



**WARRINGTON BOARD OF SUPERVISORS
MINUTES FOR FEBRUARY 14, 2017**

The written minutes are a summary of the February 14, 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; Carol T. Baker, Member, Matthew W. Hallowell, Member and Millie A. Seliga, Member. Staff present was Barry P. Luber, Township Manager; 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 called the meeting to order at 7:35 P.M.

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 to discuss personnel salaries for the Township Manager and Board Secretary.

In accordance with the Township Manager's current salary, the Board agreed on a four percent (4%) increase which is \$5,000 per year. An annual review will occur after this increase. Ms. Yannich commented that Mr. Luber is always available in the evenings and on weekends. Ms. Seliga commented that she appreciates the manager's weekly reviews and complimented Mr. Luber for his job performance. Mr. Gaines motioned, seconded by Ms. Seliga to the four percent (4%) increase in salary for the Township Manager. By roll call vote, the motion passed 5-0.

In accordance with Article VIII of the Second Class Township Code, the Board shall determine compensation for the Board Secretary. Duties involve recording the meetings; preparation of the minutes; preserving the minute book for retention and scheduling meetings. Currently, the Board Secretary receives \$250 per month for these duties. Ms. Seliga motioned, seconded by Ms. Baker to increase the monthly fee to \$350. By roll call vote, the motion passed 5-0.

RECOGNITION OF EMPLOYEE OF THE YEAR, BARBARA J. LIVRONE

Ms. Yannich announced the Township Manager has mentored, encouraged and recognized employees for their outstanding services to the Township.

Mr. Luber stated he formed a committee to submit nominations for Employee of the Year. By unanimous vote, Barbara J. Livrone was nominated as Employee of the Year for her outstanding contributions above and beyond the job duties. Ms. Livrone received a plaque and also a plaque is mounted in the large meeting room at the Township Building.

PRESENTATION BY WARRINGTON LIONS CLUB TO DISCUSS PLANS FOR PLAYGROUND CONCEPT.

Ms. Yannich stated the plans for a playground concept was being presented by Ann Toole, Toole Recreation Planning and Tavis Dockwiler, Viridian Landscape Studio on behalf of the Warrington Lions Club. Ms. Yannich thanked Bucks County Planning Commission Executive Director, Lynn Bush for attending the

presentation. Ms. Yannich read a citation from State Representative Kathy Watson and presented it to Jim Furlong of the Warrington Lions Club.

Based on a seventy acre park, woodlands for trails and a pond for nature, Ms. Toole recommended the location of the playground to be at township owned property, Twin Oaks. Ms. Dockwiler presented the site plan and the overall concept plan consisting of five phases for a total project cost of \$2.5 million. The funds will come from fundraisers held by The Warrington Lions Club and grant applications.

Ms. Yannich stated Ms. Dockwiler is working with the Warrington Lions Club to improve Twin Oaks. The Warrington Lions Club will present the concept plan to the advisory boards and then a final presentation will be brought forth to the Board of Supervisors. Ms. Yannich also referenced the 1991 Open Space Plan.

Mr. Gaines stated the comprehensive plan draft will be available for the public to review at the end of the summer. Mr. Gaines complimented Ms. Toole, the Park and Recreation Board along with the Open Space Committee for proposing an intergenerational park.

Public Comment:

- Chris McCann (3148 Fox Drive) opposed to playground at Twin Oaks. Suggested John Paul Park @ Lower Nike.
- Shawn McCreesh (400 Barton Lane) suggested a point of access study.
- Mike Kelly (135 Muirfield Lane) favors the playground at Twin Oaks and stated that Bradley Road has been a Township Road since 1898.
- Kevin Foladare (3185 Fox Drive) opposed to playground at Twin Oaks.
- Vince Fernandez (3154 Fox Drive) asked if John Paul Park & Lower Nike was considered.
- Neil Zeitz (401 Barton Lane) requested a traffic study if the playground is approved; what the impact will be on the neighborhood; liability insurance from the Township; continued maintenance costs after the playground is installed and stated the neighbors were not notified of this presentation.
- Teresa Keenan (3146 Fox Drive) inquired about the timeline of the project.
- Ravikanth Gudlavalletti (1418 Hereon Way) enjoys the Township parks.
- Kristin Donahue (605 Musket Court) requested a small scale playground.
- Mike McGeehan (1090 Lincoln Court) suggested tying into the grants the paving of Bradley Road and installing sidewalks.
- John McConnell (206 Trellis Drive) stated the Upper Nike Parks are neglected. Mr. McConnell also stated the parks belong to the Township not to one neighborhood.
- Rick Weiss, Chair of Park and Recreation Board (2751 Spring Meadow Lane) stated Twin Oaks, Upper Nike, John Paul Park @ Lower Nike and Igoe Porter Wellings are all separate parks. Mr. Weiss welcomes the public to attend the Park and Recreation meetings.

Ms. Yannich commented this concept plan will be brought forth to the Board of Supervisors in accordance with Ordinances. Currently, the private sector is making a proposal to the public sector.

Ms. Baker stated the proposed concept plan is family oriented and beneficial for children.

PUBLIC COMMENT: stated as above.

1. PUBLIC HEARING:

- a. Consider Conditional Use Application for Geerling Florist, Inc., 3091 Street Road, TMP # 50-004-150. (advertised January 9, 2017 & January 16, 2017)

Mr. Hallowell motioned, seconded by Ms. Seliga to open up the public hearing. All were in favor, the motion passed 5-0.

Richard P. McBride, attorney for the applicant presented a conditional use application for a development of 46.25 acres owned by Geerling Florist, Inc., TMP # 50-004-150 fronting on Street Road, west of its intersection with Folly Road. The application is for a 30 cluster single-family detached dwelling subdivision pursuant to Chapter 27 Zoning, Section 403B. In accordance with Chapter 27, sand mounds and a well are proposed to serve the development.

Mr. Clemons requested the exhibits to be marked and made part of the public hearing.

Ms. Yannich asked if the Subdivision and Land Development Ordinance pertained to this proposed subdivision and Mr. McBride stated the Subdivision and Land Development Ordinance is not relevant to the hearing.

Robert Heuser, Land Planner, Owner and President of Heuser Design, Media, PA offered testimony relating to land planning. Additional testimony was presented by Frederick Ebert, Ebert Engineering, Inc. regarding a well to support the 30 proposed homes and five elevated sand mounds. Traffic Study Engineer, Dean Kaiser of Burns Engineering, Inc offered testimony regarding traffic and access.

Mr. McBride submitted a new plan with a fifty foot buffer.

Mr. Gaines questioned the preservation of the existing home and barn. Mr. McBride responded by stating there are no plans to preserve the existing home and barn.

Mr. Hallowell questioned the sprinkler system and fire protection for each home.

Mr. Clemons asked if anyone from the public wanted to introduce evidence by being a party of record. Ten property owners signed a party of record listing their name and address.

Party of Record:

Ken Rose (3172 Street Road) asked if the sand mounds were in prime agricultural soil; inquired about the perimeter and prime agricultural use and if more development took place in the back of the parcel, would a road reduce the amount of open space. Mr. Rose questioned the number of cars traveling between 7 and 8:00 am on Street Road. Mr. Rose requested the Board to reject the plan as presented.

Dorothy Bell (740 S. Settlers Court) inquired about the present buildings.

Nick Plenzik (3154 Street Road) questioned the distance of the homes in relation to Street Road and to the Legacy Oaks development. He inquired about the site distance and elevation. He also questioned the size of the sand mounds and the location and depth of the well.

Brian Phillips (3166 Street Road) questioned the buffer and lot size.

Deborah Farrell (3142 Street Road) asked how this development would affect her well. Mr. McBride responded that the developer would enter into a well protection agreement. Ms. Farrell also inquired about a proposed traffic signal or stop sign and a turning lane into the development from Street Road.

Tom Smith, President of Legacy Oaks Community Association (154 S. Founders Court) objected to the current mulching operations and supports the development. Mr. Smith's letter dated January 14, 2017 was entered into the record.

Dr. Connie Ace, Chair of the Historic Commission (1067 Folly Road) requested that the home, barn and outbuildings be preserved as historic buildings.

Eric Thompson (291 Folly Road) received a different plan from an Open Records request than what was presented at the Board meeting.

Ms. Yannich stated the proposed plan is a permitted use and is not a subdivision.

Ms. Yannich motioned, seconded by Mr. Hallowell to continue the hearing until February 28, 2017 and start the deliberations at 6:30 PM. All were in favor and the motion passed 4-0 (Mr. Gaines was not in the room during the motion).

Mr. Clemons stated a written decision will be prepared and submitted to the Board of Supervisors within forty five days after the final hearing.

The Board agreed to hold a special meeting for another conditional use hearing consisting of 49 dwellings using TDR's on another night besides March 14, 2017.

Ms. Baker motioned, seconded by Ms. Yannich to continue the meeting past midnight. All were in favor, except for Mr. Hallowell, and the motion passed 4-1.

2. APPROVAL OF BILL LIST:

a. January 25, 2017 – February 14, 2017 (Paid Invoices for 2016): \$300,486.24

Mr. Hallowell motioned, seconded by Mr. Gaines to approve the bill list from January 25, 2017 through February 14, 2017 for Paid Invoices in 2016 totaling \$300,486.24. By roll call vote, the motion passed 5-0.

b. January 25, 2017 – February 14, 2017 (Paid Invoices for 2017): \$1,078,814.57

Ms. Seliga questioned some paid invoices and her questions were answered.

Mr. Hallowell motioned, seconded by Mr. Gaines to approve the bill list from January 25, 2017 through February 14, 2017 for Paid Invoices in 2017 totaling \$1,078,814.57. By roll call vote, the motion passed 5-0.

3. CONSENT ITEMS:

a. January 10, 2017 Posting of Minutes.

Ms. Yannich stated a correction to page six indicating that Carol Baker is the liaison to the Warrington Community Day Committee. Mr. Hallowell and Ms. Baker both abstained because they were not present at the January 10, 2017 meeting. Since there was not a majority to vote on the posting of the January 10, 2017 minutes at the January 24, 2017 meeting, Mr. Gaines stated these minutes are being presented at the February 14, 2017 Board meeting for posting.

b. January 24, 2017 Posting of Minutes.

Ms. Yannich abstained since she was not in attendance.

c. January 30, 2017 Posting of Minutes.

d. Appointment of Township CPA auditing firm through December 31, 2017 for a fixed fee of \$30,500. (advertised January 6, 2017).

Ms. Seliga suggested a "Request for Proposal" be submitted for the 2017 audit.

- e. **Consider application of Peter Scott as an alternate to the Veteran Affairs Committee.**
- f. **Consider employment offer to Donna Killion as Part-Time Billing Clerk for Water and Sewer Department.**

This item was removed from the agenda.

- g. **Consider employment offer to Sheila Aita as Part-Time Video Evidence Clerk for Police Department.**
- h. **Consider appointment of Brian Shapiro as a full member to the Planning Commission from alternate.**
- i. **Consider acceptance of Planning Commission 2016 Annual Report.**

This report will be posted to the website, after formatting revisions are made to the report.

- j. **Consider scheduling presentations of Annual Reports from Boards/Committees/Councils.**

Ms. Seliga requested the Township Manager and Board Secretary to coordinate the scheduling of presentations from various Boards/Committees/Commissions and/or Councils.

- k. **Consider approval of amendment to Forbearance Agreement with the Cutler Group for Warrington Ridge.**
- l. **Consider extension of Lawn Maintenance Contract with M&M Landscaping.**
- m. **Consider Release of Impact Fee-In-Lieu Escrow for Warrington Springs Phases I and II - \$66,358.00.**

Mr. Zarko recommended Release of Impact Fee-In-Lieu Escrow for Warrington Springs Phases I and II in the amount of \$66,358.00.

Ms. Seliga motioned, seconded by Mr. Gaines to approve the Release of Impact Fee-In-Lieu Escrow for Warrington Springs Phases I and II in the amount of \$66,358.00. All were in favor and the motion passed 5-0.

- n. **Consider Escrow Release # 9 for Warrington Ridge Phase I - \$15,655.50.**
- o. **Consider Escrow Release # 5 for Warrington Ridge Phase II - \$74,317.50.**

Mr. Gaines motioned, seconded by Ms. Seliga to accept and approve the Consent Order items as read by Chair Ms. Yannich. All were in favor and the motion passed 5-0.

4. CORRESPONDENCE:

- a. Open Space and Land Preservation Task Force – not submitted for meeting.

5. OLD BUSINESS:

- a. **Folly/Pickertown Roads Truck Restriction Study.**

Mr. Zarko summarized the Truck Restriction Report for Folly Road; County Line Road to Bristol Road; Pickertown Road and Lower State to Bristol Roads.

Public Comment:

Dr. Connie Ace (1067 Folly Road) asked if an Ordinance can be enforced immediately to include the truck restrictions on these roads.

Mr. Gaines motioned, seconded by Ms. Baker to accept the Truck Restriction Report and implement the restrictions by changing the Code of Ordinance. All were in favor and the motion passed 5-0.

b. **Water Supply Update.**

Ms. Yannich summarized the report prepared by the Director of Water and Sewer, Christian Jones. The updates related to Second Cooperative Agreement Reimbursement; Costner Filtration Project; Private Well Abandonments and Public Water Connections and the Air National Guard Cooperative Agreement Amendment. A correction was made to the update indicating 70 parts per trillion (ppt) for PFOA and PFOS combined was the correct number relating to the EPA's new Health Advisory Level (HAL).

c. **Review Application for Shihadeh Minor Subdivision, TMP # 50-023-141-001, 2357 Tohickon Lane.**

Ms. Yannich announced the applicant requested this item be removed from the February 14, 2017 Board agenda.

d. **Consider waiver for Lingo Subdivision at Pickertown and Stump Roads.**

Robert Gundlach, Attorney for the applicant, MDG3, LLC stated his client would complete the site improvements; enter into a developer's agreement; post a cash escrow and post a bond. Building permits will not be issued until the site improvements have been substantially completed or post the escrow for the required site improvements.

Ms. Yannich stated the final plan was approved by a 2010 Resolution.

Ms. Seliga questioned a Letter of Credit, Bond and Financial Security.

Mr. Hallowell motioned, seconded by Mr. Gaines to accept the waiver and financial security of \$327,540.51 and \$25,000 cash escrow as agreed upon by Rob Gundlach, Esquire and Terry Clemons, Esquire. All were in favor and the motion passed 5-0.

e. **Consider adoption of Resolution 2017-R-06 establishing the Township Fee Schedule.**

Ms. Seliga questioned the proposed fee for Item X.A. Residential Roofing (Commercial Roofing under Alterations) and requested the fee be removed and no fee assessed.

Ms. Seliga motioned, seconded by Ms. Baker to accept the adoption of Resolution 2017-R-06 establishing the Township Fee Schedule except for Item X.A. All were in favor except for Mr. Gaines who abstained and the motion passed 4-1.

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

a. **Consider for approval request from Warrington/Warwick Softball for the park improvements to Barness Park.**

The Township has Field Maintenance Agreements with each sports organization that uses Township fields/parks. Warrington/Warwick Softball Organization (WWSO) is requesting to upgrade Barness

Park to the lower minors' field and to fields A and B and pay for these items except for the backstop at field B and replace the fencing at a cost not to exceed \$11,750.

Mr. Gaines motioned, seconded by Ms. Seliga to approve the funding and make an adjustment to the budget for \$11,750 for park improvements to Barnes Park. All were in favor, except Mr. Hallowell who voted no. The motion passed 4-1.

b. **Consider Memorandum of Understanding between Warrington Township and Central Bucks School District.**

This item will be heard at the February 28, 2017 Board of Supervisors meeting.

c. **Consider approval to move forward Medical Marijuana to Warrington Township Planning Commission and Bucks County Planning Commission for review.**

Mr. Clemons listed five areas within the Township for dispensing medical marijuana. Two Ordinances were prepared. One Ordinance is an amendment to the zoning map change from the PI-1 to PI-1A and CBD to CBD-1 and the other Ordinance is for an amendment to the Zoning Ordinance.

Ms. Seliga motioned, seconded by Mr. Gaines to approve the two Ordinances as prepared by Mr. Clemons and forward both Ordinances to the Warrington Township Planning Commission and Bucks County Planning Commission for review. All were in favor and the motion passed 5-0.

Public Comment:

Mark Ruckno (Warrington resident) asked if the marijuana grows in an indoor facility.

7. **MANAGER'S REPORT:** None.

8. **ENGINEER'S REPORT:**

a. **General Update:**

Mr. Zarko presented the Folly/Pickertown Roads Truck Restrictions Study that was part of Agenda Item # 5a.

9. **SOLICITOR'S REPORT:**

a. **ZHB Application 17-01 for Eric & Tammy Baker, TMP # 50-052-125, 1745 Appaloosa Drive, for dimensional variances and increased impervious cover.**

Mr. Clemons stated the applicants are seeking dimensional variances for side yard setback and impervious cover to enable them to construct an addition on their home and enable a front-entry garage.

b. **ZHB Application 17-02 for Earthborne, TMP # 50-031-028-003, 2071 County Line Road (Happy Tymes) for interpretations of the zoning ordinance regarding permitted uses, variances for outdoor storage, submission of a conditional use application and submission of a traffic impact study for a less intense use than the previous site occupant.**

Mr. Clemons stated the applicants Ordinance doesn't define what type of use is being requested. Mr. Clemons requested to send a letter to the Zoning Hearing Board.

Mr. Gaines motioned, seconded by Ms. Seliga to request Mr. Clemons to send a letter to the Zoning Hearing Board with no objections from the Board of Supervisors. All were in favor and the motion passed 5-0.

- c. **ZHB Application 17-03 for Wendy Davis, TMP #50-017-068, 790 Golf Drive for increased impervious cover.**

Mr. Clemons stated the applicant is seeking a dimensional variance for impervious cover to construct a first-floor bedroom addition to accommodate a family member who is disabled veteran.

- d. **Consider authorization to send the Big Box Ordinance to the Warrington Township Planning Commission and Bucks County Planning Commission for review.**

This item will be discussed at the February 28, 2017 Board of Supervisors meeting.

10. EXTENSION REQUESTS: None.

11. DEDICATION REQUESTS:

- a. **Warrington Springs Phases I and II.**

Ms. Yannich stated the Township Engineer confirmed the public improvements have been completed by the developer for Warrington Springs Phases 1 and II as per CKS' letter dated February 9, 2017.

Ms. Seliga motioned, seconded by Mr. Hallowell to accept dedication of Warrington Springs Phases I and II by Resolution. All were in favor and the motion passed 5-0.

- b. **Warrington Springs Phase III.**

Ms. Yannich stated the Township Engineer confirmed the public improvements have been completed by the developer for Warrington Springs Phase III as per CKS' letter dated February 9, 2017.

Mr. Hallowell motioned, seconded by Ms. Baker to accept dedication of Warrington Springs Phase III by Resolution. All were in favor and the motion passed 5-0.

Comments:

Ms. Seliga questioned the bond and escrow amounts for all three phases as stated in the Resolutions. Mr. Clemons stated the bond amounts represent fifteen percent (15%) of the cost of constructing the public improvements. Mr. Clemons noted the Maintenance Bonds; executed Deed of Dedication to Subdivision Roadway; Deed of Dedication Storm Sewer Easements and Appurtenances; Stormwater Easement; Deed of Dedication Traffic Improvement Easement; Deed of Dedication Ultimate Right-of-Way portion of Street Road and Title Insurance were all received by the Township.

SUPERVISOR COMMENTS:

- a. **Consider scheduling a date for the Volunteer Appreciation Luncheon.**

Ms. Seliga motioned, seconded by Ms. Baker to schedule the 2017 Volunteer Appreciation Luncheon on Saturday, April 29, 2017. This luncheon is a thank you to all the residents who donate their time on various boards/commissions/committees and councils.


b. **Recognize National Engineers Week – February 19-25th.**

Ms. Yannich announced that National Engineers Week is February 19-25th and recognized Tom Zarko, P.E., Executive Vice President, CKS Engineers, Inc.

ADJOURNMENT

There being no further business Mr. Hallowell motioned, seconded by Ms. Seliga to adjourn the meeting at 12:42 AM, February 15, 2017.

Respectfully Submitted By:


Barbara J. Livrone, Board Secretary