

**WARWICK TOWNSHIP**

Board of Supervisors' Public Meeting Minutes  
**May 21, 2018**

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

Others Present: Kyle Seckinger, 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' May 21, 2018 public meeting, held at Warwick Township Administration Office, 1733 Township Greene, Jamison, PA., was called to order at 7:00 p.m., by Judith Algeo, Chair, who then led attendees in the pledge of allegiance.

■ **APPROVAL OF MINUTES:**

⇒ Monday April 16, 2018 Board of Supervisor Meeting Minutes

**Motion by Mr. Cox to approve the Monday, April 16, 2018 Board of Supervisors' Meeting Minutes, as submitted.**

**Second to motion by Mr. Thompson.**

Chair Algeo invited comment or discussion. There being none, the vote was called.

**Motion passed unanimously.**

■ **EXECUTIVE SESSION**

The Board of Supervisors' met in executive session prior to this evenings meeting to discuss matters of litigation.

■ **ANNOUNCEMENTS:**

1. The Township will be closed Monday, May 28<sup>th</sup> in observance of Memorial Day
2. The Administration and Parks and Recreation Departments will begin summer hours of 7am – 3 pm beginning Tuesday, May 29<sup>th</sup> through Labor Day.
3. Harris Paving will begin work on the road program starting May 29<sup>th</sup> beginning with Creek Road, Stony Road, Guinea Lane and Katydid Court.

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■ **CITIZEN COMMENT:**

- Greg Mester, 1776 Fairway Dr. – Mr. Mester, confirmed spokesperson for Sovereign Estates, read from a list of concerns the residents of Sovereign Estates has regarding the "Recovery House" located at 1824 Fairway Drive.

Concerns: (as listed on handout)

1. The community is concerned about having one of our homes dedicated to the people who are recovering from Drug and Alcohol Addiction as this is where we live, and our children live and play.
2. Apparently, there is no one immediately responsible for monitoring the activities that take place in the home. Our community is made up almost completely of homeowners who live in the home and have control of the occupants of the home and the activities that take place. When the community has a problem with the home, the owner is contacted and requested to take corrective action to mitigate the concern.
3. We are also concerned about who is financing this home and providing the facilities required to stay or live at the home.
4. We also understand that the people using this facility are only temporarily given the approval to live in this home and are very concerned about the transient nature of the residents. Who monitors this activity and who are the people to contact if there is a problem? The documents provided according to the Certificate of Occupancy Rental "Transient tenants are not permitted." According to the Avenues website they offer programs of various lengths and it seems that a new set of renters will be in and out of the home on a regular basis. Would like to know who lives there, what are they doing, and what have they done to be there.
5. Also, Sovereign Estates is zoned as RA (Residential/Agricultural). If The Avenues is transporting clients to this house every day for group counseling sessions, the property used for this activity would need to be zoned commercial.
6. We have also observed that this home has many arrivals in vans and cars after dark and they quickly enter the home. Who is responsible for assuring that the number entering the home can be accommodated and that adequate facilities are being provided?
7. Would you please take whatever actions that the Township can implement to offer security and protection to the residents of Sovereign Estates.

There was some discussion back and forth regarding the above comments.

Mr. Seckinger stated that he had given Mr. Mester the contact name and number for the person at the Avenues in regards to this house. In regards to where the financing came from for the property, it is a private person that purchased and owns the home. The township has been told

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that the people living have signed a 1 year lease, which makes them "non-transient". Mr. Seckinger stated that he had provided them with copies of the tenant registrations and Certificates of Occupancy.

A question arose regarding inspections, Mr. Seckinger stated that all required inspections have been done and passed in order to receive the Use & Occupancy Certificate, which he provided copies of to Mr. Mester.

In regards to people coming and going at all hours – from what the township understands, the vans/cars come approximately 3 times per day to take the residents to different places.

Mr. Seckinger stated the Township contact for this issue is our Zoning Officer, Ashley Casey, and she has the contact information for The Avenues.

Mr. Seckinger explained that a state law was passed in 2017 that if a recovery facility is receiving state or federal funding then they must register with the state. If they are not receiving any state or federal funding then they are not required to do so. As this is privately funded, they do not have to register.

Ms. Eberle, Township Solicitor, also explained that the township must work within a framework and people in sober homes/ recovery homes have the right to be treated like any other family, no different. There are severe penalties to the Township if found violating the Fair Housing Act. The township cannot just go and ask people living there for a background check. As with any group living together, they have an obligation not to disrupt their neighbors and the Township can address that if they do, but not just because they are living there.

- Adam Zazula, 1784 Fairway Dr. – Stated that he saw on the townships website that there was a "blurb" about Robins Nest and was wondering why there was nothing about this house. Mr. Seckinger stated that Robins Nest needed zoning relief so they were on the Zoning Hearing Board agenda which is on the website. Mrs. Algeo elaborated that Robins Nest is also what is called a Land Development, not a residential home. Mr. Zazula questioned why part of his Right-to-Know Request was denied and Mr. Seckinger stated that it was because the Zoning Officer's working notes are not public per the Right-to-Know law. Mr. Zazula asked why there is a lock box on the front door. Mr. Seckinger stated that the township cannot answer that. It would be a question for the owner.

- Sherin Chacko, 2253 Sandtrap Road – His house backs up to the house on Fairway Dr. and he is wondering if any inspections were done on the property since the remodeling that they have done. Mr. Seckinger asked when he was speaking of and Mr. Chacko stated around November/December. Mr. Seckinger stated that there have been a few inspections since then. Mr. Chacko does not like having a "recovery house" right behind him while he is raising his kids. He feels that this will bring down his property value and that no one will want to purchase their homes if they chose to sell.

Ms. Algeo stated that she understands that the residents don't want it there but she does not have an answer for them. Ms. Eberle stated that township cannot evict the people from that

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home just because other residents don't want them there. Ms. Eberle explained that the Federal court struck down ordinances that regulated where these "homes" were allowed to be located.

- Floyd Bradley, 1792 Fairway Dr. – Feels that all he has heard tonight is excuses and that no one sitting up there tonight has one on their block. Ms. Eberle and Ms. Algeo corrected Mr. Bradley in that they both have a recovery house in close proximity to where they live. He is upset because he feels the value of his property has gone down because of the "recovery house", but his taxes will not be reduced. Mr. Bradley feels that with the "recovery house" there he can no longer walk up and down his street.

- John Pender, 1720 Fairway Dr. – Stated that a positive thing to come from all of this is that it has brought the neighbors together. Mr. Pender had thought of purchasing this home himself but felt it needed too much work as the gentleman that owned it do not do much upkeep. He has seen at least 4 different cars and many different girls. He feels that if someone had spoken to the neighbors and said that they would be the one in charge, it may have been a little different. He feels that with there being no "ownership" it creates a lot of these issues.

Ms. Algeo asked if any of the residents have spoken with the Avenues, they stated they have not.

Mr. Seckinger asked that if the township can organize a meeting between the Avenues of Recovery and the community so that they could have a chance to ask their questions, would they be interested. The Sovereign Estates residents collectively agreed.

Mr. Cox stated that the Township will do what they can but their avenues are limited.

- Amy Miller, 1737 Fairway Dr. – is questioning the definition of a "transient tenant" as it states on the Use & Occupancy Certificates for the property that they are not allowed. If they find that these women are no longer living there, and new people are does that mean they have a leg to stand on? Ms. Eberle explained that the legal standard is, are they living as a family? In families sometimes people move out, this does not mean they are not a family. It would have to be more than one or two.

- Shawn Gallagher – 1704 Fairway Dr. – After speaking to his friend that is a "zoning commissioner" in another area, he has some questions. Does the owner need a license to rent to a transient tenant? Mr. Seckinger stated he only needs a Rental Use & Occupancy Certificate. Mr. Gallagher brought up some other issues such as the condition of the existing deck and what certain codes meant. Ms. Algeo stated they could not answer those questions without having the file in front of them. Mr. Seckinger suggested that he call the Planning & Zoning Department tomorrow and they would be able to pull the file and help him with his questions.

Ms. Algeo stated that she understands that this frustrating for the residents and to feel free to call the township whenever they feel they need to.

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■ **MANAGER'S REPORT:**

⇒ LD 17-03: Robin's Nest – Final Plan Approval & Sewage Planning Module Resolution 2018-18 (800 Almshouse Road)

Mr. Seckinger explained that on March 5<sup>th</sup> 2018, Warwick Township received a final plan application submitted by Robins Nest Properties LLC proposing to construct a 5,304 s/f building addition, a 5,120 s/f pole barn and parking lot. The applicant proposes to operate a micro-brewery with a tasting room; utilizing the A1 General Agriculture primary use, the A2 Farm Unit accessory use and the A3 Agricultural Retail accessory use. The plan reviewed was prepared by Holmes Cunningham Engineering dated September 8, 2017, last revised on February 28, 2018.

The applicant received conditional preliminary plan approval at the December 18<sup>th</sup> 2017 Board of Supervisors meeting and, the applicant already received a recommendation for preliminary/final approval at the December 6<sup>th</sup> 2017 Planning Commission meeting with conditions.

Mr. Blackburn from Wisler Pearlstine, was here on behalf of the applicant. Mr. Blackburn expanded on the description of the property and the planned use that Mr. Seckinger had given. Mr. Blackburn stated that they have been working on getting all of the outside permits that are needed and will be submitting all planning module pieces shortly. He stated that there will be a conditional note on the plan that if there were to be a large event they will need to get special traffic control and that the township will not be responsible for the culvert.

Mr. Cox asked about the items in the April 6<sup>th</sup> CKS Letter and Mr. Blackburn stated that they will comply with all items in the letter.

Mr. Thompson asked about the woodlands restrictions. Mr. Blackburn stated that they are not proposing a greater disturbance than what is allowed. The applicant is just under the allowed 20%. The applicant would prefer the woodlands not be restricted but understand that there would be restrictions on what could be disturbed if they were to come back. Mr. Thompson also stated that the light poles should be 12 ft. not 14 ft. Mr. Blackburn stated that this is a will comply.

Mr. Cox asked if the applicant was making sure to address the concerns of the neighbors, in particular Mr. Wolf. The applicant stated that they are and that there would be an enhanced buffer along Mr. Wolf's property.

Mr. Thompson made a comment that he feels that going forward the board needs to get back on track with only giving final plan approval while seeing a clean final plan. Mr. Cox agreed.

**Motion by Mr. Cox to approve LD 17-03: Robins Nest for final plan approval contingent on the following:**

- 1. Compliance with the CKS letter dated April 6, 2018**
- 2. Compliance with the CKS HOP Review letter dated April 27, 2018**
- 3. Compliance with the Staff Review letter dated April 19, 2018**

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**4. Meet conditions of the Zoning Hearing Board Decision**

**5. Enhanced buffer between LD 17-03: Robins Nest and 2151 Colony Road**

**Second to motion by Mr. Thompson**

Chair Algeo invited comment or discussion. There being none, the vote was called.

**Motion passed unanimously**

Mr. Seckinger explained that this development requires an approved sewage planning module. The DEP requires a resolution from the township to be included with the submission packet. Mr. Seckinger is requesting a motion regarding resolution 2018-18.

**Motion by Mr. Cox to approve Resolution 2018-18 regarding LD 17-03: Robins Nest Sewage Planning Module.**

**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 – Conditional Use Hearing #3 (1939 York Road)

Mr. Seckinger stated that the Township received an extension letter from the applicant; therefore, this item has been tabled until the June 18, 2018 Board of Supervisors Meeting.

⇒ COD sign approval for Bothers Pizza (2291 York Road Unit #2)

Mr. Seckinger stated that Brothers Pizza is requesting to change out the monument sign and replace the existing letters on the front façade. The new sign would read "Nico's Pizza." No change in size.

**Motion by Mr. Thompson to approve the COD sign change from Brothers Pizza to Nico's Pizza**

**Second to motion by Chair Algeo**

Chair Algeo invited comment or discussion. There being none, the vote was called.

**Motion passed 2-0 with Mr. Cox abstaining.**

⇒ Defined Contribution Non-Uniformed Pension Plan Ordinance – For Advertisement

Mr. Seckinger stated that the townships current Defined Contribution Non-Uniformed Pension plan requires a minimum age of 21 years old to participate. We now have an employee who is under 21 years old. This Ordinance amendment would align the pension plan with the applicable collective bargaining agreement and the employee handbook. He requested authorization to advertise this Ordinance.

**Motion by Mr. Cox to approve for advertisement the Defined Contribution Non-Uniformed Pension Plan Ordinance**

**Second to motion by Mr. Thompson**

Chair Algeo invited comment or discussion. There being none, the vote was called.

**Motion passed unanimously**

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⇒ Approval to sell Ford F-250 on Municibid

Mr. Seckinger requested authorization to sell a 2006 Ford F-250 truck with 111,000 miles on Municibid. This truck was replaced with a new truck this year.

**Motion by Mr. Cox to approve for sale the 2006 Ford F-250 on Municibid  
Second to motion by Mr. Thompson**

Chair Algeo invited comment or discussion. There being none, the vote was called.

**Motion passed unanimously**

⇒ Bill Payments for 5-7-18 and 5-21-18

Mr. Seckinger stated that he is requesting approval of the bill payments for 5/7/2018 totaling \$369,082.87, and the bill payments for 5/21/2018 totaling \$209,874.43, as listed in the Bill Payment registers, subject to audit.

**Motion by Mr. Cox to approve the May 7, 2018 and the May 21, 2018 bill payments  
as listed, subject to audit.**

**Second to motion by Mr. Thompson.**

Chair Algeo invited comment or discussion. There being none, the vote was called.

**Motion passed unanimously.**

⇒ Treasurers Report for April 2018

Fund balances for April 2018 are as follows, subject to audit:

General Fund	\$	11,593,952
Firehouse and Equipment	\$	737,825
Road Machinery Fund	\$	-22,456
General Obligation / Sinking Fund	\$	1,080,190
Capital Projects Fund	\$	37,644
Highway Aid Fund	\$	573,770
Parks and Recreation	\$	795,718
Parks and Recreation Capital Fund	\$	1,058,954
Capital Reserve	\$	<u>291,792</u>
Total	\$	<u>16,147,389</u>

**Motion by Mr. Cox to approve the April 2018 Treasurers Report as prepared by  
Marian Buck, Payroll and Accounting Administrator, subject to audit.**

**Second to motion by Mr. Thompson.**

Chair Algeo invited comment or discussion. There being none, the vote was called.

**Motion passed unanimously.**

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■ **SOLICITOR'S REPORT:**

⇒ LD 04-13: Ridings at Warwick Phase I – Default Update

Ms. Eberle stated that the developer ensures us that they will be done by the end of next week, which Ms. Eberle doubts and at this time is asking the Board for permission to withdraw those funds under the bond so that the Township may complete the outstanding items.

**Motion by Mr. Cox to Authorize Demand on Bond  
Second to motion by Mr. Thompson.**

Chair Algeo invited comment or discussion. There being none, the vote was called.

**Motion passed unanimously.**

■ **ENGINEER'S REPORT:**

⇒ LD 14-01: KTC Properties – Maintenance Period Financial Security Release

Ms. Fountain stated that the punch list items are complete and CKS recommends the release of financial security.

**Motion by Mr. Cox to approve release of financial security for LD 14-01: KTC  
Properties**

**Second to motion by Mr. Thompson.**

Chair Algeo invited comment or discussion. There being none, the vote was called.

**Motion passed unanimously.**

⇒ LD 03-08: Heritage Creek IIa Golf Club Estates – Maintenance Period Financial Security Release

Ms. Fountain stated that work is complete and CKS recommends the release of financial security conditioned upon the developer providing and installing 3 trees.

**Motion by Mr. Cox to approve release of financial security for LD 03-08: Heritage  
Creek IIa Golf Club Estates conditioning on the developer providing and installing 3  
trees.**

**Second to motion by Mr. Thompson.**

Chair Algeo invited comment or discussion. There being none, the vote was called.

**Motion passed unanimously.**

■ **OLD BUSINESS:**

None

■ **NEW BUSINESS:**

None



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■ **PUBLIC COMMENT:**

- Matthew Markey, 2407 Virginia Drive – His family has a deposit on a home from the Cutler Group in the Ridings at Warwick phase II. They signed the contract in September 2017 and the house was supposed to be completed by May 10<sup>th</sup>. They have found out that Cutler hasn't even pulled the permits yet for the home. There is standing water in a basin in the development where the home is supposed to be. He has an attorney and Cutler is not answering his or his attorney's calls. He is now reaching out to the Attorney General as he feels it is now fraud and that Cutler took his money with no intent of building his home. He knows other residents of the development are frustrated as well. He just wanted to make sure he was on record.
  
- Joe Kane, 2494 Valley Road – He was under the impression there was going to be a discussion about the Tractor Supply this evening. Ms. Algeo stated that it has been continued until the next meeting in June. Mr. Kane stated that he and some other residents are in favor of the Tractor Supply. He gets his horse supplies, feed for dogs, and lawn products there. He feels it would be a benefit to the people of Warwick. Ms. Algeo stated that the board has some concerns with other Tractor Supply locations and the way they store items outside making them seem messy. Mr. Kane feels that the way the store is run depends on the manager. There is actually a sign up list at Giovanni's for people in the township to sign if they would like to have the Tractor Supply; currently, there are a few hundred signatures.

■ **ADJOURNMENT:**

The April 21, 2018 Warwick Township Board of Supervisors' public meeting was adjourned at 8:42 p.m.

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

Respectfully submitted,



Kyle W. Seckinger