

## **WARRINGTON TOWNSHIP BOARD OF SUPERVISORS**

### **MINUTES FOR SEPTEMBER 9, 2008**

The regular meeting of the Warrington Township Board of Supervisors was held on September 9, 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; Timothy J. Tieperman, Township Manager; Michael P. Clarke, Esq.; Township Solicitor; Thomas F. Zarko, Township Engineer; and Paul Gdanski, Director of Public Works.

#### **2. PLEDGE OF ALLEGIANCE**

The meeting opened with a pledge to the flag.

3. **EXECUTIVE SESSION:** Mr. Clarke reported that at the conclusion of the last regular scheduled meeting of the Board on 8/26/08 an executive session was held where two matters of litigation were involved: 1) Lawsuit that had been filed over some property that the township had as open space; and 2) Lawsuit filed regarding the use of water and sewer funds by Anderson and Achenbach vs. Warrington Township.

Mr. Tieperman reported that at the last workshop meeting of the Board on 9/2/08 an executive session was held to discuss the police contract negotiations.

#### **4. APPROVAL OF BILL LIST: 8/26/08 to 9/9/08**

Motion – It was moved by Mrs. Butterworth, seconded by Mr. Lamond, that the Board of Supervisors voted to approve the bill list from 8/26/08 to 9/9/08 in the amount of \$537,542.23. This motion passed by a roll call vote of 4 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 approve the minutes of the July 8, 2008 meeting. This motion passed by a vote of 4-0.

##### **b) July 22, 2008**

Motion – It was moved by Mrs. Butterworth, seconded by Mr. Lamond, that the Board of Supervisors voted to approve the minutes of the July 22, 2008 meeting. This motion passed by a vote of 4-0.

**6. MINUTES FOR POSTING****a) August 5, 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 August 5, 2008 meeting. This motion passed by a vote of 4-0.

**b) August 26, 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 August 26, 2008 meeting. This motion passed by a vote of 4-0.

**7. PUBLIC HEARING:****a) Re-Open the 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. Lamond, that the Board of Supervisors approved re-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 4-0.

Mr. Clarke reminded the Board that Celco Partnerships doing business as Verizon Wireless was at the Board's 8/26/08 meeting for a location at 2647 County Line Road. He said the hearing was opened, testimony was taken, and then there was some question from the Board regarding 1) The height of the tower, which the Zoning Hearing Board had allowed the owner of the tower to raise the height; 2) There was some question regarding the address because there were two different addresses; and 3) Some question with regards to whether or not the FAA would require a light to be on top of this tower because of the height. The applicant was represented that evening by Edward Wild, Esq. and continues to be represented this evening by Mr. Wild.

Mr. Wild stated at the Board's last meeting we presented various exhibits were distributed and identified. To expedite the proceeding we presented the testimony of a structural engineer, Mario Calabretta; a radio frequency engineer, Andrew Petersohn; and a site representative for Verizon, Sue Manshell. He said he summarized their testimony and the Board engaged in a series of questions. He said several items arose with respect to open issues and we're hoping to address those issues tonight.

Mr. Wild said on the conflict issue between the various documents that historically had been introduced into the records some indicated the address of the property as 2647 County Line Road, Chalfont and some indicated 2647 County Line Road, Warrington. He summarized as to what the witnesses would testify to. He said Sue Manshell checked with the property owner and learned that both of those addresses are correct. The Chalfont address is the mailing address and the physical location is Warrington Township. We can have the documents identified in the future to reflect either the mailing address or the physical location.

Mr. Wild said at our last meeting we had not received the written decision of the zoning hearing board on the application that we had filed. He said that decision has now been issued. He distributed copies of these exhibits, one being the zoning hearing board decision for this property for Verizon based on the hearing that occurred on 7/28/08 and also the original decision by the zoning hearing board back in 12/21/92.

Mr. Wild said one of the questions that we touched on was whether the FAA had approved the height extension. We told you that American Tower, who owns the tower had sought a formal disposition of that request and that the written decision had not been issued. Since that time, Andrew Petersohn through American Tower has been in touch with the FAA and received a verbal confirmation that the tower extension would be approved. Because we could not provide to the township a written confirmation by tonight we marked the original 1992 decision exhibit for the Board. We learned from Lt. Commander Thompson stated that the height of the tower even at 170' height would pose absolutely no problems to aircraft utilizing the Naval Air Station. Given that the prior finding is that the 170' height poses no danger or difficulty to the Willow Grove Naval Air Station we would not anticipate the need to light the tower.

Mr. Wild said there was some question about camouflaging or shielding or providing stealth for the top of the tower. Mr. Calabretta has gone back and sought to determine whether that is even physically possible. If called to testify Mr. Calabretta would tell you that stealth towers are somewhat camouflaged tend to be monopole towers. Given the long existing nature of this tower and the fact that it is a lattice tower or crisscross tower is not possible to add additional stealth to it at this point in the nature of tree branches or other camouflage as you don't see lattice towers done in that fashion.

Mr. McKay commented regarding the discussion on stealth technology in the common, which stated it is a well tree buffered area. He feels that the tower is not buffered from the Bradford Dam side and it is very well evident above the tree line. He asked do you project that any future towers in Warrington would exceed 150'. The response was there are no significant areas in the township that would warrant an additional facility in the near future.

Motion – It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors approved closing 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 4-0.

Motion – It was moved by Mrs. Butterworth, seconded by Mr. Lamond, that the Board of Supervisors voted to approve the conditional use application for Celco Partnerships doing business as Verizon Wireless to allow the installation of a telecommunications facility located at 2647 County Line Road with adding stealth technology and also with the condition that no light would be installed on the cell tower. This motion passed by a vote of 4-0.

Mr. Wild said we feel it is impossible to add stealth technology to the existing cell tower and he's not sure what stealth technology could possibly be added. He said he's been told that when the manufactured 10' extension to be added could be painted if stealth technology be considered painting the extension. This could be accomplished at the time that the building permit application is issued.

Mr. Clarke stated that we have a little problem in that we have closed the hearing and now we're taking testimony again. There has been a motion made and it's been seconded and it has been approved 4-0. He said if there is additional testimony we would need to go back on the record. He suggested that the questions regarding what qualifies as stealth technology should be addressed when the building permit is applied for. At that time Staff will look at that and seek approval from the Board as to what they would

like to see happen with this tower unless there is a desire to amend this motion and take additional testimony. The Board wants to stay with the original motion as noted above.

b) **Conditional Use hearing for Central Bucks School District to allow improvements including the construction of a bus stacking area, increased on-site parking, and building expansions which will replace existing modular classrooms with permanent addition to the main structure located at 1492 Stuckert Road.**

Motion – It was moved by Mrs. Butterworth, seconded by Mr. Lamond, that the Board of Supervisors approved opening the conditional use hearing for Central Bucks School District to allow improvements including the construction of a bus stacking area, increased on-site parking, and building expansions which will replace existing modular classrooms with permanent addition to the main structure located at 1492 Stuckert Road. This motion passed by a vote of 4-0.

Mr. Clarke said this is a conditional use hearing for the Central Bucks School District. He said they have submitted plans on a property that is located within Warrington Township, Bucks County, PA, identified as TMP #50-026-080 proposing the expansion of the existing middle school building on the site at three locations, construction of a new driveway and drop off area for school buses, expansion of existing parking lot, and relocation of athletic field/court areas.

Mr. Frank Monti, P.E., with Boucher & James, Inc. reviewed the plans that reflected the proposed expansion at Tamanend Middle School.

Mr. Lamond raised two safety issues that need to be addressed. He noted that there is a transformer and an electrical panel on the back of the building and he would like to see it fenced off so that the kids can't get into that area. Mr. Monti said it probably could be done and we can look into that and it wouldn't be an issue making that a condition if the Board chooses to do so. We can determine if it's feasible after the fact.

Mr. Lamond said the other issue we've had with the John Barclay School is with 15 mile speed limit lights going in front of the school itself. He said if lights were proposed to go in. Mr. Monti said we have not proposed that at this project at this time. Mr. Kenneth Rodemer, AIA, Assistant Director of Operations with the Central Bucks School District, said that the current Barclay situation was requested because of the large quantity of walkers going to the school. He doesn't believe we have anywhere near that quantity of walkers going to this school. Mr. Rodemer said that is not something that the school district could do but that the township would have to initiate that. He said if that comes about we can talk about sharing costs at that time.

Motion – It was moved by Mr. Lamond, seconded by Mr. McKay, that the Board of Supervisors approved closing the conditional use hearing for the Central Bucks School District to allow improvements including the construction of a bus stacking area, increased on-site parking, and building expansions which will replace existing modular classrooms with permanent addition to the main structure located at 1492 Stuckert Road. This motion passed by a vote of 4-0.

Motion – It was moved by Mr. McKay, seconded by Mr. Lamond, that the Board of Supervisors approved the conditional use application for an amendment of a previously approved conditional use application relative to Tamanend Middle School located at 1492 Stuckert Road. This motion passed by a vote of 4-0.

**c) Conditional Use hearing for MetroPCS Pennsylvania, LLC to allow the installation of a cellular telecommunications facility containing up to six antennas on an existing structure and up to three cabinets with related equipment on a platform located at 1500 Stuckert Road.**

Motion – It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors approved opening the conditional use hearing for MetroPCS Pennsylvania, LLC to allow the installation of a cellular telecommunications facility containing up to six antennas on an existing structure and up to three cabinets with related equipment on a platform located at 1500 Stuckert Road. This motion passed by a vote of 4-0.

Mr. Clarke said this is a conditional use hearing and the applicant is MetroPCS Pennsylvania, LLC. He said the property is identified as TMP #50-029-045-2, which is located in the Township of Warrington, Bucks County, PA. This is an application requesting conditional use to allow the installation of a cellular telecommunications facility containing up to six antennas on an existing structure and up to three cabinets with related equipment on a platform located at 1500 Stuckert Road. The applicant is represented by Eric Goldberg, Esq.

Mr. Clarke said it is the procedure of the Board in conditional use hearings for co-location that if we would ask that you identify your witnesses that you will have testify, have them come forward and be sworn, and then you give a brief summary of what each one of the witnesses testimony would be. You ask each one of your witnesses individually if they heard the summary of the testimony and if they were called to testify would their testimony be identical to your summary. At that point you and your witnesses would be made available for questions by the Board and any members of the public.

Mr. Goldberg gave a brief summary of what the testimony would be for the witnesses and distributed copies of the exhibits to the Board.

Mr. McKay directed his question to the solicitor. He said that this application is coming in for a conditional use approval to mount antennas, which has no approved lease agreement that the owner submitted at this point. Mr. Clarke said there is an approved lease agreement that has been executed by the owner. He said Mr. Tieperman has them in his possession and if the Board approves this conditional use hearing then the township can execute this lease agreement. Mr. McKay thought that the Board would have privy to this agreement, particularly the dollar amount. Mr. Clarke said the execution of the lease by the municipality is not a portion of this hearing. His suggestion would be that at the conclusion of this hearing and then there are two more involving the same applicant that we can discuss the terms of this agreement separately and it can be reviewed by the Board. He said this agreement is not properly part of the conditional use hearing.

Mr. McKay made a comment regarding the application and he asked for the advice of our solicitor. He said the owner indicated on both the application and the plans to be referred to as the Warrington Water and Sewer Department. To his knowledge the Water and Sewer Department owns no property and he asked that in the approval process that anywhere on the plans or application that indicates Warrington Township Water and Sewer Department that that be changed to Warrington Township. Mr. Clarke said there is no reason that we shouldn't change it to Warrington Township.

Motion – It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors approved closing the conditional use hearing for MetroPCS Pennsylvania, LLC to allow the installation of a cellular telecommunications facility containing up to six antennas on an existing structure and up to three cabinets with related equipment on a platform located at 1500 Stuckert Road. This motion passed by a vote of 4-0.

Motion – It was moved by Mr. McKay, seconded by Mr. Lamond, that the Board of Supervisors approved the conditional use application for MetroPCS Pennsylvania, LLC to allow the installation of a cellular telecommunications facility containing up to six antennas on an existing structure and up to three cabinets with related equipment on a platform located at 1500 Stuckert Road with the condition that any reference on the application or plans indicating the owner to be the Warrington Township Water and Sewer Department be changed to the owner as Warrington Township. This motion passed by a vote of 4-0.

**d) Conditional Use hearing for MetroPCS Pennsylvania, LLC to allow the installation of a cellular telecommunications facility containing up to six antennas on an existing structure and up to three cabinets with related equipment on a pad base located at 2210 Shetland Drive.**

Motion – It was moved by Mrs. Butterworth, seconded by Mr. Lamond, that the Board of Supervisors approved opening the conditional use hearing for MetroPCS Pennsylvania, LLC to allow the installation of a cellular telecommunications facility containing up to six antennas on an existing structure and up to three cabinets with related equipment on a pad base located at 2210 Shetland Drive. This motion passed by a vote of 4-0.

Mr. Clarke said this is a conditional use hearing and the applicant is MetroPCS Pennsylvania, LLC. He said the property is identified as TMP #50-025-028, which is located in the Township of Warrington, Bucks County, PA. This is an application requesting conditional use to allow the installation of a cellular telecommunications facility containing up to six antennas on an existing structure and up to three cabinets with related equipment on a pad base located at 2210 Shetland Drive. The applicant is represented by Eric Goldberg, Esq.

Mr. Goldberg gave a brief summary of what the testimony would be for the witnesses and distributed copies of the exhibits to the Board.

Mr. McKay asked if the building gated area on the ground does it have a common fence with the Verizon compound. Mr. Bohlinger, civil structure engineer, stated that that hasn't been settled as yet. Details have to be worked out with Verizon.

Bruce Crawford, who resides at 872 Rogers Avenue, said his property is located directly behind this facility. He wanted to clarify where this box is going. Mr. Clarke said for the record Mr. Bohlinger was pointing out on the plans for Mr. Crawford where the box was going to be located. Mr. Crawford said it satisfied his inquiry.

Mr. Bohlinger said we would be willing to add additional arbor vitae to the screen on the front of the compound to shield the front from Mr. Crawford's backyard.

Motion – It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors approved closing the conditional use hearing for MetroPCS Pennsylvania, LLC to allow the installation of a cellular telecommunications facility containing up to six antennas on an existing structure and up to three cabinets with related equipment on a pad base located at 2210 Shetland Drive. This motion passed by a vote of 4-0.

Motion – It was moved by Mr. McKay, seconded by Mr. Lamond, that the Board of Supervisors approved the conditional use application for MetroPCS Pennsylvania, LLC to allow the installation of a cellular telecommunications facility containing up to six antennas on an existing structure and up to three cabinets with related equipment on a pad base located at 2210 Shetland Drive with the condition that any reference on the application or plans referring to the property owner as being the Warrington Township Water and Sewer Department be changed to property owner being Warrington Township and that the applicant

plants appropriate screening around the compound with the approval of the township engineer with the final exhibit be sealed and the directional change be made on the corrected plans. This motion passed by a vote of 4-0.

e) **Conditional Use hearing for MetroPCS Pennsylvania, LLC to allow the installation of a cellular telecommunications facility containing up to six antennas on a proposed structure and up to three cabinets with related equipment on a steel platform located at 1860 Street Road.**

Motion – It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors approved opening the conditional use hearing for MetroPCS Pennsylvania, LLC to allow the installation of a cellular telecommunications facility containing up to six antennas on a proposed structure and up to three cabinets and associated equipment on a steel platform located at 1860 Street Road. This motion passed by a vote of 4-0.

Mr. Clarke said this is a conditional use hearing and the applicant is MetroPCS Pennsylvania, LLC. He said the property is identified as TMP #50-035-185, which is located in the Township of Warrington, Bucks County, PA. This is an application requesting conditional use to allow the installation of a cellular telecommunications facility containing up to six antennas on a proposed structure and up to three cabinets and associated equipment on a steel platform located at 1860 Street Road. The applicant is represented by Eric Goldberg, Esq.

Mr. Goldberg gave a brief summary of what the testimony would be for the witnesses and distributed copies of the exhibits to the Board.

Motion – It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors approved closing the conditional use hearing for MetroPCS Pennsylvania, LLC to allow the installation of a cellular telecommunications facility containing up to six antennas on a proposed structure and up to three cabinets and associated equipment on a steel platform located at 1860 Street Road. This motion passed by a vote of 4-0.

Motion – It was moved by Mr. McKay, seconded by Mrs. Butterworth, that the Board of Supervisors approved the conditional use application for MetroPCS Pennsylvania, LLC to allow the installation of a cellular telecommunications facility containing up to six antennas on a proposed structure and up to three cabinets and associated equipment on a steel platform located at 1860 Street Road. This motion passed by a vote of 4-0.

8. **MANAGER'S REPORT:** Mr. Tieperman reviewed the manager's report which included a) Budget Update; b) Willow Knoll Refuse Specifications; c) Document Management Project; d) Query on IT-Related Vendors; and e) PECO Meeting.

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

9. **Appointment to Bike and Hike Committee.** Mrs. Butterworth reported that there was an opening on the Bike and Hike Committee and she wanted to recommend Barbara Coyle to fill this vacancy.

Motion – It was moved by Mrs. Butterworth, seconded by Mr. Lamond, that the Board of Supervisors approved the appointment of Barbara Coyle to the Bike and Hike Committee. This motion passed by a vote of 4-0.

10. **Consider adoption of a Resolution for preliminary/final plan approval for Tamanend Middle School.** Mr. Zarko reported that this development size is approximately 33.42 acres located on the northwesterly side of Stuckert Road within the R2 Medium Density Residential District. The applicant, the Central Bucks School District proposes to expand the existing middle school building on the site at three locations, construction of a new driveway and drop off area for school buses, expansion of existing parking lot, and relocation of athletic field/court areas.

Mr. Zarko said earlier this evening the Board granted conditional use approval to expand the existing middle school facility on the site. He said the applicant is requesting both preliminary/final plan approval for the land development project from the Board. He reviewed the status of this project.

Mr. Zarko reviewed the various waiver requests. Staff is recommending that the Board consider conditional approval of the preliminary/final plans. In addition to that we should also mention that there were two items discussed during the conditional use hearing: 1) Requirement for some supplemental fencing around the electrical transformers and at the back of the site; and 2) Consideration of a flashing/warning device along Stuckert Road with some cost-sharing by the school district.

Mr. Zarko's noted that Waiver B is conditioned upon the applicant increasing the width of the proposed paved shoulder shown on the current Plan to a minimum 10 ft. in width, and extending the roadway improvements across the entire Stuckert Road frontage of the development site. His primary recommendation is not as much for the roadway improvement it's really for the parking.

Mr. Zarko asked if the Board is looking for the applicant to do a fee-in-lieu of the widening that could be held by the township for a future improvement if it ever happens. Mr. Clarke asked are you referring to having them at some later time come back and widen this road based on some other roads being widened in the township. Mr. Zarko said the ordinance requires that the road being improved and widened. The question is whether that obligation can be passed along to the school district to do in the future or does it make more sense for them to give a fee-in-lieu that be put aside for any future project that the township might undertake. Mr. Clarke said it might be cleaner to deny the request and then work out some mechanism by which we're not making the school district do it at this time.

Motion – It was moved by Mr. McKay, seconded by Mrs. Butterworth, that the Board of Supervisors approved the adoption of the Resolution for preliminary/final plan approval for Tamanend Middle School with Staff's recommendations that waivers C-H be granted and the Board has indicated that waiver A would be granted without a fee-in-lieu, and waiver B would be granted with a condition that the widening shown on the current plans be increased from 8' to 10' and that the school district as part of the frontage improvements would install a flashing/warning device at their cost and expense. This motion passed by a vote of 4-0.



**OLD BUSINESS (ACTION/DISCUSSION ITEMS):****11. To consider the following escrow releases:**

Development Name	Release #	Amount
Warrington Plaza Shopping Center	1	\$116,051.00
Warrington Ridge, Phase I	5	\$142,200.58
175 Titus Avenue	9	\$ 18,012.00

Motion - It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors approved the escrow release for Warrington Plaza Shopping Center, Release #1 in the amount of \$116,051.00. This motion passed by a vote of 4-0.

Motion - It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors approved the escrow release for Warrington Ridge, Phase 1, Release #5 in the amount of \$142,200.58. This motion passed by a vote of 4-0.

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 #9 in the amount of \$18,012.00. This motion passed by a vote of 4-0.

**12. To consider the following extension requests:****a) Warrington Senior Commons**

Motion – It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors granted the extension request for Warrington Senior Commons until 9/9/08. This motion passed by a vote of 4-0.

**b) Paul Valley Town Center**

Motion – It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors granted the extension request for Paul Valley Town Center until 12/31/08. This motion passed by a vote of 4-0.

**c) Valley Square, Phase I**

Motion – It was moved by Mrs. Butterworth, seconded by Mr. Lamond, that the Board of Supervisors granted the extension request for Valley Square, Phase I until 12/21/08. This motion passed by a vote of 4-0.

**CONSENT AGENDA****13. Motion to approve a change order for the King Park Expansion Project.**

Motion – It was moved by Mrs. Butterworth, seconded by Mr. McKay, that the Board of Supervisors approved a change order for the King Park Expansion Project in the amount of \$18,515. This motion passed by a vote of 4-0.

14. **Motion to approve 2009 Minimum Municipal Obligation (MMO) for the uniformed and non-uniformed pension plans.**

Motion – It was moved by Mr. McKay, seconded by Mrs. Butterworth, that the Board of Supervisors approved the 2009 Minimum Municipal Obligation (MMO) for the Employee Pension Plan in the amount of \$171,428 and the Police Pension Plan in the amount of \$416,796 as prepared by Thomas Redmond on 8/18/08. This motion passed by a vote of 4-0.

15. **EXECUTIVE SESSION.** Mr. Clarke reported that the Board of Supervisors will be going into executive session meeting after this regular meeting.

16. **ADJOURNMENT**

Motion – It was moved by Mrs. Butterworth, seconded by Mr. Lamond, that the Board of Supervisors voted to adjourn the meeting at 10:20 p.m. This motion passed by a vote of 4-0.

  
Timothy J. Tieperman  
Township Manager

10/27/2008  
\_\_\_\_\_  
Date