

## EPHRATA TOWNSHIP SUPERVISORS' MEETING

February 7, 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: Matthew Randolph  
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

Lancaster Catholic High School students Megan Zipfel, Devon Gerhard, Meghan Flynn, and Taylor Geiss, were present at the meeting. The students explained that they were taking a Government class and one of the requirements for each student is to attend a Board meeting in the municipality where he or she resides. The Township provided each student with an agenda packet and a print-out of the Citizen's Guide to Pennsylvania Local Government.

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

Chairman Stauffer pointed out a typo on page two in the first paragraph. "property own" should be corrected to "property owner". A motion was made by John Weber to dispense with the reading of the January 17, 2017 Supervisors' minutes and to approve them as corrected. The motion was seconded by Ty Zerbe and carried unanimously.

### STAFF REPORTS

#### Police Report – Sergeant Randolph

- **Reports.** Sergeant Randolph provided the Supervisors with a chart summarizing the traffic citations for 2017 to date and gave a summary of the calls for service within Ephrata Township for the month of January. The monthly report will be provided to the Township and will be kept on file in the office.

#### Manager Steve Sawyer

- **Burning Ordinance Draft.** At a prior meeting, Manager Sawyer recommended that the Board of Supervisors consider amending the current Burning Ordinance

#115 which was originally adopted in 1992 and amended by Ordinance #129. The purpose of updating the ordinance would be to make it easier to comprehend and enforce. Manager Sawyer notified the Board of Supervisors that the Ephrata Police Department had a chance to review and comment as well as Attorney Schimaneck's Office. A new draft was presented to the Board of Supervisors for their review and will be placed on the next Supervisors' Agenda for further direction.

- **Ephrata Baseball Association – Sponsor Banners.** At the last Supervisors' Meeting, Manager Sawyer notified the Board of Supervisors that an email was received from Paul Gockley, President of the Ephrata Baseball Association, requesting approval to place sponsor banners on the batting cage installed by EBA at the Township Park. The Board of Supervisors tabled their decision until the next meeting. Manager Sawyer and Attorney Schimaneck recommended that the Board deny the request. It was discussed that approval of the request would set a precedent and that there are other organizations, such as Ephrata Youth Soccer, that could make a similar request. Jim Caldwell stated that another municipality he works with has had problems with sponsor signs/banners at their park.

A motion was made by Ty Zerbe to deny the request made by Ephrata Baseball Association to place sponsor banners on the batting cage at the Ephrata Township Park. The motion was seconded by John Weber and carried unanimously.

- **Paver Bids – Joint Purchase Agreement.** At the last Supervisors Meeting, Manager Sawyer notified the Board of Supervisors that the Township advertised bids for the purchase of a used paver. This paver would be co-owned by Ephrata Township and Warwick Township and it would replace a jointly owned paver that was sold to West Earl Township. Manager Sawyer notified the Supervisors that one (1) bid was received from Groff Tractor and Equipment in the amount of \$30,000.00. If the award the bid and purchase the paver the Township would pay Groff Tractor in full and invoice Warwick Township for their ½ of the cost. A Joint Purchase Agreement between Warwick and Ephrata Township has been prepared for approval and execution by the Township. The paver purchase was included in the 2017 budget. Manager Sawyer recommended awarding the bid to Groff Tractor in the amount of \$30,000.00 and approving the Joint Purchase Agreement between Ephrata Township and Warwick Township as presented.

A motion was made by Ty Zerbe to award the bid for a 2010 1750 paver to Groff Tractor and Equipment in the amount of \$30,000.00. The motion was seconded by John Weber and carried unanimously.

A motion was made by John Weber to approve the Joint Purchase Agreement between Ephrata Township and Warwick Township as recommended by staff. An invoice shall be sent to Warwick Township for \$15,000.00. The motion was seconded by Ty Zerbe and carried unanimously.

- **Denver Wholesale Foods - Time Extension to Record.** Manager Sawyer notified the Board of Supervisors that Ephrata Township received a letter from

Diehm & Sons on behalf of Denver Wholesale Foods dated January 13, 2017 granting an extension of time of 90 days to record the Final Plan.

A motion was made by Ty Zerbe to approve a 90 day time extension to record the final plan for Denver Wholesale Foods. The new date to be used for Township approval shall be February 7, 2017. The motion was seconded by John Weber and carried unanimously.

- **Zimmerman Butcher Shop – Release of Financial Security.** A letter dated February 2, 2017 from Diehm & Sons on behalf of Zimmerman's Butcher Shop was received by Ephrata Township requesting a cash escrow in the amount of \$15,589.00. William Cromleigh of Diehm & Sons has completed a site observation and to the best of his knowledge the site was developed in accordance with the approved land development plan. Manager Sawyer also completed a site inspection and recommended full release of the cash escrow.

A motion was made by John Weber to approve the full release of the financial security in the amount of \$15,589.00 plus accrued interest. The motion was seconded by Ty Zerbe and carried unanimously.

- **New Life Fellowship Church – Financial Security Reduction.** Manager Sawyer notified the Board of Supervisors that a letter was received from Rettew Associates dated January 27, 2017 notifying the Township that a financial security reduction request was received from New Life Fellowship Church and a site inspection was completed. Rettew Associates is recommending a financial security reduction in the amount of \$273,447.00 which will leave a new outstanding balance in the amount of \$30,383.00.

A motion was made by Ty Zerbe to approve a financial security reduction for New Life Fellowship Church in the amount of \$273,447.00 leaving a remaining financial security balance of \$30,383.00 as recommended by Rettew Associate's letter dated January 27, 2017. The motion was seconded by John Weber and carried unanimously.

- **Engineering Services Agreement – Rail Trail Bridge.** Warwick Township forwarded an Engineering Services Agreement dated January 30, 2017 from Wilson Consulting Group, PC for the former railroad bridge over the Cocalico Creek. Converting the former railroad bridge to a pedestrian bridge is part of the Warwick to Ephrata Rail Trail Project. Wilson Consulting provided the technical scope of work and price proposal for the pre-design and design services related to the bridge project. Manager Sawyer stated that Warwick Township and Ephrata Township will submit a DCNR grant application for the bridge project. Manager Sawyer notified the Board of Supervisors that Warwick Township has approved the engineer proposal at their last Supervisors' Meeting. Warwick Township will be billed by Wilson Consulting Group and then invoice ½ of the cost to Ephrata Township.

A motion was made by John Weber to approve the proposal from Wilson Consulting Group, PC for the design work needed for the former railroad bridge

over the Cocalico Creek and approved Ephrata Township paying for ½ of the engineering costs. The total cost of the engineering design services shall not exceed \$23,500.00. The motion was seconded by Ty Zerbe and carried unanimously.

- **Ephrata Public Library – Timing of Annual Donation.** Manager Sawyer notified the Board of Supervisors that the Township received an email from Penny Talbert, Executive Director of the Ephrata Public Library dated January 30, 2017 requesting the approved budgeted annual contribution now instead of the standard time period in June. Manager Sawyer recommended waiting until the Township receives the earned income for the month of February.

A motion was made by John Weber to pay the library's budgeted contribution for 2017 after March 1<sup>st</sup> as recommended by Manager Sawyer. The vote was seconded by Clark Stauffer. The vote was ayes: John Weber and Clark Stauffer; abstain: Ty Zerbe.

- **Lawrence Leid Letter – Zoning.** Manager Sawyer presented to the Board of Supervisors a letter dated January 13, 2017 from Lawrence Leid of 192 Slate Road requesting the Township rezone his property from Mineral Recovery to Agricultural. Mr. Leid is interested in preserving his entire property which consists of two separate tracts. The 16 acre tract on the south side of Slate Road is currently zoned Mineral Recovery and cannot be preserved unless it is zoned Agricultural. The Township also received a letter from Jeffrey Detwiler of New Enterprise Stone & Lime Co. requesting the Township table their decision on whether to consider the request for 30 days. New Enterprise Stone would like the opportunity to contact Mr. Leid to discuss other options.

A motion was made by John Weber to table the request for consideration of rezoning by Lawrence Leid for a 16 acre tract located at 192 Slate Road Ephrata Township for 30 days. The motion was seconded by Ty Zerbe and carried unanimously.

#### **Solicitor Tony Schimaneck**

- **Developer's Agreements.** Attorney Schimaneck provided to Ephrata Township staff copies of the standard developer and storm water agreements that his firm uses for other municipal clients. Manager Sawyer stated that he believes the agreements are an improvement over the Township standard agreements.
- **Evangel Assembly of God.** A Storm Water Management Agreement and Improvement Guaranty Agreement were prepared for this project by Charlie Sheidy before he retired. Morgan Hallgren Crosswell and Kane will be preparing an agreement for the proposed storm water improvements within the PennDot right-of-way.

**Engineer Jim Caldwell** reported that there are **no new** plans in the review process but they are working on revised Aldi Plans, Autumn Hills Revised Plans, New Life Fellowship Church Final Financial Reduction request, and Evangel Assembly of God HOP. Rettew continues to work on the Township's MS4 Program. The mapping of all

the storm water outlets has been completed. In addition, the grant from the Natural Fish and Wildlife Committee for the Region has been approved.

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

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Clark R. Stauffer

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John L. Weber

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J. Tyler Zerbe