



## **WARRINGTON TOWNSHIP BOARD OF SUPERVISORS MINUTES FOR JUNE 25, 2013**

The regular meeting of the Warrington Township Board of Supervisors was held on June 25, 2013, 7:30 p.m., at the Township Building located at 852 Easton Road, Warrington, PA 18976. The members present were as follows:

### **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 R. Casey, Esq., Township Solicitor; Thomas A. Gockowski, Township Engineer; and Jackie Wilson, substituting for Barbara Livrone.

### **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**

There was a pre-meeting executive session held to review litigation items related to the Warrington Ambulance Corps., Victory Gardens and the Egenolf stipulation agreement.

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

1. **June 11, 2013 – June 25, 2013**      **\$762,427.47**

Mrs. Achenbach motioned, seconded by Mr. Paul, to approve the bill list from June 11, 2013 through June 25, 2013 totaling \$762,427.47.

### **APPROVAL OF MINUTES**

2. **May 28, 2013**

Mr. Paul motioned, seconded by Mrs. Achenbach, to approve the May 28, 2013 Meeting Minutes. The motion passed unanimously.

3. **June 11, 2013**

Mr. Paul motioned, seconded by Mr. Hallowell, to approve the June 11, 2013 Meeting Minutes. The motion passed unanimously.

**PUBLIC COMMENT:** Gwyn Walton, 2830 Bristol Road, representing the Historic Commission, commented on the preservation of the Illg barn.

**PUBLIC HEARING:** None.

**OLD BUSINESS:**

4. **Consider stipulation proposal to subdivide Tax Parcel 50-004-081, Limekiln Pike & Mill Creek Road (aka Egenolf Property).**

Citing the Township Engineer's report that the proposed stormwater improvements would provide a modest public benefit to the general neighborhood, Mr. Paul motioned, seconded by Mr. Hallowell, to approve the stipulation. The motion passed unanimously 5-0. (*See Attachment A*).

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

5. **Review recommendation for new procedural changes to improve the enforcement of non-traffic offenses.**

Mr. Anderson reviewed Staff recommendations from Mr. Tieperman's June 25, 2013 memorandum. (*See Attachment B*). There was general discussion over the merits of the new enforcement approach to non-traffic violations, which was borrowed from the successful SWEEPS program in Allentown. Mr. Anderson suggested that the Board serve as the appeals body and that a special fine schedule be developed for each type of non-traffic infraction.

Mr. Paul motioned, seconded by Mr. Hallowell, to approve the recommendations for adopting new procedural changes for non-traffic offenses and to authorize the Township Manager and Solicitor to begin preparing an ordinance draft, fine schedule and implementation timeline for review at the next regular Board meeting. The motion passed unanimously 5-0.

6. **Consider adoption of Ordinance amending Chapter 22 (Subdivision and Land Development) to incorporate new sections with supplemental requirements for Alternative and Emerging Energy Facilities.**

Mr. Anderson commented that this new Ordinance has major implications and warrants further deliberation among Board members, preferably in a workshop setting. Mr. Anderson agreed and motioned, seconded by Mr. Paul, to table this Ordinance until such time that the Board has had an opportunity to review this amendment at a future workshop. The motion passed unanimously 5-0.

7. **Consider adoption of Ordinance amending Chapter 27 (Zoning) to incorporate new sections with supplemental requirement for Alternative and emerging energy Facilities.**

Mr. Anderson motioned, seconded by Mr. Paul, to table this Ordinance until such time that the Board has had an opportunity to review this amendment at a future workshop. The motion passed unanimously 5-0.

**8. MANAGER'S REPORT:****Consent Items****a. Bid Authorization – Palomino Gabion Repair Project**

There being no budgetary issues, Mr. Paul motioned, seconded by Mr. Hallowell, to approve the bid authorization for the Palomino Gabion Repair Project. The Board gave its unanimous consent.

**b. Bid Authorization – Palomino Tennis Court Resurfacing Project**

Mr. Anderson motioned, seconded by John Paul, to table the authorization of the Palomino Tennis Court Resurfacing Project until such time the Board has had the opportunity to review the available options and identify the appropriate funding sources for the project. The Board gave this motion its unanimous consent.

**c. Grant Application Authorization – Automatic Red Light Enforcement (ARLE) Grant**

Mr. Paul motioned, seconded by Mrs. Achenbach, to approve Staff's recommendation to submit two (2) separate ARLE grant applications as recommended by Staff. (*See Attachment C*). The Board gave this motion its unanimous consent.

**d. Change Order Authorization (\$53,000) – Tradesville Sewage Treatment Plan**

After answering several questions to substantiate the change order, Mr. Paul motioned, seconded by Mrs. Achenbach, to approve the \$53,000 change order for the Tradesville Sewage Treatment Plant. The Board gave this motion its unanimous consent.

**e. Approval of Calhoun @ Upper State Road Planning Module**

Mr. Paul motioned, seconded by Mr. Hallowell, to approve the required DEP Planning Module for Calhoun at Upper State Road for the provision of sewer services to these Warrington neighborhoods. The Board gave this motion its unanimous consent.

**Policy Items****f. Review travel policy amendment to non-union personnel handbook**

Mr. Tieperman explained that the Township's current personnel handbook is silent on travel requests and allowances. Both Mr. Luber and the auditors have suggested the Township formalize a policy to handle these types of issues. In reviewing the policy draft, Mrs. Achenbach suggested that the meal allowances be collapsed into one (1) general daily meal allowance. Mr. Anderson suggested that a separate approval form be developed to accompany the policy document. He asked that Staff incorporate these changes for review at the Board's next regular meeting.

**9. CHAIRMAN'S REPORT**

- a. Mr. Anderson reported on a recent meeting between PennDOT official and Valley Gate. Developer Michael Grasso, to meet PennDOT's conditions for a HOP (Highway Occupancy Permit), has agreed to install 12 adaptive traffic signals along Route 611 from County Line to Bristol Roads. The estimated cost for these adaptive signals is ± \$500,000. When combined with off-site improvements, Mr. Grasso's total investment to meet PennDOT's HOP conditions will exceed \$1.2 Million.
- b. Mr. Anderson solicited feedback from his fellow Board members regarding the performance of the Granicus web-streaming software. He suggested that before this software goes live that Board members review recorded web streams first and be prepared to share their opinion at an upcoming workshop.
- c. Mr. Anderson provided an update on the Route 202 Safety Initiative and the collaborative effort among the departments from Montgomery and Doylestown Townships to enhance traffic enforcement along the Parkway corridor. He said future reports will be forthcoming.

**10. ENGINEER'S REPORT**

- a. Mr. Gockowski stated that CEC is ready to proceed with the surveying of the PECO Trail Line Survey as part of the planned trail expansion as recommended by the Open Space Task Force. Mr. Anderson suggested that Staff seek permission to use a portion of the Township's allocation of County open space funds to finance the survey. Mr. Tieperman agreed to investigate and will report back at the next meeting.
- b. Mr. Gockowski also updated the Board on the status of the 2013 Road Program, which was also highlighted in Mr. Tieperman's recent week-in-review.

**11. SOLICITOR'S REPORT**

- a. Mr. Casey reported that he has depositions scheduled in early July to document the deteriorating conditions at the Malcolm's property and to obtain a court conference to expedite the buildings' demolition.
- b. Mr. Casey reported that the prospective builder's due diligence period has been extended for the Meridian development. The builder is working with the bank to resolve some issues related to the buildings' stucco and other issues preventing the final sale of the properties. He also has been in discussions with their counsel to amend some of the financial security documents which he has resisted as not being in the Township's interests.

**12. ESCROW AND MAINTENANCE BOND RELEASES: None****13. EXTENSION REQUESTS: None****14. DEDICATION REQUESTS: None**

**SUPERVISOR COMMENTS:**

Mrs. Yannich commented about root invasion to the Township's sewer lines and noted that bamboo is a highly invasive species.

Mr. Anderson reported that Central Bucks School District appealed the tax assessment of Westminster Apartments. As a result of the appeal, the assessment was increased thus increasing tax revenue for the School District, County and Warrington Township.

**ADJOURNMENT**

Mr. Paul motioned, seconded by Mr. Hallowell, to adjourn the meeting at 9:05 p.m. The motion passed unanimously.

Respectfully Submitted By:



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Timothy J. Tieperman, Township Manager

# **ATTACHMENT “A”**

FOX ROTHSCHILD LLP

By: Robert W. Gundlach, Jr., Esquire  
Attorney I.D. No. 49751  
2700 Kelly Road, Suite 300  
Warrington, PA 18976  
(215) 345-7500

Attorney for Appellants

STEPHEN AND MADELINE EGENOLF,	:	COURT OF COMMON PLEAS OF
Appellants,	:	BUCKS COUNTY
	:	
V.	:	NO. 2011-08982
	:	
WARRINGTON TOWNSHIP	:	
ZONING HEARING BOARD,	:	NOTICE OF LAND USE APPEAL
Appellee.	:	ZONING CASE
	:	

#### **STIPULATION OF SETTLEMENT**

IT IS HEREBY STIPULATED, by and between Robert W. Gundlach, Jr., attorney for Stephen and Madeline Egenolf ("Appellants"), and William H.R. Casey, Esquire, attorney for Warrington Township, along with their respective clients, as follows:

#### **FACTS:**

1. Appellant is the legal owner of a certain tract of land identified as Bucks County Tax Parcel no. 50-4-81 (the "Property"), containing approximately 3.128 gross acres of land located on Mill Creek Road and Limekiln Pike, Warrington Township, Bucks County, Pennsylvania.
2. Appellee is the Zoning Hearing Board of Warrington Township (the "ZHB").
3. The Property is zoned RA- Residential Agricultural under the Warrington Township Zoning Ordinance.
4. The Property currently consists of one single family dwelling.
5. On June 24, 2011, Appellants filed an Application to the ZHB requesting a variance from Section 405.1.A. of the Warrington Township Zoning Ordinance, to subdivide the

Property into two (2) lots, each containing less than the required 3 acre minimum lot area (the "Variance").

6. A hearing was held before the Board on August 22, 2011.

7. At the hearing, Appellants presented witnesses and exhibits to support the grant of the Variance.

8. The Board subsequently denied Appellants' request for the Variance, by virtue of its written decision dated September 23, 2011.

9. Appellants filed a Notice of Land Use Appeal on October 11, 2011, which is captioned at Docket No. 2011-08982, appealing the denial of Variance (the "Land Use Appeal").

10. Appellee, the ZHB, has intervened into the Land Use Appeal.

**TERMS OF SETTLEMENT:**

1. The Variance is granted and Appellants shall be permitted to subdivide the Property into two (2) residential lots (the "Project"), as generally depicted on the plan titled Sketch Plan for Egenolf Tract, prepared by Van Cleef Engineering Associates, dated 10/28/10, last revised February 2, 2011, a copy of which is attached hereto as Exhibit "A" (the "Sketch Plan").

2. Appellants shall be required to obtain minor subdivision/land development plan approval from the Board of Supervisors for the Project.

3. Appellants shall use best efforts and due diligence to submit fully engineered minor subdivision/land development plans (the "Engineered Plans") to the Township promptly following approval of this Stipulation of Settlement by the Court.

4. In exchange for the grant of the Variance, Appellants agree to perform certain stormwater improvements on the Property, as generally depicted on the Sketch Plan and to be designed in greater detail on the Engineered Plans, in an attempt to improve the current



stormwater problems in the area surrounding the Property; all to the reasonable satisfaction of the Township Engineer.

5. Upon the approval of this Stipulation of Settlement by the Court, Appellant agrees to withdraw the Land Use Appeal by filing a Praecipe to mark the Land Use Appeal as settled, discontinued and ended.

6. The Court shall retain jurisdiction to enforce the terms of this Stipulation of Settlement. To the extent that the parties hereto are unable, in good faith, to resolve disputes regarding the subject matter of this Stipulation of Settlement, such disputes or concerns shall be submitted to the Court, and the Court shall dispose of the dispute(s) in such manner as the Court deems appropriate.

WHEREFORE, Appellants and Appellee, Warrington Township Zoning Hearing Board, respectfully request that the Court approve the terms of the settlement set forth in this Stipulation of Settlement.

**WARRINGTON TOWNSHIP  
BOARD OF SUPERVISORS**

**APPELLANTS:**

By: \_\_\_\_\_  
John Paul, Chairman

By: \_\_\_\_\_  
Madeline Egenolf

By: \_\_\_\_\_  
Stephen Egenolf

By: \_\_\_\_\_  
William H.R. Casey, Esquire,  
Counsel to Warrington Township Zoning  
Hearing Board

By: \_\_\_\_\_  
Robert W. Gundlach, Jr., Esquire,  
Counsel to Stephen and Madeline Egenolf

FOX ROTHSCHILD LLP

By: Robert W. Gundlach, Jr., Esquire  
Attorney I.D. No. 49751  
2700 Kelly Road, Suite 300  
Warrington, PA 18976  
(215) 345-7500

Attorney for Appellants

STEPHEN AND MADELINE EGENOLF,	:	COURT OF COMMON PLEAS OF
Appellants,	:	BUCKS COUNTY
	:	
V.	:	NO. 2011-08982
	:	
WARRINGTON TOWNSHIP	:	
ZONING HEARING BOARD,	:	NOTICE OF LAND USE APPEAL
Appellee.	:	ZONING CASE
	:	

**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2011, upon  
consideration of the Stipulation of Settlement, approved by counsel for Appellants and Appellee,  
it is hereby ORDERED and DECREED that the terms of the Stipulation of Settlement are  
approved.

\_\_\_\_\_  
J.

# **ATTACHMENT “B”**

# Warrington



# Township

852 EASTON ROAD, WARRINGTON, PA 18976  
215-343-9350 ■ FAX 215-343-5944  
[www.warringtontownship.org](http://www.warringtontownship.org)

BOARD OF SUPERVISORS  
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JOHN R. PAUL, Vice Chairperson  
MARIANNE ACHENBACH, Secretary-Treasurer  
MATTHEW W. HALLOWELL, SR., Member  
SHIRLEY A. YANNICH, Member

TOWNSHIP MANAGER  
TIMOTHY J. TIEPERMAN

June 21, 2013

MEMO TO: BOARD OF SUPERVISORS

FROM: TIMOTHY J. TIEPERMAN  
WILLIAM H.R. CASEY, ESQ,

**RE: RECOMMENDED PROCEDURAL CHANGES IN HANDLING NON-TRAFFIC VIOLATIONS**

### ***Problem Identification***

With the recent uptick in both residential and commercial development activity, the Codes Department has become increasingly overwhelmed with balancing both its inspections and enforcement responsibilities. What compounds this problem is the bureaucratic red tape that our code enforcement officers must follow to compel compliance on simple things such as illegal signs, tall grass, litter, noise and other nuisance-related complaints.

Let's take signs for example, especially the temporary ones that are often placed on private property. Legally Township officials are not allowed to remove these signs. Doing so constitutes illegal trespassing. However, by the time the Township issues the notice of violation, the special event to which the temporary sign applied is over. In essence the violator got his/her free sign. Many individuals, unfortunately, are very familiar with this loophole and know how to "game the system."

### ***Non-Traffic Tickets***

To close these types of loopholes and put more teeth into the Township's enforcement arsenal, we are recommending reforming the procedures for handling non-traffic violations. Similar to the handling of traffic and parking violations, we are suggesting that duly sworn Township officials be authorized to issue an instant ticket for non-traffic violations. These tickets would have minor fines associated with them ranging from \$25 to \$100. The fines would be issued instantaneously and increased for non-compliance.

We believe the assessment of a monetary penalty will force violators to take immediate action. Violators may appeal their fines to a special citizens appeal panel appointed by the Board of Supervisors or vest these appeal powers with an existing board such as the Zoning Hearing Board or the Building Appeals Board.

Violators still have the ability to appeal further to the District Court, but we believe the vast majority will not advance to that level. We further believe that the District Judge will welcome this lower level appeals process given her current docket of more serious crimes.

### ***Allentown SWEEP Program***

Mr. Casey learned of this program from a similar one that was enacted recently in the City of Allentown with much success. The Mayor of Allentown spoke recently at a township solicitors' colloquium in Lancaster where he was the featured speaker. He touted the benefits of the City's "SWEEP" program which boasted a 75% compliance rate. With some modifications this program can be duplicated in the Warrington.

### ***Recommendations***

Assuming Mr. Casey affirms such a program passes legal muster under the Second Class Township Code, we are seeking the Board's authorization to move forward and develop an implementation plan that would, among other things, require: (1) Preparing any necessary ordinance amendments; (2) setting fine rates and penalties for all applicable non-traffic violations; (3) empowering township officials to enforce the penalties; (4) appointing the appeals board; (5) designing/printing the tickets; and (5) advertising the new program.

Attached is a sample form we received from Allentown.

Enclosure

xc: Senior Staff

Original design of the SWEEP ticket.

Was created and designed similar to a parking ticket.

### SWEEP Violation Ticket

Date	Time	AM PM	No. 10001	Bar Code
Name of Violator				
DOB				
Address of Violator				
City				
State				
Zip				
Location of Violation				
License Plate #				
State				
Year / Make / Model / Color				
Owner				
Owner Address				
City				
State				
Zip				

**\$25 VIOLATION:** if paid within 10 days / \$50 after 10 days until Citation

T B D

**\$100 VIOLATION:** if paid within 10 days / \$125 after 10 days until Citation

T B D

Describe Violations

Issuing Officer	ID No.	Dept	Disruptive Conduct
			Yes No

Failure to pay fine will result in a citation. See reverse side for payment instructions.

### FOR "OTHER" VIOLATIONS OF THESE ARTICLES USE THESE REFERENCE NUMBERS ON TICKET UNDER THE \$25 OR \$100 SECTION

#### Anti Litter Ordinance, Article 725

- A1 Placing unacceptable trash in City litter basket
- A2 Damaging a City litter basket
- A3 Illegal placement of handbills, newspapers or notices
- A4 Litter from vehicle/substance from tires
- A5 Graffiti on property
- A6 Party to graffiti vandalism
- A7 Illegal sale or purchase of spray paint/markers
- A8 Illegal possession of spray paint/markers by minor
- A9 Illegal possession of spray paint/markers in public parks and buildings
- A10 Misuse of shopping cart
- A11 Shopping cart not marked with owner's name
- A12 No posted store sign - Removal of carts/subject to fine
- A13 Shopping cart not returned by owner after notification

#### Solid Waste Ordinance, Article 1131

- B1 Placing trash from another location in front of a property in City collection
- B2 Placing trash out for City collection without paying for City services
- B3 Unlicensed waste hauler
- B4 Containers not removed from site within 12 hrs
- B5 More than 70 pounds of construction material out for collection
- B6 Failure to provide private trash collection
- B7 Overflowing dumpster, littered dumpster area (residential or commercial)

#### Residential Recycling Ordinance, Article 1137

- C1 Not recycling property
- C2 Misuse of recycling container
- C3 Failure to recycle yard waste

#### Commercial Recycling Ordinance, Article 1139

- D1 Failure to recycle by a commercial entity
- D2 Failure to provide private recycling collection
- D3 Failure to recycle property
- D4 Failure to recycle corrugated cardboard
- D5 Violation of storage or placement of recyclables
- D6 Overflowing recycling containers
- D7 Failure to provide tenant with recycling collection/containers/education
- D8 Transporting recycling and causing litter / unsecured load
- D9 Unauthorized collection of recyclable materials

# **ATTACHMENT “C”**

# Warrington



# Township

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215-343-9350 ■ FAX 215-343-5944  
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SHIRLEY A. YANNICH, Member

TOWNSHIP MANAGER  
TIMOTHY J. TIEPERMAN

June 20, 2013

MEMO TO: BOARD OF SUPERVISORS  
ATTN: TIMOTHY J. TIEPERMAN

FROM: BARRY P. LUBER, CHIEF FINANCIAL OFFICER

A handwritten signature in dark ink, appearing to read "BPL", written over the name Barry P. Lubert.

RE: ARLE GRANT (RED LIGHT CAMERA GRANT)

## ***Background***

Last year the Township was successful in receiving a highly competitive ARLE grant from the Commonwealth for approximately \$21,000. This money will be used to install rumble strips along the center line of Pickertown Rd.

Last week we received notice that another round of ARLE Grant applications will be accepted and are due on June 30, 2013. Staff is currently working on two grant applications:

1) Battery backup systems for fourteen (14) traffic signals

The first will be a request for approximately \$125,000 (still locking in amounts) for the acquisition and installation of battery backup at fourteen signaled intersections as recommended by the Warrington Police Department. This will significantly improve traffic flow, reduce the chance for accidents and allow the police to handle other issues during power failures or severed weather.

2) Installation of three (3) Adaptive Signal Devices (\$120,000) at the following intersections:

- a) Lower State Rd. and Street Rd.
- b) Lower State Rd. and Bellflower Rd.
- c) Lower State Rd. and Pickertown Rd.

These devices will allow the traffic signals to changes from red to green based on patterns it detects in traffic volume, thus reducing congestion and wait time at intersections.