



## **WARRINGTON TOWNSHIP BOARD OF SUPERVISORS MINUTES FOR JANUARY 26, 2021 - 7:00 PM**

**The written minutes are a summary of the January 26, 2021 Board of Supervisors meeting. For a complete dialog visit the Township's website, [www.warringtontownship.org](http://www.warringtontownship.org).**

**Due to the increase in COVID-19 cases, this meeting and all future meetings will only be available to the public by video conferencing (Zoom). The recorded meeting can be viewed the day after through the Township's website, [www.warringtontownship.org](http://www.warringtontownship.org)**

### **ATTENDANCE VIA VIDEO CONFERENCING (ZOOM)**

Supervisors Chair Fred R. Gaines; Vice Chair Ruth Schemm; Eileen Albillar, Member; Mark E. Lomax Member and William M. Connolly.

Staff present was Barry P. Luber, Township Manager; Vicki Kushto, Esquire, Clemons Richter Reiss, Township Solicitor; Tom Zarko, P.E., CKS Engineers, Township Engineer; Christian Jones, Assistant Township Manager; and Barbara J. Livrone, Executive Assistant to the Township Manager/Board Secretary.

**CALL TO ORDER:** Mr. Gaines called the meeting to order at 7:01 P.M.

### **PLEDGE OF ALLEGIANCE**

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

There were a total of 41 people who attended the January 26, 2021 Board of Supervisors meeting via Zoom.

**PUBLIC COMMENT:** There was no public comment.

### **JOINT MEETING OF THE BOARD OF SUPERVISORS AND PLANNING COMMISSION**

Mr. Gaines introduced the joint meeting of the Board of Supervisors and Planning Commission to consider a waiver of land development for New Age Industries at 364 Valley Road, Warrington, PA. This meeting was advertised on January 18, 2021 and scheduled for January 26, 2021.

Planning Commission Chair, Rich Rycharski asked the applicant to present their waiver request. Howard Greenberg, Esquire, Semanoff Ormsby Greenberg & Torchia, LLC, representing the applicant, presented the information pertaining to the waiver items for New Age Industries. The waiver items included the zoning issues section, buffer plantings and additional items addressed in CKS letter dated January 19, 2021. Also present was Ken Baker, President and CEO of New Age Industries, Justin Ruby, P.E., Mainstay Engineering Group and Anthony DeMarte, Consultant, Acentech Incorporated.

Mr. Baker gave background information on New Age Industries stating the company is 100% employee owned. Mr. Baker stated New Age Industries has been doing a great deal of work for two important vaccine manufacturers, Pfizer and Moderna as well as many other biotech companies. The Warrington plant will be very involved with ramping up increase capacity as part of Operation Warp Speed, which is supported by the Department of Defense. Mr. Baker submitted comments relating to seven zoning issues; two subdivision and land development issues; grading, stormwater management/storm drainage, and erosion and sedimentation control; water and sewer; waiver requests and general engineering considerations; as referenced in CKS letter dated January 19, 2021.

Mr. Baker stated there will be no deed restrictions on the development site and will seek Fire Marshall approval for site access.

There was discussion from the Planning Commission Chair and Mr. Baker relating to shift work, chillers, "clean room"; sound screen; decibel levels and fencing.

Mr. DeMarte, Acentech presented a Chiller and Generator Sound Analysis Report dated January 21, 2021.

Ms. Yannich questioned if solar panels were going to be installed and if there were going to be combustible items in the building. Mr. Baker stated there will be air condition units. Alcohol will be used to wipe down the tubing.

There were no comments from the public.

Mr. Connolly stated a concern about any noise to the neighbors and requested CKS to review the design.

Mr. Connolly motioned, seconded by Ms. Yannich to approve the land development waiver for New Age Industries, 364 Valley Road, based on CKS letter dated January 19, 2021 noting the open space requirements meet the intent of the Zoning Ordinance. All were in favor.

The Planning Commission ended their meeting at 7:52 p.m.

Ms. Albillar questioned waiver request # 3. Mr. Connolly stated it was included in the Planning Commission motion.

Mr. Gaines questioned the chillers, installation and sound analysis of the generator. Mr. DeMarte submitted a Chart indicating the Octave Band Center Frequency from his report dated January 21, 2021.

Ms. Albillar motioned, seconded by Mr. Lomax to approve the waiver of land development for New Age Industries, 364 Valley Road and include recommendations by the Planning Commission with conditions. All were in favor and the motion passed 5-0.

The regular meeting of the Board of Supervisors began at 7:57 p.m.

**EXECUTIVE SESSION REPORT:** Mr. Gaines reported there was an executive session to discuss a legal matter.

#### **PRESENTATION OF AERIAL LADDER TRUCK FOR FIRE COMPANY**

Mr. Greenberg, Director of Emergency Services requested replacing Ladder 29. A committee was formed to write the specifications and provide Warrington with a quality apparatus that would last between 20-25 years. Bids were requested from three companies, Spartan Motors, Seagrave Fire Apparatus and Pierce Manufacturing. Seagrave was the highest bidder at \$1,669,084 and was recommend to the Board of Supervisors due to its stainless steel construction; rust proofing. The new truck will also have a pump and tank. Ladder 29 will be sold. Finance will come from bank loans and FEMA loan. Mr. Lubert stated this expense will be built into the 2022 budget and will be a joint ownership between the Township and the Fire Company.

Mr. Baker, New Age Industries announced New Age Industries will make a \$2,000 donation towards the purchase of the new fire truck.

Mr. Lomax motioned, seconded by Ms. Schemm to approve the purchase of a new aerial ladder truck for the fire company, Seagrave Fire Apparatus in the amount of \$1,669,084.00. All were in favor and the motion passed 5-0.

**PUBLIC HEARING:**

Consider Conditional Use Hearing for Children's Learning Center, 2569 Bristol Road, TMP # 50-026-060-002 (advertised January 11 & 18, 2021).

Gregory Sturn, Esquire, Harris and Harris and applicant, Barbara Kristiansen was present for the conditional use hearing.

There were no parties of record.

Ms. Kushto presented the following exhibits on behalf of the township:

- T1: Application for Conditional Use dated November 23, 2020.
- T1A: Steve Harris, Esquire letter dated December 3, 2020 granting an extension of time to January 31, 2021.
- T2: Legal Notice dated January 11 and 18, 2021 and Proof of Advertisement from the Intelligencer.
- T3: Terry W. Clemons, Esquire letter dated January 4, 2021 confirming the conditional use hearing date scheduled for January 26, 2021 addressed to Steve Harris, Esquire.
- T4: Letters from Township dated January 12, 2021 sent to Property Owners and Affidavit of mailing dated January 13, 2021 and listing of residents.
- T5: Affidavit of posting dated January 13, 2021.
- T6: CKS review letter dated December 11, 2020.
- T7: Minutes from January 7, 2021 Warrington Township Planning Commission.

Ms. Kristiansen was sworn in.

Mr. Sturn presented the application for conditional use approval for a group child daycare for up to 12 children located at 2569 Bristol Road. The Planning Commission reviewed the application and recommended approval.

Ms. Kristiansen gave background information on the child care facility and business. She has received state backing.

Ms. Schemm stated her assessment of the facility.

Ms. Albillar questioned the adult to child ratio and what meals are provided. Ms. Kristiansen said the adults will be herself and a family member. The meals are lunch. Ms. Albillar questioned the secondary use variance and driveway access. Ms. Kushto stated the variance will be subject to Zoning Hearing Board approval. If not approved, the facility will remain currently at 6 children.

Mr. Sturn submitted a copy of an easement recorded March 15, 2018 that the adjacent property owner granted traffic to exit through their property.

Mr. Lomax requested clarification of the Planning Commission recommendations. Ms. Kushto read the Planning Commission minutes which noted the recommendations. Mr. Lomax questioned the acreage requirement. Mr. Connolly said this issue will be presented at the Zoning Hearing Board.

Mr. Connolly recommended the limit of number of children to be 12 and no more.

Ms. Schemm motioned, seconded by Ms. Albillar to approve the condition use application for the Children's Learning Center, 2569 Bristol Road subject to the Planning Commission conditions, limit the amount of children to 12 and contingent upon CKS letter dated December 11, 2020 and Zoning Hearing Board approval. All were in favor and the motion passed 5-0.

Public Comment:

Mike Kelly (135 Muirfield Lane) praised Ms. Kristiansen as a child care provider.

**1. APPROVAL OF BILL LIST:**

- a. **2020 Invoices for the Period January 13, 2021 to January 26, 2021 in the amount of \$99,714.57.**

Mr. Gaines motioned, seconded by Mr. Lomax to approve the 2020 invoices paid for the period January 13, 2021 to January 26, 2021 in the amount of \$99,714.57. All were in favor and the motion passed 5-0.

- a. **2021 Invoices for the Period January 13, 2021 to January 26, 2021 in the amount of \$519,880.71.**

Mr. Gaines motioned, seconded by Mr. Lomax to approve the 2021 invoices paid for the period January 13, 2021 to January 26, 2021 in the amount of \$519,880.71. All were in favor and the motion passed 5-0.

**2. CONSENT ITEMS:**

Mr. Gaines asked if any clarification was needed for the consent items as presented.

Mr. Lomax motioned, seconded by Mr. Connolly to approve Consent Items A through I. All were in favor and the motion passed 5-0. (Attachment "A")

- a. December 8, 2020 to approve Minutes for Board of Supervisors meeting.
- b. January 4, 2021 to approve Minutes for Board of Supervisors meeting.
- c. January 12, 2021 to post Minutes for Board of Supervisors meeting.
- d. Consider Resolution for Records Disposition for the year 2021.

Ms. Albillar asked if any of the documents scheduled for shredding could be scanned. Mr. Luber stated some documents are scanned but the rest can be shredded.

- e. Consider appointment of Erynn Jacobsen as a volunteer member to the Bike and Hike Trails Committee.
- f. Consider appointment of Peter Norman as a volunteer member to the Bike and Hike Trails Committee.
- g. Consider Resolution and Agreement to authorize participation in the Inter-local Purchasing System Cooperative Purchasing Program.
- h. Consideration of a waiver of building permit fees to construct a single-family dwelling on a 4-acre lot in the RA zoning district at 3545 Pickertown Road in exchange for tree removal along Pickertown Road and construction of an 8-foot wide permeable bituminous pavement trail along the property frontage.

Joe Morrissey, Foxlane Homes was present to explain the waiver of a building fee for a single-family dwelling located at 3545 Pickertown Road. Foxlane Homes would take down and remove trees along Pickertown Road plus install an 8' wide asphalt trail along Pickertown Road at a cost of \$25,409. In exchange, the Township would waive the building permit fee for the home which is approximately \$10,000.

- i. Consider Resolution for Floodplain Management Application.

Ms. Kushto reported this item is to be removed from the agenda.

**3. CORRESPONDENCE:**

Mr. Gaines reported the Air National Guard submitted an approval of audit for Warrington Township.

**4. OLD BUSINESS:**

**a. Discussion of Lighting at Igoe Porter Wellings Park.**

Ms. Kushto prepared a Declaration of Covenants and Restrictions for Igoe Porter Wellings Park. The Declaration would only allow emergency lighting.

Ms. Schemm stated the Declaration would preserve migratory birds and wildlife and requested the Declaration to be extended to Lions Pride Park. Ms. Schemm referenced the pond to wetland project and that the Park and Recreation Board have discussed this issue for IPW.

Ms. Kushto will circulate the Declaration to the Board members for review and further discussion.

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

**a. Consider Waiver of Land Development for Camp America, 341 Lower State Road, TMP # 50-004-127.**

June Mitchell, owner of Camp America and Kevin Kester, P.E., Van Cleef Engineering were present.

Camp America is located at 341 Lower State Road and the applicant is adding an additional 300 square foot building addition in the center of the property for 2 classrooms. The property is located in the RA District. The Planning Commission approved the waiver of land development during their January 21, 2021 meeting.

Mr. Connolly recommended condition of a right-of-way to PennDOT.

Ms. Schemm motioned, seconded by Mr. Lomax to approve the waiver of land development for Camp America, 341 Lower State Road, TMP # 50-004-127. All were in favor and the motion passed 5-0.

**b. Consider Waiver of Land Development for Polyscience, 400 Valley Road, TMP # 50-031-033-005.**

There was no representation from Polyscience.

Mr. Gaines reported Polyscience was listed on the Planning Commission meeting agenda of January 21, 2021.

Mr. Zarko gave background information stating the property is located on 7 acres at 400 Valley Road, and is in the PI-1 District. They are enlarging their existing cafeteria which is a 1240 square foot modification to the building.

Mr. Zarko referenced CKS review letter dated January 6, 2021.

Mr. Gaines motioned, seconded by Ms. Albillar to approve a waiver of land development application subject to compliance with CKS letter dated January 6, 2021; the conditions of the Planning Commission and agree to deferral of sidewalk. All were in favor and the motion passed 5-0.

**6. MANAGER'S REPORT:**

Mr. Luber stated the Warrington Community Day Committee started planning for this event which is scheduled for September 25, 2021.

Mr. Luber stated one township goal is to increase social media and platform. The focus is to spotlight local businesses. Recently aired, was AFC Urgent Care located at the Shops at Valley Square.

**7. DEDICATION REQUEST:** None.**8. ENGINEER'S REPORT:****a. General Update**

- i) January 22, 2021 Subdivision & Land Development, Public Improvement Projects and General Engineering Activities Status Reports.

Highlighted in the report were significant changes from the December 2020 report.

- ii) Mr. Zarko reported on the Highgrove development and the concerns about the basin at Willow Knoll.
- iii) Mr. Zarko reported on the Parkview development and the full road detour due to frontage improvements.
- iv) Mr. Zarko noted the 2021 Capital Improvement projects are included in the January report.

**9. SOLICITOR'S REPORT:****a. Home Depot Tax Appeal**

Ms. Kushto will file an Entry of Appearance, representing the Township for the Home Depot tax appeal.

**SUPERVISOR COMMENTS:**

Ms. Schemm reminded everyone of the fireworks contest.

Ms. Schemm thanked the Public Works Department on repairs within the Township and the restoration being done to the old police building.

Ms. Schemm stated there wasn't an Open Space meeting; the Bike and Hike Trails Committee is updating the trail map and the Park and Recreation Board is reorganizing.

Ms. Albillar reported Emergency Services is preparing for their EMS three year certification.

Ms. Albillar also reported Central Bucks School District is providing free lunches for all students.

Mr. Connolly reported the text for the newly revised Zoning Ordinance has been completed. A draft will be delivered by February 24, 2021 from the Bucks County Planning Commission. Public meetings will be held in March and the Planning Commission will hold a public meeting April 1, 2021.

Mr. Gaines announced BCATO is holding their annual convention on February 20<sup>th</sup>.

Mr. Gaines asked the members to choose their workshops for the PSATS conference.

Mr. Gaines reported the Veteran Affairs Committee met on January 25<sup>th</sup>. Pete Scott was elected as Chair. The Veteran Affairs Committee is working on a "Helping Hands" program to provide assistance to veterans in need.

**ADJOURNMENT**

There being no further business, Mr. Lomax motioned, seconded by Ms. Albillar to adjourn the meeting at 9:38 PM.

Respectfully Submitted By:

  
\_\_\_\_\_  
Barbara J. Livone, Board Secretary

## Attachment "A"

### Consent Agenda – January 26, 2021

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 I** on the Consent agenda.

- a. December 8, 2020 to approve Minutes for Board of Supervisors meeting.
- b. January 4, 2021 to approve Minutes for Board of Supervisors meeting.
- c. January 12, 2021 to post Minutes for Board of Supervisors meeting.
- d. Consider Resolution for Records Disposition for the year 2021.

Warrington Township desires to dispose of records according to statutory requirements.

- e. Consider appointment of Erynn Jacobsen as a volunteer member to the Bike and Hike Trails Committee.
- f. Consider appointment of Peter Norman as a volunteer member to the Bike and Hike Trails Committee.
- g. Consider Resolution and Agreement to authorize participation in the Interlocal Purchasing System Cooperative Purchasing Program.

Warrington Township wishes to participate in "The Interlocal Purchasing System" (TIPS) Cooperative Purchasing Program, which is administered by the Region VIII Education Service Center in order to ensure that the Township obtains the best price for and the best quality of supplies and services.

- h. Consideration of a waiver of building permit fees to construct a single family dwelling on a 4-acre lot in the RA zoning district at 3545 Pickertown Road in exchange for tree removal along Pickertown Road and construction of an 8-foot wide permeable bituminous pavement trail along the property frontage.
- i. Consider Resolution for Floodplain Management Application.

Through the PA DCED Municipal Assistance Program, the township is requesting reimbursement of 50% of eligible costs for floodplain management.