



**WARRINGTON TOWNSHIP BOARD OF SUPERVISORS  
MINUTES FOR FEBRUARY 12, 2019**

**The written minutes are a summary of the February 12, 2019 Board of Supervisors meeting. For a complete dialog visit the Township's website, [www.warringtontownship.org](http://www.warringtontownship.org).**

**ATTENDANCE**

Fred R. Gaines, Chairman; Ruth L. Schemm, Vice Chair; Shirley A. Yannich, Member; Carol T. Baker, Member; and Eileen Albillar, 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:** Mr. Gaines called the meeting to order at 7:03 P.M.

**PLEDGE OF ALLEGIANCE**

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

**EXECUTIVE SESSION REPORT**

Mr. Gaines stated an executive session was held to discuss litigation and no decisions were made.

**SWEARING IN OF WARRINGTON FIRE COMPANY # 1 OFFICERS (District Judge Jean Seaman officiating)**

Mr. Gaines introduced District Judge Jean Seaman. Judge Seaman swore in the officers of Warrington Fire Company #1 for 2019.

Mr. Gaines stated at the Bucks County Association of Township Officials meeting, the problem of declining volunteer firefighters was a topic of discussion. Mr. Gaines commended Chief Mike Bean for the number of volunteers who dedicate their time and devotion to Warrington Fire Company #1.

**PRESENTATION OF 2018 EMPLOYEE OF THE YEAR KEITH MILLER**

Mr. Luber reported that Keith Miller was honored at the holiday luncheon. Twenty employees were nominated and Mr. Luber read comments praising Mr. Miller for his commitment to Warrington Township.

**RECOGNITION OF 2018 GOLD SPONSORS OF WARRINGTON COMMUNITY DAY.**

Ms. Yannich announced the gold sponsors for the 2018 Warrington Community Day. Gold sponsors donate \$1500 each to the event. Ms. Yannich presented Gary Butterworth, Proprietor from K&B Aqua Express Co., LLC; Alison Snyder, Community Manager, NALP,CAM from Lindy Communities; and Theodore D. Dorand, External Affairs Manager, Bucks County PECO. Not present was Toll Brothers who will be brought back for recognition at a future meeting.

Ms. Yannich thanked the four gold sponsors for supporting the township's annual event.

Mr. Luber stated without sponsorships, the township would not be able to hold a free event for its residents.

**PRESENTATION OF DESIGN DEVELOPMENT FOR NEW POLICE STATION**

Mike O'Rourke and Sandy Sabo from GKO Architects presented a site design of the new police station. They worked with the Ad Hoc Police Building Committee to create the design. Ms. Sabo reported the project will be bid out as two separate projects. The site work and the building bid project. The site work will go out to bid early April and the building will go out to bid mid-June. The project budget/cost estimate is 8.65 million.

- Ms. Baker questioned the cost savings on security soft costs.
- Ms. Yannich questioned sun tunnels versus sky lights. GKO will investigate this request.
- Ms. Schemm questioned the soft cost for furniture. Mr. Luber stated he scheduled to tour to visit a furniture vendor.
- Ms. Albillar asked if the bid alternates could exceed 8.6 million. Mr. Luber stated it is possible. The township has already applied for a 4 million dollar grant to help offset costs.
- Ms. Albillar questioned the contingency costs. Mr. O'Rourke said the costs could be narrowed down.

Also present was Christian Donovan, Boyle Construction Management, Inc. which is the townships construction manager for the project.

**Public Comment:**

Frank Palazzo (3142 Pickertown Rd) questioned the driveway for the police station. Mr. Zarko said there will be a separate driveway for the new police station. A possible access driveway may go through Homestar Realty.

Ms. Albillar suggested a date stone and a time capsule be incorporated at the new station.

**PUBLIC COMMENT:** None

**PUBLIC HEARING:**

Continuation of a Conditional Use Application for Lands of Eureka Stone Quarry (Morrissey Conservation Subdivision) Pickertown Road, TMP # 50-004-138; 50-004-139; 50-004-140 and 50-004-141.

Mr. Clemons stated since the last hearing of January 22, 2019, a Jurisdictional Determination Form dated January 16, 2019 is being entered as Exhibit A-15. The Warrington Township Parks, Recreation and Open Space Plan 2018-2027 is being entered as Exhibit A-16.

Present at the hearing was Richard P. McBride, applicant.

Mr. Clemons stated the record and hearing is closed.

Ms. Baker questioned the Army Corps of Engineer wetland report. Mr. Zarko explained the wetland delineation has been provided by the applicant.

Mr. Gaines read the "Possible Conditions of Approval" (Attachment "B"). Mr. McBride agreed to extend sewer laterals on the south side of Street Road and a portion of Pickertown Road. Mr. McBride agreed to extend sewer laterals to seven homes on Pickertown Road as a condition of approval. Mr. McBride agreed to revise the plan to include a four way intersection at Buttercup Blvd and stated the bend along Pickertown Road can be softened and widened. Mr. McBride agreed to include a trail along Street Road and Pickertown Road which will extend the Warrington Township trail system.

Ms. Yannich motioned to close the hearing at 8:15 pm, seconded by Ms. Schemm. All were in favor.

Public Comment:

John McConnell (206 Trellis Drive) is concerned about high school students and the public using the development as a cut through. Mr. McConnell is not in favor of the development.

Mr. Gaines stated that PenDOT required a through road connection.

Kathleen McConnell (206 Trellis Drive) is not in favor of townhomes.

Frank Palazzo (3142 Pickertown Road) suggested making a new road so that one can make a right hand turn onto Lower State Road. Mr. Zarko said this evenings hearing is for conditional use. If the conditional use plan is approved, then the plan will be brought forth during a preliminary and final plan approval and this suggestion can be made at that time.

Consider authorization to prepare written Findings of Fact, Conclusions of Law and Decision for Conditional Use Application for Lands of Eureka Stone Quarry (Morrissey Conservation Subdivision) Pickertown Road, TMP # 50-004-138; 50-004-139; 50-004-140 and 50-004-141.

Ms. Yannich motioned, seconded by Ms. Baker to authorize the township solicitor to prepare a Findings of Fact, Conclusion of Law and state all conditions for the conditional use application for Lands of Eureka Stone Quarry (Morrissey Conservation Subdivision) Pickertown Road, TMP # 50-004-138; 50-004-139; 50-004-140 and 50-004-141. All were in favor and the motion passed 5-0.

**1. APPROVAL OF BILL LIST:**

a. **2018 Invoices for the Period January 23, 2019 to February 12, 2019 in the amount of \$382,867.13.**

Ms. Albillar motioned, seconded by Ms. Schemm to approve the 2018 invoices paid for the period January 23, 2019 to February 12, 2019 in the amount of \$382,867.13. All were in favor 5-0.

b. **2019 Invoices for the Period January 23, 2019 to February 12, 2019 in the amount of \$1,233,458.76.**

Ms. Yannich motioned, seconded by Ms. Schemm to approve the 2019 invoices paid for the period January 23, 2019 to February 12, 2019 in the amount of \$1,233,458.76. All were in favor 5-0.

Ms. Schemm questioned the trash removal invoice at Willow Knoll. Mr. Lubber stated the township has a contract with Waste Management to collect the trash at this development. The property owner is billed for this service through their tax bill.

**2. CONSENT ITEMS:**

Mr. Gaines asked if any clarification was needed for the consent items as presented. (Attachment "A")

Ms. Albillar questioned Items F, H, I and J. Ms. Schemm questioned Item K.

a. **January 7, 2019 to Approve Minutes for Board of Supervisors Organization meeting.**

b. **January 8, 2019 to Approve Minutes for Board of Supervisors meeting.**

c. **January 22, 2019 to Post Minutes for Board of Supervisors meeting.**

d. **February 5, 2019 to Post Minutes for Board of Supervisors (W/S) meeting.**

- e. **Consider adoption of an Ordinance prohibiting blocking of certain intersections in the Township (advertised February 4, 2019).**

Mr. Gaines explained the Ordinance which addresses the intersections of Bristol and Stuckert Roads and the township driveway at Lower Barness Road.

- f. **Consider adoption of an Ordinance approving collection procedures and adopting interest and schedule of Portnoff Law Associates, LTD fees and charges to be added to the amount collected as part of unpaid water and sewer utility fees, tapping fees, trash fees and curb/driveway apron maintenance fees for delinquent accounts (advertised February 4, 2019).**

Ms. Albillar suggested consideration be granted to federal government employees who are impacted by a federal shutdown to have their late fees waived.

- g. **Consider authorization to approve a Resolution to waive Land Development for Proposed Police Station Building Project.**

- h. **Consider authorization to approve Certificate of Completion #2 in the amount of \$246,500.20 for Bhakta Assisted Living Facility.**

Ms. Albillar questioned the fire hydrant and valve release. Mr. Zarko stated the escrow monies for the fire hydrant and valve has already been released and there is no escrow money remaining for this item.

- i. **Consider approval to execute the Lingo Group, Inc., License Agreement, 1170 Timber Lane, TMP # 50-004-105.**

Ms. Albillar asked if there were any complaints from the property owner with the township taking over a portion of the property. Ms. Yannich said there were none and that Mr. and Mrs. Lingo will be maintaining the bridge.

- j. **Consider approval for final sections to revised Employee Handbook.**

Ms. Albillar questioned time-off and if the CBA addresses military leave. Mr. Luber stated the township employee handbook does not include the Police Department.

- k. **Consider authorization to advertise for 2019 Lawn Maintenance Bid.**

Ms. Schemm questioned page 9 of the bid referencing mowing around huts because the township currently does not have any. Mr. Luber said the wording can be adjusted so that mowing around huts is not included in the proposals.

- l. **Consider Jenny Danilowicz as the Community member of the Barness Swim Club Advisory Committee.**

Ms. Albillar motioned, seconded by Ms. Schemm to approve Consent Items A through L. All were in favor and the motion passed 5-0.

3. **CORRESPONDENCE:** None.

4. **OLD BUSINESS:**

- a. **Consider donation to Bucks County Recorder of Deeds "Adopt a Book" program to preserve historic books.**

Ms. Baker motioned, seconded by Ms. Schemm to donate \$125 to the Bucks County Recorder of Deeds "Adopt a Book" program and pass a Resolution. All were in favor and the motion passed 5-0.

b. **Oak Creek Development:**

1) **Consider approval of Resolution drawing down escrow account.**

Mr. Clemons stated he will mail a letter to PNC Bank to deliver the remaining security amount by the Cutler Group.

Ms. Yannich motioned, seconded by Ms. Albillar to approve the Resolution declaring default for the Oak Creek development.

2) **Final Inspection and Punch List with Cost Estimates as per CKS letter dated November 21, 2018.**

3) **Bankruptcy Order entered February 6, 2019.**

Mr. Zarko stated the funds will be prioritized as to how they will be spent.

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

a. **Update on the potential Sale of the Water and/or Sewer systems of Warrington Township.**

Mr. Luber announced two meetings will be held at the Township Building on March 12<sup>th</sup>. During the 2:00 pm and 7:00 pm meetings, a presentation will be made by Robert Bender, Executive Director for North Wales Water Authority and John Butler, Chief Operating Officer for Bucks County Water and Sewer Authority. Both meetings will be advertised in the Intelligencer; on the website and all social media.

Mr. Gaines stated these are proposals and no decisions have been made by the Board of Supervisors. At this time, the Supervisors are reviewing the facts.

b. **Consider authorization to prepare a Resolution for Waiver of Land Development for the former O.P. Schuman building located at 2001 County Line Road, TMP # 50-031-028-004.**

Owner Doug Taylor and attorney, William Benner gave background information of Earthborne and that the property at 2001 County Line Road, Tax Map Parcel Number 50-031-028-004 was recently acquired by Earthborne. There are two phases involved with the project. The first phase is requesting that the land development waiver be authorized to the owner to have an access driveway to accommodate the needs of Earthborne. The second phase is a full land development plan.

Mr. Taylor spoke about the move to a larger location, the direction of the company and the growth plan. Mr. Taylor also stated that as part of construction, a stormwater management area is being proposed, in addition to erosion and sediment control measures.

Ms. Albillar questioned why the land development plan was being presented now. Mr. Benner stated that due to extensive interior renovations and the timing to complete them, the waiver is being presented first.

Mr. Benner discussed the CKS letter dated December 20, 2018.

Mr. Zarko stated the Planning Commission approved the land development waiver in accordance with the CKS review letter. The concern is that the stormwater plan should be part of Phase 1.

Ms. Yannich questioned the detention basin. Ms. Yannich agreed that Earthborne should be moved from 611 and since they are a small business, it should be done in phases.

Ms. Albillar and Ms. Baker both stated that they are in favor of the waiver.

Ms. Schemm was concerned about stormwater.

Mr. Gaines suggested for the applicant to work Mr. Zarko to come up with an approach to stormwater control and come up with a permanent solution.

Steve Harris, Esquire, representing County Line Fence expressed opposition about the waiver and the stormwater issue. Mr. Harris also questioned the 40 foot driveway at the back of the parcel and said there should not be a rear access. Mr. Harris stated Earthborne should file a zoning application.

Mr. Benner stated that Phase 1 is only being presented at this meeting to allow the access driveway. He stated that the access driveway is an accessory use. Earthborne is consolidating both operations (611 and Titus) into one building on County Line Road.

Mr. Taylor said that the access driveway is needed for construction vehicles and emergency vehicles.

Mr. Connolly, Chair of the Planning Commission, requested for Earthborne agree to the condition that the access driveway will not be used for storage or parking of equipment.

Ms. Albillar asked what would happen if equipment was found there and how would it be enforced.

Mr. Clemons stated a notice of violation would be sent.

Mr. Gaines commented on impervious soil and that it needs to be part of the calculation.

Ms. Albillar motioned, seconded by Ms. Yannich to prepare a Resolution with conditions. All were in favor and the motion passed 5-0.

**6. MANAGER'S REPORT:** None.

**7. DEDICATION REQUEST:** None.

**8. ENGINEER'S REPORT:**

a. **General Update:**

Mr. Zarko did not give an update.

b. **WWTP Change Order**

Mr. Zarko presented a proposed change order from PSI to install VDF's to the supply and exhaust fan system at the Tradesville WWTP in the amount of \$4,109.40. Staff is recommending the change order.

Ms. Yannich motioned, seconded by Ms. Albillar to approve the change order for PSI to install the VDF's in the amount of \$4,109.40. All were in favor and the motion passed 5-0.

c. **Warrington Oaks Pump Station Transformer Change Order**

Mr. Zarko presented a proposed change order from Blooming Glen Contractors to install an electrical vault at the Warrington Oaks Pump Station in the amount of \$7,990.86.

Ms. Yannich motioned, seconded by Mr. Schemm to authorize the change order for the Warrington Oaks Pump Station Transformer in the amount of \$7,990.86. All were in favor and the motion passed 5-0.

9. **SOLICITOR'S REPORT:**

a. **ZHB #19-03, Eddie and Stacy Bowen, request for variance for excess impervious area.**

Mr. Clemons stated this was for a swimming pool and no action is needed by the Supervisors.

b. **ZHB # 19-04, Robert and Sheri Swartz, accessory apartment.**

Mr. Clemons stated this is for an in-law suite and no action is needed by the Supervisors.

c. **Victory Gardens Brief Schedule.**

Victory Gardens will file a brief by March 6<sup>th</sup> and the township has until April 6<sup>th</sup> to file.

d. **Geerling Oral Argument scheduled for March 12, 2019.**

e. **Board position for variance application for KTMT IV, LP, 3545 Pickertown Road, RA Zoning District.**

John Rathman representing Metropolitan Development stated the four acre parcel located at Scarlet Oak and Red Coat Farm Drive wants to use 2 TDR's to subdivide and building two new dwellings. This is not a permitted use to use TDR's on sites that are less than five acres and he is requesting a variance from the Zoning Hearing Board.

Ms. Yannich stated this is an infill project.

Ms. Albillar questioned the line of site and sidewalks.

Ms. Baker asked if this project was an "undo" hardship.

Mr. Rathman said it was not.

Ms. Schemm said she spoke to some of the residents and they expressed opposition to the development.

Ms. Yannich questioned why this four acre parcel was not part of the original subdivision.

Ms. Yannich asked if the existing dwelling was historic.

Mr. Rathman said the existing dwelling would not be demolished.

**Public Comment:**

Mr. and Mrs. Larry Toll (975 Red Coat Farm Drive) expressed concern that the development would cause more water problems than they already have. Also there will be more traffic and the problems will increase.

Bill Connolly, Chair Planning Commission opposes the variance due to the TDR settlement and Ordinance.

Mr. Gaines asked the Board if they wanted to take a position and request that Mr. Clemons represent the Board of Supervisors at the Zoning Hearing Board meeting.

Ms. Baker motioned, seconded by Ms. Schemm to oppose the variance and requested for Mr. Clemons to attend the February 25, 2019 Zoning Hearing Board meeting. By roll call vote, the motion passed 5-0.

#### **SUPERVISOR COMMENTS:**

Ms. Baker stated a Conservation Ordinance will be presented by the Planning Commission at their next meeting.

Ms. Baker said the Environmental Advisory Council is holding their second annual Plant Sale on April 27, 2019 at the Township Building.

Ms. Yannich stated at the Planning Commission meeting the signage application for 1800 Street Road should be placed in the updated zoning ordinance.

Ms. Yannich reported during the Planning Commission meeting, the members questioned the ethics of receiving money from bus shelter advertisements when the bus shelters are not on township property.

Ms. Yannich reported that the Veteran Affairs Committee is implementing a "Helping Hands Program".

Ms. Schemm reported that a groundbreaking event is taking place on March 29<sup>th</sup> at 2:00 PM for the new Lions Pride Park.

Ms. Schemm stated on February 5<sup>th</sup>, the water and sewer department held a meeting to discuss the possible sale of the water and sewer facilities.

Ms. Albillar stated at the Historic Commission's meeting of February 11<sup>th</sup>, an architect showed plans for the schoolhouse renovations.

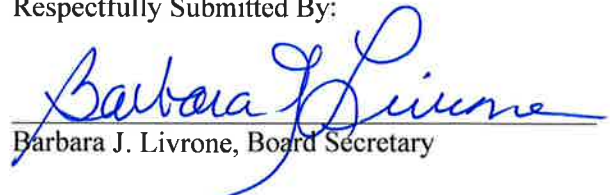
Ms. Albillar reported that during this tax season, people whose incomes are less than \$54,000 in 2018 can qualify for free tax preparation. Incomes that are less than \$66,000 in 2018 can file their taxes for free on-line.

Mr. Gaines reported that the BCATO conference is scheduled for February 16<sup>th</sup> and the main topic is opioids.

#### **ADJOURNMENT**

There being no further business, Ms. Yannich motioned, seconded by Ms. Schemm to adjourn the meeting at 10:08 PM.

Respectfully Submitted By:

  
Barbara J. Livrone, Board Secretary



## **Attachment "A"**

### **Consent Agenda – February 12, 2019**

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. **January 7, 2019 to Approve Minutes for Board of Supervisors Organization Meeting.**
- b. **January 8, 2019 to Approve Minutes for Board of Supervisors meeting.**
- c. **January 22, 2019 to Post Minutes for Board of Supervisors meeting.**
- d. **February 5, 2019 to Post Minutes for Board of Supervisors (W/S) meeting.**
- e. **Consider adoption of an Ordinance prohibiting blocking of certain intersections in the Township (advertised February 4, 2019).**

This ordinance is to keep clear the intersection at Bristol and Stuckert Roads as well as the Township Building driveway exiting on to Lower Barness Rd.

- f. **Consider adoption of an Ordinance approving collection procedures and adopting interest and schedule of Portnoff Law Associates, LTD fees and charges to be added to the amount collected as part of unpaid water and sewer utility fees, tapping fees, trash fees and curb/driveway apron maintenance fees for delinquent accounts. (Advertised February 4, 2019).**

Portnoff Law is already authorized to collect delinquent water/sewer bills on behalf of the Township. This ordinance will allow Portnoff Law to collect other delinquent bills owed to the Township.

- g. **Consider authorization to approve a Resolution to waive Land Development for Proposed Police Station Building Project.**

A land development typically goes through a Land Development process so that the Township Engineer can ensure that all township ordinances are being followed by a developer. In this case, the Township is the developer, and the Engineer would be reviewing his own work – therefore the Land Development process is not needed.

- h. **Consider authorization to approve Certificate of Completion # 2 in the amount of \$246,500.20 for Bhakta Assisted Living Facility.**

This releases escrow for work completed and approved by the Township Engineer.

- i. **Consider approval to execute The Lingo Group, Inc., License Agreement, 1170 Timber Lane, TMP #50-004-105.**

This enables the Lingo Group to cross over the Township's recently acquired 66 acres Mill Creek property at the corner of Lower State and Pickertown Roads.

- j. **Consider approval for final sections to revised Employee Handbook.**

Staff has revised the final two sections of the employee handbook regarding employee benefits and time off.

- k. **Consider authorization to advertise for 2019 Lawn Maintenance Bid.**

This bid is to mow various township parks, rights of way and other Township facilities.

- l. **Consider Jenny Danilowicz as the Community member of the Barness Swim Club Advisory Committee.**

This approval would complete the recently created Barness Swim Club Advisory Board.

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

## Attachment "B"

### POSSIBLE CONDITIONS OF APPROVAL

- a. The subdivision of the Property will be substantially in conformance with the sketch plan entitled "Alt. Residential Layout, 33 Single Family Detached Homes + 90 Carriage Homes Plan", prepared by ESE Planning dated December 19, 2018, with no revisions (the "Plan"), except as follows:
  - i. The intersection of the proposed development road with Pickertown Road shall be revised as shown on Exhibit A-13 to align with Buttercup Boulevard with a 4 way stop and pedestrian signal controlled intersection.
  - ii. Roadway alignment modifications shall be made along Pickertown Road to soften the curve along that frontage of the Property to create a sufficiently safe condition as determined by the Township Engineer..
- b. The Board acknowledges it will revise the Township's Act 537 Sewage Facilities Plan to permit the development to be served by public sewer, rather than on-lot sewage disposal systems, via a sanitary sewer system being installed by the developer to transport sewage to the Tradesville Wastewater Treatment Plant, subject to the following conditions:
  - i. The developer agrees to pay the cost of performing a Special Study, or any other type of planning study required by the PADEP for the purpose of revising the Township's Act 537 Sewage Facilities Plan;

- ii. The developer shall extend at its sole cost sewer lines and service laterals on the south side of Street Road to allow the connection to public sewer of all residences currently served by on-lot sewage disposal systems along the Street Road frontage of the Property.
  - iii. The developer shall extend at its sole cost sewer lines and service laterals along a minimum 800 feet portion of Pickertown Road sufficient to allow connection to public sewer of all residences currently served by on-lot sewage disposal systems along the Pickertown Road frontage of the Property.
  - iv. All service laterals will be extended to the abutting legal right of way line.
- c. All Open Space (Conservation Area) shall be offered to be conveyed to Township in fee .
- d. Public Access to Open Space shall be provided in a manner approved by BOS in conjunction with the subdivision/land development process .
- e. Developer at its sole cost shall design and construct a 10 feet wide paved trail extending along the entire Pickertown Road and Street Road frontages of the Property and within the trail easement previously obtained by the Township along the eastern boundary of the Property.
- f. Storm water detention basins shall be naturalized in manner approved by Township in conjunction with the subdivision/land development process.

- g. A landscape buffer providing separation between the Open Space area and the Development Area shall be established in a manner approved by BOS in conjunction with the subdivision/land development process.
  
- h. Subject to compliance with the other conditions of this approval, the Board approves 3600 square foot Carriage House lots as shown on the Plan.
- i. Visitor and additional parking shall be parallel to street in carriage house section as shown on Exhibit "12" that was presented at the Conditional Use Hearing.
- j. In conjunction with the subdivision/land development process, developer shall expand Traffic Study to include intersections within 2 mile radius of the development site that Twp. Engineer identifies as being intersections of concern.
- k. In conjunction with the subdivision/land development process the developer shall address to the Township Satisfaction all other matters noted in Township Engineer review of Jan 11, 2019.
- l. l. In conjunction with the subdivision/land development process the developer shall address the anticipated traffic impact of the proposed development on area roadways in a manner acceptable to the BOS.  
  
All future HOA agreements and agreements of sale for individual lots proposed in conjunction with the development should include a "right-to-farm" provision.

m. Unless other required by Pa. DOT, Township shall not require improvements to the Lower State Road frontage of the Property in recognition of the improvements developer has agreed to provide herein,