



**WARRINGTON BOARD OF SUPERVISORS
MINUTES FOR JANUARY 10, 2017**

The written minutes are a summary of the January 10, 2017 Board of Supervisors meeting. For a complete dialog visit the Township's website, www.warringtontownship.org.

ATTENDANCE

Shirley A. Yannich, Chair; Fred R. Gaines, Vice Chair and Millie A. Seliga, Member. Staff present was Barry P. Luber, Township Manager/Assistant Township Manager /Board Treasurer; Terry W. Clemons, Esq., Township Solicitor, Thomas Zarko, P.E., CKS Engineers, Township Engineer and Barbara J. Livrone, Executive Assistant to the Township Manager/Board Secretary.

CALL TO ORDER: Ms. Yannich opened the meeting at 7:35 P.M and stated Supervisor member Carol T. Baker was ill and Matt Hallowell was on vacation.

PLEDGE OF ALLEGIANCE

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

EXECUTIVE SESSION: Ms. Yannich stated the Board held an executive session on a personnel matter.

SWEARING IN OF OFFICER ERIN MCNEELEY (*District Judge Jean Seaman*)

Chief of Police, Dan Friel introduced Officer Erin McNeeley and stated she is the 32nd officer sworn in for the Warrington Township Police Department. Chief Friel thanked Board of Supervisor Millie Seliga as liaison to the Police Department and Township Manager, Barry Luber for hiring Officer McNeeley. Chief Friel read Officer McNeeley's biography at the meeting. District Judge Jean Seaman swore in Officer Erin McNeely.

SWEARING IN OF AUXILIARY POLICE (*District Judge Jean Seaman*)

Chief of Police Dan Friel introduced the Auxiliary Police. Chief Friel stated the Auxiliary Police were started in 1997, in accordance with the Second Class Township Code and enacted by the Board of Supervisors. Chief Friel introduced twelve members. Captain Harrison Woodruff described the duties of the Auxiliary Police. District Judge Jean Seaman swore in all the members of the Auxiliary Police.

SWEARING IN OF TOWNSHIP SOLICITOR, TOWNSHIP ENGINEER AND TOWNSHIP SECRETARY.

District Judge Jean Seaman administered the oath of office to Terry W. Clemons, Esquire as Township Solicitor; Thomas F. Zarko, P.E., as Township Engineer and Barbara J. Livrone as Township Secretary.

PUBLIC COMMENT:

The following residents gave public comment:

- Chris McCann (3148 Fox Drive) expressed concerns about the Lions Club destination playground at Twin Oaks Day Camp and the safety along Bradley Road. Mr. McCann is requesting that the gravel portion of Bradley Road be closed.
- Vince Fernandez (3154 Fox Drive) requested to close the road.

- Youri Tsvetlin (3152 Fox Drive) expressed comments about the conditions of the road.
- Kristen Donahue (605 Musket Court) expressed concerns about speeding.
- Dr. Connie Ace (1067 Folly Road) stated Folly Road needs action. Mr. Zarko commented that information was received from the traffic engineer and a report will be made at a February meeting.
- John McConnell (206 Trellis) asked about the status of relocating Victory Gardens and when will the zoning hearing board hearings end for Victory Gardens. Mr. Clemons stated the township is still pursuing a settlement with Victory Gardens to relocate. Mr. Clemons noted the zoning hearing board is a quasi-judicial board that is independent from the Board of Supervisors.

Mr. McConnell also inquired about the mulch piles and if they are being monitored. Mr. Luber stated the heights of the piles are being monitored on a regular basis.

Mr. Zarko has met with staff and the police department a dozen times since the complaint was filed in the summer. Mr. Zarko has been in contact with PennDOT and PADEP. Mr. Zarko stated truck restrictions and a 15 mph will be enforced on the entire road.

Mr. Luber stated Bradley Road has been already fully coated and spot coated for dust.

Ms. Yannich inquired how long Bradley Road has been in existence. Mr. Clemons stated Bradley Road connects from a State road to a local road and has been there since 1856.

PUBLIC HEARING: Geerling Conditional Use Hearings continued.

Ms. Yannich read a letter dated January 9, 2017 from Richard P. McBride, Esquire to the Township Solicitor stating the applicant for the Geerling tract requested the following extensions of time:

- 30 lot conditional use application currently scheduled for January 24, 2017 to February 14, 2017.
- 49 lot conditional use application currently scheduled for February 28, 2017 to March 14, 2017.

Public Comment:

- Mike Kelly (135 Muirfield Lane) inquired about what type of hearing is scheduled for the Geerling tract. Mr. Clemons stated the plan is only permitted by conditional use which will establish the number of lots that can be built on the Geerling property.
- Dr. Connie Ace (1067 Folly Road) noted a historic home is on the property.
- Carol Rice (170 Morning Walk Drive) asked if the residents were going to be sent a second letter notifying them of the change in dates. Mr. Luber stated the letter would be in the mail January 11, 2017.

1. APPROVAL OF BILL LIST:

a. **December 14, 2016 – December 27, 2016: \$ 901,752.30**

Ms. Seliga motioned, seconded by Mr. Gaines to approve the bill list from December 14, 2016 through December 27, 2016 totaling \$901,752.30. By roll call vote, the motion passed 3-0.

b. **December 28, 2016 – January 10, 2017: \$ 562,852.29**

Ms. Seliga motioned, seconded by Mr. Gaines to approve the bill list from December 28, 2016 through January 10, 2017 totaling \$562,852.29. By roll call vote, the motion passed 3-0.

2. CONSENT ITEMS:

- a. November 22, 2016 Work Session to Approve Minutes.
- b. November 22, 2016 to Approve Minutes.
- c. December 13, 2016 Posting of Minutes.

Ms. Yannich noted a correction to last page of the minutes.

- d. January 3, 2017 Reorganization Meeting Posting of Minutes.
- e. Consider execution of easement for Badmann property located at Costner Drive.
- f. Consider appointment of Bernadette Marron for a two (2) year term to the Bike & Hike Trails Committee.
- g. Consider bid award for Palomino/Barclay Sanitary Sewer Rehabilitation Project. *(advertised November 22, 2016 & November 25, 2016)*

Mr. Zarko stated this project was part of the engineering transition last year. Carroll Engineering Corporation (CEC) designed the project and bided the project. The project came in under budget. Ms. Seliga inquired if Mr. Zarko reviewed the bids and Mr. Zarko replied that he reviewed the bids. Mr. Zarko stated CEC recommends awarding the bid to the lowest bidder which is Joao & Bradley Construction Company of Bethlehem, PA in the amount of \$1,070,254.00. Mr. Gaines motioned, seconded by Ms. Seliga to award the bid for the Palomino/Bradley Sanitary Sewer Rehabilitation Project to Joao & Bradley Construction Company in the amount of \$1,070,254.00. All were in favor and the motion passed 3-0.

- h. Consider bid award for Valley Road Culvert Replacement Project. *(advertised November 28, 2016 & December 5, 2016)*

Mr. Zarko stated this project was part of the engineering transition last year. Carroll Engineering Corporation (CEC) designed the project and bided the project. Ms. Seliga inquired if Mr. Zarko reviewed the bids and Mr. Zarko replied that he reviewed the bids. Mr. Zarko stated CEC recommends awarding the bid to the lowest bidder which is SJM Construction Company of Spring House, PA in the amount of \$293,720.00. Ms. Seliga motioned, seconded by Mr. Gaines to award the bid for the Valley Road Culvert Replacement Project to SJM Construction Company in the amount of \$293,720.00. All were in favor and the motion passed 3-0.

Mr. Lubber noted fifty percent of the project will be reimbursed from Warminster Township.

- i. Consider ratification of approved carryover of PTO (Paid Time Off) days off for the Township Manager.
- j. Consider approval for Environmental Advisory Council (EAC) to proceed with submission of the Growing Greener Grant for the Folly/Pickertown Basin.

Ms. Yannich stated this proposal by the EAC is to apply for a Growing Greener Grant. The EAC is pursuing to naturalize the Folly/Pickertown Road basin for a total cost of \$20,306.89. The EAC is requesting a grant of \$14,936.00. The EAC is going to contribute in-kind volunteer services of \$2,991.89. The remaining cost will be an in-kind match of the Public Works Department labor.

- k. **Consider advertising a hearing for a petition of Regal Cinemas, Inc., for an intermunicipal transfer of a restaurant liquor license.**

Mr. Clemons stated the attorney for Regal Cinemas, Inc. is requesting a hearing before the Board of Supervisors for approval of the transfer of Restaurant Liquor License No. R-15361 from 363 Main Street, Tullytown Township, Tullytown to 104 Easton Road, Building F in Warrington Township.

Mr. Gaines motioned, seconded by Ms. Seliga to approve the advertisement of a hearing for a petition of Regal Cinemas, Inc., for an intermunicipal transfer of a restaurant liquor license. All were in favor and the motion passed 3-0.

- l. **Consider adoption of Floodplain Ordinance amendment (FEMA)** *(advertised January 2, 2017)*

- m. **Resolution of Dennis Gordon to Zoning Hearing Board.**

- n. **Bike and Hike natural trail cleanup.**

Ms. Yannich stated a young man who is entering the military needs forty hours of community service and asked the Environmental Advisory Council (EAC). The EAC referred him to the Bike and Hike Trails Committee who is going to organize a natural trail cleanup.

- o. **Consider for approval the hiring (promotion) of Leah Brown to Administrative Assistant in the Water and Sewer Department.**

Mr. Luber stated the administrative assistant position is in the budget and an advertisement will be placed for a water and sewer billing clerk.

Mr. Gaines motioned, seconded by Ms. Seliga to approve Consent Items A through O except for G, H and K which were discussed and approved individually. All were in favor and the motion passed 3-0.

3. CORRESPONDENCE:

- a. **PA DCNR Grant Award Letter dated December 15, 2016.**

Ms. Yannich stated the Board received a letter dated December 15, 2016 from the Secretary of the Pennsylvania Department of Conservation and Natural Resources and on behalf of Governor Tom Wolf, congratulating Warrington Township on obtaining a grant award of \$1,011,650 for acquisition of the Mill Creek property consisting of 66 acres on Pickertown Road. Ms. Yannich is hopefully to utilize some open space funds in addition to the grant to obtain the Mill Creek property. Warrington Township is the only municipality to receive a grant over one million dollars.

4. OLD BUSINESS:

- a. **Water Supply Update.**

Ms. Yannich stated a memo dated January 4, 2017 from Christian Jones, Director of the Water and Sewer Department, indicated the new Water Supply Agreement between Warrington Township and North Wales Water Authority (NWWA) was executed by the NWWA Board on December 14, 2016. A meeting with legislators resulted in proposing legislation to address water contamination costs not covered by each municipality's Cooperative Agreement. Lastly, Ms. Yannich stated work will commence in January on the Costner Filtration Project.

- b. **Consider adoption of amendment to Traffic Regulations Ordinance (Bradley Road).** *(advertised January 2, 2017)*

Mr. Clemons stated the Township Engineer completed a study which will establish a maximum speed limit of 15 mph on Bradley Road between Folly Road and a point approximately 550 northwest of the intersection of Bradley Road and Barton Lane. Except for emergency vehicles the following classes of vehicles are prohibited for the entire length of Bradley Road between Folly Road and Lower State Road: Class 4 – Buses; Class 5 – Two-Axle, Six-Tire, Single-Unit Trucks and Two-Axle Trucks with dual rear wheels; Class 6 – Three-Axle, Single-Unit Trucks; Class 7 – Four or More Axle Single-Unit Trucks; Class 8 – Four or Fewer Axle Single-Trailer Trucks; Class 9 – Five-Axle Single Trailer Trucks; Class 10 – Six or More Axle Single-Trailer Trucks; Class 11 – Five or Fewer Multi-Trailer Trucks; Class 12 – Six-Axle Multi-Trailer Trucks and Class 13 – Seven or More Axle Multi-Trailer Trucks.

Mr. Clemons noted upon adoption of the Ordinance, that it will be effective in five days.

Mr. Gaines motioned, seconded by Ms. Seliga to adopt the amendment to the Traffic Regulations Ordinance for Bradley Road. All were in favor and the motion passed 3-0.

- c. **Consider waiver for Lingo subdivision at Pickertown and Stump Roads.**

Mr. Clemons stated he received a letter from Robert Gundlach, attorney for applicant to remove this agenda item from the January 10th Board meeting and move the waiver request to the January 24, 2017 Board of Supervisors meeting.

Ms. Seliga questioned bond verses escrow. Mr. Clemons explained all types of financial securities under the Municipalities Planning Code.

5. NEW BUSINESS (ACTION/DISCUSSION ITEMS):

- a. **Consider approval of Land Development and Financial Security Agreement; Storm water & Utility Easement and execution of the Plans for Bhakta. TMP # 50-027-034, 2527 Bristol Road.**

Ms. Yannich stated this new development is a one-story personal care facility located on Bristol Road. Mr. Gaines stated the storm water runoff will be diverted behind the property and will include another proposed development along Bristol Road. The Township Engineer was requested to further review the storm water. Mr. Zarko stated there is specific language regarding storm water erosion in the developer's agreement and will work with the developer to address any issues.

Ms. Seliga motioned, seconded by Mr. Gaines to approve the Land Development and Financial Security Agreement; Storm water and Utility Easement and Plans for Bhakta, TMP # 50-027-034 located at 2527 Bristol Road. All were in favor and the motion passed 3-0.

- b. **Consider review application for Shihadeh Minor Subdivision, TMP # 50-023-141-001, 2357 Tohickon Lane.**

Brian Horner, P.E., ProTract Engineering was present on behalf of the applicant, John Shihadeh. The proposed application is for a 2-lot minor subdivision. There are presently no plans to develop at this time.

Ms. Yannich stated Grady is a paper street. Questions arose as to the applicants request for some waivers; Grady is not a township owned street and lots can't be created that don't have frontage. Ms. Yannich requested the zoning officer's review and preparation of a determination for this application.

Mr. Gaines motioned, seconded by Ms. Seliga to table this application. All were in favor and the motion passed 3-0.

c. **Consider appointment of Board of Supervisors as Liaisons to various Boards/Committees/Commissions.**

Ms. Yannich read a listing of Boards/Committees/Commissions for liaison selection by the Board of Supervisors for the calendar year of 2017 and their respective meeting dates:

- | | |
|--|-----------------|
| • Bike and Hike Trails Committee | Fred Gaines |
| • Communications Advisory Board | Millie Seliga |
| • Environmental Advisory Board | Fred Gaines |
| • Historic Commission | Fred Gaines |
| • Open Space & Land Preservation Committee | Carol Baker |
| • Park and Recreation Board | Matt Hallowell |
| • Planning Commission | Carol Baker |
| • Veteran Affairs Committee | Millie Seliga |
| • Warrington Cares Employee Charity | Shirley Yannich |
| • Warrington Community Day | Carol Baker |

Ms. Yannich noted that she attends all of the board/committee/commission meetings.

6. **MANAGER'S REPORT:** There was no manager's report.

7. **ENGINEER'S REPORT:**

a. **General Update:**

Mr. Zarko reported on projects as provided in the general engineering activities status reports for the month of December, 2016. Also presented to the Board were the public improvement projects and general engineering activities status reports for the water and sewer department for the month of December 2016.

b. **Bradley Road Dust Issue Update:** This was reported under public comment.

8. **SOLICITOR'S REPORT:**

a. **Consider for approval a settlement agreement in the Opdyke versus Warrington Township case.**

Mr. Clemons stated the case involving Opdkye versus Warrington Township was dismissed and the order was signed on January 12, 2017. Opdyke filed a motion to dismiss pursuant to the settlement agreement and requested an Order dismissing Opdyke's claims against the Township.

Mr. Clemons requested a motion for the Township to execute the settlement agreement. Ms. Seliga motioned, seconded by Mr. Gaines to approve and execute the settlement agreement. All were in favor and the motion passed 3-0.

Public Comment:

Dr. Connie Ace (1067 Folly Road) asked what the disposal cost for the material.

Mr. Zarko responded that the media is sent back to the factory and reused.

9. ESCROW AND MAINTENANCE BOND RELEASES: None

10. EXTENSION REQUESTS: None

11. DEDICATION REQUESTS: None

SUPERVISOR COMMENTS:

Mr. Gaines stated Warrington Township is second, only to the Pennsylvania State Police, for issuing speeding tickets. Warrington Township only receives twelve dollars (\$12.00) per citation. When an officer has to go to court to defend the ticket, this takes time away from the department. Mr. Gaines further stated the need for the use of more speed humps in residential areas.

Ms. Seliga stated the Historic Commission has pens made from the William Penn Oak tree, located at 10 Folly Road, available for purchase at the Township Building.

Ms. Seliga thanked Finance Director, Cassandra Williams for attending the meeting.


Ms. Yannich announced she is working on an Annual Report and asked for Board's approval to post on the website.

Mr. Luber announced a presentation of "Employee of the Year" will be made at a future Board of Supervisors meeting.

ADJOURNMENT

There being no further business Mr. Gaines motioned, seconded by Ms. Seliga to adjourn the meeting at 10:04 p.m.

Respectfully Submitted By:


Barbara J. Livrone, Board Secretary