



**BOARD OF SUPERVISORS  
WARRINGTON TOWNSHIP  
MINUTES FOR August 23, 2022 - 7:00 PM**

**The written minutes are a summary of Board of Supervisors meeting. For a complete video visit the Township's website, [www.warringtontownship.org](http://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](http://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; Vicki Kushto, Esquire, Clemons Richter Reiss, Township Solicitor; Tom Zarko, P.E., CKS Engineers, Township Engineer; Christian Jones, Assistant Township Manager; Jen Fielding, Executive Assistant to Township Manager/Board Secretary

**CALL TO ORDER:** Mr. Gaines called the meeting to order at 7:09 P.M.

There were a total of 39 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**

## **EXECUTIVE SESSION**

Mr. Gaines reported that there was an Executive session prior to this meeting to discuss legal matters and personnel matters.

## **CORRESPONDENCE**

**Ms. Kim 806 Princeton Drive** Mr. Jones gave a brief summary of the letter submitted by Ms. Kim requesting waiver of her penalty for late taxes since the payment was received by the former tax collector instead of the current tax collector. A late penalty was assessed because the payment did not make its way to the new tax collector. Ms. Kim is looking for a waiver of the penalty since she submitted the original payment on time. Ms. Kim did take ownership of sending it to the incorrect person/address since her online payment system was not updated after the election. The penalty is \$245.45. County and local taxes are on the same invoice.

Ms. Maurer commented that the correct tax collector's name and address are printed on the form. Ms. Schemm commented that the former tax collector attempted to reach Ms. Kim. The question was asked if the Board has the legal ability to waive the penalty. Ms. Kushto affirmed that yes, the Board may waive the penalty.

Ms. Albillar made a Motion to deny Ms. Kim the waiver of the penalty of \$245.45 due to the current Tax Collector; Ms. Schemm seconded. All in favor, the Motion passed.

**Mr. Mike Kelly, 135 Muirfield Lane** Mr. Kelly addressed his concerns regarding the agenda items 1.d and 1.e. regarding Laurel Crossing Final Plans. He is concerned about the trail that will be 60 feet from his property line. He requests the Board amend the final plans and relocate the trail to the upper circle through the woods.

Ms. Kushto indicated that this item will be discussed in the order of the agenda and Mr. Kelly is free to make additional comments at that time.

**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. Frank Musciato, 1097 Adams Court** would like to address the Master Plan proposed by Natural Lands for approval on the agenda today. Is concerned about more paved pathways, benches and parking in the parcels mentioned in the Plan. Would like to encourage continued open space without these additions. And would like to see the Township not spend any more money on these parcels for the proposed items in the Plan.

Mr. Lubber reiterated that the Master Plan is just a recommendation and not a mandate.

**Ms. Ilka Werner, 1238 Live Oak Lane** raised three concerns: 1) The cost of the proposed community room at Lions Pride Park. Mr. Lubber indicated that the bids are out for that project and will be reported and voted upon at a future board meeting. 2) Use of solar panels on the police station and other businesses within Warrington Township. 3) Concerns about the Master Plan and the money it will cost to maintain the Plan, while the Township is still facing a deficit.

**Mr. Aarow Moore, 12300 Peliggi Road** would like to ask for assistance with the parking at Willow Knoll. He explained that the current President of the Parking Association does not return phone calls or messages and is very difficult to reach. There are many unregistered vehicles in the community and nothing is being done. He would like to start his own association if this one is not meeting the needs of the residents.

Ms. Kushto explained that the Parking Association is its own entity and that the Township has no control over its members nor leadership. She suggests that Mr. Moore work with Jeanine Richards, the current President. Or, he take over that association rather than starting another one. Mr. Jones will work with Mr. Moore on this topic.

**Mr. Pete diPalma, 3456 High Gate Ave.** also expressed concerns about the Master Plan, backyards, natural areas. While he appreciates the connectivity of the trail system, he feels that they are too close to homes, especially with the recent break-ins in Warrington Township. He explained that there are already existing roads in Mill Creek Preserve and there doesn't need to be more pathways.

Mr. Gaines, Ms. Maurer and Ms. Ross all responded. Mr. Gaines and Ms. Ross encouraged him to attend the EAC meetings to learn more about the Master Plan and to contribute his voice. Ms. Maurer said that while the meadows are fabulous, she doesn't agree with more paved pathways.

**Mr. Brian Tuberty, 3490 Pine View** also expressed concerns about the Master Plan. He especially brought up the dead ash trees along many of the existing pathways and is concerned about the safety of residents.

Mr. Lubber explained the Township's policy of removal of dead trees.

**Mr. Joe Kirby, 145 Muirfield Lane** also expressed concern about the Master Plan. He asked about the matching grants required both historically for the properties and moving forward. The only requirement of the Mill Creek Preserve was to end farming on that land.

Mr. Diorka would like to see the wording on the original grant for the Mill Creek Preserve and he would like it posted to the website. Mr. Lubber and Ms. Ross will follow up.

Mr. Kirby would like the Township that in order to balance the budget the Township consider not spending money on projects that require more resources, such as matching funds to grants.

Ms. Maurer gave a shout out to Ms. Ross for her grant-writing abilities and being very involved in open space. However, she indicated that the Board represents all residents and not just those on the Open Space and Land Preservation Committee.

Ms. Schemm indicated that she has been fighting for green space since 1992 and reported that there are many residents passionate about being in a green space.

**PRESENTATION: BAPS to Present Warrington Township Police Department with Fundraiser Check for K9 Program – Dipesh M Pandya, Ruchin Patel and Chief Daniel J. Friel**

Mr. Pandya made a few remarks about the K9 Fundraiser held at BAPS and thanked the K9 unit for attending. Officer John Blanchard and K9 Jolie accepted the award on behalf of the Warrington Township Police Department and thanked BAPS for this gift toward the K9 Program.

**PRESENTATION: 2021 Annual Report - Pension Advisory Board, Joseph Kirby, Chair**

Mr. Kirby gave a presentation on the Quarterly Performance of the Pension Board as of June 30, 2022. There are two new volunteers coming to the next meeting and hope to make a recommendation shortly to have them added to the Committee in 2022.

Uniform Pension Plan for uniform employees. And Non-Uniform Pension Plan for non-uniform employees.

Non-Uniform Plan is now closed to new employees. Uniform Plan is open and governed by Act 600.

The Pension Advisory Board is a Committee that oversees those assets and makes recommendations to the Board of Supervisors to make sure that these funds are fully funded. If either of the plans are underfunded, then the challenge to the Township would be to raise additional funds to make that contractual liability whole. This Board has always been conservative on its approach. This Pension Plan is a benefit to attract and retain employees.

Highlights included: Use Marquette Associates. Confident in their abilities. Quickly pulled reports together. This report has not yet been presented to the Board yet, but he is sharing it tonight to give a snapshot.

The Uniform Plan is \$21.2m.

The Non-Uniform Plan is \$6.8m.

Peer group rankings compares us to similar plans and we are doing well. Ranked 27<sup>th</sup> and 21<sup>st</sup> percentile for those two plans. Since inception Nov 2014 with Maquette ranking in 37<sup>th</sup> and 36<sup>th</sup> percentile. Committee is proud of this.

Police Plan de-risk – reduce some of the equity exposure. Real estate redemption – REEF fund had performed really well, so made a reduction and redeployed those assets.

Differences: Police Plan last 4-5 years net cash flow – open plan takes in new members. Still see cash flow coming into it. Non-Police Plan net cash out flow. People are retired. More money will flow out of this plan. Need to continue to shift asset allocation for both plans; work with Marquette on this. The Board's role is to make sure that Marquette's recommendations make sense.

Both plans managed quite similarly.

Equity exposure – 60% in both plans

Non-US equity exposure – 12% in Non-Uniform Plan; 11.8% in Uniform Plan

Positive absolute returns. And year-to-date performing in the top Quartile. They are performing well.

Followed by a brief discussion regarding agenda item 1.c and the Boards and Committees project. Mr. Kirby is working with Ms. Fielding to provide all information.

Ms. Albillar gave Mr. Kirby a shout out, thanking him for the work he and the Board are doing. She reiterated that the Pension Plans do attract and retain an excellent workforce. Ms. Maurer also gave Mr. Kirby a shout out for the work he and the Board are doing.

## 1. NEW BUSINESS:

- a. **Discuss and consider moving November 8 Board of Supervisors meeting and Budget meeting to November 15 in lieu of Election Day**

Mr. Gaines made a Motion to move the November 8 Board of Supervisors meeting and Budget meeting to November 15 in lieu of Election Day; Mr. Diorka seconded. All in favor, the Motion passed 5-0.

- b. **Consider awarding a contract to AVT for Audio Upgrades in the Shirley A. Yannich Meeting room in the amount of \$34,240.00**

Mr. Jones provided a brief summary of the project to upgrade the audio system in the Shirley A. Yannich meeting room. The cable franchise agreements ended with both Comcast and Verizon last year. The Township staff negotiated upgrades to the franchise renewal agreements with both entities in the amounts of \$15,000 from

Comcast and \$15,000 from Verizon. To date, the Comcast funding has been received and we are waiting for the final agreement from Verizon. This funding will cover most of the cost of the audio upgrade.

Mr. Gaines made a Motion to award the contract to AVT for Audio Upgrades in the Shirley A. Yannich Meeting room in the amount of \$34,240.00; Ms. Schemm seconded. All in favor, the Motion passed 5-0.

**c. Discussion of Boards and Committees Project**

Mr. Luber explained that Mr. Gaines started this project and indicated that Ms. Fielding has been working with all committees and boards over the last several months. It had to do with Mission, Goals and Ordinance changes. He asked her to provide a summary.

Ms. Fielding thanked Mr. Luber and Mr. Gaines for the opportunity to work on this project and gave the following highlights:

- 11 Committees and Boards responded
- There were two themes: Committees and Boards to communicate with each other better, possibly including an annual Chairman's Meeting; website pages for all Committees and Boards redesign and/or updated more regularly, including updates for the entire website.
- Five Ordinance changes, including mostly additional members and updated Mission statements.
- Resources will continue to be needed for certain committees like EAC and Open Space and Land Preservation. Plus additional resources requested from the Veteran's Affairs Committee to add new poles at Igoe Porter Wellings Memorial Field.
- Several Committees and Boards would also like to be included in the budget process.

Ms. Fielding will work with her assistant, Ms. Laura Koshy, to redline the Ordinance changes and present them at the next Board meeting for authorization to advertise.

Ms. Schemm thanked Ms. Fielding and Mr. Gaines for her work on this project. It is an ongoing project and a very good initiative. Mr. Luber also thanked Ms. Fielding and Ms. Koshy for taking this off his plate and for gathering the information and reporting out on it. Ms. Albillar is thrilled with the response and continue to support our Committees and Boards. Mr. Luber likes the idea of all Chairs to meet annually and will plan to move forward with that. Ms. Albillar also thanked the team. Mr. Gaines also thanked the team.

**d. Consider Approval of Resolution for Plan Revision for New Land Development for Laurel Crossing**

Mr. Zarko presented the Resolution.

Ms. Schemm made a Motion to approve the Resolution for Plan Revision for New Land Development for Laurel Crossing; Ms. Albillar seconded. All in favor, the Motion passed 5-0.

**e. Consider Approval of Final Land Development Plans for Laurel Crossing Subdivision; 3501 County Line Road**

Mr. Justin Strahorn with WB Homes presented drawings for the Final Land Development Plans for Laurel Crossing Subdivision; 3501 County Line Road. Discussion ensued regarding the trail that is being considered for installation within the Open Space Area on the development site behind Mr. Kelly's home. Mr. Kelly provided additional comments. Mr. Kirby also provided comments since he lives in the same neighborhood and is Mr. Kelly's neighbor. Mr. Kirby would also like to see the trail relocated to another portion of the Open Space.

Ms. Maurer made a Motion to direct the Township Solicitor to prepare a Resolution for approval of the Final Land Development Plan for Laurel Crossing Subdivision; 3501 County Line Road with the following conditions: compliance with CKS Letter; McMahan letter; Suburban Lighting letter; Fire Marshall letter; Dedication of Open Space Area C to the Township with Open Space Areas A & B to be owned/maintained by a Homeowners Association; installation of a dedicated left-turn lane along the County Line Road frontage of the development site is not required; installation of a deceleration lane at the development site entrance along County Line Road; a future possible natural trail to be shown on the plans in a location chosen by the Board; and a fee in lieu of installation of the trail in the amount approved by the Township Engineer. Ms. Schemm seconded. All in favor, the Motion passed 5-0.

Ms. Strahorn will work with Mr. Zarko to create two alternatives for the next Board meeting regarding the location of the trail.

**2. OLD BUSINESS:**

**a. Consider approval of Consortium Resolution in Joining Other Municipal Bodies in Opposition to the Sale of BCWSA assets to AQUA Pennsylvania and Agreeing to Pay a Pro Rata Share of the Costs of Opposing Such Action**

Mr. Luber briefly summarized the opposition to the sale of the BCWSA to AQUA Pennsylvania and the most recent meetings held with BCATO and other municipalities. Mr. Gaines explained the pro-rata share of the costs.

Ms. Albillar made a Motion to approve the Consortium Resolution in Joining Other Municipal Bodies in Opposition to the Sale of BCWSA assets to AQUA Pennsylvania and Agreeing to Pay a Pro Rata Share of the Costs of Opposing Such Action; Ms. Maurer seconded. All in favor, the Motion passed 5-0.

**3. SUPERVISOR COMMENTS:**

**Mr. Diorka – none at this time**  
**Ms. Schemm – none at this time**

**Ms. Albillar** – 1) Parks and Recreation Board canceled for this week; look to future invites for September meeting; 2) Recent break-ins both with vehicles and homes reported by the Police Department reminded residents to lock cars

**Ms. Maurer** – During the Executive Session, she and Mr. Diorka requested access to a file from 2017 regarding a personnel matter. Clemons, Richter and Reiss cited client-attorney privilege to that file. Ms. Maurer believes that any denial to access to this file is an unreasonable restriction and that the Board of Supervisors is the collective client and should be granted access to that file. Ms. Maurer indicated that the only way to have that file released would be by a vote of the Board of Supervisors. She requested a Motion to Amend the Agenda to include this on the agenda at tonight's meeting for a vote.

Ms. Albillar indicated that she would like to continue the discussion in Executive Session. Mr. Diorka would like further information on how investigations are conducted and agreed that the attorney-client privilege extends to Township residents. Ms. Schemm clarified the file is from 2017.

Those in favor of amending the agenda to include this item for a vote. Roll Call vote:

Mr. Diorka – in favor  
 Ms. Schemm – against  
 Ms. Maurer – in favor  
 Mr. Gaines – against  
 Ms. Albillar – against

The agenda was not amended.

#### 4. **MANAGER'S REPORT:**

##### a. **Consider approval of Resolution Declaring September 2022 as Andrew Heo Month in Honor of his Achievements at the 2022 Winter Olympics in Speedskating**

Mr. Luber indicated that Mr. Heo was celebrated at a previous ceremony since he was unable to attend the meeting this evening. Ms. Albillar read the Proclamation.

Ms. Albillar made a Motion to approve the Resolution Declaring September 2022 as Andrew Heo Month in Honor of his Achievements at the 2022 Winter Olympics in Speedskating; Ms. Schemm seconded. All in favor, the Motion passed 5-0.

##### b. Zoning Hearing Board Update – Christian Jones

##### i. **WT ZHB 22-10 (Crestwald Terrace Group, LLC) Vacant lot at the NW corner of the intersection of Easton Road and Oakfield Road, TMP 50-024-001.001. The Planning Commission found there were no significant planning issues and voted unanimously to remain neutral regarding this application**

Mr. Jones indicated this will be presented at a future Board of Supervisors meeting for review.

- ii. **WT ZHB 22-11 (Otte-Reilly) 3545 Pickertown Road, TMP 50-004-112, R-3 Residential District. The suggested position is to remain neutral. However, it may be wise to obtain deed restrictions to permanently prohibit use of the cabana as sleeping quarters or as a guest house, or to contain any indoor cooking facilities**

Mr. Jones wasn't sure why this item was included. It was decided by the ZHB that the variance requested was denied and therefore no action is required.

## 5. ENGINEER'S REPORT:

### a. Discuss draft Bus Shelter Specifications

Mr. Zarko indicated that in May, 2022, the Board of Supervisors voted on the specifications for amending the Streets and Sidewalk Ordinance to include a standard design for bus shelters in the Township.

Ms. Kushto will prepare the Ordinance for the next meeting to be approved for advertising. Ms. Schemm raised the issue of benches.

Mr. Diorka made a Motion to amend the agenda to authorize the Township Solicitor to prepare an Ordinance to include the new bus shelter specifications; Ms. Schemm seconded. All in favor, the Motion passed 5-0.

Ms. Schemm made a Motion to authorize the Township Solicitor to prepare an Ordinance for advertisement to include the new bus shelter specifications; Ms. Albillar seconded. All in favor, the Motion passed 5-0.

## 6. SOLICITOR'S REPORT:

### a. Consider resolution of tax assessment appeal for parcel 50-31-34 which contains the Staples, Michaels, and Bed Bath and Beyond

Ms. Kushto explained that Valley Square filed a tax assessment appeal for Parcel 50-031-034. Currently, based on the assessed value of \$2,306,130, the Fair Market Value would be \$25,900,000. The property owner's appraisal came in at \$21,700,000. The School District is proposing to settle the appeal for a Fair Market Value of \$24,150,000. The assessed value would decrease over a 3-year time period covering 2021-2023.

If approved, the settlement would require a refund (without interest) to the Property Owner within 60 days for 2021 and 2022 (if paid). The amount paid by the Property Owner for each year is \$37,174.82. The amount due back to the Property Owner for 2021 is \$2,527.30 and for 2022 would be \$4,863.09. The reduced assessment would result in an amount due for 2023 based on the new assessment of \$28,418.75.



Ms. Albillar made a Motion to approve the Resolution of the tax assessment appeal for parcel 50-31-34 which contains the Staples, Michaels, and Bed Bath and Beyond; Ms. Schemm seconded. All in favor, the Motion passed 5-0.

## **7. BILL LIST:**

- a. Consider approval of invoices for the period from August 10, 2022 to August 22, 2022 in the amount of \$802,861.80**

Ms. Albillar made a Motion to approve the invoices for the period from August 10, 2022 to August 22, 2022 in the amount of \$802,861.80; Ms. Schemm seconded. All in favor, the Motion passed 5-0.

## **8. CONSENT ITEMS:**

Mr. Gaines asked if anyone wanted to pull an item from the Consent Agenda. Ms. Maurer asked to pull out item b. and item c.

Ms. Albillar made a Motion to approve items a,d,e,f; Ms. Maurer seconded. All in favor, the Motion passed 5-0.

- a. Consider approval of Minutes from the Board of Supervisors meeting August 9, 2022**
- b. Consider approval of Resolution Regarding Township Real Estate Tax Penalties**
- c. Consider approval of Master Plan of Mill Creek Preserve, Weisel Farm and Open Space at Emerson Farm Preserve as a Guide**
- d. Consider approval of Escrow Release of Central Bucks School District – Barclay Elementary School – Completion of Public/Site Improvements**
- e. Consider authorization to advertise for 2022/23 Snow Plow Bids**
- f. Consider Approval of Certificate of Completion #4, Parkview at Warrington (Phase 2)**

Further discussion ensued regarding item b.

Ms. Maurer made a Motion to approve the Resolution Regarding Township Real Estate Tax Penalties; Ms. Albillar seconded. All in favor, the Motion passed 5-0.

In lieu of the public comments expressed this evening, Ms. Maurer would like to pull item c. out. She has concerns that she does not agree with everything in the Master Plan. She is not comfortable approving this Plan this evening.

Further discussion ensued. Mr. Gaines added that matching grants are great, but we still have to match the 50%. The Supervisors will use the Master Plan as a guide and ask the Township Manager to keep the Supervisors abreast of all grant options.

Ms. Albillar, Mr. Gaines, Ms. Schemm and Mr. Luber all reiterated that the Master Plan is just a guide. Every item must go through the Open Space and Land Preservation Committee and would then be submitted to the Board of Supervisors for consideration and approval or not.

Mr. Diorka believes this is a great concept, but asked if we really understand the costs to the Township for the items identified in this Master Plan. Would like to see a Feasibility Study on this Plan in order to understand those costs. Raised the overruns for Lions Pride Park, DocterAdams® Community Park and Lions Pride Park Community Room. Can we really afford this at this time. Ms. Albillar clarified that this is not a project; it is a guide. Discussion ensued regarding Lions Pride Park and Feasibility Studies and how they are paid for. Ms. Schemm reiterated that the \$50,000 the Board authorized to pay for the Mary Barness Community Pool Feasibility Study and that Feasibility studies are not free. Ms. Albillar thinks this deserves more discussion.

Ms. Albillar made a Motion to Table item c.; Ms. Maurer seconded. All in favor, the Motion passed 5-0.

## ADJOURNMENT

The meeting was adjourned at 10:45pm.

Respectfully Submitted



Jeannine Fielding, Board Secretary