

WARWICK TOWNSHIP BOARD OF SUPERVISORS
November 17, 2021
7:00 p.m.
WARWICK TOWNSHIP MUNICIPAL BUILDING

Chairman Kenneth Eshleman convened the November 17, 2021 meeting of the Warwick Township Board of Supervisors at 7:00 p.m. In attendance were Supervisors Ken Eshleman, Jeff Tennis, and Kelly Gutshall. Also in attendance were Brian Harris, Township Manager; Billy Clauser, Township Planner; Tom Zorbaugh, Code and Zoning Officer; George Smith, ELA; Dan Zimmerman, Warwick Township; Jason Minnich, Public Works Superintendent; Jeremy Strathmeyer, 18 Royal Drive; Laura Knowles, Lititz Record; Randy Hess, 24 Windsor Lane; Shannon Mosser, 304 Dorchester Drive; Bill & Regina Gillis, 538 Wood View Drive; and Michael Keeney, 1414 Brunnerville Road.

CONSIDER RELEASE OF LETTER OF CREDIT FOR CLAIR GLOBAL PARKING EXPANSION – On a motion by J. Tennis and seconded by K. Gutshall, the Board unanimously approved the release of letter of credit for Clair Global parking expansion.

CONSIDER THE ORCHARD ROAD PROJECT – PHASE 1 FINAL LOT CONSOLIDATION, SUBDIVISION AND LAND DEVELOPMENT PLAN, PREPARED BY RGS ASSOCIATES, DATED 12/23/2020 – B. Harris noted that the RGS Plan dated 12/23/2020 was recently updated in September which is for Phase 1 of the Orchard Road project. The proposal is for 37 lots in an R1 Zoning District. The Planning Commission recommended the plan in June of 2021 with conditions. There are 7 bio-retention swales on the site, 2 of which feed into the storm water system along Orchard Road and eventually in to Moores Run. The other infiltration basins will infiltrate and discharge via level spreaders. The plan consideration summary provided to the Board of Supervisors outlines the outstanding items associated with the plan, most of them administrative in nature. In addition to the recommendation of the plan, the Board would also need to approve the waiver of Section 285-27 – Permanent Cul-De-Sac Streets.

Chris Venarchick with RGS Associates was joined by the applicant, Randy Hess, both of whom addressed the Board. He stated that full build of the project would be 69 single-family lots, 15,000 square foot minimum in the R1 zone. They are presenting Phase 1 of the project. There is one modification associated with the plan regarding temporary stub streets in Phase 1. Chris oriented everyone to the stub streets on the plans. There are 37 units in Phase 1. He makes reference to the latest letter from Chuck Haley of ELA Group, Inc. dated October 12, 2021 and states that they have gone through the technical items which have been reviewed by the Solicitor. They have a recommendation from the Township Engineer on the financial security amount. Their purpose for going before the Board is to seek the Board's action on the Final Plan and the modification associated with it. J. Tennis asked about what happens if the plan never goes beyond Phase 1, what happens if the cul-de-sacs are not put in. G. Smith states that they are trying to have minimal houses on the stub roads and there would be a reasonable turn around. All trucks and emergency vehicles accessing the Phase 1 will have access to every unit and they would be required to back out. Tennis asked if the Board can require the developer to put cul-de-sacs in if the project does not go beyond Phase 1. B. Harris asked if they would be willing to include that in their cost estimate for the letter of credit. D. Zimmerman commented that the Board has not required security for this situation in the past. If the Township felt that the developer was going to fail, the Township would not release the retainage amount which would then push the

developer to install the cul-de-sac. K. Gutshall asked how the connector to Wood View Drive would work. There is an easement/right-of-way that leads up to the existing cul-de-sac at Wood View. Vernarchick did confirm that it is emergency access only. R. Hess stated that the connector is being purchased by the HOA so it will not be an easement. There will be breakaway bollards to prevent access. The HOA will be responsible for the storm water facilities. They discussed the open areas for this plan. D. Zimmerman stated there is a conservation easement placed on the mature riparian buffer area and an open space management plan has been incorporated into the plan. K. Eshleman stated that one of the recommended conditions is the agricultural nuisance disclaimer. He asked how that works. C. Venarchick stated it gets placed on the deed of each property, included in the legal description which becomes part of the deed. D. Zimmerman noted that the Ordinance requires that if there is a development adjacent to ag zoned land or ag activity on land, the disclaimer is put in there to protect the farmer. K. Gutshall questioned the flag lots in the plan. She asked if the vegetative swales on the private property will be part of the storm water easement and managed by the HOA even though they are on private lots. Venarchick responded by stating any storm water swales that are carrying the flow to a facility would be within easements. The HOA has the right to enter those easements and maintain them if for some reason the homeowner is not. Bill Gillis who resides at 538 Wood View Drive, asked about the small section of land from Roger Gerhart. R. Hess confirmed that there is an agreement in place for the purchase of the land. On a motion by K. Gutshall and seconded by J. Tennis, the Board unanimously approved the waiver and the final subdivision plan for Orchard Road Phase 1 with the conditions outlined on the plan consideration summary provided by staff.

CONSIDER THE ROCK LITITZ – 400 ROCK LITITZ BOULEVARD PRELIMINARY/FINAL LAND DEVELOPMENT PLANS, PREPARED BY DERCK & EDSON, DATED 07/07/2021

– B. Harris stated that this is Pod 4 at Rock Lititz. It is 133,000 square foot space used for tenants in the entertainment industry. The building is being broken in to 5 different suites ranging from 7,000 square feet up to 40,000 square feet. The plan was recommended at the most recent Planning Commission meeting subject to certain conditions identified in ELA's letter dated October 14, 2021. These conditions are summarized on our preliminary/final plan consideration sheet as well. The Board can consider this plan for approval along with the waiver request to consider this a preliminary/final plan. Dave Madary from Derck & Edson gave a brief overview of the campus. He states that this phase is building 400 located on the southwest corner of the campus. It is a pad site now. It has been mostly graded already and utilities are already extended to that area. The road and walkway extends across the flood plain. The flood plain was restored to provide storm water quality and volume control to meet the needs of the entire campus. There have been filters placed along the edges of the floodplain to help filter the runoff. The design is meant to minimize impact on the residences to the south. There is a partial berm that has trees on it to provide a visual buffer and Rock Lititz agreed to additional trees. The berm will be extended across the open space at the end of Dorchester Drive cul-de-sac. They will be connecting a new water main at Dorchester Drive so they don't have a redundant connection for the campus. There is a sewer force main which they will be connecting to. B. Harris asked if there were any changes to the sidewalk. The walkway has been extended across the flood plain and extends along the edge of the loading and parking area. They have also extended it across the driveway and up to the new building. After a question was raised at the Planning Commission meeting about the walkways, they have extended the walkways to connect them around the corner of the building. K. Eshleman asked if this building is an extension of Pod 2 as far as the entertainment industry. All the buildings are related to the live event industry, and the proposed building will be a tenant building. The tenants have not been confirmed yet. B. Harris noted that the Township had a meeting with Rock Lititz the day before and Andrea Shirk agreed to provide as-builts for the prior pods or phases. A. Shirk noted that there were 2 major changes made based on neighbor feedback. If you look at the drawing, the building is configured very different than the last master plan, pulling all the trucks to the opposite side of the building so there are no trucks along the side of the building that is along the residential neighborhood. They also plan to do the berm work and planting late fall or early spring before construction is started. D. Zimmerman explained that the Board can conditionally approve the plan and reaffirm that vote at the December 1, 2021 meeting due to the absence of a Board member and a Board member that must abstain from voting. This can be done without the applicant having to come back before the Board. Shannon Mosser of 304 Dorchester Drive addressed the Board. He would like to know about the small parking area behind the building. A. Shirk explained that all their buildings are multi-tenant so there are multiple entrances around the

building so parking will be distributed around the building as well. There is a road that loops around the building with some pull in parking spots along the road. D. Madary oriented everyone and explained the plans to Mr. Mosser. On a motion by J. Tennis and seconded by K. Eshleman, the Board accepted the 400 Rock Lititz Boulevard Preliminary/Final Land Development Plan as submitted including the Waiver for Preliminary Plan with the conditions specified in the ELA letter dated October 14, 2021. K. Eshleman stated the approval will be ratified at the December 1, 2021 meeting.

CONSIDER THE DRAFT OF THE 2022 FISCAL BUDGET – B. Harris stated that the Board can make a motion to advertise the preliminary budget. The proposed budget for 2022 calls for the millage rate to remain same at a quarter of a mill. That millage rate has not been raised since 1990, nor will it be this year. There is a 4% increase in revenue, mostly due to an increase in the earned income tax. The revenues are projected to be \$5,395,341 which is a conservative revenue projection. The expenses will be \$5,578,860 which is a 5.9% increase over 2021. This is predominantly due to the increase in funding for the Northern Lancaster County Regional Police Department. The balanced budget does show an estimated \$183,000 of cash balance being used to balance the budget. They do not anticipate that being the case based on our very conservative revenue projections. The cash reserves for the General Fund are around \$3,000,000 which is in excess of 50% of our general fund budget, so the Township is in a very strong position. If the Board does make a motion to authorize the advertising of the preliminary budget, it will be placed on the December 15, 2021 agenda for consideration by the Board. On a motion by J. Tennis and seconded by K. Gutshall, the Board unanimously approved the advertising of the proposed 2022 budget.

CONSIDER RESOLUTION 11-17-21-01 ACCEPTING A PORTION OF SIXTH STREET AS PART OF THE PUBLIC ROAD SYSTEM – B. Harris mentioned that the Board can consider a motion to accept a portion of Sixth Street as part of our public road system. Solicitor Crosswell did recommend that there be conditions attached to it. Harris stated that RGS was the engineer on this project. On a motion by J. Tennis and seconded by K. Gutshall, the Board unanimously approved the adoption of Resolution 11-17-21-01 Accepting a Portion of Sixth Street located between Rothsville Road (SR 0772) Roundabout and Siegrist Farm Road as part of the public road system of Warwick Township subject to the following conditions:

1. Lititz Reserve, LLC, shall provide the Township with documentation satisfactory to the Township Manager and the Township Solicitor that the Township has good and marketable title, free of any liens, encumbrances and title objections unacceptable to the Township, to this portion of Sixth Street.
2. Lititz Reserve, LLC, shall provide the Township with an acceptable maintenance guarantee for this portion of Sixth Street.
3. Lititz Reserve, LLC, shall provide the Township with an acceptable Bill of Sale for the improvements which were made by or on behalf of Lititz Reserve, LLC, to this portion of Sixth Street.

ACCEPT RESIGNATION OF HERB FLOSDORF FROM THE BOARD OF SUPERVISORS – B. Harris stated the Township received a letter dated November 12, 2021 from Mr. Flosdorf indicating that he would be resigning his position effective 11/30/2021. The Board can accept his resignation effective November 30, 2021. There will be an item on the December 1, 2021 agenda for consideration to fill the position. Similar to other boards, the Township keeps a running list of candidates that are qualified and interested in serving. The Township does have a qualified individual on our Planning Commission, Ken Kauffman, that has expressed an interest should the opportunity present itself. Ken has served as a Zoning Hearing Board member for 8 years and also as a Planning Commission member for the past 8 years. On December 1, 2021 the Board can consider how they want to proceed with filling that position. Mr. Flosdorf has 4 years remaining on his term so whoever is appointed to fill the vacancy will need to run in the next municipal election. The second class township code requires that the Township act on a vacancy within 45 days and then they have 30 days to appoint someone to that position once the vacancy is recognized. On a motion by J. Tennis and seconded by K. Gutshall, the Board unanimously approved the acceptance of the resignation of Herb Flosdorf from the Board of Supervisors effective November 30, 2021.

APPROVAL OF MINUTES – On a motion by J. Tennis and seconded by K. Gutshall, the Board unanimously approved the October 6, 2021 and the October 20, 2021 meeting minutes as submitted.

TREASURER'S REPORT – B. Harris stated that the budget vs. actual as of November 17, 2021 shows the Township collected 100% of our real estate tax to date, and our transfer tax is approximately \$30,000 above our estimated 2021 budget. Our Earned Income Tax is at 2.5 million, with a budgeted figure of 2.9 million. We have yet to receive our November distribution and our December distribution. Our total expenses to date are \$5,511,000 which includes operating transfers of \$840,000 to either the capital fund or the storm water fund. The Township is where it needs to be in terms of revenue and expenses. As part of the Treasurer's Report, the investment schedule is attached as well. On a motion by K. Gutshall and seconded J. Tennis, the Board unanimously approved the Treasurer's report as submitted.

PAYMENT OF BILLS – B. Harris shared that our total amount of payables for the month of October is \$817,799, of which roughly \$101,000 is attributed to the General Fund; \$92,000 is attributed to the Fire Company Fund; \$496,000 is attributed to Sixth Street between two invoices (one to CMS and one to B.R. Kreider) and \$64,000 from the Balmer Fund. On a motion by K. Gutshall and seconded by J. Tennis, the Board unanimously approved the payment of bills as submitted.

MANAGER'S REPORT – B. Harris stated that he continues to spend time with D. Zimmerman and all the stakeholders. The Planning Commission meeting for November 23, 2021 is not going to be held because there are no items of business. He does anticipate the Planning Commission meeting in December, possibly for consideration on Walton Hill. Representatives for Walton Hill were at the last Planning Commission meeting and have some cleaning up to do on their plan. The packet for the December 1 meeting will go out Tuesday or Wednesday before the holiday. November 18, 2021 is the Lititz Regional Community Development Corporation meeting at 7:30 a.m. Harris states that some progress has been made with TOA and he spent some time with B.R. Kreider and they are addressing the trail improvements in Phases 1-5. We did take the time to sit down with the HOA to give them an update and to review some of the basin and trail issues. Phase 5 will not be paved until spring once the concrete work has been completed. There are some small items that need to be addressed.

TAX COLLECTOR'S REPORT – B. Harris stated that we collected nearly 99% of what our anticipated revenue was. On a motion by J. Tennis and seconded by K. Gutshall, the Board unanimously approved the Tax Collector's Report as submitted.

PUBLIC WORKS REPORT – J. Minnich stated Public Works is finishing up some storm water projects and paving projects. They are starting to get ready for winter, preparing vehicles and reviewing routes. As far as the parks, final mowing is being done. In November they will continue with more leaf cleanup and start trimming. They do have some base work to do. B. Harris mentioned that staff discussed an ordinance regulating parking in cul-de-sacs during inclement weather events. There are problem cul-de-sacs that Jason has where off street parking is available, but residents park their vehicles in front of their drive ways to prevent the plow from discharging snow into their driveway. They reviewed a sample ordinance from a municipality that has adopted an ordinance stating no parking in the cul-de-sac during inclement weather events. Harris will include a sample of the ordinance on the December 1, 2021 agenda to gauge the Boards interest in a potential ordinance. There were approximately 21 cul-de-sacs that were identified as problematic areas. Minnich noted that the main problem is the plowing cannot be done properly and when the cars are removed there are giant ice piles which prompts calls from the postal carrier because they can't get to the mailboxes.

POLICE DEPARTMENT REPORT – K. Eshleman stated that he and J. Strathmeyer attended the most recent meeting where the budget was reviewed. There is a substantial increase to the 2022 budget and in the past the police department used reserved balance the budget. Compared to other municipalities, what we pay for fire and police is exceptionally low as a percentage of our overall budget.

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ZONING OFFICER'S REPORT – T. Zorbaugh noted that TOA did all the tree planting along West Woods Drive as well. Two of the residents from TOA did file with the insurance company of TOA for work to be covered and those residents have not gotten a response yet. Permit issuance has been up consistently all year. There were several cases in October, two of which were continued to November.

WESC/EMC REPORT – B. Harris mentioned that the next WESC meeting is December 6, 2021. He also noted that a lunch and learn was held with the public works department and Duane will use that as a pilot program for private businesses. During this session volunteer opportunities were discussed. The goal is to do a few of these sessions in the private sector each year.

NEXT MEETING – Wednesday, December 1, 2021 at 7:00 a.m. via Zoom.

ADJOURNMENT – On a motion by J. Tennis and seconded by K. Gutshall, the Board unanimously approved the adjournment of the meeting at 7:57 p.m.

Respectfully submitted,

Brian Harris
Township Manager