

**WARWICK TOWNSHIP BOARD OF SUPERVISORS**  
**AUGUST 18, 2021**  
**7:00 p.m.**  
**Warwick Township Municipal Building**

Chairman Kenneth Eshleman convened the August 18, 2021 meeting of the Warwick Township Board of Supervisors at 7:00 p.m. In attendance were Supervisors Kenneth Eshleman, Logan Myers, Herbert Flosdorf, Jeffrey Tennis, and Kelly Gutshall. Also in attendance were Dan Zimmerman, Township Manager; Pat Barrett, Assistant Township Manager; Tom Zorbaugh, Code and Zoning Officer; Chuck Haley from ELA; John Andrews from McNees Wallace & Nurick, Pat Dennis from Landmark Homes, Joyce Gerhart from RGS, Michael & Dale Keeney Brunnerville Road, Laura Knowles from Lititz Record, and Kevin Ember from Rettew.

**GUEST RECOGNITION:** No one present.

**SUBDIVISION/RELATED BUSINESS:**

**Consider the Walton Hill conditional use decision** – D. Zimmerman states that Township staff recommends approval of the draft decision with twenty separate conditions. If those conditions are accepted by the applicant, they would have to be incorporated into the preliminary plan and final plan. The conditions ranged from having a plan for maintenance of the open space to traffic calming potential on Tupelo Street. The applicant will review and consider these conditions and they can be addressed during the preliminary planning stage. The Township expects to see specific guidelines for the functions and responsibilities for members of the HOA and their Executive Board reflected in their HOA stormwater maintenance plan. With a motion by H. Flosdorf, seconded by K. Gutshall, the Board unanimously voted to approve the Walton Hill conditional use decision as drafted.

**Consider the Warwick School District Land Development Plan proposed by ELA group** - Chuck Haley with ELA (filling in for Mike Huxta) is representing the Warwick School District. Haley is presenting a plan for the expansion to the stadium and auxiliary parking on the campus. In 2009 approval was given for a plan to upgrade Grosh Field to install new bleachers, concourse, field house between Grosh Field and the field hockey field and to do some parking upgrades adjacent to the stadium. Due to budgetary concerns, work was limited to installing synthetic turf on Grosh Field, a new track at Grosh Field, and a concrete pad with some portable bleachers. They are now proposing to finish the project. Due to timing and the permit extension expiring, the applicant had to go back through the storm water and DEP process for NPDES approvals. This project entails the expansion of the existing parking lot, creation of a new handicap area, walkways down to the concourse area, bleachers for up to 3,500 people with a field house underneath, a synthetic turf field hockey field and bleachers and concourse adjacent to that field. They are also adding handicap parking adjacent to the middle school tract. Haley states that they have answered all the comments from the Township and Borough and they are awaiting on approval of the NPDES application which was submitted in June 2021. Submitted storm water management plans are awaiting signatures from DEP due to an upgrade to a managed release concept because the area consists of karst geology which is prone to sink holes. D. Zimmerman wanted to clarify that ELA did the plan for the school district, and Arro Engineering, who is the alternate engineer for the Township, reviewed the plan. It was also reviewed by LandStudies on behalf of the borough because it is a multi-jurisdictional project. L. Myers questioned if one entity would be taking lead on the project. Haley stated the borough deferred to the township for the land development portion of the plan, however the borough still reviewed all the storm water plans because one of the watersheds is located in the borough. Haley referred to

the letter from Darrell Becker dated June 9, 2021 regarding waivers and the remaining comment regarding the NPDES permit.

The applicant has requested waivers for the following sections: §270-32.A. – Volume Control up to the 2-year, 24-hour Storm Event, §270-32.D. – Storage Facility Dewatering Time, §270-31.A.(5)(a) – Stormwater Facility Outlet Structure, §270-31.Q. – 10' Wide Access Easement, §270-31.R. – Drainage Easement, §285-7.C. – Preliminary Land Development Plan, §285-16. – Improvement Construction Guarantee and Cost Estimate, and §285-37.A.1 – Map of Geologic Features. Arro Engineering recommends granting all the waivers. The majority of the waivers deal with storm water management because this managed release concept is new and creates extended detention times which is not included in the existing ordinance. There were three waivers that had to do with the land development plan which were previously reviewed in 2009 when the original approval was granted. D. Zimmerman stated that the original plans for pull overs off the access drive were denied. The Planning Commission wanted separate parking areas believing it would create a much safer situation. D. Zimmerman stated that after lengthy discussions between the school district and the borough, a connection of Campus Drive to 2<sup>nd</sup> Avenue was decided.

C. Haley explained that the stormwater design consists of an underground, stone-filled basin that holds water approximately 7 days, allowing nitrates and other contaminants to settle before dissipating. H. Flosdorf questioned the maintenance of the system. Haley stated that there are clean-outs where sediment can be vacuumed out. D. Zimmerman stated that this is a recommended conditional approval subject to them acquiring the NPDES permits and the posting of the escrow for inspection and consideration of the waivers.

On a motion by L. Myers, seconded by J. Tennis, the Board approved the waivers in accordance with Arro Engineering's June 9, 2021 letter, and also with compliance with the DEP regulation; and granted conditional approval of the plan subject to the acquisition of the NPDES permits and providing escrow for inspections with K. Gutshall abstaining.

On a motion by J. Tennis, seconded by L. Myers, the Board approved the request for a time extension until November 19, 2021 with K. Gutshall abstaining.

### **OLD BUSINESS:**

**Status report on construction of 6<sup>th</sup> Street and Siegrist Farm Road / Request for extension of time for dedication of 6<sup>th</sup> Street and various streets in Lititz Reserve / Consider posted speed limits for Pierson Road and Siegrist Farm Road** – D. Zimmerman provided photos of the project for the benefit of attendees. Explained that 6<sup>th</sup> Street has 4 inches of base material, and 2½ inches of sub base material. The finish layer of 1½ inches of the final wearing coat was delayed due to rain. Zimmerman states there have been challenges to the progress due to weather issues, sink holes, supply issues, and tough soil. There was a lot effort required to get good compaction, resulting in a 6 inch stone base and 8 inches of macadam on the roadway. A similar profile is expected on Siegrist Farm Road. The plan is to get the first section of 6<sup>th</sup> Street completed, then continue and move upgrade to Siegrist Farm Road up to the connection to Pierson Road. The final overlay for 6<sup>th</sup> Street might be completed in the next week, and the goal is to build everything up to Pierson Road by the beginning of September. At that point Pierson Road will be closed for 3-4 weeks to complete the connection. The school district and emergency services have been notified of this plan. Immediately following the connection to Pierson Road, which needs to be done by the October 15, 2021 paving deadline, the intersection of Pierson Road and Rothsville Road will be converted into a right in, right out. The plan is for the first portion of 6<sup>th</sup> Street to be dedicated to the Township before winter maintenance is needed. Sixth Street would connect to Siegrist Farm Road which is one of the Township's projects under the grant and the Township would complete everything by October 15<sup>th</sup> including the intersection at Rothsville Road and Pierson Road. Zimmerman states there is concern in regards to Cinder Hill Road being used, especially by trucks, considering it is a 16% grade street restricted to 5 tons. A discussion is continuing with ELA and the police department about options.

**Consider Resolution 08-18-21-01 authorizing and approving agreement between Warwick Township Municipal Authority (WTMA) and Lititz Borough** – The original sewer agreement established in the 1980s was

amended several times over the course of many years. It was decided, after discussion with Lititz Borough, that the agreement should be re-written and streamlined. There was consensus with the Borough, Lititz Sewer Authority, and WTMA and they have all adopted the agreement. The Board is being asked to sign the resolution because the Board is ultimately the guarantee of the Authority. The agreement would come back to the Township if the Board would dissolve or terminate the Authority. The Authority sunset year is 2030 which can be extended another 30 years. For this reason, the Board is part of the agreement. All the provisions of the agreement have been approved, accepted, and executed by the Authority, Lititz Borough, and Lititz Sewer Authority. With a motion by J. Tennis, seconded by L. Myers, the Board unanimously approved to adopt Resolution 08-18-21.

#### **NEW BUSINESS:**

**Discussion on allocating CARES Act monies to general fund** – D. Zimmerman states that the CARES Act money that has been allocated by the federal government has very stringent and specific utilizations. The Township, for instance, could not use the monies towards roads and bridges. Within the standards of the allocation of monies, if there is loss of revenue between 2019 and 2020, the Township could authorize transfer from the CARES fund into the general fund to make up for the loss of revenue. He noted that these monies do not have to be expended until the end of 2024. With a motion by H. Flosdorf, seconded by L. Myers the Board unanimously approved the transfer of \$462,479.00 from the CARES fund to the general fund.

The CARES money is in a separate account. There is close to \$700,000.00 that can be utilized from the first allocation. There is a fire suppression storage tank that has been considered for the north end of Route 501 as one eligible project. The rest of the money is not ear marked yet. There is another allocation of \$1.1 million dollars that comes in 2022.

**Consider request for use of fire police at East Petersburg Community Day on 09/18/2021** – Chief Steffen is in full support of this request. With a motion by L. Myers, seconded by H. Flosdorf, the Board unanimously approved the request of special fire police for the East Petersburg Community Day on 09/18/2021.

**Acknowledge that the Warwick Ephrata Rail Trail was recognized as a 2021 Great Place in Pennsylvania by the PA Chapter of APA** – P. Barrett stated the Township will be contacted to schedule a presentation of the certificate. The County will be present for the presentation as well. Barrett stated that this recognition is done every year.

**Consider request by American Cancer Society for the annual bike ride PA Hope Ride on 09/19/2021** – D. Zimmerman stated that no roads will be closed for this particular event. It is required that non-permanent paint be used to mark the route on the roads. K. Gusthall shared concern with using the portion of W. Newport Road at Rock Lititz, noting that W. Newport Road to Memorial Road has no shoulder and it contains a blind curve. With a motion by H. Flosdorf, seconded by J. Tennis, the Board unanimously approved the request from the American Cancer Society for the annual PA Hope Ride on 09/19/2022 contingent upon getting a certificate of insurance.

#### **COMMUNICATIONS:**

PSATS - A brief discussion occurred regarding the Senate Bill allowing local police to use radar. D. Steffen stated that it would be approximately 24 months after approval for the process to be put in place.

**APPROVAL OF MINUTES:** The Board reviewed the minutes. On a motion by J. Tennis, seconded by H. Flosdorf, the Board unanimously approved the minutes of the July 21, 2021 meeting.

**TREASURERS REPORT:** D. Zimmerman stated that the Township is on track as far as the projected budget. On a motion by L. Myers, seconded by K. Gutshall, the Board unanimously approved the treasurer's report.

**PAYMENT OF BILLS:** On a motion by J. Tennis, seconded by L. Myers, the Board unanimously approved the payment of bills as submitted.

**MANAGERS REPORT** – D. Zimmerman stated the Board discussed a potential settlement agreement on one zoning appeal last month. The Board will need to approve the settlement. The Board wants a time frame to relocate to a site that is suitable, with appropriate penalties or consequences if they exceed the established time frame. The party has been consistent on not meeting any time line.

TOA – Progress continues to be made. A walk through on Phase 5 was recently completed. There are a number of corrective measures that have been scheduled for repair. The plan is to have paving done and all of Phase 5 completed by the end of 2021. D. Zimmerman also got confirmation from PPL that installation of the street lights is on schedule for mid-September. TOA is in the process of closing out the NOT for the NPDES permit.

An overall Emergency Response Plan has been created by the Northern Lancaster County Regional Police Department. The plan includes the Township campus. Each Supervisor received a copy of the plan.

The State has decided to modify the Small Wireless Facilities Deployment Act. P. Barrett will be back next month with further information comparing what the Township did to what the state has now enacted. D. Zimmerman stated that there was a lot of pressure from the cell industry to modify the Act. There was a proposed compromise to address what was being requested by the cell carriers, but at the same time still provide protection at the local level.

**TAX COLLECTORS REPORT:** With a motion by L. Myers, seconded by H. Flosdorf, the Board unanimously approved the tax collectors report.

**PUBLIC WORKS REPORT:** J. Minnich stated that they completed the seal coating applications for this year. The trail at Saylor Park was paved. There is still some top soil work to touch up and possibly some more reseeding and repair to the swale along the fence. There are plantings at the Township office building and one more order of plants will be coming and then the project will be completed. The parking lot in the front of the Township building is scheduled to be paved at the end of August.

**POLICE DEPARTMENT REPORT:** D. Steffen gave a report of activity concerning his department for the month of July, 2021.

**ZONING OFFICER'S REPORT:** There is no report. T. Zorbaugh thanked B. Clauser and B. Kreider for covering for him while he was out.

**WESC/EMC REPORT:** No report.

**EXECUTIVE SESSION:** The Board adjourned to discuss personnel issues; the Board reconvened the meeting at 8:38 p.m.

With a motion by H. Flosdorf, seconded by L. Myers, the Board unanimously approved making an offer of employment to Brian Harris to be the new Township Manager of Warwick Township and to authorize D. Zimmerman to adjust the salary of our Assistant Manager.

**NEXT MEETING:** Wednesday, September 1, 2021 @ 7 a.m. will be via Zoom.

**ADJOURNMENT:** With a motion by H. Flosdorf, seconded by J. Tennis, the meeting was adjourned at 8:40 p.m.

Respectfully submitted,

Daniel L. Zimmerman  
Township Manager