

WARRINGTON TOWNSHIP BOARD OF SUPERVISORS

MINUTES FOR SEPTEMBER 8, 2009

The regular meeting of the Warrington Township Board of Supervisors was held on September 8, 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; Timothy J. Tieperman, Township Manager; Thomas F. Zarko, Township Engineer; Carolyn Hanel, Director of Administrative Services/Parks and Recreation; Michael Mrozinski, Director of Planning and Economic Development; Michael P. Clarke, Esq., Township Solicitor; Barbara Livrone, Executive Assistant to the Township Manager and Vivian Bell, Township Treasurer.

PLEDGE OF ALLEGIANCE

The meeting opened with a pledge to the flag.

EXECUTIVE SESSION REPORT. Mr. Clarke reported that the Board held no executive session at the conclusion of the August 25, 2009 meeting.

APPROVAL OF BILL LIST: 8/25/09-9/8/09 - \$1,640,240.55

Motion – It was moved by Mr. Lamond, seconded by Mr. McKay, the Board of Supervisors voted to approve the bill list from 8/25/09 to 9/8/09 in the amount of \$1,640,240.55. This motion passed by a roll call vote of 5 yeas.

APPROVAL OF MINUTES:

2. July 28, 2009

Motion – It was moved by Mr. Lamond, seconded by Mr. McKay, the Board of Supervisors voted to approve the minutes of the July 28, 2009 meeting. This motion passed by a vote of 5-0.

MINUTES FOR POSTING

3. August 11, 2009

Motion – It was moved by Mr. Lamond, seconded by Mr. McKay, the Board of Supervisors voted to post the minutes of the August 11, 2009 meeting. This motion passed by a vote of 5-0.

4. August 25, 2009

Motion – It was moved by Mr. Lamond, seconded by Mr. McKay, the Board of Supervisors voted to post the minutes of the August 25, 2009 meeting. This motion passed by a vote of 5-0.

PUBLIC COMMENT:

Status of Malcolm's Gas Station. Mr. Ed Wolfe, who resides at 400 Fiddleleaf Lane, inquired about the status of Malcolm's Gas Station and if any attempts are being made by the township to reclaim this land. Mr. Clarke reported the township staff has been issuing citations to Malcolm's over the last several months.

Mr. Clarke said the matters were heard at the District Court and a decision was rendered in the township's favor. He said the property owner then appealed to the Bucks County Court of Common Pleas and approximately four weeks ago when the matter was supposed to be heard in the Bucks County Court of Common Pleas it was continued. It has been rescheduled for sometime in the next few weeks. The hearing has been marked as there being no further continuances.

DEPARTMENT REPORTS:

5. **MANAGER'S REPORT.** Mr. Tieperman reviewed the manager's report which included a) Warrington Day Preparations; b) 2009 Pavement Management Update; c) Redstone Woods; d) Interstate Sign Appeal; e) Leaf-Drop Off Report; f) Stump/County Line Road Update; g) Alou Village Complaint; h) Pandemic Preparation Updates; i) Disorderly House Ordinance; j) Maple Avenue Project; k) Document Management Update; l) 2010 Budget Process; and m) Other Business.

6. **Engineer's Report.** Mr. Zarko reviewed his monthly report for August 2009 as follows: a) 2009 Paving Program; b) West End Fire Station; c) Mill Creek Road Low Pressure Sewer System; d) Bradford Dam Trail Extension; e) Maple Avenue Extension; f) Shetland Storage Tank Repainting; and g) Easton Road/Bristol Road Intersection.

Mr. Zarko asked the Board if they were in favor to proceed with Phase I of the Bradford Dam Trail modifications, which would cost \$45,000. The Board indicated they were interested in proceeding with this project.

7. **Planning and Development.** Mr. Mrozinski reviewed his monthly report for August 2009 as noted in his memo dated 9/5/09.

8. **Parks and Recreation Report.** Mrs. Hanel reviewed her monthly report for August 2009.

NEW BUSINESS (ACTION/DISCUSSION ITEMS):

9. **Presentation of Sketch Plan for Wingate by Wyndham Hotel.**

Mr. Clarke explained that a sketch plan is used in the early stage of a development in which the developer is seeking to obtain the Board of Supervisors position on certain issues of the submitted plan. In turn, the developer will incorporate these issues into the preliminary plan.

Mr. Clarke said CKS has already completed a review of this initial sketch plan and as part of its review has already indicated that there are several zoning issues that need to be addressed. He said before the Board of Supervisors would have to take any formal action, the applicant would need to go to zoning and apply for several different variances; one of which is the use variance. If they were successful in front of the Zoning Hearing Board, then they could come back before the Board of Supervisors.

Stephen Harris, Esq. is representing the applicant, Mr. Gopal Patel. He said the sketch plan has been reviewed by the township planning commission. He said Mr. Knight, who resides at 807 Easton Road is the owner of this property. He said this sketch plan is being proposed and is asking for the township's

input. Our next step would be to go before the Zoning Hearing Board because this plan requires some variances. If the applicant is successful before the Zoning Hearing Board, then they will file a formal Land Development Plan and come back before the Board for further action.

Mr. Harris said he had been to the planning commission for their review. As a result of the planning commission's comments and Mr. Zarko, the township engineer's comments in his review letter of July 1, 2009 a number of changes to the plan. He made his presentation on the sketch plan for the Knights property.

Mr. Harris said the initial plan proposed is for an entrance at Georges Lane and an entrance onto Route 611. He said the planning commission felt strongly that there shouldn't be another entrance out onto Route 611. They recommended the existing roads should be utilized for access.

In CKS's review letter dated July 1, 2009 it notes that the proposed land development site is comprised of two (2) parcels totaling approximately 1.77 acres (+/-) in size and is located along the easterly side of Easton Road (SR 611), between Hilltop Lane to the north, Georges Lane to the south, and Roland Avenue to the east, within the "CR-0 Corridor Residential/Office" Zoning District. The applicant proposes to construct a four-story hotel, with associated parking and stormwater management improvements in conjunction with the proposed development. The proposed project is to be served by public water and sewer.

Mr. Dave Horner, traffic engineer, reported that he prepared a traffic study. The recommendation of the traffic engineer is to widen Hilltop Lane. He talked about his findings on the traffic impact study. He said primarily there are two items comparing the proposed hotel with a variance that could reasonably be built on this property. Those two uses are office use and a multi-family residential use.

Mr. Horner addressed the subject of stormwater management. There is a proposed underground stormwater basin.

Mr. Harris said except for all the variances that we have requested; the use variance for the hotel and the sideyard (buffer yard) requirements and the other ones discussed in CKS's letter dated 7/1/09 will be addressed. He said they are interested in the Board's and neighbors input in regards to the plan.

Mr. Ernest Montella, Jr, who resides at 2117 Georges Lane, said he is against hotel access to Georges Lane when there is access onto Route 611.

Mrs. Lori Lewis, who resides at 2119 Georges Lane, spoke about the 60 second delay to turn onto Route 611 from Georges Lane. Mr. Zarko said the township just received a copy of the traffic impact study and it is currently under review. Mr. Zarko has not had an opportunity to confirm this statement.

Mrs. Kathy Kilcoyne, who resides at 2142 Georges Lane, questioned the construction time frame of the hotel. She said she was asking because she desperately needs a new roof that will cost approximately \$8,000 to \$9,000. Or should she spend the money to patch the roof. Mrs. Butterworth asked Mr. Zarko once the township gives approval what is the time element for them to build. Mr. Zarko explained that for a project of this nature the developer would first have to go through the zoning process, followed by the application coming before the Board of Supervisors for preliminary approval. He said it wouldn't be unusual for a project of this size to take from nine to twelve months for preliminary approval. He said then they have to go through another approval step for final approval and that can take anywhere from three to six months. Mr. Zarko's opinion would be from two to three years if they decide to move forward with the project before construction would start.

Mr. Richard Steinberg, who resides on Georges Lane, asked if this hotel was going to be like the hotel that they built on Street Road across from Bucks Landing. He commented this hotel looks appears to be vacant all the time.

Mrs. Lori Lewis, who resides at 2119 Georges Lane, asked if this development was going to have public water and sewer as the residents presently have well water. Mr. Zarko said this project is proposed to be served by public water and sewer. Mrs. Lewis asked if this project was going to affect their water table. Mr. Zarko said he didn't believe this project was going to affect the water table. Mrs. Lewis wanted to know if the residents were going to have to hook up to public water and sewer. Mr. Zarko responded by saying that typically with this kind of project a study will be made to see if there is the capability of serving adjoining properties by both the public water and sewer system. He said it has been the township's policy in the past when a system like this has been put in by a developer that connection would not be required.

Mrs. Beverly Kline, who resides at 2104 Georges Lane, said she has four children who wait for their school bus on this corner. Mrs. Kline is concerned with the additional traffic that will be generated by this hotel.

Mrs. Joan Mauer, who resides at 2123 Georges Lane, said she understands that people have a right to develop their property. She said she looks at this project and she feels there are too many exceptions for this project. She asked the Board to consider very carefully how many concessions have to be made to fit this proposed hotel on a property that doesn't really support it.

Mr. William Pakstis, who resides at 2170 Hilltop Lane, expressed his concern about the additional Route 611 traffic. He talked about the additional traffic and if the residents could go out on Hilltop Lane. However, making a left hand turn going south bound on Route 611 runs into the same left hand turning lane as the traffic going to Wegmans.

Mrs. Barbara Schultz, who resides at 2152 Georges Lane, said the two traffic signals that have been talked about are not synchronized. She inquired about the attractions in Warrington to make this hotel appropriate. She doesn't see why there is a need a 4-story hotel at the end of Georges Lane.

Mr. Harris said he will take the comments from the neighbors into consideration which is part of the sketch plan process.

10. **Review proposed amendments to Township Fee Schedule.** Mrs. Barbara Livrone reviewed the chart showing proposed changes to the 2009 Fee Schedule adopted by Resolution #09-R-16 on January 27, 2009.

Motion – It was moved by Mr. Lamond, seconded by Mr. McKay, that the Board of Supervisors approved the resolution amending the 2009 Fee Schedule. This motion passed by a vote of 5-0.

11. **Review expansion plans for Equestrian Center.** Mrs. Tammy Westney, Executive Director of Special Equestrians reviewed the expansion plans for the Special Equestrians Center located at 2800 Street Road.

Mr. Clarke was asked to review the lease agreement for the expansion of the special equestrian center before they proceed with this project.

OLD BUSINESS (ACTION/DISCUSSION ITEMS):

12. **Discuss approval of Clear Wireless LLC (“Clearwire”) cell tower lease at 2210 Shetland Drive, Warrington, PA.** Mr. Clarke reported that this is one of the cell tower leases the Board has been discussing over the past several months. He said the original monthly rental figure was \$2,000 and their representative has agreed to \$2,300 per month for the initial year of a term of five (5) years, with a 3% annual increase during both the initial term or any renewal terms. He said he believed there was a conditional use application scheduled for this antenna on September 22, 2009 and that this company will be an applicant.

Mr. McKay said it is appropriate that the township have a local CPI increase. He said in the actual agreement in paragraph 2 it discusses an effective date for the contract to take place. He said the effective date is the date of full execution, which means both parties have to sign the agreement. He said in the motion we add a paragraph stating this agreement is null and void at the date of full execution if not completed by October 1, 2009.

Mr. McKay said his suggestion is that paragraph 4 would read that the term of this Agreement shall be upon a date the tenant begins construction of the tenant facilities or thirty (30) days following the effective date, whichever first occurs.

Mr. Plotnick said if the Board conditionally approves this resolution then Clear Wireless LLC would have to agree to these conditions imposed by the Board. He made some suggestions that he felt would make it palatable to both sides; conditions that would protect the township and Clear Wireless. He said we want to protect ourselves against CPI and going with \$1,000/day he can see at 3% is not going to do much for the township in three (3) years. He said we can protect ourselves by saying that you have a 2% minimum annual increase and we want the CPI up to a maximum of 5%.

Mr. Plotnick said he agrees with them starting the work as soon as possible. If the township causes delays in permitting, getting inspectors for the site and any other delays caused by the township will extend that period.

Mr. Clarke said there are two ways we can approach this issue. The township can potentially alter the agreement as Mr. McKay indicated or the township can make it clear to them that on September 22, 2009 they must present the township with a signed agreement or they will not obtain their conditional use approval.

Motion – It was moved by Mr. McKay, seconded by Mr. Lamond, the Board of Supervisors adopt the resolution for cell tower terms and conditions for Clear Wireless LLC regarding this site at 2210 Shetland Drive with the modification of the resolution that the rate will be \$2,300 per month for rent for the initial year of a term of five (5) years, with a minimum 2% annual increase or the local CPI for the previous calendar year not to exceed 5%. The terms of this agreement shall commence on conditional use approval or no later than November 13, 2009. This motion passed by a vote of 5-0.

13. **Review and consider final adoption of the Township’s Strategic Goals and Objectives.** Mr. Tieperman said the Board had previously asked that we share this preliminary draft with some of the township’s boards on the township’s strategic goals and objectives. He asked for a consensus of the Board on this document.

ESCROW AND MAINTENANCE BOND RELEASES:

14. **Consider Request for Escrow Release #7 for St. John Neumann Cemetery in the amount of \$43,716.92.**

Motion - It was moved by Mr. Lamond, seconded by Mr. Plotnick, the Board of Supervisors approved the escrow release #7 for St. John Neumann Cemetery in the amount of \$43,716.92. This motion passed by a vote of 5-0.

EXTENSION REQUESTS:

15. **Consider Extension Request for Barton Charles Minor Subdivision Plan.**

Motion – It was moved by Mr. Lamond, seconded by Mr. Plotnick, the Board of Supervisors approved the extension request for the Barton Charles Minor Subdivision Plan until 9/2/10. This motion passed by a vote of 5-0.

16. **Consider Extension Release for Warrington Senior Commons.**

Motion – It was moved by Mr. Lamond, seconded by Mr. Plotnick, the Board of Supervisors approved the extension request for Warrington Senior Commons until 11/30/09. This motion passed by a vote of 5-0.

DEDICATION REQUESTS

17. **Consider acceptance of public improvements for St. John Neumann Cemetery.**

Motion – It was moved by Mr. Lamond, seconded by Mr. McKay, the Board of Supervisors approved the resolution for denial of acceptance or completion of public improvements for St. John Neumann Cemetery major land development. This motion passed by a vote of 5-0.

CONSENT AGENDA:

18. **Discuss approval of parameters for Warrington Cares.** Mrs. Hanel reported Warrington Township established a charitable fund; known as “Warrington Cares” in the late 1990’s to benefit Warrington residents in financial need. She reviewed the draft policy and procedures for Warrington Cares.

Motion – It was moved by Mr. McKay, seconded by Mrs. Kiefer, the Board of Supervisors adopted the proposed policy and procedures for Warrington Cares. This motion passed by a vote of 5-0.

19. **Approval of PennBID Service and License Agreement.** Mr. Tieperman reported this is an initiative the Bucks County Consortium is working on with PennBID. There is no financial commitment on the part of the township. PennBID allows the township to take our bidding process “on line” for our major public road bids and other types of road work without the paperwork. He said PennBID is a website program intended for local government units to post, retrieve procurement information and is part of Apex PM Solutions, LLC.

Mr. Zarko said the bidders would send in their bids electronically. He said the program features security tabulation of all bids results. It expedites the bidding process and makes the contract documents more readily available to prospective bidders. The Board expressed some concerns about the program. Mr. Zarko will report back to the Board at their September 22, 2009 meeting.

ADJOURNMENT

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