



**WARRINGTON BOARD OF SUPERVISORS  
MINUTES FOR JULY 11, 2017**

**The written minutes are a summary of the July 11, 2017 Board of Supervisors meeting. For a complete dialog visit the Township's website, [www.warringtonTownship.org](http://www.warringtonTownship.org).**

**ATTENDANCE**

Shirley A. Yannich, Chair; Fred R. Gaines, Vice Chair; Matthew W. Hallowell, Member; Carol T. Baker, Member; and Millie A. Seliga, Member. Staff present was Barry P. Luber, Township Manager; Terry W. Clemons, Esq., Clemons Richter and Reiss, 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 7:00 P.M. All Board members were present.

**PLEDGE OF ALLEGIANCE**

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

**EXECUTIVE SESSION REPORT**

Mr. Clemons stated an executive session was held to discuss litigation matters regarding the Zoning Hearing Board appeal for Victory Gardens and the Truck Restriction Ordinance.

**PUBLIC COMMENT:**

- Eileen Rinsky (334 Hackberry Court) commented about the need of a left turn arrow to be installed at the intersection of Valley Road and Street Road. Ms. Rinsky also inquired when NWWA water was coming to Hampton Greens. Mr. Zarko responded by stating a majority of the water is already coming to her location from NWWA through interconnects.

**PUBLIC HEARING:** None.

**1. APPROVAL OF BILL LIST:**

- a. **June 28, 2017 – July 11, 2017: \$ 955,362.17**

Ms. Seliga motioned, seconded by Mr. Gaines to approve the bill list from June 28, 2017 through July 11, 2017 totaling \$ 955,362.17. By roll call vote, the motion passed 5-0.

**2. CONSENT ITEMS:**

Ms. Yannich noted a brief description of the consent items are added to the agenda. Ms. Yannich read the consent items as presented. (Attachment A) Ms. Baker motioned, seconded by Mr. Hallowell to approve Consent Items A through D, F and G. Ms. Seliga requested a further explanation of Consent Items E. All were in favor.

- a. **June 13, 2017 Approval of Minutes.**

- b. **June 27, 2017 to Post Minutes.**
- c. **Consider 2017/2018 Fuel Bid Award.**
- d. **Consider High Grove Manor (Lot 2) Certificate of Completion #1 in the amount of \$125,825.28.**
- e. **Consider Estates of Valley View (West Tract) Certificate of Completion #9 in the amount of \$41,967.55.**

Ms. Seliga questioned if any outstanding invoices were still owed.

Mr. Zarko stated all work has been completed. The Township received a check in the amount of \$5,000 for retainage released to the Township for professional services. Mr. Zarko will send invoices to the Township at the end of July.

Ms. Seliga motioned, seconded by Mr. Hallowell to release the Certificate of Completion #9 after all invoices are paid. All were in favor and the motion passed 5-0.

- f. **Consider Change Order # 1 for Valley Road Culvert Replacement.**
- g. **Consider Approval of Resolution for PADOT Automated Red-Light Enforcement (ARLE) Transportation Enhancement Grant Application pertaining to Lower State Road Corridor Signalization & Intersection Improvements.**

### 3. CORRESPONDENCE:

- a. **Christian Fetzer -7<sup>th</sup> Grader @Tamanend Middle School dated May 2, 2017.**

Ms. Yannich stated the Board of Supervisors received a letter from 7<sup>th</sup> Grader Christian Fetzer who completed a class project on bees and their benefits as pollinators. Mr. Fetzer spoke about his bee project and the importance of bees and their relationship to the food supply. Ms. Yannich requested Mr. Fetzer's letter to be posted to the Township's website and hoped that he continues his interest in bees.

- b. **Joseph Szafran – 2017 Bucks County Tour of Honor.**

Ms. Yannich stated the Board of Supervisors received a letter from Joseph Szafran, Chairman of the Bucks County Tour of Honor requesting the Township to make a donation or place an ad for the October 2, 2017 WWII and Korean War veterans to take a trip to Washington DC.

Ms. Baker motioned, seconded by Mr. Gaines to authorize the Township Manager to contribute the same amount that was given in 2016. All were in favor and the motion passed 5-0.

- c. **Bucks County Crime Stoppers – “Push out Pusher”**

Ms. Yannich stated the Board of Supervisors received a letter from Bucks County Crime Stoppers requesting a donation to help fight the drug epidemic. The letter was forwarded to Chief Friel who gave a recommendation along with the Township Manager. Ms. Seliga stated there should be a need to focus on education, prevention of opioids and rehabilitation rather than punishment. Ms. Yannich read the letter and stated this concern involves Warrington Township's Police Department.

Mr. Hallowell motioned, seconded by Mr. Gaines to donate One Hundred Dollars (\$100) to the campaign. All were in favor, except for Mr. Gaines who abstained and Ms. Seliga voted no. The motion passed 3-1-1.

**4. OLD BUSINESS:****a. Water Supply Update.**

Ms. Yannich gave an update to the water supply report noting the Costner Filtration Project and the ANG Cooperative Agreement reimbursements.

Mr. Luber noted that the Township has received approximately \$1.2 million from the ANG and will be submitting a request for an additional \$1.3 million.

Mr. Gaines gave an update on Wells 5, 8 and 11 and noted seventy percent of water in the eastern district is coming from NWWA.

**b. Consider adoption of amendment to Traffic Regulations Ordinance.**

Mr. Clemons stated a traffic study was prepared by Traffic Planning and Design due to the concern of residents on Folly and Pickertown Roads. Mr. Clemons prepared an amendment to the Traffic Regulations Ordinance to prohibit vehicles over twenty five feet in length on Folly Road between County Line and Bristol Roads and on Pickertown Road between Lower State and Bristol Roads except for EMS vehicles and school buses. The Ordinance was forwarded to Rob Gundlach, Esquire and was advertised on July 3, 2017.

Mr. Gaines complimented the Warrington Township Police Department for reviewing and commenting on the Ordinance.

Ms. Baker motioned, seconded by Mr. Gaines to adopt the amendment to the Traffic Regulations Ordinance.

**Public Comment:**

- Rob Gundlach, Esquire, representing Victory Gardens stated if this Ordinance is passed, it will impact Victory Gardens financially and shut them down. The Zoning Hearing Board decision is being appealed to the Court of Common Pleas. Mr. Gundlach also noted on March 27, 2012, the Board of Supervisors approved a Memorandum of Understanding with Victory Gardens.

Mr. Clemons stated the March 27, 2012 Memorandum of Understanding does not mention anything about regulating truck traffic. This is a health and safety issue affecting Folly and Pickertown Roads.

Ms. Seliga requested both Mr. Gundlach and Mr. Clemons to work together to come up with a compromise and suggested the need to have an access onto Bristol Road. Mr. Clemons said the Board could pass the Ordinance but defer enforcement. Mr. Gaines agreed to pass the Ordinance and restrict enforcement until a future date.

- Robert Garges (2931 Pickertown Road) commented that there is no room for trucks to enter and exit at the same time from and to Bristol Road onto his driveway.
- Mike Butler, owner of Victory Gardens, will subpoena to obtain a copy of the traffic study and file an appeal. Mr. Clemons stated a records request was filed to obtain a copy of this report, referencing Section 708 of the Open Records Law.
- Teresa Paone (1240 Folly Road) is in favor of passing the Ordinance.

- John McConnell (206 Trellis) is in favor of passing the Ordinance.
- Lori Myers (3014 Bristol Road) requested to keep the truck traffic on Folly Road.

Ms. Seliga motioned, seconded by Ms. Yannich to adopt the Ordinance and delay enforcement to allow both sides to come up with an alternate access onto Bristol Road, subject to involvement by the Township Engineer. By roll call vote, the motion passed 3-2 with Ms. Seliga and Mr. Hallowell voting no.

**5. NEW BUSINESS (ACTION/DISCUSSION ITEMS): None**

**6. MANAGER'S REPORT:**

- a. **Authorization to hire Curtin & Heefner LLP to represent the Township for the Fairways Condominiums water main legal issue at a rate of \$150 per hour.**

Mr. Luber stated the Township wishes to hire Curtin and Heefner LLP in connection with a claim by the Townhomes on the Fairways Condominium Association for reimbursement of the costs and repairs of a water main.

Ms. Seliga motioned, seconded by Mr. Hallowell to hire Curtin & Heefner LLP to represent the Township for the Fairways Condominiums water main legal issue at a rate of \$150 per hour. All were in favor and the motion passed 5-0.

- b. **Consider approval to hire Michelle Peter as a full-time Water/Sewer Billing Clerk.**

Ms. Seliga motioned, seconded by Ms. Baker to approve the hiring of Michelle Peter as a full-time Water/Sewer Billing Clerk which replaces two part-time positions. All were in favor and the motion passed 5-0.

**7. ENGINEER'S REPORT:**

- a. **General Update:**

Mr. Zarko stated bids will be received for the Mary Barness Tennis and Swim Club bathrooms and also for Continental Drive culvert replacement.

**8. SOLICITOR'S REPORT:**

- a. WT ZHB Application 17-12: Application Swenson-Orrino, Lyric Way, dimensional variance to allow a variance to permit an impervious surface coverage ratio greater than the maximum 15 percent permitted. (Scheduled July 24, 2017 ZHB)
- b. WT ZHB Application 17-14: Application Sandstone, AKA, KVK Development, LP, et al., dimensional variance for forest disturbance and variance to allow a utility to cross a perimeter buffer (Sandstone – Phillips Avenue and Street Road) (Scheduled July 24, 2017 ZHB)

Mr. Gaines stated that the Planning Commission supported the approval of the variances.

Mr. Clemons asked for a vote to write a letter to the Zoning Hearing Board stating the Board of Supervisors inform the ZHB that the applicant is saving forested areas on the site and the developer will

install a trail along Street Road that will connect the trail on the adjoining PECO property to the rest of the Township trail. All were in favor.

- c. WT ZHB Application 17-15: Application Clayton's Hunting & Fishing, special exception to allow construction of a single-family dwelling on an existing legal non-conforming lot and variance for impervious cover. (Scheduled July 24, 2017 ZHB)
- d. Petition to Intervene on behalf of Ace, McConnell, Paone and Verillo regarding Victory Gardens.

Mr. Clemons asked the Board to authorize his firm to respond and support a petition to intervene on behalf of Ace, McConnell, Paone and Verillo regarding Victory Gardens. All were in favor.

- e. Prime Custom Builders Indemnification Agreement.

Mr. Clemons stated this is a single-family dwelling to be built on property owned by Prime Custom Builders. An appeal was filed by the Silenzi's regarding the issuance of a construction permit and the appeal is pending with the Court of Common Pleas. No stay was issued prohibiting construction while the appeal is pending. Mr. Clemons has requested the owner to execute an Indemnification Agreement acknowledging that the owner is proceeding at his own risk and agrees to hold the Township harmless.

Ms. Seliga motioned, seconded by Ms. Baker to approve the Indemnification Agreement with Prime Custom Builders. All were in favor and the motion passed 5-0.

Public Comment:

- Mike Tulio (1243 Easton Road - business owner) asked why the Township is circumventing around the Courts. Mr. Clemons said the Township is not.

**9. EXTENSION REQUESTS:** None.

**10. DEDICATION REQUESTS:** None.

**SUPERVISOR COMMENTS:**

Ms. Seliga asked how much money has been allocated for the Veteran Affairs Committee budget.

Mr. Gaines stated the Environmental Advisory Council is working with citizens and the public works department to mow around the township's naturalized basins.

Ms. Baker suggested for residents to contact their State and Federal legislators not to cut the DEP and EPA's budget.

**ADJOURNMENT**

There being no further business, Ms. Yannich motioned, seconded by Mr. Hallowell to adjourn the meeting at 8:40 PM.

Respectfully Submitted By:

  
Barbara J. Livrone, Board Secretary

## Attachment "A"

### Consent Agenda – July 11, 2017

Attached to the agenda and on the Township's website is a supplement to the agenda which contains a heading and brief description for each item listed under the Consent agenda. As in the past, any Board member can ask to remove an item from consent and have it discussed independently.

I would now ask for a motion to approve items A through G on the Consent agenda.

- a. June 13, 2017 to Approve Minutes.
- b. June 27, 2017 to Post Minutes.
- c. Consider 2017/2018 Fuel Bid Award.

**Bucks County Consortium bids out fuel on behalf of Bucks County participating municipalities. Riggins Inc. was the low bidder for delivery of gasoline, heating fuel, and diesel fuel. The actual cost of the fuels is determined by the fuel market at time of purchase. Suburban Propane, Inc., was the low bidder for propane. So basically, what was being bid on was getting the various fuels delivered to township facilities.**

- d. Consider High Grove Manor (Lot 2) Certification of Completion # 1 in the amount of \$125,825.28.

**This item is to reduce the amount of financial security the township holds due to site improvements being completed on this project.**

- e. Consider Estates of Valley View (West Tract) Certificate of Completion # 9 in the amount of \$41,967.55.

**This item is to reduce the amount of financial security the township holds due to site improvements being completed on this project.**

- f. Consider Change Order #1 for Valley Road Culvert Replacement.

**This change order is a credit (refund) because works that was part of the contract – the moving of utilities did not have to be completed.**

- g. Consider Approval of Resolution for PADOT Automated Red-Light Enforcement (ARLE) Transportation Enhancement Grant Application pertaining to Lower State Road Corridor Signalization & Intersection Improvements

**This resolution allows the Township to apply for a grant to add a right-turn lane at the corner of Lower State and Pickertown Roads.**