

## **WARWICK TOWNSHIP BOARD OF SUPERVISORS**

January 21, 2015

Logan W. Myers convened the January 21, 2015 meeting of the Board of Supervisors at 7:00 P.M. Present were supervisors Herbert Flosdorf, Michael Vigunas, Anthony Chivinski, C. David Kramer, Daniel L. Zimmerman Township Manager, Chad Umble representing the Lancaster Newspaper, Andrea Shirk representing Rock Lititz, Carolyn Hoffer, William Crosswell representing Morgan, Hallgren, Crosswell & Kane P.C., Jill Brown 26 Ridge Road, Lititz, Jim Denlinger 308 Duke Street, Ephrata, Harriet and Loren Smith 139 Moorland Court, Lititz, Joe and Natalie Bennett 1313 Bunny View, Lititz, and Marilyn Taylor 133 Moorland Court, Lititz.

**GUEST RECOGNITION:** Joe Bennett is here tonight representing an organization called Our Republic to talk about an oath the Board has sworn to with regards to the Constitution. This organization feels they cannot allow public servants that have run for office and have sworn under the Constitution to obey it and defend it and then not follow through and do so. The organization feels there are people at the County level, local level, State level, and through the Federal Government who are guilty of this. Bennett stated he has spoken with Senator Brubaker, Senator Aument, and Representative Mentzer regarding this concern and have let them know how they perceive the Constitution. Bennett stated the organization's goal is to have a conversation with the Board, either together or individually, regarding the organization's interpretation of the Constitution and start restoring the Republic for what it was intended to be. The organization wants to make Lancaster County a safe place to live and be protected by the Constitution.

**APPROVAL OF MINUTES:** On a motion by Kramer, seconded by Chivinski, the Board unanimously approved the December 3, 2014 and December 17, 2014 meeting minutes.

**TREASURER'S REPORT:** A Board Member had a question regarding the paid pension allocation inquiring if the timing was for the rest of the year. Zimmerman stated this is a one-time payment paid at the beginning of the year to maximize investment potential. Vigunas inquired of Zimmerman what the plan is with the maturity dates coming due this year. Zimmerman stated the CDs will generally be renewed for the same time period.

**PAYMENT OF THE BILLS:** On a motion by Chivinski, seconded by Vigunas, the Board unanimously voted to approve payment of the bills.

**MANAGER'S REPORT:** See the attached NLCRPD report.

See the attached WESC report.

Zimmerman stated the cameras were turned on for the Adaptive Traffic System on the 501 Corridor from Owl Hill Road to Millport Road. This goes through a 20 to 30 day data gathering mode in which patterns are compiled. These will be coordinated with the other signals that go through Manheim Township and Lancaster City. These should all be activated by Friday, January 23, 2015.

Zimmerman stated he still needs to get more information regarding the intersection at Woodcrest and Millport Road and the area along Newport Road that were previously discussed regarding safety issues. He will get back to the Board on these issues at later date once he has completed his research.

Zimmerman stated he met this morning with the Lititz Regional Development Corp regarding the North 501 Corridor with respect to entertaining a meeting with the property owners concerning the project with PennDOT in regards to the center turn lane installation. Flosdorf asked if curbing was to be included in this project and Zimmerman stated this was included in the budget through PennDOT. Zimmerman stated there was a discussion on the installation of sidewalks. Looking at the service oriented side PennDOT will not cover this so this will be open for discussion with the property owners. The meeting with the property owners is tentatively scheduled for the second week in March in the morning. Also, Zimmerman stated there is a lot of potential for development in the north corridor in the area from Wynfield to Newport Road. Zimmerman stated he wanted to introduce the Lititz Regional Development Corporation as an asset.

The Coordinating Committee for the Strategic Plan met on January 15, 2015; see attached progress report.

The first meeting was held with Revelstone Compass. Zimmerman stated he had a conference call tied in with Sustainable Pennsylvania inquiring if they wanted to create performance standards on sustainability as part of the Township's evaluation and they were interested in this. Zimmerman stated he would like to try and apply this with the ambulance, fire and police department which will continue to help the Township make improvements with these functions.

**TAX COLLECTOR'S REPORT:** On a motion by Flosdorf, seconded by Chivinski, the Board unanimously approved the Tax Collector's report.

**PUBLIC WORKS REPORT:** Zimmerman stated the winter activity as far as maintenance compared to last year at this time is lighter. Weather permitting work will be started on a number of outside projects.

**POLICE DEPARTMENT REPORT:** Flosdorf inquired if there was any resolution to the recent theft issue. Zimmerman stated an advisory sign was used to keep the residents in the neighborhood on notice. He stated the police department got positive feedback from this as not everyone was aware of the problem.

**ZONING OFFICER'S REPORT:** Attached is the year-end report to compare to 2013. There was more activity in 2014 mostly due to TOA and Lititz Reserve. Also attached is a list of notice of concerns and the outcome of the situation.

**WESC/EMC REPORT:** Zimmerman stated he wanted to make the Board aware there is going to be a joint appreciation banquet for all the volunteers from all four fire companies and the three ambulance groups. This will include 100-120 volunteers and their spouses. Also, a number of companies that have been pivotal in supporting and allowing employees to respond to fire calls will be highlighted at this banquet. The date for this event is May 4, 2015 and will be held at the Brick Gables.

**ARRO:** The Board reviewed the letter from ARRO thanking them for reappointing ARRO Consulting, Inc. as the Township's alternate engineering consultant for the calendar year 2015.

**SAGER/SWISHER CPA:** The Board reviewed the letter from Sager/Swisher CPA reviewing their responsibility to the Township as appointed auditor for the calendar year 2015.

**ROTHSVILLE FIRE COMPANY:** The Board reviewed the monthly summary report for December from the Rothsville Fire Company.

**CONSIDER REQUEST BY ZIEGLER BARN AT NEWPORT SQUARE FOR REDUCTION OF LETTER OF CREDIT:** On a motion by Vigunas, seconded by Chivinski, the Board unanimously voted to approve

the request by Ziegler Barn at Newport Square for reduction of the Letter of Credit in the amount of \$94,095.00.

**CONSIDER DRAFT OF PERFORMANCE STANDARDS FOR THE ROCK LITITZ PROJECT:**

Zimmerman stated the Township thought the best approach to this project was with a consent agreement arrangement which outlines specific standards. He stated there are three components to a consent agreement. One is regarding performance standards which all parties agree to operate within, second would be a monitoring component to assure the parties stay within the standards, and finally a penalty if a violation were to occur. There are also definitions for clarity of terms.

Zimmerman stated in looking at the guidelines for operation there was a series of testing done and the Township joined with representatives from Rock Lititz in doing field testing. The Township had their consultant from Navvaro and Wright, Rob Kolmansberger, verify all test results completed by Rock Lititz.

Zimmerman stated the Board expressed a concern regarding the ambient level of noise occurring. Levels of dB C waves created from trucks and the industrial park need to be taken into consideration and a balance found to allow the industrial users to operate and protect the residential uses. The Township took independent ambient noise level readings as well as Rock Lititz to set a baseline to how the standard would be regulated.

Zimmerman stated the Township decided upon the consent agreement approach as opposed to a noise ordinance as a consent agreement is more frequently used and in the future if there is feedback that a noise ordinance is necessary this can be done. However this would be a much longer process as there are a lot of factors involved. There would need to be input from numerous organizations and would be a lengthy process.

Bill Crosswell, solicitor, reiterated that there is more dialogue needed between the Township and Rock Lititz that needs to occur before the finalization of the consent agreement. In the interim until a final consent agreement has been reached, Rock Lititz has agreed to abide by the noise limitations that the Township's sound consultant has reviewed. There will be standards from the period of 7:00 a.m. to 10:00 p.m. and standards from the period of 10:00 p.m. to 7:00 a.m. There will be both A weighted decibel limits and C weighted decibel limits for each time period. If these limits are exceeded the Township can then enforce action under the current Zoning Ordinance.

Zimmerman stated he anticipates a final consent agreement to be in place by next month.

Harriett Smith, a resident of Warwick Township, inquired if the consent agreement included the Clair Global building also. Myers stated presently just Rock Lititz is part of the consent agreement. Any other issues related to noise will be addressed under the current Zoning Ordinance.

Zimmerman stated he wanted to thank all the residents who allowed the various people into their homes to do testing and that the dialogue back and forth was kept amicable. He also expressed his thanks to Rock Lititz for their efforts in reaching a solution.

Flosdorf stated when construction begins on the next phase of Rock Lititz he feels the standards will not be able to be met. He inquired as to if there was an exclusion for this type of noise. Andrea stated there will be monitors on the property line and in the building and both will have to be correlated to show where the sound came from.

**CONSIDER ORDINANCE #266 AUTHORIZING PARTICIPATION OF WARWICK TOWNSHIP IN THE PSATS UNEMPLOYMENT COMPENSATION TRUST:**

Zimmerman stated the Ordinance needs to be updated even though it has been part of the program for 24 years. On a motion by Chivinski, seconded by Kramer, the Board unanimously approved Ordinance #266 authorizing participation of Warwick Township in the PSATS Unemployment Compensation Trust.

**CONSIDER ORDINANCE #267 AUTHORIZING WARWICK TOWNSHIP TO JOIN WITH THREE OTHER MUNICIPALITIES TO PROVIDE CAPITAL FUNDING TO THE LITITZ REC CENTER:**

The question was raised as to the amount the Township would provide. Zimmerman stated the amount was the same as provided in the past of the 2014 budget and will remain so for the duration of the agreement. On a motion by Vigunas, seconded by Chivinski, the Board unanimously approved Ordinance #267 authorizing Warwick Township to join with three other municipalities to provide capital funding to the Lititz Rec Center.

**CONSIDER APPROVAL OF REQUEST FOR A HANDICAP SPACE WITH THE CROSSWINDS DEVELOPMENT:**

Zimmerman stated all three residents at 454 Crosswinds Drive who made this request are handicapped. The Homeowners Association was contacted and made aware of the possibility of a handicapped space being made available. The residents were informed they cannot reserve this handicap space. The space can be placed in front of their residence. On a motion by Flosdorf, seconded by Vigunas, the Board unanimously approved the request for a handicap space in the Crosswinds Development.

**DISCUSSION ON THE SCHEDULE FOR THE EPHRATA TO WARWICK TRAIL WAY:**

Zimmerman stated the Township's goal is to get out to Newport Road and to do a section off Rothsville Station Road this year. The reason for the jump to Rothsville Station Road is the Authority has a well going in. Also, this year design consideration needs to be done on the crossing at Newport Road. This would leave two sections to be completed in 2017 and 2018. Two challenges are the crossing of Rothsville Road with a speed limit of 55 miles per hour. A request was made to have the speed lowered which was rejected due to not being able to meet standards. The second challenge is the railroad bridge which is 100 feet in length built in 1904 in excellent condition just needing deck modifications and adequate protection to the sides as the height is 50-60 feet.

Zimmerman stated there will be property owner meetings in March. He stated the first phase will be the biggest challenge. He stated the Township has been in communication with all the farmers in this area and they are already doing some clearing in anticipation of work beginning.

Zimmerman stated the County offered to prepare a brochure outlining items such as rules and regulations, the historic aspect of the trail, and entrance points to the trail.

A Board Member inquired as to what kind of safety measures will be taken at the crossings at Rothsville Road and Newport Road. Zimmerman stated consideration might be given to the placement of an island to break up the crossing. He also stated the radar light system such as is used at the Township Building is also very effective. Zimmerman stated there will be a meeting with a designer from District 5 PennDOT and will be showing him the area and getting ideas from him of what kind of crossing he would suggest.

**CONSIDER PROPOSAL FOR THE TRADE-IN OF THE WHEEL LOADER AND BACKHOE:**

Zimmerman noted the Township got quotes from Volvo, Deere, and CAT. John Deere was lower on the backhoe however the Township does not look just at price we also look at a number of features. The John Deere did not have a number of features that the CAT did. Zimmerman stated this is equipment that is needed. On a motion by Chivinski, seconded by Vigunas, the Board unanimously approved the trade-in of the Wheel Loader and Backhoe for a 2014 CAT 930K Wheel Loader and a 2014 CAT 420F Backhoe.

**CONSIDER APPROVAL OF LITITZ REC CENTER'S 1<sup>ST</sup> ANNUAL ADULT TRIATHLON:** On a motion by Chivinski, seconded by Kramer, the Board unanimously approved the Lititz Rec Center's 1<sup>st</sup> Annual Adult Triathlon.

**OTHER BUSINESS TO COME BEFORE THE BOARD:** Zimmerman stated an issue that has come up is regulation on weapons in parks. He stated the Township's Ordinance is more than likely going to have to be modified to be acceptable. Zimmerman stated he will get more information on this to bring back to the Board at a later date.

Board of Supervisors  
January 21, 2015

**ADJOURNMENT:** With no other business to come before the Board the meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Daniel L. Zimmerman  
Township Manager