



WARRINGTON TOWNSHIP BOARD OF SUPERVISORS MINUTES FOR September 14, 2021 - 6:00 PM

The written minutes are a summary of the September 14, 2021 Board of Supervisors meeting. For a complete dialog visit the Township's website, www.warringtontownship.org.

This meeting was held hybrid both in person at the Township building and via Zoom link. The recorded meeting can be viewed the day after through the Township's website, www.warringtontownship.org

Supervisors: Chair Fred R. Gaines; Vice Chair Ruth Schemm (via Zoom); Mark E. Lomax, Member and William M. Connolly, Member; Eileen Albillar, Member (via Zoom).

Staff present: Barry P. Luber, Township Manager; Terry Clemons, Esquire, Clemons Richter Reiss, Township Solicitor; Tom Zarko, P.E., CKS Engineers, Township Engineer; Christian Jones, Assistant Township Manager; Jen Fielding, Executive Assistant to the Township Manager/Board Secretary.

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

PLEDGE OF ALLEGIANCE

Mr. Gaines followed the Call to Order with a pledge to the flag. Mr. Gaines informed those present that there have been several employees who tested positive for Covid-19 and that the Township will now require masks to be worn, regardless of vaccine status and encourages social distancing for all attendees at public meetings.

There were a total of 19 people who attended both in person and via Zoom.

PUBLIC COMMENT (*The Board will hear from any interested resident or taxpayer who would like to comment on an item not on this evening's agenda. Respondents are asked to keep their comments to 3 minutes.*)

Dr. Mike Diorka, 2651 Fawn Lane had several issues to address, including: Chief of Police returned on September 7, 2021 to active duty; Warrington Luxury Apartments construction timeline – Mr. Zarko shared that the focus has been on the building construction; Ms Ivy Ross provided clarification between the Master Plan vs. Feasibility Study for the Mill Creek Preserve. It will be a part of the Master Plan. The parking was part of the Easement from a previous Board meeting. Mr. Gaines reminded Dr. Diorka that all committee meetings are open to the public and he was encouraged to attend to learn more information.

PRESENTATION – 2020 Annual Report – Warrington Volunteer Fire Co - Mike Bean, Volunteer Fire Chief

Mr. Bean presented highlights from the 2020 Annual Report. These included: the continuity between the career and volunteer staff, including joint exercises, uniforms that now look the same and they are using the same radio signals; Duty Crew time is spent Sunday to Thursday from 2100 hours to 0600 hours with a Chief and a full crew of firefighters for incidental alarms, which gives the full-time firefighters a night off. If there is a major incident, then all firefighters are called in. The Ladies Auxiliary provides fundraisers throughout the year, including upcoming Warrington Day. Station 29 will be replacing its garage doors and they have received a grant of \$15,000 in 2021 and hope for additional grants in 2022. Station 78 on the 2nd floor is the EOC backup for emergency events.

Mr. Bean indicated that the fire company is doing well with 2nd and 3rd generation volunteers, as well as firefighters joining from other municipalities who already have basic training, so they are able to assist with a short learning curve.

Mr. Lomax thanked Mr. Bean for his leadership and mentioned that this is a driving force behind the attrition of the firefighters in the Township. Ms. Albillar thanked him, as well.

Mr. Gaines reported that Mr. Lee Greenberg, Director of Emergency Services and Code Enforcement, will provide a summary of the Township's response to Hurricane Ida at the September 28th Board of Supervisors meeting.

EXECUTIVE SESSION Mr. Gaines reported that the Board of Supervisors held an Executive Session this evening, September 14th, prior to the Board meeting to discuss a legal matter on the agenda.

1. **NEW BUSINESS:** No new business.

2. **OLD BUSINESS:**

a. Consider Authorizing the Township Solicitor to institute an injunction action and to take other actions he deems appropriate to enforce the terms of the Conservation Easement entered into with respect to the Garges Farm on Folly and Pickertown Roads

Mr. Clemons reported that Bucks County Agricultural Board served Garges Family members with a violation notice in April, 2021 for such violations as the use of commercial vehicles in an area designated only for agricultural uses, junked vehicles and other non-agricultural debris in various locations on the Farm and other violations. Recently, the County approved an injunction action against the Gargess for the use of farm lanes for commercial use, as well as other violations.

Mr. Clemons recommended to the Board of Supervisors during the Executive Session that as co-owners of the easement on this property, they consider becoming a co-plaintiff in this injunction.

Discussion ensued.

Dr. Connie Ace, 1067 Folly Road asked what activities enjoined would be included. Mr. Clemons indicated it was the use of farm lanes for non-agricultural vehicles and storage of non-agricultural materials.

Mr. Brian Hills, 101 Folly Road mentioned the continued sounds and smells related to the work being done at Garges Farms and also mentioned that his home has recently begun to experience nails popping from the ceiling due to the shaking from work being done at Garges Farm. Mr. Clemons clarified that the injunction specifies the areas previously mentioned related to non-agricultural vehicles and storage of non-agricultural products. It will not address other matters.

Mr. Frank Ace, 1067 Folly Road thanked the Board for pursuing this action and indicated that these issues have been ongoing since 2012. He encouraged adoption of the Motion to become co-plaintiffs.

Mr. Connolly made a Motion to authorize the Township Solicitor to institute an injunction action and to take any other actions he deems appropriate to enforce the terms of the Conservation Easement entered into with respect to the Gargae Farm on Folly and Pickertown Roads; Mr. Lomax seconded. All in favor, the Motion passed 5-0.

a. DocterAdams® Community Park Consider approval for a request for additional Township funding.

Mr. Luber updated the Board regarding the funding for the DocterAdams® Community Park. Previously, at the August 24, 2021 meeting the Board authorized \$75,000 for the project due to a change in the scope of work and higher bidding results. Since then, Mr. Luber has received an additional \$400,000 from Josh Adams and his team. However, there is still a \$63,000 gap, which he asked the Township to support.

Discussion ensued.

Mr. Connolly was in favor of the support, indicating that this was money well spent and that this park will support a lot of people.

Mr. Lomax asked if there would be additional funds available from recent personnel changes. Mr. Luber confirmed that yes, there would be additional funds available in the next few months. He reported that for a project with a cost of approximately \$1m the Township would be paying \$213,000. Mr. Lomax is in favor of the project now that the equipment price will be fixed.

Ms. Schemm supports this fantastic project and said that it will provide many smiles.

Ms. Albillar supports this project and said it will be an investment in our community. She wants to be sure that we balance the costs for other parks and facilities in the Township.

Mr. Gaines said that he would not vote for this increase without additional funding secured. Now that the additional funding has been secured from Josh Adams and the team, he is in support. In addition, he did some research for other challenge courses – one in Charlotte, NC and another outside of Houston, TX. Both courses are similar to what we will be creating in Warrington and have received much support and enjoyment from them. However, our park will also include playgrounds and a basketball court.

Dr. Diorka asked for the construction timeline. Mr. Zarko reported that it would begin in early October and is expected to be complete in early November, depending upon weather and supplies.

Mr. Lomax made a Motion to authorize an additional \$63,000 to be spent on the DocterAdams® Community Park; Ms. Schemm seconded. All in favor, the Motion passed 5-0.

3. SUPERVISOR COMMENTS:

Mr. Lomax – Invited the public to attend a celebration with the PA Historical Society and the Warrington Township's Historical Commission and Historical Society on Saturday, October 2nd at 11:00am at 1409 Easton Road to celebrate Holbert Racing as a marker is dedicated for Mr. Holbert. This is the first state-recognized site in Warrington Township. Dr. Ace provided some interesting facts about Mr. Holbert's racing career. Mr. Lomax acknowledged the hard work by David Sharp to organize this event.

The Historical Commission and Historical Society will also have information about this event at Warrington Day on September 25th. Stop by their booth.

Mr. Lomax also invited the public to attend the 50th Anniversary celebration of the Police Department at the new police station on Saturday, October 2nd from 10:00am to 2:00pm. See more information about this event on the Township website.

Mr. Connolly – Now that the new Zoning Ordinance has passed, the committee is now making progress on the SALDO amendment. Our Township Engineer is providing valuable detail and procedural methods for citizens to have input earlier in the zoning process.

Ms. Schemm – Has received feedback from residents that the signs provided by Open Space Committee are very helpful and appreciated. Thanked Ms. Ross and her Committee.

Ms. Albillar – Reported that September is National Preparedness Month and provided links for the public to prepare and protect themselves, as well as a link from FEMA for anyone with damage from Hurricane Ida.

Mr. Gaines – Provided the U.S. Census official count for Warrington Township at 25,418. This is up 2,200 or 9% increase from 2020. The Board of Supervisors will continue to do their due diligence with regard to land development in the Township.

Mr. Gaines also reminded the volunteers about the Volunteer Luncheon to be held on Saturday, October 23rd. Mr. Gaines acknowledged the expertise and many hours provided by our volunteers. He further reported that the cost of the luncheon will be offset by donations from both Clemons Richter Reiss and CKS Engineers,

4. **MANAGER'S REPORT:**

a. Discuss Warrington Day

Mr. Luber provided an update on Warrington Day activities set for Saturday, September 25th, including food, vendors, raffle baskets and main events. The tents will be spaced out this year to accommodate for social distancing. He requested a vote from the Board regarding the “main attraction” events of bungee jumping and rock wall. In previous years, the Township charged for these events and then used the proceeds toward local non-profits. Discussion ensued.

Ms. Albillar asked how much these events provided in past years. Mr. Luber indicated between \$700-\$1,000.

Mr. Lomax made a Motion to approve the use of tickets in the amount of \$3.00 to \$5.00 per ticket for the bungee jumping and rock wall with proceeds to benefit DocterAdams@ Community Park; Mr. Connolly seconded. All in favor, the Motion passed 5-0.

Mr. Seth Grossman provided two tickets to an Eagles game to add to the raffle basket with other Jets/Eagles items.

5. **ENGINEER'S REPORT:**

a. Update RE: McMahon Associates – Traffic Evaluation for potential signal modifications at Lower State Road/Street Road, Lower State Road/Pickertown Road & Lower State Road/Bristol Road intersections.

Mr. Zarko provided an update on this request from a resident. He reported that Mr. Jones reached out to PennDOT whether or not they would be able to provide support for this project. We have not heard back from them yet. Mr. Zarko will wait to hear back from PennDOT before proceeding further with this item.

Dr. Ace asked about the traffic study and would it take into account the new housing at those intersections. Mr. Zarko indicated that they will need to wait for the PennDOT response, which could take up to several months.

b. Update on Stump Road Pedestrian Signals

Mr. Zarko reported that the foundations are being installed and that the project should be completed within the next two weeks.

c. Bus shelter on Rt. 611

Mr. Gaines reported that the Rotary Club has confirmed with him and Ms. Schemm that they will pay for the bus shelter and the trash can. Mr. Zarko will move forward with this project.

6. SOLICITOR'S REPORT:

While Mr. Clemons did not have a formal report, Mr. Connolly asked about whether or not the Board of Supervisors will continue to review applications from the Zoning Hearing Board at the Board of Supervisor meetings. Mr. Connolly indicated that keeping these on the agenda would help to keep tabs on how well the new Zoning Ordinance is working within the community. Discussion ensued.

Mr. Luber indicated that his staff would prepare a report regarding smaller application items and Mr. Clemons would provide context for any larger applications with major implications.

Mr. Gaines asked whether or not under Act 65 the Board of Supervisors would now be required to review NOV's. Mr. Clemons will research this and report back to the Board.

7. APPROVAL OF BILL LIST:

a. 2021 Invoices for the period August 25, 2021, to September 14, 2021 in the amount of \$941,242.15.

Mr. Lomax made a Motion to approve the Bill List for the period August 25, 2021, to September 14, 2021 in the amount of \$941,242.15; Ms. Albillar seconded. All in favor, the Motion passed 5-0.

8. CONSENT ITEMS:

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

- a. Consider approval of Minutes for August 24, 2021 Board of Supervisors meeting
- b. Consider approval of 2021/2022 Bucks County Consortium Rock Salt Bids to Morton Salt, Inc.
- c. Consider Increase in Employee Contribution Toward Health Costs for New Employees Hired after 10/1/2021
- d. Consider Change to Pay Classification Schedule
- e. Consider for approval Certificate of Completion #4 Parkview at Warrington (Phase 1)
- f. Consider for approval Certificate of Completion #3 Parkview at Warrington (Phase 2)
- g. Consider for approval Certificate of Completion #2 Parkview at Warrington (Phase 3)

Mr. Lomax made a Motion to approve the Consent items a-g; Ms. Schemm seconded. All in favor, the Motion passed 5-0.

PUBLIC HEARING – to consider the following Conditional Use Applications:

Warrington Easton, LLC for property located at 532, 538 and 550 Easton Road, Warrington, PA 18976 and identified as TMPs 50-31-6, 50-31-6-1, 50-31-7. The Application seeks approval pursuant to §370-2104(A) of the Zoning Ordinance, to demolish the existing Wawa and construct a new 5,585 square feet Wawa with 6 fuel dispensing facilities, in the C-2 Commercial Zoning district. Continued from the August 24, 2021 Board of Supervisors meeting.

Mr. Clemons opened the hearing at 8:53pm. He reported that the attorney for the applicant requested a continuance to October 12, 2021. Ms. Fielding will be sure that all residents interested in the Conditional Use Hearing will be notified. And, the website will reflect the new date. Mr. Clemons informed the Board that an extension has been received from the Applicant.

Mr. Lomax made a Motion to continue the hearing for Warrington Easton, LLC to October 12, 2021; Mr. Gaines seconded. All in favor, the Motion passed 5-0.

Mr. Clemons closed the hearing at 8:55pm.

ADJOURNMENT

There being no further business, Mr. Lomax motioned, Mr. Connolly seconded to adjourn the meeting at 8:56pm.

Respectfully submitted By,

Jeannine Fielding, Board Secretary