



WARRINGTON TOWNSHIP BOARD OF SUPERVISORS MINUTES FOR MAY 22, 2018

The written minutes are a summary of the May 22, 2018 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; Carol T. Baker, Member; Eileen Albillar, Member and Ruth L. Schemm, 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 7:05 P.M.

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 on May 14, 2018 and will be discussed under the Solicitors report.

PRESENTATION OF DA VINCI SCIENCE CENTER HALL OF FAME AWARD WINNER SOPHIA SWARTZ

Supervisor Eileen Albillar read Resolution # 2018-R-40 recognizing Warrington resident, Sophia Swartz, who is a senior at Central Bucks High School South, in receiving the 2018 Da Vinci Science Center Hall of Fame Award. This award is presented to students who show a unique passion for science inside and outside the classroom and excel in science academically.

The Board of Supervisors congratulated Ms. Swartz for her commitment and excellence in achieving the 2018 Da Vinci Science Center Hall of Fame Award.

RECOGNITION OF RETIRED POLICE OFFICERS

Ms. Yannich acknowledged the recognition of four (4) retired police officers and asked Mr. Gaines, liaison to the Police Department, to read each Resolution honoring these police officers. The four (4) retired police officers that were recognized were:

- Sergeant Lawrence D. Fallon – served twenty seven (27) years
- Sergeant David H. Kenderdine – served thirty one (31) years
- Police Officer James J. Richter – served twenty seven (27) years
- Police Sergeant Daniel D. Vogel – served twenty five (25) years

WARRINGTON TOWNSHIP POLICE RECOGNITION CEREMONY

Police Chief Daniel Friel stated May is "Police Memorial Month". Chief Friel was honored to recognize his officers with the following awards:

Officer Eric E. Sanford – Letter of Commendation

Officer Ryan D. Moore	-	Letter of Recognition
Officer Alexander D. Moldavskiy	-	Letter of Recognition
Officer David E. Kozuch	-	Letter of Recognition
Sergeant Glen M. Gottenberg	-	Letter of Recognition
Officer Stephen C. Plum Jr.	-	Letter of Recognition
Sergeant Kenneth A. Hawthorn	-	Certificate of Recognition
Sergeant Quentin L. Fuller	-	Certificate of Recognition
Sergeant Glen M. Gottenberg	-	Certificate of Recognition
Officer Daniel S. Sadowski	-	Certificate of Recognition
Officer Joseph J. Aita	-	Certificate of Recognition
Officer Timothy M. Stinger	-	Certificate of Recognition
Officer David E. Kozuch	-	Certificate of Recognition
Officer Brian P. Kelly	-	Certificate of Recognition
Officer Jamie J. Valeriano	-	Certificate of Recognition
Officer Aaron P. Menzies	-	Certificate of Recognition
Officer Stephen C. Plum Jr.	-	Certificate of Recognition
Officer Ryan D. Moore	-	Certificate of Recognition
Officer Erin McNeeley	-	Bucks County Crisis Intervention Team
Officer Stephen C. Plum Jr.	-	Academic Accreditation & Instructor
Officer Jamie J. Valeriano	-	Hostage Negotiator
Officer Brian P. Kelly	-	Academic Accreditation
Officer Eric E. Sanford	-	10 Years of Service
Officer Charles Kryswick	-	10 Years of Service
Officer Robert Bell	-	20 Years of Service
Officer John R. Blanchard	-	20 Years of Service
Officer Daniel S. Sadowski	-	20 Years of Service
Officer Libby D. Phillips	-	20 Years of Service
Officer Richard B. Hackman	-	20 Years of Service
Sergeant Daniel S. DeBrigida	-	20 Years of Service
Sergeant Quentin L. Fuller	-	Instructor (Active Shooter)
Sergeant Glen M. Gottenberg	-	Northwestern University Center for Public Safety School of Staff and Command – 10 Years of Service
Sergeant Kevin A. Stebner	-	Northwestern University Center for Public Safety School of Staff and Command – 15 Years of Service
Sergeant Kenneth A. Hawthorn	-	25 Years of Service
Officer Aaron Menzies	-	2017 DUI Enforcement Award

PUBLIC COMMENT:

James Hills (1217 Folly Road) expressed a signage complaint against Mike Butler/Victory Gardens. Ms. Yannich stated the zoning officer will research the Ordinance and explained that the Township has to follow the Ordinance.

John McConnell (206 Trellis Drive) questioned the court case against Victory Gardens and the Truck Ordinance case before the Judge. Mr. Clemons stated an order has been entered with the Court and the Township has filed a response. Also, the attorney for Victory Gardens has sixty days to complete discovery and it will be placed on the trial list.

PUBLIC HEARING: None.**1. APPROVAL OF BILL LIST:****a. Invoices for the Period May 9, 2018 to May 22, 2018 in the amount of \$ 872,681.85**

Mr. Gaines moved, seconded by Ms. Albillar to approve the invoices paid for the period May 9, 2018 to May 22, 2018 in the amount of \$ 872,681.85. 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 "A")

Ms. Baker moved, seconded by Ms. Albillar to approve Consent Items A through H. All were in favor 5-0.

- a. April 17, 2018 to Approve Minutes for Board meeting.
- b. May 8, 2018 to Post Minutes for Board meeting.
- c. Consider appointment of Mark Lomax as a member of the Open Space and Land Preservation Committee who is a representative from the Historic Commission.
- d. Consider appointment of Carol Rice as a member of the Open Space and Land Preservation Committee who is a representative from the Park and Recreation Board.
- e. Consider Resolution to apply for the DCED Grant for the Lions Pride Park.

Ms. Yannich stated the grant application is for \$113,333.00.
- f. Consider approval of Escrow Release #2 (Final) for State Farm Office Building Land Development in the amount of \$27,680.90.
- g. Consider authorization to advertise Warrington Oaks SPS & Springbrook SPS Upgrade Project for bids.
- h. Consider approval of Escrow Release #23 for Valley Gate – Site Development in the amount of \$115,863.34.

Ms. Albillar questioned if CKS Engineers, Inc., reviewed the escrow release submitted by Carroll Engineering Corporation. Mr. Zarko stated the escrow release is appropriate.

3. CORRESPONDENCE: None.**4. OLD BUSINESS:**

- a. **Consider authorizing Solicitor to prepare a Resolution for the approval of a Preliminary/Final Plan at 2357 Tohickon Lane, TMP # 50-023-141-001, applicant John Shihadeh (subdivision will create a new lot on Grady Avenue, a paper street).**

Mr. Clemons explained the background of the proposed two lot subdivision.

Attorney for the applicant, John VanLuvanee also explained the background for the plan and also to resolve the access issue. Mr. VanLuvanee commented on three zoning issues stated in his letter dated May 2, 2018. Mr. VanLuvanee addressed five requirements for the Subdivision and Land Development Ordinance. He also addressed the stormwater issue and the applicant will comply. The applicant will also comply with water and sewer services. The general engineering considerations were also addressed.

The Warrington Township Planning Commission recommended a 16' gravel driveway, however the Township's Fire Marshal is requiring that this street has to be 20' wide. Mr. Zarko proposed that the road be paved and provide access to the homes at a width of 20'. Mr. VanLuvanee will defer to the Fire Marshal and will have the road issue resolved before the lot is transferred. Mr. Zarko stated the road has to be an all weathered surface.

Mr. Clemons will prepare a resolution based on the following conditions:

- Removal of existing driveway
- Open Space is acceptable
- Prior to recording of plan, the existing trees be identified
- Infiltration test for stormwater on Lot #2
- Planning module approved for sewage disposal
- All sewer fees to be paid in full
- Obtain well permit from the Bucks County Department of Health
- Updated survey to be provided
- Comply with all CKS Engineers, Inc., review comments as of October 13, 2016.

Ms. Yannich questioned the impervious surface for this subdivision. Mr. VanLuvanee will address this in the stormwater management plan and the applicant will comply.

Attorney Steve Harris, representing Theresa Szabo and Debbie Edwards are in opposition of this subdivision for the following reasons:

- Their wells are polluted.
- If the road is paved, it will go on part of their property and they will be responsible for its maintenance.
- They do not want more flooding, if the road is paved and requesting the road to be gravel.
- They do not want a cul-de-sac or the responsibility of maintaining the road.

Mr. Harris requested that his clients be party of record.

Mr. Gaines moved, seconded by Ms. Baker to authorize the Solicitor to prepare a Resolution for the approval of a Preliminary/Final Plan at 2357 Tohickon Lane, TMP # 50-023-141-001, applicant John Shihadeh (subdivision will create a new lot on Grady Avenue, a paper street) with conditions. By roll call vote, all were in favor and the motion passed 4-1, with Ms. Schemm abstaining.

- b. **Consider Resolution for Preliminary/Final Plan for Wright Partners; NTB & Auto Zone, TMP's 50-031-004 and 50-031-008.**

Mr. Clemons reported the developer met with the Fire Marshal and Director of Water and Sewer Department to resolve issues relating to fire hydrants and the installation of water service lines to the building. Prior to the issuance of a building permit, the developer will provide sampling manholes at locations to meet Warminster Municipal Authority requirements.

Mr. Gaines moved, seconded by Ms. Albillar to approve the Resolution for the Preliminary/Final Plan for Wright Partners; NTB & Auto Zone, TMP's 50-031-004 and 50-031-008. All were in favor 5-0.

- c. **Consideration of Approval of Stipulation of Settlement for MDG4, LLC, (Murphy Tract); 2934 Bristol Road; TMP # 50-026-002.**

Mr. Clemons gave background information on the stipulation and noted the essential terms of the settlement. Ms. Albillar questioned the open space.

Mr. Gaines moved, seconded by Ms. Baker to approve the stipulation of settlement for MDG4, LLC, (Murphy Tract); 2934 Bristol Road; TMP # 50-026-002. All were in favor 5-0.

- d. **Authorize an amendment to the Zoning Ordinance relating to conservation easements to be forwarded to Bucks County Planning Commission for another thirty (30) day review period.**

Ms. Yannich reported the Warrington Township Planning Commission has been working on this document for two years. Under State Statute, subsequent changes have to be forwarded to the Bucks County Planning Commission for review. Ms. Schemm stated that much of the information for this amendment has come from the Bucks County Planning Commission. Ms. Baker stated the developer obtains 35% and the Township obtains 65% of the land for open space. The number of homes is based on the total buildable acreage. Mr. Clemons noted that the usage of TDR's are not permitted in this district.

Public Comment:

John Pileggi (developer) stated that with 65% open space and 35% for development, there will not be a massive amount of housing in the remaining 35%.

Ms. Yannich stated after the amendment is reviewed by the Bucks County Planning Commission, it will be brought back for advertisement and then adoption at a future Board of Supervisors meeting.

Ms. Schemm moved, seconded by Mr. Gaines to authorize an amendment to the Zoning Ordinance relating to conservation easements to be forwarded to Bucks County Planning Commission for another thirty (30) day review period. All were in favor 5-0.

5. NEW BUSINESS (ACTION/DISCUSSION ITEMS):

- a. **Consider amendment to Ball-Colibraro tracts subdivision approval, Lower State Road and Bellflower Blvd, TMP #'s 50-004-151-001; 50-004-152 and 50-041-103.**

Mr. Clemons explained the sidewalk issue by removing it in return for the developer granting an easement for the curb ramp construction and pay a fee in lieu of the sidewalk construction of \$7500.00.

Mr. Zarko stated the trail would be extended to Pickertown Road.

Ms. Baker moved, seconded by Ms. Albillar to approve the Resolution to amend the final plan of Ball/Colibraro development for TMP #'s 50-004-151-001, 50-004-152 and 50-041-003. All were in favor 5-0.

b. **Consider approval of Final Parks, Recreation and Open Space Plan: Pathways to Our Future 2018-2027.**

Mr. Luber reported that a joint meeting occurred with Natural Lands Trust and Toole Recreation Planning noting changes to be made to the document.

Ms. Schemm moved, seconded by Ms. Baker to approve the final Parks, Recreation and Open Space Plan: Pathways to Our Future 2018-2027, including changes and corrections. All were in favor, 5 to 0.

c. **Authorize Solicitor to prepare a Fireworks Ordinance.**

Ms. Yannich reported Pennsylvania adopted a new Fireworks Law that allows for the purchase of fireworks within Pennsylvania by Pennsylvania residents.

Mr. Clemons submitted a marked-up version of a model fireworks ordinance and recommended that the Ordinance be permitted in the Planned Industrial District.

Mr. Gaines recommended that the Ordinance include gas dispensing facilities and provide security for these facilities.

Mr. Clemons will note the changes and will present the Ordinance at a future meeting to be considered for advertisement.

Public Comment:

John McConnell (206 Trellis Drive) asked if the Ordinance included the sale of fireworks.

Mr. Gaines moved, seconded by Ms. Baker to authorize the Solicitor to prepare a Fireworks Ordinance and have it presented at a future meeting for authorization to advertise. All were in favor, 5-0.

6. MANAGER'S REPORT:

a. **Staff Recommendation regarding noise complaint from residents at Penns Wood Development.**

Mr. Clemons addressed the noise complaint that residents at Penns Wood Development are stating is coming from Victory Gardens. The business of Victory Gardens is located in a commercial district (611 corridor) and Penns Wood Development abuts this commercial business. Within the last two years, decibel measurements taken from the operation did not establish a violation of Section 2318 of the Zoning Ordinance. The Municipalities Planning Code allows citizens to enforce the Ordinance and give the Township thirty days' notice. The residents of Penns Wood can conduct their own noise testing by reading and conforming to Section 2318 of the Zoning Ordinance.

Public Comment:

Theresa McDonald (3014 Creekside Court) said the noise is unfair to her neighbors.

Mr. Clemons stated the 611 corridor has a high level of noise.

b. Police Station Update

Mr. Luber and Mr. Zarko met with the residents of Lower Barness Road along with GKO Architects to discuss the concerns and identify some items to research. They along with several nearby residents walked the path from Lower Barness Road to nearby neighbors and observed residents current issues regarding safety and storm water management.

Ms. Yannich discussed the hard and soft costs of the project. Mr. Luber said the site work and contingencies are an added expense.

Ms. Yannich asked the Board for their opinion.

Ms. Baker suggested that the community room at the Police Station be removed to save \$383,186. Mr. Luber described the cost estimate summary including the bid alternatives.

Members of the Planning Commission, Ted Cicci and Vince Evans expressed their opinions. Mr. Cicci said the architecture of both buildings does not fit in with the Overlay District. Mr. Evans stated the Overlay District deals with colors and not large glass windows.

Mr. Gaines stated the Township is acting as a developer and the project needs to be reviewed by the Warrington Township Planning Commission.

The Community Room at the new Police Building was discussed to be a center for children, tactical training for the Police Department and a gathering place for community groups. However, the Board felt this addition is a separate issue at an additional cost.

The architectural renderings were reviewed at a prior meeting.

Ms. Albillar asked if the Police Building and renovations to the Township Building could be two separate projects. She noted the interest on a 10 million dollar bond is substantially more than on a 7 million dollar bond.

Mr. Luber stated that the security to the present Township Building needs to be addressed. Ms. Schemm stated that roads including access possibility to Route 611 and storm water management and sewers also need to be considered.

Mr. Luber presented the funding of the project and the impact of borrowing.

The Planning Commission will review the project at their June 7th meeting.

The Supervisors agreed that Mr. Luber is to inform GKO Architects to discontinue work on the project at this time. (Note: this was not a motion – Ms. Yannich said that the Board did not need to take a vote)

c. Police Station Planning Commission Review

The Board of Supervisors requested the Police Station and renovations to the Township Building be forwarded to the Planning Commission for review at their June 7, 2018 meeting. (This was part of b. discussion, therefore was not a motion or a vote).

d. Consider change in budgeted equipment.

The Director of Public Works requested two mowers which were not included in the budget.

Mr. Gaines moved, seconded by Ms. Schemm to approve two (2) lawn mowers at an approximate cost of \$26,000. All were in favor 5-0.

Mr. Luber conveyed, on behalf of Chief Friel, to thank Warminster Police Department for providing police coverage for Warrington Township during the May 22nd awards ceremony.

7. ENGINEER'S REPORT:

a. **General Update:**

Mr. Zarko reported on the Easton Road, Titus Road signalization.

Mr. Zarko gave an update on the restroom renovations at Mary Barnes Tennis and Swim Club.

Mr. Zarko submitted to the Board his status reports on subdivision, land development; public improvement projects; general engineering activities and water and sewer projects as of May 17, 2018.

8. SOLICITOR'S REPORT:

a. **Litigation against PFOS Manufacturers.**

Mr. Clemons reported an executive session was held to discuss a lawsuit against PFOS manufacturers. A fee agreement was also discussed. Anapol Weiss is representing Warminster Municipal Authority and Horsham Township and forwarded a letter of engagement to Warrington Township.

Ms. Albillar moved, seconded by Ms. Baker to enter into a lawsuit and engage the services of Anapol Weiss to represent Warrington Township. All were in favor 5-0.

SUPERVISOR COMMENTS:

Ms. Albillar thanked CKS Engineers, Inc. and Clemons Richter & Reiss for sponsoring the 2018 Volunteer Appreciation Luncheon.

ADJOURNMENT

There being no further business, Mr. Gaines moved, seconded by Ms. Albillar to adjourn the meeting at 11:15 PM.

Respectfully Submitted By:


Barbara J. Livrone, Board Secretary

ATTACHMENT "A"

Consent Agenda – May 22, 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. **April 17, 2018 to Approve Minutes for Board meeting.**
- b. **May 8, 2018 to Post Minutes for Board meeting.**
- c. **Consider appointment of Mark Lomax as a member of the Open Space and Land Preservation Committee who is a representative from the Historic Commission.**
- d. **Consider appointment of Carol Rice as a member of the Open Space and Land Preservation Committee who is a representative from the Park and Recreation Board.**
- e. **Consider Resolution to apply for the DCED grant for the Lions Pride Park.**

Warrington Township requests a Greenways, Trails, and Recreation Program (GTRP) grant of \$113,333.00 from the Commonwealth Financing Authority to be used for the construction of Kids' Mountain, a playground for all children regardless of ability.

- f. **Consider Approval of Escrow Release #2-Final for State Farm Office Building Land Development in the amount of \$27,680.90.**

CKS Engineers confirmed that all public/site improvements have been satisfactorily completed by the project developer. Improvements constructed are to be privately owned/maintained by the property owner; therefore a maintenance bond will not be required for this project.

- g. **Consider Authorization to advertise Warrington Oaks SPS & Springbrook SPS Upgrade Project for bids.**

This project includes improvements at two existing sewage pumping stations. Bids will be received on June 15, 2018.

- h. **Consider approval of Escrow Release # 23 for Valley Gate - Site Development in the amount of \$115,863.34.**

ATTACHMENT "A"

Consent Agenda – May 22, 2018

Carroll Engineering Corporation inspected the work requested for release by the applicant and verified that the quantities of work required for release have been completed.

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