

WARWICK TOWNSHIP BOARD OF SUPERVISORS MINUTES

October 3, 2012

Vice-chairman Michael Vigunas convened the October 3, 2012 meeting of the Board of Supervisors at 7:00 a.m. Present were Supervisors Michael Vigunas, Anthony Chivinski, and C. David Kramer. W. Logan Myers and Herbert Flosdorf were absent. In attendance were Township Manager Daniel Zimmerman, Township Engineer Grant Hummer, Karen Mailen, Troy Clair, Reid Buckwalter, Mark Johnson, Whit Buckwalter, Nathan Jameson, William R. Hazlett, M. Barton, Mike Leeking, and Bob Lynn.

GUEST RECOGNITION: Bill Hazlett, 1355 Stony Lane, stated that the agenda this morning includes consideration to rezone a 60-acre tract. He noted that previously, a 90-acre tract was approved for rezoning. Hazlett inquired how the Zoning Hearing Board feels when it appears that the Township Manager commented that the use would be approved prior to the meeting. He stated that Warwick Township was the first in Lancaster County to voluntarily create agricultural districts. He explained that this loss of farmland quickly adds up and inquired what goal this accomplishes for the Township. He expressed concern that the Township has allowed tearing down historic buildings and rezoning large tracts of land. He expressed the opinion that no municipality in Lancaster County follows a Comprehensive Plan.

Hazlett stated that he previously advised the Township Manager to include smaller tracts, between 10-20 acres, in investment districts to reduce more loss. He expressed the opinion that the Board should respond to its citizens and not allow the Township Manager to function as a CEO. He added that the public should become more involved. He added that a tract of land he previously owned is being developed, and between 200-300 trees have been removed. He stated that he would have preferred that the tract was not developed.

Hazlett stated that he was part of a committee to designate historic locations throughout the County so municipalities could make decisions based on these locations. He added that although it might not be profitable to save buildings, the Board should make decisions to protect its citizens.

He stated that the Board holds meetings at 7:00 a.m. and individuals who work are unable to attend these meetings.

The Vice-chairman responded that the Township is currently in the process of updating its Strategic Plan and invited Hazlett to attend the meetings and provide his input. He added that no decision will please everyone. He noted that the Strategic Plan committee attempts to view the Township as it will look in 20 years, and Strategic Plan decisions are not taken lightly. He added that the Township Manager does not rule with an iron fist, and noted that the Board makes its own decision. He stated that although the Township Manager guides the Board in their decision, the Board does not rubber stamp an item based solely on his recommendation.

Chivinski stated that the general public does not attend public meetings. He added that the biggest challenge in planning is balance. He expressed the opinion that Warwick Township has taken the lead in agricultural preservation in the amount of preserved farmland, and the protection of agricultural practices. He stated that the Board reviews projects that are favorable to the tax base, without an increase of services, and students in the school district, such as the "Rock Litz" project. He added that the Township updates its Strategic Plan approximately every 6 years, and some of

the industrial projects are tied into TDRs (Transferrable Development Rights), which contribute to agricultural preservation.

Chivinski expressed the opinion that the Township Manager does a phenomenal job for the Township. He added that he has been a supervisor for 9 years, and as a business leader, if he ever felt the Township Manager was over-running things, he would have a strong push-back. Chivinski stated that he has never been railroaded. He encouraged Hazlett to continue his public meeting attendance.

The Vice-chairman stated that the Board previously met only in the evening. Residents had indicated that not everyone can attend these evening meetings and the Board decided to hold one meeting in the morning and one in the evening each month.

Kramer stated that the Board requires balance in its decisions. He added that he requested a 2-week delay on the rezoning decision. He added that he does not recall reading an article where the Township Manager indicated that it would be approved. He added that the Board had made a motion to approve, and another to second a decision on the rezoning Ordinance; however, he requested additional time to review the overall proposal. He noted that he had commented that the proposal was a good use of the land at the previous meeting.

The Township Manager stated that this region is one of the only ones that updates its Strategic Plan every five years. He stated that this is done to provide the public the opportunity to provide input on future planning. He added that the two tracts in question are mentioned in the 2006 update to the Strategic Plan. He noted that the Township reviews proposals to determine whether adequate infrastructure exists to serve the region. He added that individuals have different visions, and others might feel that more jobs are needed in this region, and these are some of the issues the Township hopes to address. He added that 52% of the Township is zoned either Conservation or Agricultural, and Warwick Township's TDR preservation program leads the State, and is 20th in the nation. He stated that he feels his role is to inform the Board of facts and their options pertaining to an issue, and the Board members make their own decisions.

Hazlett stated that his comments relate to smaller tracts that he feels the Township should protect, such as the site of the Members 1st Credit Union at the intersection of SR 501 and Owl Hill Road. He expressed the opinion that the Board should have required the credit union to reuse the existing building, and to relocate it farther from the intersection if that was the Board's desire.

The Vice-chairman stated that the representatives of the historical society inspected the building and indicated that the interior modifications to the building would not maintain its historical integrity. In addition, the owner of the building did not want to retain the building. Chivinski noted that the Credit Union reviewed options to relocate the building, and made it available to anyone interested in doing so. The Township Manager explained that the property owner had two historic buildings, and they were more interested in preserving the other building, which has more historic integrity, and is located across the street from the site. Hazlett expressed the opinion that the decisions relating to the building were financial in nature. He added that the leaders of the Township are not CEOs and must make decisions to protect the integrity of the Township for their citizens. The Vice-chairman invited Hazlett to attend future public meetings of the Strategic Plan committee.

LITITZ recCENTER PRESENTATION: Karen Mailen, Lititz recCenter Executive Director,

thanked the Board for the Township's ongoing support of the recCenter. She stated that the recCenter had a 9% growth in Warwick Township memberships over past year. She explained that the recCenter's new Rec Roundup campaign resulted in \$7,000 in contributions. She explained that the campaign provides programs and services to those that cannot afford it. She added that Bombergers Store, CVS, Turkey Hill, Weisser's Market, and the White Swan all participated in the program. She added that she appreciates the service of its Board members, Troy Clair, Dave Williams, Mike Mitchell, and Dick Nuffert, who are Warwick Township residents.

Mailen stated that the recCenter celebrated its 1st year of the splash pool. In addition, it hosted its first annual master swim meet. She noted that although the 2 state-of-the-art pools raised utility costs, the Lititz recCenter remains fiscally sound and growth continues, although it has slowed. She added that the recCenter is budgeting its \$2 million debt level, and is currently ahead of the payment schedule. She added that several capital improvements were also completed in the past year. Mailen noted that child care registrations are down due to the economy and higher unemployment. Chivinski stated that other organizations who provide child care are also experiencing reduced child care. He inquired whether child care providers consider partnerships. Mailen stated that child care providers meet quarterly at the State level so they do compare services. She added that child care providers had increased over the years due to increased need; however, some of them may no longer continue to provide services.

Chivinski inquired whether Penn Township's support of the recCenter has impacted the facility. Mailen stated that Penn Township's participation has had a positive impact, and they continue to see membership grow from their jurisdiction.

Troy Clair stated that the Lititz recCenter previously operated with a negative cash flow, and they now operate at a positive cash flow. He stated that municipal contributions are earmarked for building maintenance and ensure a state-of-the-art facility. He added that the support of the entire community, including businesses and residents, contribute to the reasons the Lititz recCenter has been successful. He added that the recCenter does not rely on just one big contributor to fund its operation and commended the community for its support. He also commended Mailen's leadership.

The Board commended the operations of the Lititz recCenter.

COMMUNICATIONS: The Board received a copy of the Heart of Lancaster Regional Medical Center "Community Benefit Fact Sheet". The fact sheet notes that the Heart of Lancaster has 417 associates, with more than \$39 million in employee wages and benefits in 2011. In addition, they provided \$6.2 million in uncompensated care in 2011, and have paid in excess of \$1.2 million in taxes in 2011.

The Board received a draft of a news release from the US EPA regarding a source water protection award to Warwick Township Municipal Authority and Lititz Borough for their work in protecting the drinking water sources of their community in developing and implementing their Wellhead Protection Plans. The Township Manager explained that the Township and Borough did not apply for the award, and added that representatives of DEP nominated the partnership to the US EPA.

CONSIDER ORDINANCE #257 PROVIDING FOR THE REZONING OF A 60-ACRE AND 23-ACRE TRACT FROM (A) AGRICULTURAL TO (R-2) AND (R-1) RESIDENTIAL ZONED

DISTRICT: The Township Manager explained that the Ordinance was the subject of a public hearing held on September 19, 2012. At that time, the Board tabled action on the Ordinance in order to provide sufficient time for members to further review the associated Traditions of America project that was presented at the same meeting. He added that the Ordinance includes a text amendment to the R-2 zoning district to allow over-55 housing. On a motion by Kramer, seconded by Chivinski, the Board voted unanimously to enact Ordinance #257 as drafted.

CONSIDER RELEASE OF LETTER-OF-CREDIT FOR THE JEFF BALMER DAIRY EXPANSION: The Township Manager explained that the Letter-of-Credit was for a storm water facility for a large dairy expansion. The Township Engineer commented that based on their recent visual observations at the site, it appears that the required storm water management facilities have been satisfactorily installed. They recommend the Township release the remaining Letter-of-Credit in the amount of \$12,430.00 to the owner. On a motion by Chivinski, seconded by Kramer, the Board voted unanimously to release the remaining \$12,430.00 Letter-of-Credit for the Jeff Balmer dairy expansion.

CONTINUED DISCUSSION ON MS4 PROGRAM AND SPEEDWELL FORGE: The Township Manager explained that every 7 years, the Township receives a permit for the MS4 program, which is required by DEP and EPA, with regard to discharge of stormwater by a municipality. He stated that the Lititz Run is one of only nine streams that has TMDL (total maximum daily load) requirements. He explained that the Township contracted with LandStudies to use a MapShed model to illustrate that the Township has exceeded the TMDL requirements with regard to sediment, phosphorous, and nitrogen. He noted that municipalities are also required to submit a Chesapeake Bay reduction analysis with regard to TMDL. He added that if DEP and EPA accept the results of the MapShed model, the Township will simply continue its practices with regard to stream improvements over the next 7 years. He explained that the MapShed model will be presented at the Board's meeting on October 17, 2012. He noted that the MapShed program was a partnership with Lititz Borough through a National Fish and Wildlife Foundation grant.

The Township Manager explained that the Board received a letter from a representative of "Save Speedwell" requesting that legacy sediment be removed from the lake bed while it is drained. He stated that he discussed the issue with the "Save Speedwell" Government Liaison, and indicated that he could assist with a Growing Greener grant application for the proposal since this type of work is costly. He noted that the PA Fish Commission would need to approve of the grant application since they own the property. The Board members indicated that they would be agreeable to assisting with the grant program.

CONSIDER CLOSEOUT OF THE BUCH MILL BRIDGE PROJECT: The Township Manager explained that the project has been completed. The Township Engineer commented that based on their review of the application and field observation of the completed work with Township staff, they recommend approval/payment in the amount of \$3,500 as indicated on the Contractor's payment application. On a motion by Chivinski, seconded by Kramer, the Board voted unanimously to approve payment of \$3,500.00 to Inspec Coatings, Inc. to closeout the Buch Mill Bridge project.

ATTENDANCE AT THE NOVEMBER 5, 2012 LANCASTER COUNTY ASSOCIATION OF TOWNSHIP SUPERVISORS CONVENTION: The Township Manager inquired whether the Board members present this evening will be attending the November 5, 2012 Lancaster County Association of Township Supervisors meeting. Kramer stated that he will attend the convention.

Vigunas and Chivinski stated that they will verify their schedule and confirm with the Township Manager at a later date.

REQUEST FOR USE OF FIRE POLICE FOR AKRON AND MANHEIM BOROUGH: The Board reviewed the request. On a motion by Chivinski, seconded by Kramer, the Board voted unanimously to authorize fire police for the Manheim Farm Show on October 10th, and for the Akron Halloween Parade on October 24th.

DISCUSS REQUEST TO MAKE A TOBACCO-FREE POLICY FOR PLAYGROUND AREAS IN THE TOWNSHIP PARK SYSTEM: The Township Manager explained that the initiative is a county-wide proposal. He added that the policy would apply to the playground areas only, and not the entire park. He added that signage would be provided free-of-charge if the Township wishes to designate tobacco-free playground zones. He stated that the Township's Recreation Advisory Committee will be meeting this month, and the issue could be forwarded to them for their consideration. The Board members requested that the Recreation Advisory Committee provide a recommendation on the proposal.

OTHER BUSINESS TO COME BEFORE THE BOARD: Mike Leeking, 1250 East Newport Road, stated that he is opposed to closing of Hess Lane. The Township Manager stated that the issue will be addressed further as part of a proposal for "Traditions of America". He added that the issue would be the topic of a public hearing if the Township would proceed with the road closing.

Leeking requested consideration to restrict engine retarders along East Newport Road, from the White Swan to the 45 MPH speed limit sign. The Township Manager explained that the issue is addressed by PennDOT. He added that PennDOT will review the roadway grade to determine if a restriction is warranted. He added that the Township requested a restriction for the segment of East Newport Road from Rothsville to SR 501 and PennDOT denied the request. He noted that the Township could request consideration for this specific segment of the roadway.

TOWNSHIP MANAGER'S REPORT: The Township Manager provided a status report on Highlands Drive. He stated that the extended area will be staked out in the next day and the project should proceed next week.