

**WARWICK TOWNSHIP BOARD OF SUPERVISORS
MEETING MINUTES
Warwick Township Municipal Office**

September 21, 2016

Chairman W. Logan Myers, III convened the September 21, 2016 meeting of the Board of Supervisors at 7:00 p.m. Present were Supervisors Herbert Flosdorf, Michael Vigunas, Kenneth Eshleman, and David Kramer. Also present was Daniel L. Zimmerman, Township Manager; Dean Saylor, Public Works Superintendent; Chuck Haley from RGS Associates; Michelle Bingham 603 Woodcrest Avenue, Lititz; Whit and Reid Buckwalter representing BFLP; Rick Phillips 1052 Presidents Drive, Lititz; Nathan Jameson representing TOA; Bill and Ruby Miller of TOA; David Hager 498 Allegiance Drive, Lititz; Laura Knowles representing the Lititz Record; Cory VanBrookhoven 25 S. Broad Street, Lititz; Lisa and Ryan Fegley 607 Becker Drive, Lititz; Jake Toews 300 Centennial Court, Lititz; Gale and Bill Kendall 700 Centennial Court, Lititz; Frank Muratore 305 Wickshire Circle, Lititz; Bryan Leithiser 105 Wickshire Circle, Lititz; Cherie Chen 116 Pepperton Court, Lititz; Al Olah 479 Pilgrims Drive, Lititz; and Albert Ye 122 W. Millport Road, Lititz.

GUEST RECOGNITION AND PUBLIC COMMENT: The floor was opened to public comment from residents, taxpayers or rate payers of Warwick Township. Mr. Cory VanBrookhoven, President of the Lititz Historical Foundation, addressed the Board with his concern about the demolition of the historical home located on property to be developed by Traditions of America. He has offered his services to TOA to help save the home.

APPROVAL OF MINUTES: On a motion by Kramer, seconded by Flosdorf, the Board unanimously approved the minutes from August 17, 2016 as submitted.

TREASURER'S REPORT: On a motion by Vigunas, seconded by Eshleman, the Board unanimously approved the Treasurer's Report as submitted.

PAYMENT OF BILLS: Zimmerman stated the amount is higher than usual due to the considerable amount of paving that has been done. Also, there is a payment to the NLCRPD and in September the Township issues the yearly allocation to the library, fire companies, and Rec Center.

On a motion by Eshleman, seconded by Flosdorf, the Board unanimously approved Payment of the Bills as submitted.

MANAGER'S REPORT: Lancaster Farmland Trust: Zimmerman stated the goal is to inspect approximately 20-30 farms per month.

Wetland Project- Linear Park: The project will be able to be completed and processed by October 15, 2016.

PW Contract Negotiations: This will be discussed at an executive session tonight.

MS4 Program: The Township has seen the draft of the MS4 permit however it has not been issued yet officially from DEP. Zimmerman stated he will try and have a summarization of the required submittals for 2017 to the Board next month. Myers inquired how this will affect what the Township has already submitted. Zimmerman replied the Outfall plan and map will need to be modified.

Strategic Plan: The Housing and Economic Committee met on Wednesday, September 15, 2016 at Elizabeth Township.

Zimmerman addressed some concerns regarding W. Woods Drive that were brought up at the TOA Public Hearing. On tonight's agenda a Resolution will be discussed dealing with restricting truck traffic on W. Woods Drive. In addition, W. Woods Drive will be a targeted area for speeding enforcement by the NLCRPD. There will also be a realignment of the intersection at Hillcrest Avenue and W. Woods Drive which will be done in conjunction with a five lot subdivision currently under review. This will significantly increase the site distance.

Zimmerman inquired of the Board if the developer of the subdivision can move ahead of the process in order to get the intersection realignment started. Myers stated this would have to be approved on good faith as it is unknown if the plan will get approval from the land owners. The Board was in agreement for the developer to move ahead with the excavation only.

TAX COLLECTOR'S REPORT: On a motion by Flosdorf, seconded by Kramer, the Board unanimously approved the Tax Collector's Report as submitted.

PUBLIC WORKS REPORT: Re-grading, seeding and pipework at the Linear Park wetland area was done the week of September 12th.

The placement of a seal coat on Highlands Drive and Crosswinds Drive was completed today.

The final overlay at the intersection of Millway Road and Meadow Valley is scheduled to be done tomorrow, Thursday, September 22nd.

The week of September 26th the road widening on Warwick Road will be completed.

The plan is to start work on the Rail Trail the week of October 3rd.

A resident of TOA inquired whether a crosswalk could be placed at Peters Road and Highlands Drive due to difficulty in crossing the street. Zimmerman stated the long term plan is to have this intersection signalized. At this time the intersection does not qualify for a signal. In the meantime it was discussed about the possibility of placing a "Pedestrian Crossing" in this area. Crosswalks will be installed at the intersection.

POLICE DEPARTMENT REPORT: On a motion by Flosdorf, seconded by Eshleman, the Board unanimously approved the Police Department Report.

ZONING OFFICER'S REPORT: On a motion by Eshleman, seconded by Vigunas, the Board unanimously approved the Zoning Officer's Report.

WESC/EMC REPORT: See attached report.

CONSIDER DECISION FOR THE CONDITIONAL USE APPLICATION FOR TOA TO ADD 23 ACRES TO THE ORIGINAL PROJECT UNDER SECTION 340-108.2 TO ALLOW MODERATE DENSITY HOUSING FOR AGE RESTRICTED DEVELOPMENT:

. Zimmerman reviewed the process of a Conditional Use Application. The TOA project is in its third year of operation. The addition of the 23 acres to the original 60 acres is the reason for the modification of the Conditional Use Application. A hearing was held last month with testimony from numerous parties in which the Applicant showed how the 23 acres will be incorporated into the original 60 acres. The modifications from the original Conditional Use Decision were reviewed and the conditions that are still pertinent are restated. The Board may add conditions that address the modifications. The Conditional Use Decision the Board has before them tonight contains a total of 49 conditions. Zimmerman reviewed the following new conditions: 1. Hess Lane to be connected and must meet all geometric and street standards. 2. Hess Lane must be improved from Resolution Drive to W. Woods Drive. 3. Adequate site distance shall be provided at Hess Lane and W. Woods Drive. 4. W. Woods Drive will be widened at the frontage with curbing. 5. All access drives or private streets including Hess Lane must meet current pavement cross section requirements. 6. The existing walking trail shall be extended along Bachman Run to W. Woods Drive and along the property frontage of W. Woods Drive. 7. Sidewalks will be constructed. 8. The Riparian buffer from Bachman Run to W. Woods Drive will be continued. 9. Options for the farmhouse will continue to be evaluated. 10. There must be compliance with all standards of the Warwick Township Municipal Authority. 11. The Applicant is to provide recreational opportunities on site and contribute to the Township's Recreational Fee. 12. There will be installation of traffic calming elements. 13. The dwelling driveways must provide a minimum distance of 20 feet between the garage and curb. 14. The trail will be continued along W. Woods Drive to the tributary and the Applicant will provide 50% of the cost to cross the tributary. 15. The Applicant must adhere to the evidence presented at the hearing held on August 17, 2016. 16. All permits, approvals and waivers required must be obtained. 17. The Decision is recorded in the Lancaster Recorder of Deeds. 18. Any violation of these conditions is considered a violation of the Zoning Ordinance and subject to fines and/or penalties.

Kramer stated the Conditional Use Decision when referencing the farmhouse speaks of feasibility. He would like to know how the feasibility will be determined of this farmhouse. Jameson replied it depends on the following conditions: The value of the home. The sale of the home to a private party would be subject to restrictions believed to be appropriate to protect the HOA from any maintenance on the property. The property would have to be subdivided and provided easements over the private streets within the development. Jameson feels the house would also need to be age restricted. Two realtors and an appraiser who specializes in historic structures were asked to provide an estimated value of the property. These values are being assessed by engineers for cost benefit. As far as any potential uses of the house, TOA's Declaration of Planned Community prohibits any commercial use on the property such as a Bed and Breakfast. One possibility if the home were to be kept was to use it as a community building. However, if this home were to be used as a community building it would need to meet the codes for ADA compliance and the expense for this would be significant for a home of this age. Eshlman inquired if TOA has encountered a situation such as this in the past. Jameson stated this particular situation has not been dealt with before. There is the possibility of having the home moved in order to preserve it if someone were to be interested in doing so.

A resident of TOA stated he would not like to pay money to the HOA in order to maintain this home.

VanBrookhoven inquired if the property were to be placed up for sale and have it possibly moved what is the timeline as far as how long it would be on the market. Jameson stated if the house were to be placed on the market it would be for approximately three months.

On a motion by Vigunas, seconded by Eshleman, the Board unanimously approved the Conditional Use Application for TOA to add 23 acres to the original project under Section 340-108.2 to allow moderate density housing for age restricted development with conditions as noted.

CONSIDER DECISION FOR THE CONDITIONAL USE FOR EAGLES MERE INVESTMENTS FOR AN APPLICATION UNDER SECTION 340-18-C-4 BILLBOARDS: Zimmerman stated the Board had discussed conditions to be applied to this Application at a previous meeting. He stated it is required to provide for billboards in every municipality. The Township provides for billboards in the Industrial Zone only. The Board held a hearing for this case in August. Zimmerman reviewed the following conditions that were applied to the Application: 1. The billboard must meet all requirements of the Zoning Ordinance. 2. It must meet both PennDOT and other state permit requirements. 3. The Billboard will have a zero lighting impact at the property line to meet dark sky standards. 4. Verification must be provided within 30 days of becoming operational that the billboard meets the dark sky standard. 5. One public service message per quarter will be run for a 28 day length of time. 6. Must comply and adhere to the representation in the evidence that was presented to the Board on August 17, 2016. The sign will face to the north.

Flosdorf inquired what will be on the back of the billboard. McGovern stated nothing can be placed on the back it will just be a black box due to only having six feet of width inside the setback. Vigunas inquired if something static could be placed on the back. McGovern stated if this were to be done it would be within inches of the setback. However if the Board is open to placing something on the back, this could be done at a later date. Myers stated once the billboard is in the place this possibility will be revisited.

Kramer inquired of McGovern if he was familiar with Senate Bill 1301 that is being considered by the PA State Senate. McGovern stated he heard about it when it first came out. Kramer stated currently it is in the Transportation Committee and he would recommend McGovern check into it for any changes that may be made. Zimmerman stated the Decision requires that any new standards must be adhered to. However, there could be some standards that McGovern would be grandfathered under.

On a motion by Eshleman, seconded by Vigunas, the Board unanimously approved the Conditional Use for Eagles Mere Investments for an application under Section 340-18-C-4 Billboards with conditions as noted. Kramer abstained from the vote since he was not at the hearing held in August.

CONSIDER THE 2017 MMO FOR THE NON-UNIFORM PENSION PLAN: Zimmerman stated it is required by the state as part of the budget preparation the Board be made aware of the municipal obligation for public pensions. The Board was provided with the projected estimate for 2017. Zimmerman stated approximately \$60,000.00 of this estimate is for state aid. Myers inquired how many participants there are at the present time. Zimmerman replied that there are 15 participants.

DISCUSSION ON PROCESS FOR THE 2017 FISCAL BUDGET: Zimmerman stated a draft of the budget will be provided to the Board at the November 16, 2016 Board of Supervisors meeting. There will be a budget meeting prior to the regular Board meeting. It is required that the Township release the draft for public review for 30 days. This would allow for a final adoption at a December meeting.

CONSIDER RESOLUTION 09-21-16-01 ACCEPTING EAGLES LANDING AS PART OF THE TOWNSHIP STREET SYSTEM: Zimmerman stated the street meets all of the Township's street criteria. On a motion by Flosdorf, seconded by Vigunas, the Board unanimously approved Resolution 09-21-16-01 Accepting Eagles Landing As Part of the Township Street System.

CONSIDER RESOLUTION 09-21-16-02 RESTRICTING TRUCKS OVER 5 TONS ON W. WOODS DRIVE BETWEEN WOODCREST AVENUE AND HIGHLANDS DRIVE: On a motion by Vigunas, seconded by Kramer, the Board unanimously adopted Resolution 09-21-16-02 Restricting Trucks Over 5 Tons on W. Woods Drive Between Woodcrest Avenue and Highlands Drive.

A resident of Warwick Township inquired who is responsible for enforcing this weight restriction. Zimmerman replied it is enforced by the Police Department. Myers recommended if the resident see a truck over the weight limit to get

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the name of the company and report it to the police or the Township and the Township will call the company and advise them of the violation.

EXECUTIVE SESSION: Myers announced to the public, immediately prior to the Executive Session, that the Board will now hold an Executive Session to discuss personnel/contract negotiations.

ADJOURNMENT: Following the Executive Session, and as there was no further business to discuss or action to be taken, the meeting was adjourned at 8:50 p.m.

Respectfully submitted,

Daniel L. Zimmerman
Township Manager