



**WARRINGTON TOWNSHIP BOARD OF SUPERVISORS  
MINUTES FOR FEBRUARY 25, 2020 - 7:00 PM**

**The written minutes are a summary of the February 25, 2020 Board of Supervisors meeting. For a complete dialog visit the Township's website, [www.warringtontownship.org](http://www.warringtontownship.org).**

**ATTENDANCE**

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

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:** Ms. Schemm called the meeting to order at 7:00 P.M.

**PLEDGE OF ALLEGIANCE**

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

**PUBLIC COMMENT:**

There was no public comment.

**EXECUTIVE SESSION REPORT**

Ms. Schemm stated an executive session was not held.

**PRESENTATION OF OUTGOING VOLUNTEERS**

Ms. Schemm thanked the following volunteers who served on various boards and committees for their dedication and work that they provided to the Township:

- **Aaron Mulder, Bike & Hike Trails Committee**
- **Steve Filipe, Communications Advisory Board**
- **John Heenan, Park & Recreation Board**
- **Pat Smith, Park & Recreation Board**
- **Vincent Formica, Pension Advisory Board**
- **Kevin Peacock, Pension Advisory Board**
- **Andrew Bracy, Veteran Affairs Committee**
- **John Drabouski, Veteran Affairs Committee**

Mr. Lomax presented Aaron Mulder, Chair of the Bike and Hike Trails Committee Proclamation Resolution 2020-R-14 and read the proclamation to the public. The Board of Supervisors acknowledged and thanked Mr. Mulder's commitment to Warrington Township.

**ANNOUNCEMENTS:**

- **Announce date and time for continuation of the conditional use hearing for the Cardamone/Wade tract located at the intersection of Stump Road and Pickertown Road to March 10<sup>th</sup>, 7:00 pm.**

Ms. Schemm stated a new date could be proposed due to new plans being presented to the Township.

**PUBLIC HEARING:** None.

**1. APPROVAL OF BILL LIST:**

a. **2019 Invoices received February 12, 2020 to February 25, 2020 in the amount of \$465.47.**

Mr. Lomax motioned, seconded by Ms. Albillar to approve the 2019 invoices paid for the period February 12, 2020 to February 25, 2020 in the amount of \$465.47. All were in favor and the motion passed 3-0.

b. **2020 Invoices for the Period February 12, 2020 to February 25, 2020 in the amount of \$485,334.34.**

Mr. Lomax motioned, seconded by Ms. Albillar to approve the 2020 invoices paid for the period February 12, 2020 to February 25, 2020 in the amount of \$485,334.34. All were in favor and the motion passed 3-0.

**2. CONSENT ITEMS:**

Ms. Schemm asked if any clarification was needed for the consent items as presented. Being none, Mr. Lomax motioned, seconded by Ms. Albillar to approve Consent Items A through E. All were in favor and the motion passed 3-0. (Attachment "A")

- a. January 28, 2020 to Approve Minutes for Board of Supervisors meeting.
- b. January 28, 2020 to Approve Minutes for Board of Supervisors Work Session meeting.
- c. February 11, 2020 to Post Minutes for Board of Supervisors meeting.
- d. Consider amendment to Release and Settlement Agreement for Lamplighter Village Condominium Association.
- e. Consider approval to transfer funds from Utility Proceed Funds to 2019 Bond Fund.

**3. CORRESPONDENCE:** None.

**4. OLD BUSINESS:**

a. **Discussion of an Ordinance to amend the Zoning Ordinance for the CBD Zoning District (The Shops at Valley Square) (advertised February 11 & 18, 2020).**

The attorney for the applicant, Joe Blackburn, Wisler & Perlstine; and applicant Scott Kern, Poag, LLC were present.

Mr. Blackburn stated on January 28, 2020, the Board of Supervisors authorized the advertisement of the amended Zoning Ordinance. The latest version, which is #12, incorporates all revisions to date.

Ms. Schemm questioned the height of the proposed building and the amenity space.

Mr. Blackburn stated sixty feet is the maximum height which is permissible in the CBD district. The amenity space is less than 7,000 square feet.

Mr. Clemons stated the latest version of the proposed Ordinance addresses all outstanding comments. The Planning Commission had approved the proposed amended Ordinance.

Mr. Clemons noted that the first step in this process was that Poag LLC met with staff and reviewed the sketch plan. The next step is to approve the text amendment to the Ordinance. If this is approved, then there will be two more steps: Conditional Use approval and Land Development approval.

Ms. Albillar and Mr. Lomax expressed concern about not having a full board. The Board recessed at 7:30 to phone Ms. Baker. Ms. Baker could not be reached for comment.

Ms. Schemm stated she was not in favor of tabling this agenda item.

After discussion, Ms. Albillar motioned, seconded by Mr. Lomax to approve the Ordinance to amend the Zoning Ordinance for the CBD Zoning District (The Shops at Valley Square) (advertised February 11 & 18, 2020). All were in favor and the motion passed 3-0.

b. **Consider approval of Findings of Fact, Conclusions of Law and Decision for the Conditional Use Application of Innovation and Exploration LLC (Valley Road Church of Christ) located at 978 Valley Road, TMP # 50-052-055.**

Ms. Schemm stated the township solicitor presented Findings of Fact, Conclusions of Law and Decision for the Conditional Use Application of Innovation and Exploration LLC, 978 Valley Road.

Mr. Clemons stated the Conditional Use Hearing was held on February 11, 2020 presenting a STEM school locating at the Valley Road Church of Christ. Mr. Clemons reported the Board considered the evidence presented and the approval is subject to the following conditions:

- Existing parking is adequate for proposed use.
- Install and implement fire protection measures required by the fire marshal.
- Sanitary Sewer capacity is available from Bucks County Water & Sewer Authority.
- Install buffer plantings
- Comply with all Ordinance requirements.

Mr. Lomax motioned, seconded by Ms. Albillar to approve the Findings of Fact, Conclusions of Law and Decision for the Conditional Use Application of Innovation and Exploration LLC (Valley Road Church of Christ) located at 978 Valley Road, TMP # 50-052-055. All were in favor and the motion passed 3-0.

c. **Continue discussion for increase in Earned Income Tax (EIT) to be used for Open Space acquisition and maintenance.**

Ms. Schemm stated open space has to be maintained and it takes resources to maintain the properties. Open space is a valuable resource for the Township and provides enjoyment to its residents.

Mr. Luber presented slides and clarified the uses for the Township to acquire open space for purposes acquired by the EIT. The 0.25% increase in the EIT would have to be placed on the November ballot as a referendum. The Board can adopt an amount less than 0.25%. For example, a 0.08% increase would generate \$500,000 for open space.

Mr. Clemons stated the referendum has to be presented to Bucks County Board of Elections by August 4<sup>th</sup> to be placed on the November 3, 2020 ballot.

Mr. Luber stated a property acquisition list would be approved by the Planning Commission and Open Space Land Preservation Committee. An outreach program would be implemented via social media. There will be a very minimal cost to the Township to place this item on the ballot.

Public Comment:

Scott Salaman (Patty Lane) asked what the additional cost would be from Keystone Collection to collect the funds. Mr. Salsman commented that open space should be maintained. Mr. Salsman asked how much open space is left in the Township.

Mr. Luber said less than ten percent (10%) would be collected from Keystone Collection. Mr. Luber reported that fourteen percent (14%) of developable land is left, according to the Comprehensive Plan. The additional funds would be used for new acquisition and maintenance for the new acquisition not for current open space.

d. Consider Proposal for Traffic Signal Design Services for Street and Folly Roads.

Mr. Zarko requested a proposal for traffic signal design services for Street & Folly Roads from McMahon Transportation Engineers & Planners. The improvements would be for traffic signal phasing and equipment modifications to provide left turn phasing and traffic signal timing modifications. The proposed cost for the signal design services would be \$6800.00.

Mr. Lomax requested the turning movement counts timing change start at 3:00 pm, not 4:00 pm.

Ms. Albillar motioned, seconded by Mr. Lomax to accept the proposal of \$6800 from McMahon Transportation Engineers & Planners for traffic signal design services for Street and Folly Roads. All were in favor and the motion passed 3-0.

e. Discussion of Oak Creek Development.

Mr. Zarko reported that the Cutler Group went bankrupt. CKS Engineers obtained quotes to finish the remaining public improvements. To date, the improvements are substantially completed. Not completed is landscaping; survey monumentation estimated at \$18,000 and sections of white PVC fencing to be installed.

Mr. Zarko suggested saving costs by using smaller trees for landscaping. These funds would be obtained from the tree replacement fund.

Mr. Zarko also suggested installing a minimum amount of project monumentation reducing the cost from \$18,000 to \$5,000.

The Public Works Department could install the open space delineation PVC fencing to reduce installation costs.

Ms. Albillar motioned seconded by Mr. Lomax to approve the minimum amount of project monumentation reducing the cost to \$5,000 and using the Public Works Department to install the fencing. Quotes from landscapers to purchase 2" caliper trees will be obtain and presented at a future meeting for consideration. All were in favor and the motion passed 3-0.

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

6. **MANAGER'S REPORT:**

a. Discussion of Collective Bargaining Agreement with Warrington Police Benevolent Association.

Mr. Luber reported that there is a question by the Police Department regarding health care and is waiting for a response back from the PBA.

b. **Township Monthly Newsletter called E-Link.**

Mr. Luber announced a new monthly newsletter called "E-Link" will be emailed to 3,600 residents who have given the township their email address. These will be monthly updates and the first issue (March 2020) will be emailed on February 26<sup>th</sup>.

Ms. Schemm asked for the township's updated goals to be place in E-Link.

Ms. Schemm commended Mr. Luber for coordinating and implementing this project. Ms. Schemm also conveyed her appreciation to staff that assisted with the project.

7. **DEDICATION REQUEST:** None.

8. **ENGINEER'S REPORT:**

a. **General Update:** None.

9. **SOLICITOR'S REPORT:**

a. **Geerling Florist, Inc. decision from Commonwealth Court of Pennsylvania.**

Mr. Clemons reported the Geerling parcel is being developed by Toll Brothers. They need 35 TDR's, not 19 TDR's as proposed by the developer. The attorney for Geerling Florist, Inc can appeal this decision to the PA Supreme Court and has until March 16, 2020 to file.

Mr. Lomax asked what the value would be for each TDR. Mr. Clemons stated \$45,000 per TDR.

**SUPERVISOR COMMENTS:**

Mr. Lomax congratulated Chair Gaines on his nomination to the Bucks County Association of Township Officials, Board of Directors.

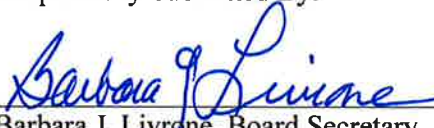
Mr. Lomax stated April 1<sup>st</sup> is the 2020 Census Day. The application for the 2020 Census can be completed on-line.

Ms. Schemm stated voting can be done by mail. New voting machines will be at the poles this election year.

**ADJOURNMENT**

There being no further business, Ms. Albillar motioned, seconded by Mr. Lomax to adjourn the meeting at 8:23 PM.

Respectfully Submitted By:

  
Barbara J. Livrone, Board Secretary

Attachment "A"

Consent Agenda – February 25, 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.

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

- a. **January 28, 2020 to Approve Minutes for Board of Supervisors meeting.**
- b. **January 28, 2020 to Approve Minutes for Board of Supervisors Work Session meeting.**
- c. **February 11, 2020 to Post Minutes for Board of Supervisors meeting.**
- d. **Consider amendment to Release and Settlement Agreement for Lamplighter Village Condominium Association.**

An agreement was entered into on April 23, 2019. The Association and Township desire to amend said agreement, Section 3, deleting Section 3c in its entirety.

- e. **Consider approval to transfer funds from Utility Proceed Funds to 2019 Bond Fund.**

Approval for the Township to record the transfer of \$1.5 million from the Utility Fund to the 2019 Bond Fund, instead of General Fund.