



WARRINGTON BOARD OF SUPERVISORS MINUTES FOR AUGUST 22, 2017

The written minutes are a summary of the August 22, 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; Matthew W. Hallowell, 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 except for Carol T. Baker.

PLEDGE OF ALLEGIANCE

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

After the Pledge of Allegiance to the Flag, Ms. Yannich asked for a moment of silence for the people and their families who have lost their lives the past few weeks.

EXECUTIVE SESSION REPORT

Ms. Yannich stated an executive session was not held.

Ms. Yannich announced Supervisor Comments will be held at the beginning and at the end of the meeting.

SUPERVISOR COMMENTS:

- Mr. Gaines reported on House Bill 1620. HB 1620 is being promoted in legislation to provide for the installation of wireless facilities in the public rights-of-way. The Bill would undermine local management of the public rights-of-way, harm public safety, remove the public from the wireless facility approval process, strip municipalities of their basic legal protections, and violate federal wireless siting law.

Mr. Gaines motioned, seconded by Ms. Seliga to authorize the Township Manager to write a letter, to the legislative representatives not to support this legislation, signed by all Supervisors. Mr. Gaines also suggested meeting with representatives of the legislature, the wireless industry and PSATS to come up with a program to ensure public safety. The motion was approved 3 to 1, with Mr. Hallowell voting no.

Public Comment:

Mark Ruckno (2284 Herblew Road) suggested obtaining more information before the Board voted.

- Mr. Gaines stated the residents are expressing concern of the water supply. Mr. Gaines recognized the efforts of State Representative Watson and Senator Greenleaf to strengthen legislation and regulations to eliminate harmful compounds.

Mr. Gaines motioned, seconded by Ms. Seliga to authorize the Township Manager to send letters of support to State Representative Watson and Senator Greenleaf supporting their efforts in working with the Commonwealth requiring the DEP to set stringent limits on the harmful compounds. All were in favor and the motion passed 4-0.

- Mr. Gaines noted at the August 17th Planning Commission meeting a document was received from SEPTA stating communities have until August 30th to make recommendations regarding transportation services. The Route 55 bus line travels along 611 from Doylestown to Willow Grove. There are not enough bus shelters along this route.

Mr. Gaines motioned, seconded by Ms. Seliga to authorize the Township Manager to send a letter to SEPTA's Service Planning Department requesting the installation of several additional bus shelters to be installed in Warrington Township along the Route 55 Bus Line. Mr. Hallowell noted that the Township should not pay for maintenance to the bus shelters. All were in favor and the motion passed 3-1, with Mr. Hallowell voting no.

Public Comment:

Dr. Connie Ace (1067 Folly Road) asked if SEPTA would come out to each bus shelter and shovel out the snow.

PUBLIC COMMENT:

- Irylen Mahida (307 Alexander Court) said he thought the speed limit signs on Bradley Road were custom made signs and not regulated signs. Mr. Zarko stated the signs are approved by PennDOT and that he would email Mr. Mahida the approved regulation.
- John McConnell (206Trellis Drive) thanked Barry Luber, Tom Zarko and the Public Works Department for the Barness Walking Trail. He noted the new street lights in his neighborhood (Arbor Ridge) look good. Mr. McConnell asked if the sediment fence is properly installed at the new Parkview at Warrington development. Mr. Zarko said he will research this request. Mr. McConnell also asked if there will be a buffer between John Paul Park @ Lower Nike and the new development. He also stated that the pond and stream are not on the plans that potential buyers are being shown. Mr. Zarko said they are not on the development plan.

1. APPROVAL OF BILL LIST:

- a. **August 9, 2017 – August 22, 2017: \$ 1,301,308.78**

Ms. Seliga motioned, seconded by Mr. Gaines to approve the bill list from August 9, 2017 through August 22, 2017 totaling \$1,301,308.78. By roll call vote, the motion passed 4-0.

2. 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") Ms. Seliga motioned, seconded by Mr. Gaines to approve Consent Items A through D, F, G and I. Ms. Seliga requested a further explanation of Consent Items E and H. All were in favor and the motion passed 4-0.

- a. **July 25, 2017 Approval of Minutes.**
- b. **August 8, 2017 to Post the Minutes.**

- c. Consider William Sparke as a member of the Historic Commission.
- d. Consider authorization to advertise for the Tradesville Wastewater Treatment Plant Headworks Facilities Upgrade Project.
- e. Consider Bid Award for Mary Barness Tennis & Swim Club's Tennis & Basketball Court Reconstruction and Fencing Replacement Project.

Ms. Seliga requested a breakdown of the \$280,756.20 bid price. Mr. Luber responded by stating this project came in \$20,000 over budget. Some capital items are being deferred to the 2018 budget and some capital items are being eliminated. Mr. Luber presented all of the township's basketball and tennis courts depicting cracks and repair needs. Ms. Seliga expressed concern that the project should have been bid separately between the tennis courts, basketball court and fencing replacement.

Mr. Gaines motioned, seconded by Mr. Hallowell to approve the bid award to Topacourt, LLC. in the amount of \$280,756.20. All were in favor and the motion passed 3-1 to Ms. Seliga voting no.

- f. Consider Change Order # 1 in the amount of \$4,988.00 for Water Tank Painting Project.
- g. Consider for approval an agreement between Warrington Township and Warrington Swim Team.
- h. Consider for approval a Resolution to appoint a "Facilities Task Force".

Ms. Yannich gave background information for the establishment of a Facilities Task Force. This new task force will be instrumental for the purpose of making recommendations on future needs of the Administrative and Police Department facilities. Ms. Yannich read the six members being appointed by Resolution to the task force. Ms. Yannich asked township resident, Ted Cicci to introduce himself. Mr. Cicci is bringing his knowledge of a strong police background to the task force.

Mr. Gaines motioned, seconded by Mr. Hallowell to approve a Resolution appointing a Facilities Task Force. All were in favor and the motion passed 4-0.

- i. Consider approval of Ordinance authorizing an intergovernmental cooperation agreement for recycling.

3. **CORRESPONDENCE:** None.

4. **OLD BUSINESS:**

- a. Water Supply Update.

Ms. Yannich read the report from Director of the Water and Sewer Department, Christian Jones dated August 17, 2017 noting the third reimbursement was submitted to the ANG in the amount of \$1,327,277.88; the number of public water connections as of August 17th; Costner Filtration Project; High Grove Manor Interconnection Project and the Center Street/Easton Road Water Main Extension Project.

Mr. Gaines noted the latest test results from the township's three working wells are very close to non-detect.

Ms. Seliga asked if the township is looking for a 100% conversion from wells to public water. Mr. Zarko replied only for the wells that were contaminated by Willow Grove NAS. As of August 22nd, the conversion to public water is 85% complete.

b. Consider Cluster and TDR Conditional Use Findings of Fact, Conclusion of Law and Decision for the Murphy Tract located at 2934 Bristol Road, TMP # 50-026-002.

Ms. Yannich explained the Cluster Conditional Use Findings of Fact indicate no more than six single-family homes will be built, 83% will be preserved as open space based on gross site area and the applicant shall comply with all the comments contained in the July 21, 2017 CKS letter with the exception of item I.2.

Ms. Seliga asked for a clarification of item I.2. Mr. Zarko responded by stating the applicant based the open space calculation on Form 307. Mr. Zarko calculated the open space based on gross site area. The establishment of open space calculation is not clear in the Ordinance and therefore recommended to remove Item I.2.

Mr. Gaines motioned, seconded by Mr. Hallowell to approve the cluster conditional use application for the Murphy Tract located at 2934 Bristol Road, TMP # 50-026-002 and adopt the Findings of Fact, Conclusions of Law and Decision. All were in favor and the motion passed 4-0.

Ms. Yannich explained the TDR Conditional Use Findings of Fact and Conclusions of Law are based on the Zoning Ordinance and the decision is based on conditions. Ms. Yannich read the Decision listing items 1 through 15.

Mr. Gaines expressed concern about an old tree on the property. Mr. Clemons stated the applicant shall comply with item # 15.

Ms. Seliga motioned, seconded by Mr. Gaines to approve the TDR conditional use application for the Murphy Tract located at 2934 Bristol Road, TMP # 50-026-002 and adopt the Findings of Fact, Conclusions of Law and Decision. All were in favor and the motion passed 4-0.

Public Comment:

Seth Gansman (903 Bentley Court) asked when are the TDR approved? Mr. Clemons stated when the subdivision and development application is filed; the applicant will need 7 TDR's to achieve density.

The meeting took a break and reconvened at 8:27 PM.

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

6. MANAGER'S REPORT:

Mr. Luber presented the following four (4) items:

- Update on LED conversion project. As of meeting date, 1135 lights have been replaced.
- Potential subdivision names for the Geerling Tract were provided and discussed. Ms. Yannich requested a street name within the subdivision to be named "Perry" who was the original owner of the farm. Dr. Connie Ace said the Historic Commission was aware of one of the streets to be named "Perry." "Emerald Court at Warrington" was unanimously agreed upon by the Board of Supervisors.

- The Bucks County Department of Health is spraying areas within the Township on Thursday evening, August 24th. The areas affected are posted on the township's website and Facebook page. The Townships new notify system already contacted the residents.
- Mr. Luber reported Warminster Township responded to his letter requesting a left turn on Valley and Street Roads. Warrington Township's engineer would have to provide a warrant analysis and submit it to PennDOT. Mr. Zarko has received requests for left turn signal traffic improvements for Easton and Paul Valley and Titus Roads. Mr. Zarko requested to add these streets to the PennDOT letter. The work to be done may be eligible under the ARLE grant.

Mr. Hallowell motioned, seconded by Ms. Seliga to authorize CKS Engineers to meet with PennDOT and submit a scope of work to the Board of Supervisors for Valley and Street Roads, Easton, Paul Valley and Titus. All were in favor and the motion passed 4-0.

7. ENGINEER'S REPORT:

a. General Update:

Mr. Zarko highlighted his report by focusing on High Grove Manor Anderson Way loop road. Discussion pertained to the opening of the Loop Road for use by the general public. It was noted that the Loop Road would need to be dedicated to the Township before it could be opened. This is an unusual circumstance, because there will still be 2 active developments that will need to utilize the Loop Road for construction access, that could result in potential damage. The Board considered accepting the dedication of the Loop Road before completion of the 2 active developments conditioned on the maintenance bond period being a minimum of 18 months, extended to the point of completion of the last of the 2 active developments.

Mr. Hallowell motioned, seconded by Mr. Gaines to permit the developer to proceed with the dedication process and extend the maintenance bond before it expires. All were in favor and the motion passed 4-0.

b. Report on Barness Park:

Mr. and Mrs. Mason who are residents of Bristol Road stated stormwater is being discharged to their property from Barness Park. Mr. Zarko investigated their concern and stated the design of the stormwater outlet could be modified. The Township would need permission from the Mason's granting an easement to extend the pipe. The cost would be approximately \$5,000 to \$10,000. It could be possible that the public works department could work on the project. The Board of Supervisors was in agreement for Mr. Zarko to have a meeting with the Mason's.

Ms. Seliga asked Mr. Zarko to report on his findings regarding the Fairways Water Tank Standpipe leak at the next meeting.

8. SOLICITOR'S REPORT:

a. Victory Gardens

- Court Action challenging Truck Restriction Ordinance.

Mr. Clemons stated Victory Gardens has filed a civil action with the Court of Common Pleas to throw out the Truck Restriction Ordinance.

- Status of efforts regarding the resolution of an alternate route to Bristol Road.

Mr. Clemons has met with Victory Gardens to discuss the driveway going to Bristol Road be utilized for truck traffic and improvements to be made to the driveway for this access. A proposal is to be submitted with the next thirty days.

- b. Warrington Avenue Building Permit.

Prime Properties wants to proceed with the building permit for the single lot. A meeting should be scheduled with Prime Properties to discuss the land development requirements.

- c. Nolan Properties Appeal of Zoning Hearing Board Decision to Court of Common Pleas.

Mr. Clemons stated an appeal regarding the Zoning Hearing Board's decision for an application of 1800 Street Road Realty, LLC was filed with the Court of Common Pleas. The Court will decide if the Zoning Hearing Board was correct or incorrect.

- d. Response to request to file "Friend of Court" brief in health effects study case.

Special Counsel, Tim Bergere forwarded a request that the township join in on a medical monitoring appeal against the Navy related to the Willow Grove NAS. The cost would be approximately \$25-\$30 K, however it could be shared among other participating townships/water departments.

Mr. Gaines suggested for Mr. Clemons and Mr. Bergere to reach out to Horsham and Warminster Townships, Upper Dublin and possibly AQUA to consider joining in to fund the filing of a "Friend of Court" brief relating to the health effects study case.

- e. Shihadeh Zoning Hearing Board Appeal to Court of Common Pleas.

This is a pending subdivision application and if it has access to a public road. Two neighbors have appealed the Zoning Hearing Board decision. The Board of Supervisors agreed for Mr. Clemons to file an Entry of Appearance.

9. EXTENSION REQUESTS: None.

10. DEDICATION REQUESTS: None.

SUPERVISOR COMMENTS:

Ms. Seliga complimented the Public Works Department for their cleanup at the Mary Barness swimming pool.

Ms. Seliga asked for a follow-up to the dead tree behind the Arbor Ridge development that is lying on a line.

Mr. Gaines announced on September 10th, the Warrington Cares Employee Charity is hosting a triathlon and is in need of volunteers. Mr. Lubert said the pre-race meeting is scheduled for September 7th.

Mr. Hallowell stated the public works department did a great job with grading on Bradley Road.

Ms. Yannich announced on September 12th there will be a budget work session starting at 6:00 P.M. followed by the regularly scheduled Board of Supervisors meeting.

Ms. Yannich said a new silt fence has been installed at the Shops of Valley Square. Also a new town center will be completed by the end of November at the Shops at Valley Square.

Ms. Yannich announced the Environmental Advisory Council will be establishing a demonstration garden at the front of the Township Building. Birdhouses, pollinating plants, native plants, meadow flowers will all be identified by signs.

Mr. Luber announced Warrington Community Day has met its \$20,000 in sponsorship funds. New to Warrington Community Day scheduled for September 23 is the Warrington Fire Company #1 hosting their annual Open House; Hot Dog Pig Races; Barrel Racer for kids (train ride) and four games of chance. This event is free to the public, except for the games of change. Special guest appearances will be the Philly Phanatic and the Eagles Cheerleaders.

ADJOURNMENT

There being no further business, Ms. Seliga motioned, seconded by Ms. Yannich to adjourn the meeting at 9:25 PM.

Respectfully Submitted By:



Barbara J. Livrone, Board Secretary

Attachment "A"

Consent Agenda – August 22, 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.

- a. July 25, 2017 to Approve Minutes.
- b. August 8, 2017 to Post Minutes.
- c. Consider William Sparke as a member to the Historic Commission.

The Historic Commission at their most recent meeting approved William Sparke to their committee – this appointment is being sent to the Board of Supervisors for approval.

- d. Authorization to advertise for the Tradesville Wastewater Treatment Plant Headworks Facilities Upgrade Project.

This contract is for the construction of a new Headworks and storage building and a new Grit removal system at the Tradesville Wastewater Treatment Plant located on Pickertown Rd.

- e. Consider Bid Award for Mary Barness Tennis & Swim Club Tennis & Basketball Court Reconstruction and Fencing Replacement Project.

This contract is to replace both the tennis and basketball courts and fencing located at the intersection of Liberty Lane and Continental Drive. These courts are used by the Mary Barness Tennis & Swim Club members and guests during the summer and are open to all residents during the rest of the year. Both courts are in disrepair as they have large cracks in them.

- f. Consider Change Order #1 in the amount of \$4,988.00 for Water Tank Painting Project.

This Change Order is to powerwash the bottom of the Shetland Water Tank before the lettering of "Warrington Township" is painted on the tank.

- g. Consider for approval an agreement between Warrington Township and Warrington Swim Team.

This is a renewal of the original agreement signed in 2015 which indicates the Swim Team and Township responsibilities as it relates to the Swim Team's use of the Mary Barness Tennis and Swim Club.

- h. Consider approval for a Resolution to appoint a "Facilities Task Force".

The primary purpose of this task force is to solicit and review proposals from architects/engineers for the design of a new Police Facility behind the Township Building and renovate the existing Township Building.

- i. Consider approval of Ordinance authorizing an intergovernmental cooperation agreement for recycling.

This agreement, once in place, will allow several Bucks County municipalities to jointly file a grant application to the state in order to receive a recycling grant (based on the tonnage that is recycled by each municipality)

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