

LITITZ BOROUGH COUNCIL
Minutes of Meeting Held February 23, 2021
Zoom Remote Video and Audio Conferencing

Due to the coronavirus (COVID-19) pandemic and the Governor's social distancing measures, the February 23, 2021, 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 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, Mobley, and Sensenich present virtually. Lee was excused. Others in virtual attendance were Mayor Snyder, Sue Ann Barry, Chief Kerry Nye, Elijah Yearick, Todd Kauffman, Andy Garner, Jordan Garner, Rob McFadden, Steve Riley, Holly DeKarske, Chris Strayer, Scott Hain, Duane Ober, Ashley Kemper, Malorie Sellers, Dana Clark, Mary Gattis, GKH Advocacy representative, Lisa Miller, Jason Tarbart, Amanda Hickie, Sam Drake, Porter Stevens, Richard Ranalli, Justin McMaster, Lindy Fackler, Serena Wray, Todd Dickenson & Tim Ashworth arrived later, 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 Sensenich, with a second by Greiner, the minutes of the January 26, 2021, Council meeting were unanimously approved as presented.

PRESENTATIONS:
WESC Annual Report

WESC Administrator Duane Ober presented the 2020 WESC Annual Report. Due to COVID-19 stay at home orders and social distancing, incidents were lower for the year. The Fire & Ice Event was the one and only event that took place last year. As of now, Ober will be housed at the Lititz Fire Company four days a week; and one day at Warwick Township. Topics that he reviewed included new volunteers, updated fleets, favorable response times with the Lititz Fire Co. and WCAA, and false alarms. Ober also, provided WESC Fire and EMS statistics. He was thanked for his presentation and continued hard work.

CONDITIONAL USE APPLICATIONS:
Partial Demolition of 25 S. Cedar Street

The President recessed the regular meeting and called a Conditional Use Hearing for an application for the partial demolition of the residence at 25 S. Cedar Street, owned by Ashley Kemper and Malorie Sellers. The application for a Conditional Use Hearing was submitted for a demolition permit for 1950-60s subpar additions to the home which was built in 1901, while maintaining and preserving the original structure. Weaver presented the protocol for the Conditional Use Hearing. Administrative matters were taken care of: 1) Elijah Yearick, as Director of Planning and Community Development, was sworn in; 2) Proof of Publication for advertisement on February 4, 2021 and February 11, 2021; 3) The property was posted and it was posted at Borough Hall; a notice was emailed to the owners. Council took administrative notice. Weaver asked if there was anyone on the Zoom meeting who wanted party status, having a unique interest. No one requested party status.

Ashley Kemper and Malorie Sellers were sworn in. Presented were photos of the building showing the current state of warped beams, sloped ceilings and uneven floors in several areas caused by faulty construction. The stairway is not up to code, upstairs doorways have low heights and the shed has unsafe electrically wiring and structurally unsound stairs. The buildings cannot be feasibly rehabilitated to meet a permitted use. The Planning Commission and Yearick agreed that it meets the demolition criteria in Section 322.E. In response to questions from Council, an architect and contractor have been retained with the work to begin shortly upon approval.

On a motion by Greiner with a second by Sensenich, the Conditional Use Application for the partial demolition of outdated 1950s and 1960s additions of the home at 25 S. Cedar Street, including the removal of the shed, and maintaining and protecting the original façade and structure from 1901, and thereby, allowing a new addition to be built to bring the home up to code was unanimously approved, per testimony provided.

Partial Demolition of 102-104 N. Broad Street, Toy Soldier

Weaver called a Conditional Use Hearing for an application for the partial demolition of non-historical additions to an existing historical building at 102-104 S. Broad Street, currently the Toy Soldier Restaurant and Apartments, with equitable owner Jason Tarbart, Principal with Warwick House Lititz, LLC, as the applicant and Sheila O'Rourke of Gibbel, Kraybill & Hess and Dana Clark, Architect and Principal with the firm Tippetts/Weaver Architects, Inc. representing the applicant. The application for a Conditional Use Hearing was submitted for a partial demolition permit for former additions and renovations to the property that the applicants feel are obscure and detract from the historic features of the original building, dating back to 1809. The applicant proposes to construct a new addition to the building that will be in keeping with the character of the historic building and help preserve the 1809 structure. The proposed mixed-use development, with a restaurant and residential apartments or hotel use is permitted in the Commercial District.

The protocol for the Conditional Use Hearing was presented. Administrative matters were taken care of: 1) Elijah Yearick, as Director of Planning and Community Development, was sworn in; 2) Proof of Publication for advertisement was on February 4, 2021 and February 11, 2021; 3) The property was posted and it was posted at Borough Hall; a notice was emailed to the owners. Council took administrative notice. Weaver asked if there was anyone on the Zoom meeting who wanted party status, having a unique interest. No one requested party status.

Sheila O'Rourke, Jason Tarbart and Dana Clark were sworn in. O'Rourke stated that the former additions and renovations to the 1809 property are non-character defining additions. Tarbart presented Exhibit 1, the Agreement of Sale; Exhibit 2 – an aerial image of the .56 acre property; Exhibit 3 – photographs of the front of the building and the rear of the building. Clark provided his qualifications as a Professional Architect and cited several historic properties that he has worked on. He has researched the history of the subject property using old photographs and Sanborn maps and submitted a photo from the 1890s. The submitted future rendering shows the proposed end product will fit into the streetscape, will maintain the character of the community, will provide for adaptive reuse, and will have a positive impact on the neighborhood. The Planning Commission, Zoning Hearing Board and Yearick agreed that it meets the demolition criteria in Section 322.E. In response to questions from Council, the parking will be accessed from Pine Lane.

On a motion by Sensenich with a second by Mobley, the Conditional Use Application for the partial demolition of non-historical portions of the building located at 102-104 N. Broad Street, Lititz, known as the Toy Soldier Restaurant and Apartments, was unanimously approved and thereby, allowing a new mixed use development with a restaurant and residential apartments or hotel use be built, as per testimony provided. Weaver concluded the hearings and resumed the regular Council meeting.

RESOLUTION No. 926:
Act 537 Plan

Upon presentation by Steve Riley of Entech, the Borough in conjunction with WTMA, updated the Act 537 Plan which performed a wide ranging sewer evaluation of future growth potential in the region over the next twenty years, with major findings including no need to upgrade the WWTP due sufficient capacity, continuing both municipal efforts to reduce I/I and for WTMA to upgrade two pump stations, Greiner moved, Sensenich seconded to accept Resolution No. 926, the Act 537 Plan Update. Motion passed unanimously.

ORDINANCE NO. C-589:
Short Term Rentals

Upon presentation, Greiner moved, Sensenich seconded to approval Ordinance No. C-589, to regulate short-term rentals in the Borough to designate appropriate zoning districts where such uses may be located. Motion passed unanimously.

ORDINANCE NO. C-590:
Historical Significance Review

Upon presentation, Greiner moved, Sensenich seconded to approve Ordinance No. C-590, that historical significant reviews be conducted and submitted for any principal structure that is a subject to a Conditional Use Application for a request for demolition. Motion passed unanimously.

SUB-COMMITTEE ON SEWER AND WATER SERVICES:
Inframark Monthly Report

On February 5, 2021, a hacker initiated an attack on an Oldsmar, Florida water treatment facility which briefly adjusted the levels of sodium hydroxide. Had it been successful, the attack would have increased the amount of sodium hydroxide to a dangerous level in the water supply but fortunately, an employee saw the intrusion attempt as it was occurring, and prevented it. This event spurred discussions on the safety of the Borough plants, including the SCADA systems and remote access from off sight. Additional discussion will be had with the Borough's IT consultant and the Borough's insurance agent regarding the current cyber insurance policy. Additional Whole Effluent Toxicity Test (WETT) for minnow and water flea survival and reproduction in the effluent, continues to be needed, resulting in a succession of negative tests before a Toxicity Reduction Evaluation (TRE) will be determined as not needed. Mobley moved, Sensenich seconded to accept the January 2021, Monthly Inframark Report. Motion passed unanimously

Application for Payment No. 12 – Filter Media Replacement Project

Upon presentation, Mobley moved, Sensenich seconded to approve the Application for Payment No. 12 from M2 Construction for the Filter Media Replacement Project at the Water Plant @ \$21,895.00. Motion passed unanimously.

VFD Installation at Well No. 7

As a Notice of Violation was received from the SRBC for Well #7 water withdrawal as drinking water demand was unusually high during June and early July, 2020, Mobley moved, Sensenich seconded to approve the purchase of a variable frequency drive (VFD) for the well pump at the lowest price obtained from Garden Spot Electrical, Inc., @ \$8,128.00. Motion passed unanimously.

SUB-COMMITTEE ON STREETS AND TRAFFIC:
Warwick Bands Food Truck Festival Activity Permit Application

Tabled from last month, DeKarske, Nye and Sensenich met with the organizers of Warwick Bands Food Truck Festival to get more details and get input from the restaurateurs about the event in this era of COVID-19. The following information was provided, as the organizers want the event to be safe and successful, while adhering to all CDC guidelines: 1) signs will mandate that masks are required except while eating; 2) the number of food trucks will be reduce to 11-15 trucks for spacing; and, 3) six foot (6') social distancing will be required. After discussion, Sensenich moved, Greiner seconded to approve an Activity Permit Application from the Warwick Band Parent Organization for the Warwick Bands Food Truck Festival on Sunday, May 16, 2021, 10:00 A.M. - 4:00 P.M., in the Lititz Springs Park, open to the public and with CDC guidelines in place. Motion passed unanimously.

Handicapped Parking Space

Upon presentation, Sensenich moved, Mobley seconded to approve a request for a handicapped parking space for Kristine Ludlow, 16 E. Orange Street, Unit 1. Motion passed unanimously.

SUB-COMMITTEE ON PLANNING:
723 S. Broad Street Extension in Time

Upon presentation, Greiner moved, Sensenich seconded to approve a request for a four-month extension in time for the Final Land Development Plan for 723 South Broad Street, dated December 14, 2020, for the restoration of the building and site into an office building and parking spaces. The extension is until June 9, 2021. Motion passed unanimously.

Luther Acres Welcome Center Preliminary/Final Land Development Plan Extension of Time

Upon presentation, Greiner moved, Sensenich seconded to approve the extension of time to record the Luther Acres Welcome Center Preliminary/Final Land Development Plan, 600 E. Main Street, Project # 2014824-008, dated March 13, 2020, last revised June 15, 2020, in the R-1 District, pending the financial security be posted prior to recording. The extension will be effective until February 25, 2022. Motion passed unanimously.

Citizen Appointment for the WRRRC

Greiner moved, Sensenich seconded to appoint Scott Hain as the Borough citizen representative on the Warwick Regional Recreation Commission (WRRRC). Motion passed unanimously.

COVID-19 Leave Extension

Prior to December 31, 2020, employers were required to pay employees for ten days if they contracted COVID-19. Management thought it was prudent that the paid leave be extended until March 31, 2021, and the Council Sub-Committee on Personnel concurred, making the determination that any extension beyond March 31, 2021, will be evaluated on a month-to-month basis.

SUB-COMMITTEE ON FINANCES:
Financial Statement/Bills

Mobley moved, Sensenich seconded to approve the Financial Statement and pay the bills. Motion passed unanimously.

SUB-COMMITTEE ON BUILDINGS, AND GROUNDS:
Bids for Public Works Redevelopment Project

Upon presentation and after discussion, on a motion by Sensenich with a second by Greiner, the base bid costs received for the Lititz Public Works Redevelopment Project including the expansion of the public works building, construction of a police garage and salt shed at 117 W. Lincoln Avenue were unanimously accepted:

- Ondra-Huyett Associates, Inc. \$1,911,482
- Kinsley Construction, Inc. \$1,913,411
- Wagman Construction, Inc. \$1,920,000

Although the bids were very close to one another, they were over budget due to the cost of raw materials substantially increasing and construction demand high, therefore, Sensenich moved, Greiner seconded to table awarding the contract for the Lititz Public Works Redevelopment Project until Council reviews the Main Street/Water Street Stormwater Pipe and Curb Replacement Project bids which will be at the March 9, 2021 Council meeting which was called by the President. Motion passed unanimously.

REPORT OF THE BOROUGH ENGINEER:
Reduction in Financial Security for Wilbur Redevelopment Project

Upon the recommended by the Borough Engineer, Sensenich moved, Mobley seconded to reduce the financial security for the Wilbur Redevelopment Project, 48 N. Broad, LLC by \$264,287.38, to \$265,535.49. Motion passed unanimously.

REPORT OF THE BOROUGH MANAGER:
Monthly Meeting Date Reminders

The Borough Manager reminded Council of the following meeting dates, per submitted report & update. Many meetings will continue to be Zoom meetings until further notice, due to COVID-19.

Regular Monthly Meetings:

- March 2, 2021 – Tuesday – Planning Commission Meeting – 7:00 P.M. (webconf)
- **** March 9, 2021 – Tuesday – Council Meeting – 7:00 P.M. (Called by the President)
- March 15, 2021 – Monday – Zoning Hearing Board Meeting – 7:00 P.M. (webconf)
- **** March 30, 2021 – Tuesday – Council Meeting – 7:00 P.M. (webconf)

Other Meetings, etc.:

- February 22, 2021 – Monday - Parks Committee – 4:00 P.M. (webconf)
- February 22, 2021 – Monday - HAAC – 6:00 P.M. (webconf)
- February 22, 2021 – Monday – Lititz Fire Co. – Fire House – 7:00 P.M.
- **** February 23, 2021 – Tuesday – Council Meeting – 7:00 P.M. (webconf)
- March 1, 2021 – Monday – Lititz Public Library Board – Library - 7:00 P.M. (tbd)
- March 2, 2021 – Tuesday – Wellhead Protection Annual – 2:30 P.M. (webconf)
- March 9, 2021 – Tuesday - MS4 Committee - 3:30 P.M. (webconf)
- March 11, 2021 – Thursday – Shade Tree Commission Meeting – 4:00 PM (webconf)
- March 15, 2021 – Monday – Annual Audit Review Sub-Committee – 2:30 PM (webconf)
- March 15, 2021 – Monday - Parks Committee – 4:00 P.M. (webconf)
- March 15, 2021 – Monday - HAAC – 6:00 P.M. (webconf)
- March 16, 2021 – Tuesday – WRRP Partners Meeting – 12:00 Noon (webconf) (cancelled)
- March 16, 2021 – Tuesday – Warwick School Board – 7:00 P.M. (webconf)
- March 18, 2021 – Thursday – Regional Housing & Economic Development – 7:30 A.M. (webconf)
- **** All Council members should plan to be at these meetings

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

There have been a number of plowable snows in the past several weeks and the PWD is pleased with the performance of the newly purchased snow blower. Two water main breaks were repaired. Kauffman informed of end-of-year reporting and future projects starting shortly. A five-year paving plan has been finalized by Jordan Garner based on staff input.

Advertise for Bids for the 2021 Street Resurfacing Project

Upon presentation, Sensenich moved, Mobley seconded to approve advertising for bids for the 2021 Street Resurfacing Project including Arrowhead Drive (WTMA to Broad Street), Brookfield Drive (E. Market Street to the Borough line), Leaman Street (Water Street to New Street), E. New Street (North Street to Locust Street), and North Street (E. New Street to the dead end). Brookfield Drive will be done in conjunction with Warwick Township. Motion passed unanimously. (Secretary's Note: Arrowhead Drive has been budgeted for 2022 and will not be part of the 2021 Resurfacing Project due to cash flow.)

REPORT OF THE MAYOR & CHIEF OF POLICE

The Mayor reported on the difference the Ice Walk was this year compared to other years of the Fire & Ice events, and as such the Chief favored it as more relaxed and spread out. The format of next year's event will be discussed with the committee. The Chief and Mayor plan to review when to call a Snow Emergency based on the Governor's proclaiming a Snow Emergency or otherwise.

REPORT OF THE DIRECTOR OF COMMUNITY PLANNING

Now that RCAP funding has been awarded for the Norfolk-Southern runaround track to the west N. Broad Street, the paperwork for the grant process will be the next step. Yearick is preparing fee comparisons for adjustments that may be needed, e.g., zoning hearings, subdivisions, street opening permits, etc. There were 28 responses to 500 letters sent out regarding input into the proposed E. Sixth Street Park at the northeast corner of E. Sixth Street and Locust Street – Positive (15), Negative (7), Neutral (6), with more responses anticipated.

Rt. 772 Re-Routing Study

The Borough produced its own Land Use Map for the Rt. 772 Re-Routing Study. E. Newport Road continues to appear to be the best Rt. 772 re-routing option however, it does not meet PennDOT standards. The current Rt. 772 does not meet PennDOT standards, either. Funding sources will be continued to be sought after. In the meantime, the study can be sent to the regional municipalities for their comments.

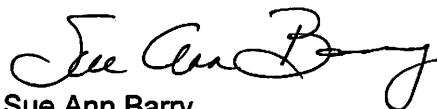
OTHER BUSINESS:
Donations in Lieu of Taxes

The President acknowledged a donation in lieu of taxes from the Lititz United Methodist Church.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:20 P.M. on a motion by Greiner with a second by Sensenich.

Respectfully submitted,



Sue Ann Barry
Secretary/Treasurer