

## **EPHRATA TOWNSHIP SUPERVISORS' MEETING**

**February 18, 2020**

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

Present were Supervisors: Clark Stauffer  
Tony Haws  
Ty Zerbe  
Admin Assist: Jennifer Carvell  
Engineer: Jim Caldwell

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 was made by Ty Zerbe to close the Public Comment Period. The motion was seconded by Tony Haws and carried unanimously.

### **APPROVAL OF MINUTES**

A motion was made by Tony Haws to dispense with the reading of the February 4, 2020 Supervisors' minutes and to approve them as presented. The motion was seconded by Ty Zerbe and carried unanimously.

### **DENVER WHOLESALE FOODS – REVISED FINAL PLAN**

Kevin Varner from Diehm and Sons presented the Revised Final Plan on behalf of Denver Wholesale Foods to the Board of Supervisors. A land development plan was completed in 2011. The site is nine acres and is zoned Industrial. The plan proposes a 43,000 square foot addition to the storage facility and storm water improvements. No waivers were requested.

A motion was made by Ty Zerbe to approve the Revised Final Plan for Denver Wholesale Foods based on the conditions contained in Rettew's letter dated January 28, 2020. The motion was seconded by Tony Haws and carried unanimously.

### **EPHRATA CROSSING PHASE 2 – FINAL SUBDIVISION AND LAND DEVELOPMENT PLAN**

Chris Venarchick from RGS Associates and property owner Richard Stauffer presented the plan to the Board of Supervisors. The proposed plan would create four (4) new lots in the Ephrata Crossing development. Three (3) lots would be developed with a combination of retail and restaurant uses. The property is located in the Mixed-Use Zoning District. The Board of Supervisors were provided with the Ephrata Township Planning Commission's recommendations and the Lancaster County Planning Commission's comments. Since that time, Rettew provided the Board of Supervisors

with a Review letter dated February 17, 2020 which recommended that sidewalk should be required along the proposed access drive from East Main Street to Quarry Ridge Drive. Rettew is also recommending that additional perc testing be completed to ensure that the proposed underground storm water facilities will function properly. The Board of Supervisors, staff and the developer discussed possible sidewalk modifications.

A motion was made by Tony Haws to approve the Ephrata Crossing Phase 2 Final Subdivision and Land Development Plan based on the conditions contained in Rettew's letter dated February 17, 2020 and based on the condition of staff's approval of additional sidewalk along the access drive between East Main Street and Quarry Ridge Drive and that the applicant addresses all storm water comments to the satisfaction of the Township Engineer. The motion was seconded by Ty Zerbe and carried unanimously.

EPHRATA CROSSING – RETAINING WALL CONSTRUCTION ON LOT

Manager Sawyer provided the Board of Supervisors with an email the Township received from Richard Stauffer dated January 30, 2020 requesting permission to construct a retaining wall on lot 2 of the Ephrata Crossing development prior to a land development plan being submitted or approved for this lot. Sealed plans will be provided to the Township for approval. Richard Stauffer was present to discuss the construction with the Board of Supervisors. Jim Caldwell of Rettew recommended that the Township require a Temporary Construction Easement and building permit prior to authorizing construction of the proposed retaining wall.

A motion was made by Ty Zerbe approving the construction of a retaining wall on lot 2 of the Ephrata Crossing development conditional upon an executed Temporary Construction Easement, approval of the design by the Township Engineer and an approved Ephrata Township building permit. The developer will assume the risk of completing the construction prior to the approval of the Final Land Development Plan and Subdivision Plan. The motion was seconded by Tony Haws and carried unanimously.

COMCAST – LINCOLN GARDENS ROAD OCCUPANCY PERMIT

Todd Eachus and Keith Aldridge were present to represent Comcast and their Road Occupancy Permit Application for the Lincoln Gardens Development. The Board of Supervisors were provided with Rettew's Review Letter dated February 17, 2020 of the Final Utility Plan submitted by Comcast. This is the first submittal received by Ephrata Township since adopting a new Road Occupancy Ordinance. Staff discussed with the Board of Supervisors and Comcast Representatives their concerns and recommendations. The Township will also require a Financial Security Agreement for the project. Based on direction given at the meeting and the Township Engineer's review letter, Comcast will make the recommended changes on the Utility Plan submitted with the Road Occupancy Permit.

A motion was made by Ty Zerbe to table action on the Lincoln Gardens Road Occupancy Permit until revised plans are submitted and reviewed. The motion was seconded by Tony Haws and carried unanimously.

**STAFF REPORTS**

**Manager - Steve Sawyer**

- **HVAC Replacement Project.** Manager Sawyer notified the Board of Supervisors that the bid opening for the HVAC replacement project took place on Tuesday, February 11, 2020. Vertex was the only bidder. Due to prevailing wage the project cost was slightly higher than the Township's estimate. The bid price from Vertex Mechanical Inc. was \$148,975.00. Manager Sawyer recommended awarding the bid to Vertex Mechanical, Inc. The basement is currently vacant and Manager Sawyer stated that installing the new HVAC system prior to new tenants would be ideal.

A motion was made by Tony Haws to approve the HVAC Replacement Project as presented by Vertex Mechanical Inc. in the amount of \$148,975.00 conditional upon staff consulting with an individual with HVAC experience that the proposed type of system / pricing is the best option. The motion was seconded by Ty Zerbe and carried unanimously.

- **ETSA Appointment.** Manager Sawyer notified the Board of Supervisors that there were three (3) individuals that were interested in becoming a member of the Ephrata Township Sewer Authority. Currently there is a vacancy for Robert Hurst who recently moved out of the Township. Manager Sawyer presented to the Board of Supervisors background information for each candidate for their review prior to the meeting. Manager Sawyer recommended appointing John Michel to fill Robert Hurst's Ephrata Township Sewer Authority position.

A motion was made by Tony Haws to approve the appointment of John Michel to the Ephrata Township Sewer Authority. The motion was seconded by Ty Zerbe and carried unanimously.

- **Termination of Temporary Construction Easement – Reading Road Corp.** Manager Sawyer stated that the Township entered into a Temporary Construction Easement with Reading Road Corporation for a project at the Schoeneck Road - North Reading Road - Church Avenue intersection. The scope of the project was reduced due to cost overruns and the work requiring the Easement was never completed. The Construction Easement expired in 2014. The owner is currently selling the property and the title company is requiring that a Termination of Temporary Construction Easement be executed and recorded.

A motion was made by Tony Haws to approve the execution of the Termination of Temporary Construction of Easement with Reading Road Corporation as presented. The motion was seconded by Ty Zerbe and carried unanimously.

- **Creek Corner – Financial Security Reduction.** The Board of Supervisors were provided with a letter from Rettew dated February 11, 2020 recommending reducing the financial security for the Creek Corner site work in the amount of \$550,546.31 leaving an outstanding balance of \$957,328.04. Jim Caldwell of Rettew discussed Item #4 with the Board of Supervisors and recommended that Creek Corner address the comment prior to reducing the financial security.

A motion was made by Ty Zerbe to approve a Financial Security Reduction for Creek Corner in the amount of \$550,546.31 leaving an outstanding balance of \$957,328.04 subject to Rettew's Letter dated February 11, 2020 and the completion of item #4 prior to reduction. The motion was seconded by Tony Haws and carried unanimously.

- **Baseball & Soccer – Field Reservation Requests.** Manager Sawyer received an application from the Ephrata Youth Baseball Association and the Ephrata Youth Soccer Club to reserve the fields for their practices and games from March through July. A Certificate of Insurance was also provided by both organizations.

A motion was made by Tony Haws to approve the applications for Ephrata Youth Baseball Association and the Ephrata Youth Soccer Club as presented. The motion was seconded by Ty Zerbe and carried unanimously.

- **LCATS Spring Meeting.** Manager Sawyer provided the Board of Supervisors with an invitation to the LCATS Spring Meeting to be held at the Four Season Golf Complex on March 31, 2020. All three (3) Supervisors and Manager Sawyer plan to attend.
- **Communication Tower/Antenna Ordinance.** Manager Sawyer requested that this Ordinance be discussed at the March 17<sup>th</sup> meeting.
- **Carol Musser – Possible New Tenant.** Carol Musser is the owner of Lifepoint Counseling Services, LLC and is interested in renting the lower level of the Township building. Roger Kline notified the Township that she has offered to pay the Township \$1900/month which is less than the advertised amount. She has informed the reason that her offer is lower is because she does not need the training room and office in the garage. Carol is offering to enter into a three (3) year lease. She currently has four (4) employees. The overall expenses versus the offered rent amount was also discussed.

A motion was made by Ty Zerbe to authorize staff to move forward with discussions with Roger Kline to negotiate renting the lower level of the Township building to Carol Musser subject to the board approving a rental lease agreement with changes to the term, overall square footage and possible consumer price increases. The motion was seconded by Tony Haws and carried unanimously.

**Engineer Jim Caldwell** reported that the following plans are in the review process:

MS4 – Autumn Hills Project  
Ephrata Crossing – Phase 2  
Creek Corner - Financial Reduction  
Conestoga Valley Mennonite Church

#### **APPROVAL OF BILLS**

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

CORRESPONDENCE

There was no additional correspondence to report at this time.

A motion was made by Tony Haws to adjourn the meeting at 10:25 A.M. The motion was seconded by Ty Zerbe and carried unanimously.

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Clark R. Stauffer

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Anthony K. Haws

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J. Tyler Zerbe