



WARRINGTON BOARD OF SUPERVISORS MINUTES FOR FEBRUARY 23, 2016

ATTENDANCE

Shirley A. Yannich, Chair; Carol T. Baker, Vice Chair (via Skype); Matthew H. Hallowell, Member; Millie A. Seliga, Member and Fred R. Gaines, Member. Staff present was Barry P. Luber, Interim Township Manager/Assistant Township Manager/CFO/Board Treasurer; Terry W. Clemons, Esq., Township Solicitor, Thomas Zarko, P.E., CKS Engineers, Township Engineer and Barbara Livrone, Executive Assistant to the Township Manager/Board Secretary.

CALL TO ORDER: Ms. Yannich opened the meeting at 7:30 P.M. She announced that Vice Chair Carol T. Baker was out of state and is being skyped in to attend the meeting. Ms. Yannich also mentioned that Ms. Baker had access to the agenda and all the backup materials for the February 23, 2016 Board of Supervisors meeting.

PLEDGE OF ALLEGIANCE

Ms. Yannich followed the Call to Order with a pledge to the flag.

EXECUTIVE SESSION REPORT: Ms. Yannich stated the Board did not hold an executive session.

SWEARING IN FRED R. GAINES: District Justice Jean Seaman administered the Oath of Office to Fred R. Gaines a member of the Board of Supervisors. On behalf of the Board, Ms. Yannich welcomed Mr. Gaines.

SPECIAL RECOGNITION OF JAMES J. MILLER: Ms. Yannich introduced Senator Stewart Greenleaf and State Representative Kathy Watson. Senator Greenleaf read a citation and commented on the many years of police service Mr. Miller gave to the community. State Representative Watson also read a citation and commented on the many years that she has known and respected Mr. Miller. Mr. Hallowell presented Mr. Miller with a plaque acknowledging Mr. Miller's dedicated service to the citizens of Warrington Township. Ms. Yannich read Resolution 2016-R-14 acknowledging Mr. Miller's thirty nine years of service to Warrington Township.

SPECIAL RECOGNITION PRESENTATION BENEFICIAL BANK: Mr. Hallowell presented a plaque to Terri Weber, Assistant Vice President and Branch Manager of Beneficial Bank. Mr. Hallowell thanked Ms. Weber and Beneficial Bank for being a Gold sponsor of the Township's 2015 Warrington Community Day event.

PRESENTATION BY JOHNSON CONTROLS ON STREET LIGHT CONVERSION TO LED'S.

Paul Napoli, representing Johnson Controls presented a Preliminary Audit Report to the Board. The Delaware Valley Regional Planning Commission awarded a contract to Johnson Controls, as the lowest bidder. Forty six municipalities are being represented in the bid. The audit report details the energy efficiency upgrades that will be considered under the Regional Street Light Procurement Program. This program will convert the existing street lighting to LED. There will be costs associated with the upgrades and overall savings over twenty years. The program will be financed at a projected rate of 2.5%. After discussion, Ms. Yannich suggested that Ms. Baker and Ms. Seliga meet with Mr. Luber before the next meeting to address their concerns. Mr. Luber stated the township currently has two consortiums to handle street and traffic lights. This item was tabled by the Board.

Public Comment:

Mike Kelly (135 Muirfield Lane) questioned the life span of commercial LED's. He asked about the replacement of the bulbs and Mr. Napoli stated the bulbs have a one year warranty and will be replaced at no charge.

Mark Ruckno (2284 Herblew Road) requested to include the public to provide comments on what type of lights they would prefer. In his opinion, LED's can be very bright.

APPROVAL OF BILL LIST: Ms. Yannich stated a Summary of Fund Balances listing the expenditures of each fund will be attached to the agenda for each meeting. This will give the public more detailed information of invoices being paid. If the public has additional questions, they should be referred to Mr. Luber.

1. **February 9, 2016 – February 23, 2016 (Paid Invoices for 2015): \$71,852.25**

Mr. Gaines motioned, seconded by Ms. Seliga to approve the bill list from February 9, 2016 through February 23, 2016 (Paid Invoices for 2015) totaling \$71,852.25. By roll call vote, the motion passed 5-0.

2. **February 9, 2016 – February 23, 2016 (Paid Invoices for 2016): \$772,789.68**

Ms. Seliga motioned, seconded by Mr. Gaines to approve the bill list from February 9, 2016 through February 23, 2016 (Paid Invoices for 2016) totaling \$772,789.68. By roll call vote, the motion passed 5-0.

APPROVAL OF MINUTES:

3. **January 26, 2016**

Ms. Yannich noted under Roberts Rules minutes can be accepted as written. Ms. Yannich asked if there were any corrections to the minutes. With no corrections to the January 26, 2016 minutes, the minutes stand as written. Ms. Yannich mentioned that Mr. Gaines was not present at the January 26, 2016 meeting.

MINUTES FOR POSTING:

4. **February 9, 2016**

Ms. Yannich asked if there were any corrections to the minutes. With no corrections to the February 9, 2016 minutes, the minutes can be posted as received. Ms. Yannich noted the supervisors in attendance were herself, Ms. Baker (via Skype), Mr. Hallowell and Ms. Seliga.

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.*)

There was no public comment.

PUBLIC HEARING:

5. **Consider Conditional Use for Warrington Fellowship Church (advertised February 9, 2016 & February 16, 2016)**

Mr. Clemons explained the proceedings of a conditional use hearing brought forth before the Board of Supervisors. A court stenographer will record the proceedings; exhibits will be presented and identified; the hearing was properly advertised; proof of publication was submitted and the property was posted. Mr. Clemons noted township exhibits 1 through 8 for the Warrington Fellowship Church located at 2232 Bristol Road. The Zoning Ordinance requires conditional use approval for expansion of the church. Ms. Yannich asked if anyone wanted to be a party of record, there being none, Ms. Yannich asked Michael Hughes, architect for the Church

to present his case before the Board. If a motion is made by the Board to accept the conditional use, Mr. Clemons will issue a Decision confirming the approval was granted at the next Board meeting.

Ms. Yannich read a condition use that was approved in 1980. In 1990, another conditional use was granted for a 2 story building for office space. A question arose about the paper streets surrounding the church property. Reverend Schuman stated Cooper Lane was the church driveway in 1980. Mr. Gaines opined Cooper Lane was a dedicated road.

The application of Warrington Fellowship Church requests approval to construct a very small addition to its existing building in order to provide accessible bathrooms that are in compliance with the Americans with Disabilities Act.

Ms. Yannich requested CKS review letter dated January 28, 2016 and the Planning Commission minutes of February 18, 2016 be added to the Decision.

Mr. Clemons noted there are no stormwater issues because the addition is less than one thousand feet. He will prepare a Decision and bring it to the Board to approve at the March 8, 2016 meeting.

There was no public comment.

Mr. Hallowell motioned, seconded by Ms. Seliga to approve the conditional use and authorize the solicitor to prepare a Decision. By roll call vote, the conditional use for Warrington Fellowship Church to add a 213 square foot building addition was passed 5-0.

DECISIONS:

6. Consider approval of Decision for Conditional Use for Cellco Partnership d/b/a/ Verizon Wireless to construct a 110-foot cellular monopole in the PI-1 zoning district located at 160 Titus Avenue.

Ms. Yannich stated the conditional use hearing was heard at the supervisors meeting on February 9, 2016. She stated the solicitor prepared a Decision and included all the stipulations. Ms. Seliga motioned, seconded by Ms. Baker to accept the Decision for the Conditional Use for Cellco Partnership d/b/a Verizon Wireless to construct a 110-foot cellular monopole in the PI-1 zoning district located at 160 Titus Avenue. By roll call vote, the motion was unanimously passed 5-0.

OLD BUSINESS (ACTION/DISCUSSION ITEMS):

7. Consider authorization approving an amendment to Chapter 27 of the Zoning Ordinance for Communications Antennas Conditional Uses. (advertised February 9, 2016 & February 16, 2016)

Ms. Yannich reported an Ordinance for Communications Antennas Conditional Uses was passed a few years ago. An amendment to this Ordinance is being presented to be passed based on clarifying requirements for tower-based wireless communications facilities and non-tower communications facilities inside and outside the public right-of-way and provide for enforcement. Also amend public notice provisions concerning zoning hearing board hearings and zoning ordinance amendment hearings.

Mr. Clemons noted the prior Ordinance is being amended to comply with the Pennsylvania Municipalities Planning Code (MPC) and to comply with the Bucks County Planning Commission's review letter dated January 6, 2015.

There being no public comment, Ms. Yannich asked for a motion.

A motion was made by Mr. Gaines, seconded by Mr. Hallowell to approve an amendment to Chapter 27 of the Zoning Ordinance for Communications Antennas Conditional Uses. The motion was unanimously passed 5-0.

8. **Consider Ordinance to Amend the Zoning Ordinance to abolish the Planning Department (advertised February 9, 2016 & February 16, 2016)**

Mr. Clemons noted this Ordinance was advertised two times, February 9 and February 16, 2016. Sections 1 through 35 under the MPC have been amended to abolish the Planning Department. This Ordinance was forwarded to the Warrington Township Planning Commission for review on January 15, 2016 and to the Bucks County Planning Commission on February 3, 2016 who endorsed the Ordinance.

There being no comment from the public, Ms. Yannich asked for a motion.

A motion was made by Ms. Seliga, seconded by Ms. Baker to approve an amendment to the Zoning Ordinance to abolish the Planning Department. By roll call vote, all voted yes except Mr. Hallowell who voted no. The motion was passed 4-1.

9. **Consider Ordinance to Amend the Subdivision and Land Development Ordinance to abolish the Planning Department (advertised February 9, 2016 & February 16, 2016)**

Mr. Clemons noted this Ordinance was advertised two times, February 9 and February 16, 2016. Sections 1 through 38 have been amended under the Warrington Township Subdivision and Land Development Ordinance. This Ordinance was forwarded to the Warrington Township Planning Commission for review on January 15, 2016 and to the Bucks County Planning Commission on February 3, 2016 who endorsed the Ordinance.

There being no comment from the public, Ms. Yannich asked for a motion.

A motion was made by Ms. Seliga, seconded by Ms. Baker to approve an amendment to the Subdivision and Land Development Ordinance to abolish the Planning Department. By roll call vote, all voted yes except Mr. Hallowell who voted no. The motion was passed 4-1.

10. **Consider Ordinance to Amend the Code of Ordinances Administration and Government Chapter to abolish the Planning Department and redefine the powers and duties of the Planning Commission (advertised February 9, 2016 & February 16, 2016)**

Mr. Clemons noted this Ordinance was advertised two times, February 9 and February 16, 2016. Section 1 deletes Section 204 Planning Department. Section 2 adds Section 204 redefining the powers and duties of the Planning Commission. Section 3 deletes Section 205. Section 4 adds a new section 205. Section 5 deletes Section 206; Section 6 deletes Section 207; Section 7 deletes Section 208. Section 8 describes Severability and Effective Date.

There being no comment from the public, Ms. Yannich asked for a motion.

A motion was made by Ms. Baker seconded by Ms. Seliga to approve an amendment to the Code of Ordinances Administration and Government Chapter to abolish the Planning Department and redefine the powers and duties of the Planning Commission. By roll call vote, all voted yes except Mr. Hallowell who voted no. The motion was passed 4-1.

11. **Consider approval of proposal for Recodification of Township Code.**

Ms. Yannich reported two executive summaries were presented to the Board to review the recodification of the Township Code. Mr. Lubber explained both proposals. The Base Codification Project includes publication of new code volumes; comprehensive index; code adoption legislation; disposition list; derivation table; updated eCode 360 and special considerations. This recommended solution will cost \$29,800.

A motion was made by Ms. Seliga, seconded by Mr. Gaines to accept the proposal costing \$29,800 to recodify the township code with General Code. By roll call vote, the motion was passed unanimously 5-0.

NEW BUSINESS (ACTION/DISCUSSION ITEMS):

12. Consider authorization to advertise for Eble application to rezone.

The Eble Tract is a 9.2 acre tract located at the intersection of Stump Road and situated opposite the Cardamone property to the southwest, the Lingo tract to the southeast and the Hickory Ridge development to the north. The property is zoned RA. Due to the size of the lot and the presence of a sanitary easement through the property, the applicant is unable to subdivide under the current zoning. After discussion, Ms. Seliga motioned, seconded by Ms. Yannich to table authorization to advertise until April, 2016. After discussion, Mr. Gaines amended the motion not to allow the advertisement to be tabled. The motion passed 3-2 in favor to table the advertisement of the rezoning until an April 2016 meeting with Ms. Yannich and Mr. Gaines voting no.

13. Consider authorization for advertise Palomino & Greyhorse Streambank Stabilization Project.

Mr. Zarko reported on the scope of the project. This project is to provide erosion controls and limit degradation of the existing unnamed stream which is tributary to the Little Neshaminy Creek. The project will take place within an existing drainage easement in the Palomino Farms Development.

A motion was made by Mr. Hollowell, seconded by Ms. Seliga to advertise the Palomino & Greyhorse Streambank Stabilization Project. The motion passed unanimously 5-0.

14. Consider Resolution accepting dedication of Easton Road Right-of-Ways.

The Developer, KTMT is building a mixed use development known as "High Grove Project". In order to support existing volumes of traffic and traffic projected to be generated by new growth and development in the Township, the Township has informed KTMT that the Township would like KTMT to complete certain roadway improvements to Easton Road as part of the High Grove Project. The construction of the Easton Road improvements requires the conveyances of certain right-of-way along Easton Road to be conveyed to PennDOT, including the subject right-of-way. The township intends to accept dedication of the subject right-of-way for the purpose of constructing the Easton Road improvements in accordance with the High Grove Project.

A motion was made by Mr. Hollowell, seconded by Ms. Seliga to approve the Resolution accepting dedication of Easton Road Right-of-Ways. The motion passed unanimously 5-0.

15. Consider Resolution authorizing conveyance of the Right-of-Ways to PennDOT, and the Deed conveying the Right-of-Way to PennDOT.

Warrington Township is the owner of certain right-of-way along Easton Road, as shown on the High Grove Plan. In order to facilitate the Easton Road improvements, Warrington Township is conveying this right-of-way to PennDOT.

Additionally, Ms. Yannich is authorized to execute any and all documents necessary to effectuate conveyance of the Township right-of-way to PennDOT, including the Deed Fee Simple.

A motion was made by Ms. Seliga, seconded by Mr. Gaines to authorize conveyance of the Right-of-Ways to PennDOT and the Deed conveying the Right-of-Way to PennDOT. The motion passed unanimously 5-0.

16. Consider Resolution authorizing conveyance of the Right-of-Way Bristol Road from Fox Nursing Home.

The right-of-way on the land development plan had never been accepted. This Resolution formally accepts the dedication of the ultimate right-of-way from Fox Nursing Home Corporation which developed the Fox Subacute facility on Bristol Road. Mr. Gaines questioned who maintains the right-of-way. Mr. Zarko stated the township is responsible for the maintenance of the right-of-way.

A motion was made by Mr. Hallowell, seconded by Ms. Baker to authorize the resolution conveying the right-of-way on Bristol Road from Fox Nursing Home. The motion passed unanimously 5-0.

17. Consider appointment of William H.R. Casey, Esquire for Building Code Appeals Board.

Ms. Yannich stated a building permit was issued for one lot in the Neshaminy Glen section of the Township. This permit was objected by the neighbor. As an independent attorney to handle the pending application, the Board considered the appointment of William H.R. Casey, Esquire to represent the Uniform Construction Code Appeals Board.

A motion was made by Mr. Gaines, seconded by Ms. Seliga to appoint William H.R. Casey, Esquire for the Building Code Appeals Board. By roll call vote, the motion passed unanimously 5-0.

18. Consider motion for stipend for Township Secretary.

Ms. Yannich stated under the Second Class Township Code, the Board shall determine the compensation of the township secretary. The compensation determined is \$3,000 per year.

A motion was made by Ms. Seliga, seconded by Ms. Baker to approve a stipend of \$3,000 for the township secretary. By roll call vote, the motion passed 4-0 with Mr. Gaines recusing him from the motion.

19. MANAGER'S REPORT:

a. Consider authorization to execute a Stipulation approving the Regal Cinemas Settlement in a form approved by the Township Solicitor for the sum of \$84,291.01.

Mr. Clemons presented the township's contribution of \$84,291.01, which represents the interim township manager's amount calculated per the settlement proposal. Mr. Clemons noted that Regal Cinema has to accept this calculation. Ms. Seliga questioned the terms of the repayment. Mr. Luber stated the Township's largest share of revenue is in 2015 and 2016. Therefore, Mr. Luber recommends paying the settlement amount in one check. Mr. Gaines asked if the Township still receives \$100,000 from Regal Cinema each year and was told yes. Mr. Clemons presented two options: pay off the lump sum as recommended by staff or as a non-payment of township taxes until paid off which would be approximately 2-1/2 years.

Ms. Seliga motioned, seconded by Mr. Gaines to pay off the lump sum of \$84,291.01 to Regal Cinemas. By roll call vote, the motion was passed 4-1, with Ms. Baker voting no.

b. Discussion of Employee of the Quarterly/Year Program.

Mr. Luber reported he has received several opinions from the Board members on this program. Mr. Luber stated the police department does not want to participate in the program. Ms. Yannich requested to table the program and discuss at a future Board work session.

c. **Natural Lands Trust**

Ms. Yannich reported that she met with Peter Williamson from Natural Lands Trust. Mr. Williamson has been retained by the township as a consultant for the open space project. Mr. Williamson gave a presentation to the Open Space and Land Preservation Task Force meeting. Mr. Williamson suggested two potential properties to submit. An appraisal of the properties must be completed first before the application is submitted for the grant. Ms. Yannich wants to move ahead with obtaining appraisals at a sum of \$2,000 to \$5,000 per parcel. Mr. Lubber stated the open space funds will be used to obtain these appraisals.

Public Comment:

Ruth Schemm, Chair of the Open Space and Land Preservation Task Force and member of the Park and Recreation Board (390 Folly Road) is in support of applying for the grant and spoke about Mr. Williamson's presentation.

Frank Shelly (1460 Easton Road) questioned if the Catholic Church was willing to sell a part of their cemetery on County Line Road. Ms. Schemm replied Mr. Williamson had stated the church was contacted and the corporation owning the cemetery property is willing to sell.

A motion was made by Ms. Seliga, seconded by Mr. Hallowell to move forward with a total appraisal fee of \$4,000 to \$10,000 to acquire open space. By roll call vote, the motioned was passed unanimously 5-0.

20. ENGINEER'S REPORT:

a. **WD-2 Update - PennDOT**

Mr. Zarko reported that PennDOT is developing a plan to address the supplemental landscape issue along County Line Road. Mr. Zarko stated he is waiting to receive a report from PennDOT and hopes to have it within the next thirty days.

b. **General Update**

Mr. Zarko provided an updated version of the Subdivision and Land Development, Public Improvement Projects and General Engineering Activities Status Reports. Mr. Zarko also provided Public Improvement Projects and General Engineering Activities Status Reports for the Water and Sewer Department.

Mr. Zarko stated these reports will be available for the Board's review on a monthly basis.

Mr. Hallowell questioned if there was a breakdown for Lamplighter. Mr. Zarko said Lamplighter Village located at Street and Folly Roads has an amount that is in escrow. Ms. Yannich read the amounts that are held in escrow for Phases I, II and III.

Mr. Yannich complimented Mr. Zarko on providing this monthly report and encouraged the residents to review it. Ms. Seliga concurred with Ms. Yannich.

21. SOLICITOR'S REPORT:

a. **General Updates**

Mr. Clemons did not have a report.

22. ESCROW AND MAINTENANCE BOND RELEASES: None**23. EXTENSION REQUESTS:** None**20. DEDICATION REQUESTS:** None**SUPERVISOR COMMENTS:**

Ms. Seliga complimented the Police Department on the design of their new uniform patch logo/seal. Ms. Yannich stated the existing patch had not been changed since the early 1970's. In the circle surrounding the township's seal are the words "integrity, dedication and service" which depicts the core values demonstrated by the Police Department. Officer John Blanchard designed the logo/seal and business owner, Robert Dorfman from Peregrine and Associates donated his design services.

Ms. Yannich announced Kansas Road Bridge will be closed to traffic between Redstone Drive and Forsythia Drive for reconstruction of the bridge superstructure. Mr. Zarko stated this is a PennDOT sponsored project. The closure will begin at 9:00 am on Monday, March 7, 2016 and will end on or about June 7, 2016. The detour is posted and signs are placed to make motorists aware of the upcoming road closure. This announcement has been posted on the township's website and social media.

Mr. Hollowell met with the Director of Public Works to review the 2016 paving project. Mr. Hollowell noted that Pickertown Road is in dire need to be repaved. Mr. Hollowell questioned the amount budgeted for the paving project. Mr. Luber gave a budget report of the paving project noting there are no monies available from the Liquid Fuels fund.

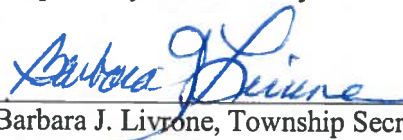
Mr. Gaines stated that in 2016, the repaving at Barnes Park is not included in the paving project. Mr. Luber stated he will present a plan and a schedule at a March work session.

Mr. Luber announced Warrington Cares Employee Charity is holding a fundraiser at the New Britain Inn on February 28th.

ADJOURNMENT

There being no further business Mr. Hollowell motioned, seconded by Ms. Seliga, to adjourn the meeting at 10:05 p.m. The motion passed unanimously 5-0.

Respectfully Submitted By:



Barbara J. Livrone, Township Secretary