



WARRINGTON BOARD OF SUPERVISORS MINUTES FOR FEBRUARY 28, 2017

The written minutes are a summary of the February 28, 2017 Board of Supervisors meeting. For a complete dialog visit the Township's website, www.warringtontownship.org.

ATTENDANCE

Shirley A. Yannich, Chair; Fred R. Gaines, Vice Chair; Carol T. Baker, Member, Matthew W. Hallowell, Member and Millie A. Seliga, Member. Staff present was Barry P. Luber, Township Manager; Terry W. Clemons, Esq., Township Solicitor, Cindy VanHise, P.E., CKS Engineers, Township Engineer and Barbara J. Livrone, Executive Assistant to the Township Manager/Board Secretary.

CALL TO ORDER: Ms. Yannich called the meeting to order at 6:30 P.M. Ms. Yannich stated the meeting was properly advertised for 6:30 P.M. on February 28, 2017 to consider and deliberate the conditional use hearing application filed by Geerling Florist, Inc. All members of the Board were present and Ms. Yannich noted that Cindy VanHise, P.E., from CKS Engineers was present on behalf of Tom Zarko, P.E., CKS Engineers.

PLEDGE OF ALLEGIANCE

Ms. Yannich followed the Call to Order with a pledge to the flag.

EXECUTIVE SESSION REPORT

There was no executive session held.

CONSIDER DELIBERATIONS FOR CONDITIONAL USE HEARING FILED BY GEERLING FLORIST, INC.

Ms. Yannich asked Terry Clemons to give background information for the conditional use hearing of the Geerling Florist, Inc. application.

Mr. Clemons stated the Board closed the hearing at the February 14, 2017 Board of Supervisors meeting. During the hearing, Eric Thompson (291 Folly Road) suggested the maximum number of dwelling units in a cluster subdivision must conform to the gross buildable site area in Section 304.

The applicant's calculation of the number of permitted lots based on just the gross site area was incorrect.

Mr. Gaines motioned, seconded by Mr. Hallowell to open the hearing to hear additional evidence at 6:42 PM. All were in favor and the motion passed 5-0.

Mr. McBride, the attorney for the applicant, provided testimony regarding the calculation for the number of permitted lots using the gross site building area and to deduct from the open space land occupied by the buffer and preservation of open space if prime agricultural soils over the sand mounds were removed from the calculation.

Mr. Heuser, architect and land planner addressed Form 307 of the Township Ordinance for the 46.25 acres.

Ms. Yannich asked for Board comments. Ms. Seliga questioned the preservation of the barn, house and outbuildings. Mr. Clemons said according to the plan, these buildings are to be removed. Ms. Yannich noted

the consideration of 27 dwelling units be permitted for a cluster subdivision within the Ordinance. Mr. Gaines stated that the Board can impose reasonable conditions.

Ms. Yannich asked for testimony from the Parties of Record.

Dr. Connie Ace, Chair of the Historic Commission (1067 Folly Rd) submitted written documentation from the Historic Commission recommending that the historic home, barn and outbuildings be preserved.

Ken Rose (3172 Street Rd) suggested the Board to review Section 2303.

Bill Connolly (700 Bryans Way) suggested considering the form of approval.

Eric Thompson (291 Folly Rd) questioned the prime agricultural soils and asked for the plan to be rejected.

Brian Phillips (3166 Street Rd) questioned Section 403 B1.

Seth Gansman (903 Bentley Court) suggested continuing the hearing so that the Board and residents were in agreement.

Mr. Hallowell motioned, seconded by Mr. Gaines to close the public hearing at 7:31 pm. All were in favor and the motioned passed 5-0.

The Board deliberated and stated the following comments:

Ms. Seliga noted Dr. Ace and Bill Connelly provided good comments. The historic buildings have value and the conditions need to be maintained.

Mr. Gaines stated the following: location along Street Road is not good; public utilities are available to the property; preserve the agricultural land and if acceptable, 27 lot development.

Mr. Hallowell stated the applicant has met all of the conditional use provisions by Ordinance.

Ms. Yannich stated not placing the development in prime agricultural soil.

Ms. Baker motioned to accept the conditional use application of 27 lot single-family detached dwellings subject to conditions that 83% of the parcel is maintained open space in perpetuity and any future use, lots adhere to 83% open space and most of prime agricultural lands be maintained. Ms. Seliga added to the motion to include 83% open space maintained with a maximum of prime agricultural soils and maintain the historic buildings. Mr. Gaines added no building lots be created in prime agricultural soils. Mr. Hallowell seconded the motion. Ms. Yannich asked Terry Clemons to prepare a findings of fact and present the findings of fact, conclusion of law and decision at the March 14, 2017 Board of Supervisors meeting. By roll call vote, the motion passed 5-0.

Ms. Yannich called the regular meeting to order at 8:15 PM.

SPECIAL PRESENTATION SWEARING IN OF QUENTIN FULLER TO SERGEANT.

Chief Dan Friel read a proclamation and Judge Jean Seaman swore in Quentin Fuller as Sergeant to Warrington Township's Police Department.

PRESENTATION BY PEIRCE PARK – 2016 RESULTS OF POLICE AND NON-UNIFORM.

Mr. Luber introduced the members of the Pension Board: Joe Kirby, Kevin Peacock, Vince Formica, Lt. Rob Meditz; Amy Organek, Cassandra Williams and Supervisor Liaison, Millie Seliga.

In 2013, a request for proposal was advertised seeking a new pension consultant. Peirce Park was hired and has recently merged with Marquette Associates. Mr. Kirby explained the duties of the Pension Board and the implementation of the investment policy. Mr. Kirby introduced Lee Martin, Principal, Marquette Associates who represents the township pension funds. Mr. Martin presented the firms overview and the investment performance report for year end 12/31/16.

Mr. Hallowell questioned the fee for sales of mutual funds and Mr. Martin responded there is no fee charge.

Ms. Yannich applauded the Pension Board Committee for the due diligence.

Public Comments:

Mike McGeehan (1099 Lincoln Ct) asked if Pennsylvania had pension rules. Mr. Martin responded not on pension plans.

Seth Gansman (903 Bentley Ct) questioned the full funding of the plan and the fund line-up. Mr. Luber stated the Pension Board has to review the salary increases for the police and the rate of return. Mr. Martin stated the fund line-up is prepared on a weekly basis and reported to the Pension Board.

PUBLIC COMMENT:

- Sejal Sheth (2922 Maggie Way) stated there has been an ongoing issue with water coming into her house due to no drainage at Bradford development. Ms. Yannich asked the Township Engineer to follow-up with this matter.
- Dr. Connie Ace (1067 Folly Road) inquired about the results of the truck restriction study and the status of updating the Ordinance. Mr. Clemons stated he is working with the Township Engineer to prepare a draft Ordinance.
- Oliver Groman, Chair of the Veteran Affairs Committee (2167 Georges Lane) stated with the help of Jeanine Winslow and Barry Luber, a flyer will be inserted into the water and sewer bills promoting the "Helping Hand Program". Ms. Yannich stated this will help identify veterans in Warrington and communicate with them within the realm of the "Helping Hand Program". Ms. Seliga stated the VAC will be creating a fundraiser to help veteran families in need. The VAC also hosts the Memorial Day Ceremony and held its first annual Veterans Day Ceremony.
- Mike McGeehen (1099 Lincoln Ct) thanked Pete's Express for the turning lane on weekends which avoids traffic congestion. Also requested the Board to end their meetings earlier.

PUBLIC HEARING:

1. CONSIDER TRANSFER OF INTER-MUNICIPAL LIQUOR LICENSE FOR REGAL CINEMAS, INC., 104 EASTON ROAD, BUILDING F.

Ms. Yannich stated the public hearing was properly advertised. The township received a request for the transfer of a liquor license from Matthew Goldstein, attorney for Regal Cinemas, Inc. Mr. Clemons asked for any Parties of Record.

Public Comment:

Mike Kelly (135 Muirfield Lane) asked for a clarification of party of record. Mr. Clemons explained the definition of party of record.

Ms. Yannich stated there was no party of record for this hearing.

Ms. Yannich asked Mr. Clemons to present the Exhibits. Mr. Clemons noted all the Exhibits.

Ms. Yannich asked Mr. Goldstein to present the hearing. Mr. Goldstein, representing Regal Cinemas presented a petition of Regal Cinemas to approve the transfer of Restaurant Liquor License No. R-15361 from the premises located at 363 Main Street, Tullytown, PA to 104 Easton Road, Building F in Warrington. Mr. Goldstein presented the testimony of Matthew Willard, Vice President of Food and Entertainment for Regal Cinemas, Inc.

After Board discussion, Ms. Yannich closed the public hearing at 9:32 PM.

Public Comments:

- Ted Cicci (407 Prescott Ct) opposed the transfer of the liquor license to Regal Cinema.
- Seth Gansman (903 Bentley Ct) questioned the age to serve alcohol and the installation of security cameras.

Ms. Seliga motioned, seconded by Mr. Hallowell to deny the transfer of PA Liquor License Number R-15361 from Tullytown Township to Regal Cinemas, Inc. 104 Easton Rd, Building F, Warrington. Ms. Yannich noted the economic value to the movie theatre. By roll call vote, the motion passed 4-1, with Ms. Yannich voting no.

2. APPROVAL OF BILL LIST:

a. **February 15, 2017 – February 28, 2017 (Paid Invoices for 2016): \$413,109.88**

Ms. Seliga motioned, seconded by Mr. Gaines to approve the bill list from February 15, 2017 through February 28, 2017 for Paid Invoices in 2016 totaling \$413,109.88. All were in favor and the motion passed 5-0.

b. **February 15, 2017 – February 28, 2017 (Paid Invoices for 2017): \$461,735.26**

Mr. Hallowell motioned, seconded by Ms. Baker to approve the bill list from February 15, 2017 through February 28, 2017 for Paid Invoices in 2017 totaling \$461,735.26. All were in favor and the motion passed 5-0.

3. CONSENT ITEMS:

a. **January 10, 2017 Approval of Minutes.**

b. **January 24, 2017 Approval of Minutes.**

Ms. Yannich abstained since she was not in attendance.

c. **January 30, 2017 Approval of Minutes.**

d. **February 14, 2017 Posting of Minutes.**

e. **Consider Final Escrow Release #4 (Final) for Warrington Springs Phases I & II in the amount of \$426,897.93.**

Ms. Seliga questioned if all site improvements had been completed. Ms. VanHise stated they were completed.

- f. **Consider Final Escrow Release # 3 (Final) for Warrington Springs Phase III in the amount of \$86,617.50.**

Ms. Yannich requested that all construction signs be removed.

- g. **Consider Resolution to appoint employees to the Bucks County Tax Collection Committee.**

Mr. Luber explained the Bucks County Tax Collection Committee requires participating municipalities appoint a delegate and alternates as representatives for meetings. The Resolution appoints the Director of Finance, Cassandra Williams as the delegate and the Township Manager and Assistant Finance Director, Amy Organek as alternate delegates.

- h. **Consider Memorandum of Understanding between Warrington Township and Central Bucks School District.**

Ms. Yannich noted the purpose and scope of the Memorandum of Understanding and stated the schools that are operating within Warrington Township.

- i. **Consider Bid Award to SJM Construction Company, Inc in the amount of \$185,900 for the NWWA Interconnection (located at High Grove Manor).**

Ms. Yannich read the companies who submitted bids and their bid amounts. SJM Construction Company, Inc was the lowest bidder in the amount of \$185,900.

- j. **Consider for approval an Easement Agreement between Warrington Township and Warrington Township Fire Company #1 for the Freedoms Way/Easton Road Water Main Easement.**

This is a 10' wide utility easement to run a water main.

- k. **Consider Field Maintenance Agreement between Warrington Township and Warriors Lacrosse, Inc.**

Ms. Yannich stated this agreement is in regards to the fields at Twin Oaks and the responsibilities set forth for the Township and Warriors Lacrosse.

- l. **Consider approval of Resolution for Application of Traffic Signals for the proposed trail from the 202 Parkway to John Paul Park @ Lower Nike.**

- m. **Consider authorization to advertise for Street Road/Oak Avenue Water Main Extension.**

- n. **Consider authorization to advertise for Easton Road/Freedoms Way Water Main Extension.**

- o. **Consider Resolution accepting Deed of Dedication of Ultimate Rights-of-Way for a portion of Bristol Road and Cooper Lane.**

A minor subdivision was approved in the 1990's. The lot fronting Bristol Road is landlocked and a deed of dedication was never recorded. The purpose of the resolution is to take dedication of those areas and establish that both lots front on an existing public road.

- p. **Consider for approval for Canon Copier for Code Enforcement Department.**

Mr. Luber explained the copier lease is \$184 per month for 60 months and comes with maintenance and provides all supplies except for paper and staples.

Mr. Hallowell motioned, seconded by Ms. Baker to accept and approve the Consent Order Items A through P as read by Chair Ms. Yannich. All were in favor and the motion passed 5-0.

4. **CORRESPONDENCE:** None

5. **OLD BUSINESS:**

a. **Water Supply Update.**

Ms. Yannich summarized the report prepared by the Director of Water and Sewer, Christian Jones. The update relates to the Restoration Advisory Board meeting; Costner Filtration Project and the meeting concerning the operations of the public water system.

b. **Consider amending the Township Manager's Employment Agreement concerning the hiring of Township Staff and consider job classification/pay scale policy.**

Ms. Seliga questioned if a salary survey was received from surrounding municipalities, their hiring processes and pay grading scale.

Mr. Lubber gave a history of prior annual increases as approved by the Board of Supervisors. Mr. Lubber stated that he cannot hire outside of the salary range submitted by policy.

Mr. Gaines stated a separation should be made for the position of Assistant Township Manager. Mr. Gaines noted that this title should be removed when the current Director of Water and Sewer Department resigns.

Ms. Yannich requested the Board to submit their questions to Mr. Lubber and to bring this item back at a future meeting.

Mr. Hallowell motioned, seconded by Ms. Baker to table amending the Township Manager's Employment Agreement concerning the hiring of Township Staff and the consideration job classification/pay scale policy. All were in favor, except for Ms. Yannich and Mr. Gaines who voted no. The motion passed 3-2.

c. **Consider authorization to advertise an Ordinance to amend Subdivision and Land Development Ordinance (SALDO) relating to minor subdivisions.**

Ms. Yannich explained any additional subdivision of a lot created within five years of the date of the approval of a minor subdivision shall be considered a major subdivision.

Ms. Seliga noted that the Warrington Township Planning Commission recommended ten years and Mr. Gaines requested the ordinance to be amended to state ten years.

Ms. Baker motioned, seconded by Ms. Seliga to amend the Subdivision and Land Development Ordinance (SALDO) to state that any additional subdivision of a lot created within ten years of the date of the approval of a minor subdivision shall be considered a major subdivision. All were in favor and the motion passed 5-0.

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

a. **Consider for approval the acceptance of fill from Metropolitan Companies.**

Mr. Luber stated the acceptance of fill is a benefit to all parties. The fill will be moved to John Paul Park @ Lower Nike, if approved by the Board.

Mr. Gaines motioned, seconded by Ms. Seliga to approve the acceptance of fill from Metropolitan Companies. All were in favor and the motion passed 5-0.

7. MANAGER'S REPORT:

a. **Consider amendment to 2017 Fee Schedule.**

Mr. Luber noted only one item to the 2017 Fee Schedule was being added. This is a fee to measure mulch piles.

Mr. Hallowell motioned, seconded by Ms. Seliga to approve the amendment to the 2017 Fee Schedule. All were in favor and the motion passed 5-0.

8. ENGINEER'S REPORT:

a. **General Update:**

Ms. VanHise stated the monthly report for subdivision and land development; public improvement projects; general engineering activities and water and sewer is the standard report.

9. SOLICITOR'S REPORT:

a. **Consider authorization to send the Big Box Ordinance to Warrington Township Planning Commission and Bucks County Planning Commission for review.**

Mr. Clemons stated no single structure shall be more than 35,000 square feet of building area. Section 330 of the Subdivision and Land Development Ordinance shall comply. There shall be a provision for escrow if the building is vacant.

Ms. Seliga motioned, seconded by Mr. Hallowell to forward the Big Box Ordinance to both the Warrington Township Planning Commission and Bucks County Planning Commission for review. All were in favor and the motion passed 5-0.

10. EXTENSION REQUESTS: None.

11. DEDICATION REQUESTS: None.

SUPERVISOR COMMENTS:


Mr. Gaines stated that the Bucks County Association of Township Officials supported Warrington Township's request for Section 533 of the tax code to be revised. BCATO will provide this request to PSATS. PSATS, in turn, will lobby the legislators.

Mr. Hallowell stated he favors "Consent Items" listed on each Board agenda.

ADJOURNMENT

There being no further Ms. Yannich adjourned the meeting at 10:26 PM.

Respectfully Submitted By:



Barbara J. Livrone, Board Secretary