

WARRINGTON TOWNSHIP BOARD OF SUPERVISORS

MINUTES FOR AUGUST 26, 2008

The regular meeting of the Warrington Township Board of Supervisors was held on August 26, 2008, 7:30 p.m. at the Township Building located at 852 Easton Road, Warrington, PA 18976. The members present were as follows:

1. ATTENDANCE:

Paul Plotnick, Chairman; Carol Butterworth, Vice Chairman; Glenn M. McKay, Secretary; Michael W. Lamond, Jr., Assistant Secretary; Rebecca A. Kiefer, Member; Timothy J. Tieperman, Township Manager; Michael P. Clarke, Esq.; Township Solicitor; Thomas F. Zarko, Township Engineer; Michael Mrozinski, Director of Planning and Economic Development; Paul Gdanski, Director of Public Works; Richard Lesniak, Director of Fire, Inspection and Emergency Services; Carolyn Hanel, Director of Administrative Services/Parks and Recreation; Dan Hinkle, Fire Chief; Chief James Miller, Chief of Police; and Vivian Bell, Finance Director.

2. PLEDGE OF ALLEGIANCE

The meeting opened with a pledge to the flag.

3. **EXECUTIVE SESSION:** Mr. Clarke reported that there was no executive session meeting held on July 22, 2008 after the Board of Supervisors regular meeting.

4. APPROVAL OF BILL LIST: 7/22-08 to 8/12/08 8/12/08 to 8/26/08

Motion – It was moved by Mr. McKay, seconded by Mr. Lamond, that the Board of Supervisors voted to approve the bill list from 7/22/08 to 8/12/08 in the amount of \$803,107.19. This motion passed by a roll call vote of 5 yeas.

Motion – It was moved by Mr. McKay, seconded by Mr. Lamond, that the Board of Supervisors voted to approve the bill list from 8/12/08 to 8/26/08 in the amount of \$1,384,693.95. This motion passed by a roll call vote of 5 yeas.

5. APPROVAL OF MINUTES

a) July 8, 2008

Motion – It was moved by Mrs. Butterworth, seconded by Mr. Lamond, that the Board of Supervisors voted to table approval of the minutes of the July 8, 2008 meeting. This motion passed by a vote of 5-0.

6. MINUTES FOR POSTING

a) July 22, 2008

Motion – It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors voted to approve posting the minutes of the July 22, 2008 meeting. This motion passed by a vote of 5-0.

7. PRESENTATION: Swearing in of Officer Glen Gottenberg.

a) **Swearing in of Officer Glen Gottenberg.** Mrs. Butterworth briefed the Board on the credentials of the township's latest police officer, Officer Glen Gottenberg. Officer Gottenberg will fill the vacancy created by the retirement of a police officer and he will be our 31st police officer. Chief Miller recognized individuals who were in attendance tonight in the swearing-in ceremony of Officer Glen Gottenberg.

Mr. Plotnick performed the swearing in of Officer Glen Gottenberg. Chief Miller said on behalf of the Warrington Township Board of Supervisors Officer Glen Gottenberg was presented with a Certificate of Appointment.

8. PUBLIC HEARING:

a) **Conditional Use Hearing for Celco Partnerships d/b/a Verizon Wireless to allow the installation of a telecommunications facility located at 2647 County Line Road.**

Motion – It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors approved opening the conditional use hearing for Celco Partnerships doing business as Verizon Wireless to allow the installation of a telecommunications facility located at 2647 County Line Road. This motion passed by a vote of 5-0.

Mr. Clarke said this is a conditional use hearing for Celco Partnerships doing business as Verizon Wireless. The property is identified as Tax Parcel #50-015-004, which is located in the Township of Warrington, Bucks County, PA. He said this is an application requesting conditional use to allow the co-location of communications antennas and equipment building located at 2647 County Line Road. He said the applicant is represented by Edward Wild, Esq.

Mr. Wild distributed copies of his exhibits and identified same. To the extent that this is a conditional use hearing much of the data that is required to be proven by the applicant can be demonstrated through the various exhibits. As we go through the various exhibits he will summarize the testimony of the witnesses, which will be affirmed as well as the documents, and would indeed meet or satisfy all of the conditional use criteria.

Mr. McKay asked if the proposed 10' extension to the existing 160' tower had any bearing on the Warrington Naval Base flight pattern. Mr. Andrew Petersohn, P.E., responded that the 10' extension does represent any sort of concern to aeronautical safety anywhere including the Warrington Naval Base. He said the report that he prepared called "FAA Screening" you'll notice in the summary of findings he indicated the location where anyone can view via the Worldwide Web the existing FAA filing for the existing facility at the existing height. He said this extension is a structure that will exceed the Federal Aviation Regulation 77.13 and as such requires filing with the FAA at the existing height. He said what we are proposing is a 10' extension; which, of course, requires a re-filing for the higher height, which the tower owner has done.

Mr. Petersohn said the FAA has been notified of the proposed tower increase and they have jurisdictions over air travel. Mr. McKay asked if he had received approval from the FAA. Mr. Petersohn said he hadn't gotten an update but the tower owner will not allow the construction to proceed until they have permission from the FAA. Mr. McKay asked if perhaps the applicant should wait until he has received permission from the FAA before coming before the Board of Supervisors. Mr. Clarke said perhaps more importantly than the property owner there won't be a permit issued by the township unless all that documentation is in order; FAA approvals and other approvals.

Mr. Clarke asked Mr. Wild if he represented the applicant in front of the zoning hearing board. Mr. Wild responded by saying yes. Mr. Clarke further stated that Mr. Wild had indicated that this tower, which is currently 160' had been granted by a special exception to go up to 170'. Orally that is correct said Mr. Wild but we haven't received the written decision. Mr. Wild indicated that the zoning hearing board had made that decision on July 28, 2008. Mr. Clarke asked why this was done as a special exception and not as a variance. Mr. Wild said because the current ordinance provisions limit a tower height to 150' and the current tower is 160'. He said the non-conforming provisions in the ordinance allow an extension by a special exception.

Motion – It was moved by Mr. Plotnick, seconded by Mrs. Butterworth, that the Board of Supervisors approved closing the conditional use hearing for Cellco Partnerships doing business as Verizon Wireless to allow the installation of a telecommunications facility located at 2647 County Line Road. This motion passed by a vote of 5-0.

Mr. Clarke reported that he is working with Mr. Tieperman and township staff in implementing a formal letter that will be going out to applicants following conditional use hearings.

Mr. Clarke said to Mr. Wild it appears as if the Board is contemplating a couple of conditions for this application that he seems Mr. Wild's client wishes to avoid including the prohibition on the light and the issue regarding stehl technology. It also appears as if members of the Board have some questions regarding the location of the tower. He asked if Mr. Wild, on behalf of his client, be willing to agree to continue this matter until the Board's 9/9/08 meeting so the Board can explore a couple of these issues before rendering a decision. On behalf of his client Mr. Wild said he would agree to this continuance of the conditional use hearing until the Board's 9/9/08 meeting.

Motion – It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors voted to continue the conditional use hearing for Cellco Partnerships doing business as Verizon Wireless to allow the installation of a telecommunications facility located at 2647 County Line Road until the Board's 9/9/08 meeting for disposition at that time. This motion passed by a vote of 5-0.

9. **MANAGER'S REPORT:** Mr. Tieperman reviewed the manager's report which included a) August 26, 2008 Manager's Report; b) Fire, Inspections, and Emergency Services Monthly Report; c) Public Works Monthly Report; d) Parks and Recreation Monthly Report; and e) Warrington Fire Department Monthly Report.

Mr. Rick Lesniak, Director of Fire, Inspections, and Emergency Services reviewed his monthly report for August 2008.

Fire Chief Dan Hinkle reviewed his monthly report for August 2008.

Mr. Paul Gdanski, Public Works Director reviewed his monthly report for August 2008.

Carolyn Hanel, Director of Parks and Recreation reviewed her monthly report for August 2008.

a) **PADEP Greenhouse Gas Pilot Application.**

Motion – It was moved by Mrs. Butterworth, seconded by Mr. Lamond, that the Board of Supervisors authorized participation and submittal of the PADEP Greenhouse Gas Pilot Application for Warrington Township, Bucks County, PA for funding to municipalities to assist with developing a greenhouse gas inventory and establishing a climate change action plan that reflects the needs and wishes of the municipality. This motion passed by a vote of 5-0.

b) Warrington Township Municipal Authority

Motion – It was moved by Mr. McKay, seconded by Mr. Lamond, that the Board of Supervisors approved a resolution for the Warrington Township Municipal Authority amending the effective date of the Authority's plan withdrawal from PRS until November 1, 2008. This motion passed by a vote of 5-0.

NEW BUSINESS (ACTION/DISCUSSION ITEMS):

10. **Consider adoption of a Resolution approving final plan approval for Highgrove Manor.** Mr. Zarko reported that this development site is 12.24 acres in size and is located on the southeasterly side of Easton Road directly opposite the existing intersection with Park Road. He said the applicant is requesting an amendment to the prior preliminary plan approval to permit the proposed phasing as well as final plan approval for the overall project.

Mr. Zarko said the final plans pertaining to the project were reviewed by the township planning commission on 7/17/08 and the planning commission recommended approval based upon conditions outlined in their letter dated 8/20/08. He said it is his understanding that Mr. Katz, the applicant, is willing to accept the conditions as outlined by the planning commission. Yes, that is correct responded Mr. Katz.

Mr. Zarko said the latest CKS's review letter pertaining to the project is dated 6/19/08. He said it is his understanding that Mr. Katz, the applicant, is willing to comply with the items as identified in the latest CKS letter. Yes, that is correct responded Mr. Katz.

Mr. Zarko said the Board needs to discuss the applicant's proposal concerning the payment of fee in lieu for open space and also deferred payments of water and sewer tapping fees. Over the past number of months we have been requiring that all the fees for this type of development be paid upfront at the time of the initial development agreement. He said the applicant has requested a modification to that procedure to permit the payment of those fees on a phase by phase basis as the development proceeds.

Motion – It was moved by Mrs. Butterworth, seconded by Mrs. Kiefer, that the Board of Supervisors adopted a resolution approving final plan approval for Highgrove Manor. This motion passed by a vote of 5-0.

11. **Consider approval of Sulimay Subdivision Wetland Transition Area Modification.** Mr. Zarko said the current owner of the 363 Pickertown Road property is located at the southeast corner of Pickertown Road and Redcoat Farm Drive. The owner has requested that the township approve a proposed modification that required wetland transition area on the property, which would permit a relocation of the proposed driveway entrance to service the property.

Motion – It was moved by Mr. McKay, seconded by Mr. Lamond, that the Board of Supervisors approved the Sulimay Subdivision Wetland Transition Area Modification subject to legal documentation being provided to memorialize change in the information shown in the recorded subdivision plan. This motion passed by a vote of 5-0.

12. **Consider approval of a record plan amendment for Warrington Ridge.** Mr. Zarko reported that the developer of the Warrington Ridge development, the Cutler group, is requesting that the Board approve a proposed amendment to the record plans for that development. He said the purpose of the record plan amendment is to resolve some outstanding Army Corps of Engineers and the Pennsylvania Department of Environmental Protection permitting issues relating to the development.

Mr. Zarko said after the initial construction of the development the Army Corps of Engineers and the Pennsylvania DEP issued notice of violation for impacts to something called "Waters of the Commonwealth", which was an existing drainage way that extended through the site. Over the past number of months the developer has been working with the Corps and PADEP in an effort to resolve the notice of violation. The Corps and the PADEP have determined that the means of resolving the notice of violation would be two-fold: 1) They are requiring that the developer obtain an after the fact permit for a roadway crossing of that prior drainage channel, which the applicant has submitted the application for; and 2) They are requiring that the natural drainage way that extended to the site be restored to the maximum extent possible.

Mr. Zarko said in addition to implementing those specific improvements the Corps and PADEP are also requiring that the developer establish deed restrictions on those lots so that these naturalized BMPS remain in perpetuity and are properly maintained by the affected property owners. He said the reason for the record plan amendment is that to establish the deed restrictions there are going to have to be easements established on the lots, modifications to easements that previously exist on the lots, and some changes in the grading on the development site.

Richard McBride, Esq. for the Cutler Group, was here to answer any other questions that the Board may have.

Mike Wilkins, who resides at 528 Cornell Drive, and is the owner of Lot #101, which is part of the Estates at Warrington Ridge. He said in looking at the proposed drainage swale his property is going to run directly adjacent to where the swale plans run perpendicular and hit Cornell Drive. His property sits directly next to Lot #102. He referenced Mr. McKay's question whether or not the previous owners had been given any notification of this deed restriction. No, we were not given any notification said Mr. Wilkins. Mr. McKay said he didn't ask that question but asked if this would affect other owners. Mr. Wilkins said at no time was he given notice that there was a possible change in land use or change to the proposed drainage structure. He noted that he has three small children and feels that the way the plan is currently designed now is a safety violation and a safety hazard for his children. He said the developer never disclosed that it was a safety issue when he purchased his home.

Mr. Zarko said the whole purpose of this restoration is to provide a natural open channel. They would not accept a piping system for this type of application because the whole idea is to revert back to what existed before, which was a natural drainage way.

Mr. Clarke said it is not up to the five members of the Board of Supervisors to approve an underground piping system. This is the call by the Army Corps of Engineers regarding what they want and they want it returned to what it would have been in its natural state.

Claire McGee, who resides at Lot #188, which is 1111 Princeton Court, said there are definitely grading issues near her residence. She said the developer never disclosed that it was a safety issue when she purchased her home.

James Cleary, Esq., was here representing Mr. Anthony Kazone, who is in a very unique position from the other homeowners who spoke at this meeting. He said Mr. Kazone owns TMP #50-026-035. This property fronts on Turk Road and is not part of the Cutler Development. He said he didn't really have the opportunity to jot down some of the comments made earlier by Mr. Zarko and Mr. McBride but he wanted to go on record to objecting to every single comment that they made.

Mr. Zarko said he had met with Mr. Cleary on Monday and gone over the whole scenario and gave him information on this issue and I'm surprised by his comments this evening. He said Mr. Cleary's client is

concerned with erosion from drainage coming off from the site and that will be addressed in a different fashion. Mr. Cleary said it's only related to the amount of information that he's had to absorb since Monday relative to this. He said his client is directly impacted by where the "Waters of the Commonwealth" are going to go.

Mr. Cleary said he has not had an opportunity to review all the ramifications of all the complicated legal issues. He is asking for a 30-day extension of the Board's approval of this plan so he can have an engineer come out and look at this and confirm independently. We need to have this independent review by someone who is an engineer and can tell us whether or not this is going to impact my client's property adversely.

Mrs. Kiefer commented that she takes offense to the fact that Mr. Cleary intimates that he is going to get a real engineer. She said Mr. Zarko is a real engineer.

Mr. Clarke said we can probably attempt to wrap this up pretty quickly with a simple couple of questions to Mr. Zarko. He said that when he asked Mr. Zarko if he had had an opportunity to review the proposed plan that the Cutler Group has submitted and whether or not he's been able to confirm that this proposed plan that has been submitted by the Cutler Group is consistent with what the Army Corps of Engineers is requiring the Cutler Group to do here Mr. Zarko indicated that it was. With all due respect to Mr. Cleary and anyone who is talking about going out and getting their own engineer candidly board members it won't make any difference because even if his engineer comes back in and says you should do this or you should do this or maybe you want to do this it is the Army Corps of Engineers who control here. The Army Corps of Engineers is telling the Cutler Group you must do this.

Mr. Cleary went on record as objecting as he's had no notice and there was a lack of participation in this plan change and also I'm making the broad generalization that it doesn't meet the requirements of SALDO so that if, in fact, we do have to go forward with legal action at least we've protected our rights in that regard.

Motion – It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors consider approval of a record plan amendment for Warrington Ridge. This motion passed by a vote of 5-0.

13. **Consider adoption of a Resolution approving professional service agreement with Electronic Commerce Link, Inc.** Mr. Plotnick said this was an agreement worked on with a firm that does websites for municipalities.

Motion – It was moved by Mr. Lamond, seconded by Mrs. Butterworth, that the Board of Supervisors adopted a Resolution approving professional service agreement with Electronic Commerce Link, Inc. This motion passed by a vote of 5-0.

14. **Consider adoption of a Resolution approving professional services agreement with TelVue Corporation, Inc.**

Motion – It was moved by Mrs. Kiefer, seconded by Mr. Lamond, that the Board of Supervisors adopted a Resolution approving professional services agreement with TelVue Corporation, Inc. for Phases 1 & 2 of the Communications Committee recommendations for the state-of-the-art cable television. This motion passed by a vote of 5-0.

15. **Review recommendation to restructure regular meeting schedules for the Board of Supervisors.**

Motion – It was moved by Mrs. Butterworth, seconded by Mrs. Kiefer, that the Board of Supervisors authorized the solicitor to advertise that the township meetings will be held on the 2nd and 4th Tuesdays of each month and we're doing away with the workshop meeting effective October 2008. This motion passed by a vote of 5-0.

OLD BUSINESS (ACTION/DISCUSSION ITEMS):

16. To consider the following escrow releases:

Development Name	Release #	Amount
Valley Square: Phase II – Parcel C	19	\$ 57,970.00
Heritage Center at Warrington	7	\$ 38,495.85
175 Titus Avenue	8	\$ 78,877.60
Lamplighter Village II, Phase I	12	\$ 1,000.00
Lamplighter Village II, Phase II	14	\$ 21,520.15
Lamplighter Village II, Phase III	9	\$ 8,510.00
Lamplighter Village II, Phase IV	5	\$ 58,381.50
Fox Subacute	4	\$107,296.25

Motion - It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors approved the escrow release for Valley Square: Phase II – Parcel C, Release #19 in the amount of \$57,970.00. This motion passed by a vote of 5-0.

Motion - It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors approved the escrow release for Heritage Center at Warrington, Release #7 in the amount of \$38,495.85. This motion passed by a vote of 5-0.

Motion - It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors approved the escrow release for 175 Titus Avenue, Release #8 in the amount of \$78,877.60. This motion passed by a vote of 5-0.

Motion - It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors approved the escrow release for Lamplighter Village II, Phase I, Release #12 in the amount of \$1,000.00. This motion passed by a vote of 5-0.

Motion - It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors approved the escrow release for Lamplighter Village II, Phase II, Release #14 in the amount of \$21,520.15. This motion passed by a vote of 5-0.

Motion - It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors approved the escrow release for Lamplighter Village II, Phase III, Release #9 in the amount of \$8,510.00. This motion passed by a vote of 5-0.

Motion - It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors approved the escrow release for Lamplighter Village II, Phase IV, Release #5 in the amount of \$58,381.50. This motion passed by a vote of 5-0.

Motion - It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors approved the escrow release for Fox Subacute, Release #4 in the amount of \$107,296.25. This motion passed by a vote of 5-0.

17. **Consider approval for release of 18 month maintenance bond for Equestrian Court.** Mr. Zarko said this is a 9 lot subdivision located along Street Road adjacent to the Equestrian Center.

Motion – It was moved by Mrs. Butterworth, seconded by Mr. Lamond, that the Board of Supervisors considered approval for the release of an 18 month maintenance bond for Equestrian Court. This motion passed by a vote of 5-0.

18. **To consider the following dedication requests:**

a) **Bluestone Creek.**

Motion - It was moved by Mrs. Butterworth, seconded by Mr. Lamond, that the Board of Supervisors approved the resolution for denial of dedication of public improvements for Bluestone Creek. This motion passed by a vote of 5-0.

b) **175 Titus Partners, LP.**

Motion - It was moved by Mrs. Butterworth, seconded by Mr. Lamond, that the Board of Supervisors approved the resolution for denial of dedication of public improvements for 175 Titus Partners, LP. This motion passed by a vote of 5-0.

c) **Warrington Station.**

Motion - It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors approved the resolution for denial of dedication of public improvements for Warrington Station. This motion passed by a vote of 5-0.

d) **Warrington Plaza Shopping Center**

Motion - It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors approved the resolution for the dedication of public improvements for the Warrington Plaza Shopping Center. This motion passed by a vote of 5-0.

e) **Stone Manor Corporate Center/Kelly Road**

Motion - It was moved by Mrs. Butterworth, seconded by Mr. Lamond, that the Board of Supervisors approved the resolution for the dedication of roadway and public improvements for the Stone Manor Corporate Center/Kelly Road. This motion passed by a vote of 5-0.

Motion – It was moved by Mrs. Kiefer, seconded by Mrs. Butterworth, that the Board of Supervisors authorized the township engineer to advertise to amend the stop sign ordinance to install the stop signs along Kelly Road. This motion passed by a vote of 5-0.

f) **Stone Manor Corporate Center/Water and Sewer Mains**

Motion - It was moved by Mrs. Butterworth, seconded by Mr. Lamond, that the Board of Supervisors approved the resolution for the dedication of on-site water and sewer system for the Stone Manor Corporate Center/Water and Sewer Mains. This motion passed by a vote of 5-0.

g) **Warrington Ridge/Kelly Road**

Motion - It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors approved the resolution for the dedication of roadway and public improvements for Warrington Ridge/Kelly Road. This motion passed by a vote of 5-0.

h) **Warrington Ridge Sewage Pump Station Parcel**

Motion - It was moved by Mrs. Butterworth, seconded by Mrs. Kiefer, that the Board of Supervisors approved the resolution for the dedication of the pump station parcel for the Warrington Ridge Sewage Pump Station. This motion passed by a vote of 5-0.

CONSENT AGENDA

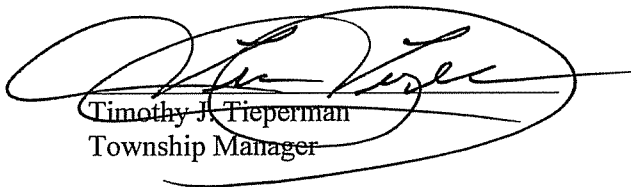
19. **Consider adoption of a Resolution in support of MPOETC (Municipal Police Officers' Education and Training Commission) Grant in the amount of \$610.00.**

Motion – It was moved by Mrs. Butterworth, seconded by Mr. Lamond, that the Board of Supervisors adopted a resolution in support of MPOETC (Municipal Police Officers' Education and Training Commission) Grant in the amount of \$610.00. This motion passed by a vote of 5-0.

20. **EXECUTIVE SESSION.** Mr. Clarke reported that at the Board of Supervisors executive session meeting held on August 26, 2008 they discussed two matters of litigation.

21. **ADJOURNMENT**

Motion – It was moved by Mrs. Butterworth, seconded by Mr. Lamond, that the Board of Supervisors voted to adjourn the meeting at 12:05 a.m. This motion passed by a vote of 5-0.


Timothy J. Tieperman
Township Manager

9/24/2008

Date