



WARRINGTON TOWNSHIP BOARD OF SUPERVISORS MINUTES FOR DECEMBER 14, 2010

The regular meeting of the Warrington Township Board of Supervisors was held on December 14, 2010, 7:30 p.m., at the Township Building located at 852 Easton Road, Warrington, PA 18976, followed by the pledge of allegiance. The members present were as follows:

ATTENDANCE:

John Paul, Chairperson; Gerald Anderson, Vice Chairperson; Marianne Achenbach, Secretary; Michael W. Lamond, Jr., Assistant Secretary; and Paul Plotnick, Member. Staff present were Timothy J. Tieperman, Township Manager; William R. Casey, Esq., Township Solicitor; Richard Wieland, P.E., Township Engineer; Carolyn Hanel, Director of Administrative Services/Parks and Recreation; Michael Mrozinski, Director of Planning and Economic Development; Vivian Bell, Finance Director and Barbara Livrone, Executive Assistant to the Township Manager.

EXECUTIVE SESSION REPORT

Mr. Casey reported that an Executive Session was held prior to the public meeting with the auditors. The Board also discussed some pending personnel litigation and the bankruptcy of the developer of Lamplighter Village. Pursuant to the Katz bankruptcy, Mr. Casey asked the Board for authority to engage a bankruptcy lawyer to file certain motions on behalf of the Board, to assist efforts to recover the funds from the Wells Fargo Bank. Mr. Anderson asked about the hourly rate for the bankruptcy lawyer. Mr. Casey said the initial motion would cost \$1,000 including a \$300 filing fee and after that the fee would be \$200/hour as needed.

Mr. Anderson motioned, seconded by Mrs. Achenbach to accept the Solicitor's recommendation to engage a bankruptcy lawyer to file certain motions for the Board, which will assist the township in recovering the money from the Wells Fargo Bank re: Lamplighter's Village with one caveat that the when the attorney's fees reach \$1,000 this matter be brought back to the Board for discussion. This motion passed unanimously.

Mr. Plotnick motioned, seconded by Mr. Anderson to enter into the settlement proposed in the pending personnel litigation that was discussed and the township contribute \$5,000 toward the settlement. This motion passed unanimously.

APPROVAL OF BILL LIST:

1. November 23, 2010 to December 14, 2010 - \$1,498,644.69

Mr. Anderson motioned, seconded by Mrs. Achenbach, to approve the bill list from 11/23/10 to 12/14/10 totaling \$1,498,644.69. This motion passed by a roll call vote of 4-0. Mr. Paul abstained from voting on the Lankford Landscaping invoice on the bill list as he is employed by Lankford.

At the request of the Board, Mr. Wieland reviewed the invoice from Lankford Landscaping for replacement trees along Maple Avenue that was questioned at a previous meeting. The amount in question was \$900.00, (six (6) trees at \$150.00 each). Five (5) trees had died but their replacement was part of the Maple Avenue extension project, and as such, is covered by the one (1) year maintenance bond from general contractor (Pedrick) for that project. The additional tree (\$150) was added by the township at the request of an adjacent homeowner, Anthony Farano.

APPROVAL OF MINUTES:**2. October 26, 2010**

Mr. Anderson motioned, seconded by Mrs. Achenbach, to approve the October 26, 2010 Meeting Minutes. The motion passed by a vote of 5-0.

3. November 9, 2010

Mr. Anderson motioned, seconded by Mr. Plotnick, to approve the November 9, 2010 Meeting Minutes. The motion passed by a vote of 5-0.

MINUTES FOR POSTING**4. November 16, 2010**

Mr. Anderson motioned, seconded by Mrs. Achenbach, to approve the posting of the November 16, 2010 Meeting Minutes. The motion passed by a vote of 5-0.

5. November 23, 2010

Mr. Anderson motioned, seconded by Mrs. Achenbach, to approve the posting of the November 23, 2010 Meeting Minutes. The motion passed by a vote of 5-0.

PUBLIC COMMENT

The following residents provided comment:

- Mrs. Lisa Feldman of 160 Stetson Drive (regarding speeding problem through the Warrington Hunt Development). Mr. Paul said the township manager would contact the police department and have them do several patrols from 7:00 AM to 8:30 AM.
- Mr. Liem Nguyen of 204 Rebecca Court (regarding burglaries in the Warrington Hunt Development). He inquired about having a Neighborhood Watch program to deter crime in their area. Mr. Paul said an email can be sent out to the residents in the development along with some notices to determine if any of the residents are willing to be part of a Town Watch program. He said the police would be happy to help setting up the program.

PUBLIC HEARING:**6. Consideration of a Conditional Use application by T-Mobile to allow placement of telecommunications equipment on existing PECO transmission towers, in the utility right-of-way northwest of Street Road and Wedge Way.**

Mr. Nicholas A. Cuce, Jr., the attorney for T-Mobile Northeast LLC, made his presentation on the conditional use application by T-Mobile to allow placement of telecommunications equipment on existing PECO transmission towers, in the utility right-of-way northwest of Street Road and Wedge Way and within the R-2 Medium Density Residential District. The property is about 3.2+/- acres in area, and is improved by existing PECO transmission towers.

Mr. Cuce has requested that at the end of the presentation the Board render a decision that evening if possible. Mr. Cuce explained that PECO has scheduled power outages at given times and T-Mobile needs an outage on this particular line in order to construct this facility. He said the outage is scheduled for the first week in January 2011.

Mr. Anderson motioned, seconded by Mr. Plotnick, to approve the conditional use application by T-Mobile to allow placement of telecommunications equipment on existing PECO transmission towers, in the utility right-of-way northwest of Street Road and Wedge Way. This motion passed by a vote of 4-1. Mrs. Achenbach voted no.

Mr. Anderson motioned, seconded by Mr. Lamond to close the hearing. This motion passed unanimously.

7. Continue hearing on the proposed transfer of a PA Liquor License form Creedon's Restaurant in Sellersville to Stores #1 and #2 in the Warrington Square Shopping Center.

Mr. Casey reported that the township was advised by the applicant that he will not be able to produce a signed lease until after January 15, 2011.

Mr. Anderson motioned, seconded by Mrs. Achenbach, to close the hearing on the proposed transfer of a PA Liquor License form Creedon's Restaurant in Sellersville to Stores #1 and #2 in the Warrington Square Shopping Center and not open it again until the applicant gives satisfactory documentation to the township manager. This motion passed unanimously.

Mr. Anderson motioned, seconded by Mr. Lamond, to close the hearing on the proposed transfer of a PA Liquor License form Creedon's Restaurant in Sellersville to Stores #1 and #2 in the Warrington Square Shopping Center. This motion passed unanimously.

8. Review and consider an amendment to Chapter 27 of the Warrington Township Code of Ordinances, concerning Building Heights.

Mr. Tieperman advised the Board that at the time the proposed ordinance amendment was advertised the Bucks County Planning Commission had not rendered their opinion. Mr. Tieperman noted that the Supervisors previously expressed their opinion that a 65' height limit was too high and the Solicitor was directed to revise the proposed ordinance amendment to 55' and it has been advertised as such. In the meantime a memo dated 12/1/10 from the Bucks County Planning Commission was received. Mr. Casey said the proposed ordinance amendment has been modified to include some of the recommendations of the Bucks County Planning Commission.

Mr. Lamond said he would like to see the maximum building height be reduced from 55' to 50'. He said 50' has been the standard and he feels that we should stick with the standard as recommended by the Bucks County Planning Commission.

Mrs. Achenbach had asked Mr. Mrozinski the rationale for the 65' limit was recommended by the Warrington Township Planning Commission even though the Board disagreed and is going with 55'. She felt in the PI-1 & PI-2 Planning Industrial District area might need a lower building height and be more beneficial given that it's more residential and the quarry being the only major industrial facility out there.

Mrs. Achenbach asked Mr. Mrozinski for further clarification. Mr. Mrozinski said the 65' limit was considered based on two items. First, there are some municipalities that have the 65' standard such as Upper Gwynedd where the proportional setback idea was taken from – the 35' and going up to either 55' or 65' with increased building setbacks, depending on which version we are looking at. In Upper Gwynedd the reason they were given the special credence of 65' was because they actually have a tall building in an area that you look at and see how it actually fits into a dense area. Second, the other

Mr. Anderson said he understands the rationale for 55' based on the fact that one of these hotels is 55'. In looking at and reviewing this again he feels that a lower number would probably be more beneficial to the township with a conditional use. Mr. Mrozinski said; as he understands it, the Board would like to set the base barrier at 35' and to have this building height go up to 55' make that a conditional use process.

Mr. Mrozinski asked the Board if they had other criteria than the type of use because in order to write an appropriate conditional use we would need criteria. Mr. Anderson recommended that we send our recommendations back to the Warrington Planning Commission so that the new criteria can be established.

Mr. Anderson motioned, seconded by Mr. Plotnick to continue the building heights hearing affecting building heights in the PI-1 and PI-2 Planning Industrial Districts to a date certain after the planning commission makes their recommendations. This motion passed unanimously.

9. MANAGER'S REPORT

Mr. Tieperman highlighted the following bulleted items in his report:

1. **Consent Item:** Consider DPW recommendations for 2010/2011 Snow Plowing and Salt Application Services.

Mr. Anderson motioned, seconded by Mr. Lamond to approve the 2010/2011 snow plowing and salt application services based upon the recommendations of the Highway Foreman for the Public Works Department. The motion passed unanimously.

2. **Consent Item:** Review and consider Resolution authorizing application to the 2010 PECO Green Region Open Space Program for the Dempsey property acquisition project.

Mr. Anderson motioned, seconded by Mr. Plotnick to approve the resolution authorizing application to the 2010 PECO Green Regional Open Space Program for the Dempsey property acquisition project located at 785 Stump Road. This motion passed unanimously.

3. **Consent Item:** Review and Consider Energy Services Agreement with Champion Energy.

Mr. Lamond said that two years ago the township had looked into LED street lights and he wanted to know if there were grants still available for this purpose. He asked that the township investigate installation of LED street lights to determine if there is any cost savings.

Mr. Anderson motioned, seconded by Mr. Plotnick to authorize the Chairman John R. Paul to enter into an agreement with Champion Energy Services to provide electricity. This motion passed unanimously.

4. **Consent Item:** Review and Consider Maintenance Agreement for Titus Elementary sidewalks.

Mr. Paul said the clarification that the Board had asked for before, which was not included in the agreement, was the agreement as prepared by the school district did not specify responsibility for removing any dead trees.

Mr. John Klein of 2353 Lower Barness Road (regarding removal of the trees) requested some clarification on what the whole process is when a tree needs to be replaced and how does the homeowner get reimbursed.

NEW BUSINESS (ACTION/DISCUSSION ITEMS):**11. Review and Consider final adoption of the 2011 Operating and Capital Budget.**

Mr. Anderson said he was glad to see that the township is moving in the right direction and the Board has agreed with no tax increase for 2011, and that the costs that will be increasing are items over which the Township has no control such as medical insurance, etc. Mr. Anderson also commented that he had some concerns with information received from the auditors and requested more time to review their report before acting on the 2011 budget.

Mr. Plotnick's concern is that the township has this giant unknown in our budget and this could be crippling based on our current revenue stream. He feels we need a contingency plan built into this budget.

Mr. Anderson motioned, seconded by Mrs. Achenbach to table adoption of the 2011 Operating and Capital Budget until the December 28, 2010 meeting. This motion passed unanimously.

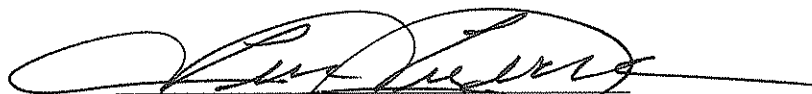
ESCROW AND MAINTENANCE BOND RELEASES:**12. Consider request for release of maintenance bond (18-Month Maintenance Period) for the public improvements for the Warrington Square Shopping Center (a/k/a/ Danny Jake).**

Mr. Anderson motioned, seconded by Mr. Lamond to approve the request for release of maintenance bond (18-Month Maintenance Period) for the public improvements for the Warrington Square Shopping Center (a/k/a/ Danny Jake) effective December 23, 2010. This motion passed unanimously.

ADJOURNMENT

Mr. Lamond motioned, seconded by Mr. Anderson, to adjourn the meeting at 9:35 p.m. The motion passed unanimously.

Edited and Reviewed By:



Timothy J. Tieperman, Township Manager