



**WARRINGTON TOWNSHIP BOARD OF SUPERVISORS
MINUTES FOR MAY 28, 2019**

The written minutes are a summary of the May 28, 2019 Board of Supervisors meeting. For a complete dialog visit the Township's website, www.warringtontownship.org.

ATTENDANCE

Fred R. Gaines, Chairman; Ruth L. Schemm, Vice Chair; Carol T. Baker, member and Eileen Albillar, Member.

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 7:02 P.M and noted that Supervisor Shirley A. Yannich was on vacation and not in attendance.

PLEDGE OF ALLEGIANCE

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

EXECUTIVE SESSION REPORT

Mr. Gaines stated an executive session was not held.

ANNOUNCEMENTS:

Invasive Plant Lecture

Ms. Schemm announced a second lecture Millcreek series is scheduled for June 12 from 7:00 pm to 8:30 pm and will be held at the Warrington Township Building. Dan Barringer of Natural Lands will talk about invasive plant species and what can be done to protect the native species.

Mary Barness Tennis & Swim Club Open House

Ms. Baker announced on May 31st from 4:00 pm to 7:00 pm, the swim club is hosting an open house.

Groundbreaking Ceremony for Police Station

Mr. Gaines announced on June 13th, a groundbreaking ceremony will take place at the Township Building starting at 11:00 am for the new police station.

CONSIDER PROPOSAL FOR JOINT SPECIAL COUNSEL FOR WATER/SEWER NEGOTIATIONS.

Mr. Gaines reported two firms were solicited at the May 14th Board of Supervisors meeting to submit a proposal for joint representation of the Township in its consideration of a sole source negotiation and possible sale of either or both the water and sewer systems.

David Nasatir, Esquire, Vice Chair of Obermayer Rebmann Maxwell & Hippel LLP and Tom Wyatt, Partner with Dilworth Paxson LLP gave background information on each of their firms. Both firms believe the joint representation is the best scenario to efficiently and cost effectively assists the Township on these matters.

Mr. Nasatir's expertise is with wastewater negotiations and Mr. Wyatt's expertise is with the water negotiations.

Mr. Gaines questioned the fees, and requested a timeline and letter of intent. Mr. Gaines also noted another firm submitted a proposal.

Ms. Baker questioned their due diligence.

Ms. Albillar questioned litigation. Mr. Wyatt stated the Township would be indemnified after the sale.

Ms. Albillar was in favor of hiring a special council.

Mr. Gaines asked for public comment and there was no public comment.

Ms. Baker motioned, seconded by Mr. Schemm not to vote on the proposal until the June 11th Board of Supervisors meeting. All were in favor and the motion passed 4-0.

Board of Supervisors report on researching North Wales Water Authority (NWWA) and Bucks County Water and Sewer Authority (BCWSA) by contacting other municipalities.

Mr. Gaines asked the supervisors for their report on researching the two entities.

Ms. Schemm noted the supervisors compiled a list of twelve questions to ask municipalities and recorded their responses.

Ms. Baker stated she interviewed two municipalities who receive water from NWWA and both were pleased with the relationship they have with NWWA. Ms. Baker interviewed three municipalities who have BCWSA and all were pleased except for one complaint.

Ms. Schemm was not prepared to submit her findings however, she received positive feedback on both authorities.

Ms. Albillar stated she did not receive any issues except there were challenges with the transition.

Mr. Gaines reported he contacted four municipalities that have NWWA and two municipalities that have BCWSA and both reported complete satisfaction with service.

Ms. Schemm confirmed with Mr. Luber that Warrington Township will not have enough water to offer its residents when the contract runs out in seven years with NWWA.

WARRINGTON TOWNSHIP POLICE RECOGNITION CEREMONY

Chief Dan Friel stated the recognition ceremony is the 4th annual recognition/ribbon ceremony. Chief Friel reported that Deputy Chief Richard Bradbury is retiring after forty two years of service. Officer Jamie Valeriano is leaving the department after five and half years of service.

UPDATE AND DISCUSSION OF THE PROPOSED POLICE/MUNICIPAL BUILDINGS.

Mr. Zarko stated the site work base will begin mid-June. Bids for the building construction will take place late July.

Mr. Luber displayed a video that the architect prepared showing the inside of the new police station.

PUBLIC COMMENT:

Jailan Elsarha (955 Easton Road) questioned the sewer study, when a sale would take place and what would need to be replaced in 2019.

Mr. Luber stated Keystone Alliance prepared an asset valuation in 2018. Some parts of both systems need to be replaced at different times.

Mr. Clemons explained the ANG remediation agreement and PFOS.

1. APPROVAL OF BILL LIST:**a. 2019 Invoices for the Period May 15, 2019 to May 28, 2019 in the amount of \$1,988,086.34.**

Ms. Baker motioned, seconded by Ms. Albillar to approve the 2019 invoices paid for the period May 15, 2019 to May 28, 2019 in the amount of \$1,988,086.34. All were in favor 4-0.

2. CONSENT ITEMS:

Mr. Gaines asked if any clarification was needed for the consent items as presented.

Mr. Clemons stated Agenda Item F was being removed upon request from Richard P. McBride, Esq. No action will be taken until issues are discussed with CKS Engineers, Inc.

Ms. Albillar motioned, seconded by Ms. Baker to approve Consent Items A through J, excluding F. All were in favor and the motion passed 4-0. (Attachment "A")

- a. April 23, 2019 to Approve Minutes for 2:00 PM Water and Sewer Board of Supervisors meeting.
- b. April 23, 2019 to Approve Minutes for Board of Supervisors meeting.
- c. May 14, 2019 to Post Minutes for Board of Supervisors meeting.
- d. Consider Bid Award for contract for 2019 Storm Sewer Repair/Rehabilitation Project (advertised April 16 & April 19th)
- e. Consider Bid Award for 2019 Roadway Improvement Program.
- f. Consider approval of a Resolution for Eureka Stone Quarry, Inc. Tract Sewage Facilities Planning Module.
- g. Consider approval of Findings of Fact, Conclusions of Law and Decision for the Conditional Use Application of JP Orleans for the Pileggi Tract located at 3494 Limekiln Pike, TMP # 50-004-053, 50-004-053-001, 50-004-053-004 and 50-004-054-001.
- h. Consider Resolution for the destruction of police files.
- i. Consider Approval of Escrow Release Request #2 - Highgrove Manor Development in the amount of \$73,760.47.
- j. Consider appointment of Lynette Schiavoni to Bike and Hike Trails Committee.

3. CORRESPONDENCE: None.**4. OLD BUSINESS:****a. Update on potential Sale of the Water and/or Sewer Departments of Warrington Township and PFOS Update.**

Mr. Gaines stated this item was discussed under "Consider proposal for joint special counsel for water/sewer negotiations."

b. Update on cost proposals for the Folly Road Culvert Replacement Program at Parkview at Warrington (former Illg tract).

Mr. Zarko reported the initial contractor bid proposal submitted by the developer was approximately \$487,000. The preliminary estimated cost for the stormwater improvements was \$300,000. The Township rejected the proposal from the developer and requested additional proposals. Mr. Zarko summarized the cost proposals. Mr. Zarko recommended not implementing the proposals, due to the cost but to release the project out for bid in early 2020 which would be a more favorable construction climate. Mr. Zarko will ask the developer to extend the project to 2020.

c. Reject bids for Lions Pride Park.

Mr. Luber reported 1.2m was budgeted and the lowest bid came in a 1.4m. Mr. Zarko explained the equipment costs and suggested to rebid the scope of work.

Ms. Schemm motioned, seconded by Ms. Baker, to instruct CKS Engineers to reject the bids for Lions Pride Park and rebid the scope of work. All were in favor and the motion passed 4-0.

5. NEW BUSINESS (ACTION/DISCUSSION ITEMS):**a. Consider Preliminary Major Subdivision Plan for Eble Tract, 926 Stump Road, TMP # 50-004-021.**

Victor Meitner, Jr., Esquire and Anthony Hibbein, PE. representing the applicant requested final/preliminary approval for the Eble Tract located at 926 Stump Road.

Mr. Meitner stated the applicant will comply with all items addressed in the May 21, 2019 CKS Engineer letter except for three items. The first is the submission of a traffic impact study. Second is a wetland certification. Third is the installation of sidewalks and curbs along the side of Pickertown Road.

Mr. Zarko suggested a contribution in lieu of \$3,000 for three lots instead of obtaining a new traffic impact study.

Mr. Zarko stated a certified plan is needed for the wetlands.

Mr. Meitner agreed to a six foot trail width along Pickertown Road without curbs.

Further discussion related to moving telephone poles. Mr. Meitner expressed concern that this would be very expensive for the applicant.

The Board agreed to have an estimate prepared for the relocation of the telephone poles plus to widen the improvements and revisit this issue at the June 25th Board of Supervisors meeting. The Board will determine if there is a monetary burden to the applicant.

Mr. Meitner will provide a letter of extension to June 30, 2019.

Public Comment:

Connie Ace, Chair of Historic Commission reminded the Board that the applicant offered a historic preservation easement to preserve the parcel.

b. **Consider building permit fee waiver for Tamanend Middle School.**

The Board discussed the April 3, 2019 letter from CBSD requesting a waiver of fees for the HVAC renovation project at Tamanend Middle School.

Ms. Baker motioned, seconded by Ms. Albillar not to waive the building permit fee for Tamanend Middle School. All were in favor and the motion passed 4-0.

c. **Consider request for technical assistance from Commonwealth to evaluate fire services.**

The Board discussed a letter of intent to be submitted to the Governor's Center for Local Government Services requesting technical assistance to evaluate the Township's fire services at no cost.

Ms. Schemm motioned, seconded by Ms. Albillar to request for technical assistance from the Commonwealth to evaluate the Township's fire services. All were in favor and the motion passed 4-0.

6. MANAGER'S REPORT:

a. **May 18, 2019 Shredding Event.**

Mr. Luber reported the Township and State Representative Todd Polinchock hosted a shredding event on May 18th at Central Bucks High School South. It was reported that 8,618 pounds of paper was shredded.

7. DEDICATION REQUEST: None.

8. ENGINEER'S REPORT:

a. **General Update:**

Mr. Zarko prepared an updated Subdivision, Land Development, Public Improvement projects and general engineering activities status reports along with a status report for the water and sewer department for the month of May 2019.

9. SOLICITOR'S REPORT:

Mr. Zarko commented on the following items:

- June 10, 2019 Zoning Hearing Board for Prime Builders. One property on Neshaminy Avenue.
- June 11, 2019 Board of Supervisors to hear Cardamone application for conservation easement subdivision.
- Pharmacy on Easton Road will need a special exception from the Zoning Hearing Board to put on addition.
- The encroachments at Hampton Green have been removed.

Public Comment:

Mike Brotschel (2909 Maggie Way) expects full completion of work that has been not completed at the Oak Creek development.

Mr. Clemons stated CKS has prepared a punch list. CKS will meet with the original site work contractor and prioritize the items to expedite the improvements.

Mr. Gaines requested that the prioritized list be shared with the homeowners association.

SUPERVISOR COMMENTS:

Ms. Baker stated the Public Works Department has done a lot of work at the Mary Barnes Tennis and Swim Club to prepare for their opening. She stated the Public Works Department also removed three street trees on Mare Road; installed dust reduction on Bradley Road and assisted with the Veteran Affairs Committee at their Memorial Day Ceremony.

Ms. Schemm reported the Bike and Hike Trails Committee and the Open Space Land Preservation Committee will hold a joint meeting on June 12th.

Ms. Albillar announced two meetings will take place on June 11th. At 2:00 pm and 7:00 pm, a public meeting will be held with the residents to obtain feedback on the possible sale of the water and sewer system. The regular Board of Supervisors meeting will begin at 6:00 pm and continue after the 7:00 pm public comment meeting.

Mr. Gaines reported on the Environmental Advisory Council Community Day event.

ADJOURNMENT

There being no further business, Ms. Baker motioned, seconded by Ms. Schemm to adjourn the meeting at 10:41 PM.

Respectfully Submitted By:


Barbara J. Livrone, Board Secretary

Attachment "A"

Consent Agenda – May 28, 2019

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. **April 23, 2019 to Approve Minutes for 2:00 PM Water and Sewer Board of Supervisors meeting.**
- b. **April 23, 2019 to Approve Minutes for Board of Supervisors meeting.**
- c. **May 14, 2019 to Post Minutes for Board of Supervisors meeting.**
- d. **Consider Bid Award for contract for 2019 Storm Sewer Repair/Rehabilitation Project (advertised April 16 & April 19th)**

This is to award the contract for Storm sewer work in Warrington Village and the Fairways to Ply-Mar Construction Company, Inc. in the amount of \$325,725.

- e. **Consider Bid Award for 2019 Roadway Improvement Program.**

Two bid proposals were received. The recommended bid is to award the 2019 Roadway Improvement Program to James D. Morrissey, Inc., to include the base bid work plus three alternate/add on bid items for a cost of \$1,200,693.17.

- f. **Consider approval of a Resolution for Eureka Stone Quarry, Inc. Tract Sewage Facilities Planning Module.**

This is to approve the Sewage Facilities Planning Module for the proposed Development on the Eureka Tract.

- g. **Consider approval of Findings of Fact, Conclusions of Law and Decision for the Conditional Use Application of JP Orleans for the Pileggi Tract located at 3494 Limekiln Pike, TMP # 50-004-053, 50-004-053-001, 50-004-053-004 and 50-004-054-001.**

The Findings of Fact, Conclusions of Law and Decision are based on the April 23, 2019 Board of Supervisors meeting public hearing for the conditional use application for JP Orleans.

- h. **Consider Resolution for the destruction of police files.**

This is to approve the destruction of Police files consistent with applicable laws.

- i. **Consider Approval of Escrow Release Request #2 - Highgrove Manor Development in the amount of \$73,760.47.**

This is to release Escrow monies related to the High Grove Manor Development consistent with the Township Engineer's recommendation.

j. **Consider appointment of Lynette Schiavoni to Bike and Hike Trails Committee.**

The Bike and Hike Trails Committee are recommending Ms. Schiavoni's appointment by the Board of Supervisors to become a volunteer for the Bike and Hike Trails Committee.

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