



**WARRINGTON TOWNSHIP BOARD OF SUPERVISORS  
MINUTES FOR JANUARY 23, 2018**

**The written minutes are a summary of the January 23, 2018 Board of Supervisors meeting. For a complete dialog visit the Township's website, [www.warringtontownship.org](http://www.warringtontownship.org).**

**ATTENDANCE**

Fred R. Gaines, Vice Chair; Carol T. Baker, Member; and Ruth L. Schemm, Member (after being sworn in). 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. Mr. Gaines stated he was acting as Chair due to the absence of Shirley Yannich who was ill. Also, not present was Eileen Albillar, who was ill.

**PLEDGE OF ALLEGIANCE**

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

**EXECUTIVE SESSION REPORT**

Mr. Gaines stated no executive session was held.

**SWEARING IN OF RUTH L. SCHEMM, AS SUPERVISOR UNTIL DECEMBER 31, 2019 (District Judge Jean Seaman officiating)**

Ruth L. Schemm was appointed by the Board of Supervisors at their January 9, 2018 public meeting and was sworn in by District Judge Jean Seaman. After the Oath of Office was administered by District Judge Jean Seaman, Mr. Gaines asked Ms. Schemm to take a seat at the dais and stated that Ms. Schemm is filling a vacancy left by Millie A. Seliga who was elected as the Township's Tax Collector.

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

Ten (10) members of the Warrington Fire Company were sworn in as officers by District Judge Jean Seaman. Those present to receive the Oath of Office was: Chief 29 Mike Bean; Deputy Chief 29 Timothy Campbell; Battalion Chief 29 Eric Woodring; Captain 29 David Porco; Captain 29-1 Paul Martin; Captain 78 Luke Kirchner; Engine Lieutenant 29 Scott Utterback; Engine Lieutenant 78 Corey Matthews; Rescue Lieutenant 78 Alex DelVecchio; Chief Engineer Gary Butterworth; and Safety 29 Scott Martin.

Mr. Gaines thanked Chief Bean and the volunteer firefighters of Warrington Fire Company #1 who serve the community.

**PUBLIC COMMENT:**

Kayma Sherman (102 Lyric Way) inquired about the timing light when making a left hand turn from Route 611 to Park Road. Mr. Zarko responded that there is a sensor at the light to recognize vehicles when ready to make a turn. Mr. Zarko will investigate the issue.

K. Fred Achenbach (905 Farnham Court) congratulated Ruth Schemm as the Township's newly appointed supervisor. Mr. Achenbach asked if the solicitor and engineer represented Warminster Township Municipal Authority (WTMA) and knew anything about the potential sale of the WTMA. Mr. Clemons said he does not work for the WTMA. Mr. Zarko said his firm, CKS does represent WTMA. Mr. Zarko said the decision for a potential sale lies with the Warminster Township Board of Supervisors.

Mr. Achenbach stated, as the former Manager of Warrington Township Water and Sewer Department, that Warrington Township has a substantial investment in WTMA. Warrington Township owns 1.9 million gallons of sewage treatment and also owns the pump station at Warminster Township. He stated that it would cost Warrington Township a lot of money if sold.

Mr. Gaines stated on behalf of the Board of Supervisors that they were not advised of any sale.

Mr. Lubber stated about five years ago, there was an investigation of a potential sale of the Warrington Township Water and Sewer Department.

Mr. Gaines asked Mr. Lubber to send a letter to the Board of Supervisors at Warminster Township that we own a percentage of their sewage treatment plant and pump station. As a major owner, Warrington Township has the right to participate in any potential discussions or negotiations.

Janice Devito (1881 Walnut Avenue) expressed concern of the potential safety issue at Pete's Car Wash on 611. Over the weekend, there were three lines of traffic going into the car wash which was creating a dangerous situation. Mr. Lubber said he will speak to the owners of Pete's Car Wash and if the issue isn't resolve, he will speak to the Chief of Police.

John McConnell (206 Trellis Drive) observed that the walking trail at the Upper Nike Park is rapidly deteriorating. He also noted that the stone trail to the Somerset development is gone. Lastly, four wheelers are riding on the fields at the Upper Nike Park causing damage. Mr. Lubber stated in the budget under the Five Year Capital Improvement Plan, improvements to the parks are allocated.

Mr. McConnell inquired about the large rusted boarded building at the Upper Nike Park and why is it needed. Mr. Lubber stated the Police and Public Works use it for storage.

Mr. Gaines stated open space funds paid by developers are to be used for acquisition of open space and maintenance of open space.

Tom Chester (2430 Park Road) stated his property abuts and shares the Sweetbriar townhomes. Mr. Chester stated that thirty eight trees have been cut down without a permit including nineteen on this property. What can the Township do about this? Mr. Lubber stated this is a dispute between two neighbors. Mr. Zarko will check into the buffer on the land development plan for Sweetbriar. Mr. Zarko stated that he will also check the Ordinance and will inform Mr. Chester of his findings.

**PUBLIC HEARING:** None.

#### **1. APPROVAL OF BILL LIST:**

- a. **2017 Invoices for the Period January 3, 2018 to January 23, 2018 in the amount of \$900,737.05.**

Ms. Baker motioned, seconded by Mr. Gaines to approve the 2017 invoices paid for the period from January 3, 2018 to January 23, 2018 in the of \$900,737.05. By Roll call vote, all were in favor and the motion passed 3-0.

- b. **2018 Invoices for the Period January 3, 2018 to January 23, 2018 in the amount of \$729,349.67.**

Ms. Baker motioned, seconded by Mr. Gaines to approve the 2018 invoices paid for the period from January 3, 2018 to January 23, 2018 in the of \$729,349.67. By Roll call vote, all were in favor and the motion passed 3-0.

## 2. CONSENT ITEMS:

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

Ms. Baker motioned, seconded by Mr. Gaines to approve Consent Items A through G and I and J. All were in favor and the motion passed 4-0.

- a. **December 12, 2017 to Approve Minutes for Board meeting.**
- b. **January 2, 2018 to Post Minutes for Organization meeting.**
- c. **January 9, 2018 to Post Minutes for Board meeting.**
- d. **Consider street names for the Perry Farm development.**
- e. **Consider Certificate of Completion #7 for High Grove Manor Lot #2 in the amount of \$13,415.47.**
- f. **Consider Resolution Denying Dedication of Public Improvements for High Grove Manor, Lot 2.**
- g. **Consider Change Order #1 for Sanitary Sewer Replacement for Costner Drive Easement in the amount of \$11,888.00.**
- h. **Consider extension request for Holbert 1594 Stuckert Road, TMP #50-026-107-001.**

Ms. Baker questioned item #h, the extension request for the Holbert parcel. She asked how many times this extension request has been granted. Mr. Clemons stated the extensions can't be continued indefinitely. The previous 3-lot subdivision was withdrawn. The requested extension presented at this meeting is for a 2-lot subdivision.

Ms. Baker motioned, seconded by Mr. Gaines to approve the extension request for the Holbert 2-lot subdivision, 1594 Stuckert Road, TMP # 50-026-107-001. All were in favor and the motion passed 3-0.

- i. **Consider purchase of 2018 Police Patrol Vehicle in the amount of \$30,689.00.**
- j. **Consider purchase of 2018 Emergency Services Vehicle in the amount of \$37,985.00.**

## 3. OLD BUSINESS:

- a. **Consider approval of Ordinance amending the Zoning Ordinance to permit municipal and educational uses in the PI-2 zoning district (advertised January 8 and January 15, 2018).**

Mr. Clemons reported this Ordinance was advertised in the Intelligencer on January 8 and January 15, 2018. This Ordinance requires a public hearing to invite public comment. The Ordinance was reviewed by both the Warrington Township and Bucks County Planning Commissions.

Ms. Baker motioned, seconded by Mr. Gaines to adopt the Ordinance to amend the Zoning Ordinance to permit municipal and educational uses in the PI-2 zoning district. All were in favor and the motion passed 3-0.

Mr. Gaines asked for public comment. There were none.

- b. Consider approval of Ordinance amending the Traffic Regulations Chapter 15 Designation of Approved Storage Garages; Bonding; Towing and Storage (advertised January 15, 2018).

Mr. Gaines stated notification was received from Chief of Police, Dan Friel requesting more towing companies to be available when called upon.

Ms. Baker motioned, seconded by Mr. Gaines to adopt the Ordinance to amend the Traffic Regulations Chapter 15 Designation of Approved Storage Garages; Bonding; Towing and Storage. All were in favor and the motion passed 3-0.

Mr. Gaines asked for public comment. There were none.

- c. Consider Resolution to appoint Tom Watkins as a full member to the Zoning Hearing Board.

Mr. Gaines spoke to the Chair of the Zoning Hearing Board who checked the minutes and all matters appeared to be in order.

Ms. Baker motioned, seconded by Mr. Gaines to appoint Tom Watkins from an alternate member to a full member of the Zoning Hearing Board.

Mr. Gaines asked for public comment.

Public Comment:

Connie Ace (1067 Folly Road) questioned the actions of Mr. Watkins before Mr. Casey was appointed solicitor.

Janice Devito (1881 Walnut Avenue) stated that Mr. Watkins would recuse himself if his property was near any zoning board issue.

Seth Gansman (903 Bentley Court) suggested a full board should be present before making a decision and for Ms. Schemm, who just became a board member to find time to research this matter.

Ms. Baker motioned, seconded by Ms. Schemm to table the appointment of Tom Watkins as a full member to the Zoning Hearing Board. All were in favor and the motion passed 3-0.

- d. Consider appointment of Solicitor for Building Code Appeals Board.

Mr. Gaines suggested appointing Jordan B. Yeager, Esquire, Curtin and Heefner to be solicitor to the Building Code Appeals Board.

Ms. Baker motioned, seconded by Ms. Schemm to appoint Jordan B. Yeager, Esquire, Law Firm of Curtin and Heefner to be solicitor to the Building Code Appeals Board. All were in favor and the motion passed 3-0.

- e. Consider settlement of condemnation of certain properties for storm sewer facilities easements on Bradford Avenue.

Mr. Clemons presented a Resolution to authorize the settlement of the condemnation of a portion of Tax Parcel # 50-020-052 owned by Nikles-Lohr Co., Inc. and Tax Parcel # 50-020-56 owned by Grace Building Company for storm sewer facilities easements. Upon execution of a Deed in Lieu of

condemnation, the Township will pay to Nikles-Lohr \$22,500 as compensation plus an additional \$4,000 for legal, engineering and appraisal fees. Upon execution of a Deed in Lieu of condemnation, the Township will pay to Grace Building \$20,000 as compensation plus \$4,000 for legal, engineering and appraisal fees.

Ms. Baker motioned, seconded by Ms. Schemm to approve the Resolution to settle both cases (Nikles-Lohr Co., Inc and Grace Building Co.) for condemnation of storm sewer facilities easements on Bradford Avenue. All were in favor and the motion passed 3-0.

#### 4. NEW BUSINESS (ACTION/DISCUSSION ITEMS):

a. Consider revised Warrington Volunteer Firefighter Incentive Program.

Mr. Luber stated only members that are on the "active" lists will receive incentive benefits. Chief Mike Bean oversees this process and makes this determination. No longer will "non-active" life members receive benefits of the program. This program is designed to attract and retain firefighters.

Mr. Gaines questioned Chief Bean on the amount of training hours now required to become a firefighter. Chief Beans said thirty years ago, one would need forty hours. Now, an entry level firefighter needs two hundred hours.

Ms. Baker asked about hands-on versus webinar training for the new recruits. Chief Bean stated he has explored webinars but the recruits need to physically practice the tasks.

Mr. Gaines thanked Chief Bean and the volunteer firefighters.

Ms. Schemm motioned, seconded by Ms. Baker to approve revised Warrington Firefighter Incentive Program. All were in favor and the motion passed 3-0.

b. Consider Revised 2018 Fee Schedule by Resolution.

Mr. Luber stated the water and sewer fees were added, along with the solicitor and engineering fees for 2018.

Ms. Schemm motioned, seconded by Ms. Baker to approve the Revised 2018 Fee Schedule by Resolution. All were in favor and the motion passed 3-0.

c. Consider Resolution for PA Small Water Grant in the amount of \$293,250 for Warrington Oaks Pumping Station Rehabilitation.

Mr. Zarko stated the rehabilitation for the Warrington Oaks sewage pumping station which serves the northwestern portion of the township is expecting new residential connections in the next five years, thus increasing the current flow. The Township needs to upgrade this pumping station with new capacity pumps, new volt electrical service, pump controls and a flow meter. The project is estimated to cost \$345,000. The Township is applying for a grant in the amount of \$293,250.

Ms. Schemm motioned, seconded by Ms. Baker to approve the Resolution for the PA Small Water Grant in the amount of \$293,250 for the Warrington Oaks Pumping Station Rehabilitation. All were in favor and the motion passed 3-0.

d. Consider request for waiver of land development for Warrington Crossing Building D (Gander Mountain) proposal to increase the size by 8,000 square feet for future retail use.

Mr. Gaines asked Bruce Goodman to present the plans proposed for the existing Gander Mountain located within the Warrington Crossing Shopping Center site at 611 and County Line Road.

The current building is 52,700 square feet and being proposed are two users – a supermarket and a fitness facility, which includes a 4,388 square feet (not 8,000 as listed on the agenda) building addition. The applicant is requesting that the Township grant a waiver of the requirement to file a formal land development application for the project.

Ms. Baker asked how many linear feet along the frontage will increase. Mr. Goodman stated approximately forty feet.

Ms. Schemm questioned the traffic generated by the supermarket. Mr. Goodman stated there will be plenty of parking at the site.

Public Comment:

Janice Devito (1881 Walnut Avenue) asked if there are two owners or one owner. Mr. Goodman stated there is one owner but two lessees.

John McConnell (206 Trellis Court) asked if the exterior of the building will change. Mr. Goodman said a new store front with amenities is proposed. The ingress and egress will not change.

Ms. Schemm motioned, seconded by Ms. Baker to approve the request for waiver of land development for Warrington Crossing Building D (Gander Mountain) proposal to increase the size by 4,388 square feet for future retail use with the conditions as stated in the CKS letter dated January 18, 2018. All were in favor and the motion passed 3-0.

e. Consider acceptance of 2017 Board of Supervisors Annual Report.

Mr. Gaines requested the 2017 Board of Supervisors Annual Report be posted to the website, upon approval by the Board of Supervisors.

Mr. Gaines motioned, seconded by Ms. Schemm to accept the 2017 Board of Supervisors Annual Report as written. All were in favor and the motion passed 3-0.

f. Consider 2018 Board of Supervisors Goals.

Mr. Gaines stated the Township Manager outlined his goals for 2018. The Board of Supervisors establishes policy and will collaborate on these goals. Mr. Gaines recommended for each supervisor to prioritize the goals and forward them to the Township Manager.

Public Comment:

Dr. Connie Ace (1067 Folly Road) asked if goals could be placed on the website.

Mr. Luber stated goals will be marked “Draft” and placed on the website for review.

**5. MANAGER’S REPORT:**

Update on New Police Facility

Mr. Luber gave an update on the new police facility by hosting a work session with the architect and visiting other municipalities’ police facilities. The proposed plan is slated to be presented to the Board of Supervisors at their April 17, 2018 meeting.

Mr. Gaines noted that communications are out of date at the existing facility and currently there is not enough room for the administrative staff.

Public Comment:

Seth Gansman (903 Bentley Court) asked if different the facilities visited were built by the same architect that Warrington hired. Mr. Luber stated the facilities visited were designed by different architects.

## 6. ENGINEER'S REPORT:

### a. General Update:

Mr. Zarko highlighted the January 2018 report emphasizing the signalization at Easton, Titus and Paul Valley Roads. He stated the Police Department re-evaluated and recommended a study for this area. He stated that Bound Beverage would pay for half of the signalization study.

Ms. Schemm motioned, seconded by Ms. Baker to proceed with the study with Bound Beverage to pay for half. All were in favor and the motion passed 3-0.

Ms. Schemm questioned Gloria Dei that was listed on CKS project list. She asked how many beds were planned. Mr. Zarko stated a review of this project hasn't started yet.

## 7. SOLICITOR'S REPORT:

### a. Approval of Nolan Capital Stipulation and Settlement Agreement, 1800 Street Road.

Mr. Clemons stated 1800 Street Road Realty, LLC is proposing a mini-warehouse. At the Zoning Hearing Board, all relief requested was denied. The attorney for 1800 Street Road Realty, LLC appealed to the Court.

The parties (1800 Street Road Realty, LLC and the Hampton Greens Condominium Association) agreed on a settlement agreement.

The next step will be for the applicant to submit a land development plan to the Township. Suggested is not to have traffic turn right onto Costner Drive.

Ms. Baker motioned, seconded by Ms. Schemm to approve the Nolan Capital Stipulation and Settlement Agreement for 1800 Street Road. All were in favor and the motion passed 3-0.

Mr. Gaines asked for public comment.

Public Comment:

Frank Shelly (1460 Easton Road) stated that the Zoning Hearing Board should sign the settlement agreement instead of the Board of Supervisors.

Mr. Clemons stated the Stipulation and Settlement Agreement has been presented to the Board of Supervisors at prior meetings and the Board of Supervisors authorized Mr. Clemons to proceed with the settlement at their January 9, 2018 meeting.

Mr. Clemons also stated that in the past, the Board of Supervisors has advised the Zoning Hearing Board, by letter, stating the Board's position.

Mr. Clemons reported that the Kristiansen case has been approved for six children as a day care center.

Mr. Clemons also prepared an access agreement and agreement of sale for the Millcreek acquisition.

Mr. Gaines stated a draft of the Open Space Plan has been received by the Township.

Mr. Luber said staff will send the Open Space Plan to the Boards and Committees to review. All comments will be forwarded to Ann Toole.

Mr. Clemons stated the Open Space Plan will be adopted as an appendix to the Comprehensive Plan.

**SUPERVISOR COMMENTS:**

Ms. Baker stated the Historic Commission gave a presentation of the background of John Barclay to the second graders of Barclay Elementary.

Ms. Baker reported on the Water and Sewer Tradesville Headworks project.


Ms. Baker stated the Portnoff's bill collection process has been very helpful and is working well with the Water and Sewer Departments staff.

Mr. Gaines stated the Environmental Advisory Council is seeking a grant to create wetland from an existing pond at the Igoe Porter Wellings Park. Proposed is a trail to be placed along side of the wetland area.

**ADJOURNMENT**

There being no further business, Ms. Baker motioned, seconded by Ms. Schemm to adjourn the meeting at 8:57 PM.

Respectfully Submitted By:



Barbara J. Livrone, Board Secretary



**ATTACHMENT "A"**

**Consent Agenda – January 23, 2018**

Attached to the agenda and on the Township's website is a supplement to the agenda which contains a heading and brief description for each item listed under the Consent agenda. As in the past, any Board member can ask to remove an item from consent and have it discussed independently.

- a. **December 12, 2017 to Approve Minutes for Board meeting.**
- b. **January 2, 2018 to Approve Minutes for Organization meeting.**
- c. **January 9, 2018 to Post Minutes for Board meeting.**
- d. **Consider street names for the Perry Farm development.**

The street names under consideration are:

- Magnolia Drive
  - Azalea Road
  - Jasmine Lane
  - Juniper Drive
- e. **Consider Certificate of Completion #7 for High Grove Manor Lot #2 in the amount of \$13,415.47.**

This is to reduce the amount of financial security being held due to certain public improvements being made and approved by the Township Engineer.

- f. **Consider Resolution denying dedication of public improvements for High Grove Manor, Lot 2.**

There are still a number of deficient items in regards to public improvements made by the developer.

- g. **Consider Change Order #1 for Sanitary Sewer Replacement for Costner Drive Easement in the amount of \$11,888.00.**

This was for extra work performed by the contractor which included excavation around an unmarked sewer lateral and disposal of concrete encased piping, and the removal of 3 trees.

- h. **Consider extension request for Holbert 1594 Stuckert Road, TMP # 50-026-107-001.**

Extension request for a two-lot subdivision.

- i. **Consider purchase of 2018 Police Patrol Vehicle in the amount of 30,689.00.**

This is for a new patrol car to replace an existing patrol car. This purchase is contained in the 2018 adopted budget.

- j. **Consider purchase of 2018 Emergency Services Vehicle in the amount of \$37,985.00.**

This vehicle will be used by the career firefighters to respond to 9-1-1 calls. By adding this vehicle, the career staff will be able to split up to get more inspections/educations and other work done. Currently all four career firefighters travel as a group on the Fire Truck. This purchase was contained in the 2018 adopted budget.

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