

WARWICK TOWNSHIP BOARD OF SUPERVISORS
AUGUST 16, 2023
7:00 p.m.
WARWICK TOWNSHIP MUNICIPAL BUILDING

Chairman Ken Eshleman convened the August 16, 2023 meeting of the Warwick Township Board of Supervisors at 7:00 p.m. In attendance were Supervisors Ken Eshleman, Jeff Tennis, Ken Kauffman, Kelly Gutshall, and Jeremy Strathmeyer. Also in attendance were Brian Harris, Township Manager; Billy Clauser, Township Planner; Chuck Haley, Township Engineer; Shane Swisher, 234 Owl Hill Road/Listrak; Laura Knowles, Lititz Record; Elvin & Carol Hurst, 61 Clay Road; Tom & Deb Ressler, Millway Road; Dave Madary, Madary Engineering; Ted Cromleigh, Diehm & Sons; Howard Kramer, Listrak; Jim Bushong, 1403 Brunnerville Road; Tom Kifolo, 70 Lititz Road; Ross Kramer, 29 Warwick Road; Carson Kramer, 29 Warwick Road; Joyce Gerhart, RGS Associates/Lititz Reserve; and Alan Blank, Court Reporter.

B.Harris stated that there are two public hearings schedule for this evening. He explained the process to be followed for the hearings.

PUBLIC HEARING #1 TO CONSIDER A CONDITIONAL USE APPLICATION RECEIVED FROM ELVIN HURST (THE "APPLICANT"). THE APPLICANT IS SEEKING CONDITIONAL USE APPROVAL UNDER SECTION 340-11.D.(1) AND SECTION 340-96 OF THE WARWICK TOWNSHIP ZONING ORDINANCE PERTANING TO SINGLE-FAMILY DETACHED DWELLINGS IN THE AGRICULTURAL ZONE. THE APPLICANT PROPOSES TO CONSTRUCT A HOME ON HIS PROPERTY LOCATED AT 61 CLAY ROAD, LITITZ:

Ted Cromleigh was sworn in by the court reporter.

B. Harris stated that this property is located at 61 Clay Road and is a 32 acre parcel. The applicant is proposing to annex off a 1 acre lot for a single family dwelling which in the agricultural zone is a conditional use. Mr. & Mrs. Hurst were in front of the Planning Commission at the July meeting where they did receive a positive recommendation. Harris also mentioned a letter from ELA dated July 19, 2023 with some comments and considerations. He noted that this plan was in front of the Agricultural Preserve Board for their review and comment. This is a preserved farm and the Ag Board did endorse the project. They are proposing to connect to the sewer line on Clay Road and they are proposing to have an on-site well.

Ted Cromleigh noted that this parcel is a poultry farm with six poultry houses on it. The Hurst's have been owners of the farm for 23 years and feel it is time to step back a little. They would like to build a retirement home on the farm and have a family member take over the majority of the farming operation. The farm is preserved with the Lancaster County Ag Preserve and in a conservation easement. They are allowed one lifetime subdivision on the farm and this is the one subdivision. The proposed lot will be located adjacent to Warwick Campus land across from the intersection of Stone Crest Drive. They tried to locate it so that it would minimize the loss of the viable farming ground and not interfere with the farming operations. The lot will connect into the low-pressure sewer main on Clay Road and they will utilize an on-lot well to be constructed for a water source. K. Kauffman asked about screening along the trail. T. Cromleigh stated that the lot is not adjacent to the trail. Cromleigh stated that there was a suggestion from the township engineer and it is standard that we provide a riparian buffer easement along the creek on the southern end of the property. They did talk to the Ag Preserve Board and they have no problem with that. K. Gutshall asked if the greenway easement has been established or is this basically saying that you will allow for a future

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easement. Cromleigh stated that the Ag Preserve Board will not allow that. B. Harris stated that originally the hope was that in addition to the riparian easement we would be able to get a pedestrian easement with the hopes that someday we would be able to get access from the adjacent farms to ultimately get down to Millport. K. Gutshall asked how long the farm has been in preserve. Mr. Hurst stated it has been in preserve for 23 years. B. Harris mentioned that when the decision is created it will be in compliance with the ELA letter dated July 19, 2023. Harris also stated that the township would like a verification that the sewer connection has enough capacity.

On a motion by J. Tennis and seconded by J. Strathmeyer, the Board unanimously approved the closing of the hearing.

PUBLIC HEARING #2 TO CONSIDER A CONDITIONAL USE APPLICATION RECEIVED FROM LISTRAK (THE "APPLICANT"). THE APPLICANT IS SEEKING CONDITIONAL USE APPROVAL UNDER SECTION 340-19.C.(3) OF THE WARWICK TOWNSHIP ZONING ORDINANCE PERTAINING TO BANQUET AND/OR CONFERENCE FACILITIES IN THE CAMPUS INDUSTRIAL ZONE. THE APPLICANT PROPOSES TO OFFER USE OF INTERIOR VENUE SPACE AT THEIR PROPERTY AT 100 WEST MILLPORT ROAD TO OUTSIDE ENTITIES PERIODICALLY:

B. Harris stated that this will be for consideration of a banquet and conference facility in the campus industrial zone. He noted that Dave Madary is present along with Howard and Ross Kramer to represent Listrak. Dave Madary, Howard Kramer, and Ross Kramer were sworn in by the court reporter.

D. Madary stated that the original land development plan for the site was approved in 2017. Listrak is not looking to expand the building but they have a large space on the western end of the building that is underused and is a great venue space for the community. The applicants have seen a need and they have had a few events, including a Housing Community Meeting for the township strategic plan. There is ample parking on the site. The venue would function on the weekends and would not conflict with any weekday traffic. The site has access off of Buckwalter Road and West Millport Road. There was more parking that was approved as part of the land development plan if it was needed and it has not been needed because there is a tremendous work at home program at Listrak. They do not see a demand to add that other parking in the future. There was quite a bit of impervious cover that was approved and not built so they do not see any stormwater issues. They do not see any traffic issues being off hours. The venue would be used by up to approximately 250 to 300 people at most, primarily on the weekends. There are some minor modifications being done internally in the building like adding a garage door that they could use to access with a small vehicle to set up in the space for deliveries. They are looking to have an entrance to the venue on the west end of the building. They are proposing a walkway connection from the west entrance down to connect the southern parking lot. K. Gutshall asked about additional lighting. They are hoping to put the pathway in first and see how adequate the existing lighting is but they would gauge at that time if more lighting needs to be added. H. Kramer stated that prior to Covid there were approximately 275 employees in the building and now there are approximately 12 employees in the building. They think that by October they should be back to approximately 100 people in the building. K. Kauffman asked about events being held during regular business hours. R. Kramer stated that there may be a chamber breakfast or a training event. He mentioned that it would be mostly used for galas, proms, etc. on Friday and Saturday nights.

On a motion by K. Kauffman and seconded by K. Gutshall, the Board unanimously approved the closing of the hearing.

CONSENT AGENDA:

Approval of minutes: July 19, 2023
Tax Collector's Report
Police Department Report
WESC/EMC Report

Manager's Report
Public Works Report
Zoning Officer's Report

B. Harris thanked all the Board Members for attending Chief Kilgore's swearing in last week. Dave Bush was present from Keystone Alliance for last night's authority meeting to present his rate study analysis. The Newport Road tank plan was recorded last week. The fifth and final topic related meeting was held at Elizabeth Farms earlier in the month. The final meeting will be held October 10, 2023 at the Warwick Middle School to unveil the comprehensive plan. It will then go back to all the

participating municipalities where it can be considered for adoption. United Zion will be on next week's Planning Commission Agenda and then in September will be Musser's Lawn and Garden. September will be the start of the budget process. Things will be done very similar to years past. K. Kauffman asked about an offer of employment being made. Harris stated that the offer was accepted. He noted that there were 3 offers of employment that went out in the past month. Two of them are on the authority side and one on the public works side to replace Mr. Martin. K. Gutshall asked about the sinkholes on the Public Works report. Harris stated that he was out and there is a cone in the road indicating the area. The hole was plugged and patched and then it is monitored to see if continues to depress. K. Eshleman asked about the progress on the new grinder for the leaf and woody waste site. Harris noted that the public works department will be demoing a machine next Tuesday.

On a motion by K. Kauffman and seconded by J. Tennis, the Board unanimously approved the Consent Agenda as submitted.

CONSIDER THE LITITZ RESERVE PHASE 9 & 10 SUBDIVISION PLAN, PREPARED BY RGS ASSOCIATES, DATED JUNE 7, 2023: J. Gerhart stated the plan is for 46 townhomes and one single family that is Mr. Brandt's single family lot. She also mentioned that the majority of the units are the same types of units that are already in Lititz Reserve. The 12 that access via the alley are a little bit different because of accessing from the rear. There are two open space lots proposed, one being a small rain garden. J. Tennis asked if 6th Street has enough room for on-street parking. Gerhart stated that it would but parking is not permitted on 6th Street because it is a special collector. His concern is people coming to visit would probably think they should park up front. He suggested possible signage to make sure it is understood that there is no parking along the street. Gerhart noted that there is no parking posted along the whole length of 6th Street. There is no parking on the alley itself, however, they have a double car garage and double car driveway and there is parking permitted on one side of Meadow Rose where visitors can park. Gerhart noted that there is separation in between so someone could park in the driveway and go around the garage. There was some discussion regarding the grades in this area. The home owners association will take care of mowing and snow. The HOA will be responsible for the maintenance of the alley. There was discussion regarding the HOA and what they will be maintaining. K. Gutshall asked how Brandt's lot is accessed. Gerhart stated that the lot is accessed off of the alley. Mr. Brandt has legal lot frontage on Meadow Rose but to have one fewer driveway coming out onto Meadow Rose it was requested that they have that driveway come out onto the alley. There was some discussion regarding the bio swale and who is responsible for it during and after construction is completed. Sidewalks and their locations were discussed. On a motion by J. Tennis and seconded by J. Strathmeyer, the Board recommended Lititz Reserve Phase 9 & 10 conditioned on ELA's review letter as well as the developer and the HOA mutually agreeing to execute a document regarding the maintenance of the bio swale once it is turned over to the HOA and prior to the notice of termination being issued. K. Gutshall abstained.

CONSIDER THE CONDITIONAL USE DECISION FOR CASE 2023-3, 820 WOODCREST AVENUE: B. Harris that after the hearing staff prepared a draft decision representing what was talked about. We did provide the draft decision to Attorney Yoder who reviewed it with the applicant. On a motion by K. Kauffman and seconded by J. Strathmeyer, the Board unanimously approved the Conditional Use Decision for Case 2023-3, 820 Woodcrest Avenue as submitted.

CONSIDER REQUEST FOR A TIME EXTENSION FOR THE UNITED ZION RETIREMENT COMMUNITY PLAN: B. Harris stated that there is a meeting scheduled with United Zion and ELA. United Zion is requesting a 90-day extension which would take them through November 15, 2023. Most of the items are traffic related. On a motion by J. Tennis and seconded by K. Kauffman, the Board unanimously approved the request for a time extension through November 15, 2023 for the United Zion Retirement Community Plan.

CONSIDER REQUEST FOR A TIME EXTENSION FOR THE OWL HILL ROAD SUBDIVISION PLAN: B. Harris stated they are requesting a 90-day time extension. This is for their NPDES permit. This extension would take them through November 15, 2023. On a motion by K. Kauffman and seconded by J. Tennis, the Board unanimously approved the request for a time extension for the Owl Hill Road Subdivision Plan.

CONSIDER REQUEST FOR A REDUCTION IN THE LETTER OF CREDIT FOR WARWICK CROSSING PHASE 3: B. Harris stated that ELA's letter dated 8/3/2023 recommends reducing the current letter of credit by \$212,768.22 and retaining

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\$293,945.08. On a motion by J. Tennis and seconded by J. Strathmeyer, the Board unanimously approved the request for a reduction in the letter of credit for Warwick Crossing Phase 3.

CONSIDER REQUEST FOR A REDUCTION IN THE LETTER OF CREDIT FOR 400 ROCK LITITZ BOULEVARD: B. Harris referred to ELA's letter dated 8/3/2023 recommending a release of \$1,076,615.54 and that would leave a retainage of \$754,962.23. This is related to 400 Rock Lititz Boulevard. On a motion by J. Strathmeyer and seconded by J. Tennis, the Board unanimously approved the request for a reduction in the letter of credit for 400 Rock Lititz Boulevard.

RATIFY AND CONFIRM RESOLUTION 07-19-23-01 ACCEPTING A PORTION OF SIXTH STREET FOR DEDICATION TO THE TOWNSHIP: B. Harris stated this is ratifying the motion that was approved at last month's meeting. We assigned a resolution number to the documents but the documents were not in the final preparation form. This was related to the dedication of Sixth Street. On a motion by K. Gutshall and seconded by K. Kauffman, the Board unanimously ratified and confirmed Resolution 07-19-23-01.

RATIFY AND CONFIRM RESOLUTION 07-19-23-02 ACCEPTING THE REMAINING PORTION OF LITITZ RESERVE LANE: B. Harris stated that this is the remaining portion of Lititz Reserve Lane. We assigned a resolution number to the documents but the documents were not in the final preparation form. On a motion by K. Kauffman and seconded by J. Strathmeyer, the Board unanimously ratified and confirmed Resolution 07-19-23-02.

CONSIDER PROPOSAL FROM LANDSTUDIES FOR THE LITITZ RUN PROJECT AT BALLSTOWN ROAD: B. Harris stated that this for the SRBC project for Lititz Run at Ballstown Road. The Township did receive \$500,000.00 from the Susquehanna River Basin Commission to complete this project and realign a portion of Lititz Run where it currently cuts hard into Warwick Road. As part of that we have a proposal from LandStudies for the restoration design and the water obstruction and encroachment permitting. There are 4 tasks associated with this proposal. There are design, permitting, project coordination, and surveying and geomorphic site assessment associated with it. The proposal was in front of the Watershed Association as well and they did not have any concerns. Harris will also have B. Crosswell take a look at the proposal. Crosswell did provide a letter regarding the proposals that we got from ELA and LandStudies as they relate to the legal end of things. He had a few minor comments. On a motion by J. Tennis and seconded by J. Strathmeyer, the Board authorized the execution of the proposal from LandStudies for the Lititz Run project at Ballstown Road as presented. K. Gutshall abstained.

CONSIDER PROPOSAL FROM RHYTHM ENGINEERING FOR SIGNAL SERVICES: B. Harris spoke with the Public Works Director at Manheim Township. They have 17 signals on the Rhythm system and 63 signals total in the municipality. They pay the \$1,000.00 per signal. They see a benefit in it. They use Signal Service as their signal contractor. Warwick Township uses C.M. High. Harris recommends we authorize it for the 2 signals for 2024. On a motion by J. Tennis and seconded by J. Strathmeyer, the Board unanimously approved the proposal from Rhythm Engineering for signal services as presented.

CONSIDER REQUEST FROM EAST PETERSBURG BOROUGH FOR SPECIAL FIRE POLICE FOR THEIR PARADE & RACE ON SEPTEMBER 23, 2023 FROM 8:00 A.M. TO 11:00 A.M.: Brian stated this is a 5K followed by a parade. He did pass the request on to WESC and they have no problem helping out as needed. On a motion by K. Gutshall and seconded by K. Kauffman, the Board unanimously approved the request from East Petersburg Borough for special fire police for their parade and race on September 23, 2023 from 8:00 a.m. to 11:00 a.m.

CONSIDER REQUEST TO DESIGNATE ROYAL DRIVE AND REGENTS DRIVE AS ONE WAY DURING THE REGENTS HILL COMMUNITY YARD SALE ON 09/23/2023: B. Harris stated that we will provide the barricades and some one-way and do not enter signs similar to what was done last year. On a motion by J. Tennis and seconded by K. Kauffman, the Board unanimously approved the request to designate Royal Drive and Regents Drive as one-way during the Regents Hill community yard sale on September 23, 2023. J. Strathmeyer abstained.

CONSIDER MOTION TO APPROVE THE PAYMENT OF BILLS: B. Harris mentioned the total payables for the period were \$621,853.00. The general fund was the largest at \$488,000.00 of which was our 5th payment to Northern Lancaster County

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Regional Police Department which was \$377,000.00. Harris stated we also had \$51,000.00 in escrow reimbursement and also the paving of 6th Street in front of the library is represented in the 6th Street Fund. Included in next month's payables will be the entire paving project from Pennsy for 6th Street which will be approximately \$300,000.00 for Township wide paving that we did. 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: Harris noted that the year-to-date revenue is at approximately 60%. Our number is skewed from last year based on a developer contribution of \$240,000.00 for a project. Our EIT continues to be strong and our real estate transfer taxes are lagging a bit. We are also seeing a slight decrease in our cable franchise fee. Our contracted police services is substantially higher due to how the payment fell this year. To-date we have expended 65% of our budget. There was discussion regarding some line items on the Treasurer's Report. On a motion by K. Kauffman and seconded by J. Tennis, the Board unanimously approved the Treasurer's Report as submitted.

MHCK LETTER REGARDING VETERANS HONOR PARK ADVISORY COMMITTEE: B. Harris asked for B. Crosswell's comments on this advisory committee. His recommendation is when we reorganize in 2024 we form a formal committee and adopt by-laws. There are a handful of municipalities that do have veterans honor committees. Harris did reach out to two of those municipalities so far. Harris stated that what he envisions happening is over the next couple months getting some bylaws together, having the committee form in 2024 and meeting quarterly for first year and then every six months thereafter. Harris reviewed the plans for future plantings at the Veterans Honor Park. J. Strathmeyer described the difference between a veterans honor park committee and a veterans advisory committee.

WEST ORANGE STREET JUDGEMENT: B. Harris reviewed the status on the action being taken against a West Orange Street property.

NEXT MEETING: Wednesday, September 6, 2023 at 7:00 a.m.

ADJOURNMENT: On a motion by J. Strathmeyer made a motion to adjourn the meeting at 8:16 p.m.

Respectfully Submitted,

Brian Harris
Township Manager