

WARRINGTON TOWNSHIP BOARD OF SUPERVISORS

MINUTES FOR FEBRUARY 9, 2010

The regular meeting of the Warrington Township Board of Supervisors was held on February 9, 2010, 7:30 p.m., at the Township Building located at 852 Easton Road, Warrington, PA 18976. The members present were as follows:

ATTENDANCE:

Rebecca A. Kiefer, Chairman; John Paul, Vice Chairman; Marianne Achenbach, Secretary; Michael W. Lamond, Jr., Assistant Secretary; Paul Plotnick, Member; Timothy J. Tieperman, Township Manager; William H. R. Casey, Esq., Township Solicitor; Richard Wieland, Township Engineer; Michael Mrozinski, Director of Planning and Economic Development; Carolyn Hanel, Director of Administrative Services/Parks and Recreation; Vivian S. Bell, Township Treasurer; and Barbara Livrone, Executive Assistant to the Township Manager.

PLEDGE OF ALLEGIANCE

The meeting opened with a pledge to the flag.

INDUCTION OF NEW OFFICERS FOR WARRINGTON VOLUNTEER FIRE COMPANY

Judge Jean Seaman swore in the new officers for the Warrington Volunteer Fire Company as follows: Michael Bean, Fire Chief; Joseph Fuchs, Deputy Fire Chief; Chris Harvey, Battalion Chief; Paul Martin, Captain 29; Scott Martin, Safety Officer; and Oliver Groman, Jr., Safety Officer.

APPROVAL OF BILL LIST:

1. January 26, 2010 to February 9, 2010 - \$599,253.38

Motion – It was moved by Mr. Paul, seconded by Mr. Plotnick, the Board of Supervisors voted to approve the bill list for the period from 1/26/10 to 2/09/10 totaling \$599,253.38. This motion passed by a roll call vote of 5 yeas.

APPROVAL OF MINUTES

2. December 22, 2009

Motion – It was moved by Mr. Lamond, seconded by Mrs. Kiefer, the Board of Supervisors voted to approve the minutes of the December 22, 2009 meeting. Mrs. Butterworth, former supervisor, had sent in her written approval of these minutes. This motion passed by a vote of 3-0.

3. January 12, 2010

Motion – It was moved by Mr. Paul, seconded by Mrs. Achenbach, the Board of Supervisors voted to approve the minutes of the January 12, 2010 meeting. This motion passed by a vote of 5-0.

MINUTES FOR POSTING**4. January 26, 2010**

Motion – It was moved by Mr. Paul, seconded by Mrs. Achenbach, the Board of Supervisors voted to post the minutes of the January 26, 2010 meeting. This motion passed by a vote of 5-0.

MANAGER'S REPORT.

5. Mr. Tieperman reviewed the manager's report which included a) Amended Budget; b) Bond Counsel Meeting; c) Solar Energy Grant Program; d) Palomino Basin Bids; e) Warrington 2010 Clean Energy Purchase; f) E-Gov Meeting; and g) Staff Meeting Highlights.

Mr. Tieperman said as part of the participation in the PA Clean Energy Community Program, the Environmental Advisory Committee is recommending again the Township's participation in purchasing green energy (RECs) to match 20% of the municipality's electricity consumption. The clean energy purchase was a three year commitment beginning in 2007 and ending in 2010. He is looking for the Board's consent to execute a purchase of these RECs to honor a prior commitment to this program. The Board gave their consent to proceed and execute a purchase of these RECs to honor a prior commitment of this program in the amount of \$5,160.

Mrs. Kiefer said with the impending snow storm, it would be the township's responsibility to declare a State of Emergency; if, in fact, that need does exist. Mr. Paul will be out plowing the roads and will have a better idea of what the conditions are of the roads, in conjunction with the Chief of Police and the Fire Marshal if the emergency needs to be declared, and then she would recommend to the Board John Paul, Vice Chair is appointed to make that decision.

Motion – It was moved by Mr. Lamond, seconded by Mrs. Achenbach, the Board of Supervisors appoint John Paul, Vice Chair, in conjunction with the Chief of Police and the Fire Marshal, to make the decisions about a State of Emergency. This motion passed by a vote of 5-0.

NEW BUSINESS (ACTION/DISCUSSION ITEMS):

6. **Discussion of Farmers Market Concept at Valley Square.** Christie Honigman, Property Manager for Valley Square; and Scott Slobotkin from David Jay Jewelers spoke about a farmers market to be located in the Valley Square Shopping Center. She said she and Mr. Slobotkin wanted to present a new concept. She said the initial plans were to make Valley Square the "town center" for Warrington. These two concepts are a step in that direction.

Mr. Slobotkin said as a business owner in Valley Square we were really trying to create an atmosphere that would benefit this township on a residual basis. Ms. Honigman said there are two ideas that we want to launch in tandem here: 1) The Farmer's Market; and a 2) "First Friday" Concept whether its Warrington's Wednesday or third Thursdays or whatever it may be. We're looking to create a sense of community and wanted to come to the Board while we're still in the grass roots stages of planning. The Farmer's Market at Valley Square would be hosted in the interest of supporting the eco-friendly initiatives of Warrington Township such as local crop and livestock distribution and sales.

Both of these concepts are in their infancy and that at this point, we would like Warrington Township's input before moving forward.

Mr. Paul stated if the Board was in favor of this concept, then we can turn it over to the staff and develop the whole process. The consensus of the Board was that they were in favor of this concept. He suggested

that we set up a meeting and get staff involved who would be working on this project and move forward with this marketing concept. Mr. Paul said he would be willing to meet with this group.

Mr. Fred Achenbach said we've had several occasions at Valley Square where there have already been problems at the Main Street intersection and Valley Square Boulevard. He said there is money provided in the plan for a traffic light at that intersection and wondered if we shouldn't be thinking about that before we become involved with this project. Mr. Paul said that is a good point and said it was talked about before but never followed up on because it only came up a few times. Mrs. Kiefer said that Mr. Paul can put that idea into the mix of what we will be working on and said it was a very good idea.

7. Consider approval for 2010 Fee Schedule.

Motion – It was moved by Mr. Paul, seconded by Mr. Lamond, the Board of Supervisors moved to table approval of the 2010 Fee Schedule as presented. This motion passed by a vote of 5-0.

8. Consider waiver of land development requirements for 525 Easton Road. Mr. Mrozinski reported Mr. Ich Tran had purchased a single-family dwelling at 525 Easton Road located directly across the street from Wawa. He said the applicant's intention is to convert that property into a personal service (nail salon – first floor) and his residence (second floor). He said this is allowed by the ordinance and received special exception approval and minor setback relief from the Warrington Zoning Hearing Board recently. He said the applicant has given up his business, which has been in Doylestown Township and is looking for some help. This process has been going on for longer than anticipated and said Mr. Tran is not proposing any exterior alterations to the building, only the necessary access and parking improvements.

Mr. Mrozinski said what the applicant is proposing is that the township waive the formal land development process. Staff is recommending granting this waiver due to the minor nature of the proposed improvements. The applicant will still be required to apply for zoning and building permit applications for the interior and for the parking lot work.

Mr. Mrozinski said Mr. Tran is also requesting relief from tapping and connection fees for the water and sewer service. Staff is not recommending approval of this waiver.

Mr. Jerry Anderson asked how one can guarantee that you're going to get your initial improvements done and to the township's liking if you're not doing this through the land development process. Mrs. Kiefer said she was assured by Mr. Mrozinski that the issue here is that they have accepted the initial improvements will be done and that they will be part of the plan as received. Mr. Anderson asked where one stops doing this if the township allows this waiver.

Mr. Doug Skinner said he agrees with Mr. Anderson on this issue. He said the land development fee is not intended to be punitive and there is no guarantee that the process is followed. While this development appears to be small, there are a half a dozen other small developments in that same section that can open a can of worms. He doesn't see honestly how you can draw a line and say these guys on that side of the road and these guys on the other side of the road and make it sensible. He said the planning commission is trying to develop some standards to address stormwater for smaller lots in developments.

Mr. Casey will take a look at the zoning ordinance and come back to the Board with his recommendations at a future meeting.

Motion – It was moved by Mr. Paul, seconded by Mrs. Achenbach, the Board of Supervisors moved to deny considering the waiver of land development requirements for 525 Easton Road. This motion failed by a vote of 5-0.

9. **Review Staff Report on newsletter company interviews and consider authorization of contract.**

Motion – It was moved by Mr. Lamond, seconded by Mr. Plotnick, the Board of Supervisors moved to table authorizing the Manager to execute an agreement with *Hometownpress* to produce the Township's quarterly newsletter for 2010. This motion passed by a vote of 5-0.

10. **Consider authorization to advertise for competitive bid for repairs to Barness Park Field #4.**

Motion – It was moved by Mr. Paul, seconded by Mr. Plotnick, the Board of Supervisors moved to authorize the advertisement of competitive bids for repairs to Barness Park Field #4. This motion passed by a vote of 5-0.

11. **Consider adoption of 2010 amended budget as advertised.** Mrs. Kiefer said she met with members of Staff, the Finance Department and Marianne Achenbach, to work on the Budget to present it to the rest of the Board. She said we reduced the General Fund by \$135,263 or a 1.66%; Park and Recreation Fund by \$48,865 or a 5% reduction; Water and Sewer Fund by \$313,313 or a 5.15% difference. She said the changes that were made, were based on the philosophy of actual expenditures from last year carried out to forecast prospective 2010 expenditures.. The total amount of reduction for the 2010 Budget was \$497,441 or 3.3%, which is almost \$500,000 in savings or a half million dollars. She said the Board will be receiving monthly updates regarding expenditures from the township manager and will have an opportunity to review any variance and explanation so we can stay on top of it and keep our expenditures down.

It would be important to note that Mr. Lamond and Mr. Plotnick were opposed to this budget for their view on the shortsighted reduction in the communication portion of the budget. They felt this would seriously affect the public communication image and the impact it has on the township citizenry.

Motion – It was moved by Mr. Paul, seconded by Mrs. Achenbach, the Board of Supervisors moved to consider approval to amend the 2010 Budget. This motion passed by a vote of 3-2. Mr. Lamond and Mr. Plotnick voted no.

OLD BUSINESS (ACTION/DISCUSSION ITEMS):

12. **Consider revised sketch plan for the Patel Hotel (Wyngate) Subdivision located at Easton Road and George's Lane.** Stephen Harris, Esq., attorney for the applicant, reviewed the revised sketch plan for the Patel Hotel (Wyngate) Subdivision located at Easton Road and George's Lane. He said a sketch plan was viewed by the Warrington Township Planning Commission in July. There were many issues raised by the planning commission, the township engineer, and the residents at this meeting. After the meeting in July the applicant had met with neighbors on 10/3/09. When we were here before the Board, there was a lot of discussion regarding the traffic on Georges Lane. As a result we have revised the plan and eliminated having an exit from the hotel complex out onto Georges Lane. The only exit would be on the Hilltop Lane side.

Mr. Harris recognizes that there is a need for a number of variances. Under the current zoning ordinance a hotel is not a permitted use. However, under the zoning ordinance that is currently being considered by the township a hotel is a permitted use in this district; and, therefore, we felt asking for a use variance would be coming into compliance with the zoning ordinance the township is considering was appropriate. He said there are a number of variances that we will be requesting that deal with size of setbacks and size of buffer plantings.

Mr. Harris said the current zoning ordinance doesn't consider or contemplate that there are any small lot sizes. The zoning ordinance is designed for larger lots. If you build in all the buffers and setbacks and

have the parking field that you require, assuming that Rowland Avenue was vacated you would pick up the 25' of right of way on that paper road. He said whatever use is going to be proposed for this site; i.e., hotel or office building you must have the kind of variances that we are asking for or you can't put any building on this site. He said the final variance that is being asked for is parking so that it can come into compliance with the one (1) parking space per room. This hotel would be a 4-story building and will have a small meeting room.

Mr. Harris said we are proposing that Rowland Avenue be vacated, which is a paper street. Significant buffer plantings will be put into place around the hotel. There will be a widening of the shoulder along Route 611 as PennDOT requires an 8' shoulder.

Mr. Harris said this presentation is intended to be an exchange of ideas for the applicant to consider whether to precede further, the next step being to the Zoning Hearing Board.

Mr. Paul felt that this project is too big for this piece of property. He said to give that many variances to allow something to be built raises a red flag to start with. He said the project in that particular area is not an option that is viable. He is not in favor of this project.

Mrs. Kiefer said since we are looking at the Route 611 Corridor she would think that as part of reviewing the Route 611 Corridor would be to take into account some of the smaller lots and to see what we can determine for future use. At this point in time she agrees with John Paul about this issue.

Mrs. Achenbach also felt that this project is too big for this location. Mr. Lamond feels this project would open the floodgates. If we allowed the applicant to do, then the next developer comes in and he's going to want to do it. He is not in favor of this project as it's too big of a project on to small of a lot.

Mr. Plotnick agrees with his colleagues with most of their statements. It's a good idea but this application doesn't work at this location.

Mrs. Kiefer polled the Board to determine whether this proposed usage is something we should initially pursue or feel that it is inappropriate use at this location. The consensus of the Board was that they were not impressed with this project.

13. **Consider a major subdivision plan approval for the Ball/Colibraro Tract located at Bellflower and Lower State Road.** John VanLuvanee, Esq., attorney for the applicant, reviewed the three issues left over from the preliminary plan approval. He said the project was given preliminary plan approval in September 2009 (Resolution 2009-R63) and there were a couple of open issues that are to be discussed tonight.

Mr. VanLuvanee said one of the issues is the plan change that has to do with the calculation of the fees in lieu of open space and we have a little more work to do on that issue. Both engineers were laboring under the misconception as to which ordinance applied. There was a change in the ordinance in May 2008 that amended one of the sections of the ordinance and took out a 25% open space requirement. He said it also changed the language in reference to the calculation of the fee in lieu of open space. There was a formula in there previously for subdivisions under 25 lots, but there is no longer a formula in the ordinance.

Mr. VanLuvanee said the other two issues that are open 1) The resolution required in compliance with the recommendation of the planning commission as it related to traffic calming devices on the adjoining street to Bellflower Boulevard. He said the planning commission had recommended that the applicant who did the traffic study come up with recommendations for implementation of traffic calming devices and then install them. He learned from talking with Mr. Zarko that the school district had previously done a study and made a recommendation with respect to traffic calming devices within Bellflower Boulevard. ?? (the only change Dorothy made to this paragraph was remove the "s" from install.

Mr. VanLuvanee said Mr. Zarko had recommended, if the Board was so inclined, the developers of the Ball/Colibraro Tract contribute the amount of money necessary to implement the recommendations of the school district with a cap of \$5,000, which he thought was more than reasonable. He said that may be an easier way to compromise since we already have the study done rather than spend more money to do another study and come up with a different conclusion. ??

Mr. Paul said before he takes any action he would like to know exactly on what he was taking action. Mr. Zarko said he would see that the Board receives a copy of the developer's applicant's plan and their recommendations.

Mr. VanLuvanee said the third issue is about sidewalks. We have shown on the final plan a 4' sidewalk along the frontage on Lower State Road but what we're not able to do is provide a 4' separation between curve and sidewalk that the township ordinance requires because there is no right of way there. He said the plan has the sidewalk on it and wanted to know if the Board was willing to waive the 4' separation, which we can't provide, within the additional right of way. The Board concurred. Mr. VanLuvanee said he will work with the township staff on the open space question.

14. Consider approval to advertise an amendment to Chapter 27, Part 22 of the Township Code (Sign portion of the Zoning Ordinance.)

Motion – It was moved by Mr. Paul, seconded by Mr. Plotnick, the Board of Supervisors moved to authorize the advertisement of an amendment to Chapter 27, Part 22 of the Township Code (Sign portion of the Zoning Ordinance.) This motion passed by a vote of 5-0.

ESCROW AND MAINTENANCE BOND RELEASES:

15. Consider request for final escrow release #14 for Stone Manor Corporate Center, Phase I in the amount of \$63,566.12. Mr. Anderson, Bucks County Director of Operations, said when this was approved, the Bucks County Commissioners gave approval to use a retention basin that is located on County property across the street from this development that is no way near done. He said if this is the final escrow release we have a problem with that. That basin was supposed to be secured in both Warrington and Doylestown Townships until all the improvement were completed. He asked the Board to take a look at this and see what, in fact, is in this final escrow release for monies being held for these improvements to make sure that they get completed.

Motion – It was moved by Mr. Paul, seconded by Mr. Lamond, the Board of Supervisors moved to table the final escrow release #14 for Stone Manor Corporate Center, Phase I in the amount of \$63,566.12. This motion passed by a vote of 5-0.

EXTENSION REQUESTS:

16. Consider the approval of an extension to February 26, 2010 for the Ball/Colibraro Tract, a major subdivision located at Lower State Road and Bellflower Boulevard.

Motion – It was moved by Mr. Plotnick, seconded by Mr. Lamond, the Board of Supervisors moved to grant an extension for the Ball/Colibraro Tract, a major subdivision located at Lower State Road and Bellflower Boulevard until February 26, 2010. This motion passed by a vote of 5-0.

SUPERVISORS' COMMENTS

Mrs. Kiefer commented one of the assets Warrington Township has are the volunteers who serve on the various Boards and Commissions. Currently, there are thirteen (13) different boards and fifty six (56) volunteers. They donate three hundred and fifty (350) to four hundred (400) hours a month that the volunteers donate to the township. Mrs. Kiefer recommended that the township take advantage of their expertise and encouraged all Supervisors to attend any of these meetings and be there as an observer, not serve as liaison or sit at the dais with the board which confuses the public as well as intimidates some board members. We should give them the opportunity to do what we have tasked them to do, which is to advise the Board of Supervisors.

Mrs. Kiefer recommended scheduling joint meetings periodically, giving each board a different night. The Board of Supervisors will discuss with these boards/commissions their goals and vision as well as the supervisors' goals and visions. Mrs. Kiefer recommended the Board start with the planning commission. Staff will report the actions of individual boards/commissions. Mr. Plotnick mentioned the Pension Advisory Board requires two board members and suggested that he remain on this committee. Mrs. Kiefer stated that she, as chairperson, is automatically placed on the Pension Advisory Board and asked Mr. Paul to be the second supervisor. Mrs. Kiefer suggested and welcomed Mr. Plotnick to attend the Pension Advisory Board meetings. Mrs. Kiefer asked if the Board was in agreement and the Board was in consensus with the idea of having each Supervisor attend the various thirteen (13) boards and commissions meetings.

EXECUTIVE SESSION

Mrs. Kiefer announced that Mr. Casey has requested a brief executive session on litigation issues.

ADJOURNMENT

It was moved by Mr. Lamond, seconded by Mr. Plotnick, the Board of Supervisors voted to adjourn the meeting at 9:25 p.m. This motion passed by a vote of 5-0.