

LITITZ BOROUGH COUNCIL
Minutes of Meeting Held November 29, 2022
Council Chambers, 7 South Broad Street, Lititz, PA & Zoom

The regular November 29, 2022, Lititz Borough Council meeting was conducted as a hybrid meeting, in person in Council Chambers and virtually utilizing Zoom, which is a cloud-based platform for remote video and audio conferencing. The meeting was called to order at 7:03 P.M. by President Weaver with Council members Brubaker, Greiner and Mobley present. Lee was excused and Sensenich was in virtual attendance. Others present were Mayor Snyder, Sue Ann Barry, Chief Kerry Nye, Elijah Yearick, Jordan Garner, Rob McFadden, Scott Hain, Nathan Laucks, Colin Hutchinson, Dennis Drummond, Todd Sweigh, Dave Madary, Todd Dickenson, David & Linda Carson, Chris Strayer, and Laura Knowles of the Lititz Record Express. Also, in virtual attendance were Drew Carson, Stephanie Carson, Adam Smallhofer, Kimberly iPhone, Ashley iPhone, cc, mobile phone 717-203-9255. The meeting opened with a moment of silence followed by the pledge of allegiance led by the Mayor. On a motion by Greiner with a second by Mobley, the minutes of the October 25, 2022, Council meeting were unanimously approved. On a motion by Greiner with a second by Mobley, the minutes of the November 8, 2022, Council meeting were unanimously approved. Weaver announced that an executive session was held after the November 8, 2022, meeting and prior to this meeting to discuss personnel matters.

PETITIONS, CORRESPONDENCE AND QUESTIONS:
St. Luke's Subdivision/Land Development Plan

Dennis Drummond of St. Luke's United Church of Christ presented the Final Subdivision and Land Development Plan dated October 6, 2022, last revised November 18, 2022, for St. Luke's United Church of Christ, 222 N. Broad Street, Lititz, PA, which includes the proposal to subdivide an existing 3.69 acre lot. The plan is to ultimately create a 1.04 acre lot (Lot 1) and a 2.63 acre lot (Lot 2). Lot 1 is shown as a vacant lot with an existing access to North Walnut Street and Lot 2 is to contain existing structures, parking area and access to North Broad Street. The existing use is still to be served by both public water and sewer. The site is located within the Residential-High (R-2) zoning district.

On a motion by Mobley with a second by Greiner, the Final Subdivision and Land Development Plan dated October 6, 2022, last revised November 18, 2022, for St. Luke's United Church of Christ, 222 N. Broad Street, Lititz, PA, subdividing an existing 3.69 acre lot, was approved with following modifications and conditions:

SALDO Modifications:

- §406 – Wetlands Study.

SALDO Conditions:

- §308.C & 804 – Date & conditions of approval listed on the cover sheet;
- §403.e.2.a – DEP approval of the sewer facility plan revision;
- §403.E.2.f, Article V, Section 501.B – Financial security.

Keller Bros. Parking Lot Stormwater Management Plan

Dave Madary of Derck & Edson Associates presented the Keller Brothers Parking Expansion, 61 W. Seventh Street, R-1 District, Project No. 210820, dated August 22, 2022, final revision September 23, 2022, for constructing an additional 93 parking spaces at the existing 72 space parking lot. The property is 2.52 acres and the existing access is to remain and not be altered. Stormwater management is to be achieved by porous paving with subsurface infiltration facilities. An expansion of a non-conforming use was approved by the Zoning Hearing Board.

On a motion by Mobley with a second by Greiner, the Keller Brothers Parking Expansion, 61 W. Seventh Street, R-1 District, Project No. 210820, dated August 22, 2022, final revision September 23, 2022, for constructing an additional 93 parking spaces at the existing 72 space parking lot, was approved with the following modifications and conditions:

Keller Bros. Parking Lot Stormwater Management Plan (Cont)

SWMO Modifications:

- §403.1.5 - Existing man-made features within two hundred (200) feet of boundary.

Zoning Conditions:

- The adjacent Zoning District boundaries should be shown and labeled on the plan.

Stormwater Management Conditions:

- §112.B – Financial security;
- §115 – The date of approval and any/all conditions of approval shall be listed on the cover sheet for all requests;
- §403.J.5 - Benched infiltration bed bottom.

Proposed Sixth Street Park Concerns

Linda Carson, 220 E. Sixth Street, has ongoing concerns about installing a park in Butterfly Acres at Sixth Street. She criticized the Borough for her not having a chance to address the Parks Committee during their meeting on November 21, 2022, for reporting only one WNV positive test in 2021 when there were four, for not posting WNV warning signs on Borough property at Butterfly Acres, for not planning a fence at the proposed Sixth Street Park swale, for thinking the park would only be used during the day, for the number of emails between Yearick and a WNV professional, for not addressing traffic, speeding and safety with the proposed park, for the possible removal of sidewalk along the north side of Sixth Street. She said that any of Council's plans to remove this sidewalk will be met with legal action on behalf of her daughter and ADA. She requested a civic traffic engineer be hired and involved for the safety and welfare of the public, with a site analysis and feasibility study and prediction of pedestrian foot traffic after Sixth Street is open.

David Carson, 220 E. Sixth Street, approached Council and recapped discussion on the proposed Sixth Street Park, including a petition opposing the park due to traffic, safety and parking, the Council disconnecting traffic from the discussion on the park, the swale being an attractive nuisance, Hain stating that children will not play in the rain, the four positive WNV tests in 2021 and in 2022 at that location, criticizing the task force, a Lititz man who walked there died from WNV, Yearick's comment to the Lancaster Newspapers as irresponsible, the Parks Committee continuing to ignore all safety issues and continuing to plan for a playground. He said that Council has a primary obligation to protect Borough taxpayers from liability and if they do not, they will be met with all means of opposition regarding the site, including litigation at every step. The Carson's were thanked for their comments.

RESOLUTION NO. 955:
PA Small Water and Sewer Program Grant

Upon presentation, Greiner moved, Mobley seconded to approve Resolution No. 955, applying for a PA Small Water and Sewer Program Grant. Motion passed unanimously.

RESOLUTION NO. 956:
Appoint Auditor

Mobley moved, Greiner seconded to approve Resolution No. 956, appointing Trout CPA as auditor for 2022. Motion passed unanimously.

RESOLUTION NO. 957:
2023 Earned Income Tax

Greiner moved, Mobley seconded to approve Resolution No. 957, Earned Income Tax for 2023. Motion passed unanimously.

RESOLUTION NO. 958:
2023 Realty Transfer Tax

Greiner moved, Mobley seconded to approve Resolution No. 958, Realty Transfer Tax for 2023. Motion passed unanimously

RESOLUTION NO. 959:
Appoint Lancaster County as Tax Collector

Mobley moved, Greiner seconded to approve Resolution No. 959, appointing Lancaster County as Tax Collector for 2023. Motion passed unanimously.

RESOLUTION NO. 960:
Establishing Garbage Fee

Upon presentation, Greiner moved, Mobley seconded to approve Resolution No. 960, establishing the quarterly garbage fee at \$92 per household. Motion passed unanimously.

AGREEMENT NO. 548:
Skatepark Agreement with CASA

Upon presentation, Greiner moved, Mobley seconded to approve Agreement No. 548, between the Borough and Cocalico Alternative Sports Assn. (CASA) for the renovation of the skatepark. Motion passed unanimously.

AGREEMENT NO. 549:
Grant Applications to DEP

Upon presentation, Greiner moved, Mobley seconded to approve Agreement No. 549, supporting Lititz Borough and Warwick Township grant applications to DEP for Act 101 grants. Motion passed unanimously.

SUB-COMMITTEE ON SEWER AND WATER SERVICES:
Inframark Report

Laucks reviewed the most recent Inframark Report. LASA has agreed to purchase all of the Borough's total nitrogen credits and Wyoming Valley Sanitary Authority has agreed to purchase 500 of the Borough's total phosphorus credits, leaving 724 phosphorus credits remaining. Mico Boiler completed internal repair and inspection to the biosolids dryer hot oil boiler. Brubaker completed the PS-1 interior utility line replacement. Mobley moved, Greiner seconded to accept the Inframark October 2022 Monthly Report. Motion passed unanimously.

SUB-COMMITTEE ON STREETS AND TRAFFIC:
Handicapped Parking Space

Upon presentation, Sensenich moved, Mobley seconded to approve a request for a handicapped parking space for Harry Lefever, 203 E. New Street. Motion passed unanimously.

Christmas in the Park Activity Permit Application

Upon presentation, Sensenich moved, Mobley seconded to approve an Activity Permit Application for the Lititz Springs Park Board to hold the annual Christmas in the Park, tree lighting and community choral sing, in the band shell of the Lititz Springs Park from 6:30 P.M. to 7:30 P.M., on December 2, 2022, with ~1,500 guests. Motion passed unanimously.

SUB-COMMITTEE ON FINANCES:
Financial Statement/Bills

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

Advertise Real Estate Taxes and Proposed Budget

Council has been recognizing the need to catch up and to address current and future road paving in the Borough. In recent years, funding has been insufficient to maintain the quality of the 28 miles in the Borough and has relied on funding from the State Liquid Fuels Fund which has remained stagnant while road repairs and paving costs continue to increase. The Borough is not able to maintain the current engineering standard of paving every 20 years. For the first time, additional funds to be allocated from the General Fund was discussed by Council. Upon presentation, Mobley moved, Greiner seconded to advertise an ordinance establishing the tax rate at 3.25 mills. Motion passed unanimously. Mobley moved, Greiner seconded to advertise the 2023 Budget for public display. Motion passed unanimously. David Carson, 220 E. Sixth Street, asked additional details of the tax increase. The tax increase will go from 2 mills to 3.25 mills. Mobley explained that this means that a property with an assessed value of \$200,000 today is paying approximately \$400 annually in municipal real estate taxes. The millage increase would raise the tax by approximately \$250, for a new municipal real estate tax of approximately \$650 annually. With the proposed tax increase, Lititz Borough will remain in the lower third for real estate taxes compared to other Lancaster County Boroughs.

SUB-COMMITTEE ON LITITZ recCENTER BOARD/WRRC:
Intergovernmental Agreement of Cooperation Renewal

Upon presentation, Greiner moved, Mobley seconded to renew the January 2015 Intergovernmental Agreement of Cooperation for another four-year term at the current funding levels. Motion passed unanimously.

SUB-COMMITTEE ON PERSONNEL:
Appointment of Borough Secretary

Upon presentation, Greiner moved, Mobley seconded to appoint Elijah Yearick as Borough Secretary effective January 1, 2023. Motion passed unanimously.

Appointment of Borough Treasurer

Upon presentation, Greiner moved, Mobley seconded to appoint Robert McFadden as Borough Treasurer effective January 1, 2023. Motion passed unanimously.

Retirement and Appointment of Civilian Police Aid

Greiner moved, Mobley seconded to accept the retirement of Carolyn Sensenig as Civilian Police Aid, with her last working day January 6, 2023. Motion passed unanimously. Greiner moved, Mobley seconded to hire Tiffany Toburen as Civilian Police Aid, effective December 5, 2022. Motion passed unanimously.

Resignation of Officer Andrew Jacoby

Greiner moved, Mobley seconded to accept the resignation of Andrew Jacoby as Police Officer, effective November 28, 2022. Motion passed unanimously.

Committee Reappointments

Greiner moved, Mobley seconded to reappoint C. Edward Browne and Scott Pusey to the Lititz Borough Authority. Motion passed unanimously. Greiner moved, Mobley seconded to reappoint Doug Matthews to the Zoning Hearing Board. Motion passed unanimously. Greiner moved, Mobley seconded to reappoint Alex Piehl to the Shade Tree Commission. Motion passed unanimously. Greiner moved, Mobley seconded to reappoint Charity Hain and Scott Hain to the Parks Committee. Motion passed unanimously. Greiner moved, Mobley seconded to reappoint David Bucher to the Warwick to Ephrata Rail Trail Committee. Motion passed unanimously. Council would like to thank James Kinney for his time served on the Lititz Borough Authority and Janet Smedley for her time served on the HAAC, as they do not wish to seek reappointment.

Dissolving the Flood Control Committee

Greiner moved, Mobley seconded to advertise an ordinance dissolving the Flood Control Committee (FCC). Linda Carson, 220 E. Sixth Street, said she did not want to see the FCC abolished as they were active in getting an award for the Butterfly Acres CARA project. In more recent years, the Borough has been subject to the statewide MS4 Permit that requires the implementation of a stormwater program that addresses stormwater and water quality challenges. The requirements under the permit are so vast that a volunteer, recommending committee cannot be tasked with those enormous responsibilities. Motion passed unanimously.

REPORT OF THE BOROUGH ENGINEER:

Hain provided a brief update as the Borough Engineer, regarding Keller Bros. Stormwater Management Plan St. Luke's Subdivision Plan, the Dunkin' Project, MS4 requirements, and the Warwick Field House Project.

REPORT OF THE JUNIOR COUNCIL PERSON

Junior Council Person Colin Hutchinson reported on activities at WHS, including athletics, the marching band making it to the State Championship, Warwick Strong Day, complimentary heart screenings, and the War History Club.

REPORT OF THE BOROUGH MANAGER:

Monthly Meeting Date Reminders

The Borough Manager reminded Council of the following meeting dates, per submitted report & update. Many public meetings will be held live and/or web conferencing (hybrid).

Regular Monthly Meetings:

December 6, 2022 – Tuesday – Planning Commission Meeting – 7:00 P.M. (hybrid)
December 13, 2022 – Tuesday – Council Meeting – 5:30 P.M.- if called by the President
December 19, 2022 – Monday – Zoning Hearing Board Meeting – 7:00 PM. - Chambers
**** December 20, 2022 – Tuesday – Council Meeting – 7:00 P.M. (hybrid) as
December 27, 2022 – Tuesday is an employee holiday

Other Meetings, etc.:

**** November 28, 2022 – Monday – Lititz Fire Co. – Fire House – 7:00 P.M.
November 29, 2022 – Tuesday – Council Meeting – 7:00 P.M. (hybrid)
December 2, 2022 – Friday – Managers Meeting with Legislators– 9:00 A.M. (Warwick)
December 5, 2022 – Monday – WESC – Warwick Community Ambulance - 6:30 P.M.
December 5, 2022 – Monday – Sub-Committee - Personnel/North Chambers– 1:00 PM
December 5, 2022 – Monday – Lititz Public Library Board – Library - 7:00 P.M.
December 13, 2022 – Tuesday - MS4 Committee – 3:30 P.M. (hybrid)
December 15, 2022 – Thursday – Staff Projects Meeting – Chambers – 10:30 A.M.

Monthly Meeting Date Reminders (Cont)

December 19, 2022 – Monday - Parks Committee – 4:00 P.M. (hybrid)
December 19, 2022 – Monday - HAAC Meeting – Conference Room - 6:00 P.M.
December 20, 2022 – Tuesday – WRRRC Board Meeting – recCenter - 8:00 A.M.
December 20, 2022 – Tuesday – Warwick School Board – WSD - 7:00 P.M.
December 26, 2022 – Monday – Lititz Fire Co. – Fire House – 7:00 P.M.

**** All Council members should plan to be at these meetings

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

As Pennsy Supply erroneously did not install petromat while paving E. Second Avenue, they are offering a four year warranty, but their being awarded a contract in the future is still at stake based on poor performance. Some PWD equipment sold has garnered good prices. UGI will be paving New Street beginning December 2, 2022. The last day to put leaves out for pickup is December 11, 2022.

REPORT OF THE MAYOR & CHIEF OF POLICE

The Mayor provided a proclamation during the Lititz Community Thanksgiving Prayer Service on November 23, 2022.

Permanent Appointment to the Police Department

Upon recommendation by Chief Nye, Greiner moved, Mobley seconded to appoint Police John Stritch as a permanent officer in the Police Department following his one year probation, effective October 4, 2022. Motion passed unanimously.

REPORT OF THE DIRECTOR OF COMMUNITY PLANNING

Yearick reported on Moravian Manor's consolidation with Morning Star in Nazareth, the Regional Comprehensive Plan Update kickoff is this week and the Toy Soldier Project received a zoning extension and they will be moving forward.

NEW BUSINESS:
LST Refund Request

Mobley moved, Greiner seconded to approve a 2022 LST refund request from Paige Gatz @ \$20.00, as it was paid to the wrong jurisdiction. Motion passed unanimously.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:00 P.M. on a motion by Greiner with a second by Mobley.

Respectfully submitted,

Sue Ann Barry
Secretary/Treasurer