



**WARRINGTON TOWNSHIP BOARD OF SUPERVISORS
MINUTES FOR JUNE 28, 2011**

The regular meeting of the Warrington Township Board of Supervisors was held on June 28, 2011, 7:30 p.m., at the Township Building located at 852 Easton Road, Warrington, PA 18976, followed by the pledge of allegiance. The members present were as follows:

ATTENDANCE:

John Paul, Chairperson; Gerald Anderson, Vice Chairperson; Marianne Achenbach, Secretary; Michael W. Lamond, Jr., Assistant Secretary; and Paul Plotnick, Member. Staff Present were Timothy J. Tieperman, Township Manager; William R. Casey, Esq., Township Solicitor; Richard Wieland, P.E., Township Engineer; and Barbara Livrone, Executive Assistant to the Township Manager.

SPECIAL PRESENTATION OF COMMENDATION AWARD TO ENGINE COMPANY 29

Chief Bean awarded Citation of Commendations to Joseph Fuchs, Deputy Chief 29; Firefighter Stephen Hughes, Utility 78; Lieutenant Sal Azzara; Firefighter Rick Hessler, Sr.; Safety Officer Scott Martin; Firefighter Rick Hessler, Jr.; and Firefighter Dave Porco for their exemplary conduct and contribution in resuscitating Chris Updike, who was in cardiac arrest at 2465 Pine Cove Drive on April 29, 2011.

Deputy Chief of Police Richard Bradbury awarded Citation of Commendations to Officer Eric Sanford, Officer Tim Stinger, Officer Quinton Fuller, and Officer Michael Neipp for their emergency response with an individual in cardiac arrest at 2465 Pine Cove Drive on April 29, 2011.

Chris Updike thanked the Warrington Fire Company and Warrington Police Department for saving his life when he was in cardiac arrest at 2465 Pine Cove Drive on April 29, 2011.

EXECUTIVE SESSION REPORT

Mr. Casey said there was no executive session report.

APPROVAL OF BILL LIST:

1. **June 14, 2011 to June 28, 2011 - \$372,967.01**

Mr. Anderson motioned, seconded by Mr. Plotnick, to approve the bill list from 6/14/11 to 6/28/11 totaling \$372,967.01. This motion passed by a roll call vote of 5-0.

APPROVAL OF MINUTES:

2. **May 10, 2011**

Mr. Anderson motioned, seconded by Mr. Lamond, to table approval of the May 10, 2011 Meeting Minutes. The motion passed by a vote of 5-0.

3. **May 24, 2011**

Mr. Anderson motioned, seconded by Mrs. Achenbach, to table approval of the May 24, 2011 Meeting Minutes. The motion passed by a vote of 4-1. Mr. Lamond abstained.

MINUTES FOR POSTING:**4. June 14, 2011**

Mr. Anderson motioned, seconded by Mr. Lamond, to approve the posting of the minutes of the June 14, 2011 Meeting. The motion passed by a vote of 5-0.

PUBLIC COMMENT

Mr. Peter Grochowiak of 313 Sassafras Court expressed concerns over craters located on Costner Drive as one turns onto Street Road. Mr. Paul stated that Staff will inspect and assess the area for improvements.

5. PUBLIC HEARING:

- a. To discuss and consider a conditional use application by Penrose Walk (formerly Sunrise Court Associates, LP) to allow the property to be developed with a two family semi-detached dwelling cluster development. This is a conditional use requirement under Section 803 (a) of the Warrington Township Zoning Ordinance (Chapter 27) as amended.

Mr. Casey explained that the Board is authorized to listen to evidence and testimony regarding this application according to the criteria as set forth in the Conditional Use as provided in the Ordinance. He said anyone can elect to become a party of record if they choose and a party of record would be allowed to re-examine witnesses, and to offer testimony on their own. At the end of the hearing any citizen is permitted to make a statement.

Mr. Anderson motioned, seconded by Mr. Lamond to adjourn the regular meeting at 8:00 p.m. The motion passed unanimously.

Mr. Robert W. Gundlach, Jr., legal counsel representing the applicant Sunrise Court Associates LP, stated that this proposed conditional use would be located along Phillips Avenue, Bradford Avenue, and Street Road in the R2, Medium Density Residential Zoning District. Terry W. Clemons, legal counsel for Lamplighters Village Condominium Association Board of Directors, asked to be made a party of record. This proposed development abuts the property owned by Lamplighters Village Condominium Association.

Mr. Gundlach submitted his six exhibits to the Board and called his first witness Samuel D. Costanzo, P.E. with Van Cleef Engineering Associates. Mr. Costanzo was asked and gave his background as an expert in the field of land planning in residential communities as it relates to being one of the witnesses in this conditional use hearing. He reviewed the Conditional Use Plan, Existing Features Plan, and the aerial Photo Plan as well as described the proposed improvements to the property and the surrounding area that is part of the land development plan as proposed by the applicant for development on the site.

Mr. Gundlach asked Mr. Costanzo if he had met with Lamplighter Village Condominium Association's Board of Directors to hear their concerns and address those concerns in the plan. Mr. Costanzo responded in the affirmative.

Mr. Costanzo said that the proposed improvements include 24 two family semi-detached buildings (48 dwellings) using cluster options with conditional use approval currently being sought on a 31 acre tract. While only 7.22 acres is required as open space, the applicant is proposing 13.40 acres of common open space.

Mr. Clemons cross examined Mr. Costanzo and distributed copies of an exhibit to both the applicant and the Board of Supervisors.

Mr. Anderson requested that Mr. Costanzo bring with them the information he talked about dealing with past practices in Warrington to the next meeting.

Mr. Anderson motioned, seconded by Mr. Lamond to adjourn the hearing at 9:27 p.m. and continue the hearing at the Board's July 12 meeting. The motion passed unanimously.

The regular meeting was reconvened at 9:30 p.m.

6. MANAGER'S REPORT:

Mr. Tieperman highlighted the following bulleted items in his report:

- a. **Consent Item: Proposed 2011 capital lease financing or purchasing package for police carreplacement**

Mr. Anderson motioned, seconded by Mr. Plotnick to approve the proposed 2011 capital lease financing for police car replacements. The motion passed unanimously.

- b. **Consent Item: Consider Bid Award for Barness-Greensward Pedestrian Access.**

Mr. Anderson motioned, seconded by Mr. Plotnick to award the Barness-Greensward Pedestrian Access bid to T. Schiefer Contractors, Inc. in the amount of \$24,290. The motion passed unanimously.

- c. **Consent Item: Consider Change Order for Palomino Basin Erosion.**

Mr. Plotnick motioned, seconded by Mr. Lamond to approve the change order for the Palomino Basin Erosion Project in the amount of \$1524.90. Mr. Anderson voted no. The motion passed by a vote of 4 to 1

General Updates

- a. **TEVA**

Mr. Tieperman advised the Board that TEVA Pharmaceuticals USA, Inc. ("TEVA") has terminated its Agreement of Sale to purchase the Eureka Quarry Property, Warrington Township, Bucks County, PA. He said in addition, TEVA has assigned its pending land development application for this project to Eureka Stone Quarry, Inc. ("Eureka").

Mr. Anderson had concerns with TEVA assigning its pending land development application for this project to Eureka Stone Quarry, Inc. Since TEVA terminated its Agreement of Sale, he doesn't believe that TEVA has any further rights in this matter. He stated the Township should oppose vigorously any attempt by Eureka Stone Quarry to have these rights assigned to them. Mr. Casey said this was a contract between TEVA and the Eureka Stone Quarry.

Mr. Anderson asked the solicitor if TEVA had the right to assign its pending land development application for this project to the Eureka Stone Quarry, Inc. Mr. Casey responded "possibly," but that further research would be required to answer definitively this legal query. Mr. Casey agreed to Eureka's counsel, Steven Harris, to determine the company's plans are for this site.

Mr. Anderson motioned, seconded by Mr. Lamond, to authorize the solicitor to contact TEVA and inform them that the Township considers their application void and request that TEVA contact the Township for further information. The motion passed unanimously.

b. **Victory Gardens, Inc. Mulch Operation – Garges Farm**

Mr. Tieperman reported that he has been working with some of the neighbors along Route 611 re: Victory Gardens noise issues and exploring some of the zoning issues.

Regarding the issue along the Garges property, Mr. Wieland stated that he has been networking with Gilmore & Associates to find the best means for widening the entrance on Pickertown Road to improve sight distances there. He also talked briefly about the longer term solution of opening up a second access point along Folly and Bristol Roads. They are working on a design using a combination of those two roads in addition to Pickertown Roads.

Residents from Arbor Ridge were in attendance to express their frustrations with the process in addressing these traffic and safety issues. They complained that the Township has not acted on a timely basis to compel Victory Gardens to change its business practices. Mr. Tieperman took issue with these comments, stating that Staff has been working diligently in addressing these concerns and that progress is being made in correcting the sight distance problem and designing an alternative route to ease traffic congestion.

Mr. Anderson asked that Mr. Sudfeld, legal counsel for Victory Gardens, be invited to attend the Board's July 12 meeting and explain what his plan and timetable is for resolving the issues and implementing his plan for alternative access and exit points.

7. ENGINEER'S REPORT

a. **Warwick Green Grinders (aka K & D Growers)**

Mr. Plotnick motioned, seconded by Mr. Lamond to approve the Resolution authorizing Warwick Green Grinders (aka K & D Growers) as the private hauler to transport all Tradesville leaf waste to the Warwick site for a contract period of one (1) year, subject to legal counsel's affirmative review. The motion passed unanimously.

NEW BUSINESS (ACTION/DISCUSSION ITEMS):

8. **Review Sketch Plan for proposed CVS located at 3265 County Line Road, Tax Parcel #50-004-113.**

Mr. John VanLuvence, attorney for the applicant Westport Holdings Corporation, reviewed the proposed CVS County Line Road and Lower State Road Sketch Plan. The 2.75 acres site is located in the C-1 Zoning District. The applicant is proposing a right in and right out on County Line Road because of adequate sight distances, unlike a similar ingress/egress on Lower State Road, which is not practical from a public safety standpoint. He acknowledged that the ZHB would need to review and approve several variance requests associated with this application but that he wanted to address any preliminary that site is fraught with many design challenges. There was unanimous agreement that traffic and buffering issues will need to be properly addressed before the ZHB.

Mr. VanLuvence responded that conversations have begun PennDOT about the ingress and egress on Lower State Road and that preliminary feedback from the agency is that these entry points appear acceptable to them. He stated that two of the variances that will be filed with the ZHB involve steep slopes on the road banks and parking requirements.

Mrs. Achenbach expressed concerns about the traffic coming down on County Line Road and making a right turn onto Lower State Road. She asked if there were any plans for installing a stop sign. The applicant's engineer responded that a traffic impact assessment has been submitted to PennDOT for review. The applicant stated that there have been some discussions about widening the frontage along County Line and Lower State Roads as well as the opposite side of Lower State Road to allow adequate room to negotiate left turns into CVS.

Mr. Lamond raised concerns about the entrance off of County Line Road due to the sight distance to the upcoming traffic light. He felt more comfortable with the entrance being off of Lower State Road.

9. Review and Consider adoption of Resolution approving Sewage Facilities Planning Module for the West Tract Subdivision.

Mr. Anderson motioned, seconded by Mrs. Achenbach, to adopt the Resolution approving the Sewage Facilities Module for the West Tract Subdivision. The motion passed unanimously.

10. Review and Consider easement for Pleasantville United Church of Christ located at 3424 Limekiln Pike.

Mr. Plotnick motioned, seconded by Mrs. Achenbach to approve the easement for the Pleasantville United Church of Christ located at 3424 Limekiln Pike. The motion passed by a vote of 3-2. Mr. Anderson and Mr. Lamond voted no.

OLD BUSINESS (ACTION/DISCUSSION ITEMS):

11. Consider adoption of amendments to Chapter 27 concerning building heights of the Warrington Township Code of Ordinances.

Mr. Anderson motioned, seconded by Mrs. Achenbach, to adopt the amendments to Chapter 27 concerning building heights of the Warrington Township Code of Ordinances. The motion passed unanimously.

SUPERVISORS' COMMENTS

Sketch Plans

Mrs. Achenbach requested that hardcopies of conditional use plans be made available prior to the meeting in order for the Board members to have an opportunity to review them.

Police Contract Negotiations

Mr. Anderson asked the Board if they wanted him to negotiate the police contract. Board was in agreement and Mr. Anderson indicated that he would keep the Board informed as negotiations get underway.

ADJOURNMENT

Mrs. Achenbach motioned, seconded by Mr. Lamond, to adjourn the meeting at 11:00 p.m. The motion passed unanimously.

Edited and Reviewed By:



Timothy J. Tieperman, Township Manager