

# WARRINGTON TOWNSHIP BOARD OF SUPERVISORS

## MINUTES FOR MAY 12, 2009

The regular meeting of the Warrington Township Board of Supervisors was held on May 12, 2009, 7:40 p.m., at the Township Building located at 852 Easton Road, Warrington, PA 18976. The members present were as follows:

### 1. ATTENDANCE:

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

### 2. PLEDGE OF ALLEGIANCE

The meeting opened with a pledge to the flag.

### 3. SPECIAL PRESENTATIONS:

a) Emergency Services Commendations. Mrs. Butterworth and Mr. Lamond made the special presentations and awarded citations of commendation to Warrington Community Ambulance Corps members: Paramedic Mark Scholl, EMT Linda Morley, EMT Jeremy Ronan, and EMT Josh Williams; Warrington Township Fire Company members: Deputy Chief Joseph Fuchs, Lieutenant Timothy Campbell, and Lieutenant Paul Martin; and Warrington Township Police Department members: Sergeant Daniel Friel, Patrol Officer Kenneth Hawthorne, and Patrol Officer Timothy Stinger for their exemplary conduct and contribution of these responders in resuscitating a 49-year old woman in cardiac arrest and expressed the appreciation of all the citizens for their actions.

b) Recognition of Detective Shafer. Chief Miller recognized Detective Shafer for his outstanding actions during the years 2006-2008 that lead to the arrest of a suspect and recovery of stolen property. He is a credit to himself, the township as well as his family.

b) Herb Kahl Scholarship Recipients. Harry Chess and Bobby Kahl recognized the 2009 Herb Kahl Scholarship recipients as follows: Thomas Porter - \$500; Megan Foster - \$500; Jonathan Couture - \$1,000; Grace Noble - \$1,000; and Corey Matthews - \$2,500. The total scholarship amount was \$5,500.

4. EXECUTIVE SESSION REPORT. Michael Clarke reported that at the conclusion of our last meeting held on April 28, 2009 the Board held an executive session at which time there were two issues discussed: 1) One litigation matter involving the lawsuit that has been filed regarding the Township's Business and Privilege Tax; 2) Discussed a lawsuit that has been filed against the Department of Environmental Protection; and 3) Discussed several matters of potential litigation.

5. **APPROVAL OF BILL LIST: 4/28/09-5/12/09 - \$1,110,898.05**

Motion – It was moved by Mr. Lamond, seconded by Mr. Plotnick that the Board of Supervisors voted to approve the bill list from 4/28/09 to 5/12/09 in the amount of \$1,110,898.05. This motion passed by a roll call vote of 5 yeas.

6. **APPROVAL OF MINUTES**

a) **March 10, 2009**

Motion – It was moved by Mr. Lamond, seconded by Mr. McKay that the Board of Supervisors voted to approve the minutes of the March 10, 2009 meeting. This motion passed by a vote of 4-1. Mrs. Butterworth abstained.

b) **April 14, 2009**

Motion – It was moved by Mr. Lamond, seconded by Mr. McKay that the Board of Supervisors voted to approve the minutes of the April 14, 2009 meeting. This motion passed by a vote of 4-1. Mrs. Kiefer abstained.

7. **MINUTES FOR POSTING**

a) **April 28, 2009**

Motion – It was moved by Mr. Lamond, seconded by Mr. Plotnick that the Board of Supervisors voted to post the minutes of the April 28, 2009 meeting. This motion passed by a vote of 4-1. Mrs. Kiefer abstained.

8. **PUBLIC COMMENT**

a) **Enforcing Ordinance against Telemarketers.** Bruce Dupuis, who resides at 3062 Bradley Road, said he does everything he can to make his home safe. While he was away recently, a number of items were left in his driveway by telemarketers – phone books, etc. He wanted to know why the township's ordinance for unsolicited information is not being enforced so that this doesn't happen. Mr. Michael Mrozinski, Director of Planning and Economic Development was asked to look into this matter.

9. **PUBLIC HEARING:**

a) **Conditional Use Hearing for Cricket Communications, Inc. to allow the installation of a wireless communications tower and related equipment on an existing structure located at 1500 Stuckert Road.**

Motion – It was moved by Mr. Lamond, seconded by Mr. McKay, that the Board of Supervisors voted to open the conditional use hearing for Cricket Communications, Inc. to allow the installation of a wireless communications tower and related equipment on an existing structure located at 1500 Stuckert Road. This motion passed by a vote of 5-0.

Michael Clarke reported that this is a conditional use hearing for Cricket Communications, Inc. He said the property is TMP #50-029-045-2, which is located in the Township of Warrington in Bucks County, PA. He said this is an application requesting conditional use to allow the installation of a wireless communications tower and related equipment on an existing structure located at 1500 Stuckert Road. He said this matter was originally advertised for the April 14, 2009 meeting and then was tabled at that time

with the consent of the applicant. It was tabled until the April 28, 2009 meeting and again with the consent of the applicant it was continued until this evening. He said the applicant is represented by Richard Lemanowicz, Esq.

Mr. Lemanowicz distributed copies of his exhibits and summarized Cricket Communications application. He introduced his witnesses: Brian Seidel, Land Use Planning Consultant; and Syed Agha, Radio Frequency Engineer. He referenced CKS's review letter dated 5/7/09 and indicated that Items #2, #3, and #5 would be complied with by the applicant.

Motion – It was moved by Mr. Lamond, seconded by Mr. Plotnick that the Board of Supervisors voted to close the conditional use hearing for Cricket Communications, Inc. to allow the installation of a wireless communications tower and related equipment on an existing structure located at 1500 Stuckert Road. This motion passed by a vote of 5-0.

Motion – It was moved by Mr. Lamond, seconded by Mr. Plotnick, that the Board of Supervisors voted to approve the conditional use hearing for Cricket Communications, Inc. to allow the installation of a wireless communications tower and related equipment on an existing structure located at 1500 Stuckert Road. This motion passed by a vote of 4-1. Mrs. Kiefer said she preferred co-location on the towers.

Motion – It was moved by Mr. McKay, seconded by Mr. Lamond, that the Board of Supervisors voted to approve and or ratify the lease agreement between Warrington Township and Cricket Communications, Inc. that was executed on March 11, 2009 by Mrs. Butterworth and Mr. McKay. This motion passed by a vote of 5-0.

**b) Conditional Use Hearing for Clearwire to allow the installation of a wireless communications tower and related equipment on an existing structure located at 2647 County Line Road.**

Motion – It was moved by Mr. Lamond, seconded by Mr. McKay, that the Board of Supervisors voted to table the Conditional Use Hearing for Clearwire to allow the installation of a wireless communications tower and related equipment on an existing structure located at 2647 County Line Road until the May 26, 2009 meeting. This motion passed by a vote of 5-0.

10. **MANAGER'S REPORT.** Mr. Tieperman reviewed the manager's report which included a) Warrington Day Status; b) Act. 32 – Tax Collection District; c) 275<sup>th</sup> Anniversary Post Mortem; d) Ad Hoc Recycling Committee Report; e) Bucks County Compressed Natural Gas Initiative; f) Route 152/Eureka Village Study; g) Commercial Assessment Appeals; and h) Other Business.

**Warrington Day Status.** Mr. Tieperman reported that we are now at a juncture point where some important decisions need to be made regarding Warrington Day. The first is whether to move forward with Warrington Day Festivities at all given current economic conditions without compromising our venues. Staff believes that Warrington Day could be held successfully and less expensively on Valley Square's Main Street as opposed to IPW Park, while at the same time helping the local business community.

The consensus of the Board was to hold the 2009 Warrington Day at Valley Square's Main Street. Mrs. Kiefer said she prefers to have this event held at IPW because she feels that Warrington Day is more of a tradition and she feels more comfortable with this tradition. The Board liked the Valley Square concept and felt it gave better exposure for the township. In 2010 the Board can re-evaluate the pros and cons of where to hold Warrington Day.

Mrs. Butterworth said the original intent of Warrington Day was to provide non-profit organizations an area where they can talk about their goals, raise some money for their organizations, and also bring some people to their organizations.

a) **Township Engineer's Monthly Report.** Mr. Zarko reviewed his monthly report as follows: a) West End Fire Station; b) Mary Barness Swim Club Roof Replacement; and c) Maple Avenue Extension.

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

11. **Consider adoption of a Resolution approving the preliminary plan for Holbert Minor Subdivision.** Mr. Zarko reported that this proposed Holbert Tract Subdivision site is approximately 3.07 acres in size and is located on the northwesterly corner of the Stuckert Road/Warwick Road intersection, within the "R-2 Medium Density Residential" Zoning District.

Mr. Zarko said the applicant proposes to subdivide the parcel into three single-family lots (two of which will have frontage on Forest Glen Drive, and the third, which will contain an existing dwelling, shall maintain frontage on Stuckert Road), with associated public/site improvements.

Mr. Zarko said the applicant is also requesting several waivers from the requirements of the Subdivision and Land Development Ordinance, which he reviewed with the Board.

Motion – It was moved by Mr. Lamond, seconded by Mr. Plotnick, that the Board of Supervisors voted to adopt a resolution approving the preliminary plan for Holbert Minor Subdivision including an amendment to the plan to allow for a 20' easement for a gas line and approving the waivers as recommended by CKS's in their review letter of 3/24/09. This motion passed by a vote of 5-0.

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Mrs. Kiefer left the meeting at 9:30 p.m. because she wasn't feeling well.

12. **Consider authorization to advertise an ordinance establishing a new water/sewer district for the Horsham Water and Sewer Authority – County Line Road Project.**

Motion – It was moved by Mr. Lamond, seconded by Mr. McKay, that the Board of Supervisors consider authorization to advertise an ordinance establishing a new water/sewer district for the Horsham Water and Sewer Authority – County Line Road Project. This motion passed by a vote of 4-0.

13. **Consider appointment of an Act 32 Tax Collection Committee Delegate.** Mr. Tieperman reported that the General Assembly recently passed Act 32. The Act establishes a Tax Collection District (TCD) within each county-wide region and mandates the formation of a Tax Collection Committee (TCC) that will serve effectively as the District's governing entity. He said the TCC must have a representative from each political subdivision within the County to serve as a voting delegate.

Motion – It was moved by Mrs. Butterworth, seconded by Mr. Lamond that the Board of Supervisors voted to appoint Tim Tieperman, Township Manager as the voting delegate to the Act 32 Tax Collection Committee. This motion passed by a vote of 4-0.

Mr. McKay commented about the Earned Income Collection. He said he had been talking to John Mohan, tax collector, and learned that the school district is in the process of trying to usurp the authority to collect property taxes. He said Mr. Mohan wanted to introduce this to the township because he feels that the township should get on board with the tax collectors and fight this. He asked if the township wants to take a position after being educated to do what is best for its residents. He asked that the pros and cons be reviewed at the Board's next meeting on whether or not the township could continue to

operate with the present concept as the township collects it or the alternative systems that the school district is trying to push.

14. **Consider authorization to advertise an ordinance amending the Township's park rules and regulations.** Mrs. Hanel reported that the Park and Recreation Board discussed transient vendors, such as ice cream, doing business in Township parks. The concern is primarily security, as the vendors, although required to obtain a permit from the Township, are not subject to any sort of criminal background check or child abuse history report.

Mr. Clarke reported that it was his suggestion that wording be included in the amended ordinance that vendors are allowed to apply to the Park and Recreation Department instead of just making it an absolute band. He said if the Park and Recreation Department establishes criteria, which he will review and as long as they follow their own criteria when they are making their decisions, they should be protected.

Mrs. Hanel said the Park and Recreation Board is recommending the following rule be added to Chapter 16, Section 101 of the Township Code: No person or business shall set up any booth, table, stand or vehicle for the sale of any article or food whatsoever, within the limits of the parks, without the consent of the Park and Recreation Board, which shall have the authority to refuse such consent in any instance. All requests must be in writing to the Park and Recreation Board. The police will be notified of any permits or authorization.

Motion – It was moved by Mr. McKay, seconded by Mr. Lamond, that the Board of Supervisors consider authorization to advertise an ordinance amending the Township's park rules and regulations with the amendment as noted. This motion passed by a vote of 4-0.

15. **Disposition of bids for the 2009 Lawn Bid.** Mrs. Hanel reported that while twelve firms attended the pre-proposal meeting and site tour only two firms' submitted proposals.

Motion – It was moved by Mr. McKay, seconded by Mr. Plotnick, that the Board of Supervisors award the 2009 Lawn Maintenance Contract to Bucks County Outdoor Environments in the amount of \$4,812.00 as per the 5/5/09 memo. This motion passed by a vote of 4-0.

#### **OLD BUSINESS (ACTION/DISCUSSION ITEMS):**

16. **To consider the following extension requests:**

a) **Dunkin Donuts/Baskin Robbins.**

Motion – It was moved by Mr. Lamond, seconded by Mr. Plotnick, that the Board of Supervisors approved the extension request for Dunkin Donuts/Baskin Robbins until 5/12/10. This motion passed by a vote of 4-0.

b) **Highgrove Manor.**

Motion – It was moved by Mr. Lamond, seconded by Mr. Plotnick, that the Board of Supervisors approved the extension request for Highgrove Manor until 8/05/09. This motion passed by a vote of 4-0.

c) **Valley Square, Phase 1.**

Motion – It was moved by Mr. Lamond, seconded by Mr. Plotnick, that the Board of Supervisors approved the extension request for Valley Square, Phase 1 until 8/06/09. This motion passed by a vote of 4-0.

17. **ADJOURNMENT**

Motion - It was moved by Mr. Plotnick, seconded by Mr. McKay, the Board of Supervisors voted to adjourn the meeting at 10:10 p.m. This motion passed by a vote of 4-0.