



## WARRINGTON TOWNSHIP BOARD OF SUPERVISORS MINUTES FOR MAY 8, 2018

The written minutes are a summary of the May 8, 2018 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; Carol T. Baker, Member; Eileen Albillar, Member and Ruth L. Schemm, Member. Staff present was Barry P. Lubber, 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 and thanked Vicki Kushto for attending the meeting in Terry Clemons absence.

### **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 held and will be discussed under the Solicitors report.

### **RECOGNITION OF EAGLE SCOUT NICK MORELLI**

Ms. Yannich acknowledged Mr. Nick Morelli, a Warrington resident for achieving the rank of Eagle Scout. Ms. Albillar read Proclamation Resolution 2018-R-32 and presented the Proclamation Resolution to Mr. Morelli.

### **SPECIAL RECOGNITION OF WARRINGTON CARES EMPLOYEE CHARITY SCHOLARSHIP RECIPIENTS AND CHARITIES**

#### Scholarship Winners:

- - \$2,500 – Alyssa Marie Dallmer
- - \$2,500 – Christina Lyons

Ms. Yannich, liaison to Warrington Cares Employee Charity (WCEC) announced the Committee had chosen two scholarship recipients and made contributions to five charities. All monies raised are through fundraisers and payroll deductions.

Mr. Lubber started the employee charity in 2014 noting its mission. Fundraisers are held to provide scholarship monies; support Ian Bennett's college education fund; donate to charities and families in need. One of the large fundraisers is the Fulton Bank/Warrington Cares Sprint Triathlon/Duathlon which is being held September 9, 2018. In the past, this fundraiser has raised almost \$15,000.

On behalf of the Bennett Family Scholarship, Kathy Bennett presented a \$2500 check to Alyssa Marie Dallmer, a senior at Central Bucks High School South.

On behalf of the Bell Family Scholarship, Vivian Bell presented a \$2500 check to Christina Lyons, a high school senior at Villa Joseph Marie.

Mr. Luber presented Kathy Bennett a \$1000 check for son, Ian which is earmarked for his college education fund.

**Charity Contributions:**

- **A Woman's Place – Cassandra Williams - \$1500**
- **Camp Charlie Safe Harbor – William McCann - \$1500**
- **Lions Pride Park – Shirley Yannich - \$1000**
- **Kaitlyn Murphy Foundation – Barry Luber - \$1000**
- **PA Labor & Industry Kids' Chance of PA – Barbara Livrone - \$1000**

Jesse Stelle was present to receive a \$1500 check on behalf of a Woman's Place, from WCEC member, Cassandra Williams.

Jennifer Schmauk and Heide Marcelis were present to receive a \$1500 check on behalf of Safe Harbor Camp Charlie from WCEC member, William McCann.

John Valentin, President of the Warrington Lions Club and member Russ Diamond were present to receive a \$1000 check for Lions Pride Park from Supervisor Liaison, Chair Yannich.

Anmarie Murphy and Tim Murphy were present to receive a \$1000 check on behalf of the Kaitlyn Murphy Foundation, from WCEC member Barry Luber.

Lloyd Brown was present to receive a \$1000 check on behalf of Kids' Change of PA (PA Labor and Industry) from WCEC member, Barbara Livrone.

A description of the Warrington Cares Employee Charity Committee members' selection of charities is attached. (Attachment "A")

**PRESENTATION OF OPEN SPACE AND LAND PRESERVATION COMMITTEE 2017 ANNUAL REPORT**

Ms. Yannich introduced Chair Ivy Ross. Ms. Ross is also the Vice Chair for the Environmental Advisory Council. Ms. Ross presented the Open Space and Land Preservation Committee's 2017 annual report which focused on the Return to the Environment; developing a priority parcel evaluation; uses of referendum monies; the Mill Creek Property; wetlands, meadows, open spaces and Lions Pride Park. Ms. Ross thanked the Board of Supervisors for their support. The Open Space and Land Preservation Committee meet the second Wednesday of each month starting at 7:30 pm. The 2017 Annual Report will be posted to the website.

**PUBLIC COMMENT:**

Theresa McDonald (3014 Creekside Court) complained about noise coming from a business that is affecting the residents of Penns Wood Development.

Jonathan Schultz (2014 Creekside Court) expressed the same noise complaint.

Jim Rando (2012 Creekside Court) expressed the same noise complaint.

Ms. Yannich said this issue will be discussed at the next staff meeting and a recommendation will be made to the Board at the next meeting.

Reginald Riley (2904 Maggie Way) (Oak Creek at Warrington) had a complaint about a dumpster at his development. He also questioned the PECO easement and maintenance of easement. Mr. Zarko said a final inspection of the development will be performed before dedication takes place.

**PUBLIC HEARING:** None.

**1. APPROVAL OF BILL LIST:**

a. **Invoices for the Period April 17, 2018 to May 8, 2018 in the amount of \$ 1,013,560.48**

Mr. Gaines moved, seconded by Ms. Baker to approve the invoices paid for the period April 17, 2018 to May 8, 2018 in the amount of \$ 1,013,560.48. All were in favor 5-0.

**2. CONSENT ITEMS:**

Ms. Yannich read each consent item and asked if any clarification was needed for the consent items as presented. (Attachment "B")

Ms. Schemm moved, seconded by Mr. Gaines to approve Consent Items A through I. All were in favor 5-0.

- a. March 27, 2018 to Approve Minutes for Board meeting.
- b. April 17, 2018 to post Minutes for Board meeting.
- c. Consider approval of Bid Award for 2018 Roadway Improvement Program.
- d. Consider Certificate of Completion #2 (Final) for Lamplighter Village II – Phase IV in the amount of \$48,482.27.
- e. Consider authorization of Suburban Testing Labs Contract for SDWA and NPDES Sampling.
- f. Consider Resolution to approve Richard Alsdorf as an alternate member of the Zoning Hearing Board.
- g. Consider revised policy for water shut-off.
- h. Consider modification of regulations for Water and Sewer delinquent accounts.

Ms. Schemm questioned who pays the cost of Portnoff Law Firm to collect the delinquent accounts. Mr. Lubber stated the cost is borne by the resident who is delinquent in payment.

Ms. Albillar asked if the residents will be notified of the change to the Policy for delinquent accounts. Mr. Lubber stated a notice will be posted to the website along with a note in their water and sewer bills.

- i. Consider authorization to amend Water and Sewer Rules and Regulations.

**3. CORRESPONDENCE:** None.

**4. OLD BUSINESS:**

a. **Consider Release and Settlement Agreement for Tradesville Plant Upgrade Invoice.**

Ms. Yannich stated a settlement agreement was reached by the Township for an invoice in the amount of \$30,318.53 to be withdrawn for the Tradesville Plant Upgrade Project.

Ms. Baker moved, seconded by Mr. Gaines to approve the release and settlement for an invoice relating to the Tradesville Plant Upgrade Project. All were in favor and the motion passed 5-0.

- b. **Consider Resolution and three (3) Deeds approving conveyance of TDR's from various parcels to the Geerling Tract.**

Ms. Kushto reported that the Commonwealth Court maintained 35 TDR's are required for this development. The Court of Common Pleas only required 19 TDR's. An agreement was reached with the developer's attorney to record 19 TDR's immediately and deliver the remaining 16 TDR's to the Township Solicitor to be held in escrow until the court case is settled.

Mr. Gaines moved, seconded by Ms. Albillar to approve the Resolution and three (3) Deeds conveying TDRs from various parcels to the Geerling Tract. All were in favor 5-0.

- c. **Consider authorizing Solicitor to prepare a Resolution for approval of a Preliminary plan for construction of an 1800 square foot building at the Shops at Valley Square.**

Ms. Yannich reported this agenda item will be postponed until the June 12<sup>th</sup> Board of Supervisors meeting.

## 5. NEW BUSINESS (ACTION/DISCUSSION ITEMS):

- a. **Consider approval to hire Consultant to prepare new Zoning Ordinance and replace existing Zoning Ordinance.**

Ms. Yannich stated the current Township Zoning Ordinance dates back to 1985 with amendments added through 2017.

Warrington Township Planning Commission interviewed five (5) consulting firms at their May 3, 2018 meeting.

Mr. Gaines reported the Township sought Statement of Qualifications. Based on public interviews and questions answered, the Bucks County Planning Commission had the best understanding of the Comprehensive Plan for the future basis of the Zoning Ordinance. The Warrington Township Planning Commission unanimously voted to recommend to the Board of Supervisors hiring the Bucks County Planning Commission.

Ms. Baker moved, seconded by Mr. Gaines to hire the Bucks County Planning Commission to prepare a new Zoning Ordinance and replace the existing Zoning Ordinance in the amount not to exceed \$27,976.00. All were in favor 5-0.

### Public Comment:

Theresa McDonald (3014 Creekside Court) stated "noise" should be addressed in the new Zoning Ordinance.

- b. **Consider authorizing the Solicitor to prepare and advertise an ordinance to re-zone a portion of a parcel located between Easton Road and Bristol Road from the OI (Office Industrial) zoning district to the Q (Quarry) zoning district and to re-zone the remainder of the property from the OI zoning district to the OS/P (Open Space/Parklands) zoning district.**

Ms. Yannich referred to a review letter dated April 13, 2018 prepared by CKS Engineers which provided comments to the petition for zoning map amendment pertaining to Eureka Stone Quarry, TMP

# 50-026-063-002. The applicant is petitioning to re-zone 58.485 acres of vacant land. This zoning request will be brought back for a public hearing.

Mr. Gaines moved, seconded by Ms. Schemm to authorize the Solicitor to prepare and advertise an ordinance to re-zone a portion of a parcel located between Easton Road and Bristol Road from the OI (Office Industrial) zoning district to the Q (Quarry) zoning district and to re-zone the remainder of the property from the OI zoning district to the OS/P (Open Space/Parklands) zoning district. All were in favor, 5 to 0.

c. **Consider authorizing the Solicitor to prepare a Resolution for Preliminary and Final Plan approval for the Wright Partners; NTB/AutoZone Development.**

The attorney for the applicant, William E. Benner, Benner and Wild gave background information for Wright Partners to submit an application for the subdivision/land development. This property is located on Easton Road, Kansas Road and Garden Avenue, TMP #'s 50-031-004 and 50-031-008. Mr. Benner stated in March 2018, the Planning Commission submitted a favorable recommendation for the plan.

Also present was Bill Roundtree, Wright Warrington, LLC and Samuel Renauro III, P.E., SR3Engineers.

Ms. Kushto reported the plans involve the vacation of Garden Avenue. The HOA, Township and developer agreed to transfer this parcel to Wright Partners.

Ms. Yannich asked the applicant to place a street light in the right-of-way on Easton Road. Mr. Roundtree said the installation of a street light can be installed. Mr. Benner suggested that this item be included in the Resolution based on PennDOT approval.

Mr. Gaines took exception to Waiver #4 – curbing. Mr. Roundtree said curbing can be installed based on PennDOT. Mr. Zarko added if, in the future, it was deemed necessary to install curbing, this could be added to the plan. Mr. Zarko stated that the curbing, when and if installed, will be paid for by the property owner. Mr. Benner agreed to comply.

Ms. Albillar questioned traffic conditions and its impact. Mr. Zarko stated a contribution of \$21,750 will be used towards future improvements impacted by the developer.

Ms. Albillar questioned noise level. Mr. Roundtree stated upgraded landscaping and a stockade fence will be installed and will comply with Township Ordinance.

Mr. Gaines moved, seconded by Ms. Schemm to authorize the Solicitor to prepare a Resolution for a Preliminary/Final Plan approval for the Wright Partners; NTB/AutoZone development. All were in favor, 5-0.

d. **Consider Resolution for Preliminary/Final Plan Approval for Nolan Capital – 1800 Street Road.**

Ms. Yannich stated this plan is for a three story building located at 1800 Street Road, TMP # 50-035-025. All conditions have been met in the Resolution.

Ms. Kushto read Item 3A and stated this was added to the Resolution. Mr. Zarko said the curbing was subject by PennDOT. After discussion by Mr. Gaines and Mr. Zarko, item 3A is to be reworded noting that the costs of curbing installation and acquisition of the associated PennDOT HOP will be the responsibility of the property owner. A note will be added to the record plan that curbing will be added if the Board of Supervisors determines it is necessary due to safety issues.

Mr. Gaines moved, seconded by Ms. Albillar to approve the Resolution for Preliminary/Final Plan for Nolan Capital – 1800 Street Road. All were in favor 5-0.

- e. **Consider approval of deeds transferring trail right-of-way from Eureka to Township for property from Street Road to Pickertown and from Pickertown Road through Lower State Road to Mill Creek property.**

Ms. Kushto stated the agreement of grant of land between Eureka Stone Quarry and Warrington Township will be an addition to the Township's trail system. Ms. Kushto said two items are to be approved. The first is the approval of deeds transferring various rights-of-ways over the lands of Eureka Stone Quarry in lieu of condemnation. A realty tax transfer will not be due. The second approval is for an agreement for grant of land to establish sanitary sewer lines with appurtenant facilities and a pedestrian trail benefitting the residents of the Township.

Mr. Luber stated the walking trail at Upper Nike Park will be paved and has been added to the 2018 Road Improvement Program.

Mr. Gaines moved, seconded by Ms. Schemm approve the deeds transferring the trail right-of-way from Eureka to Township for property from Street Road to Pickertown and from Pickertown Road through Lower State to the Mill Creek property and the Agreement for Grant of Land. All were in favor 5-0.

Public Comment:

Ann Craven (3488 Pondview Drive) requested to view the trail map.

**6. MANAGER'S REPORT:**

- a. **Community Services Day**

Mr. Luber complimented Ivy Ross for organizing a very successful Community Services Day event and also for a cleanup at Willow Knoll.

Ms. Yannich reported that 150 high school students volunteered their service. Walmart donated hoagies; other donations came from Mod Pizza; Sopranos, Rita Water Ice and Wawa.

Public Comment:

Dr. Connie Ace (Chair of Historic Commission) said flowers were planted at 10 Folly Road. She stated that Horizon Builders gave the Historic Commission access to 2436 Street Road and that they had provided some of the flowers to be planted at 10 Folly Road.

- b. **Retirement of Detective Sergeant Dave Kenderdine.**

Mr. Luber reported after 31 years of service to the Township, Detective Sergeant Dave Kenderdine retired. A luncheon was given in his honor and the Board of Supervisors thanked him for his years of service.

**7. ENGINEER'S REPORT:**

- a. **General Update:**

Mr. Zarko reported on the Mary Barnes Swim Club noting that the underground storage tank had been removed. The tennis and basketball courts are being worked on.

Mr. Zarko also reported on progress for the Carbon Filter Project for Wells 1, 2 and 6.

Mr. Zarko reported that the conversion has started at 3400 Pickertown Road for the new renter, ATG Learning Academy.

## 8. SOLICITOR'S REPORT:

### a. Discussion of appeal for Geerling Florist, Inc, Case to the Commonwealth Court.

Ms. Kushto reported the Commonwealth Court only required 19 TDR's for the Geerling Tract. A resolution approved at the May 8<sup>th</sup> Board of Supervisors meeting indicated the developer, Toll will record 19 TDRs and deliver the other 16 TDRs to Clemons Richter and Reiss to be held in escrow.

### b. Zoning Hearing Board – WT 18-08 Yacovella, 3516 Limekiln Pike home occupation.

### c. Zoning Hearing Board – WT 18-09 Smouse, 118 Green Ash Lane, variance for impervious cover to enable construction of a swimming pool.

### d. WT 18-10, Benza, 1126 Arabian Road, variance for impervious cover to enable construction of a patio.

### e. Status of Victory Gardens.

Ms. Kushto reported there are two outstanding litigations with Victory Gardens and currently waiting for a decision. In order to proceed with the truck ordinance litigation, a traffic study needs to be completed. An estimate from Traffic Planning and Design, Inc. was received in the amount of \$14,000.

Mr. Gaines moved, seconded by Ms. Baker to support the court appeal for a traffic study and hire Traffic Planning and Design, Inc. to complete the traffic study. All were in favor 5-0.

Public Comment:

Dr. Connie Ace (1067 Folly Road) asked if this study will include a truck length and core bore study. Mr. Zarko said the report is a traffic analysis.

John McConnell (206 Trellis Drive) asked when will court hearing date be scheduled for the truck ordinance. Ms. Kushto said the traffic study needs to be completed and presented as evidence before it gets on the trial list.

A resident asked what the current use is by Victory Gardens on 611. Mr. Zarko said it is a retail use on 611 and the use at the Garges farm is a processing use.

## SUPERVISOR COMMENTS:

Ms. Baker noted the goals by the committee for the Lions Pride Park. Grants are being applied for and funds are being raised for the Park.

Ms. Schemm stated the committee for Warrington Community Day is working on its preparations.

Mr. Gaines congratulated Chief Dan Friel for completing a course on motorcycle operations.

Mr. Gaines stated the Environmental Advisory Council hosted a very successful native plant sale at the Township building.

Mr. Gaines reported the Board of Supervisors held their first Open House and would like to continue on a monthly basis or every other month.

Mr. Gaines said the Veteran Affairs Committee had completed all of the preparations for their Annual Memorial Day Ceremony.

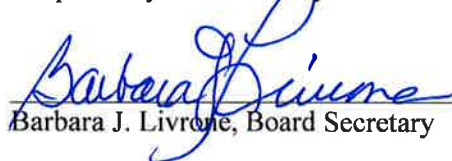
Ms. Albillar reported that the week of May 7<sup>th</sup> was Teachers and Nurses Appreciation Week.

Ms. Yannich stated the 96<sup>th</sup> PSATS Conference was held the end of April and over 2,000 officials from Pennsylvania were represented. Some topics of interest included technology, demographics, diverse population, videos, etc. Ms. Yannich stated that she and Barbara Livrone had prepared reports describing the sessions that they attended. These reports will be posted to the website.

**ADJOURNMENT**

There being no further business, Mr. Gaines moved, seconded by Ms. Albillar to adjourn the meeting at 9:28 PM.

Respectfully Submitted By:

  
Barbara J. Livrone, Board Secretary



## ATTACHMENT "A"

### WARRINGTON CARES EMPLOYEE CHARITY COMMITTEE MEMBERS SELECTION OF CHARITIES

#### Cassandra Williams:

**A Woman's Place** – For over 41 years, this has been Bucks County's only domestic violence organization. They are committed to the empowerment of women and to ending intimate and domestic violence for all. They offer services to victims of domestic violence and their children as well as programs that build on ways to break the cycle of domestic violence. Programs and services offered include:

- Hotline
- Emergency shelter and safe living
- Individual and group counseling
- Legal advocacy
- Peace works camp for youth
- Healthy relationship programs for youth

#### Barbara Livrone:

**PA L&I Kids' Chance of Pennsylvania-** The Bureau of Workers' Compensation vision is to help ensure injured workers receive the nation's best care and services. At Kids' Chance of Pennsylvania, they are dedicated to help kids who need it the most – those who need assistance for college or vocational education because a **parent was killed or injured in a work-related accident**. 100% of our donation will be directed to scholarship grants for eligible applicants.

#### Barry Luber:

**Kaitlin Murphy Foundation-** deals with the Opioid crisis. They pay for cab rides for people that are addicted to opioids and want to get help. They can go to the Police who will find them a medical facility to check themselves into and arrange a cab ride for them to get there.

They also run a summer camp for kids that live in a household that contains a relative that is addicted. It gives the kids professional support as well as a chance to escape the issues at home, if only for a brief time.

All donations go back into the program. All administrative staff are volunteers and the organizations work out of the founders home.

For more information see <http://www.kaitlinmurphyfoundation.org/>

#### Supervisor Liaison Shirley Yannich:

**Lions Pride Park-** Musical equipment purchased and donated to the Lions Pride playground. This would benefit both children and adults with disabilities right in our community.

**ATTACHMENT "A"**

**WARRINGTON CARES EMPLOYEE CHARITY COMMITTEE MEMBERS**  
**SELECTION OF CHARITIES**

**Bill McCann:**

**Safe Harbor-** Camp Charlie is a week-long camp for bereaved children ages six through 12 and is held in June at Abington Health Center. Activities and challenges are used to guild and enhance the healing process for campers and buddies. Art, music and drama are some of the activities that the campers participate in. Monies can be directed to purchase musical and/or art equipment for the camp.

**ATTACHMENT “B”**  
**Consent Agenda – May 8, 2018**

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. **March 27, 2018 to Approve Minutes for Board meeting.**
- b. **April 17, 2018 to post Minutes for Board meeting.**
- c. **Consider approval of Bid Award for 2018 Roadway Improvement Program.**

This contract in the amount of \$971,419.50 is for the paving of the following streets:

- Green Ridge Drive
- Robin Drive
- Emily Circle
- Greensward North
- Golf Drive
- Poplar Road
- Columbia Avenue
- Bellflower Boulevard

The contract is to James D. Morrissey, Inc.

- d. **Consider Certificate of Completion #2 (Final) for Lamplighter Village II – Phase IV in the amount of \$48,482.27.**

CKS Engineers, Inc., confirmed that all items included within the current escrow release have been satisfactorily completed by the project developer.

- e. **Consider authorization of Suburban Testing Labs Contract for SDWA and NPDES Sampling.**

Formalizing a professional services agreement for the Water & Sewer’s department sampling.

- f. **Consider Resolution to approve Richard Alsdorf as an alternate member of the Zoning Hearing Board.**

- g. **Consider revised policy for water shut-off.**

This establishes a dollar threshold for Water & Sewer’s Department water shutoff.

**h. Consider modification of threshold for accounts that are sent for collection.**

This change to the policy reducing the amount from \$500 to \$250 for delinquent accounts sent to Portnoff Law Associates for collection for the Water & Sewer Department.

**i. Consider authorization to amend Water and Sewer Rules and Regulations.**

This establishes a policy to require unmetered sewer accounts to install a meter upon transfer of property ownership for the Water & Sewer Department.

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