

WARWICK TOWNSHIP BOARD OF SUPERVISORS
MEETING MINUTES
Warwick Township Municipal Office
January 17, 2018

Chairman W. Logan Myers, III convened the January 17, 2018 meeting of the Board of Supervisors at 7:00 p.m. In attendance were Supervisors Ken Eshleman and Andrew Spade. Absent was Supervisor Herbert Flosdorf. Also in attendance were Daniel L. Zimmerman, Township Manager; Tom Zorbaugh, Code and Zoning Enforcement Officer; Jason Minnich, Interim Public Works Superintendent/Roadmaster; William Crosswell, Township Solicitor; H. Scott Althouse of 634 Chickadee Drive, Lititz; Kevin Varner representing Diehm & Sons; Sandra Knaub of 517 Woodcrest Avenue, Lititz; Sharlene & Marcello Medini of 510 Woodcrest Avenue, Lititz; George Sayles of 804 Scott Lane, Lititz; Cathy Gonzalez of 253 N. Oak Street, Lititz; Michael Maguire of 846 Furnace Hills Pike, Lititz; Karie Nickens of 315 S. Cedar Street, Lititz; Cory Van Brookhoven of 25 S. Broad Street, Lititz; Cathy Gelatka of 220 S. Spruce Street, Lititz; Anne Pyle of 410 Rudy Dam Road, Lititz; Scott Gible of 344 Knights Bridge Way, Lititz; Jack Enco of 51 Heron Road, Lititz; John Roach of 2 Laurie Lane, Lititz; Brittany Hoeschele of 409 Owl Hill Road, Lititz; Laura Knowles representing the Lititz Record Express; Robyn Talley of 5 Oakwood Lane, Lititz; Gail Johnson of 6 Oakwood Lane, Lititz; Jim Gordon of 629 W. Orange Street, Lititz; and Pete & Henny Maxfield of 910 May Road, Lititz

GUEST RECOGNITION: The following individuals spoke in support of Marcello Medini to fill the vacancy position for Board of Supervisor:

Scott Althouse, 634 Chickadee Drive. Althouse has lived in the Township for approximately 1 ½ years but has known Marcello for approximately 4 ½ years. He feels Marcello is representative of a lot of the people in the community and would like the Board to consider him for this vacancy.

Sandra Knaub, 517 Woodcrest Avenue. Knaub is a 14-year resident of the Township and is a retired pastor. Marcello is a neighbor of Knaub's and they serve on the Warwick Democratic Committee Board together. She feels he is dedicated to serving Warwick Township. Even though he is a Democrat and the majority of the community is Republican, Knaub feels character qualifications and dedication should matter more than party membership.

Shari Medini, 510 Woodcrest Avenue. Shari is Marcello's wife and stated she and Marcello are dedicated to raising their children in the Township and are committed to being an integral part of the community.

George Sayles, 804 Scott Lane. Sayles has been a Township resident for 17 years and is a business owner in Lititz. He stated Marcello is a quality individual who would bring new ideas and youthfulness to the Board.

Cathy Gelatka, 220 S. Spruce Street. Gelatka is a retired WSD teacher. She feels Marcello is very capable of working with other people which she feels is a great strength for anyone in public office. She stated he is willing to listen to everyone's opinion before he makes judgement.

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Marcello Medini, 510 Woodcrest Avenue. Marcello stated he appreciated the Board's time and consideration. He stated through campaigning he met many of his neighbors and others in the community and feels this uniquely positions him to know some of the concerns of the people who reside in the Township. In addition, he feels the Board can't have a diversity of ideas if you don't have a diversity of people.

Karie Nickens, 314 S. Cedar Street. Karie stated she has known Marcello for 6 ½ years and through this time has gotten to know his character. He is full of energy, focus and determination. He listens to all sides even if he doesn't agree with everything he hears. Nickens stated the biggest reason he should be considered is that he really wants the position.

Anne Pyle, 410 Rudy Dam Road. Anne is a Real Estate Agent and has a background in planning and zoning. She stated she is supporting Marcello for this position as she has spoken with him on many occasions and feels he is extremely qualified in planning and zoning and she feels someone who already has that ability is one of the most important things about the job that the Supervisors do. In addition, Pyle stated he was the third highest vote during the election and he worked very hard to get the position. She feels the job is about what you want and how hard you work to get it not about what party you belong to.

Scott Gible, 344 Knightsbridge Way. Gible feels Marcello has youth, energy and vitality which is important to this type of position and would like the Board to consider him for the Supervisor position.

Jack Enco, 51 Heron Road. Enco has known Marcello for the last 4-6 years and finds him energetic, resourceful and experienced in the ways of managing. He feels he is qualified and should be strongly considered for the Supervisor position.

Cathy Gonzalez, 253 N. Oak Street. Gonzalez stated she has been a Township resident since 2001. She feels Marcello has the experience that is needed. He is involved in and aware of the issues the Supervisors face. She feels he would bring a new viewpoint to the Board and would like them to consider him for the position.

Robyn Talley, 5 Oak Wood Lane. Talley pointed out Medini ran for the position, campaigned for the position, he was the next in line for votes, he wants the job, and he is qualified. She feels he should be considered for the position.

Gail Johnson, 6 Oak Wood Lane. Johnson stated she has lived in the Township since 1991. She stated she does not know Marcello however she knows he wants the job, he was next in line in votes and feels it is up to the Board to do the right thing.

Jim Gordon, 629 W. Orange Street. Gordon stated he has lived in Lititz all his life and met Marcello recently. He stated Marcello knows the system and how it works. He is a team player and would like the Board to consider him for the position.

Brenda Barnes, 214 S. Spruce Street. Barnes stated she believes the candidate with the next highest amount of votes should be the one chosen.

Michael Maguire, 846 Furnace Hills Pike. Maguire stated Marcello wants to perform his civic responsibility to the community. He has the experience and he would like the Board to consider him for the position.

Mary Lou Lavendar, 222 Andover Lane. Lavendar stated the election is over, she respects the Board's responsibilities and this should be their decision.

With no one else desiring to comment, L. Myers stated this was a difficult position the Board was put in. The individual who had to resign also had to make a difficult decision however he had to think of his family first. L. Myers stated the

Township is governed by the Second Class Township Code Laws of the Commonwealth of Pennsylvania. Many of the statements tonight mentioned the fact that Medini was next in line with the votes. L. Myers stated the people who wrote the laws of PA make no mention of "votes" in the laws. In addition, it is stipulated that this is not to fill out a term. This is only an appointment for a position until the next election cycle to elect for the next Township Supervisor which will be in 2019. W. Crosswell, the Township's Solicitor, added the Second Class Code does provide a specific method to fill a vacancy in office and that this is up to the remaining members of the Board of Supervisors. The Board must take action within the required time limit to make the appointment. However, if the Board does not act in that time limit they default to the Vacancy Board. If the Vacancy Board should not act within their required time it would then go to court. D. Zimmerman stated there were other individuals who also desired to be considered for the vacancy. L. Myers stated he explained to these individuals the same process as was outlined tonight. L. Myers stated he spoke to a former Board Member, Mike Vigunas. M. Vigunas served the community for over 20 years and has also given a lot to the school district as well as the Township. L. Myers asked the Board to consider reappointing Michael Vigunas for this vacancy.

Comments were then taken again taken from the public.

R. Talley stated she wanted to point out that M. Vigunas chose to stop serving the community and Marcello has chosen to start serving the community.

S. Althouse stated there is a lot of conversation about government working or not working and he feels Warwick Township is an example of a working government. There are a lot of people here tonight in support of a candidate with a fresh perspective. He feels this is an opportunity to reset the tone of a cooperative spirit and to show the citizens that the Township can embrace a common wealth in the community.

J. Gordon inquired if M. Vigunas was present at the meeting. L. Myers stated he was not. J. Gordon pointed out that Marcello is here and ready to do the job.

With no other comments from the public, the Chair entertained a motion to reappoint Michael Vigunas to fill the vacancy position on the Board of Supervisors. A motion was made by K. Eshleman and seconded by A. Spade to appoint Mike Vigunas to serve out the term until the election occurs in 2019. A. Spade also stated there were a lot of good candidates who presented their information however the reality is the Board is limited to a 15 day period to make the decision. Otherwise it falls on others and he felt it was the Board's responsibility to take on this burden. In a different scenario maybe all the candidates could be reviewed. M. Vigunas has served a long time and brings the community oriented mentality, service and the ability to seamlessly move forward until the next election. W. Crosswell recommended to the Board since there has been a motion and a second and even though the public has been afforded comment to make sure the Township is in full compliance with the Sunshine Act to again ask the public if there is any comment. L. Myers asked again if there were any comments from the public.

David Kramer, 814 Erbs Creek Road, stated he is a former Supervisor. His term ended at the end of 2017. He served on the Board for 12 years. When he found out about the circumstances he went to the Board and said if they needed him he would be willing to serve. He did however tell the Board that M. Vigunas has more experience and serves on more boards and feels he should be considered first for this appointment. He congratulated the Board for selecting M. Vigunas and thinks they did the right thing. He does think Marcello will be a fine candidate in the next election.

Brittany Hoeschele, 409 Owl Hill Road, feels the decision was already made prior to the meeting.

C. Gonzalez stated this was a chance for the Board to appoint someone who is qualified, who has the support and is willing and able to do the job and the Board did not take it.

D. Zimmerman stated all the candidates information that was received is in the Board Member's packets. L. Myers stated the process was explained to them just as it was tonight.

G. Johnson wanted clarification on what the vetting process is. L. Myers stated the Township does not have a vetting process per se. He is referring to the political system that goes on in PA where the parties who want to stand for election are interviewed by the committee. This is called the vetting process. G. Johnson then asked what the vetting process was when the Board was reaching out and reviewing the resumes. L. Myers stated he and D. Zimmerman spoke with the candidates and explained the situation. The candidate then made a decision from there of what to do or not to do. D. Zimmerman stated it is the Board's option to do what they feel is best for the function of the Board. People who stepped forward were acknowledged and their resumes were included in a packet to the Board for consideration for tonight. W. Crosswell stated the Sunshine Act requires there be an opportunity for public participation which has been given. It requires that anybody who wants to be selected for appointment and fill a vacancy in an elected office that the comments as directed to the Board as a group be made in the public and that any vote be taken in the public. W. Crosswell stated the Board has followed this process. W. Crosswell stated each Board Member was free to talk to whomever they desired to talk to. All the Sunshine Act requires is that the deliberation process and the vote be public.

Pete Maxfield, 910 May Road, stated a large number of residents voted for Medini who is qualified. If there wasn't anyone qualified who ran for the position it would make sense to look for someone else. However, he feels that someone who ran, who got a substantial number of votes, who has the support and wants the job should get the job.

With no other comments from the public, and with a motion and a second having already been made, the Board unanimously approved appointing M. Vignas to serve out the vacancy on the Board of Supervisors until the election occurs in 2019.

CONSIDER RESOLUTION 01-17-18-01 PROVIDING APPOINTMENT OF A SUCCESSOR TO FILL THE VACANCY CREATED IN THE OFFICE OF SUPERVISOR: On a motion by K. Eshleman, seconded by A. Spade, the Board unanimously approved Resolution 01-17-18-01 providing for a replacement for the Board of Supervisors.

APPROVAL OF MINUTES: On a motion by K. Eshleman, seconded by A. Spade, the Board unanimously approved the December 6, 2017 and December 20, 2017 minutes as submitted.

TREASURER'S REPORT: D. Zimmerman stated included is the end of the year report for 2017. On a motion by A. Spade, seconded by K. Eshleman, the Board unanimously approved the Treasurer's Report.

PAYMENT OF BILLS: On a motion by K. Eshleman, seconded by A. Spade, the Board unanimously approved the Payment of the Bills.

MANAGER'S REPORT: NLCRPD: See attached report.

WESC: See attached report.

Updating road improvement 5 year program: D. Zimmerman is currently working with J. Minnich and J. Bunch on a revised 5 year improvement program. This will be presented to the Board in either February or March. This will also coincide with the mapping that was done for the 2022 Strategic Plan update.

501 Project: Nothing to report at this time.

Lions Park: The Township will get a \$50,000 reimbursement from DCNR.

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WERT: Notification was received last month that the Township received the grant for the bridge rehab project however still awaiting the grant agreement from DCNR. L. Myers inquired about the PennDOT grant. D. Zimmerman stated the Township received the CFA 6th Street grant agreement notification but did not yet get the agreement itself. Acknowledgement of the CFA agreement had to be acknowledge and sent back which has been done. The Township is anticipating hearing about the PennDOT grant by the end of January.

Strategic Plan: A draft has been submitted to the Lancaster County Planning Commission. These comments will then come back to our Planning Commission. Adoption of the plan is anticipated in March or April. The first meeting of the New Year for the Coordinating Committee is Thursday, January 18th at 7:30 a.m. here at the Township. The primary purpose is to look at the membership of the committees.

Final project closeout process: D. Zimmerman stated there have been some problems with getting projects closed out so there will be a discussion on measures that can be taken to speed up this process later in the meeting.

Selection process for Assistant Manager position: This is close to conclusion. Final interviews were approximately 1 ½ weeks ago.

TAX COLLECTOR'S REPORT: D. Zimmerman stated the report represents a 98.7% collection ratio.

PUBLIC WORKS REPORT: J. Minnich reported most of December was spent on winter maintenance. See attached report.

POLICE DEPARTMENT REPORT: See attached report. Also included is the Commission Member Handbook.

ZONING OFFER'S REPORT: Zorbaugh stated he included his end of year report as well as a Notice of Concern Report. There were some NOC that have been carried over to the New Year. One issue that is becoming more of a concern is AirBNB/BNB which will be discussed later on in this meeting.

WESC/EMC REPORT: D. Zimmerman stated that at the meeting on Monday, January 15th there was a motion made by the Commission to bring back to the governing Board a proposal to evaluate different consolidation scenarios with the fire companies. There was a preliminary effort made last year to look at the consolidation between Lititz Fire Company and Brunnerville Fire Company however nothing was ever decided. An individual who has worked for DCD and is experienced in this type of work, has recently retired and will be putting together a proposal which will then be brought before the Board for review.

A member from the public inquired will the Fire Companies be able to handle the growth that the Township is experiencing? D. Zimmerman explained a response analysis was recently completed which shows performance standards for the fire companies that takes into consideration both current and future growth and how those strains affect the fire companies. One option would be to redefine the district. For example if there is an overload in one area can this area be distributed to another area within the Township? The average time of response is also reviewed as far as what is expected and what is acceptable. All new buildings and developments are reviewed by WESC up front so anything that can make it easier or more effective for the fire company to respond is incorporated into the design from the beginning.

LRC: See attached letter thanking the Township for their fourth quarter monetary contribution.

SENATOR AUMENT/MARTIN: See attached letter thanking the Township for opting out of allowing a mini casino to operate within the Township.

LITITZ PUBLIC LIBRARY: See attached letter thanking the Township for their fourth quarter monetary contribution.

ARRO: See attached letter thanking the Township for retaining them as the Alternate Township Engineer for 2018.

ROTHSVILLE FIRE COMPANY: The Township received a thank-you for the presentation at their 100th anniversary celebration.

LCSWMA: See invitation to open house for officials. D. Zimmerman stated the biggest importer of recyclable goods was China. The Chinese government felt there was a large amount of contamination in these recycling goods and have dramatically reduced the importing of recyclable goods. This in turn is flooding the recycling market. The issue becomes will there be a charge to recycle goods.

CONSIDER REQUEST FOR PARTIAL RELEASE OF IMPROVEMENT GUARANTEE FOR LITITZ BEND

(PHASE 1): On a motion by K. Eshleman, seconded by A. Spade, the Board unanimously approved the request for partial release of improvement guarantee for Lititz Bend per the ELA letter dated January 3, 2018 in the amount of \$347,112.00.

CONSIDER THE MICHAEL PALASZ FINAL LAND DEVELOPMENT PLAN, PREPARED BY DIEHM & SONS, DATED 8/30/2017: Kevin Varner from Diehm & Sons was present to review the plan with the Board. K. Varner gave a brief review of the plan. The proposal is for a 2,100 square foot building with a parking area. The building does encroach on the setback and the parking comes closer to the right-of-way than allowed by zoning. K. Varner was before the Zoning Hearing Board and the appropriate variances were received. The storm water for the project will be a small rain garden located in a corner that will drain into a swale. Within the sewer easement there currently is a drive that comes into a dumpster pad which will be expanded into WTMA's easement. Conditional approval was given that documents what is there and what is being proposed. Approval was received from the Conservation District.

K. Varner stated there are some waivers that are being requested:

- Section 285-7.C- Submit project directly as a Final Plan: The project is straightforward and has already been through the Land Development Process.
- Section 285-27.J(3)-Improvement of existing streets right-of-way requirements; Section 285-28.C- Curbs; Section 285-28.B(1)- Sidewalks- There is limited traffic on Toll Gate Road. The majority of the properties along Toll Gate Road do not have curb and sidewalks.
- Section 285-27.K(6)- Access Drive Intersection Radii to be 20' minimum: Applicant would provide 15'. No tractor trailers are anticipated. The largest vehicle anticipated would be a garbage truck.
- Section 285-27.L- Clear sight triangle to be 15' from the cartway edge: Applicant is proposing to use PennDOT standard of 10' feet off the white line.
- Section 270-32- Volume control: A rain garden will be put in to provide water quality.

On a motion by K. Eshleman, seconded by A. Spade, the Board unanimously approved the Michael Palasz Final Land Development Plan, prepared by Diehm & Sons, dated 8/31/2017 to include waivers 1-5 as per the ELA letter dated December 27, 2017.

CONSIDER RESOLUTION 01-17-18-02 AUTHORIZING ANCILLARY ACTIVITIES BY VOLUNTEER FIRE COMPANIES PROVIDING SERVICE TO WARWICK'S COMPENSATION COVERAGE: D. Zimmerman stated the reason this is done is because the fire companies are under the Swift State Workers Comp System. Swift is streamlining the definition of what an active fireman is. An active fireman can be anyone who supports the fire organization which includes anyone from a Firefighter 1 to someone who helps with fundraising. In order to make sure members of the fire company are covered for the Worker's Comp this Resolution is done to make sure this is what is recognized as authorized activities.

On a motion by A. Spade, seconded by K. Eshleman the Board unanimously adopted Resolution 01-17-18-02 authorizing ancillary activities by volunteer fire companies providing service to Warwick's compensation coverage.

DISCUSSION ON CLOSE OUT PROCEDURES FOR DEVELOPMENT PROJECTS: D. Zimmerman stated a discussion on this issue was started last year. He stated projects get built, they get occupied, but when it gets to storm water and the MS 4 program the motivation to finish is slow. The Township retains a certain portion of the money under the improvement guarantee which can be under a letter of credit or bond. The Township ends up continually contacting the people reminding them of their remaining responsibilities however this gets harder as the years go on. The Township is looking to the Board to find out how aggressive they would like to be on getting all the necessary work completed on a project or are there any other options as holding money does not seem to be working. D. Zimmerman had the thought that possibly the Land Development Agreement could have a fine system added in. Under the MS 4 program there is an obligation for the municipality that when it gets audited by EPA or DEP it must be shown that the NPDES permits are closed out as well as wanting to know if the facility is being maintained and is an annual inspection being done on it. L. Myers inquired if the Township has the authority from a financial standpoint to enforce this. W. Crosswell stated on the Land Development Plan when working on the cost for improvements there may be a need to factor in each of the stages of the closeout process. This may require an amendment to the subdivision and land development ordinance to redefine the term improvements to include not just the in ground improvements but all the documentation that is necessary to eventually close out the project. W. Crosswell also suggested the Township take a look at amendments in addition to the Land Development Agreement, the Storm Water Management Agreement and the Subdivision Ordinance to more broadly define the term improvements. Other possibilities would include waiting on the dedication of streets until the project is closed out or looking at the amount of reduction that is given from a letter of credit so there is more than 5-10% left so the likelihood of this being defaulted on is lessened. C. Haley commented that people who are not professional developers who sell lots and build do not always understand the close out procedure. Therefore it is important that this process be explained to them. D. Zimmerman stated Staff will come up with some recommendations to bring back to the Board for review.

DISCUSSION ON AMENDMENTS TO THE ZONING ORDINANCE: D. Zimmerman stated there were a number of issues that come up last year which will be addressed in 2018. The following are zoning amendment changes to be implemented in the first quarter of 2018:

- Signage for farm stands: The Township is very pro-Ag. The issue was farmers placing their signs in yards without the property owner's permission. The Township tried to come up with a plan that would support the ag business but at the same time respect people's property.

- Parking of recreational and commercial vehicles: D. Zimmerman noted the width of a local residential street that provides for parking on one side is 28 feet with an 8 foot parking lane and two 10 foot travel lanes. Many of the larger RV vehicles are beyond 8 feet. This causes problems with sight obstruction as well as having less than a 20 foot clearance. The Zoning Ordinance does address this however it needs to be clarified.

- Key lock box: When the requirement for commercial and industrial was last updated the specific requirement was deleted so this needs to be added back in.

- Kennels: A suggestion was made to increase the lot size required to operate a kennel.

The following are text amendments to be implemented in the third quarter of 2018:

- Cluster Development Option within the R-1 Residential Zone.

- Flag Lots within the Mixed Use Zone.

- Dwelling units in combination with professional offices or commercial uses within the Local Commercial Zone.

Consideration of an ordinance for a rental inspection program which will start in the second quarter of 2018 and possibly launch in the first quarter of 2019. D. Zimmerman stated Lititz launched a rental inspection program which has been well received. Also to consider is the issue of short term rentals such as AirBnbs.

CONSIDER SIGNAGE FOR RENAMING THE LINEAR PARK: D. Zimmerman stated D. Saylor was a 25 year employee of the Township and was instrumental in the building of Linear Park. The Board thought this was a way to

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give tribute to him. The sign on Market Street would be replaced as well as the sign on Newport Road. There will be a smaller sign along the trail explaining how the park got its name.

CONSIDER REQUEST FOR THE 26TH ANNUAL SAUDERS EGG RUN ON 3/31/2018: On a motion by K. Eshleman, seconded by A. Spade, the Board unanimously approved the request for the 26th annual Sauders Egg Run on 3/31/2018.

CONSIDER REQUEST FOR THE LITITZ REC CENTER'S 4TH ANNUAL TRIATHLON ON 8/5/2018: On a motion by A. Spade, seconded by K. Eshleman, the Board unanimously approved the request for the Lititz Rec Center's 4th annual triathlon on 8/5/2018.

ADJOURNMENT: With no other business to come before the Board, the meeting was adjourned at 8:40 p.m.

Respectfully submitted,

Daniel L. Zimmerman
Township Manager