



**WARRINGTON TOWNSHIP BOARD OF SUPERVISORS
MINUTES FOR JANUARY 14, 2020 - 7:00 PM**

The written minutes are a summary of the January 14, 2020 Board of Supervisors meeting. For a complete dialog visit the Township's website, www.warringtontownship.org.

ATTENDANCE

Fred R. Gaines, Chair; Ruth L. Schemm, Vice Chair; Carol T. Baker, member; Eileen Albillar, member and Mark E. Lomax.

Staff present was Barry P. Luber, Township Manager; Terry Clemons, Esq., Clemons Richter and Reiss, Township Solicitor; Thomas Zarko, P.E., CKS Engineers, Township Engineer; Barbara J. Livrone, Executive Assistant to the Township Manager/Board Secretary.

CALL TO ORDER: Mr. Gaines called the meeting to order at 7:04 P.M. Mr. Gaines asked for a moment of silence for former Congressman Michael Fitzpatrick, who passed away.

PLEDGE OF ALLEGIANCE

Mr. Gaines followed the Call to Order with a pledge to the flag.

PUBLIC COMMENT:

Connie Ace (1067 Folly Road) stated the mulch piles have exceeded their height limit at the Garges Farm, operated by Victory Gardens. She handed the Board a photo. Mr. Zarko said he would investigate.

Dr. Ace also expressed concerns about enforcing the truck, nuisance, noise and odor Ordinances.

EXECUTIVE SESSION REPORT

Mr. Luber stated an executive session was held and will be mentioned later in the meeting.

ANNOUNCEMENTS:

- Mr. Gaines announced the Conditional Use Hearing for Joseph and Rosemarie Cardamone and Michael Wade for the Cardamone tract located at the intersection of Stump and Pickertown Roads, TMP # 50-004-071, 50-004-071-001 and 50-004-071-002 scheduled for January 28, 2020 at 7:00 PM will be held at the Township Building.

RECOGNITION OF 2019 BRONZE SPONSORS FOR WARRINGTON COMMUNITY DAY.

On behalf of the Board of Supervisors, Mr. Gaines recognized and thanked the following 2019 Bronze sponsors for their support and sponsorship of Warrington Community Day. Ms. Albillar handed out the Certificates of Recognitions to the following sponsors who were present:

- **CMI FIRE SPRINKLER CORPORATION (STEVE COULTON)**
- **ELBOW LANE DAY CAMP (BOB LESTER)**
- **FULTON BANK (FRANK CRAIG)**

The following Bronze sponsors were recognized but not present:

- **BUCKS MONT ORTHODONTICS**
- **EUREKA STONE QUARRY**
- **GREEN MOUNTAIN ENERGY COMPANY**
- **MAX CONSULTING, INC.**
- **PREMIER TECHNOLOGY SOLUTIONS, LLC**

Without their sponsorships, Warrington Community Day could not provide free activities for the community.

PRESENTATION BY NATURAL LANDS TRUST FOR PICKERTOWN ROAD FEASIBILITY STUDY.

Richard Tralies, RLA, ASLA, Senior Director of Landscape Planning for Natural Lands presented a narrative for the Pickertown Road Bike and Pedestrian improvements project. Goals and recommendations for Pickertown Road were presented. Funding is being provided by DCNR.

PUBLIC HEARING: None.

1. APPROVAL OF BILL LIST:

- a. **2019 Invoices for the Period December 11, 2019 to December 31, 2019 in the amount of \$1,770,048.72.**

Ms. Schemm motioned, seconded by Ms. Baker to approve the 2019 invoices paid for the period December 11, 2019 to December 31, 2019 in the amount of \$1,770,048.72. All were in favor and the motion passed 5-0.

- b. **2020 Invoices for the Period January 1, 2020 to January 14, 2020 in the amount of \$661,863.42.**

Ms. Schemm motioned, seconded by Ms. Baker to approve the 2020 invoices paid for the period January 1, 2020 to January 14, 2020 in the amount of \$661,863.42. All were in favor and the motion passed 5-0.

2. CONSENT ITEMS:

Mr. Gaines tabled Item I. Mr. Gaines asked if any clarification was needed for the consent items as presented. Item H and J were asked to be discussed.

Ms. Schemm motioned, seconded by Ms. Albillar to approve Consent Items A through Q, with the exception of Item H, I and J. All were in favor and the motion passed 5-0. (Attachment "A")

- a. November 26, 2019 to Approve Minutes for Board of Supervisors meeting.
- b. December 10, 2019 to Post Minutes for Board of Supervisors meeting.
- c. December 27, 2019 to Post Minutes for Board of Supervisors meeting.
- d. January 6, 2020 to Post Minutes from Board of Supervisors Organization meeting.
- e. Consider Bid Award to Hulton Consulting for Roof Replacement at 3400 Pickertown Road (advertised December 10 & 13, 2019).

- f. Consider agreement with Hometown Press to produce The Link for 2020.
- g. Consider adoption of Ordinance to amend Chapter 330, Article IV of the codified Ordinances amending parking restrictions along Stump Road (advertised January 6, 2020)
- h. Consider adoption of Ordinance to vacate a portion of Crestwald Terrace and a portion of Roland Avenue (advertised January 6, 2020) and consider authorization of Agreement.

Debra Shulski, Attorney for applicant and Bill Roundtree, developer were present to explain the vacation of roads for the Patient First project. The properties affected are TMP # 50-024-048 and 50-033-011 both owned by Frederick Reichle. Also affected is TMP # 50-033-018 owned by Frederick Reichle and Rose Marie Herz. A portion of Crestwald Terrace and a portion of Roland Avenue will be vacated.

Ms. Schemm motioned, seconded by Ms. Baker to approve the Ordinance to vacate a portion of Crestwald Terrace and a portion of Roland Avenue. All were in favor and the motion passed 4-1 with Ms. Albillar voting no.

Ms. Shulski also presented an Agreement between Frederick Reichle and Rose Marie Herz and Warrington Township. A Resolution was prepared to approve the Agreement.

Ms. Baker motioned, seconded by Mr. Lomax to approve the Agreement and Resolution. All were in favor and the motion passed 5-0.

- i. Consider lighting at Willow Knoll development. (Tabled)
- j. Consider Drainage PennDOT HOP for Patient First Warrington (Frederick A. Reichle parcel), Easton Road.

Mr. Zarko explained the addition of an inlet was needed in Easton Road from PennDOT for drainage for the Patient First project.

Ms. Baker motioned, seconded by Mr. Lomax to approve the application for a highway occupancy permit for Easton Road. All were in favor and the motion passed 5-0.

- k. Consider change to permit penalties.
- l. Consider authorization for payment in the amount of \$15,750 to Land-Tech Enterprises for Open Space Remediation at the Oak Creek subdivision.
- m. Consider authorization for payment in the amount of \$5,950 to Passerini & Sons, Inc., for Sanitary Sewer Lateral and Water Service Repairs at the Oak Creek Subdivision.
- n. Consider purchase of police vehicle.
- o. Consider Resolution to file for a business plan submission for the RACP grant (police station).
- p. Consider authorization for payment in the amount of \$9,800 to Passerini & Sons, Inc., for Storm Drainage Repairs within Greensward South.
- q. Consider authorization for payment in the amount of \$7,250 to Passerini & Sons, Inc., for Storm Sewer Repairs at 901 Princeton Drive within the Warrington Ridge Development.

3. CORRESPONDENCE:

- a. Petition from Legacy Oaks regarding intersection of Street and Folly Roads.

Ed Angell (315 N. Founders Court) representing Legacy Oaks submitted a petition signed by the residents at Legacy Oaks relating to traffic safety at the Folly and Street Roads intersection. Mr. Zarko will contact PennDOT to see if they will approve modifications to this intersection.

4. OLD BUSINESS:

- a. **Consider Resolution for Preliminary/Final Land Development and Declaration of Covenants for Barclay Elementary School/Central Bucks School District, TMP # 50-051-018-001, 2015 Palomino Drive.**

Ms. Baker motioned, seconded by Ms. Albillar to approve the Resolution for Preliminary/Final Land Development and Declaration of Covenants for Barclay Elementary School/Central Bucks School District, TMP # 50-051-018-001, 2015 Palomino Drive. All were in favor and the motion passed 5-0.

- b. **Discuss Lighting Report at Upper Nike Park from Park and Recreation Director.**

Mr. Gaines stated the report was received by the Board and the report was complete. (Attachment "B")

- c. **Consider filing an appeal of the Commonwealth Court's decision regarding Victory Gardens by filing a Petition with the Pennsylvania Supreme Court.**

This appeal was discussed during Executive Session. Mr. Clemons stated the Commonwealth Court ignored the Findings of Fact entered by the Zoning Hearing Board. The next step is to file a Petition with the Pennsylvania Supreme Court requesting it to review the lower court's decision. If the petition is granted, then a full brief with the PA Supreme Court would be filed.

Mr. Gaines stated the Commonwealth Court's decision was 3-0. Mr. Gaines recommended to the Board to file an appeal.

Ms. Schemm stated the Commonwealth Court did not consider the health issues.

Ms. Schemm motioned, seconded by Mr. Lomax for the Solicitor to file a Petition with the Pennsylvania Supreme Court. All were in favor and the motion passed 5-0.

5. NEW BUSINESS (ACTION/DISCUSSION ITEMS):

- a. **Discuss Slot Machine Nuisance Ordinance.**

Ms. Schemm motioned, seconded by Ms. Albillar to table this item in order to receive more information. All were in favor and the motion passed 5-0.

- b. **Discuss potential requirement for residents to connect to public sewer in conjunction with the Grove Valley Development.**

Mr. Zarko stated there are currently no malfunctioning systems in this area. A consideration would be for residents to connect up sale of their property or if their septic system malfunctioned.

Mr. Clemons stated the current Sewer Ordinance provides for connection to the public sewer system if the dwelling is within 150 feet.

Ms. Schemm motioned, seconded by Ms. Baker to authorize the township engineer to prepare a letter to Bucks County Department of Health stating the township is requiring connection to the public sewer system upon evidence of a malfunctioning septic system or sale of the property. All were in favor and the motion passed 5-0.

c. **Discussion of hiring design consultant for pond to wetland conversion.**

Mr. Luber reported \$188,000 of grant funds have been received from the DCNR grant.

Ms. Ivy Ross, township grant specialist, stated the township has until 2024 to complete the project. A lot of the work will be done by volunteers. Princeton Hydro has knowledge of the project and since they will be providing a professional service, three bids are not required.

Mr. Gaines stated the project will cost \$394,607. The budgeted amount is \$206,246 and questioned where these funds are budgeted. Mr. Luber stated these funds are in the Open Space Fund.

Ms. Schemm thanked Ivy Ross for all of the hard work she has accomplished for this project.

Ms. Schemm motioned, seconded by Ms. Albillar to approve the hiring of Princeton Hydro as the design consultant for the pond to wetland conversion project. All were in favor and the motion passed 5-0.

d. **Consider approval of the proposed name change of the “Mary Barness Tennis and Swim Club” to “Warrington’s Mary Barness Community Pool”.**

Park and Recreation Director, Andy Oles reported the Swim Club Advisory Committee has been meeting on a regular basis and suggested the re-naming of the Swim Club to Warrington’s Mary Barness Community Pool. The name change helps to label the pool as a community facility rather than a private swim club.

Ms. Albillar motioned, seconded by Mr. Lomax to re-name the Mary Barness Tennis and Swim Club to Warrington’s Mary Barness Community Pool. All were in favor and the motion passed 5-0.

e. **Discuss an appointment of Solicitor for Building Codes Appeal Board.**

Mr. Gaines tabled this item.

6. **MANAGER’S REPORT:** None.

7. **DEDICATION REQUEST:** None.

8. **ENGINEER’S REPORT:**

a. **General Update:**

Mr. Zarko gave a report on the residents’ complaint about trucks parking along Street Road for the Pathways at Warrington development.

Mr. Zarko reported on the Oak Creek development stating that the majority of improvements have been completed. The landscaping will be completed in the spring.

9. SOLICITOR'S REPORT:

- a. **WT ZHB 20-01, Chelak, 596 Georgetown Lane, request for a dimensional variance for rear yard setback.**

Mr. Clemons recommended for the Board of Supervisors not to take action.

- b. **WAWA Stipulation Update.**

Mr. Clemons stated the Settlement Stipulation and Agreement between Warrington Easton LLC and Warrington Township agreed that two variances were granted from the Zoning Ordinance. The attorney for the appellant will file an Order with the Court of Common Pleas of Bucks County.

- c. **Warrington Pointe Settlement.**

Mr. Clemons received a letter dated January 13, 2020 from the community's attorney stating the association grants the work to be completed in accordance with the storm water management remediation project.

- d. **Victory Gardens Report.**

This was reported under Agenda Item 4c.

- e. **Deed of Easement for Home Depot, 650 Easton Road, TMP # 50-024-001.**

The Deed of Easement for Home Depot, located at 650 Easton Road, TMP # 50-024-001 for water easement and facilities will be assigned to North Wales Water Authority.

- f. **Consider approval to Intervene in Prime Building Group Appeal, 892 Warrington Avenue, TMP # 50-036-081.**

The Court of Common Pleas of Bucks County ruled in the Township's favor. The appellant's attorney is filing an appeal with the Court to overturn its decision.

Mr. Lomax motioned, seconded by Ms. Baker to approve to intervene in the appeal for Prime Building Group, 892 Warrington Avenue, TMP # 50-036-081. All were in favor and the motion passed 5-0.

SUPERVISOR COMMENTS:

Ms. Baker reported Senate Bill # 790 (Fracking Bill) is going to the House. This bill will allow the fracking companies to get rid of the waste water that they will be discharging. The discharged water will not be required to be tested in accordance with DEP regulations.

Mr. Lomax stated a new roof has been installed at the 10 Folly Road Schoolhouse.

Ms. Schemm stated the police negotiations are still on-going.

Ms. Albillar said the Philadelphia Inquirer reported on a Lionel Model Train Exhibit taking place at a Warrington residence, 56 Woodlawn Avenue. The exhibit is going on until February 9th.

Mr. Gaines reported that township employee; Joe Scarpill sent a thank you note to the supervisors for recognizing his 40 years of service to the township.

ADJOURNMENT

There being no further business, Mr. Lomax motioned, seconded by Ms. Albillar to adjourn the meeting at 9:02 PM.

Respectfully Submitted By:



Barbara J. Livone, Board Secretary

Attachment "A"

Consent Agenda – January 14, 2020

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. **November 26, 2019 to Approve Minutes for Board of Supervisors meeting.**
- b. **December 10, 2019 to Post Minutes for Board of Supervisors meeting.**
- c. **December 27, 2019 to Post Minutes for Board of Supervisors meeting.**
- d. **January 6, 2020 to Post Minutes from Board of Supervisors Organization meeting.**
- e. **Consider Bid Award to Hulton Contracting for Roof Replacement at 3400 Pickertown Road (advertised December 10 & 13, 2019).**

The bid opening occurred on January 7, 2020. Hulton Contracting was the low bidder in the amount of \$42,010 along with a wood deck replacement cost at \$10 per square foot. All documentation required by the bid specs was provided including the bid bond.

- f. **Consider agreement with Hometown Press to produce The Link for 2020.**

Hometown Press will produce quarterly newsletters at no cost to the residents, except postage.

- g. **Consider adoption of Ordinance to amend Chapter 330, Article IV of the codified Ordinances amending parking restrictions along Stump Road (advertised January 6, 2020).**

This is an Ordinance to amend Chapter 330, Article IV parking restrictions. The parking restrictions are for Stump Road.

- h. **Consider adoption of Ordinance to vacate a portion of Crestwald Terrace and a portion of Roland Avenue (advertised January 6, 2020) and consider authorization of Agreement.**

This Ordinance is to vacate a portion of Crestwald Terrace and a portion of Roland Avenue for the proposed Patient First development. The agreement is between Frederick Reichle and Rose Marie Herz and the Township to vacate portions of Crestwald Terrance and Roland Avenue.

- i. **Consider lighting at Willow Knoll development.**

Recommendations are made to install two 50-watt LED luminaires with 12-foot fiberglass poled and underground wiring between Suzann and Lisa Drives. The estimated cost is \$10,000.

- j. **Consider Drainage PennDOT HOP for Patient First Warrington (Frederick A. Reichle parcel), Easton Road.**

One inlet on Easton Road is required as part of the proposed Patient First development and PennDOT approval process.

- k. **Consider change to Permit penalties.**

A recommendation is being made to the Board not to make any changes to the township's current punitive fees/measures. Any unique circumstance could be reviewed by the Board and a determination could be made during a public meeting.

- l. **Consider authorization for payment in the amount of \$15,750 to Land-Tech Enterprises for Open Space Remediation at the Oak Creek subdivision.**

The work associated with the site grading and stabilization that was authorized by the Board has been successfully completed. It is recommended to process payment for \$15,750 to Land-Tech Enterprises, Inc.

- m. **Consider authorization for payment in the amount of \$5,950 to Passerini & Sons, Inc., for Sanitary Sewer Lateral and Water Service Repairs at the Oak Creek Subdivision.**

The work associated with the repair of the sanitary sewer laterals and water services that was authorized by the Board has been successfully completed. It is recommended to process payment for \$5,950 to Passerini & Sons, Inc.

- n. **Consider purchase of police vehicle.**

The Police Department is requesting purchasing a 2020 police interceptor for \$34,999. This is a 2020 budgeted item.

- o. **Consider Resolution to file for a business plan submission for the RACP Grant (Police Station).**

- p. **Consider authorization for payment in the amount of \$9,800 to Passerini & Sons, Inc., for Storm Drainage Repairs within Greensward South.**

The work associated with the repair of the Greensward South storm sewer that was authorized by the Board has been successfully completed. It is recommended to process payment for \$9,800 to Passerini & Sons, Inc.

- q. **Consider authorization for payment in the amount of \$7,250 to Passerini & Sons, Inc., for Storm Sewer Repairs at 901 Princeton Drive within the Warrington Ridge Development.**

The work associated with the storm sewer repair at 901 Princeton Drive that was authorized by the Board has been successfully completed. It is recommended to process payment for \$7,250 to Passerini & Sons, Inc.

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

Warrington Township



852 EASTON ROAD, WARRINGTON, PA 18976
215-343-9350 ■ FAX 215-343-5944
www.warringtontownship.org



BOARD OF SUPERVISORS
FRED R. GAINES, Chair
RUTH L. SCHEMM, Vice Chair
CAROL T. BAKER, Member
EILEEN ALBILLAR, Member
MARK E. LOMAX, Member

TOWNSHIP MANAGER
BARRY P. LUBER

January 7, 2020

Temporary lighting permission was granted for Warrington Soccer on a trial basis at the Board of supervisors meet held on September 10, 2019 for field #6 at IPW. The request was granted under the following conditions:

1. The lighting was valid from October 1, 2019 through November 30, 2019. Subsequent requests must be submitted to the Board for review.
2. The temporary lighting can only be utilized Monday through Thursday and must be off by 9pm
3. The maximum height of the lights shall be 30 feet.
4. The soccer club will continue to seek alternate fields that have existing lighting including fields utilized by Warrington Football at King Park and if an agreement is reached lighting at IPW will cease.

The actual usage of the lights was from October 7th through November 23 and about five days were lost due to weather. Warrington Soccer was very appreciative of the approval and the amount of practice time that it allowed for its members. Warrington Soccer was very respectful of the conditions set and adhered to all during the timeframe. Only a handful of complaints were received by the Parks office during the October 7th through November 23rd time frame. Consideration of the impact that the lights could have on the migrating birds and the pond to wetland conversion project are both key factors in the hesitation to allow lighting again in 2020.

The Parks and Recreation Board is aware of the lighting situation and also of the roster levels of other athletic groups in the Township and will be re-evaluating the assignment of fields for the 2020 seasons. It has also been mentioned to the president of Warrington soccer that the likelihood of the temporary lights being approved at IPW again in 2020 is low and that they should be exploring other options as early as possible. We are also exploring some open space at King Park where temporary lights could be added for the short window in the fall when they are needed.

Respectably,

Director of Parks and Recreation