

WARWICK TOWNSHIP BOARD OF SUPERVISORS

October 18, 2023

7:00 p.m.

WARWICK TOWNSHIP MUNICIPAL BUILDING

Chairman, Kenneth Eshleman convened the October 18, 2023 meeting of the Warwick Township Board of Supervisors at 7:00 p.m. In attendance were Supervisors Ken Eshleman, Ken Kauffman, Jeremy Strathmeyer, Jeff Tennis, and Kelly Gutshall. Also in attendance were Brian Harris, Township Manager; Tom Zorbaugh, Code & Zoning Officer; Billy Clauser, Township Planner; Chuck Haley, Township Engineer; Jason Minnich, Roadmaster; Craig Smith, RGS Associates; Mark Will, Compass Mill; Whit Buckwalter, Millport Road LLC; Steve Bachman, 357 Autumn Harvest Lane, Lititz; Laura Knowles, Lititz Record; and Victoria Collins, 307 S. Broad Street, Lititz.

CONSENT AGENDA:

Approval of minutes: September 6 & 20, 2023
Manager's Report
Tax Collector's Report
Public Works Report

Police Department Report
Zoning Officer's Report
WESC/EMC Report

Harris mentioned that the police department contract negotiations continue and at the most recent meeting they did see draft 2 of the budget. It looks like a 5-6% increase in 2024 which would bump our number up next year to approximately \$2.4 million dollars. Harris stated we will be applying for a grant through the PA SITES Program for Clay Road Pedestrian Improvements. The Authority is going to apply for LSA funding for Pump Station #1 which is currently at capacity. It would be to upgrade the pump station to approximately 400,000 gallons per day which would be about 520 additional EDU's. It is located off of Buckwalter Road behind Listrak. At the November 15, 2023 Board of Supervisors Meeting there will be a budget presentation. The budget is approximately 95% prepared. The general fund is done but some of the ancillary funds are still being worked on. Harris anticipates that it will be a very similar budget compared to 2023 other than grant revenue. There will be no October Planning Commission meeting due to lack of business. The next Planning Commission meeting will be Tuesday, November 21, 2023. The Township did receive the formal resignation from Craig Kimmel. Harris stated that next week will be the Witmyer preservation. K. Kauffman asked about the sinkhole on Clay Road that was on the Public Works report. J. Minnich stated that there was a small sinkhole near the bridge close to the township line. It was filled with stone and did not go anywhere. He allowed it to rain on it a few times then excavated it and replaced the black top. Minnich mentioned that he had his winter operations meeting and they are ready for snow. On a motion by K. Kauffman and seconded by K. Gutshall, the Board unanimously approved the Consent Agenda as presented.

CONSIDER RESOLUTION 10-18-23-01 FOR THE 100 MILLWYCK ROAD PLANNING MODULE: B. Harris stated that this is the planning module for land development. Mr. Lombardo is taking down an existing garage and then will be building a new one with a dwelling unit on top of it. He is going in front of the Zoning Hearing Board in November so this is a standard planning module for submission to DEP. On a motion by J. Tennis and seconded by J. Strathmeyer, the Board unanimously approved Resolution 10-18-23-01 for the 100 Millwyck Road Planning Module.

CONSIDER RESOLUTION 10-18-23-02 ACCEPTING DEDICATION OF A PORTION OF LITITZ BEND DRIVE AND A PORTION OF VALLEY CROSSING DRIVE WITHIN LITITZ BEND, PHASE 2 CONDITIONED ON ALL REQUIRED DOCUMENTATION AND INFORMATION BEING APPROVED IN A FORM AND CONTENT ACCEPTABLE TO THE TOWNSHIP SOLICITOR: B. Harris stated this resolution is accepting dedication of a portion of Lititz Bend Drive and Valley

Crossing within Lititz Bend, Phase 2 which will wrap up the project. On a motion by J. Strathmeyer and seconded by J. Tennis, the Board unanimously approved Resolution 10-18-23-02 accepting dedication of a portion of Lititz Bend Drive and a portion of Valley Crossing Drive within Lititz Bend, Phase 2 conditioned on all required documentation and information being approved in a form and content acceptable to the township solicitor.

CONSIDER THE COMPASS MILL PRELIMINARY/FINAL LOT CONSOLIDATION AND LAND DEVELOPMENT PLAN, PREPARED BY RGS ASSOCIATES, DATED 04/06/2023: B. Harris stated that this is the preliminary/final lot consolidation and land development plan. The project was in front of the Planning Commission and the commission did make a recommendation at their August meeting. Compass Mill was not in front of the Board in September because they had a few items that needed addressed. Craig Smith stated they are seeking conditional approval from the Board tonight. Smith stated that what is being proposed is a redevelopment of this site. Smith gave an overview of the buildings on the site and the proposed buildings with two buildings being demolished. There are various uses that are proposed from office space to coffee shops as well event venues and the current businesses will continue to exist. They are proposing to redefine the access to the property. They are taking two points of access and consolidating them into one. They are also providing an additional access so that there continues to be access to the riparian park. In the reconfiguration there are approximately 112 parking spaces. They are also going to be providing pedestrian connection from the park. They are proposing an underground storm water facility that is going to manage some of the upstream off-site storm water as a part of storm water management. This project only increases the impervious coverage on the site by approximately 10%. They have gone through the process with DEP and the Conservation District for the design and they did receive approval from them. J. Tennis asked if the water line was all resolved. Smith stated that the public water was extended to the site. They have been working on having access to the riparian area of the project. They are now showing on the plans an access easement to provide pedestrian access down to the riparian area and back up into the commercial area. This is not intended to be a paved surface necessarily, it is more of mowed condition but does allow for pedestrian access into the area toward the floodplain. There is an endwall that is proposed where they are discharging storm water into the creek area. They are working with ELA on the discharge. There will be a cistern that is proposed beneath building #7 for fire suppression purposes. They have talked to the fire chief and to the authority regarding this and it was brought up in the letter from Entech that was a part of WTMA's meeting where they conditionally approved the plan. They are engaging the design of the cistern but the issue has to do with some of the RACP funding that is part of the project and they are requesting that the particular design be deferred until there is a building permit needed for building 7 and when the occupancy permit is needed for the mill building. Mr. Will needs to get to the point where he gets the plan conditionally approved and the building design approved so that this building design doesn't change. He has to get 3 bids from contractors as part of the RACP process and get a general contractor on board to do the design. The issue is that the contractor will not do the design until they are sure they are awarded the project. There has been estimates done for the cistern that are in the \$150,000.00 range. They will be part of the cost opinion part of the financial securities so the Township will hold money associated with that particular cistern. K. Kauffman asked if there are sprinkler systems planned for the buildings. M. Will stated that there is a sprinkler system going in the mill and building 7. He mentioned that the idea of the cistern is to allow the fire company to get there and treat the fire rather than connecting to the hydrant at LEFC and running their hoses down to have adequate water supply. K. Kauffman asked if there is a volume concern. K. Kauffman stated if the sprinkler systems are connected to the cistern you could not have any of the buildings occupied until the cistern is running. M. Will stated that the current buildings do not require a sprinkler system. It will be the mill and building 7 that require the sprinkler systems. C. Smith stated they are saying prior to the issuance of the occupancy permit for the mill and the building permit for building 7 they would need to have everything sorted out and done and approved. K. Kauffman asked where the fire pump will be located for the cistern. C. Smith stated that there is an island that will have a dry hydrant. The fire engines can pull right up to that dry hydrant and draw directly from the cistern. The chief had input on where that dry hydrant is located based on their vehicle size and how they draw. The design for where the pump for the sprinkler system is located has not be done yet. T. Zorbaugh gave an explanation for the cistern and how the sprinkler systems and fire truck access is proposed. M. Will stated there will be a pump for the sprinkler system and then a draw to supply the fire trucks. They are aware that all the systems have to be installed and activated before the buildings can be occupied. Will stated that Commonwealth did the preliminary calculations for the size of the cistern based on the need. He also noted that they cannot engage the cistern because of the RACP funding. Smith stated that there would be very specific notes on the land development plan relative to needing to be

designed and approved in conjunction with either a building permit or an occupancy permit for those particular buildings so that the township has assurances that it will be done and they also have financial securities to ensure that it will be done as well. M. Will added that they wish to get the building permit for the mill, because of its condition, before it deteriorates any further but they wouldn't expect an occupancy permit until the cistern is designed and approved. T. Zorbaugh stated that a lot of this has been done out at Rock Lititz too. K. Gutshall asked about the trail system and if the land will be under one ownership and there will be one group that maintains all the property. M. Will stated that it will all be one tract. Gutshall also asked about the public access and the easement. C. Smith stated that there is going to be a general easement. M. Will stated that it will be in its natural state and a mowed path so that people would be able to know that they can walk through. Will stated that it is currently mowed and there will be some type of demarcation if needed to identify the path. The idea about the whole area is to give accessibility to the riparian area but minimize any disturbance. K. Gutshall asked if there is a reason that the storm water outfall needs to occur outside of the property line. C. Smith stated it is driven by cover and elevation. She has concerns about creating a pinch point which would create flooding upstream. K. Kauffman asked if there are enough parking spots on the lot for the events that would occur there or are they thinking there will be parking elsewhere. C. Smith stated that they took all of the uses and applied the township zoning ordinance requirements and based on this configuration they are under the shared scenario that the ordinance allows. When they looked at that there was 106 parking spaces that are required per the township zoning ordinance. There are 112 proposed on the property. There is an additional 12 proposed on the park property. K. Kauffman asked specifically what happens when they need overflow parking. M. Will stated that he has had conversations with LEFC and the initial conversation was that LEFC would not give them a permanent parking solution. LEFC is willing to entertain a per event circumstance. They were concerned if they had an event at the church and there was an event at Compass Mill that they could not accommodate both. The applicant is proposing to shuttle attendees from LEFC to Compass Mill in the event LEFC is used for additional parking so people are not walking across Rothsville Road. This would most likely be in an event when there is something in the mill building. M. Will stated that they have control over event scheduling and there will only be one event scheduled at a time on the entire site. Will also mentioned that there are two buildings being removed from the site to allow for additional parking. There was a discussion regarding accesses and dead end parking and the plans to mitigate that.

The first waiver request is related to Section 270-32.E(2) – a waiver of a Preliminary Plan because all the information required for a preliminary and final plan is being provided on this particular plan in one application. The second waiver is related to Section 285-28.B.(1)(d) – sidewalks are required wherever curb is proposed. There is some curb that is proposed as part of the Rothsville Road improvements and instead proposes sidewalk within the property to provide a pedestrian connection between the Warwick Township Riparian Park and the commercial uses of Compass Mill. The last three relate to the storm water management ordinance Section 270-32.A(1), Section 270-32.E(2) and Section 270-37.C.1(a)(3). C. Smith stated that when they did infiltration testing as part of the initial part of the project the infiltration rates were not good so DEP requires you to manage volume. If you cannot get infiltration to occur then they send you through the MRC process. Instead of managing or physically infiltrating storm water where you cannot, you essentially hold a smaller storm event and slowly release it and in DEP's eyes and from a requirement standpoint meets the volume requirements. In this case there is a storm water management facility proposed and they are actually picking up some off site storm water and diverting some into that and then it is going to be slowly released back down into the floodplain. Because that process doesn't necessarily match up with the Township's ordinance they are asking for two waivers relative to the volume requirement to use MRC and counting for a storm event that would extend more than 24 hours to count toward the rate reduction. Smith noted that ELA has reviewed this and has recommended approval based on the comments that they provided relative to the MRC. K. Kauffman asked if there were any concerns with the comments from ELA. Smith did not have any concerns because they are relative to specifics on the ADS system that is being proposed. The last waiver of Section 270-37.C.1(a)(3) which has to do with conveyance facilities and cover on the conveyance pipe. The ordinance requires that there is 1 foot of cover and then pave the cross section. They are requesting that it be reduced to just the paving cross section then the pipe and not have the foot of cover in between. This has been done before where the ADS pipe meets all they loading requirements so they did provide that. The issue is there are things in that area that cannot be changed so they are simply asking that where it is necessary that cover be reduced to just the pavement cross section versus adding 1 foot. ADS does certify that it meets the structural requirements.

K. Kauffman asked C. Haley about his mentioning in the plan processing procedure that it was okay based on a non-phase construction and if that changes with the cistern that is proposed. C. Haley stated it did not because the plan is still non-phased. Haley also stated that as long as they hold with all the occupancy until the cistern is in he does not see an issue. Kauffman also mentioned that it may be advantageous because of the way the traffic comes together at the main entrance that the applicant add some lane markings such as a stop bar and a yellow line. Haley noted that it may not be on the rendering but it will be on the HOP plan. C. Haley also noted that people at Lititz Reserve were asking how they would get to the Compass Mill complex. The sidewalk system does take you through the round-a-bout and then on the back side of the round-a-bout on Clay Road is another path that brings you into the complex so you do not need to walk on Rothsville Road to get to the complex. There is a sidewalk system in place that will get people from basically the library and the Lititz Reserve area down to the complex.

On a motion by J. Tennis and seconded by K. Kauffman, the Board conditionally approved the plan conditioned on the applicant complying with all items in the October 9, 2023 ELA review letter and a note being added to the plan regarding the cistern as well as the Endwall C that the proposed change be agreeable to ELA. K. Gutshall abstained.

CONSIDER MOTION TO APPROVE THE PAYMENT OF BILLS: B. Harris stated that the total bill register is \$733,619.65. We have our final payment to NLCRPD which accounts for \$377,000.00 and also between Brunnerville and Rothsville Fire Companies \$140,000.00 for fire relief. He also mentioned that we make our final payment on the municipal campus doors with the project wrapping up and our standard Benecon medical insurance bill for the month. On a motion by J. Tennis and seconded by J. Strathmeyer, the Board unanimously approved the payment of bills as submitted.

CONSIDER MOTION TO APPROVE THE TREASURER'S REPORT: B. Harris shared that our EIT is higher. The Lancaster County Tax Collection Bureau did provide us with their projections for 2024 and we will be increasing our EIT for the 2024 budget by 5-6%. Historically our EIT has increased significantly each year but that is starting to slow down. K. Eshleman asked if there was anything good or bad that has happened unexpectedly this year that impacted the budget. Harris stated that there was nothing other than our opinion of probable costs for all of our projects. He mentioned on the authority side the nitrate removal project costs are coming in higher. On a motion by K. Kauffman and seconded by K. Gutshall, the Board unanimously approved the Treasurer's Report as submitted.

CONSIDER RESOLUTION 10-18-23-03 AUTHORIZING A GRANT FOR THE CLAY ROAD PEDESTRIAN IMPROVEMENT PROJECT: B. Harris stated this resolution authorizes a grant application to the Department of Community Economic Development for the local share account which is the casino revenue money. The application is for \$400,000.00 to extend sidewalk from the round-a-bout to Lititz Run Road adjacent to the sewer plant to complete that connection. The opinion of probable cost and some drawings are in the packet. The two biggest components of the \$400,000.00 are the pedestrian bridge which is budgeted at \$180,000.00 and the segmental retaining wall at \$95,000.00. Extending the 6 foot asphalt sidewalk is a minor expense in the scheme of things. Harris is proposing that we apply for \$400,000.00 and the \$91,000.00 that would consist of contingency and engineering would be our grant match which we would budget under the Cares Act for 2024 similar to what we did for some of our other grants. There is no specific match for the LSA but if we show a match it makes our application more competitive. K. Gutshall asked how high the wall is going to be. C. Haley stated the highest the wall will be is 6 feet in the middle and then it would go down to 4 feet on each side. Haley also noted that they used to estimate the walls at \$25.00 a square foot and now they are closer to \$50.00 per square foot. He also mentioned that York Bridge gave some good estimates on the pedestrian bridge. K. Gutshall asked if there was any landscaping included in the budget. On a motion by K. Gutshall and seconded by K. Kauffman, the Board unanimously approved Resolution 10-18-23-03 authorizing a grant for the Clay Road pedestrian improvement project.

CONSIDER AUTHORIZING THE VENTURE LITITZ 5K SCHEDULED FOR 10/28/2023: This 5K is scheduled for Saturday, October 28, 2023. On a motion by J. Tennis and seconded by J. Strathmeyer, the Board unanimously approved the Venture Lititz 5K scheduled for 10/28/2023.

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COMMUNICATIONS/CORRESPONDENCE: B. Harris stated that Mr. Bachman did provide the township with a letter regarding 357 Autumn Harvest Drive. Also included in the packet is the Ephrata Township letter indicating that they are sticking with Ephrata Borough for police services. Harris mentioned that we did get \$25,000.00 for that study. There is a thank you letter from Lititz recCenter and a call for nominations for the Lancaster County Planning Department should anyone be interest. He also included the speed study for North Oak Street.

C. Haley did mention that the Santo Domingo project officially went out to bid today. There should be bids the beginning part of December for action at the December meeting. Harris stated there is a mandatory pre-bid meeting November 2, 2023 and the bids are due December 6, 2023 and they will be considered for award at the December 20th meeting. Harris mentioned that the November 15, 2023 meeting will be starting at 6:00 p.m. for the budget presentation.

Mr. Bachman asked if there was a response to his letter. B. Harris stated that the issues that are indicated in his report are between him and the builder. There is nothing that the Township can take action on. Harris suggested that if need be Mr. Bachman should seek legal counsel.

NEXT MEETING: Wednesday, November 1, 2023 at 7:00 a.m. via Zoom

ADJOURNMENT: On a motion by J. Strathmeyer and seconded by J. Tennis the meeting was adjourned at 8:14 p.m.

Respectfully Submitted,

Brian Harris
Township Manager