

EPHRATA TOWNSHIP SUPERVISORS' MEETING

February 5, 2019

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
Tony Haws
Ty Zerbe
Manager: Steve Sawyer
Admin Asst: Jennifer Carvell
Police: Chris McKim
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

A motion to close the public comment period was made by Ty Zerbe. 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 January 7, 2019 Supervisors' Minutes and to approve them as written. The motion was seconded by Ty Zerbe and carried unanimously.

SCOTT SWEIGART – ENGINE BRAKE RETARDERS

Scott Sweigart was not in attendance.

PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT – PIM, INC.

The proposed Zoning Ordinance Text Amendment has been advertised and it could be adopted by the Board at the conclusion of the Hearing. The Lancaster Planning Commission and Ephrata Township Planning Commission reviewed the amendment. There was a language change recommendation to the definition of a Master Planned Development Sign to replace the words "pylon and monument sign" to "free standing sign" to be consistent with the current zoning ordinance terminology.

Clark Stauffer opened the hearing for:

AN ORDINANCE OF THE TOWNSHIP OF EPHRATA, LANCASTER COUNTY, PENNSYLVANIA, AMENDING THE EPHRATA TOWNSHIP ZONING ORDINANCE ADOPTED FEBRUARY 8, 2000, AS AMENDED, TO PROVIDE A MINIMUM SETBACK OF ONE HUNDRED (100) FEET FROM THE PORTION OF A BUILDING CONTAINING A DRIVE-THROUGH OR FAST FOOD RESTAURANT OR A RESTAURANT, TAVERN OR NIGHT

CLUB TO ANY EXISTING RESIDENTIAL BUILDING OR RESIDENTIAL ZONING DISTRICT; TO PERMIT MASTER-PLANNED DEVELOPMENT SIGNS IN THE COMMERCIAL (C) AND THE MIXED -USE (C-2) ZONING DISTRICTS TO CERTAIN CRITERIA; TO DEFINE "MASTER PLANNED DEVELOPMENT" AND "MASTER-PLANNED DEVELOPMENT SIGN;" TO DEFINE "HEALTH AND FITNESS CENTER"; TO PERMIT HEALTH AND FITNESS CENTERS BY RIGHT IN THE C AND C-2 ZONING DISTRICTS; TO REQUIRE HEALTH AND FITNESS CENTERS TO HAVE (1) OFF-STREET PARKING SPACE FOR EACH TWO HUNDRED AND FIFTY (250) SQUARE FEET OF GROSS FLOOR AREA; AND TO ESTABLISH THE NUMBER OF REQUIRED OFF-STREET LOADING SPACES FOR HOTELS, MOTELS AND RESORTS TO ONE (1) SPACE FOR EACH 10,000 TO 100,000 SQUARE FEET OF FLOOR AREA, AND ONE (1) ADDITIONAL SPACE FOR EACH ADDITIONAL 100,000 SQUARE FEET OF GROSS FLOOR AREA OR FRACTION THEREOF SO USED.

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

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

A motion was made by Tony Haws to approve the Zoning Ordinance Text Amendment as presented. The motion was seconded by Ty Zerbe and carried unanimously.

STAFF REPORTS

Police Report – Lt. Chris McKim

- **Active Shooter Training.** Lt. McKim reported that Chief Harvey will be conducting Active Shooter Training to Churches in the Adamstown area on February 20, 2019.
- **Reports.** Lt. McKim provided the Supervisors with a summary of the calls for service within Ephrata Township for the month of January totaling 144 actions. The monthly report will be provided to the Township and will be kept on file in the office.

Manager Steve Sawyer

- **Make-A-Wish – 30th Annual Mother's Day Truck Convoy.** The Township received the annual mailing from the Make-A-Wish Foundation for the Mother's Day Truck Convoy which includes the required PennDOT Event Permit and an Indemnification Agreement. The permit and agreement are identical to the forms approved by the Township in prior years. The convoy uses only PennDOT roads (Route 222 and Route 322) in Ephrata Township. Manager Sawyer notified the Board of Supervisors that he spoke to Chief Harvey and was told that there were no changes from last year's request and that the Ephrata Police Department has no concerns with the event.

A motion was made by Ty Zerbe to accept and authorize the execution of the Event Permit and Indemnification Agreement as presented for the Make-a-Wish Foundation Mother's Day Convoy. The motion was seconded by Tony Haws and carried unanimously.

- **Rothsville Road – PennDOT Letter.** The Township received a letter dated January 17, 2019 from Jason Bewley of PennDOT in response to a letter from Warwick Township requesting that PennDOT conduct a traffic study of Rothsville Road in the area of the rail trail crossing. PennDOT will be completing a traffic study as requested within the next 30 days.
- **Security Cameras – Ephrata Township Community Park.** Manager Sawyer provided the Board of Supervisors with a quote for security cameras from Choice Communication. Manager Sawyer and Ty Zerbe observed the camera system and footage at Eagle Rental who currently has an older version of the proposed camera system. They both stated that the video footage that they were shown was clear footage and would be helpful at the Ephrata Township Community Park. The camera system proposed for the Ephrata Township Park is in the amount of \$4,872.50. The Township will need to hire an electrician to run an AC outlet near the flower box area.

A motion was made by Ty Zerbe to approve the proposed quote from Choice Communications in the amount of \$4,872.50 for the camera system for the Ephrata Township Community Park as presented. The motion was seconded by Tony Haws and carried unanimously.

- **PIM, Inc. Agreement – Improvements in PennDOT Right-of-Way.** Manager Sawyer notified the Board that if a developer proposes new storm water facilities within the PennDOT right-of-way, PennDOT requires the Township own and maintain these facilities. The Township has required a reciprocal maintenance agreement with the developer that requires the developer to maintain the facilities. The Reciprocal Maintenance / Indemnification Agreement between Ephrata Township and PIM, Inc. was presented to the Board of Supervisors for their review prior to the meeting. Manager Sawyer stated that he is recommending that the standard agreement be amended to include additional clarification regarding future maintenance responsibility since there are six lots proposed within the development and the developer has indicated that a Condominium Association is proposed. The Board of Supervisors directed staff to modify the Agreement as discussed.
- **WERT Trail Event Application.** Manager Sawyer presented to the Board of Supervisors a WERT Trail Event Application for review and approval prior to the meeting. Manager Sawyer stated that this Agreement was prepared by the WERT Committee.

A motion was made by Tony Haws to approve the Warwick to Ephrata Rail Trail Event Application as presented. The motion was seconded by Ty Zerbe and carried unanimously.

- **Creek Corner Heights LLC – Time Extension.** A letter dated January 11, 2019 from James Henke of Pioneer Management on behalf of Creek Corner Heights granting an additional 90-day time extension to render a decision of the final plan was submitted to the Board of Supervisors. The new deadline would be May 28, 2019.

A motion was made by Ty Zerbe to accept the 90-day time extension granted by Creek Corner Heights LLC for the Township to act on the final plan. The new deadline will be May 28, 2019. The motion was seconded by Tony Haws and carried unanimously.

- **Autumn Hills Phase 1, 2 & 3 – Financial Security Reduction.** Letters from Rettew Associates dated January 18, 2019 were presented to the Board of Supervisors for their review prior to the meeting.

A motion was made by Ty Zerbe to approve the release of Phase 1 and Phase 2 and adding the balances to Phase 3 conditional upon Rettew Associates Financial Security Release letter for Phase 1 and Phase 2 dated January 18, 2019. The financial security for phase 3 will be reduced to a new balance of \$676,845.19. The motion was seconded by Tony Haws and carried unanimously.

- **Joe Burkholder – Financial Security Release.** Manager Sawyer received an email from Joe Burkholder requesting release of his escrow account for the financial security for the storm water improvements that have been completed on his property. Manager Sawyer confirmed that all of the work has been completed except the final seeding will be completed this spring.

A motion was made by Tony Haws to approve the full release of the escrow account for Joe Burkholder. The motion was seconded by Ty Zerbe and carried unanimously.

- **Ephrata Crossing – DEP Sewage Module Exemption.** Ephrata Township Sewer Authority has approved Ephrata Crossing's sewer capacity request. A DEP Planning Module Exemption is being requested for this project.

A motion was made by Ty Zerbe to approve the DEP Planning Module Exemption for Ephrata Crossing as presented. The motion was seconded by Tony Haws and carried unanimously.

- **Lakeside Villa – Financial Security Release.** The Board of Supervisors were provided with a Financial Security Reduction letter from Rettew Associates dated February 1, 2019. Rettew Associates is recommending Lakeside Villa be reduced by \$667,022.17 which will leave a new outstanding financial balance of \$523,930.84.

A motion was made by Ty Zerbe to approve the Financial Security Reduction in the amount of \$667,022.17 leaving a new financial security balance of \$523,930.84 conditional upon Rettew Associates letter dated February 1, 2019. The motion was seconded by Tony Haws and carried unanimously.

- **501 Alexander Drive – Time Extension.** A letter dated February 1, 2019 from Edward Ostrowski of ELA Group, Inc. on behalf of 501 Alexander Drive granting an additional 90-day time extension to render a decision for the Preliminary / Final Land Development Plan was submitted to the Board of Supervisors.

A motion was made by Tony Haws to accept the 90-day time extension granted by 501 Alexander Drive to act on the Preliminary / Final Land Development Plan. The motion was seconded by Ty Zerbe and carried unanimously.

- **Short Term Rental Ordinance.** Manager Sawyer presented to the Board of Supervisors a copy of the Lancaster County Planning Commission Short Term Rental Regulation report. Manager Sawyer requested that the Board of Supervisors review the information for discussion at a future meeting.
- **Resolution – 2019 Lancaster County Hazard Mitigation Plan.** Manager Sawyer stated that municipalities participated in meetings with the Lancaster County Emergency Management Agency to prepare the Lancaster County Hazard Mitigation Plan. LEMA has finalized the Lancaster County Hazard Mitigation Plan and it is recommended that all municipalities approve a resolution adopting the plan.

A motion was made by Ty Zerbe to approve the execution of the 2019 Lancaster County Hazard Mitigation Plan as presented. The motion was seconded by Ty Zerbe and carried unanimously.

- **Tree of Life – Request to Clean Vents / Duct Work.** Manager Sawyer notified the Board of Supervisors that he received a letter dated January 24, 2019 from the Tree of Life who rents the lower level of the Township building requesting that the vents and duct work be cleaned. Manager Sawyer requested the Board of Supervisors to table their decision until he can review the current lease agreement and the cost of utilities, taxes and other expenses that are paid by the Township.
- **Bobcat Toolcat Quotation.** Manager Sawyer presented to the Board of Supervisors a PA Co-Star Quotation from Bobcat of Lancaster for a Bobcat 5600 Toolcat with Angle Broom in the amount of \$56,378.48. Manager Sawyer stated that if the Board decides to purchase a Toolcat that there are sufficient Capital Reserve Funds for the purchase. The primary use of the Toolcat would be for park and rail trail maintenance. Road Superintendent Randy Groome informed the Board of the different uses and benefits of purchasing a Toolcat.

A motion was made by Tony Haws authorizing the purchase of a Bobcat Toolcat 5600 and Angle Broom in the amount of \$56,378.48 as presented. The motion was seconded by Ty Zerbe and carried unanimously.

Engineer Melissa Kelly reported that there are the following plans in the review process:

Ephrata Crossing
Ephrata Crossing Phase 1 – Hotel
Autumn Hills Development
Weaverland Mennonite Homes
Kurtz/Weber Lot Add-on Plan

Solicitor Tony Schimaneck

Solicitor Schimaneck stated that he had nothing more to report.

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

Tony Haws reported that there was no additional correspondence to report at this time.

A motion was made by Tony Haws to adjourn the meeting at 8:45 p.m. The motion was seconded by Ty Zerbe and carried unanimously.

Clark R. Stauffer

Anthony K. Haws

J. Tyler Zerbe