

**WARWICK TOWNSHIP**  
Board of Supervisors' Public Meeting Minutes  
July 20, 2020

Members Present: John W. Cox, Vice Chairman  
Edward P. Thompson, Member

Absent: Judith A. Algeo, Esq

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' July 20, 2020, public meeting was called to order at 7:00 p.m., by John W. Cox, Vice Chair, who then led attendees in the pledge of allegiance.

**EXECUTIVE SESSION**

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

**APPROVAL OF MINUTES:**

→ Monday, June 15, 2020 Board of Supervisors' Meeting Minutes

**Motion by Mr. Thompson to approve the June 15, 2020 Board of Supervisors' Meeting Minutes. Second to motion by Vice Chair Cox.** Vice Chair Cox invited comment or discussion. There being none, the vote was called.  
**Motion passed unanimously.**

**ANNOUNCEMENTS:**

1. An electric vehicle charging station has been installed at the Township building for public use.
2. The next Movies in the Park is scheduled for August 1st. The movie is "Playing with Fire." No alternative location available in the event of inclement weather.
3. The permit amnesty period is currently running through September 8<sup>th</sup>. Get your permits in for work completed or started without a permit and receive no penalty fees.

**CITIZEN COMMENT:** None.

**MANAGER'S REPORT:**

→ ZHB 20-06: *American Cremation Services, Inc. (1859 Stout Dr.) – For Zoning Review*

Mr. Seckinger stated that American Casket & Funeral Supplies located at 1859 Stout Dr. currently operates as a crematory with wholesale of funeral supplies. The applicant seeks to expand into funeral home services limited to direct cremations. In order to do so, they would require a zoning variance. They are scheduled for the August Zoning Hearing Board meeting.

Brice McGuigan of Begley, Carlin and Mandio, LLP was here on behalf of the applicant. He agreed with Mr. Seckinger's brief description. He went on to explain that for his applicant to stay competitive in this business he needs to be able to offer direct cremations which has become approximately 70% of the cremation business in today's market. Pennsylvania states that if someone wants to have a direct cremation, they must do so by a

funeral home. This application is seeking a variance for a funeral home as an accessory use. They are proposing the minimum needed in order to do so and would not be making changes to the outside of building or the property. This will allow them to compete with the other funeral home businesses. It was stated that nothing will change about what they can/cannot cremate, and they will continue to comply with the 1987 Zoning Hearing Board decision. They will not require any extra parking because they will not be advertising that they provide funeral services. This is only so that they can offer direct cremation.

Both Mr. Cox and Mr. Thompson stated that they do not oppose the application.

→ *Act 537 Plan Revision Update*

Mr. Seckinger explained that during the DEP's review of our draft plan, they directed us to further review the Germinal Colony and Valley Road sections of Warwick Township. Ebert Engineering drafted a low-pressure sewer service plan and cost estimate for these two sections which are currently operating with on-lot septic systems. Mr. Ebert is looking for feedback from the Board in reference to inclusion of these plans into the overall Act 537 plan prior to resubmitting to the DEP for approval.

Mr. Ebert of Ebert Engineering explained that the DEP wanted the township to review in more depth the Germinal Colony and Valley Road sections of the Plan.

Ebert Engineering has drafted construction cost estimates and established triggers as to when the township would be required to extend public sewer into these sections of the township. Including the Germinal Colony and Valley Road plans into the Act 537 plan will make it easier for property owners to extend public sewer to their properties since only a construction permit will be required instead of a submission back to the DEP.

Mr. Ebert went over the cost estimate and trigger points for the implementation of the public sanitary sewer system and how organic growth would work. Mr. Ebert stated that the Germinal Colony and Valley Road plans will allow for an organic transition to public sewer in lieu of a mandatory connection ordinance.

Mr. Ebert is looking for approval to incorporate the Germinal Colony and Valley Road plans into the overall Act 537 plan.

**Motion by Mr. Thompson to accept the recommendations by Mr. Ebert and incorporate into the overall Act 537 plan.**

**Second to motion by Vice Chair Cox.** Vice Chair Cox invited comment or discussion. There being none, the vote was called. **Motion passed unanimously.**

→ *Bucks County Consortium 2020/2021 Fuel Bid – To Consider for Award*

Mr. Seckinger explained that the Bucks County Consortium coordinated the 2020/2021 Fuel Bid again this year. The lowest bidder in the 5,999 or less gallons per delivery category for both Ultra Low Sulfur Diesel and Unleaded Regular Gasoline is Riggins Inc. Mr. Seckinger recommended awarding the 2020/2021 fuel bid to Riggins Inc.

**Motion by Mr. Thompson to approve awarding the 2020/2021 Fuel Bid to Riggins Inc.**

**Second to motion by Vice Chair Cox.** Vice Chair Cox invited comment or discussion. There being none, the vote was called. **Motion passed unanimously.**

→ *Workers' Compensation Policy #GEN-04 – To Consider for Approval*

Mr. Seckinger stated that staff have revised the Workers' Compensation policy to clearly dictate when PTO is to be used, employee union dues responsibility, and a few other clarifiers.

**Motion by Mr. Thompson to approve Workers' Compensation Policy #GEN-04**

**Second to motion by Vice Chair Cox.** Vice Chair Cox invited comment or discussion. There being none, the vote was called. **Motion passed unanimously.**

→ *Treasurer's Report for June 2020*

Real Estate Transfers posted \$28,984, Earned Income Taxes received \$348,717, Local Service Tax received \$7,399 and Building Permits posted \$22,873.

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

General Fund	\$	12,433,625
Firehouse and Equipment	\$	706,293
Road Machinery Fund	\$	7,128
General Obligation / Sinking Fund	\$	556,871
Capital Projects Fund	\$	79,132
Highway Aid Fund	\$	108,560
Parks and Recreation	\$	617,250
Parks and Recreation Capital Fund	\$	590,052
Capital Reserve	\$	<u>243,181</u>
Total	\$	<u>15,342,092</u>

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

→ *Bill Payments 7-6-20 and 7-20-20*

Mr. Seckinger requested a motion to pay the bills for July 6, 2020, totaling \$159,865.51 and July 20, 2020, totaling \$179,352.80 as listed in the bill payment recap, subject to audit.

**Motion by Mr. Thompson to approve the July 6, 2020 and July 20, 2020 Bill Payments, subject to audit. Second to motion by Vice Chair Cox.** Vice Chair Cox invited comment or discussion. There being none, the vote was called. **Motion passed unanimously.**

■ **SOLICITOR'S REPORT:**

→ *Nancy's Farm (585 W. Bristol Rd.) Stipulation Agreement – To Consider for Approval*

Ms. Eberle stated that the Township has been negotiating for the past year to come to a resolution on the expanding activities at this site. This agreement sets parameters defining what is there now and sets limits on future business expansion. There are also buffering requirements which Nancy's Farm must meet within an established timeline.

**Motion by Mr. Thompson to approve the Stipulation Agreement for Nancy's Farm. Second to motion by Vice Chair Cox.** Vice Chair Cox invited comment or discussion. There being none, the vote was called. **Motion passed unanimously.**

→ LD 15-01: York Road BLADCO (2029 York Rd.) – Maintenance Agreement for PennDOT HOP – To Consider for Approval

Ms. Eberle stated that PennDOT requires that municipalities be co-permittees on highway occupancy permits for stormwater management facilities located in a right-of-way. To assign the property owner as the responsible party for perpetual maintenance, the township prepared a maintenance agreement for execution. There are very minor improvements located within the right-of-way. Normally, an agreement would require an escrow holding 10-20% of construction costs. In this case, that would be a nominal sum; therefore, this agreement was drafted with a one-time fee of \$1,500.

**Motion by Mr. Thompson to approve Maintenance Agreement for PennDOT HOP. Second to motion by Vice Chair Cox.** Vice Chair Cox invited comment or discussion. There being none, the vote was called.  
**Motion passed unanimously**

→ Stormwater Violation Appeal: Sklencar (1803 Arbor Ct.) - Continuance

Ms. Eberle stated that at the last meeting of the Board of Supervisors, Mr. Sklencar presented his appeal to a violation notice which cited him for discharging stormwater, specifically from his sump pump, in violation of township ordinances. At that time the Board of Supervisors agreed to continue the hearing so that the Township Engineer and Ms. McKeever could go to the site, meet with Mr. Sklencar and offer him some suggestions on how to come into compliance. Mr. Sklencar was not agreeable to the suggestions offered by the Township Engineer or Ms. McKeever. Ms. Fountain, Township Engineer, suggested that Mr. Sklencar hire a survey company to find out exactly where his property lines are. Mr. Sklencar has not hired a surveyor. Therefore, township staff recommends that the Board of Supervisors deny the appeal.

Mr. Sklencar stated that he disagrees with Ms. Eberle's statement. He stated that Ms. Fountain came out to his property and ruled out all options for gravity solutions. Mr. Sklencar stated that Ms. Fountain previously suggested that he run a line to the front of his property discharging towards the street. He stated that he did this, but it caused icing issues in the winter. Mr. Sklencar stated that he was on vacation July 3<sup>rd</sup>, but that he recently reached out to three surveying companies for property surveys and the costs came in at \$3,000 and \$1,500. He was told that he needed to, at least, have a signed contract by today and he does not.

Mr. Sklencar raised issues regarding his neighbor's activities. At this time, Ms. Eberle stated that staff recommends that the Board of Supervisors do not engage in the issues between Mr. Sklencar and his neighbor but encourage Mr. Sklencar to come into compliance regarding his violation. Ms. Eberle stated that staff thinks Mr. Sklencar is using these issues to deliberately delay the outcome.

Mr. Cox stated that at this point the Board has two options: either find Mr. Sklencar in violation and Mr. Sklencar can have his chance in court to defend himself, or continue the hearing for one more month to allow Mr. Sklencar the opportunity to produce a survey and generate an action plan.

Mr. Sklencar stated that he could discharge to his front yard for 9 months of a year and move the discharge point to the original as-built location for the other 3 months.

Mr. Seckinger stated that any plan Mr. Sklencar has would need to be formally submitted to the Township Engineer for review and approval.

Ms. Fountain stated that she never told Mr. Sklencar that a gravity solution would not work but that getting a topographical survey would help him figure out what type of solution could be used.

Vice Chair Cox and Mr. Thompson agreed to continue the hearing one last time to allow for Mr. Sklencar to obtain a survey and submit a possible solution to the Township Engineer for review and approval. If this is not completed to the satisfaction of the Township Engineer and Staff by the August Board of Supervisors meeting, the hearing will not be continued again.

■ **ENGINEER'S REPORT:**

→ *LD 04-13: Ridings @ Warwick Phase I (Dark Hollow Rd.) – To Consider Authorization of Bid Advertisement*

Ms. Fountain stated that the last formal punch list was issued in May 2018. Referring to the punch list, any items that can be done "in-house" have been excluded from the contract. The bid document before you includes milling and overlay for the existing trail along Zachary Ln., installation of street trees and tree replacement, dead tree removal in the open space, trail crack sealing, trail reconstruction and the installation of a crosswalk. There will also be an Alternate/Add-On to include wooden guiderail or a post-and-rail fence along Zachary Ln. There is only approximately 1-2 feet between the road and path. This has been identified by staff as a potential safety concern and has been an ongoing maintenance issue since cars routinely go off-road and cause ruts.

There was discussion as to how the trees would be cut, at 6 feet or ground cut. Ms. Fountain stated she will check before advertising the bid.

**Motion by Mr. Thompson to authorize the advertisement of the bid for LD 04-13: Ridings @ Warwick Phase I (Dark Hollow Rd.). Second to motion by Vice Chair Cox.** Vice Chair Cox invited comment or discussion. There being none, the vote was called.

**Motion passed unanimously.**

→ *Resolution 2020-21 for LD 15-01: York Road BLADCO (2029 York Rd.) – PennDOT Highway Occupancy Permit*

Ms. Fountain stated that this is similar to what Ms. Eberle spoke of previously in regard to a maintenance agreement for stormwater improvements within the York Road right-of-way. A highway occupancy permit is required to install those stormsewer facilities in the right-of-way.

**Motion by Mr. Thompson to approve Resolution 2020-21 for LD 15-01: York Road BLADCO (2029 York Rd.) – PennDOT Highway Occupancy Permit. Second to motion by Vice Chair Cox.** Vice Chair Cox invited comment or discussion. There being none, the vote was called.

**Motion passed unanimously**

→ *LD 14-05: Stony View (Bristol Rd. & Stony Rd.) – To Consider Maintenance Period Escrow Release*

Ms. Fountain stated that a punch list was submitted in June and the property was re-inspected in the beginning of July. The three outstanding items have been resolved. Ms. Fountain was notified just recently that a street tree at lot 3 has died. She has been in contact with the Developer and the tree will be replaced as soon as seasonally possible.

**Motion by Mr. Thompson to approve LD 14-05: Stony View (Bristol Rd. & Stony Rd.) Maintenance Period Escrow Release contingent upon the dead street tree at Lot 3 being replaced. Second to motion by Vice Chair Cox.** Vice Chair Cox invited comment or discussion. There being none, the vote was called.

**Motion passed unanimously.**

→ LD 03-08: Heritage Creek II: Woodlands at Warwick (Memorial Dr.) – Escrow Release #4

Ms. Fountain stated that CKS is recommending escrow release #4 in the amount of \$31,526.00

**Motion by Mr. Thompson to approve LD 03-08: Heritage Creek II: Woodlands at Warwick (Memorial Dr.) – Escrow Release #4 in the amount of \$31,526.00. Second to motion by Vice Chair Cox.** Vice Chair Cox invited comment or discussion. There being none, the vote was called.

**Motion passed unanimously.**

→ LD 04-04: Warwick Office Park (Kendarbren Dr.) – Escrow Release #16

Ms. Fountain stated that CKS Engineers is recommending the Board deny the requested escrow release, or in the alternative, postpone the release of Escrow Release #16 until such time as a revised cost estimate with current unit prices for the remaining items to be completed is submitted to CKS Engineers for review and approval in accordance with the Development Agreement due to the following: The Development Agreement dated in 2010 required completion within 18 months. The current tabulation is more than ten years old and CKS Engineers cannot accurately determine the current value of the remaining items until they submit a current construction cost estimate.

**Motion by Mr. Thompson to deny , or in the alternative, to postpone LD 04-04: Warwick Office Park (Kendarbren Dr.) Escrow Release #16 until such time as a revised cost estimate with current unit prices for the remaining items of work is submitted to CKS Engineers for review. Second to motion by Vice Chair Cox.** Vice Chair Cox invited comment or discussion. There being none, the vote was called.

**Motion passed unanimously**

■ **OLD BUSINESS:**

Mr. Seckinger gave an update regarding the trails. There are two trail connections that will be able to get done this year, as we have enough allocated funds. Mr. Sharapan, Parks and Recreation Director, and Mr. Rambo, Public Works Director, are working on which trails to include in the 2021 budget. They are going to identify trail connections that are in the township right-of-way or are on township property, and ones that public works will be able to complete in-house.

■ **NEW BUSINESS:** None

■ **PUBLIC COMMENT:** None

■ **ADJOURNMENT:**

The July 20, 2020 Warwick Township Board of Supervisors' public meeting was adjourned at 7:58 p.m.

Respectfully submitted,

  
Kyle W. Seckinger  
Township Manager

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