

## WARWICK TOWNSHIP

315 Clay Road  
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(Lancaster County)

### WARWICK TOWNSHIP BOARD OF SUPERVISORS July 20, 2022

Chairman Kenneth Eshleman convened the July 20, 2022, meeting of the Warwick Township Board of Supervisors at 7:00 p.m. Those in attendance were Supervisors Ken Eshleman, Jeff Tennis, Jeremy Strathmeyer, Kelly Gutshall, and Ken Kauffman. Also in attendance were Brian Harris, Township Manager; Pat Barrett, Assistant Township Manager; Chuck Haley, Township Engineer; and Laura Knowles, Lititz Record.

**CONSENT AGENDA:** B. Harris stated that the June 1 and June 15 minutes and the Manager's Report are included. Harris stated that the Township has been seeking to hire authority personnel as well Public Works staff. Two qualified individuals have been found for the authority and the Township is closer to finding two candidates on the public works side.

At last night's WTMA Board Meeting Harris and P. Barrett talked about the rate study which was presented in June and the cash flow for the authority, concluding that a rate increase for 2023 is not necessary. WTMA paid 85% of the contract amount. Dave Bush agreed that midway through next year, WTMA should review its financial situation to determine if the authority would need to consider a rate increase for 2024. When looking at the finances on the authority side, the water and the sewer operating accounts are both approximately \$1 million and WTMA is around \$1.2 million and \$1.5 million on the PLGIT accounts.

There is a Planning Commission meeting next week with Musser's Lawn and Garden presenting a sketch plan for an expansion, and also Rohrer's Quarry will be present. Rohrer's Quarry wants to demolish the farm house at 820 Woodcrest Avenue which is on the Township's historic register, and per the ordinance, that requires a conditional use hearing in front of the Board of Supervisors. Rohrer's Quarry will come to the Planning Commission asking what their expectations are as far as architect involvement, structural engineers, etc. and then they will go back to the Planning Commission. When the issue is before the Board of Supervisors, it will have been recommended by the Planning Commission. This will be the first time the Board conducts a hearing under this ordinance. J. Tennis asked what Rohrer's intended use is for the parcel at 820 Woodcrest Avenue; Harris responded that the intended use is agricultural. They are planning to repurpose the barn and keep what they can from the house.

Harris stated that the WTMA Board approved the water and sewer extender agreements for Sixth Street for Phase 2 and Phase 3 of Warwick Crossing.

J. Tennis represented the Township and D. Engle represented the authority for the IBEW kick off meeting. There is another meeting scheduled for August 17, 2022.

Harris stated that the Tax Collector's Report is included with the meeting packet, and 97% of the Township's real estate taxes are collected to date. Oil and chip was completed on several roads. The next WESC meeting is Monday, August 1, 2022. Harris stated that the Township received Zoning Hearing Board approval from Lititz Borough for Pump Station #13. Harris and Tim Lester will be presenting to the Planning Commission on August 2, 2022 regarding the land swap. Harris anticipates another review will be needed with the Planning Commission and then anticipates to present to the Board at their September meeting. There were a few people present for the Zoning Hearing Board meeting sharing concerns about lighting and landscaping. On a motion by K. Kauffman and seconded by K. Gutshall, the Board unanimously approved the consent agenda as presented.





**CONSIDER REQUEST FOR AN 8-MONTH EXTENSION OF TIME FOR 400 ROCK LITITZ BOULEVARD:** B. Harris stated that this is the parcel across from Pod 5, across the bridge from the floodplain restoration area. The 8 month extension would grant a time extension to April, 2023. Harris did speak to Rick Brenneman from Brenneman's Construction regarding another item on the agenda for Micky's Black Box, and Rick indicated that they are in limbo at this point. K. Kauffman asked if there is a policy on how many extensions the Township can grant. There was a discussion on requests for extensions and the time lines for filing final plans. C. Haley stated that you have a developer's agreement with the final plans and whatever date B. Crosswell assigns. Haley also stated that all NPDES permits expire December 7, 2024. B. Harris stated that most of the developer's agreements that we have been doing have been 3 year periods. K. Gutshall asked if the owner comes in and adds parking, or makes any changes, do they have to go back through the preliminary plan process. If the developer does do something different from the original plan, they have to revise the concept plan first. On a motion by J. Tennis and seconded by J. Strathmeyer, the Board unanimously approved the request for an 8 month extension of time for 400 Rock Lititz Boulevard to April 15, 2023.

**CONSIDER REQUEST FOR A RELEASE OF THE LETTER OF CREDIT FOR 212 OWL HILL ROAD:** The Township is holding \$3,500.00 and ELA's letter dated June 28, 2022 recommends release of those funds. The Township Engineer noted that if the pool gets installed in the future, the Township should be cognizant of them meeting the necessary storm water measures as a condition of that permit. When the township releases the Letter of Credit, staff will include a copy of the ELA letter highlighting that so they are aware in the future. C. Haley noted that on the last page of the ELA letter, you can see the information alerting homeowners of their responsibilities. On a motion by K. Kauffman and seconded by K. Gutshall, the Board unanimously approved the release of the letter of credit based on ELA's letter dated June 28, 2022 for 212 Owl Road.

**CONSIDER REQUEST FOR A RELEASE OF THE LETTER OF CREDIT FOR MICKEY'S BLACK BOX:** B. Harris stated that the Township is currently holding \$7,205.00 that ELA did make a recommendation to release. The ELA letter dated June 18, 2022 noted that the wheel stops were shown as part of the recorded plan. The developer does not want to install the wheel stops for a variety of reasons. The Township Engineer recommended that from a liability perspective, it is probably good to get an indemnification agreement from the developer in case something happens because it is on the plan. In Harris' conversations with Rick Brenneman, they have no problem doing that. There was a discussion on when wheel stops are needed and when they are not. K. Kauffman asked how the Township goes about getting an indemnification. Harris stated that the property owner will provide the indemnification to us. B. Crosswell will review the indemnification and the Board can make a motion to release the letter of credit subject to the applicant providing an indemnification satisfactory to the Solicitor. The Township would not release the money until the signed indemnification has been received. On a motion by K. Kauffman and seconded by K. Gutshall the Board unanimously approved the release of the letter of credit for Mickey's Black Box subject to an indemnification agreement satisfactory to the Township Solicitor.

**CONSIDER REQUEST FOR A REDUCTION OF THE LETTER OF CREDIT FOR WARWICK CROSSING, PHASE 1:** B. Harris referred to the letter from ELA dated July 8, 2022 recommending a release for Warwick Crossing, Phase 1 in the amount of \$145,628.67. The Township will retain \$465,303.85. Harris mentioned that those numbers are different than their request and ELA's numbers are correct as noted. The Township will be retaining about \$55,000.00 more. Once this release happens Mr. Moyer will provide us with the Letter of Credit for Phase 2. K. Gutshall asked about the section of Phase 1 of the swale that was disturbed for the sewer crossing, and whether that area was adequately revegetated. C. Haley stated that the work was done when the Authority did their work in that area. K. Gutshall mentioned the repairs for the E&S damage at the end of the swale where the sediment pond was constructed. Haley stated that would have been Lititz Reserve, not Warwick Crossing. C. Haley stated that the majority of what remains is the roadway improvement money. K. Gutshall recused herself from this vote. On a motion by J. Tennis and seconded by J. Strathmeyer, the Board approved the reduction of the letter of credit for Warwick Crossing Phase 1 by the amount of \$145,628.67.

**CONSIDER MOTION TO APPROVE THE PAYMENT OF BILLS:** B. Harris stated that the total bill register is \$605,212.00, of which approximately \$140,000.00 is paid from the general fund. The escrow payments are approximately \$54,000.00 and the 2 invoices to B.R. Kreider as part of the Sixth Street project total \$324,000.00. Harris stated that he plans to start including a note on payables with his budget summary. K. Kauffman questioned the cell phone reimbursements on the report. Harris stated that those reimbursements are part of the IBEW contract. The current payment amount is \$20.00 per month and is paid out twice per year per the IBEW contract. The employees who are using their personal phones for work purposes are reimbursed.



The Township does require, per their contract, that the employee submit an invoice each month. In current negotiations, the Township will ask for 1 invoice in the beginning of the year. Harris stated that the one item that caught his eye was the credit card payment of approximately \$1,000.00. A gentleman came in to pay his county and municipal tax with a credit card. The Township process the check to the Tax Collector to remit for the county portion of the payment. On a motion by J. Tennis and seconded by J. Strathmeyer, the Board unanimously approved the payment of bills as presented.

**CONSIDER MOTION TO APPROVE THE TREASURER'S REPORT:** B. Harris stated that on the revenue side, the Township has collected 60% of its budgeted revenue, and revenue is approximately \$31,000.00 higher than last year's revenue. The biggest dip on the revenue side was prior year expense reimbursements. The Real Estate Transfer Tax is behind where the Township was last year at this time. In 2021, the Township had 146 transfers to date, and at this point this year, the Township has 136 transfers. The number of transfers isn't off by much but the value of the parcels are. When they reviewed the report, there were a couple large transactions in the beginning of 2021, the Quarry had 2 of them, and so did the owner of the Siegrist property. On the expense side, the Township has expended 59% of its budget, and expenditures are approximately \$210,000.00 higher. The breakdown of the \$210,000.00, includes approximately \$110,000.00 from the police contribution, and the fuel budgets across the board have increased. The Drug Task Force contribution was made in August this year; the payment last year occurred in September for the Drug Task Force. Overall, the Township is in a very similar spot for this time of year. K. Eshleman stated that expenses are justifiably higher. On a motion by K. Kauffman and seconded by K. Gutshall, the Board unanimously approved the Treasurer's Report as submitted.

**CONSIDER REQUEST BY COBYS FAMILY SERVICES FOR A BIKE/HIKE ON 9/11/2022:** A special event application has been submitted for a bike/hike on 9/11/2022. There are a couple options including a 3 mile walk, a 10 or 25 mile bike ride, or a 60 mile motorcycle ride. Included in the packet is their indemnification agreement. As part of the approval, Township staff will notify NLCRPD so they are aware of the event as well. Harris stated that the applicant is not proposing to shut down any roads for the event. On a motion by J. Strathmeyer and seconded by K. Kauffman, the Board unanimously approved the Cobys Family Services Bike/Hike on 9/11/2022.

**CONSIDER REQUEST BY HARTZ PHYSICAL THERAPY CHARITABLE FOUNDATION FOR A RUN/WALK ON 10/1/2022:** This event is a 5K going through a portion of the trail into Newport Square. The event is proposed for 10/1/2022. The applicant has completed their indemnification agreement as required. Township staff will notify NLCRPD of the event. On a motion by K. Gutshall and seconded by J. Strathmeyer, the Board unanimously approved the Hartz Physical Therapy Run/Walk on 10/1/2022.

**CONSIDER EASEMENT AGREEMENT WITH LITITZ BOROUGH FOR SEWER INTERCEPTOR LINE LOCATION:** B. Harris stated this agreement providing for grant of easements is to Lititz Borough and the Warwick Township Municipal Authority. This is for the interceptor adjacent to Sixth Street that was done last year. The easement is a 10 foot wide easement which parallels Sixth Street until it travels under Sixth Street and then extends to the sewer plant. The total area of the easement is approximately 5,528 square feet as shown on the mapping per exhibit B. On a motion by K. Gutshall and seconded by J. Tennis, the Board unanimously approved authorizing execution of the Easement Agreement with Lititz Borough for the sewer interceptor line.

**CONSIDER ADVERTISING THE DRAFT STORM WATER MANAGEMENT ORDINANCE REVISIONS:** B. Harris stated that members of the MS4 Committee, which includes Emily and Mike from LandStudies and Chuck & George of ELA Group, and Billy have worked on this Storm Water Amendment. DEP came out with a model ordinance and the Township is required to update its ordinance. Solicitor Josele Cleary prepared the changes. Harris mentioned that currently, the storm water management enforcement provisions are via citation and/or a filing with the Court of Common Pleas. There was some discussion to continue a 5 day quick ticket for enforcement. Josele does not feel that the quick ticket is a good legal approach. She is recommending that we keep the same enforcement provisions that we have in our current ordinance. C. Haley stated that some of the changes deal with HOA issues, and facilities being turned over to an HOA when they haven't been finished by the developer (i.e., riparian buffers, seeding, etc.). In September, 2022 the Township will need to renew the MS4 Notice of Intent for its next permit cycle. The Township will need to adopt the modifications to its storm water ordinance, so staff has met with representatives of LandStudies to review the items needed to meet the DEP requirements. The Township Engineer also identified the problems happening recently and these issues have been combined into the presented document. The Township Engineer recommends that the document be passed for advertising for adoption at the August meeting. Most of



the DEP's items that were added include new regulations on types of discharges, and clarifying issues found in the majority of the ordinances over the past 4-5 years. B. Harris stated that this would be a motion to authorize advertising, and it would be on the August agenda for consideration by the Board. K. Gutshall asked what the enforcement will be for the ordinance. C. Haley stated that the Township will be setting up yearly inspections which is part of the MS4. The new rule from the DEP is every year for the first 3 years you had to inspect your basin and send a report in to the Township, now it is every year. Every year homeowners will need to perform an inspection of any stormwater facilities on their property, and if they don't provide documentation, the Township's storm water coordinator will reach out to the owner and remind them. The storm water coordinator is to keep a spreadsheet of inspections. There was a discussion on how other municipalities handle these inspections. K. Gutshall recused herself from this vote. On a motion by K. Kauffman and seconded by J. Strathmeyer, the Board authorized advertising the proposed ordinance amendments.

**CONSIDER ADVERTISING THE DRAFT ENGINE BRAKE RETARDER ORDINANCE:** B. Harris stated that the Board had authorized ELA to submit a study to PennDOT, and the agency granted the township permission to implement a prohibition on a portion of Newport Road. Based on Solicitor Josele Cleary's letter dated July 9, 2022, she prepared a draft ordinance that would restrict engine brake retarders from Orchard Road east about 1.5 miles to roughly the WERT trail. The Township cannot implement the restriction on roads that have a grade greater than 5%, which occurs when vehicles start to crest the hill toward the White Swan restaurant. The board would be making a motion to authorize advertising, and it would be on the August agenda for consideration. If the Board adopts the ordinance, the Township would order the signage. Enforcement would come from the police as defined in the vehicle code with fines anywhere between \$100.00 and not more than \$1,000.00 for each offense. On a motion by J. Tennis and seconded by K. Kauffman, the Board unanimously approved the advertising of the Engine Brake Retarder Ordinance.

**CONSIDER BLESSINGS OF HOPE SETTLEMENT AGREEMENT RATIFICATION:** B. Harris stated that Jason Hess was present in front of the Board last month regarding the settlement. At that time, because it was not listed specifically as an action item on the agenda, B. Crosswell felt more comfortable if we ratified it at this meeting. On a motion by K. Kauffman and seconded by K. Gutshall, the Board unanimously approved the ratification of the Blessings of Hope settlement that was executed last month.

**ROTHSVILLE VOLUNTEER FIRE COMPANY:** The Board received a copy of the Rothsville Volunteer fire company June, 2022 Fire & Ambulance Report.

**PSATS NEWS BULLETIN:** The Board received a copy of the June, 2022 edition of the PSATS NewsBulletin publication. Harris distributed some PSATS correspondence regarding their regional forum at the Eden Resort in Lancaster at the end of August.

**EXECUTIVE SESSION:** The Board adjourned to Executive Session at 7:50pm and reconvened at 7:56 p.m.

**NEXT MEETING** – Wednesday, August 17, 2022 at 7:00 p.m. (no morning meeting in August)

**ADJOURNMENT** – On a motion by J. Tennis and seconded by J. Strathmeyer, the meeting was adjourned at 7:56 p.m.

Respectfully submitted,



Brian Harris,  
Township Manager