

WARWICK TOWNSHIP BOARD OF SUPERVISORS MINUTES

September 5, 2012

Chairman W. Logan Myers convened the September 5, 2012 meeting of the Board of Supervisors at 7:00 a.m. Present were Supervisors W. Logan Myers, Michael Vigunas, Herbert Flosdorf, Anthony Chivinski, and C. David Kramer. In attendance were Township Manager Daniel Zimmerman, Township Engineer Grant Hummer, Dudley Feltham, Susan Tennant, and Jeff Bowlby.

PRESENTATION BY THE LITITZ PUBLIC LIBRARY: Susan Tennant, Director of the Lititz Public Library, thanked the Board for the Township's ongoing support of the Library. She outlined the various programs provided at the Library and noted that a new Scrabble club has been meeting. She explained that approximately 700 individuals visit the Lititz Public Library each day. She noted that the Library has a 24% patron vs. population ratio, which is the highest in Lancaster County.

Dudley Feltham, President of the Lititz Library Board of Trustees, stated that libraries are important to any community. He stated that funding to libraries has been cut for the past two years. He expressed appreciation to the Board, and requested the Board to continue the Township's support of the Library.

The Chairman commended the operation of the Lititz Public Library and added that the Library is an asset to the community.

CONSIDER EXTENSION OF TIME REQUEST FOR AFFORDABLE PAVING: The Board reviewed the request. On a motion by Chivinski, seconded by Flosdorf, the Board voted unanimously to grant a 90-day extension of time for Affordable Paving.

CONSIDER THE JOHN AND EMMA KING FINAL SUBDIVISION PLAN, PREPARED BY DIEHM & SONS, DATED 7/12/2012: Jeff Bowlby, representing Diehm & Sons, stated that he is representing Sam Stoltzfus and his father-in-law John King. He explained that on September 21, 2001, Stoltzfus and King received Conditional Use approval for a second single-family residence along Brunnerville Road. He added that Stoltzfus operates a greenhouse, and the farm is divided by Brunnerville Road. He noted that the farm is comprised of 66.7 acres. He stated that King has indicated that he would like to subdivide his dwelling from the overall farm property in case the farm is sold in the future. He explained that the Ordinance allows a maximum of 2 acres for a residential subdivision from the farm. He added that based on the size of the farm, Stoltzfus would have four building lots remaining (1 acre per 20 acres of Agricultural zoned land). He explained that the property owner would like to use two of the building lot quotas to create a 3.75 tract. He noted that the property owner wishes to use one quota to create a 2-acre lot this year, and a subsequent quota for a 1.75 acre lot add-on the following year. The proposal was granted a Variance on June 13, 2011 to allow the ultimate 3.66 acre lot size. Bowlby noted that the lot add-on plan will be recorded in 2013, after the 2-acre subdivision deeds have been recorded, and the deeds have been transferred.

The Applicant is requesting a Waiver of Section 285.11.C(4) pertaining to wetlands, since no new structures or development are proposed. The Warwick Township Planning Commission recommends approval of the request.

The Applicant is requesting a Waiver of Section 285-27.J(3) pertaining to roadway improvements to defer the requirement until such time that the property is sold to a non-family member for profit. The Township Manager explained that the Township has allowed similar deferrals in the past. The Warwick Township Planning Commission recommends approval of the request.

The Chairman stated that based on the justification of the wetlands Waiver request, it appears that the National Wetlands Inventory indicate that wetlands exist on the farm. He requested that this wetland area be illustrated on the plan. Bowlby stated that he will overlay the information on the plan.

On a motion by Flosdorf, seconded by Chivinski, the Board voted unanimously to approve a Waiver of Section 285.11.C(4) and a Waiver of Section 285-27.J(3), and to approve the John and Emma King Final Subdivision and Lot Add-on Plan contingent upon staff comments and the Township Engineer's comments being addressed.

CONSIDER THE DOUG AND DONNA SNAVELY LOT ADD-ON PLAN, PREPARED BY DIEHM & SONS, DATED 7/2/2012: Jeff Bowlby, representing Diehm & Sons, explained that the property is located along Snavely Mill Road. The Snavely property currently consists of .89 acres. They are proposing to add 1 acre from the adjoining property owned by Snavely Limited Partnership. The adjoining lot contains the Snavely's Mill business. The Mill property contains 23.8 acres; approximately 14 acres is located in Warwick Township, the remainder is located in Elizabeth Township. Bowlby explained that this lot add-on plan will use the last remaining subdivision quota for both lots in Warwick Township. Bowlby explained that the Snavelys are proposing to construct a 3-car garage at the rear of their property. A stormwater management plan has been included in the submission. The proposed lots are in the agricultural zoning district, and would use the existing individual wells and private septic systems. On a motion by Vigunas, seconded by Kramer, the Board voted unanimously to approve the Doug and Donna Snavely Lot Add-on Plan contingent upon the Township Engineer's comments being addressed.

CONSIDER EXTENSION OF TIME REQUEST FOR THE WALTER PROPERTY PROJECT: The Board reviewed the request. On a motion by Vigunas, seconded by Kramer, the Board voted unanimously to grant a 90-day extension of time for the Walter Property project.

DISCUSSION ON REZONING OF PROPERTY ON HESS LANE: The Township Manager explained that the rezoning for Traditions of America will be heard at the Board's meeting on September 19th. He added that the Lancaster County Planning Commission (LCPC) recommended denial of the rezoning. The Township Manager explained that the Township Solicitor recommended conditions based on road improvements, water and sewer service, and open space. He stated that the Applicant has indicated that they do not wish to construct turn lanes along West Millport Road; however, the Township has been consistent in requiring turn lanes for similar projects. He stated that Township staff has discussed the feasibility of connecting the roadways, as well as the trails to the Heart of Lancaster Hospital site. He explained that this would provide for access to a signalized intersection at West Millport Road and Highlands Drive, rather than a non-signalized intersection at Hess Lane. He noted that these issues have been discussed with the Applicant and hospital representatives.

Chivinski inquired why the LCPC recommends denial of the rezoning. The Township Manager explained that the Joint Strategic Plan proposed expanding the Campus Industrial zone to this site,

and this is not part of the proposal. Flosdorf stated that the Board recently rezoned 95 acres in the northern area of the Township to Campus Industrial. The Township Manager stated that the LCPC questioned whether the Township needs more R-2 zoned land added to its inventory. He added that the Township has only 3 large tracts over 40 acres that are zoned R-2. He added that the LCPC also questioned the sustainability of the over-55 development trend. He expressed the opinion that the sustainability of any type of housing stock is not guaranteed. Flosdorf inquired whether this information will be presented at the hearing. The Township Manager explained that these issues will be discussed at the hearing. Flosdorf stated that he would be interested in hearing how the project could transition into a standard development with sidewalks and additional parking if needed in the future.

CONSIDER ORDINANCE AND ADVERTISEMENT TO AMEND THE PENNSYLVANIA RETIREMENT SYSTEM MUNICIPAL PENSION PLAN: The Township Manager explained that the Board discussed the issue previously. He noted that the Ordinance would allow non-uniform employees to contribute up to 20% toward the pension plan. He noted that it would not require employee contributions. The Board is agreeable to the Ordinance as proposed.

DISCUSS THE MS4 RENEWAL APPLICATION: The Township Manager explained that the Township will be filing its MS4 application by the September 10th deadline. He provided a map illustrating the urbanized areas of the Township, in addition to storm inlets and outlets, and stream improvements. He stated that the Application will note that the issues relating to degradation of the Hammer Creek were caused by the PA Fish and Boat Commission. He expressed the opinion that the Township has met its TMDL requirement for Lititz Run and noted that Lititz Borough is a partner in the project which involves the MapShed program.

DISCUSS NFWF LOCAL GOVERNMENT ASSISTANCE PROGRAM WITH THE ENVIRONMENTAL FINANCE CENTER: The Township Manager explained that the Township and four other municipalities are partnering on the watershed consortium to determine the level of TMDL that has been met for the region. He noted that this information will assist in calculating the costs for future stormwater maintenance requirements. Flosdorf stated that he would like to be involved in the process. The Township Manager explained that enabling legislation should be enacted to allow the creation of a stormwater authority to cover maintenance expenses.

The Township Manager stated that the State does not have a provision to verify that TMDL criteria has been met for a specific watershed. He noted that an environmental attorney who previously worked for PA DEP could be contracted to protect the Township from liability relating to Hammer Creek. The Township Manager explained that the County has drafted a model stormwater ordinance. He noted that the Township would have 6-8 months to act on the document.

CONSIDER RESOLUTION #09-05-12-01 AUTHORIZING THE TOWNSHIP MANAGER TO SIGN THE MS4 APPLICATION TO PADEP: The Board reviewed the Resolution. On a motion by Flosdorf, seconded by Chivinski, the Board voted unanimously to adopt Resolution #09-05-12-01 as drafted.

CONSIDER BUCH MILL BRIDGE PAYMENT APPLICATION FOR CONCRETE WORK: The Board reviewed the payment application. The Township Engineer commented that based on their review of the application and field observation of the completed work with the Roadmaster, they recommend approval/payment in the amount of \$14,125.00 as requested. On a motion by

Flosdorf, seconded by Vigunas, the Board voted unanimously to approve the Application and Certificate for Payment in the amount of \$14,125.00 as requested.

CONSIDER THE 2013 MMO OBLIGATION: The Board reviewed the 2013 MMO for the Non-uniform Pension Plan. The Township Manager noted that the amount is \$18,000 less than last year. The Board acknowledged the 2013 MMO obligation for the non-uniform pension plan.

CONSIDER ORDINANCE TO MODIFY THE TOWNSHIP'S CODE OF ORDINANCES ENFORCED BY THE NORTHERN LANCASTER COUNTY REGIONAL POLICE DEPARTMENT AND PARKING REGULATIONS: The Township Manager explained that the Ordinance would replace "Warwick Township Police Department" with "Northern Lancaster County Regional Police Department" where applicable. The Ordinance would also include uniform parking ticket regulations.

BRICKERVILLE FIRE COMPANY REQUEST FOR FIRE POLICE AT SEPTEMBER 8, 2012 FUNDRAISING EVENT: The Board reviewed the request. On a motion by Chivinski, seconded by Flosdorf, the Board voted unanimously to authorize the request for Fire Police at the September 8, 2012 Brickerville Fire Company fundraising event.

TOWNSHIP MANAGER'S REPORT: The Township Manager provided a status report on the NLCRPD. He explained that the Actuary report is being prepared in order to determine the MMO for the police pension fund. He noted that the Board will need to take action on dissolving the current pension fund and establish the regional pension fund.

The Township Manager provided a status report on WESA. He explained that the committee met last week to discuss the Administrator position. He noted that this information would be included as part of the 2013 budget process.

The Township Manager provided a status report on Highlands Drive. He explained that a pre-construction meeting was held on September 4, 2012.

The Township Manager provided a status report on the 6th Street extension. He explained that the right-of-way has been recorded and the Township has obtained the HOP from PennDOT.

EXECUTIVE SESSION: The Chairman announced that the Board will recess to an Executive Session to discuss personnel issues.

ADJOURNMENT: Upon reconvening the meeting, and with no further business to come before the Board, the meeting was adjourned at 8:42 a.m.

Respectfully submitted,

Daniel L. Zimmerman
Township Manager