

EPHRATA TOWNSHIP SUPERVISORS' MEETING

April 4, 2017

The Ephrata Township Supervisors met this date at 7:00 p.m. at the Ephrata Township Office Building, 265 Akron Rd., Ephrata, Pennsylvania.

Present were Supervisors: Clark Stauffer
John Weber
Ty Zerbe
Manager: Steve Sawyer
Admin Asst: Jennifer Carvell
Police: William Harvey
Engineer: Jim Caldwell
Solicitor: Tony Schimaneck

The meeting was called to order by Chairman Clark Stauffer followed by the Pledge of Allegiance to the Flag.

PUBLIC COMMENTS NON-AGENDA ITEMS

A motion to close the public comment period was made by Ty Zerbe. The motion was seconded by John Weber and carried unanimously.

APPROVAL OF MINUTES

A motion was made by John Weber to dispense with the reading of the March 21, 2017 Supervisors' minutes and to approve them as presented. The motion was seconded by Ty Zerbe and carried unanimously.

PAUL MOORE – EASD SCHOOL RESOURCE OFFICER PROGRAM

Officer Moore presented to the Board of Supervisors an overview of all the different programs that he participates in and the education and training he has provided to the Ephrata School District so far this year. Officer Moore stated that he will be working with the EASD with the "Every 15 Minutes" event again this year which is to provide awareness of the consequences that may occur from being under the influence of alcohol and/or drugs and also texting while driving. Chief Harvey stated that Officer Moore is doing an exceptional job and it is a valuable resource to the police department to have the school resource officer program.

STORM WATER MANAGEMENT PLAN PRESENTATION

At the March 7, 2017 meeting, Jim Caldwell suggested scheduling an MS4 Program public education presentation for the April 4, 2017 meeting, which is a requirement of the Township's MS4 Permit. The Supervisors directed staff to advertise a public notice in the Ephrata Review. Kara Kalupson from Rettew Associates was present to give the educational presentation on Storm Water Management on behalf of Ephrata Township. An outline of the Ephrata Township Stormwater Management Program was also prepared and will be on file at the Township office. The Township's General MS4 Permit year is

May 1, 2014 through March 15, 2018. The next annual report is due July 30, 2017 which Rettew is preparing on behalf of the Township. Kara explained the minimal control measures required by the permit. An inspection by DEP also occurred today and the findings from that inspection will be provided to the Board when received. Kara also notified the Township that Rettew is working on preparing a Notice of Intent for the 2018 MS4 Permit which is due September 16, 2017. Jim Caldwell stated that he was present during the DEP inspection and that overall he believes the Township program is where it needs to be to meet the requirements. He stated that the DEP storm water program audits are more of a learning/teaching tool that the Township can use to make improvements and eliminate deficiencies within our program.

BURNING ORDINANCE

Solicitor Schimanek advised the Board that the proposed Ordinance has been advertised and it could be adopted by the Board at the conclusion of the Hearing. Manager Sawyer stated that the new ordinance will be much easier for the public, police officers and staff to interpret and recommended approval.

Clark Stauffer opened the hearing for:

AN ORDINANCE TO PREVENT BRUSH FIRES AND CONTROL OPEN BURNING AND REFUSE STORAGE AND DISPOSAL IN EPHRATA TOWNSHIP, DEFINING CERTAIN TERMS USED HEREIN AND PROVIDING FOR ENFORCEMENT, EXCEPTION, AND PENALTIES.

There was no one in attendance to offer any public comment on the proposed ordinance.

A motion was made by Ty Zerbe to close the hearing. The motion was seconded by John Weber and carried unanimously.

A motion was made by John Weber to approve the Ordinance to prevent brush fires and control open burning as prepared and advertised. The motion was seconded by Ty Zerbe and carried unanimously.

The ordinance will be in effect five (5) days from the date of the hearing.

EUGENE MARTIN, 140 E. MOHLER CHURCH ROAD – REQUEST FOR SECOND DRIVEWAY

Eugene Martin of 140 E. Mohler Church Road was present at the meeting. Manager Sawyer stated that Eugene Martin is requesting permission from the Board of Supervisors to place a second driveway on his property. A plot plan was provided showing the existing driveway and the proposed second driveway which would be placed in an area reserved for a future street if development further development of the Martin property occurs in the future. The second driveway would allow for parking and entrance to the basement level of Mr. Martin's home. Manager Sawyer stated that a Zoning Permit and a Storm Water Management Permit would be required if the Board approved the second driveway. Manager Sawyer stated that the easiest way to address the increase in storm water would be to install an infiltration bed to collect the existing runoff from the house.

Eugene Martin stated that he understood and will comply with the storm water management requirements.

A motion was made by Ty Zerbe to approve the request for a second drive at 140 E. Mohler Church Road with the condition that all zoning and storm water management approvals are met as discussed. The motion was seconded by John Weber and carried unanimously.

STAFF REPORTS

Police Report – Chief William Harvey

- **Reports.** Chief Harvey gave a summary of the calls for service within Ephrata Township totaling 120 for the month of March. He stated that overall it was a good month. The monthly report will be provided to the Township and will be kept on file in the office.

Manager Steve Sawyer

- **Lawrence Leid – Rezoning Request.** At the March 7, 2017 meeting, Manager Sawyer notified the Board that Mr. Leid contacted the Township requesting that the Township table his request for consideration of rezoning until further notice. He stated that he is having discussions with New Enterprise Stone & Lime Company and will contact the Township if he would like the Board to consider his rezoning request. The Board tabled the rezoning request indefinitely per Lawrence Leid's request. Manager Sawyer notified the Board of Supervisors that since the March 7, 2017 meeting, Lawrence Leid contacted the Township and stated that negotiations with New Enterprise Stone were not successful and he is again requesting that the Board consider rezoning his 16 acre property from mineral recovery to agriculture. His intent is to put the land in Ag Preserve.

A motion was made by John Weber directing staff to notify Lawrence Leid that the Township will consider his request to rezone the 16 acre tract located at 192 Slate Road from Mineral Recovery to Agriculture but that approval is not guaranteed and he will be required to file a formal rezoning petition and pay the required fee. The motion was seconded by Ty Zerbe and carried unanimously.

- **ALDI Update.** Ephrata GF owns the real estate adjacent to the proposed ALDI location which is currently owned by CK Sportswear. As part of the Ephrata Marketplace project, Ephrata GF and CK Sportswear entered into private agreements regarding storm water and access. The Township received a letter from Ephrata GF stating that ALDI has not communicated with Ephrata GF regarding their plans for redeveloping the CK Sportswear site. Ephrata GF is concerned that ALDI will not be in compliance with the conditions of the private agreements. Attorney Schimaneck's office recommended the Indemnity Agreement which will protect the Township from possible legal costs and responsibility if the two (2) parties do not have an agreement in place or disputes occur in the future. Manager Sawyer presented to the Board of Supervisors an Indemnity Agreement prepared by Aldi's attorney. Attorney Bob Sisko from MHCK has reviewed the document and has informed Manager Sawyer that he

feels the agreement is acceptable. The Board of Supervisors will review the agreement and discuss it at the next scheduled meeting.

- **Evangel Assembly of God – Time Extension.** Manager Sawyer notified the Board of Supervisors that Ephrata Township received a letter from Robert Gabriel & Associates on behalf of the Evangel Assembly of God Church dated March 31, 2017 granting an extension of time of 91 days for the plan review period. The new deadline would be July 18, 2017. The additional time is needed to satisfactorily address PennDot's reviews.

A motion was made by John Weber to accept the 91 day time extension granted by Evangel Assembly of God for the Township to act on the Final Land Development Plan. The new deadline for the Township to act on the plan will be July 18, 2017. The motion was seconded by Ty Zerbe and carried unanimously.

Solicitor Tony Schimaneck

- **Bollinger Storm Water Plan.** Attorney Schimaneck notified the Board of Supervisors that a Developer Agreement and Storm Water Management Agreement have been prepared for this project.

Engineer Jim Caldwell reported that there is **no new** plans in the review process.

APPROVAL OF BILLS

A motion was made by John Weber to accept the list of checks written and to pay any bills pending. The motion was seconded by Ty Zerbe and carried unanimously.

CORRESPONDENCE

John Weber reported that there was no additional correspondence to report at this time.

A motion was made by John Weber to adjourn the meeting at 9:18 p.m. The motion was seconded by Ty Zerbe and carried unanimously.

Clark R. Stauffer

John L. Weber

J. Tyler Zerbe