

WARWICK TOWNSHIP BOARD OF SUPERVISORS
JULY 19, 2023
7:00 p.m.
WARWICK TOWNSHIP MUNICIPAL BUILDING

Chairman Ken Eshleman convened the July 19, 2023 meeting of the Warwick Township Board of Supervisors at 7:00 p.m. In attendance were Supervisors Ken Eshleman, Kelly Gutshall, Ken Kauffman, Jeff Tennis, and Jeremy Strathmeyer. Also in attendance was Brian Harris, Township Manager; Billy Clauser, Township Planner; Chuck Haley, Township Engineer; Lisa Miller, Court Reporter; Tom Kifolo, Rohrer's Quarry; Travis Rohrer, Rohrer's Quarry; Danielle Keperling, Historic Preservation Trust; Dwight Yoder, Gibbel, Kraybill & Hess; Laura Knowles, Lititz Record; Thomas & Deborah Ressler, 569 Millway Road, Lititz; Jim Bushong, 1403 Brunnerville Road, Lititz; Henry Gibbel, 20 E. 4th Avenue, Lititz; Anne Wallace DiGarbo, 303 S. Spruce Street, Lititz; and Brenda Barnes, 242 S. Spruce Street, Lititz.

PUBLIC HEARING TO CONSIDER A CONDITIONAL USE APPLICATION RECEIVED FROM ROHRER'S QUARRY, INC. THE APPLICANT IS SEEKING CONDITIONAL USE APPROVAL UNDER SECTION 340-46.2 OF THE WARWICK TOWNSHIP ZONING ORDINANCE PERTAINING TO DEMOLITION OF A HISTORIC STRUCTURE ON THEIR PROPERTY LOCATED AT 820 WOODCREST AVENUE, LITITZ PA.: B. Harris stated that this is a public hearing so when the reporter asks please have yourself sworn in if you wish to speak or testify. The hearing will proceed and at the conclusion of all the testimony the Board will make a motion to close the record. The Board could make a recommendation tonight to approve the conditional use or render a decision within 45 days which would take us to the August 16, 2023 meeting.. This is a conditional use to demolish a historic structure that is in our Agricultural Zoning District.

Attorney Dwight Yoder is present along with Tom Kifolo and Travis Rohrer from Rohrer's Quarry and Danielle Keperling from Historic Preservation Trust. They were all sworn or affirmed by the court reporter. D. Yoder stated that the plan has been before the Planning Commission and they unanimously recommended that it be approved. Yoder gave a brief overview of the property. He stated that while the house is on the historic resource records for the township, over the years it has been modified in many ways, particularly into multiple apartments. What that has done is left the house in a condition that makes it almost impossible to retain the historic features and character of it. There is an estimate of \$2,000,000.00 to bring the house back to its historic state. Rohrer's Quarry had come to the Township before the ordinance was in place. Rohrer's was proactive to acquire the property fully intending to tear the structures down and turn the property back into tillable agricultural land, having no idea that it was on any historic lists. The township requested Rohrer's wait and run it through this process because the township would like to see if it could be documented correctly and if some of the materials could be salvaged. Rohrer's is willing to invest some money to be sure that an architect comes in that is knowledgeable with documenting historic sites to be sure that before the house gets torn down that there is a record made that can be preserved and can be used in the future. In addition, Rohrer's is prepared to have a contractor that can salvage some of the heavy timber beams in the barn and any of the features in the house that have historic significance so that they can be removed and reused in other locations.

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D. Yoder called on Travis Rohrer, President of Rohrer's Quarry. Travis confirmed the purchase of the property and the condition of the house and out buildings on the property. He stated that the property had been vacant for approximately 2 years. He also mentioned that the property had been significantly vandalized at that point. D. Yoder referred to photo exhibits that were provided. Rohrer noted that the house was turned into 3 different apartment units. Rohrer stated that when the property was purchased the house and barn were run down and there hadn't been anything invested in it in years. He shared that it is unsafe and would require some investment to make it usable again. When the property was purchased Rohrer stated that they intended to turn it into an agricultural buffer. When Rohrer applied for the demolition permit Tom Zorbaugh told him some of the buildings on the property were on the historic registry. Rohrer stated that at that time the township was in the middle of revamping their historic structures ordinance and they would appreciate Rohrer's waiting until it was finished. Rohrer's did agree to wait until the ordinance was finished to proceed with their plans for the property. In May of 2021 demolition permits were received to demolish some of the outbuildings on the property. At that time Tom Zorbaugh went out to the property and took a large amount of photos. Lancaster Historic Preservation Trust has done an evaluation of property and provided a report. Tippetts/Weaver Architects, Inc. was contacted because they specialize in documenting historic resources and they provided a proposal to Rohrer's regarding documenting the historic nature of the structures and the property. The proposal included full photo documentation, field measurements, a limited site survey, and creation of molding profiles defining details, floor plans, elevations, site plan, etc. The estimate for this proposal came in just shy of \$10,000.00 which Rohrer's is willing to do as a condition of any type of approval that the Board may grant. Rohrer's is willing to work with a contractor that is capable of doing salvage work as part of the demolition. T. Rohrer stated the buildings have been sitting vacant for approximately 5 years vacant. They have tried to secure it due to it being a liability but as fast as they secure it doors and windows are kicked in for vandals to get into the property. The same has been happening with the barn. Recently 3 juveniles were caught trespassing on the property. T. Rohrer confirmed that in his opinion removing the house and the barn and returning the property to crop land is in the best interest of the community and surrounding neighborhood. Rohrer stated he attended the Planning Commission Meeting when their plan was reviewed and the Planning Commission unanimously recommended the demolition of the house and salvaging as much as possible.

Danielle Keperling, Executive Director for the Historic Preservation Trust of Lancaster was called as a witness. She reviewed her educational and work experience for the Board. She has been qualified to testify as an expert in other municipal proceedings and hearings. Keperling stated the age of the property, the integrity of the historic fabric that is still there, if there was a historic event, and if it is a special type of architecture or special example are the criteria they look at. Keperling stated that the property is on the township historic record because of its age and architectural style. There were no historic events or people associated with the property and it is not part of a historic district or connected to other historic properties. Keperling noted that the property is not listed on the national registry of historical places. The original portion of the home is Georgian in style and then there is a Victorian era addition on the back and the barn is mid-19th century Victorian. Keperling stated that the Georgian style is represented throughout Lancaster County. Keperling visited the site in December 2022 and then was back in January 2023 to take more pictures. Keperling reviewed what was included in her report dated January 19, 2023. She stated she is a preservationist and does not usually advocate for a building to be torn down but there is a point where there is not a lot of historic value left. In her opinion the house and barn are in such a condition that they cannot feasibly and reasonably be reused and the denial of the demolition permit would result in an unreasonable economic hardship to Rohrer's Quarry. She stated that Rohrer's meets the standards for the conditional use to get a demolition permit subject to the 2 recommendations that she made which would be the architectural firm documenting the historic features and the salvage company attempting to remove and reuse whatever they can.

J. Strathmeyer asked what the square footage of the original structure may have been. Keperling did not know that information but she did point out what portion of the building was the original structure. J. Tennis asked if Keperling was satisfied with the proposal for documentation. She stated yes and that it would be a great resource if somebody later on would want to go back and see what was there or try to match some of the moldings or something for a building that would be similar. K. Kauffman asked if the barn was being documented. Yoder stated that the proposal

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was to do a site survey for the whole property but he doesn't know if they were going to do the photographic documentation. K. Kauffman stated that both the house and the barn are both historically relevant and both listed in the township documents so he would think they should both be treated the same. Yoder stated that he didn't think there would be any opposition to that if the condition is clear that both the house and barn are appropriately part of the scope of the architectural documentation. T. Rohrer stated that the contractor they are dealing with is BL Martin and they plan on salvaging approximately 90% of the barn. He noted that the house is in worse shape due to the vandalism so there will likely be less salvaged out of the house. K. Gutshall asked about where the salvaged material would be sold. Rohrer stated that the contractor has vendors and resources that he would turn the salvaged material over to, one being Sylvan Brandt. K. Kauffman asked what the intended use of the property is. Rohrer commented that it would be used for agriculture. Rohrer did state that both sides of the road are zoned agricultural.

Brenda Barnes mentioned that the barn was not looked into as much as the house. She would like to see the applicant focus on the barn and what could be done to preserve it. She also asked if the Lititz Historical Society was included in this process. She asked if the buildings were officially condemned. She would like to see oversight to the salvaging. K. Kauffman mentioned the safety of the individuals breaking into the buildings is an example for why the buildings should be taken down. He also mentioned that he appreciates that the Rohrer's have engaged someone that is PHMC that is on the list of approved architects. D. Yoder mentioned again that the Rohrer's stopped the process so that the township could finish rewriting their ordinance.

On a motion by J. Tennis and seconded by J. Strathmeyer, the Board unanimously approved the closing of the hearing. B. Harris recommended that the Board prepare the decision so it can be considered at the August 16, 2023 Board Meeting.

CONSENT AGENDA:

- Approval of minutes: June 7, and June 21, 2023
- Manager's Report
- Tax Collector's Report
- Public Works Report
- Police Department Report
- Zoning Officer's Report
- WESC/EMC Report

B. Harris mentioned that the township is in the process of negotiating the collective bargaining agreement for the police department which expires at the end of the year. At the last Police Commission meeting the Commission did make a recommendation to appoint Lieutenant Kilgore to Chief effective August 4, 2023. There is a preliminary plan for Compass Mill, United Zion for their 47 unit expansion as well as an application for a conditional use for 61 Clay Road on the agenda for the next Planning Commission meeting. Harris does anticipate the opening of 6th Street to happen within the next week or so. The Supervisors will have 2 conditional use hearings, one for Listrak and one for Hurst. Harris also noted that the 4th meeting of the Joint Strategic Plan update was held and the final one is being held August 10, 2023 and Elizabeth Furnace for Built and Natural Infrastructure. After that meeting ELA and Derck & Edson will take a pause, get the plan together, and the final public meeting will be at Warwick Middle School in October and then the municipalities can consider the update to the plan. Harris stated we have collected approximately 98% of our taxes to date. He also mentioned that most of our paving has been done for this year.

K. Gutshall stated that the round-a-bouts look great. On a motion by K. Kauffman and seconded by K. Gutshall, the Board unanimously approved the Consent Agenda as submitted.

CONSIDER AN EXTENSION OF TIME FOR THE CLAIR GLOBAL-222 TOURING BOULEVARD PLAN: B. Harris stated that the Board did conditionally approve the Clair Global Building 222 Touring Boulevard back in April. That 90-day period for recording the plan will be expiring. The applicant asked for a 30-day extension to record the plan.

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It is Dave Madary's intent to pick up the plan later this week and record it. On a motion by J. Tennis and seconded by K. Kauffman, the Board unanimously approved the extension of time for the Clair Global-222 Touring Boulevard Plan.

CONSIDER THE WTMA NEWPORT ROAD 1.00 MG WATER STORAGE TANK PROJECT SUBDIVISION AND LAND DEVELOPMENT PLAN, PREPARED BY ENTECH ENGINEERING, DATED 5/10/2023:

B. Harris noted that Steve Riley from Entech is present representing the authority. Harris oriented those in attendance to the location for the project and the associated changes being made. He noted that the Township did receive funding through the Marketing to Attract Tourism Program to construct a water tank in the northern portion of the township. After meeting with Sam High, Sam was agreeable to subdividing off a 160' x 160' acre parcel to give to the authority. The location was determined based on the overflow elevation of this tank being identical to Kissel Hill tank. Harris noted that there will be a permanent water line easement coming off of Route 501 that would run in to the tank. The other easement would be for stormwater. Harris stated that the tank will be built of concrete. He pointed out the planned buffers for the tank. As part of the project all the landowners were notified of the project last fall. The Planning Commission did recommend the project. ELA had a chance to review it and provide comments. Harris described the access for temporary construction and then for permanent access. Harris stated that the estimate is the job being bid in 2024 and project completion in early 2025. United Zion was a partner to help dilute some of the engineering fees. This tank will serve as a back-up to Lititz Borough's system. Steve Riley stated that the overflow of the proposed tank will match precisely the overflow of the Kissel Hill tank and they will operate in tandem. There will be no delineation between the borough system and the authority system similar to what it is today. The biggest benefits of bringing the tank to this location are from the boroughs perspective it is a redundant tank, it provides redundancy to the authority because they rely on the borough and their one tank to provide service to Warwick Township, and the tank to the north end of Lititz Borough will markedly increase fire protection for both Lititz Borough and Warwick Township north end customers. The tank will not raise normal domestic pressure but the improvement is going to be the availability of fire flow. There will be an incredible increase in available fire flow. J. Tennis asked what the size of the Kissel Hill tank is. Riley stated that tank was 2 million gallons. Tennis also asked if the township possessed the construction easement. Harris stated that we are in the process of preparing the 7 different easements. Harris does not anticipate any difficulties with the easements. Harris clarified that the I-1 site which is the Feedmobile site is not being sold as part of the auction. S. Riley stated that there is the ability to tint the concrete of the tank but typically you see earth tones. Riley described how the tank will be constructed on site. He also noted that there is approximately a 15' drop in elevation from Cindy Lane down to the base of the tank. There was a discussion on the size of the lot and the possible need for additional area in the future for a pump station. Riley mentioned that there will be a need for personnel to check the site approximately once a week. There will be a 12" line from Route 501 in front of United Zion back Mr. High's access drive to the tank and that is how the water will get to and from the tank. There was a discussion regarding having an access secured if there were the need for a larger truck to access the site for maintenance. On a motion by K. Gutshall and seconded by J. Tennis, the Board unanimously approved the Final Subdivision & Land Development Lot Add-on Plan for the Newport Road water storage tank conditioned on all aspects of ELA's letter dated July 10, 2023 being satisfied prior to recording.

CONSIDER PROPOSAL FROM LANDSTUDIES FOR SANTO DOMINGO CONSTRUCTION PHASE SERVICES:

B. Harris stated that the proposal being considered tonight from LandStudies is in regards to the Santo Domingo floodplain project. The Township did receive funding through the Keystone Communities Program to continue the restoration from Rock Lititz down. The scope of the proposal is for LandStudies to prepare construction documents, bid phase support, and the construction phase services during the project. It is a time and material estimate. ELA is working with LandStudies on preparing the bid documents pertaining to the project. K. Kauffman mentioned that the solicitor will look over the terms and conditions. Harris mentioned that the township continues to negotiate with the participating land owners that are part of the restoration. To-date he has half of the easements executed but is still working through items with a few of the land owners. On a motion by K. Kauffman and seconded by J. Strathmeyer, the Board approved the proposal from LandStudies for the Santo Domingo construction phase services. K. Gutshall abstained.

CONSIDER PROPOSAL FROM ELA GROUP TO DESIGN/PERMITTING FOR SR501 SIDEWALK PROJECT:

B. Harris stated that this proposal is associated with the local share account funding that was received to extend sidewalk up the east side of Route 501. The proposal is for the entire scope of planning and design which are broken out into 7 different tasks. Those tasks include site survey, water obstruction permit, hydrology and hydraulic study, pedestrian bridge design and foundation report, highway occupancy permitting, construction documents, and bid phase support. K. Gutshall asked if the township is going to look at that whole corridor comprehensively as part of this proposal. Harris noted that the survey number includes both sides of Route 501. C. Haley stated we are going to try and make it comprehensive all the way from the Rolex property all the way up to Sheetz. On a motion by K. Kauffman and seconded by J. Strathmeyer, the Board approved the ELA proposal for engineering, design, and permitting associated with the Route 501 sidewalk corridor improvements. K. Gutshall abstained.

CONSIDER PROPOSAL FROM RHYTHM ENGINEERING FOR SIGNAL MAINTENANCE: B. Harris stated that Rhythm is the company that has the contract with PennDOT for the signals associated with the Route 501 corridor. We have had some struggles over the years with the signals at Millport Road and Peters Road. C.M. High is our traffic provider and they help with our signal maintenance. Harris spoke with Frank from C.M. High and Rhythm offers packages that allow third parties like C.M. High to go in to make changes to help with managing the problems that arise. The quote is for \$1,000.00 per signal and it would give C.M. High the ability to modify and tweak the queuing at different times. B. Harris recommends trying this for a year and see if we get a benefit from it and if it allows C.M. High to manage those signals in a better manor it is worth it. If we do it for a year and we recognize that this isn't what we thought it would be we can reconsider for next year. Harris stated that right now for any changes to happen it has to go through Rhythm. We cannot control the system. If the Board would like to table this, B. Harris is willing to get better clarification from C.M. High. Harris was led to believe that by the township having this contract in place it gives C.M. High the liberty to access the system and not have to work with Rhythm and their customer service department. There was a lengthy discussion regarding this proposal. Harris is requesting this be tabled for the time being and he will reach out to C.M. High to verify information before a vote is rendered.

CONSIDER ACCEPTING DEDICATION OF THE PORTION OF SIXTH STREET LOCATED BETWEEN SIEGRIST FARM ROAD AND KISSEL HILL ROAD FOR PUBLIC STREET PURPOSES CONDITIONED ON ALL REQUIRED DOCUMENTATION AND INFORMATION BEING PROVIDED IN A FORM AND CONTENT ACCEPTABLE TO THE TOWNSHIP SOLICITOR: B. Harris stated although we don't have all the documents finalized to date, seeing that we do not have a first Wednesday meeting in August, the thought was rather than wait until the August 16, 2023 meeting there is a motion on the agenda to consider accepting dedication of the portion of 6th Street between Siegrist Farm Road and Kissel Hill Road for public street purposes. This motion is conditioned on all required documentation and information being provided in a form and content acceptable to the township solicitor which will be memorialized in Resolution 07-19-23-01. As part of the public dedication B. Crosswell always prepares a resolution and he asked that the resolution number be included in the motion.

CONSIDER ACCEPTING DEDICATION OF THE REMAINING PORTION OF LITITZ RESERVE LANE CONDITIONED ON ALL REQUIRED DOCUMENTATION AND INFORMATION BEING PROVIDED IN A FORM AND CONTENT ACCEPTABLE TO THE TOWNSHIP SOLICITOR: A motion would be made for dedication of the remaining portion of Lititz Reserve Lane conditioned on all required documentation and information be provided in a form and content acceptable to the township solicitor which will be memorialized in Resolution 07-19-23-02.

On a motion by J. Strathmeyer and seconded by K. Gutshall, the Board unanimously approved accepting dedication of the portion of Sixth Street between Siegrist Farm Road and Kissel Hill Road memorialized in Resolution 07-19-23-01 and the remaining portion of Lititz Reserve Lane memorialized in Resolution 07-19-23-02.

CONSIDER MOTION TO APPROVE THE PAYMENT OF BILLS: B. Harris stated that the total bill register is \$429,757.14 of which \$131,000.00 are attributed to the general fund, \$63,000.00 to escrow. One of the large ones in

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escrow is 3 Sons Property LLC which is Garman's on Main Street in Rothsville. The highway aid fund had the biggest chunk of bills at \$216,527.00 with one associated with the AMS Nova-chip invoice for approximately \$173,000.00 as well as Martins oil and chip that they did. On a motion by J. Tennis and seconded by K. Kauffman, the Board unanimously approved the payment of bills as submitted.

CONSIDER MOTION TO APPROVE THE TREASURER'S REPORT: B. Harris mentioned that EIT continues to be very strong up about 9% of where we were last year. The real estate transfer is slightly behind but we still think we are going to reach our 2023 number. On a motion by K. Kauffman and seconded by K. Gutshall, the Board unanimously approved the Treasurer's Report as submitted.

CONSIDER REQUEST BY HANDS ON HOUSE FOR RACE ON 9/30/2023: Hands on House is planning a special event on 9/30/2023 and are requesting use of our roadway. The half marathon course will travel into Warwick Township over in the Owl Hill area as part of their route. They did provide an indemnification agreement as required. On a motion by J. Tennis and seconded by J. Strathmeyer, the Board unanimously approved the Hands on House Race on September 30, 2023.

DEP SECTION 902 GRANT AWARD: B. Harris stated that we received \$350,000.00 to upgrade our recycling unit. The Township is going to demo 2 different units in August and September. After those demos Harris will report back to the Board. The way the 902 program works is you incur the expense and provide proof to DEP that you purchased the unit and then you are reimbursed \$350,000.00. Harris does not anticipate receipt of the new unit until 2024.

CHIEF STEFFEN RETIREMENT CELEBRATION: August 4, 2023 Chief Steffen will be hosting a retirement party at The Booking House. You can RSVP or drop in. Harris did mention that the next Police Commission meeting on August 10, 2023 at 7:00 p.m. will be held here in Warwick and that is when the swearing in of Lt. Kilgore will be.

BETTER MOUSETRAP CONTEST: We submitted an entry into the Better Mousetrap Contest and we received a request for a release form to enter in to the national contest. The top 3 in each state are sent to the national contest.

Thomas Ressler of 569 Millway Road, Lititz asked if the Township has ever considered pavement markings for the rail trail crossings. He shared his concerns with traffic on Picnic Woods Road and Rothsville Station Road. He mentioned that Cedar Run shields the crossway on Rothsville Station Road. He noted that the bicycles do not yield well at the trail crossings. B. Harris noted that Cedar Run will be coming before the Planning Commission in September and the trail crossing will be discussed. Harris mentioned that there could be a condition of approval regarding the crossing.

NEXT MEETING: Wednesday, August 16, 2023 at 7:00 p.m. (no morning meetings in July or August)

ADJOURNMENT: On a motion by J. Strathmeyer and seconded by J. Tennis, the meeting was adjourned at 8:39 p.m.

Respectfully Submitted,

Brian Harris
Township Manager