

**WARWICK TOWNSHIP**  
Board of Supervisors' Public Meeting Minutes  
**August 17, 2020**

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

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' August 17, 2020, public meeting was called to order at 7:00 p.m., by Judith Algeo, Chair, who then led attendees in the pledge of allegiance.

**EXECUTIVE SESSION**

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

**APPROVAL OF MINUTES:**

→ Monday, July 20, 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.** Chair Algeo invited comment or discussion. There being none, the vote was called. **Motion passed 2-0, Chair Algeo abstained.**

**ANNOUNCEMENTS:**

1. Reminder: 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.
2. The Movie in The Park Series will feature Frozen II on Wednesday August 19<sup>th</sup> at dusk.

**CITIZEN COMMENT:** None

**MANAGER'S REPORT:**

→ LD 20-02: Kampus Klothes (Warwick Business Campus, Lots 15-16) – New Construction Sketch Plan Review

Mr. Seckinger stated that on June 15<sup>th</sup>, 2020, Warwick Township received a sketch plan submission by Kampus Klothes. The applicant proposes to construct a 50,000 sq. ft. building on lots 15 & 16 of the Warwick Business Campus. The use of the building would be warehousing.

On August 5<sup>th</sup>, 2020, the applicant presented their sketch plan to the Planning Commission. The Planning Commission was satisfied with the reconfiguration of the building which will remove the building from the deed restricted open space.

The application is before the Board of Supervisors seeking sketch plan feedback.

Dan Lyons of Obermayer Rebmann Maxwell & Hippel LLP was here on behalf of the applicant. Mr. Lyons stated that the applicant has reduced the building to 42,000 sq. ft. which removes it from the deed restricted open space. According to the township ordinance, the applicant would need 140 parking spaces. The applicant has proposed 100. Mr. Lyons stated that if they break down the uses in the building as suggested by the Planning Commission, ie: manufacturing, warehouse, etc. they will fall within what is required and no longer need a parking variance.

The Board took no opposition to their application.

→ ZHB 20-12: Knyaz (875 Bristol Rd.) – Minor Subdivision Zoning Review

Mr. Seckinger stated that the applicant proposes to subdivide the property at 875 W. Bristol Road into two lots. Lot #1 has an existing single-family dwelling and two accessory structures. Lot #2 is proposed as a vacant lot. A Land Development application will need to be submitted

The applicant is requesting the following variances:

From Article III §195-16.B(1)(a)[2] of the Warwick Township Zoning Ordinance:

- To permit a minimum lot area of 15,000 square feet where 20,000 square feet is required. (lot #1)
- To permit a minimum lot width of 66 feet where a 100 feet is required. (both lots)
- To permit a maximum impervious surface of 55%, where the maximum impervious surface is 30%. (lot #1)
- To permit a minimum side yard of 10 feet where 20 feet is required. (lot #1)

John Koutsouros of Carroll Engineering Corp. was here on behalf of the applicant. Mr. Koutsouros stated that they are looking to subdivide the property as stated on the original deed. Currently, there is a single-family home and a garage on lot #1, the second accessory structure has been taken down. Mr. Koutsouros gave some square footages of the surrounding properties and believes that all five properties in that row are non-conforming.

At Mr. Thompson's request, Mr. Seckinger went on the Bucks County GIS site and looked up the actual acreage for each adjacent property discussed.

The applicant stated that in the future they are looking to put a single-family home on lot #2 and if/when that were to happen the second lot would need its own driveway.

The Board took no opposition to the application.

→ ZHB 20-13: WARWICKCOM1, LLC (1770 Kendarbren Dr. Suite 200) – School Use for Zoning Review

Mr. Seckinger stated that the applicant intends to lease 1770 Kendarbren Drive, Suite 200 to Galena Autism and Behavioral Services (GABS). GABS Academy will serve students who are pre-kindergarten and elementary school age (between 4 and 13 years old). The facility will be licensed by the PA Board of Education.

The applicant is requesting the following Variances:

- 1) To permit a C3 School in a F4 Business Park.
- 2) To permit a school that will be operated as a private, gainful business.
- 3) To permit a school that does not take access from an arterial or collector highway.
- 4) To permit a school that does not meet the area and dimensional requirements of this Section so as to facilitate the ability of the school to be located within the Warwick Office Park.
- 5) To permit the establishment of a school in the Warwick Office Park without the necessity of compliance with the buffer requirements of Section 195-63.
- 6) To permit the school to utilize shared parking rather than establishing separate parking facilities in compliance with Section 195-16.C(3)(e).

John VanLuvanee of Eastburn and Gray was here on behalf of the applicant. Mr. VanLuvanee stated that the school would be servicing mainly children from Central Bucks, Council Rock and Pennridge School Districts. These are children with special needs that the schools cannot adequately serve. The maximum number of students at the school would be 70 although the first year they are looking at approximately 20 students. The school would be regulated by the Department of Education.

Ms. Algeo brought up the question of safety requirements since there is another business similar to this in the township which generates a high volume of police calls.

Ms. Garrido, owner of GABS, stated that the front and rear doors will always remain locked. You can only get in the front door or exit by being "buzzed" in/out by the receptionist. The rear door has a switch located up high that the teacher must flip for the door to open.

Ms. Garrido also explained that there will be a small fenced-in playground, that meets the Department of Education standards. Only a few of the children will go into the playground at one time.

Greg Mester of Fairway Drive stated he is concerned with this use being in an office park. Ms. Eberle replied that Mr. Mester's comments would be better suited for the Zoning Hearing Board meeting.

Mr. Seckinger asked if the parking lot is paved or would it be paved before the tenant occupied the space?

Mr. Scanlan, applicant and business park owner stated that the parking lot would be fully top coated before occupancy takes place.

The Board took no opposition to the application.

→ *Resolution 2020-22: PennDOT Master Caster Agreement – To Consider Approval*

Mr. Seckinger explained that this agreement permits PennDOT to incorporate township owned facility reconstruction or relocation in any PennDOT project on state roads within Warwick Township. We would still reserve the opportunity to opt in or out, depending on the project and situation. Generally, this is more applicable for our water and sewer authority; however, it's possible we could have underground utilities in a PennDOT right of way.

The duration of the agreement would be from October 1, 2020 to September 30, 2029.

**Motion by Mr. Thompson to approve Resolution 2020-22: PennDOT Master Caster Agreement. Second to motion by Vice Chair Cox.** Chair Algeo invited comment or discussion. There being none, the vote was called.  
**Motion passed unanimously.**

→ *Comcast Cable Franchise Agreement Ordinance – Consider for Advertisement*

Mr. Seckinger explained that after a yearlong negotiation with Comcast, we have a tentative agreement in place to extend the Comcast cable franchise agreement for 10 years. The tentative agreement expands the eligible revenue sources to 25 and language to capture future, unknown technology; contains expansive customer service standards; right of way protection and restoration; expansion of services to areas with a minimum of 25 residential units within one linear aerial mile; educational and government channels (as-is); a \$14,300 grant for cable channel upgrades; and free cable services to public buildings.

It is expected that the agreement will maintain revenue at a 0 to -1% decrease per year over 10 years. Mr. Thompson asked for clarification on the reference to Central Bucks High School South found in the agreement. Ms. Eberle responded that the reference is for cable channel origination, not the free cable service. Mr. Seckinger stated that he would confirm the free cable list is complete and report back to the Board.

**Motion by Mr. Thompson to approve the Comcast Cable Franchise Agreement Ordinance for Advertisement. Second to motion by Vice Chair Cox.** Chair Algeo invited comment or discussion. There being none, the vote was called.

**Motion passed unanimously.**

→ *Amended Act 537 Sewer Services Plan – Consider for Advertisement*

Mr. Seckinger stated that Tina Ruble of Ebert Engineering is here to discuss the amended Act 537 plan. If the Board is satisfied with the plan, you may consider it for advertisement.

Ms. Ruble stated that the amended plan before the Board this evening includes their requested changes presented at last month's Board of Supervisors' meeting.

The question of monitoring and reporting for Germinal Colony and Valley Road arose. Ms. Ruble clarified that the township will monitor the two added developments and then report every 6 years.

**Motion by Mr. Thompson to approve the Amended Act 537 Sewer Services Plan for Advertisement. Second to motion by Vice Chair Cox.** 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 Award*

Mr. Seckinger stated that the lowest responsible bidder for the Dark Hollow Road & Fairway Drive bridge repairs project is CirLon Corp at \$239,553.60. The construction estimate for the project was \$297,906. The engineering services estimate is \$73,800, plus \$20,000 in construction inspection services. This project will be substantially funded by a DVRPC bridge grant in an amount not to exceed \$322,247.

Anticipated completion is this fall.

**Motion by Mr. Thompson to award the Dark Hollow Rd. & Fairway Dr. Bridge Repairs Bid to CirLon Corp in the amount of \$239,553.60. Second to motion by Vice Chair Cox.** Chair Algeo invited comment or discussion. There being none, the vote was called.

**Motion passed unanimously.**

→ *Resolution 2020-23: Alternative Restaurant Uses During COVID-19*

Mr. Seckinger stated that this is a resolution authorizing the temporary waiver of the enforcement of applicable provisions of the Warwick Township Zoning Ordinance in order to permit existing restaurants to conduct outdoor dining and outdoor drive-in movie viewing associated with a restaurant use.

A discussion ensued regarding whether the restaurants could still have indoor dining while showing outdoor movies. Mr. Seckinger stated that with the Governor's order restricting indoor dining to 25%, some restaurants are not even opening inside. One restaurant in the township that would like to do this, has stated they would not have the staff to do both.

**Motion by Mr. Thompson to approve Resolution 2020-23: Alternative Restaurant Uses During COVID-19. Second to motion by Vice Chair Cox.** Chair Algeo invited comment or discussion. There being none, the vote was called.  
**Motion passed unanimously.**

→ *Treasurer's Report for July 2020*

For the month of July 2020, expenditures outpaced revenues by \$292,073. Real Estate Transfers posted \$27,744, Earned Income Taxes received \$227,656, Local Service Tax received \$3,855 and Building Permits posted \$24,086.

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

General Fund	\$	12,179,438
Firehouse and Equipment	\$	693,372
Road Machinery Fund	\$	9,777
General Obligation / Sinking Fund	\$	569,185
Capital Projects Fund	\$	70,014
Highway Aid Fund	\$	108,612
Parks and Recreation	\$	583,248
Parks and Recreation Capital Fund	\$	593,152
Capital Reserve	\$	<u>243,221</u>

Total      \$ 15,050,019

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

→ *Bill Payments 8-3-20 and 8-17-20*

Mr. Seckinger requested a motion to pay the bills for August 3, 2020, totaling \$115,793.01 and August 17, 2020, totaling \$184,244.29 as listed in the bill payment recap, subject to audit.

**Motion by Mr. Thompson to approve the August 3, 2020 and August 17, 2020 Bill Payments, subject to audit. Second to motion by Vice Chair Cox.** Chair 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.) - Continuance*

Ms. Eberle stated that after holding two hearings on this matter, Mr. Sklencar withdrew his application for appeal this afternoon. The staff will move forward with the citation.

→ *ZHB 20-04: LabCorp (2319 York road) – Stipulation and Settlement Agreement – Consider for Approval*

Ms. Eberle presented a Stipulation to settle the outstanding Land Use Appeal filed from the LabCorp Zoning Hearing Board decision. The Stipulation proposes to allow additional signs on the door but not the windows. The applicant has agreed to the terms, generally, and the wording is being finalized. Ms. Eberle asked for the Board to approve the Settlement Stipulation on terms substantially similar to the agreement proposed tonight.

**Motion by Mr. Thompson to approve the Stipulation and Settlement Agreement substantially similar to the agreement presented tonight for ZHB 20-04: LabCorp (2319 York Road). Second to motion by Vice Chair Cox.** Chair Algeo invited comment or discussion. There being none, the vote was called.

**Motion passed unanimously.**

■ **ENGINEER'S REPORT:**

→ *LD 04-13: Ridings @ Warwick Phase I (Dark Hollow Rd.) Completion Bid – For Award*

Ms. Fountain stated that four (4) bids were received for the completion of the improvements in the Ridings Phase I development. The low bid was received by Gore Con, Inc. for both the base bid and the base bid with each Alternate/Add-on. Gore Con's base bid was in the amount of \$79,923.00. The amount of their bid including the base bid and Alternate/Add-on No. 1 (wood guiderail) is \$127, 891.75. This is the option desired by staff. The amount of their bid including the base bid and Alternate/Add-on No. 2 (post and rail fence) is \$97,423.00.

Mr. Seckinger stated that the account has a balance of \$211,965 to complete the improvements. CKS Engineers estimates that construction management will cost \$10,000 and construction inspections will cost \$15,000. Therefore, the account can support the base bid with Alternate/Add-on No. 1 and the subsequent engineering costs.

There was some discussion regarding the wood guiderail. It was clarified that it would be the same type of guiderail that is currently installed between the parking lot and the basketball courts at the Township Building.

**Motion by Mr. Thompson approve for Award the LD 04-13: Ridings @ Warwick Phase I (Dark Hollow Rd.) Completion bid to Gore Con, Inc for the base bid and Alternate/Add-on No. 1 in the amount of \$127,891.75. Second to motion by Vice Chair Cox.** Chair Algeo invited comment or discussion. There being none, the vote was called.

**Motion passed unanimously.**

■ **OLD BUSINESS:**


Vice Chair Cox inquired about the paving for Mearns Road. Mr. Seckinger stated that the potholes have been filled and PennDOT has stated that they will be doing some cutting, milling and repaving on certain sections of the road. If PennDOT stays on the schedule given, this should take place next week.

- **NEW BUSINESS:** None
- **PUBLIC COMMENT:** None
- **ADJOURNMENT:**

The August 17, 2020 Warwick Township Board of Supervisors' public meeting was adjourned at 7:52 p.m.

Respectfully submitted,

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

  
Kyle W. Seckinger  
Township Manager