



**WARRINGTON TOWNSHIP BOARD OF SUPERVISORS
MINUTES FOR NOVEMBER 24, 2020 - 7:00 PM**

The written minutes are a summary of the November 24, 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; and Barbara J. Livrone, Executive Assistant to the Township Manager/Board Secretary.

CALL TO ORDER: Mr. Gaines called the meeting to order at 7:01 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.

Following is a listing of people who attended the November 24, 2020 Board of Supervisors meeting via Zoom:

- Seth Gansman
- Mike Kelly
- Shirley Yannich
- John VanLuvanee
- Brandon Gittleman
- Frank Shelly
- Steve Shelly
- Rick Kempes
- Guy Powell

PUBLIC COMMENT:

Mike Kelly (135 Muirfield Lane) requested an explanation of the Fireworks Ordinance.

Mr. Clemons stated the amended Fireworks Ordinance prohibits the use of fireworks, except during certain stated holidays and times.

EXECUTIVE SESSION REPORT:

Mr. Gaines stated an executive session was not held.

ANNOUNCEMENTS:

- Mr. Luber reported Folly Road is now open to the public and the culvert project is almost completed.
- Mr. Gaines announced the State approved work to County Line Road from Kulp Road to 611 which will involve both Warrington and Horsham Townships.
- Ms. Albillar, liaison to Warrington Police Department, stated the police department is working to evaluate de-escalation policy for all police departments within Bucks County.
- Mr. Gaines stated Warrington Township was one of the first police departments in Bucks County to use tasers.

9. SOLICITOR'S REPORT:**a. Shihadeh request for variance.**

Mr. Clemons reported the variance request for the Shihadeh property was before the Board of Supervisors for consideration. The Board of Supervisors denied the request and forwarded their decision to the Zoning Hearing Board.

John VanLuvanee, representing the applicant, stated the current application deletes a condition. An access road will be installed through Tohickon Lane. A stipulation was granted to pave part of Grady Avenue so that fire trucks have access and turning room.

Mr. Clemons stated emergency service vehicles can use Shihadeh's driveway as a turn around and they have an agreement to permit this use.

Mr. Gaines questioned the water run-off from property onto a neighbor's property.

Mr. Zarko replied a condition can be made for stormwater improvements to be part of any future development of this site.

Mr. VanLuvanee stated they will not eliminate impervious surface on the existing lot.

Mr. Clemons recommended including a condition that the applicant enter into an agreement for the use of a turnaround by emergency vehicles and stormwater management for Lot # 2 to handle additional impervious surface if the variance was approved.

A motion was made by Mr. Gaines, seconded by Ms. Albillar to authorize the solicitor to draft a letter to the Zoning Hearing Board withdrawing the Board of Supervisors opposition under the conditions as stated by Mr. Clemons. All were in favor except, Ms. Schemm who voted no. Therefore, the motion passed 4-1.

b. WT ZHB 20-22, Joseph, 3539 White Oak Court, variance for excess impervious cover.

The Board of Supervisors does not need to take a position on this variance.

c. WT ZHB 20-23, Sandow, 2444 Freedoms Way, variance for excess impervious cover.

The Board of Supervisors does not need to take a position on this variance.

d. **WT ZHB 20-25, Kelly, 2155 Garden Avenue, variance for excess impervious cover.**

The Board of Supervisors does not need to take a position on this variance.

e. **WT ZHB 20-26, Powell, 3360 Bristol Road, variance to allow a ground-mounted solar array on a residential property, variance to use an accessory building as an accessory apartment.**

Mr. Clemons reported there are two (2) variances requested for 3360 Bristol Road.

Mr. Kempes, representing the owner, Guy Powell, stated this is a ten (10) acre parcel located in the RA zone with a farmhouse and a barn. Mr. Powell has applied for a 2 bedroom guest house in the barn only to be occupied by family members visiting from out of town. It will not be a rental property. Mr. Powell has also applied for solar alternate energy. Special exceptions are required for both variance requests.

Mr. Clemons stated a deed restriction can be recorded to prevent the accessory apartment to become a rental.

A motion was made by Mr. Gaines, seconded by Ms. Albillar to support the solar panels and remain neutral on the accessory apartment for 3360 Bristol Road. All were in favor and the motion passed 5-0.

f. **WT ZHB 20-09, Rodgers, 279 Folly Road.**

Mr. Clemons stated this application was requested by staff to be brought to the Board of Supervisors' attention regarding an accessory apartment in a detached barn for 279 Folly Road. An inspection was made by the Code Department for improvements. There was neither an application for an apartment nor a zoning permit for the apartment.

Ms. Schemm stated there are stormwater issues on this property.

Ms. Schemm motioned, seconded by Mr. Gaines to support staff recommendations that the apartment was not constructed with proper zoning. All were in favor and the motion passed 5-0.

PUBLIC HEARING: None.

1. APPROVAL OF BILL LIST:

a. **2020 Invoices for the Period November 11, 2020 to November 24, 2020 in the amount of \$1,787,049.55.**

Mr. Lomax motioned, seconded by Ms. Schemm to approve the 2020 invoices paid for the period November 11, 2020 to November 24, 2020 in the amount of \$1,787,049.55. All were in favor and the motion passed 5-0. Mr. Gaines had questioned a retirement payment paid by Hartford and an invoice for an accident on County Line Road.

2. CONSENT ITEMS:

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

Ms. Albillar requested clarification for Agenda Item E.

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

- a. **October 27, 2020 to Approve Minutes for Board of Supervisors meeting.**
- b. **November 10, 2020 to Post Minutes for Board of Supervisors meeting.**
- c. **Consider approval of Proclamation Resolution 2020-R-65 for the Dedication of the New Police Station.**
- d. **Consider appointment of Bernadette Potts-Semel to the Communications Advisory Board.**

Ms. Albillar, liaison to the Communications Advisory Board commented that Ms. Potts-Semel had an excellent resume and was pleased to welcome Mr. Potts-Semel to the Communications Advisory Board.

- e. **Consider authorization to advertise Amendment to Ordinance 2020-O-08 concerning Fireworks use within the Township.**

Ms. Albillar noted that Diwali to be included as a permanent holiday and to change the name of Chinese New Year to Lunar New Year.

3. CORRESPONDENCE:

Mr. Luber announced PennDOT has awarded an \$11,073,443 contract to James D. Morrissey, Inc. for the restoration, reconstruction and resurfacing of County Line Road from Kulp Road to 611. These improvements will encompass a 3.0 mile section of County Line Road going into both Warrington and Horsham Townships.

Mr. Lomax requested the coordination of efforts with the Naval Air Station new entrance plans with PennDOT.

4. OLD BUSINESS: None.

5. NEW BUSINESS (ACTION/DISCUSSION ITEMS):

- a. **Consider approval of waiver of land development for Shelly Funeral Home, 1460 Easton Road, TMP # 50-026-057-001.**

Mr. Zarko stated this parcel is in the C2 district and the funeral home is a permitted use. The applicant is adding an accessory building to place a crematory, which is a permitted use. There will be no traffic impact. The application is subject to the formal land development process.

Staff recommends granting the waiver based on five (5) conditions as stated in Mr. Rieder's memorandum. (see Attachment "B")

Mr. Gaines motioned, seconded by Ms. Schemm to approve the waiver of land development for Shelly Funeral Home, 1460 Easton Road, TMP # 50-026-057-001 based on conditions presented in Mr. Rieder's November 18, 2020 memorandum. All were in favor and the motion passed 5-0.

b. **Consider Resolution setting the Homestead Exemption Rate for the Year 2021.**

Mr. Luber stated this is the second year for the Homestead exemption. The exemption gives a \$3,000 reduction in the assessed value for the property owner.

Mr. Gaines motioned, seconded by Ms. Schemm to approve the Resolution setting the Homestead Exemption Rate for the year 2021. All were in favor and the motion passed 5-0.

c. **Consider Resolution for adoption of the 2021 Operating and Capital Budgets (advertised October 28, 2020)**

Mr. Luber reported there will be no tax increase for 2021.

Ms. Schemm suggested not hiring new employees until COVID restrictions are lifted. Possibly wait until the end of January/February.

Ms. Albillar and Mr. Lomax stated it takes approximately three months to hire a new police officer and right now, there is a pool of applicants to choose from to obtain the best officers.

Mr. Gaines motioned, seconded by Ms. Baker to adopt the Resolution approving the 2021 Operating and Capital Budgets. All were in favor and the motion passed 5-0.

d. **Consider authorization for Township Solicitor to draft Water Services Inspection Agreement with NWWA.**

Mr. Jones stated NWWA will be conducting water connections for approximately 60 to 80 parcels with private wells that have levels of PFOS contamination. Mr. Jones is recommending an agreement be prepared by the Solicitor that NWWA would perform the water service inspections at no cost to the Township.

Ms. Albillar questioned why the township is conducting the inspections. Mr. Zarko stated it is documented under the Uniform Construction Code.

Ms. Albillar motioned, seconded by Mr. Lomax to authorize the solicitor to draft an agreement with NWWA to perform the water service inspections. All were in favor and the motion passed 5-0.

6. MANAGER'S REPORT:

a. **Consider new gate project for Horsham AGS.**

Mr. Luber met with representatives of the Air National Guard to discuss the relocation of the main entrance to the opposite side of the Regal driveway at County Line Road.

Ms. Albillar and Mr. Lomax expressed their preference to have the entrance at Titus and also install a traffic light.

Public Comment:

Seth Gansman (903 Bentley Court) said it would be a benefit to have a traffic light at the Titus Avenue intersection.

b. Ms. Schemm requested the manager to follow up on orientation for new CAB member.

c. Ms. Schemm requested to add Communications to the list of goals.

d. The Board requested a press release on the 2021 budget.

7. **DEDICATION REQUEST:** None.

8. **ENGINEER'S REPORT:**

a. **General Update**

Mr. Zarko reported Folly Road has been opened to the public and the project for the Folly Road culvert has been substantially completed as of November 24, 2020. CKS is working on a punch list for the project.

Mr. Zarko stated the construction for the Folly Road pedestrian crossing to connect the Upper Nike Park and John Paul Park @ Lower Nike has begun.

Mr. Gaines questioned the MS4 inspections and costs for best management practices. Mr. Zarko said the inspections are on-going and improvements have been scheduled for 2021.

Ms. Schemm questioned 2436 Street Road trail and if the funds were escrowed. Mr. Zarko said the funds have been escrowed and the trail will be installed.

Ms. Schemm commented on the mulch at Victory Gardens.


SUPERVISOR COMMENTS:

Mr. Gaines reported Monday, January 4, 2021 is the reorganization meeting where officials are selected. The first regular meeting of the Board of Supervisors is scheduled for January 12, 2021.

ADJOURNMENT

There being no further business, Ms. Baker motioned, seconded by Ms. Albillar to adjourn the meeting at 8:49 PM.

Respectfully Submitted By:



Barbara J. Livrone, Board Secretary

Attachment "A"

Consent Agenda – November 24, 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 E** on the Consent agenda.

- a. **October 27, 2020 to Approve Minutes for Board of Supervisors meeting.**
- b. **November 10, 2020 to Post Minutes for Board of Supervisors meeting.**
- c. **Consider approval of Proclamation Resolution 2020-R-65 for the Dedication of the New Police Station.**

The dedication of Warrington Township's new police station was held on Friday, November 13, 2020 located at 2330 Lower Barnes Road.

- d. **Consider appointment of Bernadette Potts-Semel to the Communications Advisory Board.**
- e. **Consider authorization to advertise Amendment to Ordinance 2020-O-08 concerning Fireworks use within the Township.**

Ordinance # 2020-O-18 is being amended to include the holiday Diwali.

Warrington Township

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BOARD OF SUPERVISORS

FRED R. GAINES, Chairman
RUTH L. SCHEMM, Vice Chair
CAROL T. BAKER, Member
EILEEN ALBILLAR, Member
MARK E. LOMAX, Member

TOWNSHIP MANAGER
BARRY P. LUBER

MEMO TO: Barry Luber

CC: Terry Clemons
Tom Zarko

FROM: Roy Rieder

DATE: November 18, 2020

RE: Waiver of Land Development – Shelly Funeral Home

The township has received the attached request for a waiver of land development to construct an accessory building at the Shelly Funeral Home. The accessory building will house a crematorium and will be similar in construction to a two-car garage. The Planning Commission and the Board of Supervisors have previously reviewed an application for an Air Quality Permit through the Pennsylvania Department of Environmental Protection and took no position. The property is located in the C2 zoning district.

Because the property is non-residential, the construction of an accessory building technically meets the definition of a land development in the Municipalities Planning Code. Mr. Shelly points out that the scope of work is minimal. I have discussed this request with the township engineer, and he concurs that this may be a project for which a waiver of land development would be appropriate.

In that regard, the recommendation would be to approve a waiver of land development as shown in the attached plan with the following suggested conditions:

1. The applicant must comply with all review comments raised by township consultants.
2. Stormwater management must be addressed to the satisfaction of the township engineer.
3. If structural Best Management Practices are needed, a Stormwater Management Plan and Agreement must be prepared, executed, and recorded.
4. The proposed architecture of the building must comply with the Corridor Overlay District requirements contained in the Subdivision and Land Development Ordinance, and a color rendering must be presented to the Planning Commission for comment and to the Board of Supervisors for approval.
5. The applicant must enter into a Professional Services Agreement and establish an escrow of \$1,000.00.