

EPHRATA TOWNSHIP SUPERVISORS' MEETING

August 1, 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: Sergeant Eric Schmitt
Engineer: Melissa Kelly
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

Dale and Gayle Dunlap of 2 Hess Circle were present to discuss a complaint regarding a neighboring property. Mr. Dunlap explained to the Board of Supervisors that their home is adjacent to 4 Hess Circle which is owned by Jerry Zimmerman. Mr. Zimmerman purchased this property that contained a home that was condemned by the Township with the intent to demolish and rebuild. Mr. Zimmerman began the demolition but has never completed the work. Mr. Zimmerman also applied for a building permit to construct a new home but never picked up the permit because the potential buyer backed out and there is no new buyer at this time. Mr. and Mrs. Dunlap expressed concern with the large hole that currently exists on the lot. They also stated that there is debris in the foundation hole including oil containers which they feel is very dangerous especially with children playing in the area. In addition, the lot has high weeds and grass and Mr. Zimmerman has only mowed a portion of the property. Manager Sawyer provided the Board of Supervisors with pictures of the lot and a summary showing the history of action by the Township including three letters and numerous telephone calls to Mr. Zimmerman. In addition, Manager Sawyer stated that after the most recent complaint he prepared and sent a letter by certified mail to Mr. Zimmerman giving him a final notice that stated that he had 7 days to cut the grass and weeds and 30 days to complete the requirements for the demolition permit issued by the Township and approved by the Township's building code inspector. If the work is not completed in the 30-day time period the Township will file a citation with District Justice Tony Russell. Clark Stauffer stated to Mr. and Mrs. Dunlap that the Township tries to work with the Ephrata Township residents but agrees that Mr. Zimmerman has been given more than enough chances to comply. The Board of Supervisors directed staff to continue to inspect the property and if Mr. Zimmerman does not comply with the notice that was sent by Manager Sawyer than staff is to proceed with filing a complaint with District Justice Tony Russell.

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 July 18, 2017 Supervisors' minutes and to approve them as presented. The motion was seconded by Ty Zerbe and carried unanimously.

STAFF REPORTS

Police Report – Sergeant Schmitt.

- **Reports.** Sergeant Schmitt gave a summary of the calls for service totaling 149 within Ephrata Township for the month of July. He noted that there were 40 traffic citations which is a higher amount than usual mostly because of citations issued at the Township road project on Glenwood Drive. Ephrata Township requested an officer patrol the area due to the number of drivers not abiding by the road closure signage for safety reasons. The monthly report will be provided to the Township and will be kept on file in the office.

Manager Steve Sawyer

- **Lancaster Bicycle Club – Covered Bridge Ride.** A letter dated July 7, 2017 notifying the Township that their annual bike ride will be held on Sunday, August 20, 2017. The letter included the roads to be used throughout the County. Sergeant Schmitt notified the Board of Supervisors that the Police Department is not assisting with any traffic control for this event and the riders must obey all traffic regulations. The Police Department has no objections or comments in regards to this event.
- **Petition to Amend Township Zoning Ordinance.** Rick Stauffer with Property Investing and Management, Inc. and Attorney Claudia Shank of McNees Wallace & Nurick, LLC was present. Manager Sawyer explained that a Petition to Amend the Ephrata Township Zoning Ordinance was received on July 27, 2017. The purposed amendment would increase the current 40-foot maximum building height in the commercial district. Property Investing and Management, Inc. has interest in developing a property in the Mixed Use District of the Township. Claudia Shank stated that they are requesting that the Board consider the petition and allow it to be forwarded to the Lancaster County Planning Commission and the Ephrata Township Planning Commission for review and recommendations. Manager Sawyer recommended that the Board table their decision on whether they will consider the amendment to allow staff time to review the proposed petition. The Township may want to consider specific standards such as increased setbacks if the maximum building height is increased. Attorney Schimaneck also recommended tabling the decision for staff to research other neighboring municipalities regulations concerning building height. Attorney Shank understood the Township's position and asked, if possible, for the Board to make a decision on whether they would consider an amendment at the next Supervisors' Meeting.

A motion was made by John Weber to table action for the Petition to Amend the Ephrata Township Zoning Ordinance as presented, until such time staff can review and prepare recommendations and possible changes. The motion was seconded by Ty Zerbe and carried unanimously.

- **Creek Corner Heights – Traffic Improvements.** Manager Sawyer notified the Board of Supervisors that he received an email dated July 27, 2017 from David Schreder of Creek Corner Heights stating that a cost opinion to install a right turn lane at Meadow Valley and Rte. 272 was compiled and there are now some concerns that have developed. Manager Sawyer presented a copy of the email to the Board of Supervisors and recommended tabling any discussion until staff had more time to review.

A motion was made by Ty Zerbe to table providing any direction to staff regarding Creek Corner Heights Traffic Improvements; until such time staff has reviewed their request and are prepared to provide recommendations to the Board of Supervisors. The motion was seconded by John Weber and carried unanimously.

- **Zoning Hearing – Organic Poultry Partners.** Manager Sawyer provided the Board of Supervisors with the minutes that he prepared from the July 18, 2017 Zoning Hearing Board Meeting. Manager Sawyer notified the Board that there were residents in attendance that were a party to the hearing and asked questions and shared their concerns. Manager Sawyer stated that after the Hearing, he received a request from a resident to continue the hearing to allow residents to give more testimony in opposition to the application. Manager Sawyer explained that the testimony was closed at the hearing and a Decision will be made at the next Zoning Hearing Board Meeting scheduled for August 15, 2017. Anyone that was a party to the Hearing would be able to appeal the Decision to the Lancaster County Court of Common Pleas within 30 days after the Decision is rendered.
- **Middle Creek Road Bridge.** Manager Sawyer received an email dated July 19, 2017 from Plenary Walsh Keystone Partners who are contracted by PennDOT for the Rapid Bridge Replacement Project. The email was to notify the Township that the Middle Creek Road Bridge reopened to traffic July 19, 2017 which was 3 days ahead of schedule. The replacement work was performed by Walsh Construction II. The new crossing is longer and wider than the one it replaced and is designed with a 100-year lifespan.
- **Storm Water Management Ordinance Amendment.** Manager Sawyer provided the Board of Supervisors with the Township's previous Storm Water Management Ordinance regulations for the Control of Illicit Discharge and Connections. Manager Sawyer explained that the current Storm Water Management Ordinance language regarding illicit discharge is not as comprehensive as the prior ordinance. In addition, Manager Sawyer provided the Board of Supervisors with a copy of an amendment adopted by Rapho Township that clarifies major and minor land disturbances with the Agricultural Zoning District. The amendment allows certain agricultural projects to be processed as minor storm water plans instead of major storm water plans. Manager Sawyer

requested the Board of Supervisors approval to move forward with amending the Township's Storm Water Ordinance.

A motion was made by Ty Zerbe authorizing staff to move forward with drafting the proposed amendments to the Storm Water Management Ordinance for the Board of Supervisors review at a future meeting. A motion was seconded by John Weber and carried unanimously.

- **Melvyn & Martha Wenger Final Subdivision Plan Waiver Request.** Manager Sawyer received a DEP Non-Building Waiver request from Diehm & Sons on behalf of Melvyn and Martha Wenger. The proposed subdivision is located at 119 Martindale Road. The site is located in the Ephrata Township Mixed Use Zoning District. The Wenger property is currently a 9.5 acre tract that contains two existing single family dwellings and a commercial veterinary clinic. The dwelling located on the north side of Martindale Road is utilizing on-lot water and sewage disposal service. The single-family dwelling and veterinary clinics on the south side of Martindale Road are connected to public sewer provided by the Ephrata Township Sewer Authority. The subdivision is being undertaken by the owners of the property for estate planning purposes with the intent to separate the two residences and commercial business onto separate lots. There is no new construction or increased sewage flows resulting from the subdivision. The Ephrata Township SEO has conducted soil testing for a future replacement area for the proposed lot without public sewer service.

A motion was made by John Weber to approve the execution of the DEP Non-Building Waiver as presented based on the justification provided. The motion was seconded by Ty Zerbe and carried unanimously.

Maintenance Department – Randy Groome

- **Seasonal Employee – Will Zimmerman.** Randy Groome, Township Road Crew Employee, requested that Board of Supervisors consider an increase in the payrate for Will Zimmerman who is currently a seasonal employee for the Township. Randy explained to the Board of Supervisors that Will has been an excellent employee and is an asset with his recently obtained CDL license and his ability to operate equipment. Will Zimmerman is returning to college in approximately 3 weeks but would be available to work during college breaks. He also plans to come home during snow storms to help plow if and when possible. Randy asked the Board of Supervisors to consider increasing his payrate to \$16.00 per hour. Manager Sawyer agreed that Will Zimmerman is an excellent employee but suggested an increase to \$14.00 per hour. Manager Sawyer stated that the Board can discuss payrates further during the budget preparation process this fall.

A motion was made by Ty Zerbe to approve an hourly pay increase to William Zimmerman to \$14.00 an hour. The motion died due to a lack of a second.

A motion was made by John Weber to approve an hourly pay increase to William Zimmerman to \$15.00 an hour. The motion died due to a lack of a second.

A motion was made by Clark Stauffer to approve an hourly pay increase to William Zimmerman to \$14.00 an hour with a higher rate to be considered during budget session in the fall prior to snow plowing and an additional increase possible in the spring of 2018. The motion died due to a lack of a second.

Manager Sawyer stated that he has placed an ad in the Shopping News for a part-time snow plow driver due to one of the current road employees being on short term disability. Manager Sawyer stated that as part of the 2018 budget process, he will contact other municipalities to find out what their payrates are for seasonal employees and part-time snow plow drivers.

A motion was made by John Weber to increase William Zimmerman's pay to \$14.00 per hour immediately and directed staff to research what other local municipalities are paying seasonal employees and part-time snow plow drivers for the Supervisors to consider before snow removal season. The motion was seconded by Clark Stauffer and carried unanimously.

Solicitor Tony Schimaneck reported that the Township's Pollution Reduction Plan has been advertised with the intent to adopt for the September 5, 2017 meeting. In addition, Attorney Schimaneck requested authorization to advertise for public hearing two (2) Ordinances requested by the Ephrata Police Department regarding Pawnbrokers and Secondhand Dealers and Hotel Owners Required Register Information for Tuesday, September 5, 2017 meeting.

A motion was made by Ty Zerbe to authorize Tony Schimaneck to advertise a public hearing with the intent to adopt the Pawnbroker and Secondhand Dealer Ordinance and Hotel Owner Required Register Information Ordinance on Tuesday, September 5, 2017 at 7:00 PM. The motion was seconded by John Weber and carried unanimously.

Engineer Melissa Kelly reported that there are 2 plans in the review process.

Autumn Hills Phase 3 – Revised Final Plan
Creek Corner Heights – Traffic Improvements/PLDP

MS4 Reduction Pollution Plan is open for public review. The Public Hearing will be held September 5, 2017, and the DEP Submittal is due September 16, 2017.

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 the Township received a thank you letter from the Pioneer Fire Company for the Township's 2017 Contribution.

Ty Zerbe stated that the LCATS Banquet is in August and RSVPs will need to be sent soon.

A motion was made by John Weber to adjourn the meeting at 8:14 p.m. The motion was seconded by Ty Zerbe and carried unanimously.

Clark R. Stauffer

John L. Weber

J. Tyler Zerbe