



**BOARD OF SUPERVISORS
WARRINGTON TOWNSHIP
MINUTES FOR July 25, 2023 - 7:00 PM**

The written minutes are a summary of Board of Supervisors meeting. For a complete video 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 Gaines; Vice Chair, Ruth Schemm, Member; Michael Diorka, Member; Vanessa Maurer, Member; Andrew Macaulay, Member

Staff present: Barry Luber, Township Manager; Christian Jones, Assistant Township Manager; Terry Clemons, Esquire, Clemons Richter Reiss, Township Solicitor; Tom Zarko, Township Engineer; Andy Oles, Parks and Recreation Director; Chief Daniel J. Friel; Jeannine Fielding, Executive Assistant to Township Manager/Board Secretary

1. CALL TO ORDER Mr. Gaines called the meeting to order at 7:02pm.

2. PLEDGE OF ALLEGIANCE

There were a total of 55 people who attended both in person and via Zoom. The meeting is also "streamed" on the Warrington Township TV channel, so other interested parties are always welcome to watch the meeting using this option.

3. EXECUTIVE SESSION – Mr. Gaines reported that there was an Executive Session prior to this meeting to discuss a police personnel matter, a legal matter with Victory Gardens, and a development issue with Warrington Pointe.

4. 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. Please sign in.)*

Kenny Apossos, 100 Admiral Lane – Warrington Pointe basin issue

Michael Simone, 744 S. Settlers – Budget being included in the LINK Annual Report; 2022 Financial Statements; and 2022 Audit. Action: Mr. Luber recommended that Mr.

Simone submit a Right to Know Request and he will send him the Quarterly Report when it is available.

5. PRESENTATION – Swearing in of Officer Nicholas Grant – Chief Daniel J. Friel and the Honorable Stacy Wertman

Chief Friel presented Officer Nicholas Grant and completed the swearing in ceremony.

6. PRESENTATION – Township Manger to present to Finance Director - GFOA Distinguished Budget Presentation award

Mr. Luber presented Mr. Kim with the GFOA Distinguished Budget Presentation Award for 2022.

7. PUBLIC HEARING: Conditional Use Hearings for 771 and 807 Easton Road for conditional use approval for a Drive Thru and Accessory Outdoor Eating Area on both properties. Continued until September 12, 2023

Ms. Maurer made a Motion to open the Conditional Use Hearing; Ms. Schemm seconded. All in favor, the Motion passed 5-0.

Ms. Maurer made a Motion to continue the Conditional Use Hearing until September 12, 2023; Mr. Gaines seconded. All in favor, the Motion passed 5-0.

Ms. Maurer made a Motion to close the Hearing; Ms. Schemm seconded. All in favor, the Motion passed 5-0.

8. PUBLIC HEARING: Conditional Use Hearing for Olympus Pines, LLC c/o Michael Cianelli for property located at 529 and 541 Easton Road, Warrington, PA 18976 and identified as TMP 50-32-45 and 50-4-32-46. The Application seeks approval pursuant to §370-425.4.F of the Zoning Ordinance, to allow an E8 Car Wash in the BZ Business Zone Zoning district. Continued until September 26, 2023

Ms. Maurer made a Motion to open the Conditional Use Hearing; Mr. Macaulay seconded. All in favor, the Motion passed 5-0.

Ms. Maurer made a Motion to continue the Conditional Use Hearing until September 26, 2023; Ms. Schemm seconded. All in favor, the Motion passed 5-0.

Ms. Maurer made a Motion to close the Conditional Use Hearing; Mr. Macaulay seconded. All in favor, the Motion passed 5-0.

9. OLD BUSINESS:

- a. Consider for approval Warrington Cares Non-Profit Resolution (previously tabled)**

Ms. Maurer made a Motion to take the Warrington Cares Non-Profit Resolution off the table from the June 27, 2023 Board of Supervisors meeting; Mr. Diorka seconded. All in favor, the Motion passed 5-0.

Mr. Diorka indicated that Warrington Cares is a valuable resource to assisting those in the township. However, he would like some clarification on several points. Ms. Schemm agreed that the Board did not have sufficient information to vote on this item today.

Ms. Schemm made a Motion to table the Warrington Cares Non-Profit Resolution to a future meeting; Ms. Maurer seconded. All in favor, the Motion passed 4-1 with Mr. Gaines voting against the Motion.

Discussion ensued. Areas to address raised by Ms. Maurer with the Solicitor when amending the Resolution and Bylaws to include: resident oversight and involvement on the Board; Warrington Cares being included in the insurance program for the township; if Solicitor and Engineering firms are donating to the charity, this should be outlined or could be perceived as pay-to-play; if employees are overworked and overwhelmed, but spending time doing Warrington Cares work, then need to be mindful of how staff is spending work hours; grant-making foundation giving to other grant-making foundations; members of the Board who sit on other Boards who are chosen as the recipients of the Warrington Cares non-profit awards should be more explicit; yes 30% of employees donate, but this is only 10% of overall giving; using Warrington Township emails for Warrington Cares business.

Also addressed: other committees and boards operate by Ordinance and Resolutions, why is this just coming before the Board of Supervisors.

Mr. Diorka would like to be sure that any funds from Warrington Cares are being donated to only Warrington residents. Ms. Schemm appreciated Mr. Luber's enthusiasm and commitment to the charity, but asked if perhaps the original reason Warrington Cares was started (for someone who needed a winter coat and couldn't afford it) might be now lost with the major event of the Triathlon. Perhaps there are other non-profits that could serve this larger need and Warrington Cares could return to its roots and serve for smaller emergencies.

Mr. Lubber answered many of the questions. Mr. Clemons will work with Mr. Lubber to update the Resolution and Bylaws.

b. Financial Update from ATG and consider authorizing an extension until September 30, 2023, to demonstrate significant payment progress

Ms. Kathleen Smookler and Mr. Mark Cienkowski shared their recent financial progress regarding their lease agreement with the township. Mr. Lubber answered questions regarding their current payment plan.

Ms. Maurer thanked Ms. Smookler and ATG for the work they do.

Action: Mr. Lubber will provide a spreadsheet plan at the next Board meeting and ATG will work toward a goal of \$2,000 per month payment to the township.

c. Consider approval of item 13.c. from the June 13, 2023, Board of Supervisors meeting to the Warrington Historical Society in the amount of \$30,000.00 (previously tabled)

Ms. Maurer made a Motion to take item 13.c. from the June 13, 2023 Board of Supervisors meeting to the Warrington Historical Society in the amount of \$30,000.00 off the table; Ms. Schemm seconded. All in favor, the Motion passed 5-0.

Mr. Diorka made a Motion to approve item 13.c. from the June 13, 2023, Board of Supervisors meeting to the Warrington Historical Society in the amount of \$30,000.00; Ms. Maurer seconded. All in favor, the Motion passed 5-0.

Mr. Lubber explained that there were two checks; the one that was cut to Sun Power was voided and never sent. He thanked Mr. Diorka for finding this mistake in the Bill List.

10. NEW BUSINESS:

- a. Consider authorizing manager to send letter to CBSD and Bucks County in support offering the Act 91 real estate tax credit to residents who are volunteer firefighters**

Ms. Schemm made a Motion to authorize the Township Manager to send letter to CBSD and Bucks County in support offering the Act 91 real estate tax credit to residents who are volunteer firefighters; Ms. Maurer seconded. All in favor, the Motion passed 5-0.

Ms. Schemm indicated that these letters were very important to support our firefighters. Ms. Maurer and Mr. Macaulay also indicated the same. Mr. Gaines indicated that firefighters in Warrington Township are already being paid twice what other townships are paying

- b. Discussion about encroachments upon township property**

Mr. Gaines shared the explanation of this item, including encroachment upon open space with such items as fire pits, sheds and other items. He recommends that the Township Manager send those who have open space near their property a letter reminding them that these items are not allowed. Mr. Macaulay, Ms. Maurer, Mr. Diorka are in agreement.

Ms. Schemm made a Motion to amend the agenda to authorize the Township Manager to send a letter to residents who are encroaching on township property to cease; Ms. Maurer seconded. All in favor, the Motion passed 5-0.

Ms. Maurer made a Motion to to authorize the Township Manager to send a letter to residents who are encroaching on township property to cease; Ms. Schemm seconded. All in favor, the Motion passed 5-0.

- c. Discussion regarding expenses for capital projects and costs for: Lindy Community Center, Pond-to-Wetlands, and parking lot at Lions Pride Park**

Discussion ensued regarding the costs for capital projects, including some cost overruns. Mr. Zarko and Mr. Lubert elaborated on a few items. Ms. Maurer asked for the construction costs to be outlined more clearly and would like to see them included

in the Operations Report. Action: Mr. Luber will now include construction costs in the weekly Operations Report. Mr. Diorka would also like to see the construction timelines included.

- d. Consider authorizing the Township Manager to spend an additional \$3,000 on the Refresh project to pay for new mats in the lobby and other costs for this project**

Mr. Diorka gave a brief explanation of the additional funds to complete the Boardroom Refresh Project. He thanked Ms. Fielding, Ms. Koshy, Ms. Crews, Public Works for their hard work getting this project completed. Ms. Maurer and Mr. Luber also thanked Ms. Fielding.

Mr. Diorka made a Motion for the Board of Supervisors to authorize the Township Manger to spend an additional \$3,000 on the Refresh project to pay for new mats in the lobby and other costs for this project; Mr. Gaines seconded. All in favor, the Motion passed 5-0.

- e. Consider authorization to advertise the bid release for a new lap pool liner at the Barness Community Pool**

Mr. Oles provided a brief summary of the reason for the new lap pool liner. \$160,000 was budgeted for this item. Mr. Gaines asked about the long-term plans for the Mary Barness Community Pool complex and at what point would the upper pool need to be replaced instead of just adding new liners. Mr. Luber explained that this liner has lasted 15 years and expects the new liner to do the same. Mr. Diorka indicated that when he was previously on the Parks and Recreation Board, they reviewed some of the broader goals for the complex. He also reminded the Board that the swim team relies upon the upper pool, as well as new programs such as water aerobics.

Ms. Maurer made a Motion to approve the advertisement of the bid release for the new lap pool liner at the Mary Barness Community Pool; Mr. Diorka seconded. All in favor, the Motion passed 5-0.

f. Consider authorization of up to \$15,000 in expenditures and execution of a Professional Services Agreement with the Bucks County Planning Commission

Mr. Gaines provided background on this item, indicating that the SALDO Ordinance was a comprehensive document, but that there will need to be some tweaking. Therefore, the Bucks County Planning Commission will be making some changes.

Mr. Diorka made a Motion to authorize up to \$15,000 in expenditures and execution of a Professional Services Agreement with the Bucks County Planning Commission; Ms. Maurer seconded. All in favor, the Motion passed 5-0.

g. Consider approval of Certificate of Completion for Reserve at Emerson Farm (Phase 3) #1-A in the amount of \$23,562.00

Ms. Maurer made a Motion to amend the agenda to Consider approval of Certificate of Completion for Reserve at Emerson Farm (Phase 3) #1-A in the amount of \$23,562.00; Ms. Schemm seconded. All in favor, the Motion passed 5-0.

Ms. Maurer made a Motion to approve the of Certificate of Completion for Reserve at Emerson Farm (Phase 3) #1-A in the amount of \$23,562.00; Mr. Diorka seconded. All in favor, the Motion passed 5-0.

11. SUPERVISOR COMMENTS:

Mr. Macaulay – None

Mr. Diorka – None

Ms. Schemm – 1) Special Equestrians will hold a movie night on August 5th at 6pm, Fundraiser will be held Saturday Sept 9, 2023; 2) Historical Society cleared out 10 Folly Road for the builder in preparation for interior rehab; 3) Open Space recently held a great lecture on edible plants; 4) EMS recently rehabbed two benches for those who use the trail in front of Station 78; 5) EMS expansion committee continues to work on next steps with the architect; 6) The firefighters have a new piece of equipment that helps them work with electric vehicles during accidents/fires and worked with Porsche-Audi to test it out on several electric cars; 7) Bike and Hike Committee continues to make upgrades to the trail system

Ms. Maurer – 1) Is not in favor of electric vehicles for the police fleet or township fleet (see remarks in Addendum); was happy to hear that the DART bus will be coming to Warrington Township and encourages cycling and walking on our trail system; 2) concern about the mixed message the new police vehicle is sending to residents related to traffic calming and speeding issues

Mr. Gaines – 1) Mr. Macaulay is doing a study on electric vehicles and will share with the Board at a future meeting

12. MANAGER'S REPORT:

a. Zoning Hearing Board – Christian Jones
WTZHB 23-09 (Vosteen)

Regarding Tax Parcel No. 50-033-095 which is located at 876 Bridle Lane, in the R-2, Medium Density Residential Zoning District of Warrington Township. Applicants, Carol Lee and Mark Vosteen, seek to construct an in-ground swimming pool. Post construction impervious surface coverage is 33.1%. §370-411.5.A(3)(a) of the Warrington Township Zoning Ordinance permits a maximum impervious surface coverage of 20%. §370-817 permits an additional 5%. Applicants seek a variance to exceed the 25% impervious surface coverage accordingly.

Zoning Officer recommends the Board remain neutral.

Mr. Luber indicated that the ZHB heard this item yesterday and there is no need to take a position on it at this time.

13. ENGINEER'S REPORT:

- a.** Mr. Zarko indicated that the work being done at Parkview is in pre-paving and the Punch List is being addressed.

14. SOLICITOR'S REPORT: None

15. CONSENT ITEMS:

Mr. Gaines asked if anyone would like to pull an item out.

Mr. Macaulay made a Motion to amend the agenda to include the approval of the Bill List from June 28, 2023 to July 11, 2023 in the amount of \$1,072,040.06 as item l; Ms. Schemm seconded. All in favor, the Motion passed 5-0.

Ms. Maurer made a Motion to approve all consent items a-l; Mr. Macaulay seconded. All in favor, the Motion passed 5-0.

- a. Consider approval of the Minutes from the June 27, 2023, Board of Supervisors Meeting
- b. Consider approval of Bill List from July 12, 2023 to July 25, 2023 in the amount of \$680,456.00

- c. Consider approval of Sue Mitchell to the Environmental Advisory Council
- d. Consider approval of change order in the amount of \$14,820.77 to Twining Construction for relocation of utilities on Driveway access project
- e. Consider approval of 2023/24 Bucks County Consortium Fuel Bids to Riggins for unleaded regular gasoline and low sulfur diesel fuel; Wilson Oil & Propane for heating oil and Suburban Propane for propane.
- f. Consider authorization to advertise the bid release for the Alou Village Storm Sewer Upgrade Project
- g. Consider approval of Certificate of Completion for Perry Farm at Warrington (Geerling) #5 in the amount of \$242,035.00
- h. Consider approval of Certificate of Completion for Parkview at Warrington (Phase 1) #7 in the amount of \$15,967.00
- i. Consider Resolution approving Preliminary/Final Land Development Plans for Elite Plaza, 1248 Easton Road (TMP 50-22-36)
- j. Consider authorization to advertise amendment to zoning ordinance
- k. Consider approval of Bill List from June 28, to July 11, 2023 in the amount of \$1,072,040.06

ADJOURNMENT

The meeting was adjourned at 9:31pm.

Respectfully Submitted


Jeannine Fielding, Board Secretary