



WARRINGTON TOWNSHIP BOARD OF SUPERVISORS MINUTES FOR JUNE 26, 2012

The regular meeting of the Warrington Township Board of Supervisors was held on June 26, 2012, 7:30 p.m., at the Township Building located at 852 Easton Road, Warrington, PA 18976. The members present were as follows:

ATTENDANCE:

Gerald Anderson, Chairperson; John Paul, Vice Chairperson; Marianne Achenbach, Secretary/Treasurer; Matthew W. Hallowell, Sr. and Shirley A. Yannich, members. Staff present were Timothy J. Tieperman, Township Manager; William R. Casey, Esq., Township Solicitor; Richard Wieland, Township Engineer; Barry Lubber, Chief Financial Officer; and Barbara Livrone, Executive Assistant to the Township Manager.

MOMENT OF SILENCE

Mr. Anderson asked for a moment of silence.

PLEDGE OF ALLEGIANCE

The meeting opened with a pledge to the flag.

RECOGNITION OF EAGLE SCOUT JOSEPH VINCENT CERICOLA

The Board of Supervisors formally recognized Warrington resident Joseph Vincent Cericola of Boy Scout Troop 137 for attaining the rank of Eagle Scout. Mr. Cericola's Eagle Scout project involved refurbishing four sets of wooden bleachers located in Saint Robert Bellarmine Monsignor Marley Parish Hall.

APPROVAL OF BILL LIST:

1. June 12, 2012 – June 26, 2012: \$617,225.40

Mrs. Achenbach motioned, seconded by Mr. Paul, to approve the bill list from 6/12/12 to 6/26/12 totaling \$617,225.40. This motion passed by a roll call vote of 5-0.

APPROVAL OF MINUTES:

2. May 22, 2012

Mr. Paul motioned, seconded by Mrs. Achenbach, to approve the May 22, 2012 Meeting Minutes. The motion passed by a vote of 5-0.

MINUTES FOR POSTING:

3. June 12, 2012

Mr. Paul motioned, seconded by Mr. Hallowell, to approve the posting of the June 12, 2012 Meeting Minutes. The motion passed by a vote of 5-0.

PUBLIC COMMENT

John McConnell (206 Trellis Drive) spoke concerning delays in Victory Garden's compliance with its agreement with the Township to improve Pickertown and Folly Roads.

OLD BUSINESS:

4. **Continue discussion on status of Warrington Business Gateway District receive recommendations from Planning Commission. (Commission will also review other activities/updates)**

Warrington Township Planning Commission Member Joe Balent provided a brief summary of the May 17, 2012 public forum over the proposed Warrington Business Gateway District ordinance. He stated approximately 25-30 people attended the forum to ask questions, offer comments and to understand better the economic development component to this ordinance change. *(See Attachment A)*

Mr. Balent stated that WTPC Chairman Doug Skinner had requested a meeting in July to review further the draft ordinance. As part of this review process the Commission will review and develop a matrix to identify the existing zones and the effects of combining these zones. This study will identify all the positive aspects associated with the new District as well as strategies to enhance economic development opportunities. Once this process is complete, the Commission will return to the Supervisors its final recommendations before conveying this to the Supervisors for further action.

5. **Consider final action on amendment to Chapter 13 of the Township Code, Peddlers and Solicitors (Parts 1 and 6.) Ordinance draft was approved in concept at the last meeting. Staff will share an accompanying application form for Board's review before final ratification)**

Mr. Paul motioned, seconded by Mrs. Yannich to adopt the amendment to Chapter 13 of the Township Code, Peddlers, and Solicitors (Parts 1 and 6) Ordinance. The motion passed by a vote of 5-0.

NEW BUSINESS (ACTION/DISCUSSION ITEMS):

6. **Consider recreational discounts for veterans and township employees.**

After a lengthy discussion on the recreational percentage discounts to offer for veterans and township employees towards the family membership cost at Mary Barness Swim & Tennis Center and/or the enrollment costs in Twin Oaks Day Camp, the subject was tabled. The Township Manager and Chief Financial Officer were directed to prepare an excel spreadsheet with their recommended discounts for the Board's July 10, 2012 meeting to include active military personnel.

7. MANAGER'S REPORT:

a. **Consent Item: STP Equalization Tank Bid Award.**

Mr. Paul motioned, seconded by Mrs. Achenbach to award the General Contract 12-1G for the Base Bid plus Alternate Bid No. 1 (Alternate EQ Pipe and Valve Vault) for the STP Equalization Tank Project to Lisbon Buildings & Infrastructures, Inc. in the amount of \$1,150,000.00. The motion passed by a vote of 5-0. *(See Attachment B)*

Mr. Paul motioned, seconded by Mrs. Achenbach to award the Electrical Contract 12-1E for the Base Bid plus Alternate Bid No. 1 (Alternate EQ Pipe and Valve Vault) for the STP Equalization Tank Project to AJM Electric, Inc. in the amount of \$411,000.00. The motion passed by a vote of 5-0.

b. **Consent Item: Tradesville Sludge Contract Bid Award.**

Mr. Anderson motioned, seconded by Mr. Paul, to award the Tradesville Sludge Contract to Franc Environmental, Inc. in the amount of \$0.0675 per gallon for disposal at the primary disposal site; and \$0.0745 per gallon at the emergency disposal site if required. The motion passed by a vote of 5-0. *(See Attachment C)*

c. **Consent Item: Draft Field Maintenance Agreements for Soccer and Football.**

The consensus of the Board was to recommend that the Township Manager forward the Draft field maintenance agreements for soccer and football to their respective Clubs to obtain their signatures before formal action is taken by the Board. *(See Attachment D)*

d. **Consent Item: Micro Towers Ordinance advertisement authorization.**

Mr. Paul motioned, seconded by Mr. Hallowell to authorize the advertisement of the Micro Towers Ordinance. The motion passed by a vote of 5-0. *(See Attachment E)*

8. **CHAIRMAN'S REPORT:**

a. **Scenic Byway Legislation Update.**

Mr. Anderson reported that Senate Bill No. 1551 had passed through the Senate. This legislation bans billboards along the 8.6 mile U.S. Route 202 Parkway between State Route 63 (Welsh Road) in Montgomery Township, and State Route 611 in Doylestown Township and is hereby designated as a scenic byway. *(See Attachment F)*

b. **Composting Legislation Update.**

Mr. Anderson reported that Senate Bill No. 1298 has passed the Senate. This legislation prescribes procedures for land owners who engage in composting activities on their farms. The legislation specifically defines composting and the circumstances under which it can be classified as an agricultural activity. He did caution that current operators may be grandfathered under the Farm Act. *(See Attachment G)*

c. **BCATO Collaboration Initiative (Right-of-Way Ordinances)**

Mr. Anderson explained that this initiative is related to the Micro Tower Ordinance for the regulation of new cellular antennae systems and will involve the collaboration of several Bucks County communities to develop more permanent right-of-way ordinances that may be adopted throughout Bucks County. Warrington's final share of this joint initiative will depend on the number of participating communities. This Ordinance will be presented at a future BOS meeting.

9. **ENGINEER'S REPORT:**

a. **Willow Knoll Detention Basin Study Proposal.**

Mr. Wieland reported that he had been asked to investigate the possibility of modifying the existing detention basin at Willow Knoll to reduce the stormwater discharge rate to downstream properties without creating any adverse effect to the basin or the surrounding residential area. *(See Attachment H)*

Mr. Wieland reported that the existing basin discharge is via a 36" diameter pipe. His recommendation is to install a plate on the face of this pipe with a 12" diameter hole in it. His estimated cost for the work to be done is \$5,000 or less. The engineer was directed to receive quotes for this project or the township may consider assigning the job to the township's public works department

b. Review Lamplighter Village II Bid Results and Consider Bid Award.

Mr. Paul motioned, seconded by Mrs. Achenbach to award the bid for Lamplighter Village II, Phases 1, 2, and 3 road improvements to A.H. Cornell for the bid amount of \$403,346.50. The motion passed by a vote of 5-0. *(See Attachment I)*

c. 2012 Road Paving Program.

Mr. Wieland reported that the specifications for the 2012 Road Paving Program have gone out for bid.

10. SOLICITOR'S REPORT:

a. Settlement for the Penrose Walk subdivision.

Mr. Casey reported that settlement would be held for the Penrose Walk Subdivision on Friday, June 29, 2012.

ADJOURNMENT

Mr. Paul motioned, seconded by Mr. Hallowell, to adjourn the meeting at 8:45 p.m. The motion passed unanimously.

Edited and Reviewed By:



Timothy J. Tieperman, Township Manager

ATTACHMENT "A"

Summary of WBGD Presentation on May 17, 2012:

There were approximately 25 to 30 people attending the meeting. All were asked to sign-in and write their questions on blue cards. Prior to the presentation, it was emphasized that the purpose was to improve the business gateway district and have it prosper. This was a proposed ordinance and their input was requested. Most questions were verbal, only 3 question cards were submitted and there were 3 emails.

It was emphasized that there were no tax or use changes and business would continue as now including non-conforming. The idea was to combine lots to a minimum of an acre for which there would be increase in impervious surface. This would enable the businesses to grow. It is also planned to have parks and trails within the WBGD.

The public made no points that would not permit or be problematic with the WBGD zoning changes. There were questions about: would taxes be increased, would present uses continue including non-conforming, how large could you grow and would there be tax incentives.

The recommendation from the attendees seemed to be that there should be tax incentives to make this work.

Planning Commission Plans:

Doug Skinner, Chairman PC, has called for a meeting in early July to review the draft WBGD ordinance. Also, the PC will review or develop a matrix that shows the various existing zones and the effects of combining them into this one zone.

Recommendations:

Review and finalize the ordinance. BOS could consider forming a committee as to how WBGD would grow e.g., are tax incentives needed and how are parks and trails to be included? Also, consider using outside Marketing support and involving a local bank in this endeavor.

JB 6/21/2012

ORDINANCE NO. 2011-0-____

AN ORDINANCE AMENDING CHAPTER 27
OF THE WARRINGTON TOWNSHIP CODE OF ORDINANCES

Part 15A

WARRINGTON BUSINESS GATEWAY DISTRICT

Section 1521. Purpose

The intent of the **WARRINGTON BUSINESS GATEWAY DISTRICT** along Easton Road and portions of the major crossroads of Bristol and Street is to provide for a transition of business uses that are suitable for development and redevelopment based upon uniform bulk standards; compatible with adjacent residential districts; interconnects with adjacent residential streets and accommodates access by automobiles, pedestrians, bicycles and public transit. The district encourages a mix of retail, commercial, financial and office uses; personal professional, education and service firms; health, wellness, fitness and medical complexes; hospitality, restaurant and social clubs; municipal, churches and public utility uses and other village shop businesses that are designed on a smaller scale than those enterprises in the C1 and CBD districts. The district encourages the merger of small lots by increasing allowable building coverage and impervious surface.

The **Warrington Business Gateway District** encompasses the following design elements:

1. A variety of building types, shops, services and facilities in close proximity to each other to encourage access by nearby residents and offer local employment opportunities.
2. Natural features, historic structures and environmentally sensitive areas are to be preserved and protected.
3. Plazas, green spaces, landscaped streets, natural preserves and park settings are integrated into the district to encourage social activity and visual enjoyment.
4. Public buildings, open spaces and other landmarks serve as focal points for community identity.
5. Green technologies such as photovoltaic and green roof-top systems, which promote the use of renewable energy on existing and proposed buildings, will be encouraged.
6. Streetscapes with sidewalks, public benches, bicycle racks, shade trees and other plantings shall be provided to encourage non-vehicular access to local businesses.

7. Transferable Development Rights (TDR) to satisfy minimum bulk standards is permitted. When nonconforming parcels are combined and create a conforming 1 acre parcel, building and impervious coverage may be increased in accordance with the standards for one (1) TDR as set forth in §411.G (6) (b) (8) for C-2 District.
8. Development shall comply with the Corridor Overlay District standards (Chapter 22 §330) and utilities shall be installed underground to maximum extent feasible.

Section 1522. Permitted Uses. [NB: CHECK ALL DEFINITIONS]

The following uses and no others may be developed in the Warrington Business Gateway District.

1. **Cultural Institutions: Museums, Historic, Playhouse:** Establishments that document the social and religious structures and intellectual and artistic manifestations that characterize a society and include museums, art galleries and botanical and zoological gardens of a natural, historic, educational, or cultural interest.
2. **Day Care – Commercial & All Ages:**
 - a. **Child-Care Center-** An establishment providing for the care, supervision and protection of children.
 - b. **Day-Care Center, Adult:** A facility providing care for the elderly and/or functionally impaired adults in a protective setting for part of a 24 hour day.
3. **Dwelling/Business Combination –** A single-family residence in the same building as another permitted non-residential use.
4. **Educational Facilities -** Any public, parochial or private institution under the supervision of a state or lawfully constituted ecclesiastical governing body and with standards of instruction meeting the requirements of the Commonwealth of Pennsylvania, but excluding schools of trade, avocation or business.
5. **Finance, Insurance and Real Estate -** Establishments such as banks and financial institutions, credit agencies, investment companies, brokers of and dealers in securities and commodities, security and commodity exchanges, insurance agents, leasing agents, buyers, sellers, agents, and developers of real estate.
6. **Health, Wellness, Fitness and Instruction Centers:**
 - a. **Health Club:** An establishment that provides facilities for aerobic exercises, running and jogging, exercise equipment, game courts, swimming facilities, and saunas, showers, massage rooms and lockers.

- b. **Fitness Center:** An indoor fitness center shall include a building or buildings used for any one (1) or a combination of the following activities: indoor court games played with a ball such as racquetball, handball, squash, tennis, basketball and volleyball; swimming pool; indoor running track; facilities related thereto including aerobic and exercise equipment.
 - c. **Instruction Centers:** A facility that is used for physical instruction in karate, dance, gymnastics or similar activities.
7. **Hospital and Medical Offices:**
- a. **Hospital:** An institution providing primary health services and medical or surgical care to persons, primary inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including as an integral part of the institution related facilities, such laboratories, outpatient facilities, training facilities, medical offices, and staff residences.
 - b. **Medical Building:** A building that contains establishments dispensing health services.
8. **Hotels, Bed and Breakfasts, Extended Stays, Corporate Conference Centers:**
- a. **Hotel:** A facility offering transient lodging accommodations to the general public and which may include additional facilities and services, such as restaurants, meeting rooms, entertainment, personal services, and recreational facilities,
 - b. **Bed and Breakfast:** Overnight accommodations and a morning meal in a dwelling unit (B & B) provided to transients for compensation.
 - c. **Extended Stay:** A hotel where guests stay more than a week.
 - d. **Conference Center:** A facility used for conferences and seminars, with accommodations for sleeping, food preparation and eating, recreation, entertainment, resources facilities, meeting rooms, fitness and health center, and retail stores and services primarily for conference center guests.
9. **House of Worship-** Includes churches, meeting houses, mosques, and temples or other facility that is used for prayer by persons of similar beliefs; a special-purpose building that is architecturally designed and particularly adapted for the primary use of conducting formal religious services on a regular basis.
10. **Municipal Uses –** Facilities owned by Warrington Township, or those operated under the auspices of the Township to provide emergency health, safety or administrative services, parks or open space and other public services.

11. **Offices** - Establishment used primarily for conducting the affairs of a business profession or service. It may include ancillary services for office workers, such as a restaurant, coffee shop, newspaper or candy stand, and child care facilities within the same building. Offices does not include manufacturing activities, storage of contractor equipment or the general storage of construction materials.
12. **Personal Services** – Establishment primarily engaged in providing services involving the care of a person or his or her personal goods or apparel.
13. **Restaurants** - An establishment where food and drink are prepared, served, and consumed, mostly within the principal building. No drive-thru facilities are permitted.
14. **Veterinary and Animal Care** - A place where animals are given medical care and the boarding of animals is limited to short-term care incidental to the veterinary services. No outside kenneling of animals is allowed.
15. **Clubs and Lodges:**
 - a. **Club:** A group of people organized for a common purpose or to pursue common goals, interests, or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, a constitution and bylaws.
 - b. **Lodge:** The place where members of a local chapter of an association or a fraternal, cultural, or religious organization hold their meeting.
16. **Funeral Homes** – An establishment used for the preparation of the deceased for burial and display of the deceased and rituals connected therewith before burial or cremation.
17. **Business Professional Services** - Establishment primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing; building maintenance; employment services; management and consulting services; protective services, office equipment rental and leasing; commercial research, development, and testing; photo finishing; and personal supply services.
18. **Village Shop** – Establishment with less than 2,000 SF of retail space. The storage and production of goods is limited to less than 25% of the floor area. No exterior display of goods is allowed without a separate permit.

Section 1523. Conditional Uses

1. **Retail Food and Beverage Sales** – A fixed facility in which food or drink is sold primarily for off-premise preparation and consumption;
 - a. Sales space is limited to a maximum of 10,000 SF;
 - b. Storage space is limited to a maximum of 5,000 SF;
 - c. Onsite eating space is limited to a maximum of 2,000 SF.

2. **Retail Stores – 10,000 SF or less** – A fixed facility in which goods and merchandise are sold to the general public for use offsite;
 - a. Gross Sales space is limited to a maximum of 10,000 SF
 - b. Storage space is limited to a maximum of 5,000 SF
 - c. Gross Sales and Storage space may be proportionately increased for parcels that are two (2) acres or more.

3. **Automotive Fueling/Car Wash with or without Convenience Store** – Such facility must meet the following requirements:
 - a. Must be connected to public water and public sewer.
 - b. Must have a minimum of two hundred (200) feet of frontage.
 - c. Food, drink and sundry items may be sold;
 - d. Automotive part sales area is limited to maximum of 25% of the floor area.

4. **Public Utilities** – Buildings, structures, and facilities, including generating and switching stations, poles, lines, pipes, pumping stations, repeaters, antennas, transmitters and receivers, valves, and all buildings and structures relating to the furnishing of utility services, such as electric, gas, telephone, water, sewer, and public transit to the public. Communication facilities pursuant to §2324 are not permitted in this district.

Section 1524. Special Exception Uses

No special exception uses are permitted.

Section 1525. Accessory Uses and Structures.

1. **Open Space/Amenity Plan:** Developers shall submit proposed location and type of pedestrian amenities such as green areas, walkways, street furniture, lighting, bicycle racks, seating elements, flags, fountains and the like, so as to ultimately create a unifying pedestrian/amenity system.

2. All streets, alleys, sidewalks and pathways shall connect to other streets within the development and connect to existing streets outside the development, as appropriate. Dead-end streets or cul-de-sacs are not permitted within developments in this district.

3. Surface parking lots are required and shall be designed to be coordinated and have access to adjoining lots to control the number of access points to Route 611. Toward this goal, access drives may be granted temporary approval to be removed when alternate access becomes available via cross easements with adjacent land development project. The preferred location for off-street parking shall be restricted to the side and rear of building. Proposed parking in front of building shall include a minimum fifteen (15) screening buffer with berms and plantings in accordance with Chapter 22 §325.
4. Trash and garbage collection areas shall be fully screened and constructed of materials that are compatible with the structure to which it is associated.
5. Loading areas shall be fully screened and constructed of materials that are compatible with the structure to which it is associated.
6. No outside storage trailers or bins are permitted.

Section 1526. Area, Yard and Bulk Regulations

1. Bulk Standards. The proposed development shall be constructed in accordance with an overall plan, and shall be designed as a single architectural scheme with appropriate landscaping.
 - a. Minimum site area, one (1) acre
 - b. Minimum building spacing, thirty (30) feet.
 - c. Maximum height, thirty-five (35) feet, with the following setbacks: 30 feet front-yard, 35 feet side-yard (both sides) and 75 feet rear-yard setback; building height may be increased to a maximum of forty-five (45) feet with the following setbacks: front-yard is three times the building height, fifty (50) side yard (both sides) and fifty (50) feet rear-yard.
 - d. Minimum lot width at building setback line, two hundred (200) feet.
 - e. Minimum building setback, thirty (30) feet measured from the ultimate right-of-way line. For non-dedicated roads or access drives, the minimum building setback shall be forty (40) feet from the edge of cartway or twenty (20) feet from a parking area edge of paving, whichever is greater.
 - f. Maximum building coverage, forty (40) percent of the lot area.
 - g. Maximum impervious surface, sixty (60) percent of the lot area.
2. Side Yards.
 - a. If a written agreement is entered into by adjoining property owners, two or more abutting commercial buildings may be constructed at the side property lines

provided that all current fire safety codes are satisfied with respect to both adjoining uses.

- b. In the case of a series of abutting buildings, an open and unobstructed passage for vehicles and pedestrians of not less than thirty (30) feet in width shall be provided at finished grade level at intervals of not more than two hundred (200) feet of frontage.

3. Non-conforming parcels combined to create a one (1) acre conforming lot will be encouraged by the grant of increased building/impervious coverage as set forth in the TDR ordinance for the C-2 District.

- a. In the Warrington Business Gateway District, transferable development rights may be utilized for all uses permitted under §1522 and §1523 of this Chapter.
- b. Each transferable development right shall allow an additional ten-thousand- (10,000) square-foot increase in impervious coverage, up to a maximum impervious coverage of 85%, including 4,000 square feet of building coverage up to a maximum building coverage of 45%.
- c. TDRs may also be used to address area standards as set forth in §411.G (6) (b) (1) General Standards.

Section 1527. Parking. The standards herein supersede any like or contradictory standards in Chapter 27 Part 21.

A. Parking requirements by use:

1. Cultural Institutions: 1 per 500 SF of display or performance space.
2. Day Care (Commercial & All Ages): 1 per 4 maximum clients.
3. Dwelling/Business Combination – 2 per residence plus required amount for business use.
4. Educational Facilities: 1 per 300 SF of gross area.
5. Finance, Insurance and Real Estate: 1 per 300 SF of gross area.
6. Health, Wellness, Fitness Center: 1 per 300 SF of gross area.
7. Hospitals: 1 per 3 beds; Medical Offices 2 per 100 SF of examination space.
8. Hotels, Bed and Breakfasts, Extended Stay: 1 per bed.
9. Houses of Worship: 33% of Occupancy Capacity.
10. Municipal: 1 per 300 SF of public space plus 1 per 700 SF of non-public space.
11. Offices: 1 per 700 SF of gross area.
12. Personal Services: 1 per 250 SF of gross area.
13. Restaurants: 1 per 2 seats.
14. Veterinary and Animal Care: 1 per 400 SF of gross floor area.
15. Clubs and Lodges: 1 per 200 SF of public meeting space.
16. Funeral Homes: 1 per 2 seats in public gathering space.
17. Business/Professional Services: 1 per 300 SF of public space.
18. Village Shop: 1 per 200 SF of public space.
19. Retail Food and Beverage: 1 per 300 SF of public space.
20. Retail Store – 10,000 SF or less: 1 per 300 SF of public space.
21. Fueling Station/Car Wash – 1 per employee plus 4 for customers.
22. Public Utility – 1 per regularly scheduled service vehicle.

B. Conditional Parking Reduction. To minimize the creation of excess parking spaces and impervious areas, the Board of Supervisors, after consulting with the Planning Commission and Township Engineer, may permit a *conditional reduction* of parking space under the following conditions:

1. The land development plan shall determine the parking requirements of this Chapter. The plan shall also provide a layout for the total number of parking spaces.
2. The conditional reduction shall provide for not less than 80% of the required number of parking spaces, as specified in this Chapter. This initial phase of the parking provision shall be clearly indicated on the plan.
3. The balance of the parking area conditionally reserved shall not include areas for required buffer yards, setbacks or areas which would otherwise be unsuitable for parking due to the

physical characteristics of the land or other requirements of this Chapter. The parking area which is *conditionally reduced* shall be located so as to provide amenable open space if the additional parking spaces are not required. The developer shall provide a landscaping plan for the reserved area with the land development plan.

4. The developer shall enter into a written agreement with the Board of Supervisors that, after one year following the issuing of the last occupancy permit, that all or some portion of the *conditionally reduced* parking spaces are required, the developer or owner shall be responsible for constructing the additional parking spaces.

5. At the time of the above-stated agreement, the developer or owner shall post a performance bond or other securities to cover the expense of a traffic study to be undertaken by a registered traffic engineer of the Board of Supervisors' choosing who shall determine the advisability of providing the full parking requirements. Said study shall be taken one year after the issuance of the last occupancy permit pursuant to subsection (4), above. With recommendations of the Township Engineer and the Planning Commission, the Board of Supervisors shall determine if the additional spaces shall be provided by the developer or if the area shall remain as open space.

6. Land which has been determined and designated by the Board of Supervisors to remain as open space rather than as required parking shall not be used to provide parking spaces for any addition or expansion of the business use.

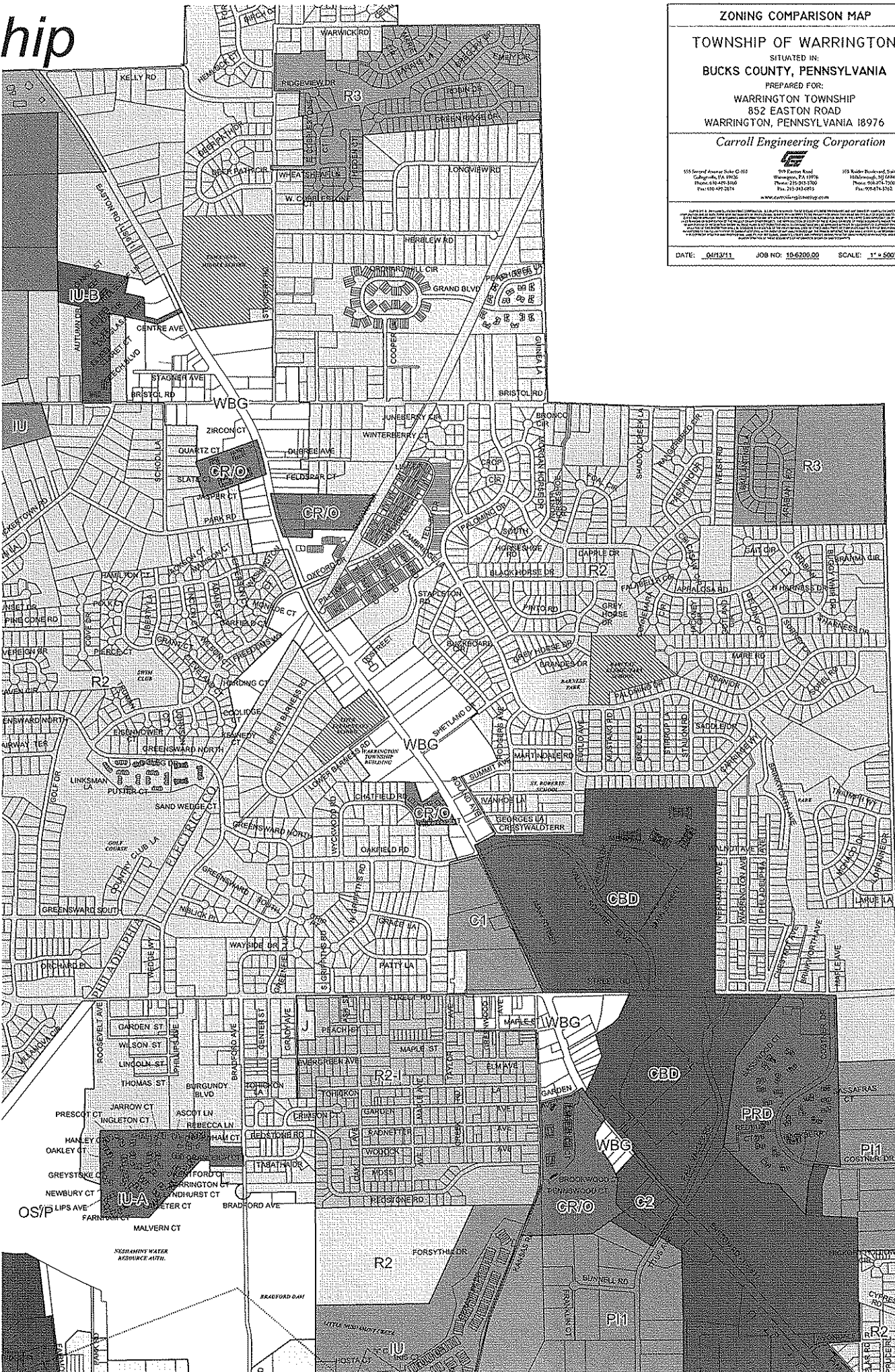
Section 1528. Signs. See Part 2209 – Signs permitted in the C1 and C2 Commercial Districts.

Section 1529 Transfer of Development Rights. Toward achieving the purpose of promoting appropriate development in Warrington and toward furthering the preservation of agricultural lands (see Section 411 of this Chapter), landowners in this district may be recipients of transferable development rights

A. Each Transferable Development Right allows for an additional ten thousand (10,000) square foot increase in impervious surface coverage, up to a maximum impervious surface coverage of eighty (80) percent, including four thousand (4,000) square feet of building coverage up to a maximum building coverage of forty-five (45) percent.

B Transfer Development Rights shall be deemed to "run with the land."

Township MAP




ZONING COMPARISON MAP

TOWNSHIP OF WARRINGTON
SITUATED IN:
BUCKS COUNTY, PENNSYLVANIA
PREPARED FOR:
WARRINGTON TOWNSHIP
852 EASTON ROAD
WARRINGTON, PENNSYLVANIA 18976

Carroll Engineering Corporation

155 Served Avenue Suite C-103
Cahoonville, VA 19026
Phone: 610-495-3169
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Warrington, PA 18976
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Holtzman, NJ 07424
Phone: 908-425-7500
Fax: 908-424-3742

Map No. 1. This map is a comparison map of zoning districts. It is not intended to be used as a legal document. The zoning districts shown on this map are based on the zoning ordinance of the Township of Warrington, Bucks County, Pennsylvania, as of the date of the map. The zoning districts shown on this map are not intended to be used as a legal document. The zoning districts shown on this map are not intended to be used as a legal document. The zoning districts shown on this map are not intended to be used as a legal document.

DATE: 04/15/11 JOB NO: 10-6200-00 SCALE: 1" = 500'

ATTACHMENT "B"

Warrington



Township

852 EASTON ROAD, WARRINGTON, PA 18976
215-343-9350 ■ FAX 215-343-5944
www.warringtontownship.org

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

TOWNSHIP MANAGER
TIMOTHY J. TIEPERMAN

June 18, 2012

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

FROM: K. FRED ACHENBACH, JR. 

RE: TRADESVILLE WASTEWATER TREATMENT PLANT
EQUALIZATION TANK PROJECT

The original treatment plant was built by developers of several of the major developments in the western end of the township. The plant is an Aqua-Aerobics system with the capacity to treat 330,000 gpd. All of the sewage coming into the plant is from pumping stations. Three pumping stations pump directly to the plant and two others pump through two of these three pump stations. As growth has continued to come to the Tradesville service area it has become more difficult to equalize the treatment load at the plant. In addition, any downtime with either of the two existing treatment tanks makes it almost impossible to meet current environmental requirements.

The proposed equalization tank will allow two (2) major improvements:

- It will allow our operators to schedule the sewerage load through the plant and;
- Since the new tank will be equipped to also treat sewage if necessary, downtime problems should be eliminated. A third advantage is that routine maintenance of any of the tanks will be easier to schedule.

The project will take about nine months to complete with a total cost of just over two million dollars. The treatment equipment has already been purchased through a state clean water grant of \$500,000.00. \$790,000.00 of the total cost is budgeted in 2012. The remaining cost will be budgeted in 2013.

This project should allow the department to maintain the Tradesville facility at its total capacity and meet the higher environmental standards imposed on our streams. The only other pending environmental standard that may require additional capital improvements to the plant is any new TMDL that is issued for the Neshaminy Creek.



Carroll Engineering Corporation

June 18, 2012

K. Fred Achenbach, Jr., Director
Water & Sewer Department
Warrington Township
852 Easton Road
Warrington, PA 18976

Dear Mr. Achenbach:

Subject: Tradesville WWTP Upgrade – Flow Equalization Facilities - Contracts 12-1G & 12-1E

This office has reviewed the Bids received by the Township on June 12, 2012, for the above referenced project. A Certified Tabulation of Bids is attached for each Contract. For General Contract 12-1G, Lisbon Buildings & Infrastructures, Inc. of Northampton, PA is the apparent low bidder. We recommend award to Lisbon Buildings & Infrastructures, Inc. of the Base Bid plus Alternate Bid No. 1 (Alternate EQ Pipe and Valve Vault) in the amount of \$1,150,000.00.

For Electrical Contract 12-1E, AJM Electric Inc. is the apparent low bidder. We recommend award to AJM Electric Inc. of the Base Bid plus Alternate Bid No. 1 (Alternate EQ Pipe and Valve Vault - Electrical) in the amount of \$411,000.00.

Should you have any questions or require additional information, please feel free to contact this office.

Very truly yours,

CARROLL ENGINEERING CORPORATION

Lane P. Bodley, P.E.

LPB:ja

Enclosures

cc: William Casey, Esquire (w/encl.)
Richard A. Wieland, P.E., CEC
Martin L. Kepner, P.E., CEC

Today's Commitment to Tomorrow's Challenges

Corporate Office:
949 Easton Road
Warrington, PA 18976
215.343.5700

630 Freedom Business Center
Third Floor
King of Prussia, PA 19406
610.489.5100

101 Lindenwood Drive
Suite 225
Malvern, PA 19355
484.875.3075

105 Raider Boulevard
Suite 206
Hillsborough, NJ 08844
908.874.7500

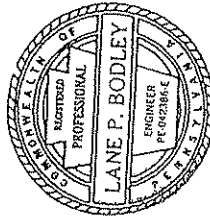
Tabulation of Bids
 Warrington Township
 Tradesville Wastewater Treatment Plant Upgrade
 Flow Equalization Facilities

Contract 12-1G, General Construction
 Bid Date: June 12, 2012 at 11:30 A.M.

ITEM NUMBER	DESCRIPTION	UNITS	QTY	10% Bid Bond		10% Bid Bond		10% Bid Bond		10% Bid Bond		10% Bid Bond		10% Bid Bond		10% Bid Bond	
				TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE
1	Essc Bid	EA	1	\$1,150,000.00	\$1,150,000.00	\$1,150,000.00	\$1,150,000.00	\$1,150,000.00	\$1,150,000.00	\$1,150,000.00	\$1,150,000.00	\$1,150,000.00	\$1,150,000.00	\$1,150,000.00	\$1,150,000.00	\$1,150,000.00	\$1,150,000.00
Alt 1	Alternate EQ Pigs & Valve Vault	EA	1	\$17,000.00	\$17,000.00	\$33,700.00	\$33,700.00	\$5,282.00	\$5,282.00	\$5,282.00	\$5,282.00	\$5,282.00	\$5,282.00	\$5,282.00	\$5,282.00	\$5,282.00	\$5,282.00
Alt 2	Leadout Painting	EA	1	\$98,000.00	\$98,000.00	\$110,000.00	\$110,000.00	\$128,423.00	\$128,423.00	\$136,000.00	\$136,000.00	\$136,000.00	\$136,000.00	\$136,000.00	\$136,000.00	\$136,000.00	\$136,000.00
Base Bid Plus Alternate No. 1: (Recommended Basis of Award)				\$1,350,000.00	\$1,350,000.00	\$1,324,300.00	\$1,324,300.00	\$1,350,724.00	\$1,350,724.00	\$1,413,000.00	\$1,413,000.00	\$1,564,000.00	\$1,564,000.00	\$1,609,000.00	\$1,609,000.00	\$1,772,608.00	\$1,772,608.00

7 bids received

"We certify the above to be a true and accurate Tabulation of Bids received on June 12, 2012, by Warrington Township for Contract 12-1G, Tradesville Wastewater Treatment Plant Upgrade Flow Equalization Facilities".



6/18/12
 CARROLL ENGINEERING CORPORATION
 Lane P. Bodley, P. E.

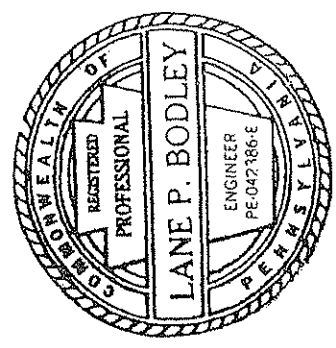
Tabulation of Bids
 Warrington Township
 Tradesville Wastewater Treatment Plant Upgrade
 Flow Equalization Facilities
 Contract 12-1E, Electrical
 Bid Date: June 12, 2012 at 11:30 A.M.

ITEM NUMBER	DESCRIPTION	UNITS	QTY	10% Bid Bond		10% Bid Bond		10% Bid Bond		10% Bid Bond	
				UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1	Base Bid	EA	1	\$421,000.00	\$421,000.00	\$445,000.00	\$445,000.00	\$725,000.00	\$725,000.00	\$5,000.00	\$5,000.00
Alt 1	Alternate EQ Pipe & Valve Vault	EA	1	-\$10,000.00	-\$10,000.00	-\$13,250.00	-\$13,250.00	-\$13,250.00	-\$13,250.00	\$5,000.00	\$5,000.00
Base Bid Plus Alternate No. 1: (Recommended Basis of Award)					\$411,000.00		\$431,750.00		\$431,750.00		\$730,000.00

AJM Electric, Inc. 2333 Concord Road Chester Township, PA 19013 Phone: 610-494-5735 Fax: 610-494-5736 Bob Pollart Email: ajmelectric@verizon.net	BSI Electrical Contractors I 416 Stump Road Montgomeryville, PA 18936 Phone: 215-699-7700 Fax: 215-699-7785 Jeffrey S. Trauskas Email: jefft@bsielectric.com	Harry B. Miller Co. 426 Elm Avenue North Wales, PA 19454 Phone: 215-699-7701 Fax: 215-699-8814 Jason Law email: jlaw@hbfrazer.com
--	--	---

3 bids received

"We certify the above to be a true and accurate Tabulation of Bids received on June 12, 2012, by Warrington Township for Contract 12-1E, Tradesville Wastewater Treatment Plant Upgrade Flow Equalization Facilities".



[Signature] 6/18/12
 CARROLL ENGINEERING CORPORATION
 Lane P. Bodley, P.E.

**ADVERTISEMENT FOR
BID
DOCUMENT 00 1113**

Sealed bids will be received online by Warrington Township via PennBid until 11:30 a.m. prevailing time, on Tuesday, June 12, 2012, at which time they will be publicly opened and read aloud at the Warrington Township Building, 852 Easton Road, Warrington, PA 18976 for:

**TRADEVILLE WASTE-
WATER TREATMENT
PLANT UPGRADE
FLOW EQUALIZATION
FACILITIES
CONTRACT 12-1G,
GENERAL
CONSTRUCTION
CONTRACT 12-1E,
ELECTRICAL**

The project consists of the construction of a new flow diversion chamber, valve vaults and flow equalization basin, along with installation of submersible pumps, positive displacement blowers and miscellaneous treatment plant equipment previously procured by Warrington Township.

All documents and details are available at PennBid - www.ebidexchange.com/pennbid.

Each bid must be accompanied by a certified check drawn to the order of Warrington Township, or a Bid Bond in favor of Warrington Township in the amount of 10% of the bid price. Said check or bond shall be subject to the conditions provided in the Instructions to Bidders.

A Pre-bid Conference will be held at 10:00 a.m., prevailing time, on Wednesday, May 30, 2012 at the Tradesville Wastewa-

ter Treatment Plant, 3430 Pickertown Road, Chalfont, PA 18914, located on the southwest side of Pickertown Road, 0.2 miles northwest of Mill Creek Road in Warrington Township, Bucks County, PA.

The work in connection with this project constitutes a Public Works by a Public Body under Pennsylvania Prevailing Wage Act. Bidders are advised that prevailing minimum wage rates, promulgated by the Pennsylvania Secretary of Labor, must be paid to workmen employed on this project.

No bid may be withdrawn within sixty (60) days of the date of the bid opening.

Warrington Township reserves the right to reject any and all bids and to waive any bidding informalities.

K. Fred Achenbach, Jr.,
Director
Water & Sewer Department
WARRINGTON TOWNSHIP
21 M 22, 25

**ADVERTISEMENT FOR
BID
DOCUMENT 00 1113**

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**TRADEVILLE WASTE-
WATER TREATMENT
PLANT UPGRADE
FLOW EQUALIZATION
FACILITIES
CONTRACT 12-1G,
GENERAL
CONSTRUCTION
CONTRACT 12-1E,
ELECTRICAL**

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K. Fred Achenbach, Jr.,
Director
Water & Sewer Department
WARRINGTON TOWNSHIP
21 M 22, 25

ATTACHMENT “C”



Carroll Engineering Corporation

June 18, 2012

K. Fred Achenbach, Jr., Director
Warrington Township Water & Sewer Department
852 Easton Road
Warrington, PA 18976

Dear Mr. Achenbach:

Subject: Contract 12-3, Sludge Removal Services for Warrington Township Tradesville STP

This office has reviewed the bids received by Warrington Township on June 12, 2012 for the above referenced project and has prepared the attached Certified Tabulation of Bids. As shown on the Tabulation of Bids, Franc Environmental, Inc. of Horsham, PA is the apparent low bidder with regards to the Primary Disposal Base Bid (Bid Item 1) in the amount of \$0.0675 per gallon of sludge for a total of \$119,880.00 based on 1,776,000 gallons of sludge over a 74-week period (to the end of 2013) and with the lowest Emergency Disposal Bid (Bid Item 4) in the amount of \$0.0745 per gallon of sludge. Based on discussions with the Water & Sewer Department, we recommend the Township award the Contract to Franc Environmental, Inc. in the amount of \$0.0675 per gallon for disposal at the primary disposal site and \$0.0745 per gallon at the emergency disposal site.

Upon notification by the Township of the award, our office will send a formal Notice of Award to the Contractor for execution of their portion of the contract along with the required Surety Bond and Certificate of Insurance.

Should have any questions or require additional information, please contact this office.

Very truly yours,

CARROLL ENGINEERING CORPORATION

Martin L. Kepner, P.E.

MK:ja

Enclosure

cc: Timothy J. Tieperman, Manager, Warrington Township (w/encl.)
Rick Zeitler, Operations Manager, WTW&SD (w/encl.)
William Casey, Esquire (w/encl.)
Richard A. Wieland, P.E., CEC (w/encl.)

Today's Commitment to Tomorrow's Challenges

Corporate Office:
949 Easton Road
Warrington, PA 18976
215.343.5700
12-4647.00 (1246470021)

630 Freedom Business Center
Third Floor
King of Prussia, PA 19406
610.489.5100


101 Lindenwood Drive
Suite 225
Malvern, PA 19355
484.875.3075

105 Raider Boulevard
Suite 206
Hillsborough, NJ 08844
908.874.7500

WARRINGTON TOWNSHIP W&S DEPT. SLUDGE REMOVAL SERVICES FOR TRADESVILLE STP
 CONTRACT 12-3 - BID OPENING: June 12, 2012, 12:00 P.M.

	Description	UOM	Quantity	Franc Environmental	McGovern Environmental	Russell Reid Waste Hauling
1	Primary Disposal Site Base Bid Removal, hauling and disposal of waste activated sludge from Tradesville STP to a PADEP approved sludge incineration facility at the rate of 24,000 gal/wk for a period of seventy-four (74) weeks	\$ / GAL	1,776,000	\$0.0675 / \$119,880.00	\$0.0684 / \$121,478.40	\$0.0817 / \$145,099.20
2	Primary Disposal Site Alternates Removal, hauling and disposal of waste activated sludge from Tradesville STP to a PADEP approved sludge incineration facility at the rate of 24,000 gal/wk for a period of twenty-two (22) weeks	\$ / GAL	528,000	\$0.0669 / \$35,323.20	\$0.0684 / \$36,115.20	\$0.0817 / \$43,137.60
3	Primary Disposal Site Alternates Removal, hauling and disposal of waste activated sludge from Tradesville STP to a PADEP approved sludge incineration facility at the rate of 24,000 gal/wk for a period of one hundred twenty-six (126) weeks	\$ / GAL	3,024,000	\$0.0695 / \$210,168	\$0.0684 / \$206,841.60	\$0.0817 / \$247,060.80
4	Emergency Disposal Site Base Bid Removal, hauling and disposal of waste activated sludge from Tradesville STP to a PADEP approved sludge incineration facility other than the facility to be used under the Primary Disposal Site Base Bid item at the rate of 24,000 gallons/week	\$ / GAL	1	\$0.0745	\$0.0882	\$0.0847
	Primary Disposal Facility			Hatfield Township Municipal Authority	Hatfield Township Municipal Authority	East Noriton - Plymouth - Whitpain Joint Sewer Authority
	Emergency Disposal Facility			East Noriton - Plymouth - Whitpain Joint Sewer Authority	Delcora	Delcora

"We certify the above to be a true and accurate Tabulation of Bids received via PennBid on June 12, 2012 by Warrington Township for Contract 12-3, Sludge Removal Services for Warrington Township Tradesville STP."


 CARROLL ENGINEERING CORPORATION
 Martin L. Kepner, P.E.

**ADVERTISEMENT FOR
BID**

DOCUMENT 00 1113

Sealed bids will be received online by Warrington Township via PennBid until 12:00 p.m. prevailing time, on Tuesday, June 12, 2012, at which time they will be publicly opened and read aloud at the Warrington Township Building, 852 Easton Road, Warrington, PA 18976 for:

**SLUDGE REMOVAL
SERVICES
FOR
WARRINGTON
TOWNSHIP
TRADESVILLE
SEWAGE TREATMENT
PLANT**

CONTRACT 12-3

All documents and details are available at PennBid -

www.ebidexchange.com/pennbid

Bid security must be provided at the time of bid submission in the amount of ten percent (10%) of the total bid price made payable to Warrington Township in the form of a certified or bank check or a bid bond issued by an accepted surety and executed by the bidder.

No bid may be withdrawn within sixty (60) days of the date of the bid opening.

Warrington Township reserves the right to reject any and all bids and to waive any bidding

informalities.

K. Fred Achenbach, Jr.,
Director

Water & Sewer Department

WARRINGTON TOWNSHIP

21 M 22, 30

Intelligencer May 30, 2012

ADVERTISEMENT FOR BID DOCUMENT 00 1113

Sealed bids will be received online by Warrington Township via PennBid until 12:00 p.m. prevailing time, on Tuesday, June 12, 2012, at which time they will be publicly opened and read aloud at the Warrington Township Building, 852 Easton Road, Warrington, PA 18976 for:

SLUDGE REMOVAL SERVICES FOR WARRINGTON TOWNSHIP TRADESVILLE SEWAGE TREATMENT PLANT

CONTRACT 12-3

All documents and details are available at PennBid -

www.ebidexchange.com/pennbid

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Warrington Township reserves the right to reject any and all bids and to waive any bidding informalities.

K. Fred Achenbach, Jr.
Director
Water & Sewer Department

WARRINGTON TOWNSHIP

2 f M 22, 30

ATTACHMENT “D”

**AGREEMENT BETWEEN
WARRINGTON TOWNSHIP AND WARRINGTON WARRIORS FOOTBALL**

AGREEMENT made this _____ day of _____, 2012, by and between **Warrington Township**, a Township of the Second Class with offices located at 852 Easton Road, Warrington, PA 18976, Bucks County, Pennsylvania ("Township") and **Warrington Warriors Football**, a non-profit organization (hereafter referred to as "WWF").

WHEREAS, WWF desires to enter into a formal arrangement with the Warrington Township Board of Supervisors to define better the parameters of responsibility between the local government and the recreational association; and

WHEREAS, the parties to the Agreement wish to set forth their respective rights and obligations regarding the maintenance and upkeep of certain Township football fields throughout Warrington Township, including but not limited to field maintenance, operational supplies, and equipment;

NOW, THEREFORE, the parties intending to be legally bound do hereby agree as follows:

Fields and King Park

A. The WWF will:

1. Carry adequate Property and Casualty Insurance on all WWF buildings and equipment and provide copies of all insurance certificates to the Township Manager's Office. All insurance certificates shall have the Township named as an additional insured.
2. Maintain the fields "inside the ropes" at its sole expense on a year-round basis including the maintenance/upkeep of the sprinkler system, all annual soil and sod renovations, chemical lawn treatments and other field repairs at WWF's sole expense. On an annual basis, the WWF leadership shall provide the Township Manager's Office and Public Works Director with a specific schedule showing the timeline for these scheduled maintenance/repairs and the names of the individuals/contractors involved in these projects. This written information shall be used by Township officials to avoid any project conflicts.
3. Mutually determine a fair payment process for the amount of water usage from the irrigation system. The WWF leadership agrees to work closely with the Township's Chief Financial Officer to develop a fair remuneration schedule for water usage.
4. Be responsible for weekly grass cutting inside the ropes year-round as part of the necessary field rest and restoration.

5. Maintain all WWF buildings at its sole expense including repairs and maintenance, security, utilities and repairs caused by vandalism/damage. The WWF will be responsible for following all applicable governmental permit requirements for any major repairs.
6. Be responsible for replacing all field light bulbs at its expense.
7. Pay for utility-related costs originating from all WWF buildings, lavatories and snack stands at the currently negotiated amount of \$4,500. (Sprinklers are excluded from this calculation).
8. Be responsible for emptying all trash cans and excess debris at its sole expense.
9. Supply and install all necessary "port a johns" during the season.
10. Be responsible for all security, repairs and upkeep of all WWF buildings.
11. Be responsible for all upgrades to WWF buildings and secure Township permission for said upgrades prior to commencement of work. No Township authorization shall be granted unless all governmental permit processes are followed and a conceptual layout plan and scope of work is provided to the Park and Recreation Board for its review and final recommendation to the Board of Supervisors for approval. This process shall apply regardless of whether public or private funds are used to finance these upgrades.
12. Exercise good judgment to "rest" fields during the spring and fall seasons to prevent damage from overuse.
13. Exercise good judgment to close fields when they are too wet for practice or play.
14. WWF will maintain the sprinkler system and shall maintain control of the timers for sprinklers as to when they are needed.

B. The Township will:

1. Maintain all areas of the field defined as "outside the ropes."
2. Be responsible for all issues relating to the field lights with the exception of bulb replacements.
3. Be responsible for dumpster/trash removal and the provision of receptacles with lids as needed.
4. Be responsible for the weekly cleaning of the King Field bathrooms.
5. Maintain timer-lock settings at rest rooms and parking lot/street lights;
6. Maintain and line public parking lots;

7. Perform appropriate bug spraying by a licensed and certified professional at least once during the spring or summer season and repair any demonstrated damages done by the township or its contractor, which were within the Township's administrative control.

ATTEST:

Timothy J. Tieperman
Township Manager

Gerald B. Anderson, Chairperson

John R. Paul, Vice-Chairperson

Marianne Achenbach, Secretary

Matthew Hollowell, Member

Shirley Yannich, Member

DRAFT

**AGREEMENT BETWEEN
WARRINGTON TOWNSHIP AND WARRINGTON SOCCER CLUB**

AGREEMENT made this ____ day of _____, by and between **Warrington Township**, a Township of the Second Class with offices located at 852 Easton Road, Warrington, PA 18976, Bucks County, Pennsylvania (“Township”) and **Warrington Soccer Club**, a non-profit organization (hereafter referred to as “WSC”).

WHEREAS, WSC desires to enter into a formal arrangement with the Warrington Township Board of Supervisors to define better the parameters of responsibility between the local government and the recreational association; and

WHEREAS, the parties to the Agreement wish to set forth their respective rights and obligations regarding the maintenance and upkeep of certain Township soccer fields throughout Warrington Township, including but not limited to field maintenance, operational supplies, and equipment;

NOW, THEREFORE, the parties intending to be legally bound do hereby agree as follows:

Fields at IPW and Twin Oaks

A. The WSC will:

1. Carry adequate Property and Casualty Insurance on all WSC buildings and equipment and provide copies of all insurance certificates to the Township Manager’s Office. All insurance certificates shall have the Township names as an additional insured.
2. Own and maintain all goals.
3. Provide two (2) dumpsters for the collection of activity-related trash from WSC events.
4. Provide and maintain two (2) portable toilets during the spring and fall seasons;
5. Own the pole barn structure, building and contents and maintain the building’s interior and exterior, complying will all applicable permit review requirements.
6. Continue paying for the seasonal application of grass seed, fertilizer, pre-emergent’s and field aeration. On an annual basis, the WSC leadership shall provide the Township’ Manger’s Office and Public Works Director with a specific schedule showing the timeline for these scheduled maintenance/repairs and the names of the individuals/contractors involved in these projects. This written information shall be used by Township officials to avoid any project conflicts.

7. Exercise good judgment to “rest” fields during the spring and fall seasons to prevent damage from overuse;
8. Exercise good judgment to close fields when they are too wet for practice or play or for any other legitimate reason to protect public safety.

B. The Township will:

1. Mow and weed whack the field areas;
2. Maintain timer-lock settings at rest rooms;
3. Perform repairs from vandalism or “turfing” activities
4. Maintain ownership and maintenance of grandstands and picnic tables;
5. Supply facility with appropriate trash receptacles around the fields.
6. Maintain and line public parking lots;
7. Maintain park street lights;
8. Maintain and repair fencing as needed;
9. Perform appropriate bug spraying by a licensed and certified professional at least once during the spring or summer season and repair any demonstrated damages done by the Township or its contractor, which were within the Township’s administrative control.
10. The Township will afford WSC first right of refusal should a neighboring club wish to use the fields and/or club-owned goals during the WSC regular spring and fall season and/or while WSC is the permit holder.

Fields and King Park

C. The WSC will:

1. Own and maintain all goals;
2. Continue paying for the seasonal application of grass seed, fertilizer, pre-emergent’s and field aeration. On an annual basis, the WSC leadership shall provide the Township’ Manger’s Office and Public Works Director with a specific schedule showing the timeline for these scheduled maintenance/repairs and the names of the individuals/contractors involved in these projects. This written information shall be used by Township officials to avoid any project conflicts.
3. Exercise good judgment to “rest” fields during the spring and fall seasons to prevent damage from overuse;

4. Exercise good judgment to “close” fields when they are too wet for practice or play or for any other legitimate reason to protect public safety.
 5. Cover hourly costs for lights on both the upper and lower fields and continue handling the scheduling of lights in coordinate with the Township’s Recreation Department.
 6. Agree to a fair hourly cost assessment for the use of the lights on both the upper and lower fields. Said assessment shall be based on a kwh/hour cost formula mutually developed and agreed to by the WSC Executive Board and the Township’s Chief Financial Officer upon review with the Township Manager and Township Solicitor.
 7. Mutually determine a fair payment process for the amount of water usage from the irrigation system. The WSC leadership agrees to work closely with the township’s Chief Financial Officer to develop a fair remuneration schedule for water usage.
 8. WSC will maintain the sprinkler system and shall maintain control of the timers for sprinklers as to when they are needed.
- D. The Township will:
1. Mow and weed whack the field areas;
 2. Maintain timer-lock settings at rest rooms and parking lot/street lights;
 3. Perform repairs from vandalism or “turging” activities
 4. Maintain ownership and maintenance of grandstands and picnic tables;
 5. Supply facility with appropriate trash receptacles around the fields;
 6. Maintain and line public parking lots;
 7. Maintain park street lights;
 8. Maintain and repair fencing and protective ball net as needed;
 9. Perform appropriate bug spraying by a licensed and certified professional at least once during the spring or summer season and repair any demonstrated damages done by the Township or its contractor, which were within the Township’s administrative control.
 10. The Township will afford WSC first right of refusal should a neighboring club wish to use the fields and club goals during WSC regular spring and fall seasons and/or while WSC is the permit holder.

ATTEST:

Timothy J. Tieperman
Township Manager

Gerald B. Anderson, Chairperson

John R. Paul, Vice-Chairperson

Marianne Achenbach, Secretary

Matthew Hallowell, Member

Shirley Yannich, Member

DRAFT

ATTACHMENT “E”

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWNSHIP OF _____, COUNTY OF BUCKS,
COMMONWEALTH OF PENNSYLVANIA, TO MANAGE ITS RIGHTS OF WAY;
ESTABLISHING A RENTAL FEE; REQUIRING INSURANCE AND
INDEMNIFICATION; AND CREATING MECHANISMS FOR ENFORCEMENT.

WHEREAS, pursuant to its powers and under the Second Class Township Code, the general supervision of the affairs of the Township of _____, County of Bucks, Commonwealth of Pennsylvania, is in the hands of its Board of Supervisors; and,

WHEREAS, pursuant to Section 2322 of the Second Class Township Code, the Township of _____ has authority to provide for conditions, restrictions and regulations concerning the use of any portion of the Township's roads; and,

WHEREAS, this Ordinance recognizes that the same Person can provide or seek to provide different services to residents and businesses within the Township, some of which services may fall within the management power of the Township and some of which services may fall outside the management power of the Township; and,

WHEREAS, said Board of Supervisors deems it necessary and advantageous to adopt the within Ordinance.

NOW THEREFORE BE IT ORDAINED, the Board of Supervisors of the Township of _____, County of Bucks, Commonwealth of Pennsylvania, hereby enacts this Rights of Way Ordinance as provided herein.

SECTION 1
SHORT TITLE

This Ordinance shall be known as the “_____ Township Rights of Way Ordinance”

SECTION 2
DEFINITION OF TERMS

2.1 **TERMS.** For the purpose of this Ordinance, the following terms phrases, words and abbreviations shall have the meanings ascribed to them below. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number and words in the singular number include the plural number.

A. “**Affiliate**” means a Person (i) with a direct or indirect ownership interest in the subject entity of five (5%) percent or more or which controls such interest, including forms of ownership such as general, limited, or other partnership interests, direct ownership interests, limited liability companies and other forms of business organizations and entities but, not including corporations, (ii) with a stock interest in the subject entity where the subject entity is a corporation and such stockholder or its nominee is an officer

or director of the Grantee or who directly or indirectly owns or controls five (5%) percent or more of the outstanding stock, whether voting or non-voting; or (iii) which controls Grantee and/or, is controlled by, or is under common control with such Person or entity.

B. “**Cable Service**” shall have the same meaning as used in the Communications Act.

C. “**Communications Act**” means the Communications Act of 1934, as amended as of the time of enactment of this Ordinance.

D. “**Communication Antenna**” means any device used for the transmission of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals.

E. “**Equipment**” means any tangible asset used to install, repair, or maintain a Facility in the Public Way.

F. “**Exempt**” means a service which is provided to residences or businesses within the Service Area, but which is exempt from the provisions of this Ordinance under Section 4.2 of this Ordinance.

G. “**Facility**” means any tangible asset in the Public Way used or required to provide a Non Exempt service to residences or businesses within the Service Area. Facility includes poles, conduits, pipe and other structures or devices in a Public Way.

H. “**Grantee**” means a person who enjoys a non-exclusive privilege to occupy or use a Public Way to provide Non Exempt service under this Ordinance and who is in continuous compliance with this Ordinance.

I. “**Gross Revenue**” means all gross revenue of Grantee or any Affiliate of Grantee derived from the use or occupancy of Public Ways for the provision of Non Exempt services to Persons having a residence or place of business in the Service Area. “Gross Revenue” shall include amounts earned, regardless of: (i) Whether the amounts are paid in cash, in trade, or by means of some other benefit to Grantee or its Affiliates; (ii) whether the services with which the revenue is associated are provided at cost or the revenue amount can be matched against an equivalent expenditure; and/or (iii) how the amounts are initially recorded by Grantee or its Affiliates. “Gross Revenue” shall not be a net of: (a) expense, including but not limited to any operating expense; capital expense; sales expense; or commission; (b) any accrual, including, without limitation, any accrual for commissions; or (c) any other expenditure, regardless of whether such expense, deduction, accrual, or expenditure reflects a cash payment. “Gross Revenue” shall not be double counted, viz., “Gross Revenue” which has been included as Gross Revenue of both Grantee and an Affiliate but which sum is included in Gross Revenue due solely to a transfer of funds between Grantee and the Affiliate shall not be counted for purposes of determining Gross Revenue.

J. “**Non Exempt**” means a service which is provided to residences or businesses within the Service Area, but which is not exempt from the provisions of this Ordinance under Section 4.2 of this Ordinance.

K. “**Person**” means (i) any natural person, sole proprietorship, partnership, association, limited liability company, corporation or other form of organization authorized to do business in the Commonwealth of Pennsylvania and (ii) provides or seeks to provide one or more Non Exempt services to residences or businesses in the Service Area. A governmental entity or a municipal authority is not a “Person”.

L. “**Public Way**” means the surface of, and the space above and below, any public street, unopened right of way, highway, turnpike, bridge, land path, alley, court, boulevard, sidewalk, parkway, way, lane, public way, drive, circle, or other public right-of-way held by the Township in the Service Area. Public Way shall also mean any easement now or hereafter held by the Township within the Service Area for the purpose of public travel and/or for utility and/or public service use dedicated for compatible uses.

M. “**Service Area**” means the present municipal boundaries of the Township, and shall include any additions thereto by annexation or other legal means.

N. “**Street**” a public or private way used or intended to be used for passage or travel by vehicles and pedestrians and which furnishes access to abutting properties and space for public utilities. The specific classification for each street is as follows: [identify specific streets or use classifications—refer to Sections 5.2 and 5.3]

1. *Expressways.*

2. *Principal Arterials.*

3. *Minor Arterial*

4. *Major Collector.*

5. *Minor Collectors.*

6. *Feeder Streets.*

7. *Local Streets.* All other streets are classified as local streets.

8. New development streets are classified as local streets unless a Traffic Impact Study determines that they are streets of a higher order.

O. “**Township**” means the Township of _____, County of Bucks, Commonwealth of Pennsylvania, or the lawful successor, transferee, or assignee thereof

SECTION 3 REGISTRATION

Each Person, other than on a transitory basis, who occupies or uses or seeks to occupy or use a Public Way to provide a Non Exempt service to residences or businesses within the Service Area, or places any Equipment or Facility in a Public Way other than on a transitory basis, including Persons with installation and maintenance responsibilities by lease, sublease or assignment, must register with the Township. Registration is accomplished by filing with the Township a completed Provider Certification in the form shown at Appendix "A" to this Ordinance.

SECTION 4 GRANT OF ORDINANCE; EXEMPTIONS

4.1 GRANT. It shall be unlawful for any Person to construct, repair, remove, relocate or perform any work on or use any Facilities or any part thereof in a Public Way unless in compliance with this Rights of Way Ordinance. Continuous compliance with this Rights of Way Ordinance grants to Grantee a non-exclusive privilege to construct, repair, remove, relocate or perform any work on or use any Facilities or any part thereof in the Public Ways within the Service Area and to occupy or use the Public Ways for the purpose of providing Non Exempt service to residences or businesses within the Service Area.

4.2 EXEMPTIONS. Except as noted in 4.2.11 and 4.2.12 below, this Rights of Way Ordinance shall not apply to occupation or use of the Public Ways to provide:

1. The transportation of passengers or property or both as a common carrier by means of elevated street railway, inclined plane railway, railroad, street railway or underground street railway, trackless-trolley omnibus or by any combination of such means.
2. The transportation of artificial or natural gas, electricity, petroleum or petroleum products or water or any combination of such substances for the public.
3. The production, generation, manufacture, transmission, storage, distribution or furnishing of natural or artificial gas, electricity, steam, air conditioning or refrigerating service or any combination thereof to or for the public.
4. The diverting, developing, pumping, impounding, distributing or furnishing of water from either surface or subsurface sources to or for the public.
5. The collection, treatment or disposal of sewage for the public.
6. The conveyance or transmission of messages or communications except as set forth in paragraph 4.3, by telephone or telegraph for the public.
7. The diverting, pumping or impounding of water for the development or furnishing of hydroelectric power to or for the public.
8. The transportation of oxygen or nitrogen, or both, by pipeline or conduit for the public.

9. Any ancillary service reasonably necessary or appropriate for the accomplishment of services specified in one (1.) through eight (8.) above.

10. Cable Service.

11. Occupation or use of the Public Ways by persons or entities identified above shall be required to post a security bond or other cash surety in the amount of one hundred ten percent (110%) of the construction costs associated with repair and restoration of the Public Ways as determined by the Township Engineer.

4.3 WIRELESS TELECOMMUNICATION FACILITIES NOT EXEMPT. This Ordinance does not exempt any person or corporation who or which furnishes, installs or maintains wireless telecommunication facilities, including the installation of communications antenna which are regulated pursuant to _____ as may further be revised in the future ("Zoning Ordinance).

4.4 NOT A CABLE SYSTEM. This Ordinance does not authorize a Person to provide Cable Service. A Person seeking to provide Cable Service must obtain permission from the Township under separate legislation of the Township.

4.5 NOT A POLE ATTACHMENT AGREEMENT. This Ordinance does not authorize the Grantee to attach to any pole or other structure in a Public Way, devices for the intentional transmission or radiation of radio frequency emissions or energy through the ether by any means now known or hereafter developed.

SECTION 5 LOCATION OF FACILITIES

5.1 INSTALLATION OF NEW FACILITIES. Subsequent to the enactment of this ordinance all new facilities services shall be installed underground with the exception of those facilities described in Sections 5.2 and 5.3 of this Ordinance.

5.2 CO-LOCATION OF FACILITIES. Facilities may be co-located on facilities, including poles that exist on or before the enacted date of this ordinance including above ground facilities. Specifically, facilities may be co-located within the rights-of-way of those roads described as principal arterials, minor arterials, major collectors, minor collectors and feeder streets in paragraph 2.1.N of this Ordinance.

5.3 INSTALLATION OF NEW FACILITIES ON MAJOR ROADS. Facilities, including poles, may be installed above ground subsequent to the enactment of this Ordinance if they are installed within the right of way of those roadways described as Principal Arterials, Minor Arterials and Major Collectors in paragraph 2.1.N. above. No new poles shall be installed closer than one hundred and fifty feet (150') to an existing or proposed pole location.

5.4 COMPLIANCE WITH OTHER ORDINANCE REQUIREMENTS. The authorization of the installation of facilities hereunder shall not exempt an Applicant from

compliance with the requirements of any other Ordinance of _____ Township, including the Zoning Ordinance.

SECTION 6 STANDARDS OF SERVICE

6.1 CONDITIONS OF STREET OCCUPANCY. All Facilities and Equipment installed or erected by the Grantee pursuant to the terms hereof shall be located so as to cause a minimum of interference with the proper use of Public Ways and with the rights and reasonable convenience of property owners who own property that adjoins any of said Public Ways.

6.2 RESTORATION OF PUBLIC WAYS. If during the course of Grantee's construction, operation, and/or maintenance of its Facilities and Equipment there occurs a disturbance of any Public Way by Grantee, Grantee shall, at its expense, replace and restore such Public Way to a condition which existed immediately prior to such disturbance. If Grantee excavates the surface of any Public Way, Grantee shall be responsible for restoration of the Public Way and its surface within the area affected by the excavation. The Township reserves the right, after providing notice to Grantee, to remove and/or repair any work done by Grantee which is inadequate. The reasonable cost thereof, including the cost of inspection and supervision, shall be paid by the Grantee. All excavations made by Grantee in the Public Way shall be properly safeguarded for the prevention of accidents.

6.3 TREES AND SHRUBBERY. The Grantee shall notify Township and all affected property owners regarding Grantee's need to trim trees or other natural growth upon and overhanging Public Ways so as to prevent the branches of such trees from coming in contact with its Facilities or Equipment. Trimming shall be limited to the area required to clear its Facilities or Equipment.

6.4 SAFETY REQUIREMENTS. All such work in the Public Ways shall be performed in accordance with applicable safety codes and technical requirements.

6.5 MAPS. Prior to beginning any construction of Facilities, Grantee shall provide the Township with a construction schedule for work in the Public Ways which schedule shall be updated as changed. Upon completion of initial construction and upon completion of construction of any modification to its Facilities, Grantee shall provide the Township with a map showing the location of its installed Facilities, in the Public Ways. Such maps shall be provided in both paper forms, as well as in an electronic format for placement on the Township's GIS system. Annually thereafter, Grantee shall provide a map to the Township showing the location of Grantee's Facilities in the Public Ways on a scale of one hundred fifty feet (150') per inch or whatever standard scale the Township adopts for general use.

6.6 EXCAVATIONS. Grantee may make excavations in Public Ways for any Facility subject to obtaining excavation permits from the Township. Prior to doing such work, Grantee must apply for, and obtain, appropriate permits from the Township, and give appropriate notices to any other licensees and/or permittees of the Township, and/or other units of government owing or maintaining facilities which may be affected by the proposed excavation.

6.7 **RESERVATION OF TOWNSHIP PUBLIC WAYS.** Nothing in this Ordinance shall be construed to prevent the Township or other agency of government or municipal authority from constructing sewers, grading, paving, repairing and/or altering any street and/or laying down, repairing and/or removing water mains and/or constructing and/or establishing any other public work or improvement. If any of the Grantee's Facilities or Equipment interferes with the construction or repair of any street or public improvement, including construction, repair or removal of a sewer or water main, the Grantee's Facilities or Equipment shall be removed or replaced in the manner the respective Township or other agency of government or municipal authority shall direct. Any and all such removal or replacement shall be at the expense of the Grantee. Should Grantee fail to remove, adjust or relocate its Facilities by the date established by the Township or other agency of government or municipal authority, the Township or other agency of government or municipal authority may cause and/or effect such removal, adjustment or relocation, and the expense thereof shall be paid by Grantee, including all reasonable costs and expenses incurred by the Township or other agency of government or municipal authority due to Grantee's delay.

SECTION 7 RENTAL

7.1 **RENTAL**

A. In consideration of occupying or using the Public Ways under this Ordinance, Grantee shall pay to Township a rental equal to five (5%) percent of Gross Revenue.

B. The rental shall be assessed on a calendar quarterly basis and shall be payable to the Township no later than forty-five (45) days after the expiration of the calendar quarter for which payment is due. Grantee shall file with the Township a complete and accurate statement, under notarial seal, at the end of each calendar year quarter certified as true and correct by a representative notarial seal, at the end of each calendar year quarter certified as true and correct by a representative of Grantee, authorized to make such certification, explaining how the payment was calculated. In connection with the rental payment due on February 14th, the Grantee shall also submit to the Township, on that date or no later than six (6) months thereafter, a detailed statement by an officer of the Grantee certified by the Grantee's independent certified public accountant verifying the accuracy of the Gross Revenue and rental payments for the previous calendar year, with a detailed breakdown and explanation of the calculation by each month.

C. Grantee shall keep accurate books of account which shall clearly support the calculation of rentals and describe in sufficient detail the amounts attributable to each specific component of Gross Revenue. Such books of account and all supplemental information and source documents in support thereof including, but not limited to, third party remittances and contract documents, shall be made available to the Township and its authorized representatives for examination at a location in Bucks County, Pennsylvania, at any time during regular business hours on ten (10) days' prior written notice and from time to time for the purpose of verifying or identifying rentals owed to the Township. Grantee shall exercise its best efforts to obtain financial records of Affiliates for the Township for the purpose of verifying the accuracy of the rental payments. Township shall have the right to examine and to recompute any amounts

determined to be payable under this Ordinance provided, however, that such examination shall take place within forty-eight (48) months following the close of each year. Any additional amount due to Township as a result of the examination and recomputation shall be paid within thirty (30) days following written notice to Grantee by the Township, which notice shall include a copy of the examination report. In the event that said examination determines that funds are owed to the Township in an amount in excess of two (2%) percent, the cost of said examination shall be borne by the Grantee and reimbursed to Township within thirty (30) days following written notice to Grantee.

D. In the event that any rental or other payment is not made or the requisite documentation and certification is not provided on or before the applicable dates heretofore specified, interest shall be compounded daily and set at the one-year United States Treasury Bill rate existent on the date payment was due, plus three (3) percentage points. Any amount recomputed to reflect correct payment due shall bear interest as described from the date such payment was originally due.

**SECTION 8
INSURANCE, INDEMNIFICATION AND BONDS OR OTHER SURETY**

8.1 INSURANCE, INDEMNIFICATION AND BONDS OR OTHER SURETY.

A. Grantee shall save the Township, its agents, employees and elected and appointed officials, harmless from and against all claims, damages, losses and expenses, including reasonable attorney's fees, sustained on account of any suit, judgment, execution, claim or demand whatsoever arising out of the construction, leasing, operation or maintenance of the Grantee's Equipment, Facilities, and services specified by this Ordinance, whether or not any act or omission complained of is authorized, allowed and/or prohibited by the Ordinance and the rights granted thereunder.

B. (1) Grantee shall obtain and maintain in full force and effect throughout the term of this Ordinance insurance with an insurance company licensed to do business and doing business in the Commonwealth of Pennsylvania and acceptable to the Township. All companies will be required to be rated A-VII or better by A.M. Best or A better by Standard and Poors. Grantee shall provide Township with proof of such insurance so required.

(2) Grantee shall obtain and maintain in full force and effect, at Grantee's sole expense, insurance coverage in the following types and minimum amounts:

<u>Type</u>	<u>Amount</u>
a. Worker's Compensation & Statutory Employers Liability	\$100,000/\$500,000/\$100,000

b. Commercial General (public) - liability to include coverage for the following where the exposure exists:

Premises operations	Combined single limit for
Independent Contractors	Bodily injury and property
Products/completed operations	Damages \$2,000,000 per
Contractual liability	Occurrence or its equivalent
Explosion, collapse and	
Underground property damage	

c. Comprehensive Vehicle insurance coverage for loading and unloading hazards for:

Owned/leased vehicles	Combined single limit of bodily injury
Non-owned vehicles	and property damage \$1,000,000 per
Hired a vehicles	occurrence or its equivalent

(3) The Township shall receive without expense copies of certificates of insurance evidencing coverage stated above.

(4) Grantee agrees that with respect to the above-required insurance, all insurance certificates will contain the following required provisions.

a. Name the Township and its officers, employees, board members and elected and appointed officials as additional insured parties (as the interests of each insured may appear) as to all applicable coverage (except worker's compensation);

b. Provide for sixty (60) days written notice to the Township for cancellation, non-renewal, or material change;

c. Provide that all provisions of this Ordinance concerning liability, duty, and standard of care, including the Indemnity provisions, shall be underwritten by contractual coverage sufficient to include such obligations within applicable policies, subject to policy terms and conditions.

(5) Companies issuing the insurance policies shall have no recourse against the Township for payment of any premiums or assessments which all are set at the sole risk of the Grantee. Insurance policies obtained by Grantee shall provide that the issuing company waives all right of recovery by way of subrogation against the Township in connection with any damage covered by these policies.

C. (1) Grantee shall obtain and maintain, at its sole cost and expense, and file with the Township, a corporate surety bond with a surety company authorized to do business in the Commonwealth of Pennsylvania in the amount of fifteen percent (15%) of Grantee's estimated costs to secure Grantee's performance of its obligations and faithful adherence to all requirements of this Ordinance.

(2) No action, proceeding or exercise of right with respect to such bond shall affect the Township's rights to demand full and faithful performance under this Ordinance or limit Grantee's liability for damages.

(3) The bond shall contain the following endorsement: "It is hereby understood and agreed that this bond may not be cancelled by the surety nor any intention not to renew be exercised by the surety until sixty (60) days after receipt by the Township of _____, by registered mail, of written notice of such intent."

D. All expenses of the above-noted insurance and bond shall be paid by the Grantee.

E. The insurance policies mentioned herein shall contain an endorsement stating the following:

Should any policies of insurance be cancelled or coverages be reduced, before the expiration date of said policies of insurance, the issuer shall deliver sixty (60) days advance written notice to the Township.

F. Neither the provisions of this Ordinance nor any insurance accepted by the Township pursuant hereto, nor any damages recovered by the Township thereunder, shall be construed to excuse faithful performance by the Grantee and/or limit the liability of the Grantee under the Ordinance issued hereunder and/or for damages, either to the full amount of the bond or otherwise.

SECTION 9 ENFORCEMENT AND TERMINATION OF ORDINANCE

9.1 GENERAL. In addition to all other rights, remedies and powers reserve and/or retained by the Township under this Rights of Way Ordinance or otherwise, the Township reserves the right to bring a civil action to collect any sums due to Township by Grantee and/or forfeit or revoke all privileges of Grantee under this Ordinance in the event of willful or repeated violation of this Ordinance.

9.2 PENALTIES. Any Person which commits or suffers the violation of this Ordinance, shall, upon being found liable in a civil enforcement proceeding commenced by the Township, pay a fine of Six Hundred Dollars (\$600) plus all court costs, including reasonable attorneys' fees incurred by the Township. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each section of this Ordinance which is found to have been violated. In addition, the Township also may enforce this Ordinance by an action brought in equity.

SECTION 10 MISCELLANEOUS PROVISIONS

10.1 COMPLIANCE WITH APPLICABLE LAWS AND ORDINANCES. The Grantee shall at all times be subject to the exercise of the police power of the Township. The Grantee

shall comply with all lawful ordinances, codes, laws, rules and regulations of the Township, County of Bucks, Commonwealth of Pennsylvania, and the United States of America which are now in effect or hereafter enacted.

10.2 CONFLICT. Whenever the requirements of this Ordinance are in conflict with other requirements of the ordinances of the Township of _____, the most restrictive, or those imposing the highest standards shall govern. Privileges granted by this Ordinance do not constitute a waiver or impairment of the rights of the Township at law or equity now or henceforth existing to proceed versus Grantee for enforcement of the Ordinance or violation of this Ordinance or ordinances of the Township.

10.3 EFFECTIVE DATE. This Ordinance shall become effective five (5) days after the date of its enactment.

10.4 SEVERABILITY. The provisions of this Ordinance are severable. If any section, clause, sentence, part or provision thereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair any of the remaining sections, clauses, sentences, parts of provisions of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors that this Ordinance would have not been adopted if such illegal, invalid or unconstitutional section, clause, sentence or part of a provision had been included herein.

DULY ADOPTED THIS _____ DAY OF _____, 2012.

ATTEST:

BOARD OF SUPERVISORS OF
_____ TOWNSHIP

ATTACHMENT "F"

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1551 Session of 2012

INTRODUCED BY GREENLEAF, McILHINNEY AND TOMLINSON, JUNE 5, 2012

REFERRED TO TRANSPORTATION, JUNE 5, 2012

AN ACT

1 Amending Title 74 (Transportation) of the Pennsylvania
 2 Consolidated Statutes, in scenic byways, providing for the
 3 designation of the 8.6 mile U.S. Route 202 Parkway between
 4 State Route 63 (Welsh Road) and State Route 611 in Montgomery
 5 and Bucks Counties as a scenic byway.

6 The General Assembly of the Commonwealth of Pennsylvania
 7 hereby enacts as follows:

8 Section 1. Title 74 of the Pennsylvania Consolidated
 9 Statutes is amended by adding a section to read:

10 § 8309. Designation of U.S. Route 202 Parkway as scenic byway.

11 (a) General rule.--Because of its outstanding scenic,
 12 historic, recreational, cultural, natural and archeological
 13 characteristics, the 8.6 mile U.S. Route 202 Parkway between
 14 State Route 63 (Welsh Road) in Montgomery Township and State
 15 Route 611 in Doylestown Township is hereby designated as a
 16 scenic byway.

17 (b) Effect of designation.--No outdoor advertising device,
 18 as defined in section 3 of the act of December 15, 1971
 19 (P.L.596, No.160), known as the Outdoor Advertising Control Act
 20 of 1971, may be erected:

1 (1) within 660 feet of the nearest edge of the right-of-
2 way; or

3 (2) more than 660 feet from the nearest edge of the
4 right-of-way, outside of urban areas, if the sign is visible
5 from the main-traveled way of the scenic byway and the
6 purpose of the sign is that its message be read from the
7 main-traveled way of the scenic byway, except:

8 (i) the official signs and notices which are
9 required or authorized by law and which conform to the
10 national standards promulgated by the Secretary of
11 Transportation of the United States pursuant to 23 U.S.C.
12 § 131 (relating to control of outdoor advertising);

13 (ii) outdoor advertising devices advertising the
14 sale or lease of the real property upon which they are
15 located;

16 (iii) outdoor advertising devices advertising
17 activities conducted on the property on which they are
18 located, including devices which display a message that
19 may be changed at reasonable intervals by electronic
20 process or remote control; and

21 (iv) directional signs, including, but not limited
22 to, signs pertaining to natural wonders, scenic and
23 historical attractions and other points of interest to
24 the traveling public which conform to the national
25 standards promulgated by the Secretary of Transportation
26 of the United States pursuant to 23 U.S.C. § 131.

27 Section 2. This act shall take effect in 60 days.

ATTACHMENT "G"

PRIOR PRINTER'S NO. 1685

PRINTER'S NO. 1864

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1298 Session of 2011

INTRODUCED BY SMUCKER, VOGEL, D. WHITE, ALLOWAY, FONTANA, WASHINGTON, WAUGH, M. WHITE, FOLMER, EICHELBERGER AND BRUBAKER, OCTOBER 18, 2011

SENATOR VOGEL, AGRICULTURE AND RURAL AFFAIRS, AS AMENDED, DECEMBER 14, 2011

AN ACT

1 ~~Amending the act of December 19, 1974 (P.L.973, No.319),~~ <--
2 ~~entitled "An act prescribing the procedure under which an~~
3 ~~owner may have land devoted to agricultural use, agricultural~~
4 ~~reserve use, or forest reserve use, valued for tax purposes~~
5 ~~at the value it has for such uses, and providing for~~
6 ~~reassessment and certain interest payments when such land is~~
7 ~~applied to other uses and making editorial changes," further~~
8 ~~providing for definitions and for land devoted to~~
9 ~~agricultural use, agricultural reserve, and/or forest~~
10 ~~reserve.~~

11 AMENDING THE ACT OF DECEMBER 19, 1974 (P.L.973, NO.319), <--
12 ENTITLED "AN ACT PRESCRIBING THE PROCEDURE UNDER WHICH AN
13 OWNER MAY HAVE LAND DEVOTED TO AGRICULTURAL USE, AGRICULTURAL
14 RESERVE USE, OR FOREST RESERVE USE, VALUED FOR TAX PURPOSES
15 AT THE VALUE IT HAS FOR SUCH USES, AND PROVIDING FOR
16 REASSESSMENT AND CERTAIN INTEREST PAYMENTS WHEN SUCH LAND IS
17 APPLIED TO OTHER USES AND MAKING EDITORIAL CHANGES," FURTHER
18 PROVIDING FOR DEFINITIONS AND FOR APPEALS.

19 The General Assembly of the Commonwealth of Pennsylvania
20 hereby enacts as follows:

21 ~~Section 1. The definition of "agricultural use" in section 2~~ <--
22 ~~of the act of December 19, 1974 (P.L.973, No.319), known as the~~
23 ~~Pennsylvania Farmland and Forest Land Assessment Act of 1974,~~
24 ~~amended November 23, 2010 (P.L.1095, No.109), is amended and the~~
25 ~~section is amended by adding definitions to read:~~

1 ~~Section 2. Definitions. As used in this act, the following~~
2 ~~words and phrases shall have the meanings ascribed to them in~~
3 ~~this section unless the context obviously otherwise requires:~~

4 ~~***~~

5 ~~"Agricultural use." Land which is used for the purpose of~~
6 ~~producing an agricultural commodity or is devoted to and meets~~
7 ~~the requirements and qualifications for payments or other~~
8 ~~compensation pursuant to a soil conservation program under an~~
9 ~~agreement with an agency of the Federal Government. The term~~
10 ~~includes:~~

11 ~~(1) any farmstead land on the tract;~~

12 ~~(2) a woodlot;~~

13 ~~(3) any land which is rented to another person and used for~~
14 ~~the purpose of producing an agricultural commodity; [and]~~

15 ~~(4) any land devoted to the development and operation of an~~
16 ~~alternative energy system, if a majority of the energy annually~~
17 ~~generated is utilized on the tract[.]; and~~

18 ~~(5) any land devoted to composting or used for nutrient~~
19 ~~management.~~

20 ~~***~~

21 ~~"Composting." As follows:~~

22 ~~(1) The processing of agricultural manures into~~
23 ~~materials, products or substances.~~

24 ~~(2) The term includes:~~

25 ~~(i) Finished compost transported or intended to be~~
26 ~~transported in commerce.~~

27 ~~(ii) Any land, facility, building structure,~~
28 ~~equipment or operation used to enhance the form, economic~~
29 ~~value or energy value of the processed manure.~~

30 ~~(3) The term does not include a composting process if~~

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- 2 -

1 ~~materials other than manure are used as ingredients in the~~
2 ~~composting process and the amount of the other materials by~~
3 ~~weight exceeds the amount of manure used by weight.~~

4 ~~***~~

5 ~~"Nutrient management." An activity directly and solely~~
6 ~~related to the implementation of best management practices as~~

~~set forth in publications of the Environmental Protection Agency
 8 relating to the implementation of 40 CFR Parts 9 (relating to
 9 OMB approvals under the Paperwork Reduction Act), 122 (relating
 10 to EPA administered permit programs: The national pollutant
 11 discharge elimination system) and 412 (relating to concentrated
 12 animal feeding operations). The term shall not include land or
 13 an activity used in combination with any activity, facility or
 14 operation otherwise prohibited under this act.~~

15 * * *

16 Section 2. Section 3(a.1) of the act is amended by adding
17 paragraphs to read:

18 Section 3. Land Devoted to Agricultural Use, Agricultural
19 Reserve, and/or Forest Reserve. * * *

20 (a.1) The following apply to enrollment:

21 * * *

22 (3) Land enrolled as devoted to composting.

23 (4) Land used for nutrient management.

24 * * *

25 Section 3. The amendment of section 2 of the act shall be
 26 applicable to any composting use already in existence that is
 27 located upon land enrolled under the act of December 19, 1974
 28 (P.L.973, No.319), known as the Pennsylvania Farmland and Forest
 29 Land Assessment Act of 1974, including those composting uses
 30 existing as of the effective date of this act for which rollback
 20110SB1298PN1864 - 3 -

1 tax may have been assessed for a composting use. Provided an
 2 enrolled owner has filed an appeal from a decision of a county
 3 assessor, a board of assessment appeals or a court with
 4 jurisdiction, no rollback tax shall be due or collected from an
 5 enrolled owner as to any composting use as composting is defined
 6 in section 2 of the act.

7 Section 4. This act shall take effect in 60 days.

8 SECTION 1. THE DEFINITION OF "AGRICULTURAL COMMODITY" IN

<--

9 SECTION 2 OF THE ACT OF DECEMBER 19, 1974 (P.L.973, NO.319),

KNOWN AS THE PENNSYLVANIA FARMLAND AND FOREST LAND ASSESSMENT
11 ACT OF 1974, AMENDED DECEMBER 21, 1998 (P.L.1225, NO.156), IS
12 AMENDED AND THE SECTION IS AMENDED BY ADDING A DEFINITION TO
13 READ:

14 SECTION 2. DEFINITIONS.--AS USED IN THIS ACT, THE FOLLOWING
15 WORDS AND PHRASES SHALL HAVE THE MEANINGS ASCRIBED TO THEM IN
16 THIS SECTION UNLESS THE CONTEXT OBVIOUSLY OTHERWISE REQUIRES:

17 "AGRICULTURAL COMMODITY." ANY OF THE FOLLOWING:

18 (1) AGRICULTURAL, APICULTURAL, AQUACULTURAL, HORTICULTURAL,
19 FLORICULTURAL, SILVICULTURAL, VITICULTURAL AND DAIRY PRODUCTS.

20 (2) PASTURE.

21 (3) LIVESTOCK AND THE PRODUCTS THEREOF.

22 (4) RANCH-RAISED FURBEARING ANIMALS AND THE PRODUCTS
23 THEREOF.

24 (5) POULTRY AND THE PRODUCTS OF POULTRY.

25 (6) PRODUCTS COMMONLY RAISED OR PRODUCED ON FARMS WHICH ARE:

26 (I) INTENDED FOR HUMAN CONSUMPTION; OR

27 (II) TRANSPORTED OR INTENDED TO BE TRANSPORTED IN COMMERCE.

28 (7) PROCESSED OR MANUFACTURED PRODUCTS OF PRODUCTS COMMONLY
29 RAISED OR PRODUCED ON FARMS WHICH ARE:

30 (I) INTENDED FOR HUMAN CONSUMPTION; OR

20110SB1298PN1864

- 4 -

1 (II) TRANSPORTED OR INTENDED TO BE TRANSPORTED IN COMMERCE.

2 (8) COMPOST.

3 * * *

4 "COMPOST." MATERIAL RESULTING FROM THE BIOLOGICAL DIGESTION
5 OF DEAD ANIMALS, ANIMAL WASTE OR OTHER BIODEGRADABLE MATERIALS,
6 AT LEAST FIFTY PERCENT (50%) BY VOLUME OF WHICH IS COMPRISED OF
7 PRODUCTS COMMONLY PRODUCED ON FARMS.

8 * * *

9 SECTION 2. SECTION 9 OF THE ACT IS AMENDED BY ADDING A
10 SUBSECTION TO READ:

11 SECTION 9. APPEALS.--* * *

12 (A.1) IN THE EVENT A CHANGE RELATING TO COMPOSTING IN THIS

ACT BECOMES EFFECTIVE DURING AN ACTIVE APPEAL AND IS APPLICABLE
14 TO THE ACTIVE APPEAL, NO ROLLBACK TAX SHALL BE DUE OR COLLECTED
15 AND THE ROLLBACK TAX SHALL BE REIMBURSED IF ALREADY PAID FOR
16 SUCH ACTIVITIES TO WHICH ROLLBACK TAXES WERE APPLIED.

17 * * *

18 SECTION 3. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.

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ATTACHMENT "H"



Carroll Engineering Corporation

SCANNED

June 21, 2012

Timothy J. Tieperman, Township Manager
Warrington Township
852 Easton Road
Warrington, PA 18976

Dear Mr. Tieperman:

Subject: Willow Knoll Detention Basin Modification

The Board of Supervisors has asked us to investigate the possibility of modifying the outlet structure in the Willow Knoll basin such that more of the available basin volume will be utilized, and consequently, the discharge rate will be reduced, decreasing the flow downstream.

The attached report provides some detailed information, but the end result is that we believe a simple, inexpensive reduction in the outlet diameter will provide significant flow decreases out of the basin. The basin itself will have a little greater water depth, and take a little longer to empty.

The existing basin discharge is via a 36" diameter pipe. Our proposal is to install a plate on the face of this pipe with a 12" diameter hole in it. We estimate the cost to be \$5,000 or less.

Should you have any questions or require additional information, please let me know.

Very truly yours,

CARROLL ENGINEERING CORPORATION

Richard A. Wieland, P.E.

RAW:cam

cc: William Casey, Esquire
Roy Rieder, P.E., Dir. of Codes and Inspections, Warrington Township
Kenneth R. Yerger Jr., P.E., P.L.S., CEC

Today's Commitment to Tomorrow's Challenges

Corporate Office:
949 Easton Road
Warrington, PA 18976
215.343.5700

630 Freedom Business Center
Third Floor
King of Prussia, PA 19406
610.489.5100

101 Lindenwood Drive
Suite 225
Malvern, PA 19355
484.875.3075

105 Raider Boulevard
Suite 206
Hillsborough, NJ 08844
908.874.7500

WILLOW KNOLL DETENTION BASIN MODIFICATION
PROJECT NARRATIVE

A hydrologic study was performed on the existing detention basin at Willow Knoll to determine what modifications could be made to the basin discharge structure that would reduce the stormwater runoff discharge rate to downstream properties without creating any adverse effect to the basin itself or the surrounding residential area. Any modification would have to take into account the fact that the basin has an emergency spillway with a crest or discharge elevation lower than the top of basin embankment elevation. A result of reducing the amount of stormwater discharge would be an increase in the depth of stormwater remaining in the basin waiting to be discharged through the outfall pipe. The increased depth of water remaining in the basin would vary depending on the intensity of the individual storm event. The increased depth of stormwater in the basin cannot exceed the elevation of the emergency spillway or the stormwater will flow over the spillway crest to the parking area and adjacent street.

There are currently three means of stormwater discharge from the basin. The first and primary means of discharge is a 36" diameter pipe within a concrete endwall located on the basin bottom. The second means of discharge is an 8' wide by 13" high rectangular opening in a concrete outlet structure located behind the endwall in the basin embankment. This opening was designed to control the discharge for the larger intensity storms that the 36" diameter pipe can't handle. The third means of discharge is the emergency spillway. The crest or discharge elevation for the spillway was designed to assure that the stormwater runoff entering the basin for all storm events including the 100-year storm is contained within the basin embankment.

The method selected to modify the basin stormwater discharge rate is the installation of a steel plate bolted to the face of the existing endwall in front of the 36" discharge pipe. A hole with a smaller diameter than the discharge pipe will be cut into the plate to control the amount of stormwater discharge leaving the basin. The installation of the steel plate is the most economical solution and will have the least impact on the existing basin structures. The basin itself will not be impacted by this modification. In the event that other modifications are needed in the future or for some reason the basin discharge has to return to its current discharge configuration it will only require the removal of the steel plate from the endwall.

A hydrologic analysis was performed to determine the best orifice size for the endwall plate that would reduce the basin stormwater discharge rate and not create any adverse effects on either the basin or the surrounding area. The existing drainage area to the detention basin was used to calculate the amount of stormwater runoff reaches the basin for each of the different storm frequencies. The analysis was first performed using the existing basin structure configuration to establish a base line for comparison purposes. After the base line analysis was established additional analyses were performed to determine the most effective orifice size to use while taking into

consideration the impact on the basin and adjacent areas. The analysis was performed with consideration given to use either a 12" diameter orifice plate or an 18" diameter orifice plate in place of the existing 36" diameter discharge pipe.

Based on the results of the analysis for both the 12" diameter orifice and the 18" diameter orifice it was determined that using the 12" orifice would reduce the basin stormwater discharge rate for the 2-year storm to approximately 33% of the existing discharge rate and approximately 21% for the 10-year storm. The 18" orifice would reduce the stormwater discharge for the 2-year storm to approximately 62% of the existing discharge rate and approximately 41% for the 10-year storm. The analysis also indicated that using a 12" orifice would result in an additional 1.2 feet of stormwater in the basin for the 2-year storm and an additional 1.8 feet for the 10-year storm when compared to the existing stormwater depth. Using an 18" orifice would result in an additional 0.7 feet of stormwater in the basin for the 2-year storm and an additional 1.2 feet for the 10-year storm when compared to the existing stormwater depth. The additional depth of stormwater in the basin for each case will not reach the discharge elevation of the emergency spillway. In addition, the analysis showed that the amount of time for the basin to empty immediately after the storm events end would increase by approximately 5 hours for the 12" orifice and approximately 2 hours for the 18" orifice. The basin empty time was determined by assuming that the stormwater elevation in the basin reaches the emergency spillway and then has to leave the basin through each orifice used in the analysis which would be a worst case scenario as the stormwater elevation in the basin for all of the design storm events does not reach the spillway elevation.

It would be our recommendation that the 12" diameter orifice be used. The only concern with this conversion is the practical one of keeping the orifice opening clear of debris. The basin should be visited after major storms, and any accumulation of grass, leaves, or other debris should be removed from the outlet structure on a routine basis.

ATTACHMENT "I"



Carroll Engineering Corporation

June 21, 2012

Timothy J. Tieperman, Manager
Warrington Township
852 Easton Road
Warrington, PA 18976

Dear Mr. Tieperman:

Subject: Villas at Lamplighter II - Bid Results

Bids were opened via PennBid for the above referenced project on June 21, 2012 at 2:00 p.m., and we have attached a copy of the bid tabulation for the two bids submitted. Both bids submitted Qualification Statements, Bid Bonds and Non-Collusion Affidavits, as required. Based upon review of the submitted bids, we recommend the Board of Supervisors award the project to A. H. Cornell for the bid amount of \$403,346.50.

We have attached copies of the submitted documents for the low bidder and will provide an original copy of the Bid Bond when it is received.

Should you have any questions or require additional information, please contact the undersigned.

Very truly yours,

CARROLL ENGINEERING CORPORATION

Kenneth R. Yerger, P.E., P.L.S.

KRY:ja

Enclosures

cc: Richard A. Wieland, P.E., CEC

Roy Rieder, P.E., Dir. of Codes and Inspections, Warrington Township

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Warrington



Township

852 EASTON ROAD, WARRINGTON, PA 18976
215-343-9350 ■ FAX 215-343-5944
www.warringtontownship.org

BOARD OF SUPERVISORS
GERALD B. ANDERSON, Chairperson
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, 2012 Bid Results @ 2:00 PM (only two bidders)

Bidder	Bid Amount	Bid Bond	Non-Collusion Affidavit	Qualifications Statement
A.H. Cornell	\$403,346.50	10 percent	Yes	Yes
Land Tech	\$435,929.00	10 percent	Yes	Yes