

WARWICK TOWNSHIP
Board of Supervisors' Public Meeting Minutes
June 15, 2020

Members Present: Judith A. Algeo, Esq.
Edward P. Thompson, Member
John W. Cox, Vice Chairman

Others Present: Kyle Seckinger, MPA, Township Manager
Mary Eberle, Esq., Township Solicitor
Michele Fountain, P.E., Township Engineer
Catherine Topley, Recording Secretary

CALL TO ORDER:

The Warwick Township Board of Supervisors' June 15, 2020, public meeting was called to order at 7:00 p.m., by Judith A. Algeo, Chair, who then led attendees in the pledge of allegiance.

EXECUTIVE SESSION

The Board of Supervisors met to discuss matters of litigation, personnel and real estate.

APPROVAL OF MINUTES:

→ Monday, May 18, 2020 Board of Supervisors' Meeting Minutes

Motion by Mr. Cox to approve the May 18, 2020 Board of Supervisors' Meeting Minutes. Second to motion by Mr. Thompson. Chair Algeo invited comment or discussion. There being none, the vote was called.
Motion passed unanimously.

ANNOUNCEMENTS:

1. Mr. Seckinger reminded everyone to please maintain social distancing throughout this meeting, sanitize their hands regularly, and, due to occupancy limitations, just stay for the items of interest.
2. The permit amnesty period will start July 6th and run through September 8th. Details will be placed on the township website this week.
3. Park & Recreations Mini Day Camp will run from June 22 – August 14. There will be 2 half-day sessions with a maximum of 25 children per session. Township residents registered 1 week before non-residents were allowed to register. The camp will follow the COVID guidelines issued by PRPS.

CITIZEN COMMENT: None.

MANAGER'S REPORT:

→ *Corridor Overlay District Signage: Ivyland Medical Center (1035 W. Bristol Rd.) – For Consideration*

Mr. Seckinger stated that the new owner of 1035 W. Bristol Road has new tenants and wishes to change out the copy of the existing sign. The ground sign is not being replaced, just the wording.

Mr. Leo Safro, the new owner of 1035 W. Bristol Rd, was here to answer any questions. No questions were asked.

Motion by Mr. Cox to approve the Corridor Overlay District Signage for Ivyland Medical Center located at 1035 W. Bristol Rd). Second to motion by Mr. Thompson. Chair Algeo invited comment or discussion. There being none, the vote was called.
Motion passed unanimously.

→ *LD 05-11: Warwick Village Commons Phase II (Tractor Supply, York Rd) – For Final Plan Approval Consideration*

Mr. Thompson read a statement of Disclosure of Conflict of Interest. The statement is attached to these minutes.:

Edward P. Thompson Jr. hereby disclosed that he has a conflict of interest with regard to the matter of the Tractor Supply land development application pending before the Board of Supervisors, the company with which he is employed, submitted a proposal for construction work on the building shown on the land development plan. For this reason, he will not be participating in any discussion regarding, or vote on, the following matter: LD 05-11 WVC.

Mr. Seckinger stated that on May 15th, 2020, the Township received a revised final plan application for Phase II of the Warwick Village Commons Development located at 1939 York Road. The Applicant proposes to develop a 38,133 square foot Tractor Supply Store.

The revised plans cleaned up many of the CKS and staff review comments, as well as Board comments, from previous versions of the plan.

The Planning Commission, at their May 8th meeting, reviewed the final plans and made a recommendation for approval with the condition that additional lighting be added to the 4-way internal intersection.

The applicant had submitted a Zoning Hearing Board application for an increase in allowable signage. The Zoning Hearing Board granted the relief on June 8th, which followed the Board of Supervisor's recommendation. The application is before the Board of Supervisors seeking final plan approval.

Julie VonSpreckelson was here on behalf of the applicant; she gave a brief background and went on to state that all items were a will comply or acknowledged and they have received all of their outside permits/agency approvals with the exception of the Highway Occupancy Permit from PennDOT.

Ms. VonSpreckelson wanted to mention that items 2 & 3 on the staff review letter are in regard to the brick wall and fence along the boundary of the common property. She stated that the brick walls on the corners will remain and the fence has not been shown as a result of discussions with the Board of Supervisors at the March 2020 meeting. A more densely vegetated buffer with varying berm height/width is proposed per this discussion.

Motion by Mr. Cox to approve LD 05-11: Warwick Village Commons Phase II (Tractor Supply, York Rd.) subject to the following stipulations:

- 1. Staff review letter dated 6-4-20**
- 2. CKS review letter dated 6-1-20**
- 3. Tree placement - to be determined by Township Staff**
- 4. Partial waiver needed in regard to the radii in an intersection**
- 5. Settlement agreement stipulations to be put on the plan**

Second to motion by Chair Algeo. Chair Algeo invited comment or discussion. There being none, the vote was called.

Motion passed 2-0. Mr. Thompson abstained.

→ *LD 05-11: Warwick Village Commons (Tractor Supply, York Rd.) – Maintenance Agreement for Facilities in PennDOT Right-of-Way*

Ms. Eberle stated that this is a maintenance agreement for the median located in the PennDOT Right-of Way of York Road.

Motion by Mr. Cox to approve the Maintenance Agreement for facilities in PennDOT Right-of-Way for LD 05-11: Warwick Village Commons Phase II (Tractor Supply, York Rd.)

Second to motion by Chair Algeo. Chair Algeo invited comment or discussion. There being none, the vote was called.

Motion passed 2-0 Mr. Thompson abstained.

→ *Resolution 2020-20 Warwick Village Commons (Tractor Supply, York Rd.) –PennDOT Highway Occupancy Permit for Facilities in PennDOT Right-of-Way*

Ms. Fountain stated that because of improvements on York Road, a resolution is needed for the revised traffic signal plan.

Motion by Mr. Cox to approve Resolution 2020-20 Warwick Village Commons (Tractor Supply, York Rd.) - PennDOT Highway Occupancy Permit for facilities in PennDOT Right-of-Way.

Second to motion by Chair Algeo. Chair Algeo invited comment or discussion. There being none, the vote was called.

Motion passed 2-0. Mr. Thompson abstained.

→ *LD 20-01: Steve Adams Realty (1531 Campus Dr.) – Waiver of Land Development Request for Consideration*

Mr. Seckinger stated that on March 12th, 2020, the Township received a waiver of land development submission by Steve Adams Realty, LLC. The applicant proposes waiving land development approval for existing structures built without permits or township approval.

The planning commission reviewed this request at their May 6th meeting and recommended against granting the waiver of land development.

Staff strongly opposes waiving land development for this project.

The application is before the Board of Supervisors seeking a waiver of land development.

Michael Yanoff, attorney for the applicant, gave an overview of how his client acquired the property. The Warwick Township Water & Sewer owned it prior to the applicant and that when the applicant purchased it there was an existing building and fence on the property. Mr. Yanoff does not believe that Land Development is applicable because the two (2) structures that the applicant erected in 2018 and 2019 are temporary structures and noted that the two structures were erected without permits. Mr. Yanoff is proposing that instead of a formal Land Development they will prepare a plan that shows the location of the two buildings and a rudimentary Storm Water Management Plan to show they have not increased impervious coverage or changes the drainage patterns.

Mr. Reiff, applicant and owner told the board he is not trying to absolve himself but is trying to make amends. Mr. Reiff stated that he has been a good steward to the township and has also done work for the township. He feels as though he is being portrayed as a “bad guy” which he is not. He was also cited during COVID for this and feels that he has been treated badly.

A discussion took place regarding the fence on the property and the possibility that it is on Mr. Reiff’s neighbor’s property. It was agreed that if the fence is on the neighbor’s property it will need to be moved. The applicant is to confirm this.

Mr. Cox feels that the waiver of Land Development should be waived and asked if Mr. Reiff would agree with removing the temporary structures within three (3) years. Mr. Reiff agreed to those terms.

Mr. Thompson was also in agreement with removing the temporary structures within three (3) years.

Ms. Algeo is not in agreement with waiving the Land Development. She feels that people come in all the time after they have done something wrong and want relief and that it is not fair to those that come in and do it correctly.

Mr. Seckinger pointed out that the two buildings are located within deed restricted open space, which is a zoning issue as well and is not sure how to issue a permit without a variance. The Board discussed the applicant's requirement to go to the Zoning Hearing Board for any applicable zoning relief.

Motion by Mr. Cox to approve a Waiver of Land Development for LD 20-01: Steve Adams Realty (1531 Campus Dr.) subject to:

1. Need ZHB approval for any zoning issues and deed restricted open space encroachment
2. Need to apply and receive all necessary permits and comply with all applicable building codes
3. Buildings must be removed within 36 months from 6/15/2020
4. Any part of the fence that is not on the subject property must be relocated to the subject property
5. Township staff to use our one continuance for any court hearings

Second to motion by Mr. Thompson. Ms. Algeo invited comment or discussion. There being none, the vote was called.

Motion passed 2-1. Chair Algeo voted Nay.

→ *ZHB 20-08: Shihadeh Residential Subdivision (1549 Stony Rd.) – For Zoning Review*

Mr. Seckinger stated that the applicant proposes to join two parcels in order to build 13 B-1 single family custom homes in the RR Zoning District. The proposal includes a C-9 municipal utility in the form of a pump station taking access from an existing driveway off Bristol Road.

The applicant first presented the sketch plan at the July 2019 Board of Supervisors meeting. The Board of Supervisors had the following feedback: The walking trail must be located within a public access easement; Preferred that Stony Rd lots utilize shared driveways for less access points. And the Board did not oppose dedication of Breton Hill Dr extension.

There was also a discussion in reference to providing the existing Breton Hill Dr homes with public sewer service and the subsequent repaving of Breton Hill Dr.

Mr. VanLuvanee was here on behalf of the applicant and gave a brief overview of what had been discussed before.

Mr. VanLuvanee stated that the applicant will be supplying a pumping station and will need a variance for woodlands disturbance as some of this area will need to be cleared. They will also need a use variance for the pumping station. Two swales will also need to be improved. They do not feel the slopes will be an issue as they are manmade.

In regard to open space, Mr. VanLuvanee stated that the applicant is requesting a variance as there is no area that meets the townships definition. The applicant has provided as area of 6.4 acres at the bottom of the site which can be preserved in one continuous piece.

The applicant feels that they have minimized the variances and preserved the trees to the greatest extent possible.

Mr. Cox asked Ms. Eberle, Township Solicitor, if it will still be possible to get a fee-in-lieu of for active open space if the variance is allowed and she stated it would.

Motion by Mr. Cox to not oppose the zoning variance requests subject to:

1. Installation of a pump station capable of accommodating sewage from proposed new dwellings and existing Breton Hill Dr homes
2. Connection of all existing homes on Breton Hill Drive to gravity feed public sewer
3. 4' of road widening, base repairs, full width mill and overlay of Breton Hill Drive

Second to motion by Mr. Thompson. Chair Algeo invited comment or discussion. There being none, the vote was called.

Motion passed unanimously.

→ *2020 Warwick Township Trail/Sidewalk Plan – For Consideration*

Mr. Seckinger explained that upon direction from the Board of Supervisors, the Park and Recreation Board reviewed all existing trails and sidewalks in Warwick Township in order to recommend critical connections. Dan Sharapan, Parks & Rec Director, is here tonight to review the plan.

Mr. Sharapan went over the connections the Park Board suggested. Specifically, trails or sidewalks on Stony Road, Turkey Trot to Bentley, Meetinghouse Rd (the Fetzer Tract), Memorial Park and Tripp Ave were discussed in detail.

When everything is complete Mr. Sharapan would like to have a foldable map that people could carry with them and be able to see where the trails/sidewalks end where how to get from point A to point B while out walking or biking.

Mr. Seckinger stated that the next step, if the Board is in agreement with the plan, would be to use the map as our master sidewalk/trail plan. When someone requests a fee-in-lieu of, the map could be used to show why it should not be allowed. If there are any trails that the Board would like to see completed in 2021/2022 staff could look into including them in the budget. Some can be constructed in-house, some developer driven, and some will need to be bid out.

Mr. Thompson asked if the ones that can be done in-house could be put on the budget for next year and if the Turkey Trot trail could connect behind the finger lots on Stony Rd. These are the lots associated with the current Loria residential subdivision.

Mr. Seckinger stated that they would look into putting the trails that can be done in-house on next year's budget as there may be right-of-ways required.

Motion by Mr. Cox to approve the Sidewalk/Trail Plan as submitted. Second to motion by Mr. Thompson. Chair Algeo invited comment or discussion. There being none, the vote was called.

Motion passed unanimously.

→ *Dark Hollow Rd. & Fairway Dr. Bridge Repairs Bid – To Consider for Authorization to Advertise*

Mr. Seckinger stated that after receiving a grant to repair the Dark Hollow Rd and Fairway Dr bridges, the township hired McMahon and Associates to acquire all necessary permits and prepare the bid documents and plans. Currently, all necessary permits are acquired. The bid documents are prepared and ready to be advertised. McMahon recommends keeping the bid open until prior to the August meeting. Chris Seaman of Mahon and Associates is here tonight to answer any questions.

Mr. Seaman stated that the repairs will not involve any road closures, they have a timeline total of 90 days and any earth disturbance will be restored to its original condition upon completion.

Motion by Mr. Cox to authorize for advertisement the Dark Hollow Rd. & Fairway Dr. Bridge Repair bid. Second to motion by Mr. Thompson. Chair Algeo invited comment or discussion. There being none, the vote was called.

Motion passed unanimously.

→ *Resolution 2020-18: Destruction of Records*

Mr. Seckinger stated that in accordance with the Municipal Records Manual, the following records are recommended for destruction:

- Parks & Recreation receipts for 2011 - 2013
- Unused check stock for closed bank accounts
- Employment applications and background checks for un-hired applicants prior to 2017
- Cash receipts and deposit records- 2012
- Bank statement and reconciliations- 2012
- Check registers and bill payments- 2012
- Payroll timesheets and pay period reports- 2012
- General administrative email correspondence- 2015 and older

Motion by Mr. Cox to approve Resolution 2020-18 Destruction of Records. Second to motion by Mr. Thompson. Chair Algeo invited comment or discussion. There being none, the vote was called.

Motion passed unanimously.

→ *Resolution 2020-19: Disaster Declaration:*

Mr. Seckinger stated that due to the uncertainty of the state legislature and the Governor's office, Mary prepared the following resolution to ensure Warwick Township remains eligible for any reimbursements or funding as a result of the COVID-19 pandemic.

Motion by Mr. Cox to approve Resolution 2020-19 Disaster Declaration. Second to motion by Mr. Thompson. Chair Algeo invited comment or discussion. There being none, the vote was called.

Motion passed unanimously.

→ *Treasurer's Report for May 2020*

Real Estate Transfers posted \$41,780, Earned Income Taxes received \$476,695, Local Service Tax received \$36,672 and Building Permits posted \$21,006.

Fund balances for May 2020 are as follows, subject to audit:

General Fund	\$	12,871,145
Firehouse and Equipment	\$	717,923
Road Machinery Fund	\$	3,493
General Obligation / Sinking Fund	\$	652,063
Capital Projects Fund	\$	43,144
Highway Aid Fund	\$	518,466
Parks and Recreation	\$	618,650
Parks and Recreation Capital Fund	\$	584,512
Capital Reserve	\$	<u>243,140</u>
Total	\$	<u>16,252,536</u>

Motion by Mr. Thompson to approve the May 2020 Treasurer's Report as prepared by Becki Wilhelm, Finance Director, subject to audit. Second to motion by Mr. Cox. Chair Algeo invited comment or discussion. There being none, the vote was called.

Motion passed unanimously.

→ *Bill Payments 6-1-20 and 6-15-20*

Mr. Seckinger requested a motion to pay the bills for June 1, 2020, totaling \$230,828.38 and June 15, 2020, totaling \$1,080,309.65 as listed in the bill payment recap, subject to audit.

Motion by Mr. Thompson to approve the June 1, 2020 and June 15, 2020 Bill Payments, subject to audit. Second to motion by Mr. Cox. Ms. Algeo invited comment or discussion. There being none, the vote was called.

Motion passed unanimously

■ **SOLICITOR'S REPORT:**

→ *Stormwater Violation Appeal: Sklencar (1803 Arbor Ct.) – For Consideration*

Ms. Eberle stated that this is a hearing on the appeal of John Sklencar for violations of the Township's Stormwater Management and Grading Ordinance. The township will present their side then Mr. Sklencar will present his.

Nancy Ehrmann-Cheattle spoke for the township. Ms. Ehrmann-Cheattle stated that Mr. Sklencar has received multiple violation notices for discharging stormwater onto the property at 1801 Arbor Ct. Over the years, the township has worked with Mr. Sklencar to clear the violation, but Mr. Sklencar continues to move the discharge pipe to a location that violates the Ordinance. Mr. Sklencar does not have approval to discharge water onto the property at 1801 Arbor Ct.

Mr. Sklencar gave a packet out to the Board. He gave a brief background on his property as to when it was built and where the sump pump was originally supposed to be and why it was relocated. He feels he should never have been cited as he was discharging within 6 ft. of his house.

The Township Engineer's office has visited the property to investigate the complaints. According to Mr. Sklencar, the side of his house is so waterlogged that you just sink into the ground. The Engineer gave him some suggestions such as discharging the sump pump to the front lawn. Mr. Sklencar did move the sump pump to the front but had to relocate the discharge point back to the side yard due to the volume of water.

Mr. Sklencar went on to state that he feels all of this came about due to what he believes are illegal activities by his neighbor.

A discussion ensued regarding ideas the township engineer gave Mr. Sklencar to fix this issue such as installing a swale, installing a collection area or discharging to his front lawn. Mr. Thompson asked if Mr. Sklencar had ever tried to discharge to his back yard again and Mr. Sklencar stated he had but claimed his neighbor stole his pipe. It was noted that Mr. Sklencar did not physically see the pipe being stolen.

Rob Ciarciello, 1801 Arbor Ct., Stated that his house was the first house completed on Arbor Ct and that the discharge pipe was in the back to begin with and that Mr. Sklencar cut and moved it the side yard. Mr. Sklencar has moved it many times and this has been going on for over a decade now. He also stated that he did not steal Mr. Sklencar's pipe.

Ms. Eberle, Township Solicitor, stated that from a legal position, the Stormwater Management Ordinance requires a 20 ft. set back from the discharge point and that the existing set up must be complied with.

Ms. Algeo asked what the Boards' options are. Ms. Eberle stated that the Board can make him discharge 20 ft. from the property or extend the hearing and have him meet with the township engineer.

Chair Algeo, Mr. Cox and Mr. Thompson were all in agreement to continue the hearing and that Mr. Sklencar shall meet with the township engineer to devise a plan to alter the existing sump pump discharge point and bring the property into compliance with the Stormwater Management and Grading Ordinance.

■ **ENGINEER'S REPORT:** Moved above to consolidate agenda items.

■ **OLD BUSINESS:** None

■ **NEW BUSINESS:** None

■ **PUBLIC COMMENT:**

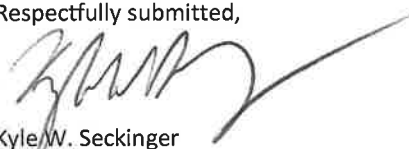
Ms. Algeo wishes to acknowledge that the last month in this country has been very difficult and is very proud of our police department and the policies and culture we have in place. What happened is horrible, but she is very proud of our community and the way they have come together. She encourages everyone to read Chief Goldberg's message to the community which is posted on the website.

■ **ADJOURNMENT:**

The June 15, 2020 Warwick Township Board of Supervisors' public meeting was adjourned at 8:26 p.m.

These minutes were approved at the
Board of Supervisors' meeting held: 7/20/20

Respectfully submitted,


Kyle W. Seckinger
Township Manager