



WARRINGTON TOWNSHIP BOARD OF SUPERVISORS MINUTES FOR OCTOBER 13, 2020 - 6:00 PM

The written minutes are a summary of the October 13, 2020 Board of Supervisors meeting. For a complete dialog visit the Township's website, 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

ATTENDANCE VIA VIDEO CONFERENCING (ZOOM)

Fred R. Gaines, Chair; Ruth Schemm, Vice Chair, Eileen Albillar, Member, Carol T. Baker, Member and Mark E. Lomax, Member.

Staff present was Barry P. Luber, Township Manager; Terry W. Clemons, Esq., Clemons Richter and Reiss, Township Solicitor; Tom Zarko, P.E., CKS Engineers, Township Engineer; Christian Jones, Assistant Township Manager; John Marcarelli, Director of Finance; Lee Greenberg, Director of Emergency Services; Andy Oles, Director of Parks and Recreation and Barbara J. Livrone, Executive Assistant to the Township Manager/Board Secretary.

BUDGET WORK SESSION

Mr. Gaines began the budget work session at 6:00 P.M. The first item of discussion was the Proposed 5 Year Capital Improvement Plan (CIP) (2021-2025)

Mr. Luber presented the 5-Year Capital Improvement Plan (2021-2025) by listing the revenue sources; utility proceeds fund, open space, internal services fund, capital improvements, 2016 and 2019 bond funds.

The second item of discussion was the Departmental Personnel Request. Lee Greenberg, Director of Emergency Services presented an overview of the fire department and an overview of staffing time and its options.

Ms. Albillar questioned the number of calls by career and volunteer staff; staffing at both Station # 29 and 78.

Mr. Lomax questioned if the request was for immediate addressing or wait until a decision is made regarding the fire services study.

Ms. Schemm inquired about the models for staffing.

Ms. Baker inquired by the hiring timeframe.

CALL TO ORDER: Mr. Gaines called the meeting to order at 7:05 P.M. Mr. Gaines welcomed everyone to the meeting.

PLEDGE OF ALLEGIANCE

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

PUBLIC COMMENT: There was no public comment.

Following is a listing of people who attended the October 13th Board of Supervisors meeting via Zoom:

- Bill and Joan McNaney
- Dorothy Smith
- Maryann Ferraro
- Marialyce Keane
- Michael Abrams
- Frank Franko IV
- James Scache
- Annemarie Sauder
- Bill Donohue
- Maryann Marcinkowski
- Robert Meade
- Jay Lussiet
- Frances McKee
- Elizabeth Schnurr
- Michael DeMaria
- Brandon Gittelman
- Michael McGeehan
- Seth Gansman
- Ed Murphy, Esquire
- Joe Blackburn, Esquire
- Jeremy Victor
- Vince Evans
- Ivy Ross
- Shirley Yannich

EXECUTIVE SESSION REPORT

Mr. Gaines stated an executive session was held to review the fire services study. A decision was not made.

ANNOUNCEMENTS:

202 Trail Ribbon Cutting Ceremony: Mr. Gaines announced the opening of a new section of the 202 to Bradford Dam. A ribbon cutting ceremony will take place on October 28th at 1:00 PM.

PRESENTATION OF DYSAUTONOMIA AWARENESS MONTH

A Resolution was presented proclaiming October as “Dysautonomia Awareness Month”. Mr. Lomax motioned, seconded by Ms. Schemm to approve the Resolution. All were in favor and the motion passed 5-0.

PRESENTATION BY EAGLE SCOUT NATHAN PAINTER

Mr. Gaines introduced Eagle Scout Nathan Painter, Troop 172B Warrington. Mr. Painter is a life scout and senior patrol leader with Scouts BSA Troop 172B at St. Paul’s United Methodist Church in Warrington. Mr. Painter’s project involves installing two bike racks at John Paul Park @ Lower Nike and a bike repair station.

Mr. Lomax inquired how people can contribute to the project. Mr. Painter said either by volunteering or by donation. Mr. Painter is going to set up a “Go Fund me Account”.

Mr. Clemons announced he will make a \$250 donation to Mr. Painter’s Eagle Scout project.

PRESENTATION BY TOWNSHIP MANAGER – LIONS PRIDE PARK RIBBON CUTTING CEREMONY

Mr. Luber gave an update of Lions Pride Park. A ribbon cutting ceremony was held on October 2. Guest speakers were State Senator Maria Collett, State Representative Todd Polinchock and the top financial contributors towards the park.

TOWNSHIP MANAGER COMMENDATIONS

Mr. Luber announced two commendations to staff members:

Andy Oles, Director of Parks and Recreation and Barbara Livrone, Executive Assistant to the Township Manager/Board Secretary.

Mr. Oles and Ms. Livrone displayed extraordinary efforts during the COVID pandemic. Mr. Oles and Ms. Livrone were two of three employees who staffed the office for 10 weeks, performed many duties outside their normal functions in order to allow the Township to keep Township business running smoothly during the shutdown.

Ms. Schemm and the Board of Supervisors thanked Mr. Luber for his extraordinary efforts during the crisis and keeping the Township running in an efficient manner.

SOLICITOR'S REPORT:**a. Update on ZHB McNaney Application, 545 Folly Road, TMP # 50-010-014.**

Mr. Clemons submitted the background on the application to the Zoning Hearing Board by Mr. and Mrs. McNaney, by stating they propose to construct a 34-unit age qualified townhouse development on 7.5 acres. The property is zoned I-U-A-1. The minimum tract size for an age qualified townhouse development in the I-U-A-1 zoning district is 25 acres. Mr. and Mrs. McNaney maintain that the 7.5 acres is a non-conforming lot. In 2002, a subdivision created the lot in connection with the subdivision of adjoining land on which a 149 unit Age Qualified Townhouse development was established.

The attorney for the applicants, Ed Murphy stated the original tract was 37 acres. 30 acres were sold to become Lamplighter Village. The remaining 7.5 acres were to be extended as part of Lamplighter Village, as part of a sketch plan. The McNaney's own the truck patch at the corner of Street and Folly Roads. This has closed and the McNaney's want to sell the 7.5 acres and are requesting relief from the Zoning Hearing Board.

The following residents are in favor of the McNaney's selling the 7.5 acres for development:

Robert Meade (428 Homestead Circle)
Frank Franko IV (887 Coolidge Court)
James Scache (536 Folly Road)
Maryann Ferraro (204 Canterbury Court)
Michael Abrams (318 Crimson Court)

The following residents opposed the sale:

Francis McKee (507 Plymouth Court). Ms. McKee is President of the Lamplighter Condo Association and stated the plan should go before the Planning Commission for review before the ZHB. The plan should indicate open space and the developer should preserve the historic home.

Elizabeth Schnurr (1802 Regency Court) concerned that the minimum acreage is being overlooked if zoning relief is granted.

Historic Commission member Michael DeMaria, representing the Historic Commission stated it would not be in the best interest of the township to demolish the historic home. Records show the home was present before the township became incorporated.

Mr. Murphy was agreeable for the applicant to appear before the Planning Commission before the Board of Supervisors makes a recommendation to the Zoning Hearing Board.

Mr. Lomax motioned, seconded by Ms. Baker to table the recommendation to the Zoning Hearing Board until the Planning Commission reviews the application. All were in favor and the motion passed 5-0.

b. WT ZHB 20-12, McKeown, roofed patio encroachment into required rear yard.

Mr. Clemons reported a public hearing will be held on October 26 before the Zoning Hearing Board to consider the application of Kevin McKeown, 221 Pointer Court. Mr. McKeown is constructing a roof over the existing deck which requires a 40-foot rear yard setback.

Ms. Baker motioned, seconded by Mr. Lomax to remain neutral. All were in favor and the motion passed 5-0.

c. WT ZHB 20-13, Tevan, building encroachment in required side yard.

Mr. Clemons reported a public hearing will be held on October 26 before the Zoning Hearing Board to consider the application of Matthew Tevan, 2325 Deer Path Drive. Mr. Tevan is constructing an addition to the existing attached residential garage.

Ms. Schemm motioned, seconded by Mr. Lomax to remain neutral. All were in favor and the motion passed 5-0.

d. WT ZHB 20-14, Chwiero, roofed patio encroachment into required rear yard, encroachment into wetlands transition area.

Mr. Clemons reported a public hearing will be held on October 26 before the Zoning Hearing Board to consider the application of Thomas Chwiero, 119 Buttercup Bldg. Mr. Chwiero is constructing a roof over an existing deck. In addition, the roof will encroach into the 100 foot transition area from resource protected lands.

The Supervisors requested the engineer to check for any stormwater issues. Mr. Zarko will send a letter to the ZHB if there are any issues.

Mr. Lomax motioned, seconded by Ms. Albillar to remain neutral. All were in favor and the motion passed 5-0.

PUBLIC HEARINGS: None.

1. APPROVAL OF BILL LIST:

- a. **2020 Invoices for the Period September 23, 2020 to October 13, 2020 in the amount of \$1,183,047.07.**

Ms. Schemm motioned, seconded by Ms. Albillar to approve the 2020 invoices paid for the period September 23, 2020 to October 13, 2020 in the amount of \$1,183,047.07. 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.

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

- a. **September 8, 2020 to Approve Minutes for Board of Supervisors meeting.**
- b. **September 22, 2020 to Post Minutes for Board of Supervisors meeting.**
- c. **Consider Certificate of Completion # 1 for Barclay Elementary School in the amount of \$100,543.00.**
- d. **Consider Certificate of Completion # 1 for Reserve at Emerson Farm in the amount of \$565,089.50.**
- e. **Consider Certificate of Completion # 2 for The Preserve at Murphy Lane in the amount of \$31,152.50.**
- f. **Consider Certificate of Completion #2 for Perry Farm @ Warrington (Geerling) in the amount of \$255,600.00.**
- g. **Consider Certificate of Completion #25 for Valley Gate-Site Development in the amount of \$38,740.60.**
- h. **Consider authorization to advertise for bids; Palomino Dam Outfall Channel Restoration.**
- i. **Consider approval of a Resolution authorizing application to the 2020 PECO Green Region Open Space Program for Route 202 to Bradford Dam Trail-Segment A-Trail Improvements project.**

3. CORRESPONDENCE: None.

4. OLD BUSINESS:

- a. **Consider approval to amend the Fireworks Ordinance (advertised October 5, 2020)**

Mr. Gaines introduced the Fireworks Ordinance that was advertised on October 5, 2020.

Ms. Schemm stated a committee was formed to change the Ordinance and create a public relations campaign.

Mr. Clemons reviewed the amendment to the Ordinance, listing the holidays and times.

Ms. Schemm thanked Mr. Lubber for his fundraising efforts.

Public Comment:

Brandan Gittelman (2305 Deer Path Drive) supports the amended Ordinance and the plan to educate the public about the new rules.

Ms. Schemm motioned, seconded by Mr. Lomax to approve the amendment to the Fireworks Ordinance. All were in favor and the motion passed 5-0.

b. Discussion of long-term use/temporary lighting at Upper Nike Park.

Mr. Oles stated last soccer season, a request was made for temporary lighting at Upper Nike Park. This request was granted to the soccer club. The soccer club is requesting temporary lighting for the 2020 season at Upper Nike Park.

Jeremy Victor, Club Executive Director explained the history of the soccer club. The club currently has 1,000 members. They will be renting lights for practices Monday through Thursday. The lights will be on from sundown to 9:00 pm. Mr. Victor submitted a map and location of lights to the Board.

Ms. Baker motioned, seconded by Mr. Lomax to approve the temporary lighting for the 2020 soccer season at Upper Nike Park. All were in favor and the motion passed 5-0.

Mr. Gaines discussed the long term use of the park relating to the pond conversion and migrating birds.

Ms. Schemm stated the Comprehensive Plan should be followed and a permanent easement for the unlighted fields needs to be created.

Ms. Albillar stated there is no lighting at the other township parks.

Mr. Oles will be searching for additional space for soccer fields.

Ms. Schemm motioned, seconded by Ms. Baker to authorize the solicitor to prepare an easement to protect this area. All were in favor and the motion passed 5-0.

c. Consider tree planting at Oak Creek Development.

Mr. Gaines stated an escrow account was established for the developer but the developer went bankrupt. The current homeowners are requesting for the township to supply the development with trees. Mr. Gaines stated there is no homeowners association for this development.

Mr. Zarko secured funds from the Board of Supervisors. The scope of planting was reduced from 80 to 56 at a cost of \$18,020 to complete the development. The cost does not include maintenance of said trees.

Ms. Albillar motioned, seconded by Mr. Lomax to approve the proposal from Snyder Land Services, LLC in the amount of \$18,020 to purchase and install the trees at the Oak Creek Development. All were in favor and the motion passed 5-0.

d. Discussion of Township Goals

Ms. Schemm motioned, seconded by Mr. Lomax to table the discussion of Township goals to a future meeting. All were in favor and the motion passed 5-0.

5. NEW BUSINESS (ACTION/DISCUSSION ITEMS):**a. Consider revision to 2020 Fee Schedule to add pavilion fee for Lions Pride Park.**

Mr. Luber recommended increasing the rental rate for the pavilion at Lions Pride Park to better reflect the space and features the park has to offer.

Ms. Schemm motioned, seconded by Ms. Albillar to revise the 2020 Fee schedule to add a pavilion fee for Lions Pride Park. All were in favor and the motion passed 5-0.

b. Consider request to amend Chapter 16 of the Township Code relating to Firearms and Hunting and authorize advertisement.

Mr. Oles stated the current Ordinance is vague and is requesting to make the Ordinance more solid.

Mr. Clemons stated hunting is prohibited on township property.

Public Comment:

Seth Gansman (903 Bentley Court) inquired about the use of bows and arrows.

Mr. Oles stated a permit is needed as per the Game Commission.

Mr. Clemons stated the township can enter into an agreement with an Archery Club.

Ms. Schemm motioned, seconded by Ms. Albillar to authorize the Solicitor to prepare an Ordinance to amend Chapter 16 of the Township Code relating to Firearms and Hunting. All were in favor and the motion passed 5-0.

c. Consider renovation/upgrade to Willow Knoll Park.

Mr. Luber reported that an NFL player is willing to fund a renovation at Willow Knoll Park. The proposed plan is to transform the current park into an obstacle course and a 40 yard dash. Also provide new playground equipment for 2-5 years and 5-12. The message board and pavilion will be upgraded. This is a \$500,000 project that will be made up of donations from the NFL. \$75,000 will come from the township to provide stormwater, design and some landscaping.

Mr. Oles said this is a great opportunity and he is working with playground companies. Mr. Oles stated the township was approached by this NFL player. Mr. Oles also reported that the Park and Recreation Board voted in favor to the renovations at Willow Knoll Park.

Ms. Schemm motioned, seconded by Ms. Baker to authorize CKS Engineers, Inc. to begin the stormwater work for the Willow Knoll Park. All were in favor and the motion passed 5-0.

d. Consider BCWSA/Warrington & NWWA – Tradesville Easement Agreement.

Mr. Clemons stated Bucks County Water and Sewer Authority (BCWSA) are under an easement possession of 4 acres at the Tradesville Sewage Treatment Plant.

Ms. Baker motioned, seconded by Mr. Lomax to approve the BCWSA Treatment Plant, Sanitary Sewer and Access Easement Agreement. All were in favor and the motion passed 5-0.

Mr. Clemons stated North Wales Water Authority (NWWA) has agreed to execute a release of its rights to the Tradesville Easement and amend the assignment of easements from Warrington Township.

Ms. Albillar motioned, seconded by Mr. Lomax to approve the NWWA Partial Release and Amendment to Assignment of Easements. All were in favor and the motion passed 5-0.

e. **Consider appointing an AD HOC Fire Services Task Force.**

Mr. Gaines recommended that the membership of this 9-person task force will include:

- Lee Greenberg and William McCann representing the paid firefighters.
- Barry Luber and Christian Jones representing Administration.
- Steve Illg and Chief Mike Bean representing the volunteer fire department.
- Fred Gaines and Mark Lomax representing the Board of Supervisors
- One (1) Fire Services personnel from the Fire Services Industry.

Ms. Albillar spoke about a fire administrator position to chair the Ad Hoc Fire Services Task Force.

Ms. Baker motioned, seconded by Mr. Lomax to establish an AD HOC Fire Services Task Force and approve the membership. All were in favor and the motion passed 5-0.

6. MANAGER'S REPORT:

a. **Update on Police Station.**

Mr. Luber stated a move in date to the new police station is planned for October 29, 2020. The final punch list items are being worked on. A ribbon cutting ceremony is scheduled for Friday, November 13, 2020 at 10:00 am.

b. **Update on Warrington's Mary Barness Community Pool.**

Mr. Oles reported on the 2020 pool season. The income for 2020 was \$187,350. In 2019, the income was \$206,100. Memberships for 2020 were down but daily fees were up. Due to COVID-19, there were no swim lessons or swim teams, plus the snack bar was not allowed to open. Facility reservations were also down. Calculating the income less expenses, the township was in the red by \$5,000.

Ms. Schemm commended Mr. Oles and Mr. Luber for their leadership and creating a special committee for the pool. Liaison, Ms. Baker concurred with Ms. Schemm.

7. DEDICATION REQUEST: None.

8. ENGINEER'S REPORT:

a. **General Update**

Mr. Zarko updated the Board on the 2020 Road Improvement Program stating the program is complete and was on budget.

SUPERVISOR COMMENTS:

Ms. Albillar announced that North Wales Water Authority is flushing.

Ms. Albillar announced that Warrington Cares is conducting a fundraiser with Boscov's.

Mr. Lomax stated absentee ballots will be mailed out within a week.

Ms. Baker stated an exposed electric wire by the police station was reported and repaired.

Ms. Schemm stated the Park and Recreation Board have returned to their Park and Recreation mission statements. Ms. Schemm reported the new Open Space signs will be installed.

Ms. Schemm stated the Special Equestrians is struggling financially due to COVID-19.

Mr. Gaines stated masks with Warrington Township logo were ordered and distributed to all the volunteers to the Boards and Commissions, all township employees and supervisors. The Board of Supervisors are hosting a luncheon for the Public Works Department.

Mr. Gaines credited Mr. Lubert's relationship with township employees.

Mr. Lubert stated detour signs on Folly Road are not being honored. He is working on a plan with neighbors and Central Bucks School District.

ADJOURNMENT

There being no further business, Mr. Lomax motioned, seconded by Ms. Albillar to adjourn the meeting at 10:04 PM.

Respectfully Submitted By:



Barbara J. Livrone, Board Secretary

Attachment "A"

Consent Agenda – October 13, 2020

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 H** on the Consent agenda.

- a. **September 8, 2020 to Approve Minutes for Board of Supervisors meeting.**
- b. **September 22, 2020 to Post Minutes for Board of Supervisors meeting.**
- c. **Consider Certificate of Completion # 1 for Barclay Elementary School in the amount of \$100,543.00.**

CKS Engineers confirmed all items included within the current reduction, in accordance with the provisions in the Development Agreement, have been satisfactorily completed by the project developer for public/site improvements with the exception of five items.

- d. **Consider Certificate of Completion # 1 for Reserve at Emerson Farm in the amount of \$565,089.50.**

CKS Engineers confirmed all items included within the current reduction, in accordance with the provisions in the Development Agreement, have been satisfactorily completed by the project developer for public/site improvements with the exception of one item.

- e. **Consider Certificate of Completion # 2 for The Preserve at Murphy Lane in the amount of \$31,152.50.**

CKS Engineers confirmed all items included within the current reduction, in accordance with the provisions in the Development Agreement, have been satisfactorily completed by the project developer for public/site improvements with the exception of eleven items.

- f. **Consider Certificate of Completion #2 for Perry Farm @ Warrington (Geerling) in the amount of \$255,600.00.**

CKS Engineers confirmed all items included within the current reduction, in accordance with the provisions in the Development Agreement, have been satisfactorily completed by the project developer for public/site improvements with the exception of four items.

- g. **Consider Certificate of Completion #25 for Valley Gate-Site Development in the amount of \$38,740.60.**

CKS Engineers confirmed all items included within the current reduction, in accordance with the provisions in the Development Agreement, have been satisfactorily completed by the project developer for off-site stormwater drainage.

- h. **Consider authorization to advertise for bids; Palomino Dam Outfall Channel Restoration.**

The project involves the rehabilitation of an existing outfall channel from the Township's Palomino basin (Barclay Pond). The rehabilitation consists of replacement of 75 L.F. of single basket gabions, 65 L.F. of double basket gabions, 45 L.F. of triple basket gabions, removal of sediment from the channel, repair of approximately 250 L.F. of existing wall and the removal of two existing trees. Also included is required erosion and sedimentation controls and unimproved restoration. Work is all within the Township property, easements and rights-of-way.