



## **WARRINGTON TOWNSHIP BOARD OF SUPERVISORS MINUTES FOR JUNE 14, 2011**

The regular meeting of the Warrington Township Board of Supervisors was held on June 14, 2011, 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; and Barbara Livrone, Executive Assistant to the Township Manager.

### **EXECUTIVE SESSION REPORT**

Mr. Casey reported that an executive session to discuss Happy Tymes and personnel issues will be held after the regular meeting has adjourned.

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

#### **1. May 24, 2011 to May 27, 2011 - \$77,796.24**

Mr. Anderson motioned, seconded by Mr. Lamond, to approve the bill list from 5/24/11 to 5/27/11 totaling \$77,796.24. This motion passed by a roll call vote of 5-0.

#### **2. May 27, 2011 to June 14, 2011 - \$1,182,281.69**

Mr. Anderson motioned, seconded by Mr. Plotnick, to approve the bill list from 5/27/11 to 6/14/11 totaling \$1,182,281.69. This motion passed by a roll call vote of 5-0.

### **APPROVAL OF MINUTES:**

#### **3. May 10, 2011**

Mr. Anderson motioned, seconded by Mr. Lamond, to table approval of the May 10, 2011 Meeting Minutes. The motion passed by a vote of 5-0.

### **MINUTES FOR POSTING:**

#### **4. May 24, 2011**

Mr. Anderson motioned, seconded by Mr. Plotnick, to approve the posting of the minutes of the May 24, 2011 Meeting. The motion passed by a vote of 4-1. Mr. Lamond abstained.

### **PUBLIC COMMENT**

Mr. Mike Kelly of 135 Muirfield Lane inquired on the status of the TEVA application.

**5. PUBLIC HEARING:**

- a. To discuss and consider a proposal to transfer 10 Folly Road to a private, non-for-profit entity for restoration to a historical schoolhouse museum for meetings and educational uses. Proposed transfer would involve the public conveyance of designated open space, which is unprecedented in Warrington Township. The hearing's purpose is to discuss the pros and cons of such a proposal to aid the Board of Supervisors in making an informal policy decision on this matter.

Mr. Paul opened the hearing by explaining the Board's desire to receive public comments on an intriguing proposal to deed back to the original family the current building located at 10 Folly Road. For the past several years, the property has been in a state of tremendous disrepair. Records seem to indicate that the property was deeded to Warrington Township as part of overall open space acquisition. Transferring open space property to an independent, non-governmental entity, while legal under the Second Class Township Code as opined by the Township Solicitor, is unprecedented in Warrington from both a legal and public policy perspective. Therefore, Mr. Paul stated the Board is looking to hear comments from interested Warrington residents before the Board takes any additional action.

**Summary Comments:**

Mr. Plotnick, Supervisor, asked for more definitive evidence that the land is indeed zoned as open space. He stated that it's in the Township's best interest to treat it as an open space parcel.

Ms. Sandy Bulleri of 122 South Founders Court asked for the reasons behind the 10 years of deferred maintenance at this property.

Mr. Gerald Anderson, Supervisor, affirmed that the Supervisors who held office 10 years ago believe this property had historical significance and that by adding it to the Township's open space system, it could be protected until more definitive plans were adopted to preserve it permanently. The Supervisors at the time did not want to see it go by the wayside. property and didn't want to see it go by the wayside so they added it to the Township's open space.

Mr. David Kimmerly, Field Representative with Preservation Pennsylvania, in conjunction with the National Trust for Historic Preservation in Pennsylvania, offered technical assistance to get the property on the National Historic Registry, thereby qualifying for historic rehabilitation grant assistance. Mr. Kimmerly agreed that the property meets the Register's basic qualification criteria. He stated his opinion would be to maintain municipal ownership but lease property to a qualified non-profit organization on a long term basis.

Mr. Fred Gaines of 200 Beach Boulevard, recommended a 99-year lease subject to covenants placed into in the Agreement of Sale that prohibit a future Board from selling it into another real estate venture.

Mr. Gary Schlechter, former owner of the old schoolhouse, stated that he is not interested in a 99-year lease because there is no guarantee that the Township wouldn't break the lease sometime in the future. If this property is considered open space, then the land would remain as open space with a historic building on it. He noted that he has started the process of filing for a 501 (c) non-profit application. It was recommended to Mr. Schlechter that once he obtains his 501 designation, he should appear again before the Supervisors for their consideration in deeding the property to his family's 501 entity. Mr. Schlechter stated that the entire cost for filing for both state and federal non-profit designations is around \$4,000-\$5,000. He does not want to outlay this type of expenditure without some commitment from the Supervisors.

Mr. Plotnick stated that he does believe the Board has sufficient information to make such a decision. He recommended that a conceptual sketch plan be prepared for the Board's review at a future meeting.

Mr. Schlechter inquired that since he is only in the preliminary stages of setting up his private foundation, would the Board have any concern over transferring the property's title to the Warrington Historical Society's 501 organization. The Board discussed this concept briefly and had no issues with that approach. Mr. Anderson suggested that in the interim, he begin the process of applying for CDBG grand fund in September.

Mr. Wayne Bullock 1525 Turk Road asked if anyone had contacted the people connected with the Moland House in Warwick Township to determine what steps they took to get their historic property up and running.

Elizabeth Blankenheim of 1309 Lower State Road said she and her husband hope that something can be worked out with the Warrington Historical Society for the existing structure.

Mr. Anderson suggested that the Warrington Historical Society begin the process of getting the property on the National Historic Registry.

- b. To discuss and consider a conditional use application by Sunrise Court Associates, LP to allow the property to be developed with a two family semi-detached dwelling cluster development. This is a conditional use requirement under Section 803 (a) of the Warrington Township Zoning Ordinance (Chapter 27) as amended. Note: Applicant has agreed to an extension for the June 28, 2011 meeting.

Mr. Paul noted that the applicant has agreed to an extension for the June 28, 2011 meeting.

## 5. **MANAGER'S REPORT:**

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

- a. **Consent Item:** Tradesville Water Treatment Equalization Equipment Procurement Contract Change Order.

Mr. Anderson motioned, seconded by Mr. Lamond, to approve Change Order #2 for the Tradesville Water Treatment Equalization Equipment Procurement Contract in the amount of \$143,368.00 to Aqua-Aerobic Systems, Inc. The motion passed unanimously.

- b. **Consent Item:** Family Medical Leave Act Policy

Mr. Anderson motioned, seconded by Mr. Plotnick to approve Policy #1 for the Warrington Township Family and Medical Leave Act Policy. The motion passed unanimously.

- c. **Consent Item:** Purchasing Policy Amendment to establish review panels for professional service agreements

Mr. Anderson motioned, seconded by Mr. Lamond to table the Purchasing Policy Amendment to establish review panels for professional service agreements dated May 24, 2011. The motion passed unanimously.

d. **Consent Item:** Draft Consortium Resolution

Mr. Anderson motioned, seconded by Mr. Lamond to approve the draft consortium resolution requesting that the Department of Environmental Protection restore small project exemptions to the regulatory requirements of the Act 167/Neshaminy Creek Watershed Ordinance. The motion passed unanimously.

e. **Consent Item:** Public Works Facility & Lower Level Township Building Bid Authorization.

Mr. Anderson motioned, seconded by Mrs. Achenbach, to authorize bidding for the Public Work Facility and Lower Level Township Building. The motion passed unanimously.

**Update/Discussion Items**

a. **Victory Gardens, Inc. Mulch Operation – Garges Farm**

Mr. Tieperman updated the Board on his letter to Herbert K. Sudfeld, Fox Rothchild, LLP, dated 6/13/11, re: notice of sight distance infractions and proposed remedies along Victory Gardens' Pickertown Road access way. Mr. Wieland, Township Engineer, conducted a preliminary investigation of sight distances for the intersection of Pickertown Road and Victory Gardens Mulch/Garges Property and reviewed his findings with the Board. He said the sight distance for combination trucks exiting Victory Gardens' access road was measured to determine if the drivers have adequate sight distance to safely make turns out of the existing driveway. Mr. Tieperman said that while taking down some of the buffer trees is an option, he and Staff collectively concur that an alternative remedy should be pursued in lieu of removing these buffer trees.

Mr. Sudfeld, Esq. for Victory Gardens, reported that Gilmore & Associates has been hired to do some engineering schematics to look at the sight distances and that his findings will be forwarded to Mr. Wieland once this study has been completed. We continue to look at a number of other options to remedy this situation.

Ms. Theresa McDonald of 3014 Creekside Court and Mark & Erin Gardner of 4010 Creekside Court inquired if there are any plans by the Township to reduce the noise level issues by Victory Gardens at the Route 611 location. Mr. Tieperman agreed to investigate this and update the Board at the next meeting.

b. **Deer Valley Impervious Coverage Issue (s)**

Mr. Tieperman stated that a few months back the Board had directed the Township Engineer to evaluate impervious coverage issues in the Deer Valley development, in light of the fact that many of the lots in the development meet the maximum impervious lot requirements. Mr. Wieland issued a report recommending that the 25% impervious requirement remain unchanged. The Board concurred with the reports findings. Mr. Tieperman will share this with those residents who had pending patio applications.

c. **Pending TDR applications for 199 Folly Road and 540 Mill Creek Road**

Mr. Tieperman was seeking policy direction from the Board for two pending TDR applications. The first is for 199 Folly Road; the second, 540 Mill Creek Road. Mr. Plotnick requested that someone from the Planning Commission's TDR Committee contact him regarding 199 Folly Road TDR application. The Board concurred that these projects should proceed forward as outlined in the TDR ordinance for consideration at future Board of Supervisors meeting.

d. **Proposed 2011 capital lease financing package for police car replacement**

Mr. Tieperman reported that Chief Miller has requested three (3) replacement police cruisers for 2011 Budget. Staff is seeking the Board's consent to enter into a 3-year capital lease, subjective to the affirmative review of the Township Solicitor and compliance with all state bidding laws. Board requested that this agenda item be discussed at the Board's June 28 meeting.

e. **Recreational Activities Update**

Mr. Tieperman reported that he is networking with Cornerstone for the privatization of some recreation programs and is exploring with Valley Square the holding of a multi-day carnival event to replace the traditional Warrington Day festivities. If properly coordinated, the latter event should generate some modest revenues. He is also working with Valley Square to finalize the summer concert series.

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

6. **Consider adoption of amendments to Chapter 27 concerning building heights of the Warrington Township Code of Ordinances.**

Mr. Lamond motioned, seconded by Mr. Anderson to table the adoption of amendments to Chapter 27 concerning building height of the Warrington Township Code of Ordinance until the Board's June 28 meeting. The motion passed unanimously.

7. **Review and Consider authorization to award bid for Tradesville Wastewater Treatment Plant Operations Building.**

Mr. Anderson motioned, seconded by Mr. Plotnick to recommend the Township award the General Construction Contract to CB Structures, Inc. in the amount of \$329,875.00. The motion passed unanimously.

Mr. Anderson motioned, seconded by Mr. Plotnick to recommend the Township award the Electrical Construction Contract to GS Developers, Inc. in the amount of \$74,700.00. The motion passed unanimously.

Mr. Anderson motioned, seconded by Mr. Plotnick to recommend the Township award the Plumbing Construction Contract to Klein & Co. Plumbing, Inc. in the amount of \$48,500.00. The motion passed unanimously.

Mr. Anderson motioned, seconded by Mr. Plotnick to recommend the Township award the Mechanical Construction Contract to Five Star, Inc. in the amount of \$74,500.00. The motion passed unanimously.

8. **Review and consider adoption of Resolution for Preliminary Final Phase I plan for the Ridings at Folly located at Folly and County Line Roads.**

Mr. Anderson motioned, seconded by Mr. Plotnick to approve the resolution for the Preliminary Final Plan Approval for the Ridings at Folly Farm located at Folly and County Line Roads. The motion passed unanimously.

**ESCROW AND MAINTENANCE BOND RELEASES:****9. Consider 18-month Maintenance Bond completion in the amount of \$204,022.86 for Bluestone Creek.**

Mr. Anderson motioned, seconded by Mrs. Achenbach to approve the 18-month Maintenance Bond completion in the amount of \$204,022.86 for Bluestone Creek. The motion passed by a vote of 5-0.

**SUPERVISORS' COMMENTS****Lamplighter's/Wells Fargo**

Mr. Anderson asked about the status of Lamplighter's/Wells Fargo Bank. Mr. Casey said we've received permission from the Trustee Bankruptcy to bring action against Wells Fargo Bank. Therefore, Mr. Anderson motioned, seconded by Mrs. Achenbach to authorize the Solicitor to take legal action against the Wells Fargo Bank to recoup as much money as possible on the Lamplighter project. The motion passed unanimously.

**Letter from John Shihadeh**

Mr. Tieperman was asked to contact John Shihadeh of 2357 Tohickon Avenue to attend a Board meeting to present his zoning request for an R1Infill Ordinance on Grady Avenue.

**Warrington Athletic Association**

Mr. Anderson asked Mr. Tieperman to contact the Warrington Athletic Association and instruct them to notify their membership that "no parking" is allowed on the Albert Cornell property, which is the field located across from the Warrington Athletic Association fields.

**Demolition of Buildings**

Mr. Paul reported to the Board that there are three properties that need to be demolished due to being structurally unsafe; 1) Katz's property located on Easton Road; 2) County Line Road property; and 3) Malcolm's property. The Township Manager was instructed to begin the process of preparing bid specifications for these demolition projects.

**ADJOURNMENT**

Mr. Anderson motioned, seconded by Mr. Lamond, to adjourn the meeting at 9:45 p.m. The motion passed unanimously.

Edited and Reviewed By:



Timothy J. Tieperman, Township Manager