the August 25, 2009 meeting. This motion passed by a vote of 4-0.

3. September 8, 2009

Motion – It was moved by Mr. Plotnick, seconded by Mr. Lamond, the Board of Supervisors voted to table approval of the minutes of the September 8, 2009 meeting. This motion passed by a vote of 4-0.

MINUTES FOR POSTING

4. September 22, 2009

Motion – It was moved by Mr. McKay, seconded by Mr. Plotnick, the Board of Supervisors voted to post the minutes of the September 22, 2009 meeting. This motion passed by a vote of 3-1. Mr. Lamond abstained.

PUBLIC COMMENT

a) **Public Sewer Hook-Up.** Pam Northrup, owner of 1511 Easton Road, said her property is located across from the Warrington Quarry. She said earlier this year she had made a formal request to hook up to public sewer. In early March she met with Mr. Zarko to discuss a possible sewer connection for her property. However, since that meeting the septic system is now failing. She is requesting special permission to have a lateral line and a PVC pipe installed at her expense and brought to the property.

Mr. Zarko reported that he did meet earlier in the year to discuss the request for a sewer connection. At that time there was no problem with the functioning of the on-line sewage disposal system. Mr. Zarko stated it would be proper planning not to just to focus on this particular property but to also focus on the adjacent properties in the area. He said the recommendation was to delay the connection for 1511 Easton Road until the sewer feasibility could be completed. Subsequently, it could be made public to those people that would be affected by the potential sewer extension project. He said that a sewer feasibility study is coming to conclusion. In the interim, as a result of this potential failure, if the property owner is willing to consider an interim connection to the extended public sewer, he would not have a reservation in recommending to the Board that this be permitted. Mr. Zarko will work with Mike Clarke's office to come to some sort of an agreement to allow the interim connection.

b) **Late Payment Notice for Water and Sewer Bill.** Ms. Marti Blake, who resides at 2403 Dogwood Drive, commented her water and sewer bill was due on September 29, 2009. Due to circumstances beyond her control she had the check made out but forgot to mail it. Two days after the due date, she received a late notice from the water and sewer department. She felt this was a ridiculous expense for the township to send out these late notices. Barbara Livrone commented for the water and sewer department stating the rules and regulations of the department reference late payment notices are mailed the day or the second day after the due date. The department does offer a courtesy onetime penalty payment removal for residents who have never been late paying their water and sewer bills. Mr. McKay noted that late payment penalty should cover administrative costs of late notice mailing. Mr. McKay complimented the water and sewer department for its efficiency in getting out the late payment notices.

c) **Warrington Hunt.** Mike Feldman, who resides at 160 Stetson Drive, was representing Warrington Hunt Homeowners Association's Board of Directors. He was asking for the Board's help in addressing an ongoing and ever increasing traffic speeding problem throughout their community. The issue has grown to an almost intolerable degree over the past several years.

Mr. Tieperman said he would speak to the township's Chief of Police. He said he would like to send someone out to meet with Mr. Feldman personally and try to trouble shoot this issue.

PUBLIC HEARING:**5. Conditional Use Hearing for Clear Wireless LLC (“Clearwire”) to allow the installation of three (3) antennas and related equipment on an existing structure located at 320 Lower State Road.**

Motion – It was moved by Mr. Lamond, seconded by Mr. Plotnick, the Board approved opening the conditional use hearing for Clear Wireless LLC (“Clearwire”) to allow the installation of three (3) antennas and related equipment on an existing structure located at 320 Lower State Road. This motion passed by a vote of 4-0.

Mr. Clarke reported this is a conditional use hearing for Clear Wireless LLC (“Clearwire”) for a site located at 320 Lower State Road. He said the tax parcel # is 50-004-088 (incorrectly noted in application as Tax Parcel No. 50-0004-088). He said this is an application to allow the installation of two dish antennas and related telecommunications facilities on an existing structure located at 320 Lower State Road.

Mr. Clarke said the applicant is represented by Eric Goldberg, Esq. He said prior to this meeting Mr. Goldberg indicated to him that the application is actually to install three (3) antennas and related equipment on an existing structure.

Mr. Goldberg gave an overview of the application, distributed copies of exhibits, and presented testimony from his client. In summation he said the application complies with the General Conditions and clearly this is the appropriate site that the township has in mind for telecommunications facilities.

Mr. Zarko reported that a review letter was done on this application and there are a couple of minor issues on the plans that have to be resolved. He believes the applicant is amenable to resolving those issues as conditions. Mr. Goldberg was in agreement.

Motion – It was moved by Mr. Plotnick, seconded by Mr. McKay, the Board of Supervisors voted to close the public hearing on an application filed by Clear Wireless LLC (“Clearview”) to allow the installation of three (3) antennas and related equipment on an existing structure located at 320 Lower State Road. This motion passed by a vote of 4-0.

Motion – It was moved by Mr. McKay, seconded by Mr. Lamond, the Board of Supervisors voted to approve the conditional use for Clear Wireless LLC (“Clearwire”) and Broadband antennas installation at 320 Lower State Road subject to meeting the CKS’s review letter dated 7/29/09, and subject to review and acceptance in terms of the ground lease between SBA and the Eastburns and subject to the township engineer’s inspection and approval for the soundness of the tower. This motion passed by a vote of 4-0.

6. Conditional Use Hearing for Clear Wireless LLC (“Clearwire”) to allow the installation of two (2) microwave dish antennas and related equipment located at 1500 Stuckert Road.

Motion – It was moved by Mr. Plotnick, seconded by Mr. McKay, the Board of Supervisors table the Conditional Use Hearing for Clear Wireless LLC (“Clearwire”) to allow the installation of two (2) microwave dish antennas and related equipment located at 1500 Stuckert Road until the November 10, 2009 meeting. This motion was approved by a vote of 4-0.

DEPARTMENT REPORTS:

7. **Manager's Report.** Mr. Tieperman reviewed the manager's report which included a) 2010 Budget Schedule; b) Sign Ordinance Draft; c) Act 101 recycling Grant Reauthorization; d) Pension Relief; e) Water and Sewer Relocation; f) Insurance Proposals; g) Fund Balance Policy Recommendation; h) Warrington Day Wrap-Up; i) PennBID Update; and j) Other Business.
8. **Township Engineer's Monthly Report.** Mr. Zarko, Township Engineer, reviewed his monthly report for September 2009 as follows: a) West End Fire Station; b) Warrington Trail Extension, Phase 2; c) Maple Avenue Extension; d) Palomino Farms Basin Retrofit Project; e) Pickertown/Folly Roads Signalization; f) Redstone Open Space; and g) Shetland Storage Tank Repainting.
9. **Planning and Development Report.** Mr. Mrozinski, Director of Planning and Development reviewed his monthly report for September 2009.

NEW BUSINESS (ACTION/DISCUSSION ITEMS):

10. **Consider action formally requesting PennDOT to install school zone signage on Bellflower Boulevard near Mill Creek Elementary School.** Mr. McKay reported this issue came up from the residents of Bellflower Boulevard. He said the police went out there and did traffic study on speeding. A preliminary report was issued on speeding along Bellflower Boulevard that exceeded the posted speed limit along with the stop sign intersection with Buttercup. The residents asked why they couldn't get school zone signage at Mill Creek Elementary School because the kids in that neighborhood walk to school and they fear with the speeding issue that this presents a danger.

Mr. McKay said he talked to Mr. Zarko about traffic calming measures. He said Mr. Zarko has seen a copy of the police report on the speeding issue. Mr. Zarko said to put in an application to PennDOT is minor for school zone signage and it would take a minimum amount of time. He said the cost would not exceed \$1,000 in order to prepare the application and necessary supporting documentation that PennDOT would have to see. He said that application would be submitted to PennDOT, as they are the regulatory authority to provide permission to install either a flashing school zone or just a sign school zone on a municipal roadway. He said that would be the first step that the Board would have to take.

Motion – It was moved by Mrs. Butterworth, seconded by Mr. McKay, the Board of Supervisors authorized the township engineer to prepare and submit an application to PennDOT for a school zone at Bellflower Boulevard at Mill Creek Elementary School and determine the cost factors. This motion was approved by a vote of 4-0.

11. **Discussion of Safe Water Grant Program Agreement between Warrington Township and Commonwealth of Pennsylvania, Department of Environmental Protection.** Mr. Zarko reported this grant pertains to a project that is being proposed by the Township involving the extension of a public sewer system to service the Mill Creek Village Area. He said that includes the areas of Timber Lane, Jennings Lane, Hillside Drive, and portions of Bristol Road. He said the purpose of the project is to eliminate existing on-line sewage disposal systems in that neighborhood.

Mr. Zarko said the Staff had a meeting with residents to go over the project June 2008. At that time the thought was to do both the water and the sewer extension project. He said in making the presentation to the residents in the area the feedback that was received is that they were very concerned about the cost associated with the project and they asked if the township could go back and see if there is any grant funds available to reduce the costs to the residents. He said the township did submit an application for a Safe Water Grant that was approved in the amount of \$500,000 for sewer only, which will have a

significant impact on the cost of the project. He said, at this point, the Board would have to indicate an acceptance of the grant by sending back the documentation that was submitted to the township.

Motion – It was moved by Mr. McKay, seconded by Mrs. Butterworth, the Board of Supervisors to authorize the execution of Safe Water Grant Program Agreement between Warrington Township and the Commonwealth of Pennsylvania, Department of Environmental Protection in the amount of \$500,000. This motion was approved by a vote of 4-0.

12. **Review and consider approval for the Holbert Tract major subdivision.** Mr. Zarko reported this proposed subdivision was initially presented to the Board in May 2009 and received a conditional preliminary plan approval. He said the subdivision site is approximately 3.07 acres in size and is located at the northwesterly corner of the Stuckert Road/Warwick Road intersection, in the “R-2 Medium Density Residential” Zoning District. He said the applicant is proposing to subdivide the site into three single-family residential lots.

Motion – It was moved by Mr. Lamond, seconded by Mr. Plotnick, the Board of Supervisors approve the final plan for the Holbert Tract major subdivision located at 1594 Stuckert Road, Tax Map Parcel #50-26-107-1 subject to the conditions outlined within the draft of approval resolution. This motion was approved by a vote of 4-0.

13. **Consideration for approval to advertise Mill Creek Salt Storage Building.** Mr. Zarko reported this project involves the construction of a 700-ton salt storage facility and associated site improvements at the township property located opposite the Pickertown Road/Mill Creek Road intersection. He said this is one of the 2008 Township Bond Issue Projects. He said the bidding documents have been completed and are ready to be released.

Motion – It was moved by Mr. Lamond, seconded by Mr. Plotnick, the Board of Supervisors authorized the release of bids subject to the solicitor’s approval of the bid documents for the Mill Creek Salt Storage Building. This motion was approved by a vote of 4-0.

14. **Consideration for approval for Costner Stripping Tower.** Mr. Zarko reported that this is a 2009 budgeted Water and Sewer Department Improvement Project. He said it involves the replacement of a ground water treatment system that has reached the end of its useful life. This system is located at the Township’s Costner Drive’s well site. He said the township solicitor has reviewed these bid documents and found them to be in order.

Motion – It was moved by Mr. Lamond, seconded by Mr. Plotnick, the Board of Supervisors authorize the advertisement of the Costner Drive Air Stripping Tower Replacement project for bids at this time. This motion passed by a vote of 4-0.

15. **Consideration for approval for two (2) parcels located in Warrington Township to have sewer service provided to them by Chalfont-New Britain Township Joint Sewage Authority.** Mr. Zarko reported the property owner at 1397 Upper State Road, Chalfont, recently submitted a request to the township for a public sewer service connection due to a failing on-line sewage disposal system. He said the closest available public sewer system is owned and operated by Chalfont-New Britain Township Joint Sewage Authority. Mr. Zarko discussed this request with CNBTJSA and they are amenable to providing sewer service to this property.

Mr. Zarko said in addition to this property there is one adjacent property at 1389 Upper State Road that is also on an on-line system. Mr. Zarko asked Chalfont-New Britain Township Joint Sewage Authority if they would be amenable to providing for a future connection at 1389 Upper State Road. CNBTJSA said that they would amendable to this request.

Motion – It was moved by Mr. Plotnick, seconded by Mr. McKay, the Board of Supervisors approve the two (2) parcels located in Warrington Township at 1397 Upper State Road and 1389 Upper State Road to have sewer service provided to them by Chalfont-New Britain Township Joint Sewage Authority. This motion passed by a vote of 4-0.

OLD BUSINESS (ACTION/DISCUSSION ITEMS):

16. **Discuss approval of Clear Wireless LLC (“Clearwire”) cell tower lease at 1500 Stuckert Road, Warrington, PA.** Mr. Clarke reported this lease is for one of the tanks located at 1500 Stuckert Road. He said Clearwire had sent several proposed leases over the last several months and we had had numerous questions why their proposed lease or the offered rental amount was significantly less than what we were getting for cell antennas, and these are microwave dishes. He said there was a fair amount of discussion about the fact that these take up less room than cell antennas and that these can be mounted at a lower height because of what they are doing as far as for wireless internet and also to help the company link their network.

Motion – It was moved by Mr. Lamond, seconded by Mr. Plotnick, the Board of Supervisors approved a resolution to amend the site agreement with Clear Wireless LLC for the property located at 1500 Stuckert Road for two proposed microwave dishes. This motion was passed by a vote of 4-0.

ESCROW AND MAINTENANCE BOND RELEASES:

17. **Consider Request for Escrow Release #11 for 175 Titus Avenue in the amount of \$32,914.79.**

Motion - It was moved by Mr. Lamond, seconded by Mr. Plotnick, the Board of Supervisors approve the escrow release #11 for 175 Titus Avenue in the amount of \$32,914.79. This motion passed by a vote of 4-0.

18. **Consider request for escrow release #11 for Heritage Center at Warrington in the amount of \$42,126.25.**

Motion - It was moved by Mr. Lamond, seconded by Mr. Plotnick, the Board of Supervisors approved the escrow release #11 for Heritage Center at Warrington in the amount of \$42,126.25. This motion passed by a vote of 4-0.

EXTENSION REQUESTS:

19. **Consider Extension Request for Highgrove Manor.**

Motion – It was moved by Mr. Lamond, seconded by Mr. McKay, the Board of Supervisors approve the extension request for Highgrove Manor until 10/18/09. This motion passed by a vote of 3-1. Mr. Plotnick voted no.

DEDICATION REQUESTS:

20. **Spognardi Office Building Land Development.**

Motion – It was moved by Mr. Plotnick, seconded by Mr. McKay, the Board of Supervisors denied the dedication of public improvements for the Spognardi Tract. This motion passed by a vote of 4-0.

CONSENT AGENDA:

21. **Approval of School Lane drainage stabilization work scope.** Mr. Zarko reported drainage channel erosion is present at 1279 School Lane. He said we had recommended that that erosion be addressed by repair by using bio-stabilization methods, which is a combination of structural and vegetative types of stabilization. He said the Board had authorized the proposals for the work and the low bidder proposal received was in the amount of \$7,080.

Mr. Tieperman reported PennBID can be used for small and large projects. Mr. Clarke said since Mr. Zarko has gotten quotes from four different companies and wanted a better price he could inform all four companies the township is not going to accept their bids. Subsequently, ask the four companies to submit new proposals. The Board concurred with this suggestion and directed Mr. Zarko to follow through on this recommendation.

22. **Consider award of consortium salt bid.** Mr. Tieperman reported this is our annual Consortium Salt Bid.

Motion – It was moved by Mr. Lamond, seconded by Mr. McKay, the Board of Supervisors approve the resolution for the 2009-2010 Bucks County Consortium Salt Bid to International Salt Company, LLC at a cost of \$57.85 per ton delivered and \$57.00 per ton undelivered. This motion passed by a vote of 4-0.

23. **Approval of Warrington Township Fire Company selection of colors for building interior.** Mr. Lesniak reviewed the color schemes for the West End Fire Station's building interior. He said that a resident, who is a professional interior designer, volunteered her talents and time to help the firemen pick the colors. He said this individual presented to them two options and the firemen picked one of the options. He reviewed this option with the Board so he could get their approval and forward it onto the contractor. The Board concurred with the fire company's preferred option.

ADJOURNMENT

Motion - It was moved by Mr. Lamond, seconded by Mr. Plotnick, the Board of Supervisors voted to adjourn the meeting at 10:10 p.m. This motion passed by a vote of 4-0.