

WARWICK TOWNSHIP BOARD OF SUPERVISORS

April 21, 2021

7:00 p.m.

Warwick Township Municipal Building

Chairman Kenneth Eshleman convened the April 21, 2021 meeting of the Warwick Township Board of Supervisors at 7:00 p.m. In attendance were Supervisors Kenneth Eshleman, Logan Myers, Jeffrey Tennis, Kelly Gutshall, and Herbert Flosdorf. Also in attendance were Daniel Zimmerman, Township Manager; Patrick Barrett, Assistant Township Manager; Bill Croswell, Township Solicitor; Tom Zorbaugh, Code and Zoning Officer; Duane Ober, WESC Fire Commissioner; Chuck Haley with the ELA Group; Rick & Linda Rittler of 631 Allegiance Drive, Lititz; Laura Dobbin of 588 Allegiance Drive, Lititz; Joseph Manning of 1005 Freedom Street, Lititz; Bill Gretton of 592 Allegiance Drive, Lititz; Dave & Dee Gorman of 620 Allegiance Drive, Lititz; Jim Wynkoop of 483 Pilgrims Drive, Lititz; Phil Jaquith of 628 Allegiance Drive, Lititz; John Burke of 800 Centennial Court, Lititz; Tom Dietzler of 402 Valor Drive, Lititz; Whit Buckwalter of 991 Valley Crossing Drive, Lititz; Reid Buckwalter of 511 Snyder Road, Lititz; Greg Young with the Rothsville Fire Company, and Alex Piehl from RGS Associates.

TEN MINUTE GUEST RECOGNITION: Joseph Manning who lives at 1005 Freedom Street, spoke on behalf of himself, his husband and their neighbor, Susan Feltenberger, regarding their concerns with possible negligence with the building code regarding their homes. He read from a prepared statement and a copy of this was given to the Township.

ROTHSVILLE FIRE COMPANY: Greg Young with the Rothsville Fire Company wanted to express on behalf of the Fire Company their appreciation for all the support the Township has given to them over the years. He also explained the details of the recently purchased fire engine.

PRESENTATION-WESC ANNUAL REPORT: D. Ober highlighted the following items from his Annual Report:

- He was promoted to the position of Fire Commissioner in early 2020.
- The apparatus replacement schedule was approved in June.
- A Service Contract was developed between the municipalities and emergency services agencies.
- Plan reviews and site visits are still occurring.
- 25 new members were brought in last year.
- Brunnerville Fire Company renovated their station.
- Lititz Fire Company has a new fire engine on order and a Chief vehicle and utility vehicle were recently purchased.
- WESC approved the hiring of a part-time employee to assist D. Ober.

The Board thanked D. Ober for all his hard work.

CONSIDER THE LITITZ BEND PHASE 2 FINAL PLAN, PREPARED BY RGS ASSOCIATES, DATED 01/06/2021:

Alex Piehl with RGS Associates along with Whit and Reid Buckwalter were present to review the plan before the Board. He gave a brief background of the project stating the development is located in the R-1 District along W. Millport Road. The Phase 1 portion is largely built out at this time and included 44 lots, two stormwater facilities

and the extension of water and sewer. Phase 2 includes the proposal of 27 new homes as well as the completion of the extension of Lititz Bend Drive and Valley Crossing Drive out to W. Woods Drive. One more stormwater facility will be installed and the water and sewer connections will be extended out to W. Woods Drive. Along the stream corridor Riparian plantings were done as part of Phase 1 and will be expanded along the rest of the stream corridor out to W. Woods Drive. There will be sidewalk along both Lititz Bend Drive and Valley View Crossing Drive all the way out to W. Woods Drive and will connect to the south to the trail system that was installed as part of the TOA

Community. A. Piehl noted that the HOA that was established in Phase 1 will be expanded to include Phase 2. The HOA will be in charge of maintaining the stormwater facility after the development has been completed. Valley View Crossing and Lititz Bend Drive will ultimately be dedicated to the Township. W. Woods Drive will be widened along the frontage like W. Millport Road was in Phase 1.

Dee Gorman of 620 Allegiance Drive inquired what the maintenance plan was for the Riparian buffer. A. Piehl stated there is a contract addressing weed control and the area is currently being mowed. This contract will continue as part of the HOA documents. There will be a continued contract maintenance which will be included in the stormwater plans as far as the long-term maintenance of the Riparian buffer and stormwater facilities. The LCCD does come out to do inspections of these facilities.

K. Gutshall inquired what the barrier consists of along the trail along W. Woods Drive. A. Piehl stated once the widening of the road and the sidewalks are completed the Township will do an inspection to see if it is felt any additional barrier is needed between the sidewalk and the slope into the community. Some landscape buffering has already been placed in this area and can be extended if necessary. K. Gutshall also inquired how the steep slope will be stabilized. A. Piehl stated a lot of the bulk earth work has already been completed in this area and the hillside has been seeded and stabilized and won't be disturbed as part of Phase 2.

On a motion by L. Myers, seconded by K. Gutshall, the Board unanimously approved the Lititz Bend Phase 2 Final Plan, prepared by RGS Associates, dated 01/06/2021 subject to meeting the outstanding items and Staff comments on the letter from the Township dated April 16, 2021.

STATUS REPORT ON TRADITIONS OF AMERICA DEVELOPMENT: Rick Rittler of 631 Allegiance Drive who is the Vice-President of the HOA of the Executive Board expressed his concerns about some of the ongoing issues at TOA.

Laura Dobbin of 588 Allegiance Drive spoke about her concerns regarding TOA.

D. Zimmerman stated the Board is currently holding \$524,714.00 in improvement guarantee from TOA. TOA has not made any request for a reduction of this money. Some work had been completed after a meeting was held in November of 2020 with two representatives from the Board of Supervisors and Staff, the Attorney for TOA and Dave Ebright expressing concern about the progress of the work that needed to be done. These items included trash racks being installed, some sections of the trail were repaired and some seeding and grading issues were started. In December the Township expressed the desire to see the as builts which the developer is responsible for providing as well as certification of the standards of construction. The Township received word that the as builts for the trail would be done by the end of May 2021. The Township also requested to see the as builts for Phase 5 completed so if any changes or modifications had to be done before the road was paved, these repairs were done and the final restoration could then proceed. These are anticipated to be received in approximately eight weeks. D. Zimmerman noted that TOA has until June of 2022 to complete Phase 5 and until June 12, 2022 for the closeout of the NPDES permit. The goal is to get Phase 5 closed out by November. As far as the basins, the consultant that was hired by TOA to do an assessment of the basins is Rettew Engineering. They completed part of their study in February and March however due to the weather were unable to finish at that time and anticipating completing the study in May. This report is anticipated to be received by the end of May. Regarding the steps on the trail, the Township did not

allow any changes to be made without indications from both sides, the developer and the HOA, that this was acceptable. With regards to the fire code issue, the Township was presented with a report from Brecht Engineering which has identified a number of issues that should be addressed. D. Zimmerman felt these issue should be confirmed by the Township through an inspection and then direct the particular issues in writing with TOA.

Bill Gretton of 592 Allegiance Drive spoke about his concerns regarding life safety issues.

D. Zimmerman stated since there are different issues that are being dealt with including some with site the site development and others with the building code, and they will need to be addressed differently. Staff along with the Township's Solicitor will work on composing a letter/letters to TOA addressing the issues that are outstanding in order to get a timeline of when these concerns can be expected to be completed.

CONSIDER REQUEST TO RELEASE LETTER OF CREDIT FOR THE LOT 2 GARRETT/JASON KLINE

SUBDIVISION: On a motion by L. Myers, seconded by J. Tennis, the Board unanimously approved the release of Letter of Credit for the Lot 2 Garrett/Jason Kline Subdivision in accordance with the ELA Letter dated March 26, 2021.

LCAT MEETING 4/29/2021: D. Zimmerman stated the purpose of this meeting is to discuss whether the Township would contemplate supporting a position that the County consider establishing a Public Health Department as well as an update on the Drug Task Force. This date is the same night as the Joint Meeting. D. Zimmerman suggested at least one member of the Board attend the LCAT meeting and L. Myers volunteered to do so.

CONSIDER REQUEST TO RELEASE FUNDING TO LITITZ FIRE COMPANY FOR PURCHASE OF NEW

PUMPER: D. Zimmerman stated the amount the fire company is requesting is \$393,145.00. This money is allocated in the budget. On a motion by J. Tennis, seconded by L. Myers, the Board unanimously approved the release of funds to the Lititz Fire Company for the purchase of a new pumper.

CONSIDER BIDS RECEIVED FOR THE JOINT BID FOR THE ULTRA-THIN AND LINE PAINTING: On a motion by J. Tennis, seconded by L. Myers, the Board unanimously approved the bids for the joint bid for the ultra-thin and line painting as submitted.

PSATS: The Board reviewed the Annual 2020 Report.

ROTHSVILLE FIRE COMPANY: The Board reviewed the March 2021 Report.

HOSPICE: The Board reviewed the two Thank-you letters regarding Joseph McSparran, and ex-Supervisor who passed away.

LITITZ REC CENTER: The Board reviewed the letter from the Lititz Rec Center thanking the Board for their first quarter monetary donation.

APPROVAL OF MINUTES: On a motion by L. Myers, seconded by J. Tennis, the Board unanimously approved the March 3, 2021 and March 17, 2021 minutes as submitted.

TREASURER'S REPORT: On a motion by J. Tennis, seconded by K. Gutshall, the Board unanimously approved the Treasurer's Report.

PAYMENT OF BILLS: On a motion by J. Tennis, seconded by K. Gutshall, the Board unanimously approved the Payment of the Bills.

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MANAGER'S REPORT: 6th Street/Roundabout Project- The roundabout project at Clay Road and Rothsville Road opened as planned. Some restoration work still needs to be completed. The plan is to get everything restored and have PennDOT do a walkthrough the first week of May. Half of the light poles for the roundabout at 6th Street and Woodcrest Avenue have come in and the other half have not. Hopefully these will be delivered by next week.

Selection Committee- Everyone on the list has been contacted with the exception of one individual and have agreed to serve.

TAX COLLECTOR'S REPORT: On a motion by J. Tennis, seconded by L. Myers, the Board unanimously approved the Tax Collector's Report.

PUBLIC WORKS REPORT: The Board reviewed J. Minnich's March Report. D. Zimmerman stated there is a lot of repair work that needs to be done at the Riparian Park however this will need to wait until the contractor finishes up. The park will be kept closed for the time being.

POLICE DEPARTMENT REPORT: The Board reviewed the 2021 Report to the Commission.

ZONING OFFICER'S REPORT: The Board reviewed T. Zorbaugh's March 2021 Report.

WESC/EMC REPORT: No report for this month.

EXECUTIVE SESSION: 8:50 p.m. The Board of Supervisors will now hold an executive session to consult with the Township Solicitor concerning information or strategy in connection with land use litigation relating to the property located at 500 Becker Road owned by Blessings of Hope. The Land Use Appeal pertaining to this matter is docketed to Case No. CI-21-02031 in the Court of Common Pleas of Lancaster County.

The Board of Supervisors will also hold an executive session to discuss issues concerning the Traditions of America Development upon which identifiable complaints have been or are expected to be filed.

9:43 p.m. Upon return from the executive session, two motions were made. On a motion by L. Myers, seconded by H. Florsdorf, the Board unanimously approved the Township Solicitor be authorized to intervene on behalf of the Township of Warwick in support of the portion of the Decision of the Zoning Hearing Board of Warwick Township relating to the elimination of the shopping/retail use of the property in the Land Use Appeal filed by Blessings of Hope in the Court of Common Pleas of Lancaster County, Pennsylvania, to Case No. CI-21-02031 and to take such further action as may be necessary or appropriate for an intervening municipality in connection with the Land Use Appeal. K. Gutshall was not present to vote.

On motion by J. Tennis, seconded by L. Myers, the Board unanimously approved the Township Manager and the Township Solicitor be authorized to take such action as is deemed necessary to enforce all ordinances, agreements, and financial security pertaining to the Traditions of America Development. K. Gutshall was not present to vote.

ADJOURNMENT: On a motion by J. Tennis, seconded by L. Myers, the meeting was adjourned at 9:46 p.m.

Respectfully submitted,

Daniel L. Zimmerman
Township Manager