

LITITZ BOROUGH COUNCIL
Minutes of Meeting Held August 25, 2020
Zoom Remote Video and Audio Conferencing

Due to the coronavirus (COVID-19) pandemic, the disease caused by a new respiratory virus, and the Governor's social distancing measures, the August 25, 2020, Lititz Borough Council meeting was conducted virtually utilizing Zoom, which is a cloud-based platform for remote video and audio conferencing. The Borough Hall was not open for this meeting. The general public could join the meeting at no cost by utilizing the information advertised in the Lititz Record Express, posted on the front door and on the Borough website. The meeting was called to order at 7:00 P.M. by President Weaver with Council members Brubaker, Greiner, Lee, Mobley, and Sensenich present virtually. Others in virtual attendance were Mayor Snyder, Sue Ann Barry, Chief Kerry Nye, Elijah Yearick, Todd Kauffman, Andy Garner, Jordan Garner, Cory Rathman, Caroline Hoffer, Erik Hume, Eric & Connie Blow, Benjamin Fichtner, Alice Bracken, Karen Weibel, John Piazza, Mike Smith, Kyle Stauffer, Jason Meyer, Gina Yoder, Cory & Charlene Van Brookhoven, Fred Raffensperger, Tom Ludwig, Ed Browne, Parth & Ed Delvadia, Len Hohmann, Ron & Pamela Bowman, Jason Tarbart, Brenda Barnes, Vanessa Smith, M. Steif, and Laura Knowels of the Lititz Record Express. In order to accommodate public comments at this meeting, the Borough accepted comments via email and written submission. On a motion by Greiner, with a second by Sensenich, the minutes of the July 28, 2020, Council meeting were unanimously approved as presented.

CONDITIONAL USE HEARING:
Demolition of Sectors 3 & 4 of 34 S. Broad Street

The President recessed the regular meeting and called a Conditional Use Hearing for an application for the total demolition of the residence at 34 S. Broad Street, owned by Eric and Connie Blow. Caroline Hoffer of Barley Snyder presented the protocol for the Conditional Use Hearing. Administrative matters were taken care of: 1) swore in Elijah Yearick as Director of Planning and Community Development; 2) receipt of application for Conditional Use Hearing on July 9, 2020; 3) Proof of Publication in Lititz Record Express on August 6, 2020, and August 13, 2020 (Exhibit 1); 4) Yearick's review submitted to the Planning Commission (Exhibit 2); 5) draft minutes from the August 4, 2020, Planning Commission prepared by Yearick, where the Planning Commission denied the total demolition and approved partial demolition of Sectors 3 & 4 if the applicant should make the request (Exhibit 3); 6) Property History Research & Documentation Report of 34 S. Broad Street, prepared by Randolph Harris, Consulting Historian, as requested by the Planning Commission (Exhibit 4); and 7) a statement from Yearick that there was not enough evidence for total demolition of the property submitted by the applicant but that permitting the demolition of Sectors 3 & 4 will not have an adverse impact on the streetscape and Historic District. Council took administrative notice.

Attorney for the Blows, Erik Hume of Saxton & Stump, objected to Exhibit 4, the report of 34 S. Broad Street, prepared by Randolph Harris, Consulting Historian, as he was not in attendance, the fact that the folks that owned the home in the past is not relevant and a report such as this is not part of the twelve criteria for review. Having Harris attend the next Council meeting and having the Conditional Use Hearing delayed was debated and not preferred by the applicant. Council refrained from action on the objection until later into the meeting.

Hoffer asked if there was anyone in the room who wanted party status, having a unique interest. Those requesting party status, Erik Hume, Eric Blow, Fred Raffensberger, and Benjamin Fichtner were sworn in. On behalf of the Blows, Hume presented the amended application for a Conditional Use Hearing for the demolition of only the portions of the principal residence at 34 S. Broad Street, identified as Sectors 3 & 4 in the Structural Condition Assessment Report dated July 2, 2020, and prepared by Providence Engineering Corp. (applicant's Exhibit 2, the original application was Exhibit 1). On a motion by Lee with a second by Sensenich, the amended application for demolition of only Sectors 3 & 4 at 34 S. Broad Street, was accepted and passed unanimously. Hume acknowledged that both the Planning Commission and staff supported the demolition of Sectors 3 & 4.

Demolition of Sectors 3 & 4 of 34 S. Broad Street (Cont)

Eric Blow, 217 E. Fourth Street, has lived in Lititz for 59 years. He and his wife Connie purchased 34 S. Broad Street, in December, 2019 for \$445,000, and presented the deed for the property. Since he acquired the property he has been actively maintaining it. He submitted a photograph from the street (applicant's Exhibit 3). He provided details of the home that was built in the mid-1800s and showed an overhead photo of the property (applicant's Exhibit 4). All four sectors were constructed at different times. When the Blow's purchased the property, the building was a four-family apartment building and there is no current intent have it remain that use; they will have the home as their residence. Blow identified Sectors 3 & 4, the front of the house and a rendering of end product as shown on photos provided in a 51-page Providence Engineering Corp. Report. He showed the latest plan for the residence. The front elevation will be kept the same except for the front porch, third floor dormer and center upper level window. Blow described certain problems associated with all four sectors of the building which led him to believe total demolition was the best approach. As he met with resistance from the Director of Community Planning and the Planning Commission, he now believes demolishing only Sectors 3 & 4 is the best approach. If this gains Council's approval, he will move forward with demolition and make repairs to Sectors 1 & 2. Sectors 3 & 4 have no effect on the streetscape. At the HAAC's recommendation, an archway and the railing on the widow's walk will remain. He discussed the plans with neighbors and has their support in writing. Blow stated that he did not have an inspection prior to his purchase and had he known of the problems, he would not have bought the house. He would not consider having the building remain as four apartments. If he were to sell the house at this point, he would disclose the challenges.

Hume called on Benjamin Isaac Fichtner, PE, of Providence Engineering Corp., who described the process of becoming an engineer, his qualifications as a Professional Engineer and Sr. Project Manager and presented his resume (applicant's Exhibit 5). Fichtner stated that he used general structural engineering principles in evaluating the building. After further testimony, Greiner moved, Mobley seconded to accept Fichtner as an expert in structural engineering on this project. Motion passed unanimously. The Structural Condition Assessment Report dated July 2, 2020, prepared by Fichtner of Providence Engineering Corp. was the applicant's Exhibit 6. Fichtner provided a summary of Sector 1 & 2 as having drastic floor slopes and lack of support. Sectors 3 & 4 had various alterations over the years, e.g., covering over patio, roof modifications, mix of modern and old building materials, etc. Sector 3 has problems of moisture and rot damage, bearing wall having deteriorating conditions, floor joist damage, no crawl space, improper venting, etc. It would be a difficult process to repair Sector 3 and it potentially would affect Sector 1. Having Sector 3 removed would make it less difficult to address the Sector 1 issues. Sector 4 is built on a questionable foundation having water infiltration. It has a mix of modern and old building materials, i.e., framing, stone foundation, brick, etc. Photos of a walkway show lack of retaining wall structure, unstable, deteriorating brick, biological growth (mud and fungus), with living areas musty and damp as evidence of water infiltration. There are signs of rot on the archway. It would be impossible to use Sectors 3 & 4 as a home structurally and financially.

Hume called on President of PR Builders, 100 Front Street, Lititz, Fred Raffensberger, as a witness. He has experience in the building industry since 1977 – sales, estimates, field work, experience with old structures. He is very familiar with the 34 S. Broad Street property as he was hired by the Blows to remodel the building. He provided costs for repair, replacement and demolition. He recommended demolition and rebuild of Sectors 3 & 4 to make sure that Sectors 1 & 2 are preserved. The demolition of Sectors 3 & 4 can be accomplished without damaging neighboring properties. Council had no questions for Raffensberger. On a motion by Sensenich with a second by Greiner, the exhibits for the amended application for demolition of only Sectors 3 & 4 at 34 S. Broad Street, were accepted and passed unanimously. The criteria for demolition in accordance with Section 322 of the Borough Zoning Ordinance was reviewed. The drawings have not been revised since the Zoning Hearing Board, the Planning Commission and the HAAC presentations. There were no further questions from Council.

Demolition of Sectors 3 & 4 of 34 S. Broad Street (Cont)

Ron Bowman, 32 S. Broad Street, and Ed Browne, 28 S. Broad Street, supported their neighbors the Blows on the amended application, as they were transparent with them on what they want to do. Hume, not wanting to extend the hearing past this one, removed his objection to the inclusion of Exhibit 4, the report of 34 S. Broad Street, prepared by Randolph Harris, Consulting Historian, from the floor. Greiner moved, Sensenich seconded to accept Borough Exhibits 1-4 into the record. Motion passed unanimously. Hume ended by saying that his client approached the project with cooperation for all involved – the neighbors, Zoning Hearing Board, Planning Commission, HAAC, and Council. On a motion by Greiner with a second by Sensenich, the motion to close testimony on the amended application for a Conditional Use Hearing for the demolition of only the portions of the principal residence at 34 S. Broad Street, Sectors 3 & 4 was unanimously closed. Greiner moved, Sensenich seconded to approve the Blow's amended Conditional Use Application for the demolition of only the portions of the principal residence on their property at 34 S. Broad Street, identified as Sectors 3 & 4 in the Structural Condition Assessment Report dated July 2, 2020, and prepared by Providence Engineering Corp., as per testimony provided. Motion passed unanimously and Weaver reopened the public meeting.

PETITIONS, CORRESPONDENCE AND QUESTIONS:

The President had called a Zoom meeting on August 21, 2020, with the Sub-Committee on Streets and Traffic to talk with a few downtown merchants regarding Juniper Lane and truck deliveries. Olivo, Zest, the General Sutter Inn, and Think Silk receive large shipments on pallets that require tractor trailers. They welcome the Shirt Factory to the neighborhood, but with their sidewalk being widened along Juniper Lane, it makes it difficult if not sometimes impossible for truck drivers to turn into Juniper Lane. If they are coming from the south and going north on Rt. 501, they do not have the turning radius. If they are coming from Rt. 501 north and traveling south, it is usually not a problem. It has been suggested that the drivers come in from Cedar Street onto Juniper Lane but that entrance is even worse because of the road signs and a telephone pole. The retailers have had drivers refuse to deliver merchandise because Juniper Lane is now one way and they cannot make it from Cedar Street, resulting in a redelivery charge. The merchants suggested turning Juniper Lane back to two-way or cutting back the Shirt Factory's newly installed sidewalk or shaving the curb off so the trucks can safely turn onto the sidewalk.

Chief Nye believes the safety of pedestrians at Broad Street and Juniper Lane is a prime concern and had a few suggestions. After discussion and on a motion by Sensenich with a second by Greiner, the following action items were unanimously passed to assist downtown merchants with truck deliveries:

- Remove the street sign and post at Juniper Lane and S. Cedar Street and place the street sign on top of the stop sign, and remove the no parking sign 10 feet west of the stop sign and place that on top of the stop sign;
- Remove 12' of parking on Raspberry Lane at Juniper Lane to provide only one parking space.

Final Land Development Plan for Dunkin Donuts

Len Hohmann of Sunrise Consulting Services representing Ed Delvadia presented the Final Land Development Plan for Dunkin Donuts, at 737 S. Broad Street, Lititz, PA, Project No. 7901418, dated January 24, 2019, last revision July 14, 2020, converting the Lititz Service Station to a Dunkin Donuts. Outstanding engineering and administrative issues can be addressed. On a motion by Sensenich with a second by Greiner the Final Land Development Plan for Dunkin Donuts, at 737 S. Broad Street, Lititz, PA, Project No. 7901418, dated January 24, 2019, last revision July 14, 2020, converting the Lititz Service Station to a Dunkin Donuts, including a drive-through with one way in and one way out on S. Broad Street, with a secondary access to Raspberry Lane, and a contribution of \$2,000, in lieu of street trees, was unanimously approved, with the following modifications and the conditions that all of the Borough Engineer's comments and the Community Planner's comments be satisfactorily addressed:

Final Land Development Plan for Dunkin Donuts (Cont)

Modifications -

- §305 – Preliminary Plan submission;
- §402.D.7 – Setbacks and sidewalks to allow greater setback from sidewalks;
- §402.D.19 – Provide a clear sight triangle in lieu of providing safe stopping distance;
- §405.B – Traffic Study submission;
- §406 – Wetlands Study submission;
- §602.A.2 – Driveway widths for south driveway;
- §602.A.7 & 8 – Overlay paving of S. Broad Street frontage;
- §602.C.2 – Permit a slope over 8% for rear access drive;
- §602.C.3. & 4. and §602.K.3 – Access driveway profile vertical curve requirement;
- §602.K.4 – Driveway across roadway alignment;
- §602.K.5 – Driveways located 10' minimum from side property line; 20' from buildings;
- §603.A.3 & 4 – Landscaping area of parking lots.

RESOLUTION NO. 919:

Authorization to Sign Winter Maintenance Agreement

Upon presentation, Greiner moved, Sensenich seconded to approve Resolution No. 919, authorization for the President to sign the Winter Maintenance Agreement with PennDOT. Motion passed unanimously.

AGREEMENT NO. 516:

Shared Access Drive Easement Agreement with Cargill

Upon presentation, Sensenich moved, Greiner seconded to approve Agreement No. 516, Shared Access Drive Easement Agreement with Cargill. Motion passed unanimously.

AGREEMENT NO. 517:

Winter Maintenance Agreement

Upon presentation, Mobley moved, Sensenich seconded to approve Agreement No. 517, the Winter Maintenance Agreement with PennDOT. Motion passed unanimously.

AGREEMENT NO. 518:

Interceptor Relocation Project Phase 1 Agreement

Upon presentation, Sensenich moved, Greiner seconded to approve Agreement No. 518, the Interceptor Relocation Project Phase 1, the sixteenth revision which Kauffman has been working on since March 2017. Motion passed unanimously. Weaver thanked Kauffman for his diligence.

SUB-COMMITTEE ON SEWER AND WATER SERVICES:

Inframark Monthly Report

There was both an alarm fault and a blower failure at the WWTP. No issues were realized with the heavy rain on August 4, 2020. A water storage tank was pressure washed. After presentation, Mobley moved, Sensenich seconded to accept the June 2020, Monthly Inframark Report. Motion passed unanimously.

Change Order No. 2 – Sewer Interceptor Project

Upon presentation, Mobley moved, Sensenich seconded to approve Change Order No. 2 from Bottom Line Contracting for adjustments for actual quantities used for the Sewer Interceptor Project. Motion passed unanimously.

Application for Payment No. 2 – Interceptor Relocation Project Phase 1

Upon presentation, Mobley moved, Sensenich seconded to approve the Application for Payment No. 2 from Bottom Line Contracting, Inc., for the Interceptor Relocation Project Phase 1 @ \$28,600.73. Motion passed unanimously.

SUB-COMMITTEE ON STREETS AND TRAFFIC:
Hartz Fall Blast Special Event Permit Application

Upon presentation, Sensenich moved, Brubaker seconded to approve a Special Event Permit Application for the Annual Hartz Physical Therapy Charity Fall Blast 5K Run/Walk on October 3, 2020, from 8:00 A.M. - 2:00 P.M., at Bonfield Elementary School, with COVID-19 precautions and no road closures needed. Motion passed unanimously.

Handicapped Parking Space

Upon presentation, Sensenich moved, Brubaker seconded to approve a request for a handicapped parking space for Stephen Sabastian, 523 N. Water Street. Motion passed unanimously.

SUB-COMMITTEE ON PERSONNEL:
Appointment to Historical Area Advisory Committee

Upon presentation, Greiner moved, Sensenich seconded to appoint Charity Burkhart to the Historical Area Advisory Committee. Motion passed unanimously.

Civil Service Commission

Upon presentation, Greiner moved, Sensenich seconded to reappoint Henry R. Gibbel to the Civil Service Commission. Motion passed unanimously. As Jeanne Grimsley did not wish to be reappointed, Greiner moved, Sensenich seconded to appoint Terrance Duffin as a member (rather than an alternate member) to the Civil Service Commission. Motion passed unanimously.

SUB-COMMITTEE ON FINANCES:
Financial Statement/Bills

Mobley reported that the Finance Committee is continuing to monitor the revenue in this time of COVID-19. Mobley moved, Sensenich seconded to approve the Financial Statement and pay the bills. Motion passed unanimously.

REPORT OF THE BOROUGH ENGINEER:
E. Main Street / Water Street PennDOT Repaving Project

Although not official, PennDOT is receptive to a one year delay of the E. Main Street/Water Street Repaving Project, allowing the first block sidewalk portion of the project to be done in March, 2021.

REPORT OF THE BOROUGH MANAGER:
Monthly Meeting Date Reminders

The Borough Manager reminded Council of the following meeting dates, per submitted report & update:
Regular Monthly Meetings:

- September 1, 2020 - Tuesday - Planning Commission Meeting - 7:00 P.M. (webconf)
- **** September 8, 2020 – Tuesday – Council Meeting – if called by the President
- September 21, 2020 – Monday – Zoning Hearing Board Meeting – 7:00 P.M. (webconf)
- **** September 29, 2020 – Tuesday – Council Meeting – 7:00 P.M. (webconf)

Monthly Meeting Date Reminders (Cont)

Other Meetings, etc.:

**** August 25, 2020 – Tuesday – Council Meeting – Council Chambers-7:00 P.M. (webconf)
August 26, 2020 – Wednesday – WERT Committee – 7:30 A.M. (webconf)
August 31, 2020 – Monday – Lititz Fire Co. – Fire House – 7:00 P.M.
September 1, 2020 – Tuesday – PWD Union Contract – Council Chambers – 3:00 P.M.
September 3, 2020 – Thursday – Shade Tree Commission – 4:00 PM (webconf)
September 8, 2020 – Tuesday – MS4 Committee – 3:30 P.M. (webconf)
September 10, 2020 – Thursday – Sub-Committee Interviews – 8:30 A.M. (webconf)
September 11, 2020 – Friday – Sub-Committee Interviews – 8:30 A.M. (webconf)
September 14, 2020 – Monday – Lititz Public Library Board – Library – 7:00 P.M. (tbd)
September 15, 2020 – Tuesday – Partners Meeting – 12:00 Noon (cancelled)
September 15, 2020 – Tuesday – Warwick School Board – District Office – 7:00 P.M. (tbd)
September 17, 2020 – Thursday – Regional Housing & Econ Development – 7:30 A.M. (webconf)
September 21, 2020 – Monday – Parks Committee – Conference Room – 4:00 P.M. (webconf)
September 21, 2020 – Monday – HAAC – Conference Room – 6:00 P.M. (webconf)
September 23, 2020 – Wednesday – LCBA – Blackworth – 6:00 P.M. (cancelled)
September 28, 2020 – Monday – Lititz Fire Co. – Fire House – 7:00 P.M.

CARES Act Funding

Lititz Borough is eligible for a maximum of \$37,547, from the County through the CARES Act federal funding due to the COVID-19. The paperwork has been submitted.

REPORT OF THE PUBLIC WORKS FOREMAN, FACILITIES MANAGER &
ENVIRONMENTAL COORDINATOR:

The 2020 Paving Project was completed on August 18, 2020. The air conditioning unit in the LBPD was installed the week of July 27, 2020. J&J has been exceeding their allowable organic discharge limit and they are troubleshooting their control system in their new flow equalization facility. Residents are using more and more tree wraps to combat spotted lanternflies.

REPORT OF THE MAYOR & CHIEF OF POLICE

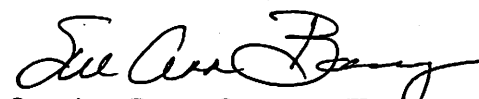
The Mayor reported that he will not seek another Junior Council Person until the COVID-19 pandemic is over. Sensenich congratulated Chief Nye on his 40 years of service to the LBPD.

REPORT OF THE DIRECTOR OF COMMUNITY PLANNING

Whether or not a property history research & documentation report for future conditional use applications should be provided was debated and will be taken to the Planning Commission for consideration as the ordinance would need to be amended. Whether future conditional use hearings should be heard at a time other than at a regular Council meeting will be determined on a case by case basis. Yearick had provided a resident with an overview of Woodstream's conceptual improvement to their former factory building.

The President acknowledged donations received in lieu of taxes from the Lititz Church of the Brethren and St. James Catholic Church. There being no further business, the meeting adjourned at 9:50 P.M. on a motion by Greiner with a second by Sensenich.

Respectfully submitted,


Sue Ann Barry, Secretary/Treasurer