



## **AGENDA**

### **WARRINGTON BOARD OF SUPERVISORS MINUTES FOR MARCH 11, 2014**

#### **ATTENDANCE**

Gerald B. Anderson, Chairperson; John R. Paul, Vice Chairperson, Marianne Achenbach, Secretary/Treasurer, Matthew W. Hallowell, Sr., and Shirley A. Yannich, members. Staff present was Timothy J. Tieperman, Township Manager; William H.R. Casey, Esq., Township Solicitor, Thomas A. Gockowski, Township Engineer, Barry Luber, 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.

#### **EXECUTIVE SESSION REPORT**

Mr. Anderson reported that the Board held a short Executive Session to discuss a personnel matter and a legal issue. The Board has not yet decided to take any action on these matters.

#### **BENNETT FUNDRAISER KICKOFF**

Mr. Paul discussed the details of the Warrington Rotary Club and Warrington Township Police Department's cosponsored Bennett Fundraiser encouraging colleagues and residents alike to participate. There are 750 tickets involved in the raffle and the winning ticket holder may choose between a car from Chapman Auto Group or a cash prize of \$16,000. The funds raised will go towards the college education of Officer Bennett's son Ian.

#### **WARRINGTON FIRE COMPANY ANNUAL REPORT BY FIRE CHIEF MIKE BEAN**

Mr. Bean reviewed Warrington Fire Company's (WTFC) Annual Report for 2013. He highlighted a few noteworthy items:

- A notable reduction in fire calls responses due to the aggressive work of the Fire Marshal's Office.
- The Junior Fire Fighter Program has grown to eleven members.
- Capital improvements include blacktop, seal coating, LED signs and building signage.
- 2014 Goals include the incorporation of career staff and expansion to the recruitment and retention program.
- WTFC received a generous donation from Mr. William Whitehead, which will be used to create a special Whitehead scholarship program.
- Received \$13,000 grant to upgrade to LED interior lighting at Station 29, for it will receive a PECO refund.
- Excellent WTFC fire response for Greensward Road fire.

**APPROVAL OF BILL LIST:**

**1. February 11, 2014 – March 11, 2014: \$ 1,291,729.97**

Mrs. Achenbach motioned, seconded by Mr. Paul, to approve the bill list from February 11, 2014 through March 11, 2014 totaling \$1,291,729.97. By roll call vote, the motion passed unanimously 5-0.

**APPROVAL OF MINUTES:**

**2. January 28, 2014**

Mr. Paul motioned, seconded by Mr. Hallowell, to approve the January 28, 2014 Meeting Minutes. The motion passed unanimously 5-0.

**MINUTES FOR POSTING:**

**3. February 11, 2014**

Mr. Paul motioned, seconded by Mr. Hallowell, to approve the posting of the February 11, 2014 Meeting Minutes. The motion passed unanimously 5-0.

**PUBLIC COMMENT** *(The Board will hear from any interested resident or taxpayer who would like to comment on an item not on this evening's agenda. Respondents are asked to keep their comments to 3 minutes.)*

The following individuals offered comment:

- Mr. Mike Kelly (135 Muirfield Lane) expressed concern in regards to traffic issues on route 611 instigated by a carwash (Pete's Express). Mr. Kelly inquired as to whom was responsible for allowing such an issue to materialize. Mr. Anderson assured Mr. Kelly that the Board was looking into the issue.
- Mr. Frank Ace (1067 Folly Road) expressed his frustration with the detrimental effects that Victory Gardens is having on his property and family. Mr. Ace expressed his as well as twenty five other residents' opposition to a variance for continued operation and the creation of a road that would connect to Bristol Road. Mr. Ace asserted that such an approval would endorse a permanent commercial operation next to his Preserve Farm. Mr. Ace further reported his plan to report his grievances to the Zoning Hearing Board in April. Mr. Anderson stated that the BOS could not answer questions regarding the matter. The Zoning Hearing Board would be handling the case.
- Mrs. Theresa Paone (1240 Folly Road) reported the negative impact of Victory Gardens construction on her and her family's lives. Mrs. Paone stated she feels as if she lives in a permanent construction zone. Citing mulch piles standing higher than legally permitted, Mrs. Paone inquired as to whom was responsible for enforcing the Township Code. Mr. Anderson responded that the Township Manager has been instructed to stay atop of the issue and enforce the Code as much as possible.
- Mr. John McConnell (206 Trellis Drive), in line with the subject of Victory Gardens, inquired as to the Township continues to issue warnings instead of citations.
- Mr. Joe Stryjewski (502 Hanley Court) expressed his satisfaction with the members of the Planning Commission after attending the past week's meeting.
- Mr. James Hills (1217 Folly Road) expressed his concern regarding the Victory Gardens problem. His property lies adjacent to the driveway utilized by Victory Gardens. He expressed safety concerns and inquired as to why no action has been taken against Victory Gardens in the past fourteen years for various violations. Mr. Anderson indicated that the operation was smaller fourteen years ago.

- Mr. Antonio Verillo (1243 Folly Road) expressed his concern regarding the Victory Gardens problem. Mr. Verillo stated that a fifty foot tractor trailer crossed over Folly Road and almost caused an accident. He asserted that the driver verbally harassed him and Mr. Verillo further expressed a need to protect taxpayers. Mr. Verillo indicated that the neighborhood was angry and would not stand for these issues to continue much longer.

**PUBLIC HEARING:**

**4. Public hearing on a conditional use application filed by KTMT Warrington Springs, L.P for the use of transferrable development rights to create a 49-lot single family detached subdivision on TMP 50-020-006, located in the R-2 Zoning District. (Advertised January 31, 2014).**

Mr. Anderson indicated that this hearing was a continuation of last meeting's hearing due to improper advertisement. Township Solicitor Casey confirmed that the hearing was advertised following correct procedure the weeks of February 24, 2014 and March 3, 2014. The applicant agreed and produced a memorandum including attachments of proper notices posted in the paper and on the property. Mr. Anderson asked if anyone in the public wished to be designated a party-of-record. Mr. Herbert Rubenstein (907 Farnham Court) who asked for and received this designation last meeting was represented by Ted Cicci (407 Prescott Court), President of Villas of Lamplighter.

Representing the applicant, Robert Gundlach, Esquire introduced three (3) expert witnesses to provide sworn testimony in support of this Conditional Use application:

1. Mr. L. Scott Mill, RLA of Doylestown-PA based Van Cleef Engineering Associates was sworn in as a land planning expert.
2. John R. Wichner, P.E., PTOE of McMahan Transportation Engineers and Planners, was sworn in as a traffic planning expert.
3. Mr. Joseph Morrissey of NV Homes was sworn in as a NV Homes marketing professional.

Mr. Anderson reviewed the Board of Supervisors' concerns and prompted the applicant's attorney, Mr. Gundlach, to address them. They included the buffer areas, basin maintenance and traffic issues. Board members posed multiple questions to Mr. Gundlach throughout the hearing and Mr. Gundlach, along with the applicant's three expert witnesses, responded in turn as reflected in the meeting's official transcript.

Mr. Anderson then announced that the Hearing would continue at the next Board of Supervisors meeting on March 25, 2014.

**5. Consider amendment to Stone Manor Stipulation Agreement to add residential apartments to Units D and E.**

Mr. Anderson summarized the purpose of this Hearing and yielded the floor to the applicant's attorney Mr. Gundlach, who presented multiple exhibits in support of an amendment to the Stone Manor Stipulation Agreement. Said amendment would add residential apartments to Units D and E. Mr. Gundlach reported that all legal notification requirements were satisfied for this Hearing.

Throughout Mr. Gundlach's presentation, the Board of Supervisors posed questions for Mr. Gundlach. Mr. Gundlach responded in kind. Mr. Anderson asked if anyone wanted to address the Board concerning this Hearing. Mr. Frank Shelly (1460 Easton Road) took the podium and voiced concerns over the mixed use proposal. He suggested that the Board should change the Zoning to avoid this type of hearing in the future. Mr. Gundlach responded to Mr. Shelly's concerns.

The Board decided to continue the Hearing at the next meeting of the Board of Supervisors on March 25, 2014.

**OLD BUSINESS:**

**6. Consider adoption of amendment to the Zoning Ordinance for the Planning Department.**  
***(Advertised January 28 and February 4, 2014).***

Township Solicitor Casey confirmed that the Ordinance was properly advertised. Mr. Anderson summarized the amendment's purpose and asked if there were any Board comments. Mrs. Yannich expressed concerns over the wordage in the proposed changes; namely excluding the Planning Commission from the process. She expressed similar concerns in various other sections of the amendment.

There being no other Board comments, the issue was postponed until a meeting in April.

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

**7. Consider adoption of a Special Purpose Tapping Fee Ordinance for seven (7) County Line Road residents.** ***(Advertised February 4, 2014).***

Township Solicitor Casey confirmed that this Ordinance was properly advertised. Before voting on this Ordinance, Mr. Anderson asked if there were any public comments. There being none, Mr. Paul motioned, seconded by Mrs. Achenbach to adopt a Special Purpose Tapping Fee ordinance for seven (7) County Line Road residents. The motion passed unanimously 5-0.

**8. Authorize bid award for the demolition of 2672 Bristol Road**

Township Solicitor Casey confirmed that this Ordinance was properly advertised. Mr. Gockowski made a recommendation that the bid be awarded to NIMARIS Construction LLP at \$39,660.00, being the lowest qualified bidder.

Before voting on this Ordinance, Mr. Anderson asked if there were any comments. Mrs. Yannich inquired why NIMARIS' bid for liquid hazardous material was far lower than the other bidders. Mr. Anderson asked if there were additional comments. Mr. Paul motioned, seconded by Mr. Hallowell, to award the demolition contract to NIMARIS as recommended by the Township Engineer. The motion passed unanimously 5-0.

**9. Consider amendment to TDR Ordinance.**

Mr. Anderson summarized the purpose of this amendment, which was to freeze the issuance of any additional TDRs. He explained that the TDR Ordinance has evolved over the years and has become increasingly too complex to administer, which is echoed both by the Township and Bucks County Planning Commissions.

Mr. Anderson asked if there were any comments to the proposed TDR amendment. Mrs. Yannich voiced a number of concerns regarding the amendment's language. Both Mr. Anderson and Mrs. Yannich discussed their viewpoints, followed by public comment. The following individuals offered comment:

- Mr. Mike Kelly (135 Muirfield Lane) asked why Warrington and Doylestown Townships were the only area municipalities that had a TDR Ordinance. He also questioned if there was a map that shows where TDRs can go to.



March 11, 2014

- Mr. Eric Thompson (291 Folly Road) urged the Board not to approve the proposed amendment, arguing that TDRs are detrimental to communities. Mr. Anderson and Mr. Thompson discussed the issues with TDRs until they reached an impasse.
- Mr. Joe Bonargo (1243 Easton Road) took the podium and stated that the Board could not obligate future Boards.

There being no further comment, Mr. Paul motioned, seconded by Mr. Hallowell, to approve the TDR Ordinance Amendment. Supervisors Anderson, Paul, Achenbach and Hallowell voted "yes." Supervisors Yannich voted "no." The motion passed 4-1.

**10. Consider approval of the following change orders for the new public works complex**

CONTRACTOR	SUBSTANTIAL COMPLETION DATE	PRICE ADJUSTMENT	REMARKS
Hollenbach (shell)	March 11, 2014	– \$1,040.00	Time extension due to weather conditions; credit for eliminating 2 door operators
Twining (GC)	May 30, 2014	None	Time extension due to weather conditions
AJM (Electrician)	May 30, 2014	+ \$3,400.00	Time extension due to weather conditions; additional equipment rental
Rogers (Mechanical)	May 30, 2014	+ \$1,570.00	Time extension due to weather conditions; Upgrade fuel filters on 12 heater units.
Cooper (Plumbing)	May 30, 2014	+ \$5,889.41 (max)	Time extension due to weather conditions; additional charge for pressure reducing valve upgrade (exact cost TBD)

- Hollenbach-** Mrs. Achenbach motioned to accept a credit to eliminate two (2) door openers that were not needed, seconded by Mr. Hallowell. The motion was unanimous 5-0.
- Twining** – Mr. Paul motioned, seconded by Mr. Hallowell to approve the Change Order extending the time due to weather conditions. It was noted no financial obligation was associated with this Change Order. The motion was unanimous 5-0.
- AJM-** By roll call vote, the Board denied the request by AJM to pay for additional equipment rental by 4 to 1. Mrs. Yannich abstained from the vote due to lack of work information. Mr. Anderson and Mr. Paul requested a schedule and evaluation of the \$3400.00 price adjustment.
- Rogers-** Mr. Anderson motioned to approve, seconded by Mr. Paul to approve the upgrade for fuel filters on 12 heater units at a cost of \$1570.00. The motion passed 4-1, with Mrs. Achenbach voting no. This will be noted on Error and Omissions List that it is a Design error and the Township will try to recuperate cost. This must be approved to build a proper system.
- Cooper-** \$5,889.41 for a pressure reducing valve. Mr. Anderson asked who performed the Hydro Flow Test. The Board agreed to table the decision until more information on the testing was available. Mr. Anderson made a motion, seconded by Mr. Hallowell to table this Change Order. The motion passed unanimously 5-0.

**11. MANAGER'S REPORT:**

a. **DCNR Grant Submission Resolution**

The Board requested additional information relating to the DCNR Grant submission and its resolutions.

b. **Bid Advertisement Authorization – Township Building Roof Replacement**

Mr. Paul motioned, seconded by Mr. Hallowell, to authorize bid advertisement for the township building roof replacement project. The motion passed unanimously 5-0.

c. **Approval of modular home purchase from federal surplus program for use at Twin Oaks Day Camp**

The Board discussed the aesthetics, time frame, installation and cost of delivery to install the modular home at the Twin Oaks Day Camp. The Board concluded they were not interested in pursuing this purchase.

d. **2014 Pool Management Contract**

Mr. Paul motioned, seconded by Mrs. Achenbach to approve the 2014 Pool Management Contract with American Pool Management. The motion passed unanimously 5-0.

e. **2014 Swim Club Fees**

Mr. Luber presented the proposed fee changes for the Swim Club's 2014 operations:

SEASONAL MEMBERSHIPS		
Membership Type	Resident	Non-Resident
Family	425	450
Individual	250	275
Senior	100	125
Seasonal Table Rental	85	85

DAILY GUEST FEES				
Age Range	Members	Non-Members	Member (After 5 pm)	Non-Member (After 5 pm)
Ages 11 >	\$9	\$5	\$5	\$6
Ages 2 ≥ 10	\$8	\$5	\$5	\$6
Under Age 2	No Charge	No Charge	No Charge	No Charge

Mr. Paul motioned, seconded by Mrs. Yannich, to approve the 2014 Swim Club Fees. The motion passed unanimously 5-0.

**12. CHAIRMAN'S REPORT:**

a. **PECO presentation and critique of recent ice storm (March 31 @ CB South Auditorium from 8-9:30 p.m.)**

Mr. Anderson reported that on March 31, 2014 at CB South High School Auditorium, Warrington Township will be hosting an informal meeting with PECO officials in light of the recent and prolonged power outages from the recent ice storm. Notices will be posted on the Township website and all social media outlets. PECO representatives will be on hand to speak to the residents and answer any questions.

b. **Proposed pension plan revisions for new non-uniform hires**

The proposed pension plan revisions for new non-uniform hires were postponed to a future meeting.

c. **Termination of testing agreement with Heritage Development (JOMAC)**

The termination of testing agreement with Heritage Development (JOMAC) was postponed to a future meeting.

d. **Scheduling of PennDOT Meeting**

The scheduling of a meeting with PennDOT was postponed to a future meeting.

e. **Citizen's Bank Ribbon Cutting Ceremony (March 22)**

On March 22, 2014 Citizens Bank in Warrington is having a ribbon cutting ceremony. Citizens Bank invited all Board members to this special event.

**13. ENGINEER'S REPORT:**

a. **Warrington Ridge**

Mr. Gockowski reported that after the snow melts the Phase 1 punch list will be revisited. Additionally, a Phase 2 punch list will be created. The Cutler Group will be out in April to do the work.

**14. SOLICITOR'S REPORT:**

a. **Malcolm's**

Mr. Casey reported that he received thirty-eight (38) interrogatories from Malcolm's counsel, further delaying the project.

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

a. **Estates at Valley View -- Release #2: \$33,300.00**

Mr. Anderson moved to approve Release # 2 for the Estates at Valley View in the amount of \$33,300, as reviewed by the Township Engineer. Mr. Paul seconded the motion. The motion passed unanimously 5-0.

b. **Valley Gate -- Release # 4: \$120,041.69**

Mr. Anderson moved to approve Release # 4 for Valley Gate in the amount of \$120,041.69, as reviewed by the Township Engineer. Mr. Paul seconded the motion. The motion passed unanimously 5-0.

**16. EXTENSION REQUESTS:**

a. **Egenolf Minor Subdivision Plan (401 Mill Creek Road)**

Mr. Anderson moved to approve the extension request made by the applicant for the minor subdivision plan proposed at 401 Mill Creek Road. Mr. Paul seconded the motion. The motion passed unanimously 5-0.

**17. DEDICATION REQUESTS:**

a. **Lamplighter Dedication for Phillips Avenue.**

The Solicitor indicated to the Board that some signatures were still required for the Phillips Avenue Deed of Dedication before the Deed can be recorded. The Lamplighter dedication for Phillips Avenue was also tabled by the Board until a future meeting.

**SUPERVISOR COMMENTS:**

- Mr. Paul reported more accidents have occurred on the Route 202 Parkway.

March 11, 2014

- Mr. Anderson took issue with earlier public comments that alleging that the proposed TDR Ordinance Amendment was protecting existing TDR owners. He stated that such an assertion is false.

**ADJOURNMENT**

There being no further business Mr. Paul motioned, seconded by Mrs. Achenbach, to adjourn the meeting at 11:00 p.m. The motion passed unanimously 5-0.

Respectfully Submitted By:



Timothy J. Tieperman, Township Manager