

**WARWICK TOWNSHIP BOARD OF SUPERVISORS**  
**Meeting Minutes**  
**Warwick Township Municipal Building**  
March 18, 2020

W. Logan Myers, III convened the March 18, 2020 Warwick Township Board of Supervisors meeting to order at 7:00 p.m. In attendance were Supervisors Logan Myers, Kenneth Eshleman, Jeffrey Tennis, and Kelly Gutshall. Absent was Supervisor Herbert Flosdorf. Also in attendance were Daniel L. Zimmerman, Township Manager; Chuck Haley from the ELA Group; Jason Minnich, Public Works Superintendent; Allen Martin, 937 Newport Road, Lititz; Peter Shenk, 9 Paddock Drive, Lititz; Michael and Lauren Tait, 140 E. Woods Drive, Lititz; Larry Heim, 100 E. Market Street, York; John Shenk, 911 Disston View Drive, Lititz; Alex Piehl, from RGS Associates; and Joe DePascale, from Summerwood Corporation.

**PUBLIC HEARING: APPLICANT, MICKEY'S BLACK BOX LLC, IS SEEKING APPROVAL UNDER 47 PS 4-461 TO TRANSFER A RESTAURANT LIQUOR LICENSE FROM THE OUTSIDE MUNICIPALITY TO WITHIN WARWICK TOWNSHIP AT 36 W. NEWPORT ROAD:** Larry Heim, a lawyer for Barley Snyder and representative for the Applicant, stated the specific address under which the license is to be transferred to is 101 Rock Lititz Blvd. The Applicant is seeking approval for an inter-municipal transfer of liquor license R-18203 currently owned by Fox Meadows Creamery to 101 Rock Lititz Blvd. This is just the first step in the application process. The Board's approval tonight does not approve the liquor license to be transferred. It only allows the Applicant to file an application for the transfer. The only type of license that fit with what the Applicant had chosen as a special events venue was a restaurant license which is defined by the Liquor Code as a facility that can seat a minimum of 30 people with utensils for dining and food for thirty people, has a health license and is open at least once every two weeks. The Applicant plans on having a facility that is not open all the time. With this license the Applicant will have control of all the sales of alcohol.

Allen Martin of 937 E. Newport Road felt there were enough establishments that sold liquor within the Township and another one was not necessary. D. Zimmerman stated the ultimate decision on the liquor license lies with the state. The Applicant is here tonight to receive approval to submit the application only.

On a motion by K. Eshleman, seconded by J. Tennis, the Board unanimously voted to close the hearing.

A decision will be rendered within 30 days.

**PUBLIC HEARING: CONDITIONAL USE APPLICATION FROM JOHN SHENK SEEKING APPROVAL UNDER SECTION 340-70 OF THE ZONING ORDINANCE PERTAINING TO A FARM RELATED BUSINESS IN THE AGRICULTURAL ZONE AT 911 DISSTON VIEW DRIVE, LITITZ:** D. Zimmerman stated J. Shenk is considering options for preservation of the farm. There is currently an Ag support business that creates cultivators for produce operations. This business has been in operation for a number of years. The criteria that must be met under the Zoning Ordinance for conditional approval for an Ag support business include the following: 1. The business cannot occupy more than two acres of the farm itself. 2. No farm related business can be within 300 feet of any land within a residential zone. 3. There must be access from an arterial or collector road.

The business is a very low impact operation. J. Shenk stated the fabricating of the product is done in Myerstown and the assembly is done in a barn located on the farm. Once the pieces are fully assembled they are shipped out. Occasionally a customer will pick up the final product. There is some outside storage of the product on the farm. J. Shenk would like to rebuild the barn that burned back in the 1980's so all the materials can be stored indoors. There are just two employees, himself and his son Peter.

Allen Martin of 937 E. Newport Road stated he was glad the Board listened to farmers and takes into consideration farming of crops alone does not bring in enough income and an additional source of income is often needed.

On a motion by J. Tennis, seconded by K. Eshleman, the Board unanimously voted to close the hearing.

A decision will be rendered within 30 days.

**PRESENTATION OF THE 2020 WESC ANNUAL REPORT:** The Board reviewed the 2019 WESC Annual Report. D. Ober stated he will submit a more detailed report with statistics at a later date. He reported that he and Sergeant Hahn from Lititz Boro are going to create a regional emergency services summary of what services are provided in the region.

K. Eshleman inquired in light of all that is happening with the COVID-19, what is WESC doing as far as an emergency service standpoint. D. Ober stated as far as fire police and EMS, all protocols are being followed as per the government directives. The police have stepped back on their interactions with the community and no one is allowed in their offices. Reports and complaints can now be filed online. All 911 calls that request an ambulance, the callers are being asked a series of questions so the EMS personnel know how to be protected when responding. If the fire company is requested to assist the ambulance staff, they are to stage until the ambulance personnel confirms it is safe to go into the residence from an exposure point of view or if they need to put on a mask for protection. The fire companies have cancelled all training activities.

**APPROVAL OF MINUTES:** On a motion by K. Eshleman, seconded by K. Gutshall, the Board unanimously approved the minutes from the February 5, 2020 and February 19, 2020 meetings as submitted.

**TREASURER'S REPORT:** On a motion by J. Tennis, seconded by K. Gutshall, the Board unanimously approved the Treasurer's Report.

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

**MANAGER'S REPORT:** COVID-19 Protocol- D. Zimmerman stated as of today the Municipal building has limited public access. As far as Board meetings, the law requires under the Second Class Township Code that the Board must meet one time a month. This has thus far not been exempted. Since the Board meets twice a month, D. Zimmerman recommends cancelling the April 1<sup>st</sup> meeting and at this time plan on meeting April 15<sup>th</sup>.

6<sup>th</sup> Street Project: All the paperwork has been submitted. With PennDOT being currently closed this could push back the start date for the project.

537 Plan Update: Information on this will be presented at the Joint Meeting on April 30, 2020.

Safest City Designation: For the second year in a row under the NLCRPD the Township has been one of the top 50 safest communities within PA coming in at #34.

**TAX COLLECTOR'S REPORT:** The Board reviewed the Tax Collector's Report.

**PUBLIC WORKS REPORT:** J. Minnich stated the following work was completed in February:

- Storm water improvements were made on Rabbit Hill Road and Pierson Road.
- Sign and post repairs
- Tree trimming
- Maintenance was done in Saylor Park and on the Campus Trail

**POLICE DEPARTMENT REPORT:** The Board reviewed the Dashboard Report for February 2020.

**ZONING OFFICER'S REPORT:** D. Zimmerman stated there are four cases scheduled to be heard at the April 8<sup>th</sup> meeting. Two out of the three third party building inspection agencies are still open at this time.

**WESC/EMC REPORT:** The Board reviewed the February 2020 WESC Fire Commissioner Report.

**LANCASTER DA:** The Township received a letter from Heather Adams, DA, stating she is relying on the contributions from the Townships and Boroughs within Lancaster County to fund the Drug Task force. The Township has not given their contribution as of yet. D. Zimmerman inquired of the Board if they wanted to continue to hold off on making this contribution. The Board has decided to continue to hold off on contributing to the Drug Task Force at this time to see if any other changes are made to how this might be funded.

**ROTHSVILLE FIRE COMPANY:** The Board reviewed the February 2020 Report.

**CONSIDER REQUEST BY 931 LITITZ PIKE STORAGE FOR REDUCTION OF LETTER OF CREDIT:** On a motion by K. Eshleman, seconded by J. Tennis, the Board unanimously approved the request by 931 Lititz Pike Storage for the reduction of the Letter of Credit in the amount of \$91,250.00 as per the ELA Letter dated March 3, 2020.

**CONSIDER REQUEST BY LITITZ RESERVE FOR REDUCTION OF LETTER OF CREDIT FOR PHASE 7:** On a motion by J. Tennis, seconded by K. Eshleman, the Board unanimously approved the request by Lititz Reserve for the reduction of the Letter of Credit for Phase 7 in the amount of \$704,187.00 as per the ELA Letter dated March 11, 2020. K. Gutshall abstained.

**CONSIDER THE TACO BELL FINAL LAND DEVELOPMENT PLAN, PREAPRED BY RGS ASSOCIATES, DATED 12/4/2019:** Alex Piehl with RGS Associates along with Joe DePascale from Oak Restaurants LLC were present to review the plan before the Board. A. Piehl stated the design is the same as from the Sketch Plan the Board had seen previously. The access point that currently serves Isacc's and the existing Pizza Hut will be kept. The southern entrance into the parking lot for the Taco Bell will be at the same location as the existing Pizza Hut. Parking will be located in the front of the building. To the east there will be a two lane drive-thru that will circulate around to the north side of the building and exit onto Trolley Run Road. The dumpster will be located to the rear of the proposed restaurant and will be serviced off of Trolley Run Road. The sidewalk network will be extended along Lititz Pike and Crosswinds Drive. One item that came up on review is that there is not an access easement on Trolley Run Road. This is not a public street it is a private access drive. There will be an agreement that clarifies the access for both Isaac's and Taco Bell as well as extending the easement for trash hauler movements. A. Piehl reviewed some of the comments from the Planning Commission. One was in regards to parking. The Commission felt there was more parking proposed than was needed. There were six spaces above the requirement so this number will be reduced. Another discussion involved the drive thru lane. Instead of having the two lanes, it was decided there will be a single lane with a single order board however the escape lane will remain. An eastbound 13 foot right turn lane is proposed on Crosswinds

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Drive. The turning radius will be improved to 40 feet which will involve the relocation of a PP&L pole. Regarding the architecture of the restaurant, A. Piehl stated it is consistent with the architecture that was reviewed as part of the sketch plan as well as the variance request.

The following waivers are being requested:  
Section 285-7.C-Preliminary Plan Application  
Section 285-27.K(6)-Minimum Radius at Street Intersections  
Section 285-27.P.(3)-Minimum Distance of a Structure from an Access Drive  
Section 285-28.B(2)(b)-Public Sidewalks within Street ROW  
Section 270-34(A)- Runoff Draining to Pervious Areas

On a motion by K. Eshleman, seconded by J. Tennis, the Board unanimously approved the requested waivers as outlined in the ELA Letter dated February 14, 2020.

On a motion by K. Gutshall, seconded by J. Tennis, the Board unanimously approved the Taco Bell Final Land Development Plan, prepared by RGS Associates, dated 12/4/2019 subject to the Staff conditions listed on the Summary of Documentation dated March 13, 2020.

**DISCUSSION ON FEASIBILITY STUDY ON IMPLEMENTING A STORM WATER FEE:** D. Zimmerman would like to table this discussion until April when all the Board Members are here to participate.

**CONSIDER RESOLUTION 03-18-20-01 TO TRANSFER A LIQUOR LICENSE TO 101 ROCK LITITZ BLVD:** On a motion by K. Gutshall, seconded by J. Tennis, the Board unanimously approved Resolution 03-18-20-01 to transfer a liquor license to 101 Rock Lititz Blvd.

**CONSIDER ADOPTION OF THE REVISED WESC JOB DESCRIPTION:** D. Zimmerman stated this is the result of the recommendation coming out of the Strategic Plan Analysis that was done by WESC two years ago. This has been agreed upon by the emergency services entities as well as the WESC Board of Directors.

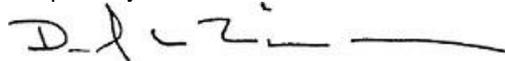
On a motion by J. Tennis, seconded by K. Gutshall, the Board unanimously approved the adoption of the revised WESC job description.

**WARWICK TOWNSHIP DECLARATION OF DISASTER EMERGENCY:** D. Zimmerman stated the County has declared an emergency declaration and by the municipality doing this, it provides for the possibility of some business assistance as well assistance for the Township.

On a motion by J. Tennis, seconded by K. Gutshall, the Board unanimously approved the Declaration of Disaster Emergency.

**ADJOURNMENT:** With no other business to come before the Board, the meeting was adjourned at 8:48 p.m.

Respectfully submitted,



Daniel L. Zimmerman  
Township Manager