



**WARRINGTON TOWNSHIP BOARD OF SUPERVISORS
MINUTES FOR February 22, 2022 - 7:00 PM**

The written minutes are a summary of the February 22, 2022 Board of Supervisors meeting. For a complete dialog visit the Township's website, www.warringtontownship.org.

This meeting was held hybrid both in person at the Township building and via Zoom link. The recorded meeting can be viewed the day after through the Township's website, www.warringtontownship.org

Supervisors: Chair Fred R. Gaines; Vice Chair Eileen Albillar; Ruth Schemm, Member, Michael Diorka, Member; Vanessa Maurer, Member

Staff present: Barry P. Luber, Township Manager; Terry Clemons, Esquire, Clemons Richter Reiss, Township Solicitor; Tom Zarko, P.E., CKS Engineers, Township Engineer; Christian Jones, Assistant Township Manager; Peter Kim, Finance Director; Andy Oles, Parks and Recreation Director; Laura Koshy, Administrative Assistant (*taking Minutes on behalf of Jen Fielding*).

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

There were a total of 21 people who attended both in person and via Zoom. The meeting is also "streamed" on the Warrington Township TV channel, so other interested parties are always welcome to watch the meeting using this option.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT (*The Board will hear from any interested resident or taxpayer who would like to comment on an item not on this evening's agenda. Respondents are asked to keep their comments to 3 minutes.*)

Mr. Mike Kelly, 135 Muirfield Lane asked about the accidents on Rt. 611 and Street Road near the Walgreen's. Would like the Township Traffic Engineer to look into the traffic light. It is very bright and many are running the red. Mr. Luber will have Roy Rieder, Zoning Officer, look into it. Mr. Gaines reiterated that with the upcoming Wawa proposed changes there will be many changes coming to that intersection in the near future.

PRESENTATION - 2021 Annual Report – Warrington Volunteer Fire Company – Chief Mike Bean

Mr. Bean gave a PowerPoint presentation highlighting: the officers; Ladies Auxiliary; Emergency Responses; Trainings; Major incident breakdowns; mutual aid calls with other localities such as Horsham, Doylestown, Warwick and Montgomery to name a few; fire call history from 2008 to 2021; accomplishments, including replacement of fire hoses through a grant, installing new County CAD software on all apparatus, and standardization/unification of career and volunteer staff. For the full Annual Report, visit the website at www.warringtontownship.org.

Mr. Diorka suggested putting an article in the Link newsletter for Ladies Auxiliary. Ms. Fielding will follow up for the next issue. Ms. Albillar stated that recruitment is challenging, but high retention is a reflection of the leadership. Ms. Maurer thanked Mr. Bean for his presentation and reiterated that our retention is higher in Warrington Township than other local municipalities in the region. Having a Chief as a career firefighter is key and essential to our success. Mr. Gaines reiterated that many rural areas have challenges with staffing.

PRESENTATION - 2020 Audit – Zelenkofske Axelrod, LLC. – Deborah Bacon, CPA and Sandra Reguera, CPA

Mr. Lubber reiterated that we were behind in this audit. We had some staff changes during this time and therefore, this audit is late. We hope that 2021 audit will not be too far behind this audit. Mr. Lubber highlighted Mr. Kim's contributions and Mr. Michael Sultanik who condensed the timeframe to complete this audit.

Ms. Bacon and Ms. Reguera outlined the 2020 Audit and ensured that all statements were in accordance with GAAS and GAAP standards. They reported the Township has a "clean" audit.

Mr. Diorka commented that we are one year behind on the audit and asked, "How does this impact the budget?" The auditors replied that we are increasing the fund balance and our trends we are in "good shape" - showing that we are saving for the future, including emergencies. Mr. Diorka asked are we in good shape because of the sale of water and sewer or because we are being fiscally responsible? The auditors replied, "the latter."

Ms. Maurer asked about Table 5 on page 7 regarding the fund balance increasing, as well as expenditures and revenue. Mr. Lubber confirmed and reiterated that the fund balance will be flat. By the end of 2021, the fund balance is projected to be \$5.8M or 37% of the projected 2021 expenditures, which will exceed the 15% GFOA fund balance guidelines.

Ms. Maurer asked when the financials are usually completed. Ms. Bacon said May or June. Mr. Lubber confirmed.

For the full 2020 Financial Statement for the 2020 Audit, see the website at www.warringtontownship.org.

1. NEW BUSINESS:

- a. Approval of Mary Barness Community Pool Concession Contract for a 3-year contract with Cool Eats for \$2000/year and a one-time \$1000 contribution toward the cost of the expansion of the snack stand**

Mr. Lubber explained that the \$1,000 contribution is toward expansion of the snack stand and improvements.

Mr. Diorka asked why the 3-year contract? Mr. Lubber explained due to the additional contribution, Cool Eats would like assurance they will recoup the money put into the investment. Mr. Diorka asked why are we paying for the utilities. Mr. Lubber explained we would need a second meter. Mr. Oles indicated that the meter is for the building as a whole and would be difficult to isolate. Ms. Schemm indicated that prior vendors were not as good as

Cool Eats. Mr. Diorka asked if we could be receiving a percentage of the sales. Mr. Oles indicated that a flat fee is standard for concession stands after checking with other Townships. The amount of time to audit their books would outweigh the benefits. Mr. Diorka also asked about the Swim Meets. The visitors are not using the Cool Eats. Visitors are allowed to bring drinks and takeout. Perhaps if we asked visitors to support Cool Eats. Action: Mr. Oles will talk with the Swim Team about this.

Ms. Maurer made a Motion to approve the Mary Barness Community Pool Concession Contract for a 3-year contract with Cool Eats for \$2000/year and a one-time \$1000 contribution toward the cost of the expansion of the snack stand; Mr. Diorka seconded. All in favor, the Motion passed 5-0.

b. Consider proposed plan for delinquent water/sewer accounts

Mr. Jones explained that when we sold Water and Sewer the Township was left with some delinquent accounts. We have created a plan to eliminate the delinquent accounts if under \$100. A mailing did go out regarding delinquent notices to other accounts. Overall, the outstanding balances went from over \$215,000 to approximately \$84,000 since the second extension letter was sent out. We will send the notice again.

The Action Plan will be as follows:

1. Eliminate any account with an outstanding balance under \$100
 - a. 78 (37%) out of 210 accounts at a total of \$2,533.19
2. Send a final letter to former customers with an outstanding balance of \$100 or more informing them that they will be sent to Portnoff Law Associates for collection if they donot pay their outstanding balance by April 29, 2022
 - a. 132 (63%) out of 210 accounts at \$81,153.49
3. Send any former customer with an outstanding balance to Portnoff Law Associates forcollection following the April 29, 2022 deadline

Portnoff Law Associates assesses a \$40 fee to the Township for each account that is sent to them for collections. That \$40 is paid by the Township upfront and added to the balance for collection. \$5,280 upfront if 132 accounts were sent to collections.

If contact from Portnoff is ignored, their fees can quickly escalate, and even lead to Sheriff Sale.

In addition to the notices, Warrington Township will send information regarding financial assistance. Warrington Township has become a vendor for the Pennsylvania Department of HumanServices (DHS) Low Income Household Water Assistance Program (LIHWAP). LIHWAP offers up to \$2,500 (each) for both water and sewer arrears if thehousehold meets certain low-income criteria (flyer attached). The LIHWAP informational flyer would be enclosed within the envelope with the above-referenced letter so that those residents that qualify for LIHWAP assistance could initiate that process.

Ms. Albillar thanked Mr. Jones and said it is worth it to send another mailing as we received results last time. The program mailing will also be beneficial.

Ms. Albillar made a Motion to approve the proposed plan for delinquent water/sewer accounts; Ms. Schemm seconded. All in favor, the Motion passed 5-0.

c. Consider amending the Fee Schedule

Mr. Gaines indicated that there were several updates to the Fee Schedule, including: removing Carroll Engineering Corporation; adding McMahon Associates, Traffic Engineer; adding Suburban Lighting Consultants; adding language to include Right to Know fees and bolding this for anyone searching for fees. Action: Ms. Fielding will make this change.

Ms. Maurer made a Motion to amend the Fee Schedule; Ms. Albillar seconded. All in favor, the Motion passed 5-0.

d. Consider the creation of an Ad Hoc Deer Management Committee to improve the management of the over population of deer

Ms. Schemm outlined the background for the creation of this committee, including the Mill Creek Resource Management Plan from January, 2019 (pp 8-9). In a follow-up lecture, sponsored by the Open Space and Land Preservation Committee, the Bucks County Game Warden offered choices to begin to manage the overpopulation of deer on Township open spaces. The optimal number of deer per acre is 1/64. The over-abundance of deer is documented across the Commonwealth, threatening open spaces. Issues such as traffic accidents, destruction of forest understory and young trees and limited living conditions for the deer who are hemmed into unnatural habitat.

Thus, the decision to add deer management to the 2022 Warrington Township Goals. The Township Manager was tasked to organize an Ad Hoc Committee. This committee will recommend a plan of action that will be discussed in a public forum with suggestions for implementation.

Ms. Schemm recommends the following individuals for the Committee: Ruth Schemm (Board of Supervisors), Andy Oles (Parks and Recreation), Mike Bean (Volunteer Fire Company), Mike Stack (Public Works), Ivy Ross (Environmental Advisory Council), Barbara Brown (Open Space and Land Preservation Committee).

Ms. Schemm wants to start with the Committee, saying that if this type of management is done wrong it could go horribly. The group discussed challenges faced at Tyler State Park in Richboro, Pa., as an example of what Warrington Township does not want. Mr. Oles reiterated that the management would be low key. He would like metrics on vehicle accidents involving deer. Action: Mr. Luber will reach out to Chief Friel to provide this information. Mr. Oles will also take the notes from other Townships facing similar deer management issues.

Mr. Diorka supports this management plan. He shared that on his personal property there are many deer. Mr. Clemons indicated that the committee might want to address residents feeding deer. Action: Ms. Fielding will work with Mr. Oles to include an article on deer feeding in a future issue of the Link newsletter.

Ms. Albillar made a Motion to create an Ad Hoc Deer Management Committee to improve the management of the over population of deer; Ms. Maurer seconded. All in favor, the Motion passed 5-0.

e. Consider contract with the Bucks County Planning Commission for additional work on Zoning Ordinance revision

Mr. Gaines explained the Township completed the Zoning Ordinance and started on the SALDO Ordinance. Discovered that there were some items that conflicted with the Zoning Ordinance. Ready to finalize the SALDO Ordinance, but need to tweak the Zoning Ordinance. The Bucks County Planning Commission has had consultants working on this regularly and provided ideas.

Mr. Diorka asked why we are not reviewing this work with staff instead of using consultants. Mr. Clemons reported that the BCPC drafts the Ordinance based upon their knowledge, including thousands of hours of research. This would be too onerous for our volunteers.

Ms. Schemm made a Motion to approve a contract for \$9,400.00 with the Bucks County Planning Commission for additional work on the Zoning Ordinance revision; Ms. Albillar seconded. All in favor, the Motion passed 5-0.

f. Consider agreement for settlement in the Opioid litigation case

Mr. Gaines gave some background on the Opioid litigation case. Mr. Jones further explained the case.

Township staff has received correspondence from our legal counsel in charge of settlement negotiations with the Opioid manufacturers and distributors. The correspondence included a background concerning settlement negotiations with a particular defendant known as Collegium, a signature-ready settlement agreement, and a recommendation for accepting the proposed settlement.

Ultimately, legal counsel believes that accepting the proposed settlement agreement is in the best interest of Warrington Township as Collegium had minimal involvement (only since 2016), as well as the benefit of using this settlement to strengthen our "litigation posture" for our claims against the remaining Defendants with greater exposure. An allocation methodology (detailed in the correspondence) was utilized to determine Warrington would receive **\$16,203.29** from this particular settlement should all parties accept.

There is no cost to the Township other than staff costs. Discussion ensued on next steps and how much more involved this case could get. Mr. Diorka asked where the funds will be deposited. Mr. Lubber said the General Fund.

Ms. Maurer made a Motion to approve the agreement for settlement in the Opioid litigation case in the amount of \$16,203.29; Mr. Diorka seconded. All in favor, the Motion passed 5-0.

2. OLD BUSINESS - None

3. SUPERVISOR COMMENTS:

Mr. Diorka:

- The Community Room Task Force will be making a recommendation of an architectural firm for the community room to the Board of Supervisors at the next meeting;
- The Barness Community Pool Steering Committee will be meeting this week and has several new members;
- As the liaison to several committees, he is working on the 2022 Goal for the Committee Restructure and searching for the Ordinances that created those committees and their Mission statements. He will be reaching out to staff for assistance.
- Mentioned a Senior Pass available to all residents of Warrington Township (Gold Pass) for Central Bucks High School South for discounted tickets for all sporting events and theater and other events. Action: Mr. Diorka will work with Ms. Fielding to include this in the next Link newsletter.

Ms. Schemm:

- Bike and Hike Committee is excited about the new B&C Segment Trail connection. They would like a crosswalk at Street Rd. and Morning Walk due to Emerson Farm construction. Mr. Luber indicated that we are bidding that as part of the B&C project. Will also be adding a Step Challenge. Seeing many people on the trails.
- Historical Commission – an historic outhouse on the property of the schoolhouse at Folly Road. Also discussing doors and hinges for this property.

Ms. Albillar:

- Parks and Recreation Board and Barness Community Pool Steering Committee will be meeting this week; welcomed the new members.
- Free tax services are available to all residents of Bucks County. If you earn \$57,000 or less, would qualify through the IRS

Ms. Maurer:

None

Mr. Gaines:

- Memo went out to all Committee Chairs with further instructions related to the 2022 Goals on reviewing the Ordinances, Mission statements and other pertinent information related to their committee or board, including sufficient member representation, specific goals of that committee or board and any other changes they would like to make. The responses will be forwarded to the Department Heads so they can review if there are overlaps and be able to review budgets related to the needs identified.

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

5. **ENGINEER'S REPORT:**

Mr. Zarko highlighted some areas from his Report, including the 2022 Paving Program. Will request at the March 8th meeting authorize to advertise. In addition, he highlighted the Equestrian Center roof project. His team has been out to evaluate the roof. Anticipates to request authorization to advertise at the March 22nd meeting.

Mr. Diorka – Bristol Road and Rt. 611 improvements – where can he get more information about this. Conceptual plan – traffic engineer is preparing drawings for grant application. Mr. Gaines asked Mr. Zarko to send to the entire Board.

Mr. Zarko will follow up with Lukoil on their project.

Mr. Luber will include the paving program in the eLink and Link newsletter once the bids are approved.

Mr. Kelly – Residents of County Line Road complain about speeding and noise related to County Line, Limekiln Pike and Lower State Road intersection. Has anything been moving forward with the PennDOT study? Mr. Gaines reported that the study is underway, but no information as of yet. We have shared with Montgomery County, but they are not as concerned regarding this intersection.

6. SOLICITOR'S REPORT:

a. Consideration of Tax Collector Ordinance

Mr. Clemons reviewed the adoption of the Ordinance at the January 3, 2022, Reorganization meeting, the communication from the outgoing tax collector with concerns related to the fees for the tax certification. Mr. Clemons did further research regarding this issue and prepared an amended Ordinance for the Board of Supervisors to consider. The concern was the fairness of paying two different tax collectors. Further discussion ensued.

The Ordinance that was adopted is in in line with what other municipalities charge.

Ms. Maurer made a Motion to table the Tax Collector Ordinance that was advertised for the \$10 fee; Mr. Diorka seconded. All in favor, the Motion passed 5-0.

b. Open Space: Request for proposals from Land Trust of Bucks County to hold CE's on Emerson Farm, Grove Valley, Laurel Crossing and Weisel

At the February 8th meeting it was recommended that an Ad Hoc committee meet with Land Trust of Bucks County. Mr. Clemons provided Land Trust with background information related to the Board's interest in conservation easements on several parcels.

Committee understands that Land Trust would act as a holder of the easements, inspect the properties annually.

Mr. Gaines would like to know if Land Trust include the cost of their services in the Professional Services Agreement. Mr. Clemons explained we will receive a breakdown of their fees at a future meeting. He also provided some history of the Land Trust of Bucks County. Discussion ensued regarding the viability of the organization and its future. The Professional Services Agreement will address the details of the relationship.

c. Garges Injunction Action: Status of Litigation

Warrington Township and Bucks County recently filed an injunction against Gargas. Gargas filed preliminary objections, which were in Mr. Clemon's opinion unusual. Mr. Clemons addressed those objections which have been filed with the court. Now he is awaiting the decision from the court. Victory Gardens filed that they had been adversely affected. Further discussion ensued.

d. Fire Code Violations: Fire Code Official to file non-traffic complaints Tuesday, 2.22

In addition to the injunction filed, CKS has measured the heights of the mulch piles at Victory Gardens. These piles have exceeded 25 feet, which is in violation of the Fire Code.

- One exceeded 31 feet. August, 2021, were the initial measurements.
- October, 2021, further measurements.
- December, 2021, further measurements.
- Worked with Lee Greenberg to prepare citations in violation of the Fire Code for each of those dates. *Added some information to revise the citations, which were filed today.*

Will request an Executive Session to discuss next steps.

Mr. Gaines asked if this was sent to the District Justice. Mr. Clemons reiterated that yes, she will hear the case. \$1,000 per violation is the fine. They could choose to pay the fine.

Mr. Schemm asked what was the cost to send the Fire Company out last November. Multiple companies responded to the fire at that time. It is difficult to put a price on that response. The concern is safety.

Mr. Luber asked Mr. Zarko if we measured daily, could fine them daily. Would have to measure them daily and it to exceed 25 feet. The person doing the measuring would have to testify. Mr. Clemons would like to discuss in Executive Session.

Mr. Zarko estimates it takes 5 hours to do the survey/approximately \$400. However, there are instances where the piles are unstable and they cannot measure.

e. Authorize the Solicitor to advertise an amendment to Chapter 330 of the Codified Ordinances to add the stop signs installed as part of the Warrington Glen Development to the list of established stop intersections

Mr. Clemons explained where stop signs need to be placed within Warrington Glen. It has been advertised. Ready for adoption so that the Police Department will be able to enforce the stop signs.

Ms. Maurer made a Motion to authorize to advertise an amendment to Chapter 330 of the Codified Ordinances to add the stop signs installed as part of the Warrington Glen Development to the list of established stop intersections; Ms. Albillar seconded. All in favor, the Motion passed 5-0.

f. Discussion of Zoning and SALDO Committee recommendation for an amendment to the Zoning Ordinance

Mr. Clemons provided additional information related to the amendment to the Zoning Ordinance, including: non-conforming signs; size of signs along Rt. 611; driveway; fencing; alteration; buffer, to name a few.

Warrington Township Planning Commission has recommended an amendment to the Zoning Ordinance. The Bucks County Planning Commission now has 30 days to review, which will be up on March 8, 2022. Mr. Clemons anticipates authorization to advertise at the March 22, 2022, meeting. Action: Would recommend the Board review this draft and address any concerns or questions to either himself or Vicki Kushto, Esq.

7. APPROVAL OF BILL LIST:

- a. **Consider approval of invoices for the period from February 9 to February 22, 2022 (for prior year, 2021) in the amount of \$224,307.70 and February 9 to February 22, 2022, in the amount of \$910,061.03.**

Ms. Albillar made a Motion to approve invoices for the period from February 9 to February 22, 2022 (for prior year, 2021) in the amount of \$224,307.70 and February 9 to February 22, 2022, in the amount of \$910,061.03; Ms. Maurer seconded. All in favor, the Motion passed 5-0.

8. CONSENT ITEMS:

Mr. Gaines asked if anyone would like to pull an item out of the Consent Agenda.

- a. **Consider Approval of the Minutes from the February 8, 2022, Board of Supervisors meeting**
- b. **Consider approval of the Stop Sign Ordinance Amending Chapter 330 of the Codified Ordinances of Warrington Township to add stop signs installed as part of the Emerson Farm Development**
- c. **Consider authorization to advertise bids for trees, shrubs and planting of same at the Weisel Preserve Project**
- d. **Consider approval of candidates selected by Parks and Recreation Board to fill two vacant positions**

Ms. Schemm made a Motion to approve the Consent Agenda items a-d; Ms. Albillar seconded. All in favor, the Motion passed 5-0.

ADJOURNMENT

The meeting was adjourned at 9:43pm.

Respectfully submitted By,

Jeannine Fielding, Board Secretary