

WARRINGTON TOWNSHIP BOARD OF SUPERVISORS

MINUTES FOR MAY 26, 2009

The regular meeting of the Warrington Township Board of Supervisors was held on May 26, 2009, 7:35 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; 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; Michael J. Bean, Fire Chief; and Vivian S. Bell, Township Treasurer.

2. PLEDGE OF ALLEGIANCE

The meeting opened with a pledge to the flag.

3. EXECUTIVE SESSION REPORT. Michael Clarke reported that there has not been an executive session held since our last meeting held on May 12, 2009.

4. APPROVAL OF BILL LIST: 5/12/09-5/26/09 - \$551,169.88

Motion – It was moved by Mr. Plotnick, seconded by Mrs. Butterworth, that the Board of Supervisors voted to approve the bill list from 5/12/09 to 5/26/09 in the amount of \$551,169.88. This motion passed by a roll call vote of 3 yeas.

5. MINUTES FOR POSTING

a) May 12, 2009

Motion – It was moved by Mrs. Kiefer, seconded by Mr. Plotnick, that the Board of Supervisors voted to post the minutes of the May 12, 2009 meeting. This motion passed by a vote of 3-0.

6. PUBLIC COMMENT

a) Dredging of Pond at John Barclay Elementary School. Ingeborg Schwarz, who resides at 1076 Connemara Circle, said last fall the township had appropriated money for the dredging of the pond at John Barclay Elementary School. She asked for a status report as nothing seems to be happening. She said it is a breeding ground for mosquitoes. Mr. Zarko said that was one of the projects under the Township's 2008 Bond Issue. He said the project right now is in the stage of design where we are preparing plans and specifications in order to complete the work. He said we've also had meetings with representatives of the Army Corps of Engineers and the Department of Environmental Protection because there is certain permitting that needs to be done in order to move forward with the project.

Mr. Zarko said we're hoping that some time this summer we'll be in a position to release the project for competitive bids and get it moving.

7. PUBLIC HEARING:**a) 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. Plotnick, seconded by Mrs. Kiefer, that the Board of Supervisors voted to open 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. This motion passed by a vote of 3-0.

Michael Clarke reported that this is a conditional use hearing. He said the applicant is Clearwire US, LLC. The property is TMP #50-015-004, 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 antennas and dishes with relevant equipment on a tower within an existing site located on 2647 County Line Road. He said this conditional use hearing was originally advertised to be heard on May 12, 2009 at 7:30 p.m. in the township building. Unfortunately, the applicant was not notified that it was on the agenda and it was tabled until this evening. He said the applicant is represented by Nicholas F. Talvacchia, Esq.

Mr. Talvacchia distributed copies of his exhibits and summarized Clearwire US LLC's application. He introduced his witnesses: Sael Boga, RF Engineer; and Thomas D. Carboni, Civil Engineer. He referenced CKS's review letter dated 4/27/09 and indicated that all the items would be complied with by the applicant. Mr. Talvacchia said the applicant is proposing to collocate additional antennas onto the existing lattice tower on the site.

Motion – It was moved by Mr. Plotnick, seconded by Mrs. Kiefer, that the Board of Supervisors voted to close the conditional use for Clearwire US LLC to allow the installation of a wireless communications tower and related equipment on an existing structure located at 2647 County Line Road. This motion passed by a vote of 3-0.

Motion – It was moved by Mr. Plotnick, seconded by Mrs. Kiefer, that the Board of Supervisors voted to approve the conditional use for Clearwire US LLC to allow the installation of a wireless communications tower and related equipment on an existing structure located at 2647 County Line Road and the applicant has agreed to make any changes required to comply with CKS Engineers review letter dated 4/27/09. This motion passed by a vote of 3-0.

Tim Tieperman, Township Manager, arrived at meeting at 7:55 p.m.

10. **MANAGER'S REPORT.** Mr. Tieperman reviewed the manager's report which included a) Redstone Open Space Maintenance; b) New Contractor Registration Regulations; c) Kansas Road Mitigation Site Update; d) CDBG Stimulus Funding; e) Eureka Village Concept Plan; f) Act 205 Amendments; g) 2010 Budget Parameters; and h) Other Business.

a) **Warrington Fire Company Monthly Report.** Mr. Michael J. Bean, Fire Chief reviewed his monthly report for April 2009.

b) **Fire, Inspections and Emergency Services Monthly Report.** Mr. Richard Lesniak, Fire, Inspections and Emergency Services Director, reviewed his monthly report for April 2009.

c) **Parks and Recreation Monthly Report.** Mrs. Carolyn B. Hanel, Director Administrative Services/Parks and Recreation, reviewed her monthly report for May 2009.

NEW BUSINESS (ACTION/DISCUSSION ITEMS):**11. Consider authorization to advertise Parks and Open Space Rules and Regulations.**

Motion – It was moved by Mrs. Kiefer, seconded by Mr. Plotnick, that the Board of Supervisors approved authorized advertising the Parks and Open Space Rules and Regulations. This motion passed by a vote of 3-0.

12. Consider adoption of Resolution for the preliminary/final approval for Stone Manor Corporate Center/Homewood Suites Phase I. Mr. Zarko said this project is part of the overall Stone Manor Corporate Center development, which is located at the southwesterly side of the Easton Road – Kelly road intersection. He said the original Stone Manor Corporate Center development consists of three phases and included a 3,000 sq. ft. bank facility, four office buildings totaling 192,000 sq. ft., 5,554 sq. ft. restaurant, 5-story (53,600 sq. ft.) hotel, and 10,000 sq. ft. Daycare Center. He said the applicant has filed a preliminary and final plan amendment proposing to modify the scope of the originally proposed development to include an additional 5-story hotel in lieu of the previously proposed daycare center. He said the applicant has received authorization for the second hotel use proposed in conjunction with the development; the stipulation of settlement that was previously approved by the Board of Supervisors.

Motion – It was moved by Mrs. Kiefer, seconded by Mr. Plotnick, that the Board of Supervisors consider adoption of Resolution for the preliminary/final approval for Stone Manor Corporate Center/Homewood Suites Phase I subject to all items outlined in CKS Engineers dated May 20, 2009. This motion passed by a vote of 3-0.

13. Consider request to authorize advertisement for Maple Avenue Extension. Mr. Zarko said this is the last of the township's 2007 Bond Issue projects. He said the project includes the extension of Maple Avenue from its current intersection with Kansas Road for a direct connection with Street Road as well as various traffic movement modifications along Easton Road, Street Road, and Kansas Road.

Motion – It was moved by Mr. Plotnick, seconded by Mrs. Kiefer, that the Board of Supervisors approved the authorization to advertise for the Maple Avenue Extension for bids contingent upon acquisition of the PennDOT Occupancy Permit and all rights-of-way/easements. This motion passed by a vote of 3-0.

14. Consider request to authorize advertisement for Construction Code Ordinance amendment for PVC laterals. Mr. Zarko reported that this is a formal modification of the township's building codes to permit PVC laterals.

Motion – It was moved by Mr. Plotnick, seconded by Mrs. Kiefer, that the Board of Supervisors approved authorizing the advertisement for Construction Code Ordinance amendment for PVC laterals. This motion passed by a vote of 3-0.

15. Consider request to authorize advertisement for an Ordinance for FIES Operating Guidelines. Mr. Zarko reported that this ordinance establishes procedures for demolition of buildings that are used in fire and emergency services training programs.

Motion – It was moved by Mr. Plotnick, seconded by Mrs. Kiefer, that the Board of Supervisors approved authorizing the advertisement for an Ordinance for FIES Operating Guidelines as it relates to the demolition of buildings. This motion passed by a vote of 3-0.

OLD BUSINESS (ACTION/DISCUSSION ITEMS):**16. To consider the following escrow releases:**

Development Name	Release #	Amount
Spognardi Tract	4	\$ 54,160.00

Motion - It was moved by Mrs. Butterworth, , seconded by Mrs. Kiefer, that the Board of Supervisors approved the escrow release for Spognardi Tract, Release #4 in the amount of \$54,160.00. This motion passed by a vote of 3-0.

17. To consider the following extension requests:**a) Meehan-Lacy Tract – Major Subdivision – Street Road**

Motion – It was moved by Mrs. Butterworth, seconded by Mr. Plotnick, that the Board of Supervisors approved the extension request for Meehan-Lacy Tract – Major Subdivision – Street Road until 5/19/10. This motion passed by a vote of 3-0.

b) Ball/Colibraro Tract – Major Subdivision – Lower State Road & Bellflower Blvd.

Motion – It was moved by Mr. Plotnick, seconded by Mrs. Kiefer, that the Board of Supervisors approved the extension request for Ball/Colibraro Tract – Major Subdivision – Lower State Road & Bellflower Blvd until 6/30/09. This motion passed by a vote of 3-0.

18. To consider the following dedication requests:**a) Katz/Lamplighter Village.**

Motion – It was moved by Mrs. Kiefer, seconded by Mr. Plotnick, that the Board of Supervisors approved the resolution for denial of developer’s request for dedication of public improvements based on deficiencies noted in CKS Engineers punchlist for Katz/Lamplighter Village, Phases I, II, and III. This motion passed by a vote of 3-0.

b) Studley Subdivision.

Motion – It was moved by Mr. Plotnick, seconded by Mrs. Kiefer, that the Board of Supervisors approved the resolution for dedication of roadways and public improvements for Studley Subdivision contingent upon payment of all legal and engineering escrow owed to the township. This motion passed by a vote of 3-0.

19. CONSENT AGENDA:

a) **Letter of Agreement for PennDOT SR 0202, Section 71 Parkway Project.** Mr. Zarko reported that this is a letter of agreement that addresses water and sewer casting adjustments required as part of the 202 Project. This letter of agreement is a supplement to the Master Casting Agreement that was previously approved by the Board.

Motion – It was moved by Mrs. Kiefer, seconded by Mr. Plotnick, that the Board of Supervisors approved the letter of agreement for PennDOT SR 0202, Section 71 Parkway Project. This motion passed by a vote of 3-0.

b) **Transfer Funds from 2009 Liquid Fuels to General Fund – Snow & Ice Removal \$219,968.93.** Mr. Tieperman said the Permanent Finance Committee reviewed the final audit of the township's snow and ice removal in the amount of \$219,968.93. This Committee is recommending that the General Fund be reimbursed by the Liquids Fuels Account for that amount for this fiscal year.

Motion – It was moved by Mr. Plotnick, seconded by Mrs. Kiefer, that the Board of Supervisors approved the transfer of funds from 2009 Liquid Fuels to General Fund – Snow & Ice Removal in the amount of \$219,968.93. This motion passed by a vote of 3-0.

c) **Approval of 2010 Budget Parameters.** Mr. Tieperman said the Permanent Finance Committee is attempting to get an early start on the 2010 Budget process. He said we're on a timeline where we would like to adopt fiscal parameters and to give the Department Heads some directives for our next Permanent Finance Committee meeting being held in June. He said the Committee's unanimous consent was to recommend to the Board of Supervisors the adoption of fiscal parameters requiring a zero-based, level funded budget based upon adopted 2009 departmental appropriations.

20. **Executive Session.** Mr. Clarke reported that an execution session was held where several matters were discussed pertaining to potential litigations.

21. **Warrington Community Ambulance Corps Letter.** Mrs. Butterworth read a memo from R.M. Lesniak to T.J. Tieperman dated May 26, 2009 re: Warrington Community Ambulance Corps. She said the ambulance corps is causing a lot of problems lately and it is a volunteer group. You can't expect 100% of all volunteer organizations as everyone makes mistakes. Her major concern as it's stated in this memo "The Nonprofit Center suggested that a financial donor should not be a board member for a nonprofit organization". She feels that the taxpayers are the financial donors.

22. **ADJOURNMENT**

Motion - It was moved by Mr. Plotnick, seconded by Mrs. Butterworth, the Board of Supervisors voted to adjourn the meeting at 9:35 p.m. This motion passed by a vote of 3-0.