



**WARRINGTON TOWNSHIP BOARD OF SUPERVISORS
MINUTES FOR NOVEMBER 13, 2012**

The regular meeting of the Warrington Township Board of Supervisors was held on November 13, 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; Barbara Livrone, Executive Assistant to the Township Manager; and Barry Lubber, Chief Financial Officer.

MOMENT OF SILENCE

Mr. Anderson asked for a moment of silence.

PLEDGE OF ALLEGIANCE

The meeting opened with a pledge to the flag.

EXECUTIVE SESSION REPORT

Mr. Anderson reported that no executive session meeting was held.

APPROVAL OF BILL LIST:

1. October 23, 2012 – November 13, 2012 \$2,632,431.97

Mrs. Achenbach motioned, seconded by Mr. Paul, to approve the bill list from 10/23/12 to 11/13/12 totaling \$2,632,431.97. This motion passed by a roll call vote of 5-0.

APPROVAL OF MINUTES:

2. October 9, 2012

Mr. Paul motioned, seconded by Mrs. Yannich, to approve the October 9, 2012 Meeting Minutes. The motion passed by a vote of 4-1. Mrs. Achenbach abstained.

MINUTES FOR POSTING:

3. October 23, 2012

Mr. Paul motioned, seconded by Mrs. Yannich, to approve the posting of the October 23, 2012 Meeting Minutes. The motion passed by a vote of 5-0.

PUBLIC COMMENT:

- Richard Guziewicz (125 Arbor Ridge Drive) asked for the Township's assistance to preserve a 20 foot tree buffer separating the Arbor Ridge development with the planned Meehan-Lacey Tract development. Chairman Anderson stated that Staff will investigate this issue and advise Mr. Guziewicz of its findings.

4. Consider amendments to the TDR Ordinance.

Board members began discussions on the TDR Ordinance Amendment by reviewing the November 7, 2012 review letter from the Bucks County Planning Commission. Mrs. Achenbach referenced a new recommendation from the Commission's earlier review letter, which suggests a 75% disturbance area. She was concerned this might be too restrictive. Mr. Anderson responded that in speaking with the BCPC Director, the County's review letter was adequate and that this new provision need not be added to the ordinance document.

Mrs. Yannich raised some interpretation questions regarding the definitional meaning of a two-family semi-detach dwelling unit. She raised a concern that this could mean four families on two lots. She stated she does not believe the two-family semi-detach dwelling wording belongs in the amended ordinance. She recommended deleting the words "two-family semi-detached" wherever it exists in the ordinance draft.

Ms. Kimberly Freimuth, Esq., the attorney for the applicant (Phillips Avenue Realty, L.P.), addressed Mrs. Yannich's concerns and reassured her they do not interpret that language as meaning 4 families on two lots. The Township Solicitor also confirmed this and provided the Chairman with the definitional excerpts from Chapter 27 regarding two-family semi-detached units.

With the above addressed and there being no further comment, Mr. Paul motioned, seconded by Mr. Hallowell, to adopt the advertised amendments to the TDR Ordinance, including the non-substantive modifications proposed by the Warrington Township Planning Commission. The motion passed unanimously. (*See Attachment A*)

5. Vacating various streets near Phillips Avenue for Penrose Walk.

Mr. Paul motioned, seconded, by Mrs. Achenbach, to approve the Ordinance to close and vacate the following roads as it related to Penrose Walk:

- James Street
- Neibauer Street
- Thomas Street
- Lincoln Street
- Wilson Street
- Garden Street

The motion passed unanimously. (*See Attachment B*)

At this point in the meeting, Mr. Paul motioned, seconded by Mrs. Achenbach, to close the regular meeting at 7:45 PM and open a conditional use hearing. The motion passed unanimously.

6. **Public Hearing for a conditional use for an amendment to Penrose Walk to allow the use of TDRs.**

Mr. Anderson inquired if there was anyone in the audience who wished to become a party of record. There being none, he explained the hearing's purpose and deferred to Mr. Kimberly Freimuth, Esq., the attorney for the applicant – Phillips Avenue Realty, L.P.

Ms. Freimuth explained her client wishes to construct 6 additional semi-detach dwellings using transferable development rights in the R-2 District in a development currently under construction known as Penrose Walk.

Following a brief discussion among Board members, Mr. Anderson closed the hearing for further testimony.

Mr. Paul motioned, seconded by Mrs. Achenbach, to approve the conditional use amendment to allow the use of TDRs for the construction of 6 additional semi-detached dwelling units at Penrose Walk. The motion passed unanimously. *(See Attachment C)*

7. **Consider amendment Resolution to the final development plan for Penrose Walk.**

Mr. Paul motioned, seconded by Mr. Hallowell, to approve the amended Resolution to the final development plan for Penrose Walk. The motion passed unanimously. *(See Attachment D)*

8. **MANAGER'S REPORT:**

a. **Operating and Capital Budget Update/Presentation.**

Mr. Tieperman presented a brief power point presentation giving a preview of the 2013 Proposed Operating and Capital Budget. Prior to the presentation, he stated that most of the financial projections have been finalized and that he does not foresee any major changes into the final document that will be formally presented on November 27, 2012.

One major item in the budget that generated some discussion and commentary was the Township's maintenance agreement with PennDOT for the maintenance of the new Route 202 Parkway Trail that will soon be dedicated to the Township. Mr. Tieperman estimated that the annual maintenance costs for the trails and the trailheads will be around \$50,000. Chairman Anderson questioned why the Township must carry the burden for these costs along a State highway. He asked the Solicitor to review the maintenance agreement to determine whether the Township can avoid this obligation. He also asked that copies be forwarded to other Board members for future review and discussion.

Mr. Anderson also asked the Solicitor whether the Township's appeal of PennDOT's purchase of the portion of 202 corridor owned by Warrington Township (via eminent domain) was still scheduled before the Board of View. Mr. Casey affirmed that it was. *(See Attachment E)*

9. CHAIRMAN'S REPORT:**a. Referendum Results**

Mr. Anderson reported that 66% of the voters approved the Open Space Referendum. He asked Staff to begin the preparatory process for issuing these bonds in early 2013.

b. Storm Update

Mr. Anderson reported that the Township experienced severe power outages during Hurricane Sandy and summarized the Township's overall response to the storm emergency. He asked Mr. Tieperman to convey the Board's thanks to all Township personnel who assisted in the emergency efforts.

c. State of Emergency Declaration

As a precaution, Mr. Anderson recommended that the Board formally act on the State of Emergency Declaration that was declared by the Township for Hurricane Sandy. This will preserve the Township's access to FEMA funds if they become available. Mr. Paul motioned, seconded by Mrs. Achenbach, to ratify a letter going to the State declaring the State of Emergency. The motion passed unanimously.

d. Budget Meeting(s)

Mr. Anderson reported that the Board would need to schedule budget meetings to review the proposed 2013 Budget. This will be addressed at the next meeting, following the transmittal of the 2013 Proposed Budget.

e. Mulching Operation

Mr. Anderson distributed copies of a ruling handed down by Judge Scott (*Tinicum Township vs. River Road Quarry, LLC*) that the mulching operation case in Tinicum Township was, in fact, a manufacturing operation. He said this might have some applicability with respect to the Geerlings operation. (*See Attachment F*)

f. PSATS Meeting

Mr. Anderson reported that he had attended the PSATS meeting. He further stated that the Educational Conference and Trade Show would be held on April 21-24, 2013 and encouraged Board members to attend.

10. ENGINEER'S REPORT:**a. 2012 Road Program Update**

Mr. Wieland reported that Upper State Road is the only street remaining to be paved in addition to a small segment of Pickertown Road. He stated the work should be completed by the end of next week weather permitting.

Mr. Paul motioned, seconded by Mrs. Achenbach, to authorize Mr. Wieland to provide an amendment to the pavers contract to mill the rest of Mill Creek Road if sufficient funds are available. The motion passed unanimously.

b. **Lamplighter Phase IV**

Mr. Wieland reported that the roads in Lamplighter, Phase IV were paved by the Penrose Walk developer. This part of the public improvements is now complete.

11. **SOLICITOR'S REPORT:**

a. **Meridian**

Mr. Casey previously reported that the bank had approved funding the safety repairs at Meridian. However, there has been an unfortunate turn of events, whereby the bank cannot make these repairs because of restrictions in the banking laws. The bank has asked the Board of Directors associated with the Meridian development to arrange for the repairs and that the bank will reimburse the Association.

Mr. Anderson directed the township engineer to meet with the Board of Directors to help them acquire accurate cost estimates to getting the necessary repairs done before the onset of winter.

HOA representative Letty Moffa (4103 Meridian Boulevard) and Bill Snodgrass (421^{1/2} Meridian Boulevard) commented on the ongoing code violations. They also inquired whether there would be any liability on part of the Association to contract these repairs. Mr. Casey agreed to investigate this. He will have an overall report at the November 27, 2012 Board Meeting.

b. **Malcolm's**

Mr. Casey reported that Malcolm's has been cited again. He has prepared a complaint, which he plans to file in court using a 2012 law passed by the General Assembly known as the Blight Recovery Act. He has petitioned the judge to authorize the Township to raze the Malcolm's property and affix a lien onto the property.

Mr. Paul motioned, seconded by Mrs. Achenbach, to approve the Solicitor's recommendation to move forward under the Blight Recovery Act with the intent to raze the old Malcolm's site. The motion passed unanimously.

c. **10 Folly Road Schoolhouse Agreement of Sale**

Mr. Casey reported that the 10 Folly Road Schoolhouse Agreement of Sale has been amended and forward to Mr. Gary Schlechter for execution. The agreement stipulates a settlement by year's end, at which time his foundation will assume all insurance risk for the property. There will also be provision allowing the foundation to lease the house to the Township Historical Society for 99 years at \$1 per year.

12. **ESCROW AND MAINTENANCE BOND RELEASES:**

a. **Pal's Office Building Maintenance Bond Release in the amount of \$9,497.67.**

Mr. Anderson motioned, seconded by Mr. Paul to approve Pal's Office Building Maintenance Bond Release in the amount of \$9,497.67. The motion passed unanimously. (See Attachment G)

b. **Spognardi's Office Building Maintenance Bond Release in the amount of \$3,024.11**

Mr. Anderson motioned, seconded by Mr. Paul to approve Spognardi's Office Building Maintenance Bond Release in the amount of \$3,024.11. The motion passed unanimously. (*See Attachment H*)

SUPERVISOR COMMENTS:

Warrington Township Historical Society/Historic Commission Fundraiser

Mrs. Yannich reported that the Warrington Township Historical Society/Historic Commission had a run/walk fundraiser on November 10. She said because of the success of this fundraiser the Society/Commission will be making this an annual event. The auxiliary police assisted so that the runners were safe. She reported that monies raised will be used toward restoration of historic properties.

ADJOURNMENT

Mr. Paul motioned, seconded by Mr. Hallowell, to adjourn the meeting at 8:49 p.m. The motion passed unanimously.

Edited and Reviewed By:



Timothy J. Tieperman, Township Manager

ATTACHMENT "A"

2012-
ORDINANCE NO. 0-15

**AN ORDINANCE OF THE TOWNSHIP OF WARRINGTON, BUCKS COUNTY,
PENNSYLVANIA, AMENDING THE WARRINGTON TOWNSHIP ZONING
ORDINANCE, CHAPTER 27, PART 4, AS TO DEVELOPMENTS IN THE R-2
MEDIUM DENSITY RESIDENTIAL DISTRICT UTILIZING TRANSFERABLE
DEVELOPMENT RIGHTS**

WHEREAS, Warrington township, Bucks County, Pennsylvania, has enacted the Warrington Township Zoning Ordinance; and

WHEREAS, Warrington Code officials have recommended certain amendments to the Warrington Township Zoning Ordinance, Chapter 27, Part 4, regarding development in the R-2 Medium Density Residential District utilizing Transferable Development Rights ("TDRs"); and

NOW, THEREFORE, it is hereby ORDAINED by the Board of Supervisors of Warrington Township, Bucks County, Pennsylvania, and it is hereby ENACTED and ORDAINED by authority of same as follows:

SECTION 1. Chapter 27, Part 4 Section 411.G. (6) (a) [1] is hereby amended in its entirety to read as follows:

- I. In the RA district transferable development rights may be utilized for the development of single-family detached dwellings when authorized by the Board of Supervisors pursuant to a conditional use procedure. In the R-1, R-3, R-2I and R-1-C Districts, TDRs may be utilized only for the development of single-family detached dwellings. In the R-2 District, TDRs may be utilized for either or both single-family detached and two family semi-detached dwellings when authorized by the Board of Supervisors pursuant to a conditional use procedure. A single-family detached and two-family semi-detached residential development utilizing transferable development rights shall be known as a "subdivision with transferable development rights."

SECTION 2. Chapter 27, Part 4 Section 411.G (6) (a) [2] [c] is hereby amended to provide design standards for two-family semi-detached units as follows:

ii. Minimum lot size:

Single-family detached dwelling: 8,500 square feet
Two-family semi-detached dwelling: 8,500 square feet

iii. Minimum lot width:

Single-family detached dwelling: 85 feet at the building setback line
Two-family semi-detached dwelling: 65 feet at the building setback line

iv. Minimum front yard setback:

Single-family detached dwelling: 35 feet
Two-family semi-detached dwelling: 30 feet

v. Minimum side yard setback:

Single-family detached dwelling: 5 feet, provided that the aggregate of the 2 side yards shall be not less than 25 feet

Two-family semi-detached dwelling: 0 feet, between attached units and 25 feet from neighboring units.

vi. Minimum rear yard setback:

Single-family detached dwelling: 30 feet, provided, however, that patios and decks shall be permitted to encroach into the minimum rear yard to within 15 feet of the rear property line and shall not be considered part of the building for purposes of calculating building coverage.

Two-family semi-detached dwelling: 30 feet, provided, however, that patios and decks shall be permitted to encroach into the minimum rear yard to within 15 feet of the rear property line and shall not be considered part of the building for purposes of calculating building coverage.

viii. Maximum building coverage

Single-family detached dwelling: 25%
Two-family semi-detached dwelling: 25%

ix. Maximum lot impervious surface ratio:

Single-family detached dwelling: 50%
Two-family semi-detached dwelling: 50%

SECTION 3. Section 411 is hereby amended to provide a new section 411.J as follows:

At the sole discretion of the Board of Supervisors, forests may be disturbed in excess of the amount permitted in Section 305.5 where TDRs are to be applied to a site only if the amount disturbed in excess of the amount otherwise permitted is replaced on site, at another site within the Township as directed by the Township, or a fee in lieu thereof is provided to the Township.

All replacement trees shall be in accordance with the following standards outlined in the Warrington Township Code of Ordinances Chapter 22, Subdivision and Land Development, Sections 325 and 326 (henceforth called the Landscape Ordinance) as currently revised by Ordinance 2012-O-04 and as may be revised hereafter from time to time.

- (1) The following are considered priorities for location of replacement trees:
 - (a) Establish or enhance forests within or adjacent to riparian buffers.
 - (b) Establish or enhance forests on one-hundred-year floodplains, when appropriate.
 - (c) Establish or enhance forest corridors to connect existing forests within or adjacent to the site; and, where practical, forest corridors should be a minimum of 300 feet in width to facilitate wildlife movement.
 - (d) Establish or enhance forest buffers adjacent to critical habitats where appropriate.
 - (e) Establish forest areas adjacent to existing forests to increase the overall area of contiguous forest cover.
 - (f) Establish or enhance forest buffers adjacent to areas of differing land use or adjacent to highways or utility rights-of-way.
- (2) The replacement trees used in the reforestation shall be native to the Township or other trees approved by the Township in accordance with the Landscape Ordinance.
- (3) All tree replacement shall be conducted in conformance with State and Federal best management practices.
- (4) All tree replacement shall be completed prior to the recordation of the approved subdivision or land development plan or be guaranteed to be completed pursuant to the development/financial security agreements. All tree replacement areas shall be maintained until 18 months after completion of construction upon the site and acceptance of the public improvements by the Township.
- (5) All tree replacement shall occur upon nonbuildable areas of the site, including open space, recreation lands, buffers (but shall be in addition to any buffer

requirements), stormwater management BMPs, and other such areas. No tree replacement shall occur upon residential building lots.

- (6) Forest Conservation Fund. If an applicant subject to this Section demonstrates to the satisfaction of the Board of Supervisors that the requirements for tree replacement cannot be reasonably accomplished on site or off-site, the applicant shall contribute a fee-in-lieu-of, at a rate to be established by the Board of Supervisors.
- (7) Retention. The following trees, shrubs, plants, and specific areas shall be granted priority for retention and protection and shall be left in an undisturbed condition unless the applicant has demonstrated, to the satisfaction of the Board of Supervisors that reasonable efforts have been made to protect them and the plan cannot be reasonably altered:
- (a) Trees, shrubs, and plants located in the following sensitive ecological areas: steep slopes, riparian buffers, one-hundred-year floodplain, floodplain soils, streams, watercourses, waters of the Commonwealth, waters of the United States, lakes, ponds, wetland margins, and critical habitats.
 - (b) Any part of a contiguous forest that is 10 acres or larger.
 - (c) Trees, shrubs or plants determined to be rare, threatened or endangered under the Federal Endangered Species Act of 1973 in 16 U.S.C. §§ 1531 thru 1544 and in 50 CFR Part 17 or placed upon the Pennsylvania Threatened Species List or the Pennsylvania Endangered Species List (34 Pa.C.S.A. §2101 et seq.).
 - (d) Trees that are part of a historic site, associated with a historic structure, or have been designated as a National, State, or County champion tree.
 - (e) Any tree having a caliper of 24 inches or more.

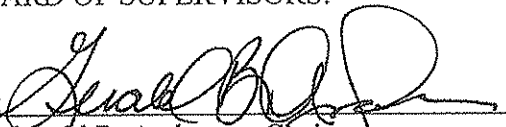
SECTION 4. In all other respects, the provisions of the Warrington Township Zoning Ordinance, as amended, shall remain in full force and effect.

ORDAINED and ENACTED this 13th day of November, 2012, by the Warrington Township Board of Supervisors.

ATTEST:

WARRINGTON TOWNSHIP
BOARD OF SUPERVISORS:


Timothy J. Tieperman, Township Manager

By: 
Gerald B. Anderson, Chairman

By: 
John R. Paul, Vice Chairman

By: Marianne Achenbach
Marianne Achenbach, Secretary/Treasurer

By: [Signature]
Matt W. Hallowell, Sr., Member

By: Shirley Yanulich
Shirley Yanulich, Member

ATTACHMENT "B"



ORDINANCE 2012- 0-14

**AN ORDINANCE OF WARRINGTON TOWNSHIP, BUCKS COUNTY, PA
TO CLOSE and VACATE SECTIONS OF:
JAMES STREET, NEIBAUER STREET, THOMAS STREET, LINCOLN
STREET, WILSON STREET AND GARDEN STREET**

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

WHEREAS, the Board of Supervisors is authorized to vacate roads within the Township pursuant to Section 2304 of the Second Class Township Code, 53 P.S., Section 67304, et seq.

WHEREAS, the Board of Supervisors of Warrington Township have determined that it is in the best interest and for the best convenience of the community of Warrington Township to close and vacate sections of James Street, Neibauer Street, Thomas Street, Lincoln Street, Wilson Street and Garden Street, as follows:

James Street: A section of the roadbed constituting the stub of James Street, which extends from Phillips Avenue approximately 91.5 feet into Tax Map Parcel No. 50-20-33 (the "Property"), as more particularly shown on the final record plan for Penrose Walk, prepared by Van Cleef Engineering Associates, dated November 15, 2011, last revised March 21, 2012, recorded in the Bucks County Recorder of Deeds Office in Plan Book 387 page 79 (the "Record Plan").

Neibauer Street: A section of the roadbed constituting the stub of Neibauer Street, which extends from Phillips Avenue approximately 91.5 feet into the Property, as more particularly shown on the Record Plan.

Thomas Street: A section of the roadbed constituting the stub of Thomas Street, which extends from Phillips Avenue approximately 91.5 feet into the Property, as more particularly shown on the Record Plan.

Lincoln Street: A section of the roadbed constituting the stub of Lincoln Street, which extends from Phillips Avenue approximately 91.5 feet into the Property, as more particularly shown on the Record Plan.

Wilson Street: A section of the roadbed constituting the stub of Wilson Street, which extends from Phillips Avenue approximately 91.5 feet into the Property, as more particularly shown on the Record Plan.

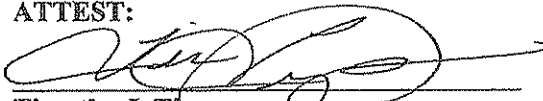
Garden Street: A section of the roadbed constituting the stub of Garden Street, which extends from Phillips Avenue approximately 91.5 feet into the Property, as more particularly shown on the Record Plan.

NOW THEREFORE, be it ENACTED AND ORDAINED that the above identified sections of James Street, Neibauer Street, Thomas Street, Lincoln Street, Wilson Street and Garden Street are hereby closed and vacated.

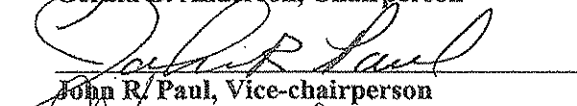
ORDAINED and ENACTED this 13th day of November, 2012.

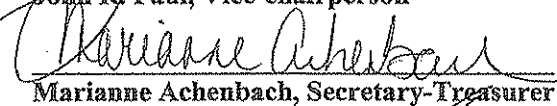
WARRINGTON TOWNSHIP BOARD OF SUPERVISORS

ATTEST:


Timothy J. Tieperman
Township Manager


Gerald B. Anderson, Chairperson


John R. Paul, Vice-chairperson


Marianne Achenbach, Secretary-Treasurer


Matthew W. Hallowell, Sr., Member


Shirley A. Yannich, Member

ATTACHMENT "C"

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

MEMO TO: BOARD OF SUPERVISORS
ATTN: TIM TIEPERMAN
FROM: ROY RIEDER *RRK*
DATE: November 7, 2012
RE: PENROSE WALK CONDITIONAL USE HEARING

Background

Penrose Walk (formerly known as Sunrise Court or the Cohen Tract) has previously received Conditional Use approval from the Board of Supervisors to construct a cluster development consisting of 48 two-family semi-detached dwellings and one single family dwelling. Since that time, the developer has re-allocated excess open space and is requesting approval to construct six additional two-family semi-detached dwellings bringing the entire development to a total of 54 two-family semi-detached dwellings and one single family dwelling.

A conditional use application was received on November 2. Notification letters were mailed to affected residents on November 3.

Recommendation

The staff recommends the Board of Supervisors hold the conditional use hearing and approves the conditional use if deemed appropriate.

Warrington . . . gateway to Bucks County

Legal Advertisement to Run in The Intelligencer Record
on
Tuesday, October 30 and Tuesday, November 6, 2012
(revised for November 6, 2012)

The Warrington Township Board of Supervisors, at their regularly scheduled meeting on Tuesday, November 13, 2012, at 7:30 PM, in the Township Building, 852 Easton Road, Warrington, Pennsylvania, will hold conditional use hearings on the applications of Phillips Avenue Realty, L.P., for a project known as Penrose Walk and located at Phillips Avenue, Bradford Avenue and Street Road, in Warrington Township, to (a) amend the previously granted conditional use approval, to allow the cluster option with two family semi-detached dwellings, for 6 additional units to be added to the project with additional lands and a revised layout, and (b) grant conditional use approval to allow the additional 6 units to be included as part of this project by use of transferable development rights.

Sent via e-mail on Friday, October 26, 2012 and November 1, 2012

William H.R. Casey, Esquire
Law Office
99 East Court Street
Doylestown, PA 18901

ATTACHMENT "D"



RESOLUTION 2012-R- 36

AMENDED FINAL PLAN APPROVAL

PENROSE WALK SUBDIVISION

WHEREAS, Phillips Ave Realty, L.P. (hereinafter the "Applicant") has submitted amended final plans proposing an additional six (6) two-family semi-detached dwellings and extending Deborah Court approximately one hundred fifty (150) feet. The previously approved Penrose Walk Subdivision consisting of forty-eight (48) two-family semi-detached dwellings is currently under construction. The amended plans indicate that tax parcels 50-20-34, 50-20-35 and 50-20-36, previously shown as outparcels are now part of this amended subdivision. The proposed area of Open Space "B" will be reduced in area but still comply with statutory requirements. The additional units will also be served by public water and sewer; and

WHEREAS, the submission includes:

- (A) Amended Final Subdivision Plans, as prepared by Forino Company, L.P. consisting of twelve (12) sheets, dated August 31, 2012, last revised October 5, 2012.
- (B) Post Construction Stormwater Management Addendum Narrative, as prepared by Forino Company, L.P., dated August 31, 2012.

NOW, THEREFORE, be it, and it is hereby RESOLVED by the Board of Supervisors of Warrington Township, Bucks County, Pennsylvania, that the Plans are hereby approved as Amended Final Plans, subject to the following conditions with which the Applicant agrees:

1. Prior to the signing of the final plans and their being recorded, Applicant shall comply with the requirements of the review letter from Carroll Engineering Corp., dated October 2, 2012.
2. The Board of Supervisors hereby grants the following waivers from the Warrington Township Land and Subdivision Ordinance:

- (A) Section 307.2 - Relief from the requirement that cul-de-sac streets have a

maximum length of five hundred (500) feet to permit Deborah Court to be extended to a length of six hundred forty-five (645) feet to accommodate the additional lots.

3. Prior to the signing of the final plans and their being recorded, Applicant shall document all approvals, permits, certificates and the like necessary to complete the Project, and to make all required submittals to any State and Federal agencies that must issue such approvals, permits, certificates and the like related to the Project.

4. Prior to the recordation of the final plans, all necessary documents shall have been prepared and executed by the appropriate parties as are referenced in the engineer's letter and Applicant agrees to execute a development agreement with escrow as determined by the Township engineer, to provide financial security for the installation of necessary improvements.

5. The Applicant shall comply with the terms and conditions of the previous Final Plan approval Resolution 2012-R- 14 approved by the Board of Supervisors on March 13, 2012.

6. The amended plan was recommended for approval by the Warrington Township Planning Commission, by memo dated October 5, 2012.

7. The Township is in receipt of a review letter from the Bucks County Planning Commission dated ~~December 15, 2011~~ ^{September 18, 2012}.

RESOLVED, this 13th day of November, 2012.

BOARD OF SUPERVISORS OF WARRINGTON TOWNSHIP

ATTEST:



Timothy J. Tieperman
Township Manager



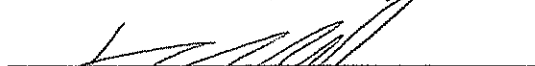
Gerald B. Anderson, Chairperson




John R. Paul, Vice Chairman



Marianne Achenbach, Secretary-Treasurer



Matthew W. Hallowell, Sr., Member



Shirley A. Yannich, Member

ATTACHMENT "E"



TOWNSHIP OF WARRINGTON

2013 PROPOSED BUDGET

November 13, 2012



2013 NOTEWORTHY CHANGES

1. OPEN SPACE REFERENDUM
2. EMERGENCY SERVICES CONSOLIDATION
3. OPENING OF 202 PARKWAY
4. 5-YEAR CAPITAL IMPROVEMENT PROGRAM



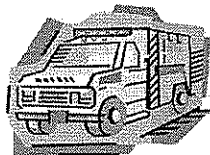
OPEN SPACE FUND



- New Open Space Fund
- \$3 Million Bond Scheduled For Early 2013
- \$200,000 New Debt Service
- .65 of 1 Mill
- \$23 Average Homeowner Assessment



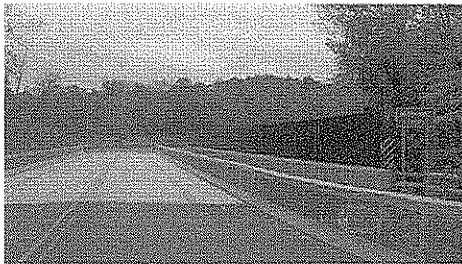
EMERGENCY SERVICES CONSOLIDATION



- New Consolidated Emergency Service Department
- Combined Fire and Ambulance Budgets: \$2 Million
- Career Firefighters/EMTs
- Restoration of Combined Fire and Ambulance Tax: 1 Mill



OPENING OF 202 PARKWAY



- Maintenance Agreement Obligations
- 4 Miles Additional Trailway Maintenance:
 - Mowing
 - Snow/Ice Control
 - New Trailheads
- \$50,000 Estimated Impact
 - Public Works
 - Police Protection



REAL ESTATE TAX LEVY ALLOCATIONS

LEVY DESCRIPTION	2007	2008	2009	2010	2011	2012	2013
GENERAL FUND	1.00	1.00	3.60	3.60	3.60	4.15	4.15
DEBT SERVICE	2.44	2.44	2.94	2.94	2.94	3.39	4.39
PARKS	2.26	2.26	2.26	2.26	2.26	2.26	2.26
FIRE	1.50	1.50	1.50	1.50	1.50	1.25	1.50
AMBULANCE	1.00	1.00	1.00	1.00	1.00	0.25	1.00
ROAD MACHINERY	0.25	0.25	0.25	0.25	0.25	0.25	0.25
TOTALS	8.45	8.45	11.55	11.55	11.55	11.55	13.55

IN 2013 ONE MILL EQUALS APPROXIMATELY \$325,000



2012-2013 BUDGET COMPARISON

Before Fire and Ambulance Consolidation

- **GENERAL FUND**

- 2013 Proposed Expenditures: \$10.20 Million

- 2012 Budgeted Expenditures: \$ 9.87 Million



3 % INCREASE BEFORE ADJUSTMENTS



2013 BUDGETARY ISSUES

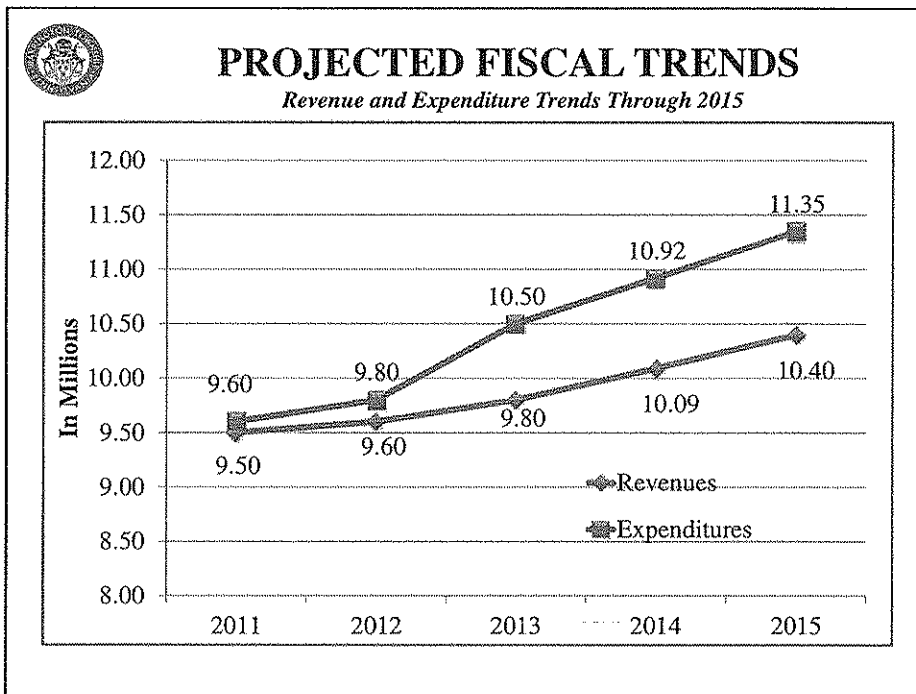
1. **RISING FIXED COSTS**

- a. Labor Contracts
- b. Health Insurance
- c. Pension Costs
- d. Debt Service

2. **DECLINING REVENUES**

- a. Earned Income Tax
- b. Local Services Tax
- c. Transfer Tax

3. **LONG-TERM CAPITAL PROJECT NEEDS**



Category	Amount
POLICE UNION CONTRACT CHANGES	\$88,000
DEBT SERVICE DEFICIT	100,000
ENGINEERING COSTS	75,000
CODE PERSONNEL COSTS	65,000
PUBLIC WORKS PERSONNEL COSTS	76,000
LAWN MAINTENANCE EXPENSE	114,000
INSURANCE EXPENSES	30,000
POLICE PENSION INCREASES	52,000
SWIM CLUB OPERATIONS	38,000
REDUCED RECYCLING GRANT	43,000
REDUCED ACT 511 TAXES	141,000
INCREASED PERMIT REVENUE	(165,000)
INCREASED PARK ASSESSMENTS	(46,000)
TOTAL BUDGET DEFICIT	\$611,000



2013 COST CONTAINMENT IDEAS

Subject to Board Policy Review and Adoption

<i>Cost Containment Category</i>	<i>Savings</i>
PRIVATIZATION OF SERVICES	\$122,000
ATTRITION SAVINGS	75,000
ASSESSMENTS FROM OTHER FUNDS	103,000
REDUCE LAWN MAINTENANCE CONTRACT SCOPE	50,000
POTENTIAL COST SAVINGS	\$350,000

\$350,000 EQUALS APPROXIMATELY 1.07 MILLS



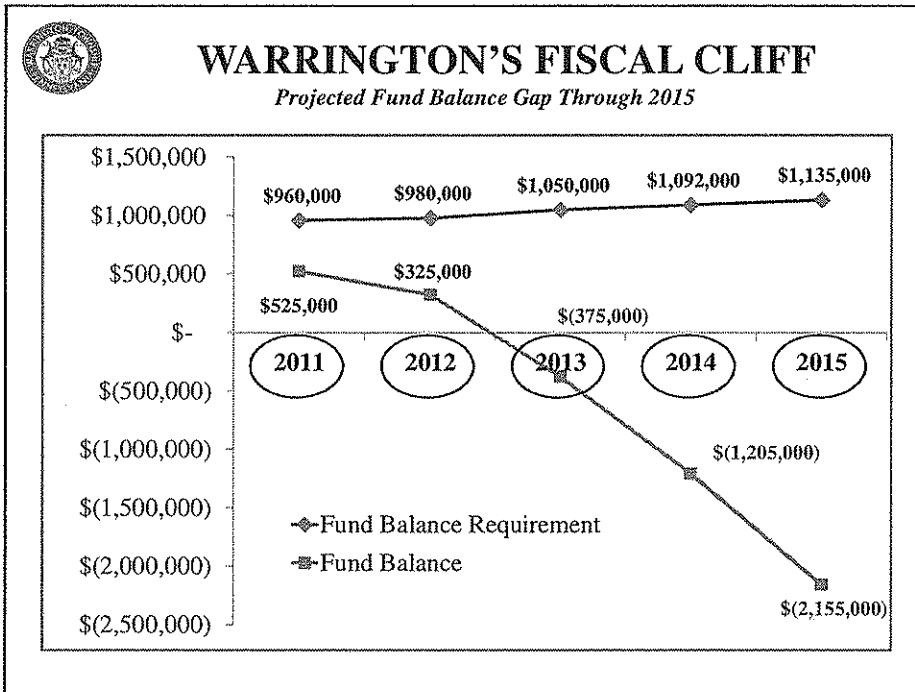
2012-2013 BUDGET COMPARISON

After Fire and Ambulance Consolidation

<i>General Fund Description</i>	<i>Amount</i>
PROPOSED 2013 REVENUES	9,900,000
INCLUSION OF FIRE AND AMBULANCE REVENUES	1,550,000
ADJUSTED GENERAL FUND REVENUES	11,450,000

PROPOSED 2013 EXPENDITURES	(10,200,000)
INCLUSION OF FIRE AND AMBULANCE EXPENDITURES	(1,685,000)
LESS COST CONTAINMENT RECOMMENDATIONS	350,000
ADJUSTED GENERAL FUND EXPENDITURES	11,510,000

BUDGET VARIANCE	(110,000)
------------------------	------------------



2013 ALL FUNDS SUMMARY
Including All Operating and Capital Funds

Funds	2012 Beginning Balances	2012 Estimated Revenues	2012 Estimated Expenses	2012 Ending Balances	2013 Proposed Revenues	2013 Proposed Expenses	2012 Ending Balances
General	523,654	9,437,120	9,675,064	285,710	9,931,650	9,874,001	343,359
Fire Protection	463,829	400,000	533,591	330,238	800,500	891,625	239,113
Ambulance	674,463	84,000	230,100	528,363	1,073,000	891,625	709,738
Water/Sewer	3,825,546	6,311,912	7,399,234	2,738,224	7,849,615	7,396,675	3,191,164
Open Space	0	0	0	0	3,001,500	1,500,000	1,501,500
2008 Bonds	2,808,040	5,000	852,716	1,960,324	2,500	1,962,824	0
2012 Road Bonds	0	2,951,200	2,626,000	325,200	3,000	328,200	0
Debt Service Fund	(91,508)	1,235,040	1,131,061	12,471	1,550,309	1,557,757	5,023
Highway Aid	86,080	479,293	339,241	226,132	457,025	567,509	115,648
Internal Services	131,263	395,010	326,994	199,279	427,520	408,847	217,952
TOTALS	\$8,290,104	\$21,298,575	\$23,114,001	\$6,605,941	\$25,096,619	\$25,379,063	\$6,323,497



CAPITAL BUDGET REVIEW

Including 2013-2017 Capital Improvement Plan



2013 CAPITAL PROJECTS

Including Funding Sources

<i>Project</i>	<i>Estimate</i>	<i>Funding Source</i>
SALT/BRINE FACILITY AND PUBLIC WORKS SHELL	1,410,000	2008 BONDS
ROOF REPLACEMENT	30,000	2008 BONDS
SECURITY CAMERAS	11,000	CAPITAL RESERVE
MEETING ROOM AUDIO/VISUAL ENHANCEMENTS	30,000	PEG GRANT
SWIM CLUB IMPROVEMENTS	50,000	CAPITAL RESERVE
DAY CAMP IMPROVEMENTS	10,000	CAPITAL RESERVE
PHILADELPHIA AVENUE TOT LOT	25,000	CAPITAL RESERVE
TENNIS COURT REPAIRS	50,000	CAPITAL RESERVE
LOWER NIKE PARK IMPROVEMENTS	25,000	CAPITAL RESERVE
ROAD RECONSTRUCTION	300,000	2012 ROAD BOND
INTERSECTION IMPROVEMENTS	225,000	ESCROW
POLICE RADIOS	85,000	CAPITAL RESERVE
BRADFORD DAM CHEMICAL TREATMENT	15,000	CAPITAL RESERVE



2013 CAPITAL PROJECTS

Including Funding Sources

<i>Project</i>	<i>Estimate</i>	<i>Funding Source</i>
PALOMINO BASIN	120,000	GENERAL FUND
COUNTY LINE SEWER PROJECT	130,000	W/S CAPITAL
PUMP STATION UPGRADES	60,000	W/S CAPITAL
GENERAL SEWER SYSTEM IMPROVEMENTS	30,000	W/S CAPITAL
BRISTOL ROAD SEWER PROJECT	230,000	W/S CAPITAL
VALLEY ROAD PUMP STATION UPGRADE	40,000	W/S CAPITAL
VALLEY ROAD INTERCEPTOR	75,000	W/S CAPITAL
GENERAL WATER SYSTEM IMPROVEMENTS	30,000	W/S CAPITAL
PENN VALLEY PUMP PROJECT	135,000	W/S CAPITAL
PICKERTOWN ROAD SEWER PROJECT	30,000	W/S CAPITAL
PALOMINO DRIVE SEWER REHABILITATION PROJECT	615,000	W/S CAPITAL
TRADESVILLE EQ, SBR & HEADWORKS PROJECT	300,000	W/S CAPITAL

TOTAL 2013 CAPITAL PROJECTS

4,061,000



2013-2017

CAPITAL IMPROVEMENT PROGRAM

Future Projects and Funding Challenges



2013-17 CIP PROJECT NEEDS

Subject to Board Policy Review and Adoption

2013	2014	2015	2016	2017	TOTALS
4,061,000	7,576,000	2,603,000	1,605,000	1,310,000	19,097,000

FUTURE FUNDING CHALLENGES:

1. 2008 BOND PROCEEDS WILL BE FULLY EXPENDED BY THE END OF 2013
2. NEW BONDING WILL NEED TO BE AUTHORIZED TO FULLY FUND ANY NEW PROJECTS IDENTIFIED IN THE 2014-2017 CAPITAL PLAN
3. TOWNSHIP STILL AWAITS SUPREME COURT DECISION ON THE USE OF MERCANTILE TAX MONIES
4. TOWNSHIP NEEDS TO DEVELOP A LONG-TERM CAPITAL FUNDING PROGRAM PROGRAM THAT DOES NOT RELY HEAVILY ON BORROWING.



Moody's Investors Service

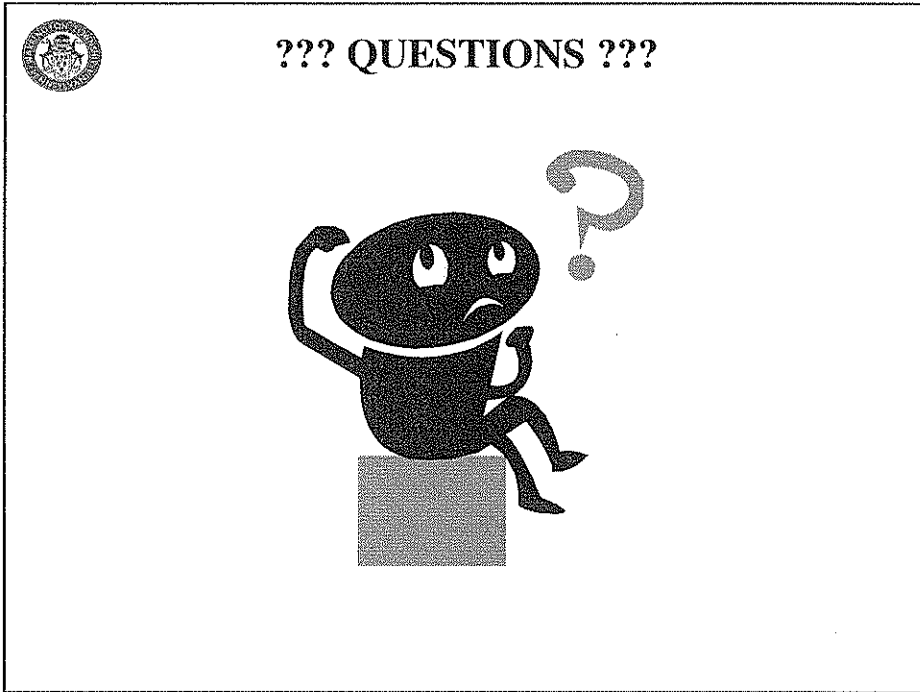
NEW YORK, May 02, 2012 – Moody's Investor's Service has assigned an Aa2 rating with a negative outlook to Warrington Township's (PA) \$9.9 million General Obligation Bonds, Series A & B of 2012

STRENGTHS

- Stable tax base with strong socioeconomic indicators
- Manageable debt burden

CHALLENGES

- Narrow financial reserves



ATTACHMENT ITEM "F"

IN THE COURT OF COMMON PLEAS OF BUCKS COUNTY, PENNSYLVANIA
CIVIL DIVISION – LAW

TINICUM TOWNSHIP

v.

ALLAN J. NOWICKI &
RIVER ROAD QUARRY, LLC

RIVER ROAD QUARRY, LLC &
PENNSWOOD HAULING, LLC

v.

TINICUM TWP. ZONING HEARING BD.

No.: 2011-07848

No. 2012-01750

OPINION

River Road Quarry, LLC (“River Road Quarry”) and Pennswood Hauling, LLC (“Pennswood”) have appealed the decision of the Tinicum Township Zoning Hearing Board (“Zoning Hearing Board”), which held that the production of mulch and related activities were a violation of the Tinicum Township Zoning Ordinance (“Ordinance”). For the reasons discussed below, we affirm the decision of the Zoning Hearing Board and deny the appeal.

I. FACTS

The facts of this appeal are not in dispute. River Road Quarry owns a three-acre parcel of land that was previously part of a quarry, which it purchased on April 16, 2007. On this site, River Road Quarry grinds tree byproducts into chips using a tub grinder. These chips are then processed into mulch.

All of the raw materials that River Road Quarry uses to make the mulch come from other locations. Pennswood obtains tree debris such as tree limbs, tree stumps, and similar items from home owners and developers. Pennswood transports this tree waste to the site. Landscapers also bring remains from trees to the site. After River Road Quarry prepares the mulch, Pennswood hauls it off-site to buyers.

The River Road Quarry property is located in Tinicum Township's E (Extraction) Zoning District. On June 26, 2009, a Zoning Officer sent an Enforcement Notice to River Road Quarry stating that its mulch operation was in violation of the Ordinance. As a result, River Road Quarry ceased producing and selling mulch. River Road Quarry resumed the manufacture and sale of mulch in Spring 2011, which resulted in a Zoning Officer issuing a second Enforcement Notice. River Road Quarry appealed this notice to the Zoning Hearing Board.

On January 26, 2012, the Zoning Hearing Board denied the appeal and found that the mulch operation was in violation of the Ordinance. Specifically, the Zoning Hearing Board concluded that the "hauling of wood produced elsewhere onto the site for further processing is not an agricultural use or a forestry use." (*Decision of Tinicum Township Zoning Hearing Board, 1/26/12, Conclusion of Law, #4*).

River Road Quarry and Pennswood have appealed the decision of the Zoning Hearing Board. We did not take any additional evidence. Therefore, the question on appeal is whether the decision of the Zoning Hearing Board was an abuse of discretion or an error of law. See *In re Petition of Dolington Land Group*, 839 A.2d 1021, 1026 (Pa. 2003).

II. DISCUSSION

We affirm the conclusion of the Zoning Hearing Board that the mulch operation of River Road Quarry is not an agricultural use or a forestry use. Instead, it is a manufacturing use that is not permitted in the E (Extraction) Zoning District. River Road Quarry asserts that the Zoning Hearing Board erred as a matter of law by finding that the mulch operation is not protected by Pennsylvania's Right to Farm Act.¹ We disagree.

The Legislative policy of the Right to Farm Act is as follows:

It is the declared policy of the Commonwealth to conserve and protect and encourage the development and improvement of its agricultural land for the production of food and other agricultural products. When nonagricultural land uses extend into agricultural areas, agricultural operations often become the subject of nuisance suits and ordinances. As a result, agricultural operations are sometimes forced to cease operations. Many others are discouraged from making investments in farm improvements. It is the purpose of this act to reduce the loss to the Commonwealth of its agricultural resources by limiting the circumstances under which agricultural operations may be the subject matter of nuisance suits and ordinances.

3 P.S. § 951.

Section 952 of the Right to Farm Act states, in relevant part, that an "agricultural commodity" is "[a]ny of the following transported or intended to be transported in commerce: . . . (5) Forestry and forestry products." *Id.* § 952. A "normal agricultural operation" is defined as follows:

¹ We note that River Road Quarry raised two other issues before the Zoning Hearing Board: (1) whether the Appellants' use was a lawful non-conforming use; and (2) whether the use was tree crop farming. Appellants did not brief these questions before this Court, and we will not address them because we deemed them waived. To the extent, if any, that River Road Quarry has preserved the non-conforming use and/or tree crop arguments, we incorporate the discussion in the Township's brief. We find these arguments persuasive.

The activities, practices, equipment and procedures that farmers adopt, use or engage in the production and preparation for market of poultry, livestock and their products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities and is:

- (1) not less than ten contiguous acres in area; or
- (2) less than ten contiguous acres in area but has an anticipated yearly gross income of at least \$ 10,000.

The term includes new activities, practices, equipment and procedures consistent with technological development within the agricultural industry. Use of equipment shall include machinery designed and used for agricultural operations, including, but not limited to, crop dryers, feed grinders, saw mills, hammer mills, refrigeration equipment, bins and related equipment used to store or prepare crops for marketing and those items of agricultural equipment and machinery defined by the act of December 12, 1994 (P.L. 944, No. 134), known as the Farm Safety and Occupational Health Act. Custom work shall be considered a normal farming practice.

Id.

If the mulch operation can be considered an agricultural use or a forestry use, then the Zoning Hearing Board may not be able to enforce the terms of the Ordinance against River Road Quarry.² *Id.* § 953. Here, the Zoning Hearing Board found that the mulch operation in this case was not a "normal agricultural operation" protected by the Right to Farm Act.

The Commonwealth Court has recognized that the fundamental nature of an agricultural use is cultivating or raising the crop, livestock, poultry, or commodity involved in the operation on the land. In *Clout v. Clinton County Zoning Hearing Board*, 657 A.2d 111 (Pa. Commw. Ct. 1995), the Commonwealth Court found that a compost

² We did not reach the issue of whether River Road Quarry's use was protected under section 953(b) of the Right to Farm Act because we agreed with the determination of the Zoning Hearing Board that the use was not agricultural or forestry.

plant was not an agricultural use because all of the waste material it composted was imported from off-site, and none of the finished compost was used on-site. *Clout*, 657 A.2d at 115. The court concluded that the compost activity could not be considered agricultural because it was not connected to the land and was not "similar to a natural resource use of the land." *Id.* While *Clout* did not deal directly with the Right to Farm Act, it discussed the nature of an agricultural use. The court reasoned:

Under the broad interpretation espoused by appellant, a sewage treatment plant selling sewage sludge to farmers would be a permitted use in the agricultural district as an activity related to the tilling of the soil. The manufacturers of pesticides, herbicides and farm tractors are also engaged in activities broadly related to farming. But it would be anomalous to classify a factory of the Dupont Corporation engaged in the manufacture of a pesticide or a factory of International Harvester producing farm tractors as an agricultural rather than an industrial use under the terms of this ordinance.

Id. at 114.

Similarly, in *Wellington Farms v. Township of Silver Spring*, 679 A.2d 267 (Pa. Commw. Ct. 1996), the Commonwealth Court found that the Right to Farm Act did not apply to a poultry slaughterhouse in which the poultry was not raised on the land. Wellington Farms sought to operate a slaughterhouse by importing poultry to its property several weeks before the poultry was processed. *Id.* at 268. The Commonwealth Court affirmed the trial court's conclusion that the Right to Farm Act did not prohibit the township from enforcing the ordinance and prohibiting the slaughtering of poultry, unless it were incidental to the raising of the animals on the property. *Id.*; *Twp. of Silver Spring v. Wellington Farms, Inc.*, 37 Equity 1993 (C.P. Cumberland September 27, 1993); *Wellington Farms, Inc. v. The Zoning Hearing Board of Silver Spring Twp.*, 1996 Civil 1993, n.77 (C.P. Cumberland March 18, 1994).

In the instant case, River Road Quarry's mulch processing operation is outside of the definition of an agricultural or forestry use, for two reasons. First, River Road Quarry concedes that all of the tree byproducts that it processes into mulch are obtained from other off-site locations that it does not own. See *Clout*, 657 A.2d at 115; *Wellington Farms*, 679 A.2d at 268. River Road Quarry is not engaged in the cultivation of trees. Pennswood and landscapers transport the tree debris onto River Road Quarry's site where River Road Quarry then processes the tree waste into mulch. No tree farmer is involved in any stage of the mulch process. River Road Quarry argues that the Zoning Hearing Board erred in basing its decision on the fact that the source of the material was not from property owned by River Road Quarry, but that is the essence of an agricultural operation under *Clout* and *Wellington Farms*.

Second, River Road Quarry does not use the resulting mulch on its property; instead, it transports the mulch to buyers off-site. See *Clout*, 657 A.2d at 115; *Wellington Farms*, 679 A.2d at 268. Therefore, because River Road Quarry does not develop, raise, cultivate, or harvest the materials on its own property, and because, once processed, River Road Quarry sells the final product to external third parties, rather than using the final product to further the cultivation of its land, River Road Quarry's mulch operation cannot be considered agricultural or forestry activity.

River Road Quarry contends that limiting the Right to Farm Act to operations that use materials produced on-site excludes the situation that many farmers face today because of the scarcity and cost of farm land: spreading out their operation over different parcels. We agree that if the circumstances involved a tree farmer who cultivated trees on one plot of land and processed their byproducts into mulch on a

second plot of land, then the analysis might have to be refined to include agricultural sites owned by the same farmer or group of farmers, such as a co-op. In the instant case, however, River Road Quarry owns and uses only one site in its mulch operation, so River Road Quarry's argument is not relevant.

For the foregoing reasons, we affirm the decision of the Tinicum Township Zoning Hearing Board and deny River Road Quarry and Pennwood's appeal. The Right to Farm Act protects agricultural, forestry, and forestry products. It does not protect the processing of wood debris into mulch.

BY THE COURT:



SUSAN DEVLIN SCOTT, P.J.

Date: 10/19/12

ATTACHMENT ITEM "G"



Carroll Engineering Corporation

October 19, 2012

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

Subject: PALS Office Building, 18-Month Maintenance Period

Dear Mr. Tieperman:

According to our records, the 18 month maintenance period following the dedication of public improvements expires in November 2012 for the above referenced project. As Township Engineer, Carroll Engineering Corporation has therefore performed a site inspection of the public improvements. Our inspection resulted in no deficiencies in the curb, sidewalk, or landscaping.

It is our recommendation that this project be released from its obligations under the 18-month maintenance period, and that the financial security, \$9,497.67, be released as well.

Very truly yours,

CARROLL ENGINEERING CORPORATION

Richard A. Wieland, P.E.

RAW:cam

cc: John Pileggi, Jr.

Barbara Livrone, Warrington W&S Dept.
William Casey, Esquire

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

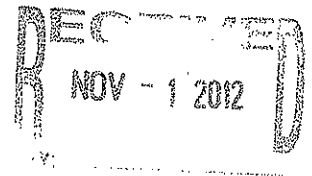
101 Lindenwood Drive
Suite 225
Malvern, PA 19355
484.875.3075

105 Raider Boulevard
Suite 206
Hillsborough, NJ 08844
908.874.7500

ATTACHMENT ITEM "H"



Carroll Engineering Corporation



October 29, 2012

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

Subject: Spognardi Office Building, 18-Month Maintenance Period

Dear Mr. Tieperman:

As Township Engineer, we have performed a site inspection for the 18 month maintenance period following the dedication of public improvements. Our inspection resulted in no deficiencies in the curb, sidewalk, or landscaping.

It is our recommendation that this project be released from its obligations under the 18-month maintenance period, and that the financial security, \$3,024.11, be released as well.

Very truly yours,

CARROLL ENGINEERING CORPORATION

Richard A. Wieland, P.E.

RAW:cam

cc: John Spognardi
Barbara Livrone, Warrington W&S Dept.
William Casey, Esquire

Today's Commitment to Tomorrow's Challenges

Corporate Office:
949 Easton Road
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