



AGENDA

WARRINGTON BOARD OF SUPERVISORS MINUTES FOR APRIL 8, 2014

ATTENDANCE

Gerald B. Anderson, Chairperson; John R. Paul, Vice Chairperson, Marianne Achenbach, Secretary/Treasurer, Matthew W. Hallowell, Sr., and Shirley A. Yannich, members. Staff present was Timothy J. Tieperman, Township Manager; William H.R. Casey, Esq., Township Solicitor, Thomas A. Gockowski, Township Engineer, Barry Luber, Chief Financial Officer and Barbara Livrone, Executive Assistant to the Township Manager.

MOMENT OF SILENCE

Mr. Anderson asked for a moment of silence.

PLEDGE OF ALLEGIANCE

The meeting opened with a pledge to the flag.

EXECUTIVE SESSION REPORT:

Mr. Anderson reported that the Board convened a brief meeting to discuss the development of a new defined contribution pension plan for new hires.

APPROVAL OF BILL LIST:

1. March 25, 2014 – April 8, 2014: \$ 593,046.00

Mrs. Achenbach motioned, seconded by Mr. Paul, to approve the bill list from March 25, 2014 through April 8, 2014 totaling \$593,046.00. Mr. Paul abstained from voting on a \$20,000 payment Lankford Landscaping. By roll call vote, the motion passed unanimously 5-0.

APPROVAL OF MINUTES: None

MINUTES FOR POSTING:

2. March 11, 2014

Mr. Paul motioned, seconded by Mr. Hallowell, to approve the March 11, 2014 Meeting Minutes. The motion passed unanimously 5-0.

3. March 25, 2014

Mr. Anderson motioned, seconded by Mr. Paul, to approve the March 25, 2014 Meeting Minutes, subject to an editorial change requested by Mrs. Yannich to reference "high end rental housing" instead of "high end housing" on page 3. The motioned passed unanimously 5-0.

4. March 31, 2014

Mr. Anderson motioned, seconded by Mr. Paul, to approve the March 31, 2014 Meeting Minutes. The motion passed unanimously 5-0. JP

PUBLIC COMMENT (*The Board will hear from any interested resident or taxpayer who would like to comment on an item not on this evening's agenda. Respondents are asked to keep their comments to 3 minutes.*)

The following individuals offered comment:

- Mr. Wayne Bullock (Turk Road) commented on some statements made at the prior meeting regarding his alleged ownership of TDRs. He clarified that he never owned any TDRs, that they were created by the sale of his property to the Cutler organization.

PUBLIC HEARING:**5. Continue hearing on a conditional use application filed by KTMT Warrington Springs, L.P for the use of transferrable development rights to create a 49=lot single family detached subdivision on TMP 50-020-006, located in the R-2 Zoning District.**

Mr. Anderson opened the conditional use hearing. Township Solicitor Casey confirmed that it was properly advertised. Mr. Anderson asked if anyone in the public wished to be designated as party-of-record. There being none, Mr. Anderson welcomed Attorney Robert Gundlach of Fox Rothschild who represented Warrington Springs.

Mr. Gundlach proceeded to recap some issues raised at the March 25, 2014 meeting. They reached an agreement with the Lamplight HOA on the type of buffer fence to be installed. The developer will apply the price differential to the cost of the new traffic light, which will be part of a recapture agreement. He introduced engineer Scott Mill of Van Cleef Associates to review the design revisions based on BOS and HOA feedback. The new design would eliminate Lot #2 by reducing the property line buffer from 25' to 10'. The storm sewer would be realigned differently to save more trees. Mr. Mills stated that for this design to work, the HOA would need to grant a temporary grading and access easement during the construction process. But the end result would be the elimination of Lot #2 in favor natural open space.

Mr. Gundlach updated the Board on their negotiations with Mr. Vince Vesce (571 Mockingbird Way), who had concerns over the proposed vacation of paper streets. He stated they have reached an amicable arrangement with Mr. Vesce which will include an enlarged buffer area (25') and a new fence of his choosing.

As a final point of discussion, Mr. Gundlach informed the Board of his client's desire to file a plan redesign which will merge together a 10 acres site abutting Street Road. The conceptual plan would include the construction of a marginal access road (MAR) extending parallel to Street Road but avoiding direct access. The plan would call for the utilization of 4 TDRs.

There be no further testimony, Mr. Anderson welcomed comments from the Board regarding these new proposals. The following residents spoke in support of the changes:

- Vincent Fernandez (301 Ingleton Court)
- Fayez Boutros (504 Hanley Court)
- James Kerns (103 Jarrow Court)
- Peggy Smith (1204 Lindhurst Court)
- Ted Cicci (407 Prescott Court)

Mr. Gundlach summarized by asserting that all of the above redesign proposals discussed this evening addresses Lamplighter's issues. He asked that if the Supervisors were amenable to this plan that they consider continuing the conditional use hearing. He also raised two (2) administrative issues for the Board's consideration: (1) To allow CEC to begin its review of the plan redesign, even though the CU process is not yet complete; (2) To confer with Solicitor Casey to determine whether these new design changes rises to a new CU hearing, in which case the original CU application would be withdrawn and a new one file, thus restarting the 90-day clock. The Board raised no objections to these requests.

Mr. Anderson asked the Board, by roll call vote, to voice their approval/disapproval for the proposed redesign, including the utilization of 4 TDRS, before the developer invests further resources into the engineering design. All voted 5-0 in support of the concept. Mr. Gundlach stated that his client had no objections to purchasing these four (4) TDRs directly from the Township.

There being no further discussion, Mr. Anderson moved, seconded by Mr. Paul, to continue the hearing to a date certain of May 13. The motion passed unanimously.

OLD BUSINESS (ACTION/DISCUSSION ITEMS):

6. Consider adoption of an Ordinance vacating streets for Warrington Springs

Mr. Casey confirmed the above ordinance was properly advertised. Therefore, Mr. Paul motioned, seconded by Mr. Hallowell, to adopt an Ordinance vacating streets for Warrington Springs. The motion passed unanimously.

7. Consider Resolution approving an amended final plan for Park View (TMP #50-022-012)

Neither the developer nor his counsel was in attendance to review the final Plan for Park View. Mr. Gockowski provided a brief historical summary of the subdivision plan which originated in 2007. He also summarized his review of the amended plan which included a revised storm water management plan. He affirmed that the amended plan did meet the ordinance requirements. He did note the developer is requesting some additional waivers.

Several residents from the Park Road neighborhood were in attendance to offer comments on the proposed amended final plan:

- Craig Busick (2539 Park Road)
- Charles Rueger (1279 School Lane)
- Kevin Reilly (2445 Park Road)
- Peter Gerger (2546 Park Road)

The majority of these residents raised concerns over private deed restrictions and the alleged disturbance of historical property. Mr. Anderson suggested this item be tabled until such time that the Solicitor and Township Engineer have had sufficient time to address these concerns. Mr. Paul seconded the motion. The motion passed unanimously.

8. Consider Resolution approving minor development plan for 2506 Park Road (TMP #50-022-009)

Mr. Ted Kova of Showalter Associates was in attendance to review the proposed minor development plan for 2506 Park Road (aka McKay Tract). The developer, Mr. Matt DeLuca, was also in attendance. Using the smart board, he showed the location of the existing house and the proposed new flag lot. He explained that the storm water management plan (SWM) will be controlled by a rain garden and that there will be a shared driveway easement. The two (2) easements in back will remain.

Mr. Gockowski reiterated the findings in his report that the plan does comply with the Township's SALDO regulations as well as the requested waivers. Mr. Anderson then asked for any Supervisor comments.

Mrs. Yannich asked whether the plan complies with the Fire Marshall's December 5, 2013 review letter. Mr. Kova responded affirmatively. She also expressed concerns over the shared accessway and the private deed restrictions, which were also raised in the earlier Park View discussions.

Mr. Hallowell asked whether the grading tilts toward Park Avenue. Mr. Kova responded that it does not, that the stormwater is designed to drain toward the lot's rear. Mr. Gockowski confirmed that statement.

Mr. Paul stated that he also does not like the shared access road and the proposed maintenance plan. He is also not comfortable with the fact that the plan is not consistent with the area's layout, which is one of Warrington's oldest neighborhoods. He feared the precedence this plan will set for the neighborhood. He also opined that a shared driveway does not constitute a by-right plan.

Mrs. Achenbach echoed the same concern that a flag lot would adversely impact the character of the Park Road neighborhood.

The following residents spoke in opposition to the proposed plan, voicing the same concerns as expressed during the Park View discussions:

- Harry Snyder (2105 Park Road)
- Tim Coe (1007 Liberty Lane)
- Carol Coe (1007 Liberty Lane)
- Mark Bartow (2488 Park Road)
- Elizabeth Dunkerly (1015 Liberty Lane)
- Tom Watkins (2512 Park Road)
- Wendy Wirsch (2530 Park Road)
- Craig Busick (2539 Park Road)
- Rose Busick (2359 Park Road)

Most of the complaints from the Liberty Lane residents involve storm water management and controls and persistent drainage problems that have allegedly plagued their neighborhood for years. They feared that the proposed stormwater design is inadequate and would only worsen the drainage problems. They asked the Township to investigate and their concerns and reevaluate the stormwater design.

Based on the above Supervisor and residential comments, Mr. Anderson recommended and moved that the Board table any action on this plan until such time the Township Engineer has had sufficient time to evaluate the drainage concerns along Liberty Lane and the Township Solicitor to investigate further the deed restriction and historical preservation issues. Mr. Paul seconded the motion. The motion passed unanimously.

9. Disposition of pending TDR applications for Castaldi, Rogers and Jerman

Mr. Paul motioned, seconded by Mr. Hallowell, to adopt a Resolution denying the Castaldi TDR application. The motion passed unanimously 5-0.

Mr. Paul motioned, seconded by Mr. Hallowell, to adopt a Resolution denying the Rogers TDR application. The motion passed unanimously 5-0.

Mr. Paul motioned, seconded by Mr. Hallowell, to adopt a Resolution approving the Jerman TDR application, creating twelve (12) TDRs. The motion passed unanimously 5-0.

10. Consider adoption of amendment to the Zoning Ordinance for the Planning Department.

Mr. Casey provided a brief summary identifying the major refinements to the Zoning Ordinance which clarifies the new Planning Department's role in reviewing and making recommendations on zoning-related matters.

Mr. Paul motioned, seconded by Mrs. Achenbach, to approve the adoption of an amendment to the Zoning Ordinance for the Planning Department. The motion passed 4-1. Mrs. Yannich voted no.

NEW BUSINESS (ACTION/DISCUSSION ITEMS):

11. Consider bid award for 2014 Lawn Maintenance Contract

On April 1, 2014 the Township opened the 2014 Lawn Maintenance Bid. Six (6) companies submitted bids as outlined below:

Company	Location	Base Bid
M&M Landscaping, LLC	Lansdale, PA	\$ 84,410.00
Green Ridge Landscaping	Eagleville, PA	\$ 102,330.00
M&M Lawncare East, Inc.	Churchville, PA	\$ 107,960.00
Land Tech Enterprises	Warrington, PA	\$ 124,880.00
The Lingo Group	Warrington, PA	\$ 154,341.00
Central Bucks Lawn Service and Snow Removal	Doylestown, PA	\$ 358,140.00

Mr. Tieperman stated that the Solicitor has reviewed all the required bid submittals, bonds and other required forms submitted by the low bidder and found them to be in order. Upon the motion by Mr. Paul, seconded by Mr. Hallowell, the Board unanimously awarded the 2014 Lawn Maintenance Contract to Lansdale-based M & M Landscaping, LLC for \$84,410, being the lowest qualified bid and within budgetary parameters.

12. Consider changes to non-uniform pension plan

Mr. Anderson briefly reviewed the Board's plan to introduce a new defined contribution program for new hires. He reviewed the critical elements comprising the DC plan, including but not limited to a five (5) year progressive vesting schedule, a progressive employee/employer matching schedule, investment decisions and a conversion option for existing employees currently in the defined benefit program. The Board unanimously granted its consent to having the ordinance properly summarized by the Township Solicitor in consultation with the Chief Financial Officer and properly advertised in preparation for its formal adoption at a future meeting to coincide with the hiring of the new career firefighters.

13. MANAGER'S REPORT:**a. Ratification of DCNR Grant Submission Resolutions**

Mr. Paul motioned, seconded by Mrs. Achenbach, to adopt two (2) resolutions for DCNR grant funding. The first application would be a planning/feasibility study from Route 202 to the new John Paul Park @ Lower Nike Connector Trail. The second would be for the construction of the PECO Powerline Trail, which is currently in the design and permitting stage. Both Resolutions were ratified unanimously 5-0.

b. Concurrence of 2014-2015 Bucks County Consortium Sign Materials and Post Bid

The Board gave its unanimous concurrence for the 2014-2015 Bucks County Consortium Sign Materials and Post Bid. Per the Public Works Department's recommendations, the low bidder for the signs, sign material, and quick-punch posts is Garden State Highway Products, Inc. The low bidder for the sing post is U.S. Municipal Supply, Inc.

c. Concurrence of 2014-2015 Bucks County Consortium Highway Materials Bid

The Board gave its unanimous concurrence for the 2014-2015 Bucks County Consortium Highway Materials Bid. Per the Public Works Department's recommendations, the bidders having the lowest unit prices various types of materials – after factoring in transportation costs – are Eureka Stone Quarry and Haines and Kibblehouse, Inc.

d. Advertisement authorization for Upper State Road Special Purpose Tapping Fee Ordinance Amendment

The Board gave its unanimous consent to the advertisement for the Upper State Road Special Purpose Tapping Fee Ordinance Amendment:

Tax Map Parcel	Special Purpose Tapping Fee	Address
50-009-001	\$ 2,970.00	1397 Upper State Road
50-009-001-001	\$ 6,250.00	1399 Upper State Road
50-001-005	\$ 0.00	461 Upper State Road
50-009-003-001	\$ 0.00	427 Upper State Road

14. CHAIRMAN'S REPORT:**a. Victory Gardens**

Mr. Anderson announced that on April 22, 2014 at 6:30 p.m. – immediately prior to the Board's regularly scheduled meeting, Victory Gardens will be hosting an informational meeting for residents to address the outstanding complaints related to its mulching operations and proposed remedies. He said that the Township has stepped up its enforcement efforts, already resulting in thousands of dollars in fines. He emphasized this will not be a Board-sponsored meeting and will not be advertised as such.

b. 202 Parkway Update

Mr. Anderson shared multiple pictures on the smart board illustrating problems with the new rubberized strip fencing recently installed along the Parkway to replace portions of the split rail fence. The pictures clearly showed the strips wrinkling without any means of tightening them. He intends to bring to PennDOT's attention at a District 6 meeting.

c. **Park Ordinance**

Mr. Anderson reiterated the importance of codifying all of our named parks into the form of a binding ordinance which will require any future name change to go through the same public review process. With the Board's unanimous consent, the Township Solicitor was directed to prepare an appropriate legal advertisement for an ordinance encompassing all named parks within Warrington. This will be placed on a future BOS agenda for adoption.

d. **PECO Meeting Debriefing**

Mr. Anderson provided a brief report on the special PECO information briefing that was held at the CB South High School Auditorium. Only about 5 people turned out to visit the various PECO information stations addressing the recent prolonged outage that affected half the Township during the recent ice storm.

e. **Warrington Ridge**

Mr. Anderson stated that he has not yet touched base with Attorney Richard McBride of the David Cutler Group regarding the completion of Warrington Ridge Phases 1-2. He hopes to touch base with him and have a more detailed report at the next Board meeting.

f. **2014 Community Development Block Grant (CDBG) Program**

Mr. Anderson stated that the Township has performed all possible improvements in the small census tract zone of Neshaminy Gardens that still qualifies for CDBG aid. He stated there are really no other good alternatives for the use of these funds and suggested that we not submit a 2014 application this year. The Board unanimously concurred.

15. ENGINEER'S REPORT: No Report.

16. SOLICITOR'S REPORT:

Mr. Casey reported that we are still awaiting the judge to set a firm date on the Malcolm's matter. He reported that the final deed for Phillips Avenue was signed and received. Lastly, he stated Wells Fargo has still not issued the Lien releases for the Villas dedication.

17. ESCROW AND MAINTENANCE BOND RELEASES:

a. **Estates at Valley View Escrow Release #3: \$81,140.00:**

Mr. Anderson moved to approve Release #3 for the Estates at Valley View in the amount of \$81,140.00, as reviewed and approved by the Township Engineer. Mr. Paul seconded the motion. The motion passed unanimously 5-0.

b. **Valley Gate Site Development Escrow Release #5: 61,135.00**

Mr. Anderson moved to approve Release #5 for Valley Gate in the amount of \$61,135.00, as reviewed and approved by the Township Engineer. Mr. Paul seconded the motion. The motion passed unanimously 5-0.

18. EXTENSION REQUESTS: None.

19. DEDICATION REQUESTS:

c. Pete's Express Car Wash Dedication of Public Improvements:

Mr. Gockowski stated he is still awaiting some paperwork on this request. Mr. Anderson moved to deny the dedication request from Pete's Carwash for the dedication of public improvements. Mr. Paul seconded the motion. The motion was unanimous.

d. CVS Dedication:

Mr. Gockowski stated he is also awaiting some as-built information. Mr. Anderson moved to deny the CVS Dedication Request. Mr. Paul seconded the motion. The motion was unanimous.

SUPERVISOR COMMENTS:

- Mr. Paul expressed his ongoing safety concerns over the 611 traffic tie-ups caused by Pete's Express. He said he has witnessed traffic queues extending all the way to County Line Road, preventing access to other 611 businesses. He stated that steps should be taken to address these public safety hazards. Mr. Anderson concurred and stated that he will raise this issue at an upcoming District 6 meeting.

ADJOURNMENT

There being no further business Mr. Paul motioned, seconded by Mrs. Achenbach, to adjourn the meeting at 9:55 p.m. The motion passed unanimously 5-0.

Respectfully Submitted By:



Timothy J. Tieperman, Township Manager