

WARWICK TOWNSHIP BOARD OF SUPERVISORS MINUTES
June 18, 2014

Chairman W. Logan Myers convened the June 18, 2014 meeting of the Board of Supervisors at 7:00 p.m. Present were Supervisors W. Logan Myers, Anthony Chivinski, Michael Vignas, C. David Kramer, and Herbert Flosdorf. In attendance were Township Manager Daniel Zimmerman and Zoning Officer Thomas Zorbaugh, Joyce Gerhart, Tom Williams, Jean Modell, Bob Tangert and Chad Fekete.

GUEST RECOGNITION: Tom Williams read a letter in regard to the noise emitted from the testing of the sound equipment from Clair Brothers Audio. The letter states the Homeowners concerns over the testing of sound equipment from Clair Brothers Audio. The Homeowners are now concerned that with the Rock Lititz project, the sound will be compounded. The Homeowners have raised the following questions. Is there going to be excessive sound coming from the new building when it is being used for rehearsals when it was originally said to be used only for stage and lighting? How loud will the noise be if the new building is used for sound demonstration? Will restrictions be placed on sound level? What is the time span for usage and demonstrations to customers? What will be the starting times and when will they commence? Will Clair Brothers be responsible for installation for a sound buffer? The letter states the Homeowners feel Clair Brothers has been an outstanding company with broad visions in the future with state of the art audio systems. The Homeowners' main concern is for their property, personal health, and peace of mind. The Homeowners ask that the Board consider the letter as a request for help and consideration before it becomes a problem out of their control.

The Township Manager thanked Mr. Williams for putting the Homeowners' concerns in writing. The Township Manager stated that the Rock Lititz project is going to resubmit a revised master plan which is part of the process with a large project such as this. The Township Manager stated he will present these questions to Rock Lititz and request a response. In addition, the Township Manager told Mr. Williams he and other Homeowners can attend meetings by reading the Township's agendas on eAlerts. Another resident who resides on Moorland Court stated when she and other Homeowners bought their homes, they did not realize it was going to be a commercial zone. This resident stated when the noise from the testing is loud, it gives the residents anxiety. This resident wasn't concerned in the beginning with the new, larger building as she thought it was just going to be used as a stage production and lighting building. Now, this resident is hearing that this might change and there will be hotels and they will be rehearsing from 8:00 a.m. to 8:00 p.m. or later. A Board Member asked the resident when she has approached Clair Brothers in the past about noise, what has been their response? The resident responded she had just called about a week ago and spoke with a female in marketing who stated that hours are going to be 8:00 a.m. to 8:00 p.m., and that there will definitely be some rehearsing. Clair Brothers will have music, they will have a stage, and they will have lighting. Curtains will come down inside the building but they will not soundproof the building because it has to sound exactly like at a concert.

Bob Tangert, 138 Moorland Court, stated his wife was woken up to Clair Brothers at 6:00 a.m. one morning this week with Clair Brothers practicing. The Township Manager stated that Township staff called Clair Brothers and they were not open and there was no one at their facility at that time. The Township Manager stated he was not sure what the noise would have been but there are other businesses in the area such as a truck terminal, Specialty Bakers and other industrial users. Mr. Tangert stated he knows it has been Clair Brothers in the past because he drove there and asked them to keep the noise down at 8:00 p.m. at night. The Township Manager stated he can only respond to what Clair Brothers told the Board during the process they went through when they got the first approval. The Township Manager stated the Board will get back to these concerned citizens directly, or they can attend the meetings. A resident asked if there was any way Clair Brothers could meet with the concerned citizens. The Township Manager stated that this was suggested, and

representatives of Clair Brothers stated they are going to extend an invitation to meet with them. A resident stated that if they were to play their music loudly, the police would respond, and they want to know why Clair Brothers is different. Mr. Myers stated they are not different and there are ordinances that pertain to noise, and if there are violations, our ordinances will be enforced whether it is a home or business. A resident stated that the residents should not have to police Clair Brothers since they should be accountable for themselves. Mr. Myers stated that they should be, but if not, citizens have the right to complain. The Township's ordinance does not have state a decibel level. A resident asked what the hours are now for noise. The Township Manager stated that enforcement comes under disorderly conduct.

Jean Modell, 119 Moorland Court, stated that one of the first things done were some trees were cut down. She would like to know who owns these trees. She noted that they are the only thing between the development and the industrial park. The Township Manager stated that the trees may not be on Rock Litz property. As part of the original proposal, the existing vegetation on Clair Brothers property is going to remain and be supplemented by an 8' high earth berm with 300-400 feet of forested area planted. There is a substantial buffer being planned as part of the floodplain restoration project, which will be a watershed improvement project but also provide a large swath of vegetation. This is not in place yet since approval is needed from DEP.

A Board member thanked the residents for bringing their concerns to the board in a cordial and polite way. Mr. Myers reassured the residents that Clair Brothers representatives are conscience of what goes on in the community. In addition, the Township has standards that Clair Brothers must meet. Myers stated the Board cannot make decisions without zoning approvals, and testimonies being recorded which are all part of the process.

APPROVAL OF MINUTES: On a motion by Kramer, seconded by Flosdorf, the Board unanimously approved the minutes from the May 7, 2014 and May 21, 2014 meetings.

TREASURERS'S REPORT: On a motion by Chivinski, seconded by Vigunas, the Board unanimously approved the Treasurer's report.

PAYMENT OF BILLS: On a motion by Flosdorf, seconded by Chivinski, the Board unanimously approved the payment of the bills.

MANAGER'S REPORT: The Township Manager reported on the extension of the NLCRPD Charter. The original charter ends in 2016 and the new resolution extends the charter to 2021.

The Township Manager provided a status report on the Warwick Emergency Services Commission. He stated that meetings are continuing regarding efforts to reach a consensus on the standard of response document between the township and the emergency service providers.

The Township Manager stated there are 14 outstanding Letter of Credit projects that need reviewed since a majority of them are substantially completed. The Township Manager stated that Township staff is working on getting these completed. The goal is to have these completed by the end of the year.

The Township Manager stated the bids are out for the adaptive traffic system for the 501 corridor. The bid results should be available by next month. The work is slated to start in September from Owl Hill Road to Keller Avenue.

Regarding the MS4 permit, the Township Manager stated he spoke with a DEP representatives who is in charge of the TMDL study. He stated that DEP is not going to review the Township's study while they are in a litigation suit with Penn Future, since the suit involves Penn Future's disagreement with the methodology on the allocation of TMDLs. This could affect how DEP reviews the results of the Township's study. The DEP

wants to make sure the Township's MS4 permit is issued, then they will follow through with the TMDL study. Myers asked if there was a possibility that the rules would change and we would have to re-file. The Township Manager stated that he asked this question and was told whenever a new permit is issued that is when it starts.

The Township Manager provided an update on road projects. Paving was completed on Newport Road, Brunnerville Road, and Pierson Road. Because of the weather conditions during the week, the paving was completed on Saturday. The Township Manager was pleased with the contractor who he felt did a good job and also the Township workers who did all the prep and traffic control.

The Township Manager provided a Strategic Planning Report. The next meeting is Thursday, June 19, 2014 at Elizabeth Township at 7:00 am.

The Township Manager stated the Township has come to terms with Ephrata National Bank regarding the Rails to Trails extension across the Wenger property. The Township Manager stated he is hopeful there will be an agreement next month.

TAX COLLECTOR'S REPORT: The Board reviewed the tax collector's report. On a motion by Flosdorf, seconded by Chivinski, the Board unanimously approved the Tax Collector's Report.

PUBLIC WORKS REPORT: The Township Manager stated the Township has been dealing with a number of sinkholes, some of which are substantial. The newly established stormwater fund has been used for this purpose. The Township Manager explained this is due to the excessive rain conditions we have experienced which has been at a higher activity level this year than normal.

POLICE DEPARTMENT REPORT: The Township Manager provided a copy of the Northern Lancaster County Regional Police Department (NLCRPD) Commission Report for May, 2014.

ZONING OFFICER'S REPORT: The Zoning Officer provided a report for May, 2014. He stated he is proceeding with some ordinance revisions which the Board will see mid-summer. A Board Member questioned if value figure for Traditions of America is the actual cost of the home. The Zoning Officer explained this is probably just the cost of construction. This does not include the cost for the land or anything extra. The Zoning Officer noted that some homes are sold with expected occupancy in September so there are some proposed roads that will need to be constructed.

COMMUNICATIONS: The Rothsville Fire Company provided a monthly summary report for May 2014.

CONSIDER THE LITITZ RESERVE PHASE II FINAL SUBDIVISION/LAND DEVELOPMENT PLAN, PREPARED BY RGS ASSOCIATES DATED 2/6/2014: Joyce Gerhart, representing RGS Associates, stated that Joel Snyder from RGS addressed the Board in March and discussed deferring the connection of Azalea Way or Street F to the next phase. Gerhart stated all comments from ELA have been addressed. Gerhart stated the only difference between the plan presented in March and the plan presented today is the street layout and the clean-up items from ELA. Gerhart stated she is looking to get approval from the Board tonight. The Township Manager stated the Board has delayed the second access but the requirement will be evaluated per phase submitted. The Township Manager stated there are 38 total units, 18 in phase I and 20 in phase II. Gerhart stated there is a settlement for the first unit at the end of June. On a motion by Vigunas, seconded by Chivinski the Board unanimously approved the Lititz Reserve Phase II Final Subdivision/Land Development contingent upon addressing the items outlined in the June 12, 2014 overall summary including the dedication certificate, stormwater agreement, and addressing the items from the ELA letter, and the recreation fee.

CONSIDER PARTIAL RELEASE OF THE KELLER BROTHERS LAND DEVELOPMENT: The Board

reviewed the request. The Township Manager stated ELA is going to close out a bond and the property owner will post a \$2,500 cash escrow. The work that needs to be finished is on the bio basin and then the Township will release the money. On a motion by Flosdorf, seconded by Vignas, the Board unanimously approved the partial release of the Keller Brothers Land Development.

CONSIDER TIME EXTENSION FOR ZIEGLER BARN: The Township Manager stated there is a request from the Ziegler Barn for an additional 90 day extension to record the final plan. The problem has been the Letter of Credit, as they will only finance the final project. They now have the final numbers. On a motion by Chivinski, seconded by Vignas, the Board unanimously approved an additional 90 day extension to record the final plan for the Ziegler Barn.

CONSIDER RESOLUTION #06-18-14-01 AUTHORIZING THE ELECTED TAX COLLECTOR TO IMPOSE REAL ESTATE ADMINISTRATION FEES AND TO RECOVER EXPENSES FOR IMPROPER PAYMENTS: The Township Manager stated this does two things. It revises our tax certification fee from \$15.00 to \$20.00, and it imposes a bank check return fee up to \$20.00. A Board Member inquired who sets the Tax Collector's salary and the Township Manager stated the Township pays the elected Tax Collector per tax bill collected rather than an annual salary. On a motion by Flosdorf, seconded by Kramer, the Board unanimously approved Resolution #06-14-01 authorizing the elected Tax Collector to impose Administration fees and to recover expenses for improper payments.

CONSIDER RESOLUTION #06-18-14-02 AMENDING ARTICLE 15 AND 16 OF THE CHARTER AGREEMENT FOR THE NORTHERN LANCASTER COUNTY REGIONAL POLICE: The Township Manager stated Penn Township has already taken action on this and it is scheduled for Clay Township next week. A Board Member asked why the Charter is being reviewed now since it goes to 2016. The Township Manager stated the reason is to signify a long-range commitment by the three municipalities. A Board Member noted the statement "we can't reduce units of service purchase on more than 5%" and asked what happens if other townships join the police commission. The Township Manager stated the charter would have to be amended and the allocations may be revised. The Township Manager stated the allocation reports show Warwick Township's share is coming within 1%. On a motion by Chivinski, seconded by Vignas, the Board unanimously approved Resolution #06-18-14-02 Amending Article 15 and 16 of the Charter Agreement for the Northern Lancaster County Regional Police Department.

STATUS REPORT ON THE 501 BRIDGE: The Board reviewed the report from Mindy Fee. The report indicates that replacement of the 501 bridge may take place as far out as 2020. The Township Manager stated the Township will keep track of further developments.

LANCASTER COUNTY ASSOCIATION OF TOWNSHIP SUPERVISORS 8/13/2014: The Board reviewed the invitation to the August session meeting with state elected officials.

ADJOURNMENT: With no further business to come before the Board, the meeting was adjourned at 7:52 p.m.

Respectfully submitted,

Daniel L. Zimmerman
Township Manager