



## WARRINGTON BOARD OF SUPERVISORS MINUTES FOR AUGUST 8, 2017

The written minutes are a summary of the August 8, 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; Vicki L. Kushto, 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**

Ms. Yannich stated an executive session was not held.

Ms. Yannich announced the Township has a new live stream video program in place and the viewers will not have to see the split screen as they have experienced in the past.

Ms. Yannich also announced a change to the Agenda. Item #4e will be moved to Item #6 b listed under Old Business. Ms. Yannich stated the Board can discuss what the Planning Commission has recommended and open up for public discussion.

### **PUBLIC COMMENT:**

- Terrance Healy (871 Mustang Road) requested an update relating to his police investigation. Mr. Luber stated the investigation has been closed. Mr. Luber stated if Mr. Healy wishes to pursue the matter, he must file with the District Attorney's Office. Ms. Yannich stated she will follow up with the Police Chief and asked the Township Solicitor to follow up.
- Paula Mason (2796 Bristol Road) stated there are pond and run-off issues due to the township park. Mr. Zarko stated he will research the township project and improvements at Barness Park and will report back at the next meeting.
- Gerald Sapers (1803 Regency Court) expressed concern about the maintenance of trees and dust being generated from excavation and blasting that will occur from the Parkview at Warrington development. Mr. Zarko said both concerns will be discussed with the developer.

### **PRESENTATION BY ED FURMAN, MAILLIE, LLP FOR 2016 AUDITED FINANCIAL STATEMENTS.**

Mr. Luber introduced Ed Furman, partner from Maillie, LLP. Maillie, LLP has been the township auditors for six years. Mr. Furman presented the audit as of December 31, 2016 which described the required

communication under Statement of Audit Standard 114 and 115; audit scope and timing and the review of the financial report. Mr. Furman concluded that Warrington Township has a very strong balance sheet.

Ms. Seliga questioned how other townships handle their reserves, i.e., replacing and repairs to LED lights. Ms. Seliga stated the township needs to set aside capital funds for the future. Ms. Seliga expressed concern over the water and sewer expenditures versus the revenue funds. Ms. Seliga also asked Mr. Furman to describe the difference between an unqualified versus a qualified opinion.

Ms. Yannich referred to the July 24, 2017 letter addressed to the Board of Supervisors and read a statement written from the Financial Statement Disclosures: "We encountered no significant difficulties in dealing with management relating to the performance of the audit." Ms. Yannich also emphasized the following statement: "No such disagreements arose during the course of the audit" that was listed in the disclosure statement.

Ms. Yannich asked Township Auditor, Mark Ruckno to comment on the 2016 audit. Mr. Ruckno stated he was pleased with the Township moving in a positive direction.

### **PRESENTATION BY PHILLIPS DONOVAN ARCHITECTS FOR PROGRAM OF SPACE REQUIREMENTS.**

Mr. Luber requested a request for proposals (RFP) for a police building and renovations to the township building. The last study was completed in 2007 by Joe Phillips of Phillips Donovan Architects.

Mr. Phillips reviewed the space requirements for the administration building and police department proposing 13,850 gross floor area for administration and 16,990 gross floor area for police. A carport is also being proposed comprising of 5,616 square feet.

Mr. Phillips reviewed the potential use of other structures within the township to lease (i.e., Shops @ Valley Square, Giant, Gander Mountain, 1800 Street Road and the existing public works building)

Ms. Seliga stated the square footage of the public works building is too small and not an option. She suggested using the township building for the police department and find space for the administration building.

Mr. Luber stated the lease rental fee per year and cost of improvements for space at the Shops at Valley Square.

Mr. Luber stated the cost for architectural services will be added in the 2018 budget.

Chief Dan Friel stated in 1999 there was a plan for a new police station.

Ms. Yannich requested a cost analyses. Ms. Yannich also requested that a review committee be appointed to select an architect. Ms. Yannich selected Mr. Luber, Chief Friel, Supervisors Hallowell and Baker to be on the selection committee.

Ms. Seliga asked if a second floor could be added to the Township Building. Mr. Phillips said the structure is not in place to hold a second floor.

### **PUBLIC HEARING:**

- 1. CONSIDER APPLICATION FOR CONDITIONAL USE SEEKING APPROVAL PURSUANT TO §403.b OF THE ZONING ORDINANCE TO ENABLE THE CONSTRUCTION OF CLUSTER SINGLE-FAMILY DETACHED DWELLINGS IN THE RA ZONING DISTRICT.** *(continuation from July 25, 2017 hearing)*
- 2. CONSIDER APPLICATION FOR CONDITIONAL USE SEEKING APPROVAL PURSUANT TO §411.G(b)(a)(1) OF THE ZONING ORDINANCE TO ENABLE THE CONSTRUCTION OF 9**

**SINGLE-FAMILY DETACHED DWELLINGS USING TRANSFERABLE DEVELOPMENT RIGHTS IN THE RA ZONING DISTRICT.** *(continuation from July 25, 2017 hearing)*

Ms. Yannich noted both conditional use hearings were closed at the July 25, 2017 meeting but the public was not asked to provide general comments before the Board deliberated.

Public Comment:

Lori Myers (3014 Bristol Road) said her property adjoins the Murphy tract and if the development is approved, she is requesting a berm with trees to separate the development and her farm. Mr. Yannich stated this issue would be brought up during the site plan process.

Cluster Subdivision

Ms. Yannich stated the township solicitor prepared a decision for the cluster subdivision based on the following five (5) criteria for 2934 Bristol Road:

- No more than 6 single-family detached dwellings as a cluster subdivision.
- Preserve 83% of the site area as open space in perpetuity based on the open space calculations presented on Exhibit A-3, revised sketch plan – cluster subdivision prepared by VCEA dated February 10, 2017 last revised July 13, 2017.
- Preservation of the maximum amount of agricultural soils assuring that the property can be farmed.
- Comply with all Ordinance requirements
- Comply with CKS letter dated July 21, 2017 with the exception of item I.2.

Mr. Gaines motioned, seconded by Mr. Hollowell to move forward with the cluster conditional use application conditions in the RA zoning district preserving agricultural soils which can be leased for farming and comply with CKS letter dated July 21, 2017 with the exception of item I.2. By roll call voted, the motion passed 5-0.

Public Comment:

Lisa Delgato (291 Folly Road) asked who will own the open space on this parcel. Ms. Kushto stated the homeowners association of the development.

Eric Thompson (291 Folly Road) stated a cluster development and TDR development cannot be used together.

TDR

Ms. Yannich read the fourteen (14) conditions for the conditional use application for approval of a single-family detached dwelling subdivision utilizing transferable development rights at 2934 Bristol Road.

Mr. Gaines motioned, seconded by Ms. Baker to authorize the township solicitor to prepare findings of fact and conclusion of law. By Roll Call vote, the motion passed 4-1 with Mr. Hollowell voting no.

The regular meeting reconvened at 8:41 P.M.

**3. APPROVAL OF BILL LIST:**

a. **July 26, 2017 – August 8, 2017: \$ 1,215,404.46**

Mr. Hollowell motioned, seconded by Mr. Gaines to approve the bill list from July 26, 2017 through August 8, 2017 totaling \$1,215,404.46. By roll call vote, the motion passed 5-0.

#### 4. CONSENT ITEMS:

Ms. Yannich noted a brief description of the consent items are attached to the agenda. Ms. Yannich read the consent items as presented. (Attachment "A") Mr. Hallowell motioned, seconded by Mr. Gaines to approve Consent Items A through D, G, I, J and K. Ms. Yannich stated Item E will be brought up under Old Business. Ms. Seliga requested a further explanation of Consent Items F and Ms. Baker requested a further explanation of H. All were in favor.

- a. **July 11, 2017 Approval of Minutes.**
- b. **July 13, 2017 Approval of Minutes from Conditional Use Hearings.**
- c. **July 25, 2017 to Post Minutes.**
- d. **Consider Bid Award for Valley Road Water Main Extension.**
- e. **Consider authorization to forward Conservation Subdivision Zoning Ordinance Amendment to Warrington Township Planning Commission and Bucks County Planning Commission.**

This item was moved to Old Business, Item # 6B.

- f. **Consider Land Development and Financial Agreement for Parkview at Warrington (Toll PA XIV, LP) Folly Road, TMP # 50-010-012, 50-010-13 and 50-010-013-001.**

Ms. Yannich asked what the township was approving for Parkview at Warrington.

Ms. Kushto stated the land development and financial agreement for Parkview at Warrington is Phase 1 consisting of forty four lots. There is a provision on page 20 of the agreement which provides for additional financial security and a new agreement prepared for the additional phases.

Ms. Seliga asked for the amount of the bond and open space fees for the 95 homes and also the wetland areas and lot size.

Mr. Zarko stated there is a 3.6 million bond amount for Phase 1 that was approved by CKS Engineers, Inc. The open space fees will be calculated by using TDR's as per the curative amendment. Wetlands are on site within the open space areas. The total area of wetlands that was delineated is 29,716 square feet.

Mr. Gaines asked Mr. Zarko to give the requirements for blasting which is noted in Item 9 of the agreement. Mr. Zarko stated the contractor is required to obtain a permit from the State and approval from the Township for blasting. Mr. Gaines expressed concerns by the residents of the Lamplighter development. Mr. Zarko said the blasting company will notify the residents by letter. Mr. Zarko will meet with the homeowners at Lamplighter to discuss their concerns.

#### Public Comment:

Gerry Sapers (1803 Regency Court) said there is a walking path between Lamplighter and Parkview and suggested for a siren to go off before the blasting takes place.

Mr. Gaines motioned, seconded by Ms. Yannich to approve the land development and financial agreement for Parkview at Warrington (Toll PA XIV, LP) Folly Road, TMP #50-010-012, 50-010-013 and 50-010-013-001. All were in favor and the motion passed 5-0. Mr. Hallowell disclosed that he is a resident of Lamplighter.

- g. **Consider Resolution to adopt Warrington Township Safety and Health Manual.**
- h. **Consider authorization to advertise Ordinance to adopt an intergovernmental agreement authorizing Hough Associates to collect residential and commercial recycling data and prepare PA DEP 904 Recycling Grant Application.**

Mr. Lubber gave an explanation of the grant which encourages municipalities to promote recycling. Pennsylvania passed a law for municipalities to pass an Ordinance to join an intergovernmental agreement.

Ms. Seliga motioned, seconded by Mr. Gaines to advertise an Ordinance to adopt an intergovernmental agreement authorizing Hough Associates to collect residential and commercial recycling data and prepare PA DEP 904 Recycling Grant Application. All were in favor and the motion passed 5-0.

- i. **Consider Certificate of Completion #2 for High Grove Manor (Lot 2) in the amount of \$21,463.50.**
- j. **Consider approval to hire Michael Finnigan as Water and Sewer Operator.**
- k. **Consider approval to hire a part-time Human Resources Director.**

5. **CORRESPONDENCE:** None.

6. **OLD BUSINESS:**

- a. **Water Supply Update.**

Ms. Yannich read the report from Director of the Water and Sewer Department, Christian Jones dated August 4, 2017 noting the number of public water connections as of July 30<sup>th</sup>; Costner Filtration Project and the High Grove Manor Interconnection Project.

Public Comment:

Ava Ventresca (680 Honora Street) requested a water tested report. Mr. Zarko stated the township has tested all of the wells and the information is on the website. The details of the North Wales Water Authority testing report is included in the Consumer Confidence Report which is for 2016 and is distributed on or before July 1, 2017 to the township residents.

- b. **Consider authorization to forward Conservation Subdivision Zoning Ordinance Amendment to Warrington Township Planning Commission and Bucks County Planning Commission.**

Ms. Yannich explained the draft amendment to the RA District Ordinance. The Planning Commission is working on the Comprehensive Plan and favors conserving open space. The public will be asked to review said Ordinance.

Mr. Gaines stated the Planning Commission drafted the Ordinance. The goal is not to have any more TDR's left in Warrington Township. Mr. Gaines explained open space and its use under the draft Ordinance. The Planning Commission is seeking Board of Supervisor comments and then the Ordinance will be forwarded to the Bucks County Planning Commission followed by a review from the Township Solicitor. The final approval will be from the Board of Supervisors.

Ms. Yannich asked for public comment:

Seth Ganzman (903 Bentley Court) asked for incentives to builders.



Mr. Gaines responded that general incentives may be offered to builders if they go over and above the Ordinance requirements. The incentives would vary with the type of resource protection being provided. The exact amount of incentives has not been finalized.

Ms. Yannich stated that if the township leaves the property in status quo, this may result in the developer taking the township to court to challenge the existing Ordinance.

Bob Showalter, P.E., from Showalter and Associates does not agree with the current cluster development because it does not provide sufficient incentives to cause a developer to forego development of 83% of a property being developed. It is important to have infrastructure to support development within agricultural density.

Eric Thompson (291 Folly Road) opposes development and increasing activity in the RA district.

Mr. Gaines stated the Environmental Advisory Council has a report that contiguous open space adds values to homes along with conservation easements.

Mr. Hallowell questioned the liability for open space and a homeowners association.

Ms. Baker noted the number of homes allowed under by-right and 65% open space.

Ms. Seliga motioned, seconded by Ms. Baker to forward the Conservation Subdivision Zoning Ordinance Amendment to Warrington Township Planning Commission and Bucks County Planning Commission. All were in favor and the motion passed 4-1 with Mr. Hallowell voting no.

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

**8. MANAGER'S REPORT:**

a. **Public Works Department Fence Project**

Mr. Luber presented pictures of the new fence project installed by the public works department.

Mr. Luber also noted that the tot lot at High Grove Manor has been installed.

Mr. Luber said a Courtyard by Marriott is the hotel that is being built at the Valley Gate Shopping Center.

**9. ENGINEER'S REPORT:**

a. **General Update:**

Mr. Zarko referenced updates to the 2017 Road Improvement Program and Freedom Way Water Project.

Ms. Seliga questioned the trucks on Pickertown and Folly Roads. Mr. Zarko said Victory Gardens is to present findings to the Township. Mr. Gaines requested a target date.

**10. SOLICITOR'S REPORT:**

Ms. Kushto read each zoning board hearing. Ms. Seliga asked Director of Planning, Roy Rieder to further describe AutoZone.

WT 17-16	Wright Warrington, LLC 500 Easton Road	Special exception for automobile repair use in the C-2 district. Variance for parking spaces and dimensional variances for setbacks and minimum buffer yard.
WT 17-17	Kistner, 1218 Timber Lane	Special exception to construct an accessory building on a non-conforming lot
WT 17-18	Gordon, 2135 Herblew Road	Special exception to construct an accessory apartment.

**11. EXTENSION REQUESTS:** None.

**12. DEDICATION REQUESTS:** None.

**SUPERVISOR COMMENTS:**

Ms. Seliga congratulated staff on the preparation of the Health and Safety Manual.

Ms. Baker noted that she has implemented some of the items from the Health and Safety Manual within her home.

Ms. Seliga thanked Mr. Luber on sending a letter to Warminster Township regarding the Street and Valley Road intersection and requested an update at the next meeting.

Ms. Seliga noted a dead tree is lying on a utility line on Pickertown Road behind Arbor Ridge Drive.

Mr. Hallowell asked Mr. Luber to forward the PECO map to Mr. Zarko which indicates what roads will be affected by PECO tree trimming under power and telephone lines (i.e., County Line Road). This map will be placed on the township website.

Mr. Gaines asked for a map showing the status of the LED lights, decorative and Cobra heads.

Ms. Yannich requested the Township to follow up with the property owner of the 66 acres on Millcreek and pursue negotiations.

Mr. Luber announced Warrington Cares Employee Charity is hosting a fundraiser at Chipotle on August 21, 2017 located at the Shops at Valley Square.

**ADJOURNMENT**

There being no further business, Ms. Seliga motioned, seconded by Mr. Gaines to adjourn the meeting at 10:00 PM.

Respectfully Submitted By:

  
Barbara J. Livrone, Board Secretary

## Attachment "A"

### Consent Agenda – August 8, 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 K** on the Consent agenda.

- a. July 11, 2017 to Approve Minutes.
- b. July 13, 2017 to Approve Minutes from Conditional Use Hearings.
- c. July 25, 2017 to Post Minutes.
- d. Consider Bid Award for Valley Road Water Main Extension.

**This is to award a contract to Joao & Bradley Construction in the amount of \$392,083 for the Water Main extension on Valley Rd.**

- e. Consider authorization to forward Conservation Subdivision Zoning Ordinance Amendment to Warrington Township Planning Commission and Bucks County Planning Commission.

**This ordinance will create a new permitted use in the RA District. At least 50% of Open Space will be preserved as a contiguous section on properties 25 acres or larger. In return for preservation of open space, the developer will be able to receive a density bonus for preservation over and beyond ordinance requirements.**

- f. Consider Land Development and Financial Agreement for Parkview at Warrington (Toll PA XIV, LP) Folly Road, TMP # 50-010-012, 50-010-013 and 50-010-013-001.

**This is the agreement between the Township and Developer for the 95 homes to be constructed on the former Illg property on Folly Road.**

- g. Consider Resolution to adopt Warrington Township Safety and Health Manual.

**This Manual, developed by Warrington Township Employee Safety Committee, provides guidelines for the everyday work that employees perform to keep them safe.**

- h. Consider authorization for advertisement of an Ordinance to adopt an intergovernmental agreement authorizing Hough Associates to collect residential and commercial recycling data and prepare PA DEP 904 Recycling Grant Application.

**This agreement is required by the Commonwealth of Pennsylvania in order to qualify for State recycling grants.**



i. Consider Certificate of Completion #2 for High Grove Manor (Lot 2) in the amount of \$21,463.50.

**This is a release of security for site work completed for High Grove Manor.**

j. Consider approval to hire Michael Finnigan as Water and Sewer Operator.

**This is a new position approved in the 2017 Budget. This position will be performing work in both water and sewer operations.**

k. Consider approval to hire a part-time Human Resources Director.

**This is a newly created position authorized by the Board of Supervisors. The HR Director will work between 15 and 22.5 hours per week and will be responsible for employee benefits programs, employee relations, Pay classifications, job descriptions, keeping up to date on federal and state labor laws, and recruitment.**