



## **WARRINGTON TOWNSHIP BOARD OF SUPERVISORS MINUTES FOR MAY 24, 2011**

The regular meeting of the Warrington Township Board of Supervisors was held on May 24, 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; and Paul Plotnick, Member. Staff Present were Timothy J. Tieperman, Township Manager; William R. Casey, Esq., Township Solicitor; Richard Wieland, P.E., Township Engineer; Fire Chief Michael J. Bean; Chief Thomas G. Mazzo, Warrington Community Ambulance Corps; Vivian Bell, Township Treasurer; and Barbara Livrone, Executive Assistant to the Township Manager. Excused: Michael W. Lamond, Jr.

### **SPECIAL PRESENTATION – HERB KAHL SCHOLARSHIPS BY MRS. ROBERTA KAHL**

Mrs. Roberta Kahl presented scholarships to five students from Central Bucks South who had demonstrated their interest and involvement in community activities and outreach. This Fund was established in 1996 to honor Herb Kahl's memory and his legacy of commitment to the young people in the community. The recipients were Brittany Bressler, Michelle Couture, Zachary Helwig, Daniel Matthews, and Chelsey Provencher.

### **EXECUTIVE SESSION REPORT**

Mr. Casey reported that a discussion was held on litigation issues.

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

1. **May 10, 2011 to May 24, 2011 - \$985,424.14**

Mr. Anderson motioned, seconded by Mr. Plotnick, to approve the bill list from 5/10/11 to 5/24/11 totaling \$985,424.14. This motion passed by a roll call vote of 3-0. Mr. Paul abstained from voting for the Lankford invoice.

### **APPROVAL OF MINUTES:**

2. **March 22, 2011**

Mr. Anderson motioned, seconded by Mrs. Achenbach, to approve the March 22, 2011 Meeting Minutes. The motion passed by a vote of 4-0.

3. **April 26, 2011**

Mr. Anderson motioned, seconded by Mr. Plotnick, to approve the minutes of the April 26, 2011 Meeting. The motion passed by a vote of 4-0.

**MINUTES FOR POSTING:**4. **May 10, 2011**

Mr. Anderson motioned, seconded by Mr. Plotnick, to approve the posting of the minutes of the May 10, 2011 Meeting. The motion passed by a vote of 4-0.

**PUBLIC COMMENT****Lamplighter's Village**

Mr. Ted Cicci, who resides at 407 Prescott Court, thanked the Board for the removal of the trash at Lamplighter's Village and asked for assistance in getting the fuel oil tanks removed as well as other clean-up issues.

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

Mr. Anderson asked if there had been any feedback from Victory Gardens Mulch Operation—Garges Farm curtailing the hours of their operations and have the police monitored the operation. Mr. Tieperman reported that the Chief of Police has sent out some of the police to monitor the situation. The Board asked to be kept abreast of future developments.

5. **MANAGER'S REPORT:**

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

- a. **Consent Item:** Appointment of William Grun, USN-R as an Honorary Member of the Veterans Affairs Committee.

Mr. Plotnick motioned, seconded by Mrs. Achenbach to appoint William Grun, USN-R as an Honorary member of the Veterans Affairs Committee. The motion passed unanimously.

- b. **Consent Item:** Disposition of Swim Club Concession Bids

Mr. Tieperman reported that there were fifty (50) people who expressing an interest in the Swim Club. He said that only one proposed was submitted for the Swim Club Concession and that was from Roma Pizza, who agreed to operate on a trial basis. Mr. Tieperman is negotiating a more permanent arrangement. The County Health Department will be conducting final inspections this weekend.

- c. **Consent Item:** Bid advertisement authorization for Township Building Renovations (Lower Level)

Mr. Anderson motioned, seconded by Mr. Plotnick to authorize the bid advertisement for the Township Building Renovations (Lower Level). Mr. Anderson suggested researching duplicate mobilization costs before authorizing a final bid project. Staff will confer with the architect. This motion will be reconsidered at the next meeting.

- d. **Consent Item:** Review and consider payment application #1 and #2 for Tradesville Wastewater Treatment Plant Equalization Equipment Procurement Contract 11-2A equalization basin equipment in the amount of \$48,470.25 each for a total of \$96,940.50. Payment to be made to Aqua-Aerobic Systems, Inc.

Mr. Anderson motioned, seconded by Mr. Plotnick to approve payment application #1 and #2 for Tradesville Wastewater Treatment Plant Equalization Equipment Procurement Contract 11-2A equalization basin equipment in the amount of \$96,940.50 to Aqua-Aerobic Systems, Inc. The motion passed unanimously.

- e. **Consent Item:** Review and consider payment application #1 for Tradesville Wastewater Treatment Plant Equalization Equipment Procurement Contract 11-2B positive displacement blowers in the amount of \$10,487.40. Payment to be made to Universal Blower Pac, Inc.

Mr. Anderson motioned, seconded by Mr. Plotnick to approve application #1 for Tradesville Wastewater Treatment Plant Equalization Equipment Procurement Contract 11-2B positive displacement blowers in the amount of \$10,487.40 to Universal Blower Pac, Inc. The motion passed unanimously.

### **General Updates**

#### **a. Penrose House Demolition Permit**

Mr. Tieperman updated the Board on the Penrose House demolition. He reported that on May 3, 2011 the Board did apply for a demolition permit and that on May 6, 2011 the zoning permit was issued. The Codes Department signed off 10 days letter, after the contractor secured all necessary environmental clearances. He also reported that Mr. Paul and he did brief the Warrington Historical Commission on the likelihood of demolition at its April meeting.

Mr. Plotnick expressed his displeasure over how the demolition process was handled and alleged that State laws were violated. He criticized the developer for rushing the process. He also stated that the Township needs to do a better job of keeping the Board fully apprised of all major Township operations.

Mr. Paul responded by reaffirming that he and Mr. Tieperman attended the Warrington Historic Commission's meetings, twice notifying them that a demolition permit was pending on the Penrose House. He further stated that this building was never put on the National Registry of Historic Places. He said at issues was a private agreement between the seller and the developer to demolish this house if warranted. It was a private decision between the seller and the buyer and not the Township.

Mrs. Marianne Achenbach questioned Mr. Plotnick's use of "covert" operation.

Mr. Joe Bonargo, former township manager, clarified that the 30-day review period was at the discretion of the zoning officer, and was included in the Township Zoning Ordinance, not State statutes.

Mr. Ken Samen, Vice Chairman of the Historic Commission and Vice President of the Historical Society spoke to the issue of the Penrose House. He confirmed Mr. Paul and Mr. Tieperman's attendance at its April meeting and their sharing of Penrose House's pending demolition. He was hoping that some artifacts from this house could have been saved before the final demolition occurred.

Mr. Anderson stated there was an agreement between the seller and the buyer spelling out the terms of the land sale. He stated that he did contact Mr. Benner, Metro's legal counsel, asking him to delay the demolition until the Township had an opportunity to review the agreement's terms and conditions. He said the Township doesn't have the resources to evaluate every house in Warrington Township. We agreed that the Township, in light of this demolition, needs to take a step back and evaluate its internal policies and procedures with respect to future demolition permits.

Mr. Samen said if the Board is willing to consider appointing a liaison to the Historic Commission he would reconsider resigning from this Commission. Mr. Paul said what the Historic Commission needs to do is to get people to register their houses historically. In that way the Township has the power to take some action.

**b. Victory Gardens Update**

Mr. Tieperman provided an update on the Victory Gardens mulching operations and the multitude of issues surrounding its operations. He confirmed that while there is general compliance with the hours of operation, the volume of traffic has not changed, and there is increasing residential concerns over the size of the trucks. He stated the Township Engineer is currently conducting a site distance study at this intersection that will evaluate existing turning radiuses. Mr. Tieperman has had discussions with Herb Sudfeld, who is legal counsel for Victory Gardens and Mr. Garges to evaluate alternative locations for truck ingress/egress activities.

Mr. Anderson said since Victory Gardens isn't adhering to what they promised the Township that he recommends that the operation be shut down until they due what they had promised to do. He asked Mr. Casey what would be the next step. Mr. Casey said citations could be issued for safety violations. Mr. Anderson asked for our increased police monitoring and enforcement in this area.

Mr. Bob Gillard who resides at 308 Bentwood Drive (re: situation with Victory Gardens Mulch Operation at Garges Farm. He said the situation still exists and the only thing that has improved is that the trucks have been removed from the driveway. He said while the hours of operation may be adhered to by Victory Gardens it appears that the volume of traffic going in and out of that site off of Pickertown Road has increased dramatically as well as the noise factor. The total disrepair of the entrance to the driveway has accelerated. He said there was discussion of moving some of the trucks off of Pickertown Road. Unless it is quantified it means nothing.

Other residents who offered comment on this issue were:

- John McConnel (206 Trellis Drive)
- Kristin Gassman

**c. Limekiln Pike/Upper State Road Intersection Closure**

Mr. Tieperman advised the Supervisors that the above intersection will be closed for 3 days to complete the utility relocation and other related improvements associated with the Route 202 project.

**d. Stormwater Regulation Meeting**

Mr. Tieperman said the Township would be hosting a special consortium roundtable discussion on May 26, 2011 at the Warrington Township Building to network and share concerns over the recently enacted stormwater management regulations. One item that will be discussed is exempting the 1,000 square foot requirement for minor projects. A draft resolution will be shared with the Supervisors at the next meeting.

**f. Other Updates**

Mr. Tieperman provided general updates on the upcoming Memorial Day Ceremony at IPW Park on Mary 30, upcoming Planning Commission activities and an update on Twin Oaks Day Camp.

**6. ENGINEER'S REPORT:****a. Project Updates**

Mr. Wieland updated the Board on a list of projects under review in the Township, construction/escrow status, and general engineering and capital improvements. He noted that these reports will be prepared on a quarterly basis.

**b. Deer Valley**

Mr. Wieland reported that the residents of Deer Valley have a speed table planned for Arabian Road. He said the Deer Valley Homeowners Association (HOA) has contacted the Township and requested two additional speed tables be installed and that the HOA would fund these speed tables. They are looking for the Board's support with their request for the additional speed tables. He will be making his recommendations to the Board in the very near future.

**NEW BUSINESS (ACTION/DISCUSSION ITEMS):****7. Receive monthly Reports from Warrington Fire Company and Warrington Ambulance Corps (April 2011).**

Fire Chief Michael J. Bean reviewed his monthly report for the Warrington Fire Company for April 2011.

Chief Thomas Mazzo reviewed his monthly report for the Warrington Community Ambulance Corps for April 2011. He anticipates that the completion of the new building will be done by the end of July weather permitting.

Mr. Paul said he appreciates all the time and devotion that the Fire Company and Ambulance Corps provide for the residents of Warrington Township. Due to budgetary constraints trinkets that normally are provided at the Annual Banquet will not be provided this year but hopefully in 2012.

**8. Review proposed FMLA (Family Medical Leave Act) Policy**

Mr. Tieperman reviewed Warrington Township's Family and Medical Leave Act Policy #1. The purpose behind this policy is to allow employees to take family and medical leave without pay provided the reasons for such leave are consistent with the Family and Medical Leave Act of 1993 ("FMLA"). He will contact PSATS legal counsel for their input and place this Consent Item on the June 14 agenda.

**9. Review proposed amendment to 2008 Township Purchasing Manual to establish a review committee for professional service agreements.**

Mr. Tieperman said this item will be placed on the June 14 agenda as a Consent Item for approval. He provided a marke-up copy for the Board's review during the interim.

**ESCROW AND MAINTENANCE BOND RELEASES:****10. Consider 18-month Maintenance Bond in the amount of Nine Thousand Four Hundred Ninety Four Dollars and Sixty Seven Cents (\$9,494.67) for the Pal's Building located at 3245 Limekiln Pike.**

Mr. Anderson motioned, seconded by Mrs. Achenbach to approve the 18-month Maintenance Bond in the amount of Nine Thousand Four Hundred Ninety Four Dollars and Sixty Seven Cents (\$9,494.67) for the Pal's Building located at 3245 Limekiln Pike. The motion passed by a vote of 4-0.

**11. Consider Final Escrow Release for the Pal's Building located at 3245 Limekiln Pike.**

Mr. Anderson motioned, seconded by Mrs. Achenbach to approve the final escrow lease for the Pal's Building located at 3245 Limekiln Pike. The motion passed by a vote of 4-0.

**12. Consider Escrow Release #2 in the amount of Two Hundred Sixty Thousand Seven Hundred Ninety Eight Dollars and Thirteen Cents (\$260,798.13) for Pleasantville United Church of Christ located at 3424 Limekiln Pike.**

Mr. Anderson motioned, seconded by Mrs. Achenbach to approve Escrow Release #2 in the amount of Two Hundred Sixty Thousand Seven Hundred Ninety Eight Dollars and Thirteen Cents (\$260,798.13) for Pleasantville United Church of Christ located at 3424 Limekiln Pike. The motion passed by a vote of 4-0.

**SUPERVISORS' COMMENTS****Litigation Issue**

Mr. Anderson requested an executive session after the regular meeting to discuss a potential litigation issue.

**Memorial Day Celebration**

Mr. Paul reported that has a commendation resolution that will be presented to Joseph Fels, a member of the Veterans Affairs Committee who is leaving after thirteen years. Mr. Fels will be recognized at the Memorial Day celebration.

**ADJOURNMENT**

Mrs. Achenbach 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