

## WARWICK TOWNSHIP BOARD OF SUPERVISORS

October 15, 2014

Logan W. Myers convened the October 15, 2014 meeting of the Board of Supervisors at 7:00 P.M. Present were supervisors Herbert Flosdorf, Michael Vigunas, Anthony Chivinski, C. David Kramer, Daniel L. Zimmerman Township Manager, Dean Saylor Roadmaster, Tom Zorbaugh Zoning Officer, Ken Kline, Loren and Harriet Smith, Adron Ketchersid-Lusk and Margaret Ketchersid, Arthur Young, Dori Martin-Tangert and Bob Tangert, Shawn Sensenig, Scot Bridges, Laura Knowles representing Lancaster Newspaper, Marilyn Taylor, Drue Bullington, Gary Klingel representing Lititz Record Express, Jill Brown 26 Ridge Road, Carla and Earl Diffenderfer, Norma Sorrels, Dennis and Kathy Zimmerman, Shawna Burghart, Carol Scott, Tom and Karen Williams, Julia Hatmaker representing Patriot News, Jeff Wenger, Laura Bowman, Mike Wetherhold, Nelson Peters, Joanne Moore, Nathan Lutz, Eric and Tanya Anderson, Charles Hample, Scott Althouse, Jeanette Snader, Don Engle, Troy Barto, Shannon Mosser, Larry and Mary Jane Zorbaugh, Linda Lindeman, Linda Keffer, Jane and Len Uzwiak, Angela Marley, Chuck Beck, Erick Fry, Ed Ostrowski representing Harbor Engineering, Donna Steffy, Gregory Wright, George Hennessy, Cheryl and Lloyd Bedford, Betty and Susie Kleinsasser, Andrea Shirk representing Rock Lititz, and David Pusey.

**GUEST RECOGNITION:** The following residents spoke regarding the noise concerns relating to Rock Lititz. George Hennessy spoke on behalf of Clair Global along with Matt Clair on behalf of the Clair family. Hennessy stated he is here tonight to listen, learn, and provide as much help as possible in addressing the noise concerns the residents have.

Andrea Shirk, representing Rock Lititz, stated Rock Lititz has heard all of the residents' concerns and is working diligently on a solution to them. Shirk stated Rock Lititz is currently in the process of hiring an architectural acoustics consultant to address the noise concern. Along with noise abatement the original tree barrier and earth berm for sound containment are still planned. Shirk stated Rock Lititz supports Warwick Township's plan to engage a professional independent noise abatement consultant to review whatever abatement solutions are concluded. A method of communication with the neighbors is planning on being established so they can be informed of any changes that will be made.

Harriet Smith, 139 Moorland Court, stated that this has been an ongoing issue with sound and vibration from Clair Brothers testing speakers. Smith stated residents have become physically ill from the vibrations coming from the Rock Lititz building.

Drue Bullington, 129 Moorland Court, owns a property that is joined and adjacent to the Clair property. He acknowledged the community work Clair Brothers has done. He added that the goodwill the residents feel will change dependent upon what happens tonight and moving forward. Bullington stated he and the residents are looking to Clair Brothers and the Board to make it right. Bullington requested he be informed about every step moving forward and who is doing whatever is being done.

Margaret Ketchersid, 137 Moorland Court, is a business owner in Lititz who was excited about the Rock Lititz Studio project due to more money and more jobs coming to Lititz which in turn is good for her business. Her concern is the property value and the structural integrity of her house due to the vibrations.

Earl Diffenderfer, 35 Plateau Road, stated one of the reasons he and his wife moved there is because it was a 55 and over development and there would not be a lot of noise. Diffenderfer stated the noise from the Rock Lititz Studio rumbles through his home. He is concerned when the leaves are off the trees the noise will be worse. Diffenderfer stated he thought the building was for staging only. He too is worried about the value of his home depreciating.

Dennis Zimmerman, 352 Coventry Lane, commended the Northern Lancaster Regional Police Department on the help they have given to the residents. Zimmerman stated the low frequency sound coming from Rock Lititz is what is coming into resident's homes and causing them to vibrate. Zimmerman stated he has done research and when exposed to these types of sound it can cause adverse effects on people such as anger, anxiety, increased heart rate, headaches, and nausea. His wife has experienced some of these symptoms on occasion from the low frequency sound coming from the Rock Lititz Studio.

Tom Williams, 115 Moorland Court, stated he presented a letter to the Board previously with his concerns about Rock Lititz. He expressed the opinion that had the Board listened to his concerns then he would not be here tonight.

Eric Fry, 350 Coventry Lane, came to the meeting because his wife has been upset emotionally all week. Fry is an audio engineer and has designed subwoofers. He stated what the residents have been exposed to was not a broad band frequency it was a narrow band in the 10 Hz to 200 Hz range. Fry stated in this range there are cycles so there can be an acoustic effect where one home can be impounded with this and the next home may not hear it. He suggested a plot be made to figure out which homes are impacted, find out where the waves are being directed, and hire a sound engineer to focus on that area.

Don Engle, 100 Moorland Court, stated he went to a meeting held in his neighborhood during the summer of 2014 by Clair Brothers and left feeling comfortable. He added that, subsequently, the neighborhood now has a lower opinion of Clair Global and Rock Lititz.

Lloyd Bedford, Plateau Village, complained of his house vibrating from Rock Lititz Studio.

Susie Kleinsasser, Plateau Village, complained of the vibrations and the noise from Rock Lititz Studio. She stated she does not have the funds to move.

Marilyn Taylor, 133 Moorland Court, stated she has been feeling vibrations all through her house. Taylor added she has been sick and has fallen ill due to these vibrations. She questioned why Clair Brothers did not construct a soundproof building.

Andrea Shirk reiterated that the client who was leasing the building has been relocated to another location and no more clients will be coming in until the issue has been resolved.

Shawn Sensenig, 143 Moorland Court, expressed concern about problems with his ears and when he puts his two youngest children down for naps this could be affecting them also. Sensenig stated he would like more communication as to when and how the issue is going to be fixed.

Cheryl Bedford, 100 Moorland Court, stated she is speaking for those in the community who might not feel comfortable speaking such as the businesses nearby.

Myers thanked everyone for taking the time out of their schedules to attend the meeting tonight. He added that the Township takes this matter seriously. Myers stated the Township will be working diligently to come up with a resolution to the concerns expressed this evening. He noted that it is possible that some extraneous noise could come from the Rock Lititz building.

Matt Clair stated that as this project moves forward, Rock Lititz will communicate as to what is being done to address the residents' concerns.

The Zoning Officer noted that if residents log on to the Township's website they can sign up to receive e-mail alerts showing the upcoming agendas for all Township meetings.

**APPROVAL OF MINUTES:** On a motion by Chivinski, seconded by Flosdorf, the Board unanimously approved the September 3, 2014 and September 17, 2014 meeting minutes.

**TREASURER'S REPORT:** Zimmerman stated the fourth quarter of the year is starting to level out with the generated revenue and he feels the Township should be within the budget projections for the year. On a motion by Flosdorf, seconded by Vigunas, the Board unanimously approved the Treasurer's report.

**PAYMENT OF BILLS:** Zimmerman noted the capital equipment monies for the four fire companies are included in this payment period. On a motion by Vigunas, seconded by Flosdorf, the Board unanimously approved payment of the bills.

**MANAGER'S REPORT:** Zimmerman stated the budget for the Northern Lancaster County Regional Police Department is still being finalized. He stated he anticipates an increase between 3- 3.25%. Zimmerman noted the number of officers has gone up from 24 to 26 in collaboration with Penn Township and Clay Township.

There is a new administrator for the Warwick Emergency Services Commission, Duane Ober. Duane has almost 25 years of experience in emergency services. He is currently the president of the Lancaster County Chiefs Association. He starts this new position on Monday, October 20, 2014.

Zimmerman stated October is fire prevention month and he reiterated the importance of trying to search for volunteers for our emergency services.

The 501 corridor is in coordination with PennDOT and Manheim Township with a camera adaptive system. With this adaptive system there will be constant feed of information from the camera into a computer. Under the adaptive system the camera notices if there is no traffic and it shrinks the nonuse of green space sense. The purpose is to essentially keep traffic moving in an efficient manner. The system will also reduce the tendency for people who go through a red light by up to 30-40%.

Zimmerman stated he hopes to have the MS4 mapping of the stormwater system completed by the end of the year.

The next meeting between the school district, Elizabeth Township, and Lititz Borough year is Thursday, October 30, 2014. Some of the agenda items are the short term lease issue, support for the Lititz Recreation Center, and growth projections.

**TAX COLLECTOR'S REPORT:** On a motion by Flosdorf, seconded by Chivinski, the Board unanimously approved the Tax Collector's report.

**PUBLIC WORKS REPORT:** Dean Saylor, Public Works Superintendent, reported two projects the department is currently working on are the Linear Park wetlands facility and stormwater and curbing connecting to Home Town Terrace. At Linear Park they are re-grading and doing some repair work to some shallow areas. Saylor stated he was hoping to also reseed this fall. Myers asked if there was salt lined up for the winter. Saylor stated he has started to receive salt this week and heard it might be in short supply this year. There was an increase of \$9.00 a ton this year.

**POLICE DEPARTMENT REPORT:** Chief Steffan stated the department has been busy the past two weeks and his officers have been doing a great job. He stated there was good communication between Rock Lititz, Dan Zimmerman, and the residents during the weekend of October 11-12, 2014.

**ZONING OFFICER'S REPORT:** Zorbaugh stated he did not have anything to add to his report provided. Flosdorf inquired as to the status of the vacation rental by owner issue. Zorbaugh stated the resident is currently waiting for a response from the Township. Zimmerman stated the Township will try to have a recommendation by the next meeting. Data will be given at the next meeting to the Board. Zorbaugh stated Traditions of America has slowed down. The first three settlements were held last week.

**PSAT:** Zimmerman stated the next meeting is scheduled for November 3, 2014.

**CONSIDER REQUEST FOR RELEASE OF LETTER OF CREDIT FOR LITITZ RESERVE:** On a motion by Flosdorf, seconded by Chivinski, the Board unanimously approved the request for the Release of Letter of Credit for Lititz Reserve.

**CONSIDER REQUEST FOR RELEASE OF LETTER OF CREDIT FOR TRADITIONS OF AMERICA PHASE I:** On a motion by Flosdorf, seconded by Chivinski, the Board unanimously approved the Request for Release of Letter of Credit for Traditions of America Phase I.

**CONSIDER REQUEST FOR RELEASE OF LETTER OF CREDIT FOR TRADITIONS OF AMERICA PHASE II:** On a motion by Flosdorf, seconded by Chivinski, the Board unanimously approved the request for Release of Letter of Credit for Traditions of America Phase II.

**CONSIDER WAIVER OF LAND DEVELOPMENT FOR FRONT LINE MOTORS, PREPARED BY HARBOR ENGINEERING, DATED 9/4/2015:** Ed Ostrowski from Harbor Engineering representing Mr. Putnik, stated the applicant would like to build a 3,500 square foot auto body garage and also an 1,100 square foot garage for his personal use. Both garages would be built over existing impervious surfaces. Ostrowski stated the letter from ELA dated September 19, 2014 was reviewed and the comments will be addressed with no concerns. Zimmerman stated this is the joining of deeds of several tracts. Ostrowski stated the property went through a lot add-on plan essentially separating the residential property from the commercial property. On a motion by Vigunas, seconded by Kramer, the Board unanimously approved the Waiver of Land Development for Front Line Motors, prepared by Harbor Engineering, dated 9/4/2014.

**CONSIDER REQUEST FOR RELEASE OF LETTER OF CREDIT FOR KEYSTONE CUSTOM HOMES, WARWICK FARMS LOT #2:** On a motion by Kramer, seconded by Chivinski, the Board unanimously approved the Request for Release of Letter of Credit for Keystone Custom Homes, Warwick Farms Lot #2.

**CONSIDER REQUEST FOR RELEASE OF LETTER OF CREDIT FOR METZLER HOME BUILDERS, WARWICK FARMS LOT #4:** On a motion by Kramer, seconded by Chivinski, the Board unanimously approved the Request for Release of Letter of Credit for Metzler Home Builders, Warwick Farms Lot #4.

**DISCUSSION ON PRELIMINARY DESIGN OF SR 501 NORTH SECTION** The preliminary design work originally projected the potential for an additional \$800,000.00 to provide for the improvements. Zimmerman stated in order to be successful to get this approved the Township can't be too large yet can't be an addendum to a maintenance project and viewed as a new project. Otherwise the Township will go back in the system and compete with everyone else. With the flood plain restoration work done by Rock Lititz this should significantly reduce the flooding potential at the culvert. Starting at the culvert and going to Newport Road with stormwater management and curbing placement the new projected range is between \$400,000.00 and \$450,000.00. Zimmerman stated the next step is to set up another meeting with PennDOT and tell them the Township is small enough as an addendum for the project.

**CONSIDER SERVICES FOR NAVARRO/WRIGHT CONSULTING ENGINEER SOUND ABATEMENT CONSULTANTS:** The Township Manager stated from a staff perspective an evaluation should be done in order to find out the process to correct the sound concern at Rock Lititz. He also asked in light of the comments made at tonight's meeting a communication plan be included. The Township Manager feels the residents should be made aware of what is going on. Zimmerman stated he consulted Rob

Folmansberger from Navarro to attend tonight's meeting to hear some of the comments and concerns the residents had

regarding Rock Lititz. Andrea Shirk stated Rock Lititz will be hiring their own acoustical firm to help design and plan on how to solve the issue. Myers stated he hoped there could be some collaboration between the two firms.

Folmansberger stated he is an acoustical scientist who has been doing this type of work for 22 years. He would be an interpreter for the Township for what is being heard from Rock Lititz. Folmansberger stated he would provide his expertise and input on any plans Rock Lititz would put forward and follow back with testing in the community to make sure the noise level is at an acceptable level. He feels one challenge is there is not an ordinance that puts Rock Lititz at an absolute allowable noise level. Zimmerman stated there is not a lot reference to the dBc the low noise ordinance particularly in Pennsylvania and he questioned why. Folmansberger stated typical ordinances are written in terms of dBa what is called the A Wing Scale. The A Wing Scale looks at sound frequency but tapers it to the way the human ear responds to sounds.

Shirk stated data is going to be collected to find a solution to the problem.

Zimmerman asked the Board how they would like to proceed. Flosdorf stated the Township needs to devise an ordinance with acceptable standards and define what monitoring might be required. He feels the Township needs a consultant who is experienced in writing ordinances for municipalities that are enforceable and effective.

A resident inquired as to how the Township would protect all the residents if Rock Lititz decided to bring in another client before having resolved the sound problem. Zimmerman replied the Township is requesting a remediation plan. He stated a good communication plan needs to be established because a lack of understanding has been an issue. Flosdorf stated the Township has an understanding that Rock Lititz will not be bringing in any more commercial groups until there is a plan the Township has agreed to, that has been implemented, tested, and proven to work before any more groups are brought in.

A resident inquired as to who assists in developing the noise ordinance. Myers explained that professionals who are in this business put this together. Staff and the Board of Supervisors will review it and then it is enacted as an ordinance. Flosdorf stated it is advertised so the public can review and comment on it. Zimmerman stated that some parameters are already set and then it can be tailored. Zimmerman noted the Township directly communicates with EPA and the head person interacted with jurisdictional rights for noise control is at the local level it is not at the state or federal level.

**ADJOURNMENT:** With no other business to come before the Board the meeting was adjourned at 9:12 P.M.

Respectfully submitted,

Daniel L. Zimmerman,  
Township Manager