

EPHRATA TOWNSHIP SUPERVISORS' MEETING

June 4, 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: Lt. McKim
Engineer: Jim Caldwell
Solicitor: Jason Hess

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

PUBLIC COMMENTS NON-AGENDA ITEMS

Margaret Miller, Lisa Slotcavage, and Steve Miller were in attendance. A letter requesting permission to close a small portion of Summerlyn Drive for a neighborhood block party, plot plan and signatures were presented to the Board of Supervisors. The event would take place on Saturday, August 3, 2019 from 2 pm to 6 pm with a rain date of Sunday, August 4, 2019. The Supervisors suggested contacting Green Dragon to see if they could use a section of their property that is adjacent to the development instead of closing the street. Lieutenant McKim stated that he was not opposed to the proposed road closure since the development does not have a common area. He believes closing a section of the road would be safer than holding the event on the sidewalks/driveways but he did raise some concerns with obstructions in the roadway that would prevent emergency vehicles from accessing the area. The residents stated that tables and other items would only be located on one side of the road so emergency vehicles could pass if needed. The Board of Supervisors requested that the owner of Green Dragon be contacted before they made a decision.

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 May 21, 2019 Supervisors' Minutes and to approve them as presented. The motion was seconded by Ty Zerbe and carried unanimously.

STAFF REPORTS

Police Report – Lt. Chris Mckim

- **Reports.** Lt. McKim provided the Supervisors with a summary of the calls for service within Ephrata Township for the month of May totaling 131 incidents.

The monthly report will be provided to the Township and will be kept on file in the office. Lt. McKim also stated that the reports that will be prepared in the future will be with the new records management system software. The new software will allow the reports to provide more detailed information so it may appear that there is increased activity but it is more thorough reporting.

Manager Steve Sawyer

- **Noise Ordinance – ATV's.** Manager Sawyer received a complaint from a resident that stated that a neighbor rides four (4) wheelers for hours during the day and that he feels that it violates the Township's Noise Ordinance. Manager Sawyer explained that his interpretation of the Ordinance is that it is at the discretion of a police officer to make the determination when a noise complaint is received. Multiple police officers have been called to the address and they all determined that the activity was not in violation of the Township's Noise Ordinance. Manager Sawyer spoke to one of the Officers and stated that an option would be to amend the current Ordinance. Manager Sawyer stated that this is the only resident in the area that has complained and there are neighbors that are located closer to the property. Manager Sawyer recommended leaving the Ordinance as it is at this time. The Board of Supervisors directed staff to contact the resident with the Noise Complaint and notify him that the Township is not amending the Noise Ordinance at this time and that it is up to the police officer to determine if the noise is in violation of the current ordinance.
- **Short Term Rental Ordinance.** Manager Sawyer stated that he presented to the Ephrata Township Planning Commission two versions of the short-term rental ordinance for their input. Both versions would permit STR's by Special Exception in the Agricultural District, all three Residential Districts and the Mixed-Use District. One version would allow STR units only in existing single family dwellings and the other would allow the conversion of accessory buildings and erection of new STR units. The Board of Supervisors requested that the Planning Commission give input concerning which version the Township should consider. Rebecca Branlee of 201 Royer Road was in attendance at the Planning Commission Meeting and this evening's Supervisors Meeting along with her Attorney Claudia Shank. Attorney Shank stated that her client owns a 10-acre property located in the Ag District and would like to convert an existing barn into a STR unit. Attorney Shank stated that one of the problems with STR units is that the owner is not present to oversee and control the occupants of the short-term rental. One of the conditions in the draft ordinance would require that the owner be the operator and be a full-time resident on the property. The Planning Commission did not take formal action but the members were in favor of the draft allowing the STR's in accessory structures. Daryl Martin, Dawn Martin and Brian Martin neighbors of the Branle's were also present. They expressed concerns over conflicts with agricultural uses and asked questions regarding currently zoning regulations for farm businesses and second dwelling units in the Ag District.

A motion was made by Clark Stauffer directing staff to finalize a draft ordinance that would only allow short term rental units in existing single-family dwellings

and submit the proposed Zoning Ordinance amendment to the Lancaster County Planning Commission and then the Ephrata Township Planning Commission for their formal review and recommendations. The motion was seconded by Tony Haws. The vote was Ayes: Clark Stauffer, Tony Haws; Nay: Ty Zerbe.

- **Street Opening Ordinance.** Manager Sawyer was directed to begin working on an Ordinance because of the increasing activity of utility extensions within the Township. The Supervisors will review the draft Ordinance presented and discuss it at a future meeting. Manager Sawyer provided the Board of Supervisors with a copy of Mount Joy Township's ordinance which is a newer version of a Street Opening Ordinance than the one previously provided. Jason Hess stated that he thought the Ordinance was very thorough and that it would provide a good starting point for the Township to prepare a draft for Ephrata Township.

A motion was made by Ty Zerbe directing staff to move forward with preparing a draft for the Township to review at a future meeting. The motion was seconded by Tony Haws and carried unanimously.

- **Employee Handbook Modification.** Manager Sawyer stated that Benecon offered a webinar covering short term disability, workman's compensation, and personal leave of absence and health care benefits. It was recommended that all employers update their Employee Handbooks to adequately cover these issues. Currently the handbook states that an employee must work 40 hours a week to qualify for health insurance. The current health insurance provider requires 30 hours a week. Ephrata Township employees are not covered under FMLA because the Township does not have 50 or more employees. Attorney Schimaneck gave the Township some language to consider adding to their current handbook. This item will be discussed in greater detail at a future meeting.
- **Municipal Office HVAC Project.** Manager Sawyer presented cost estimates and plans prepared by Vince Youndt of Vertex Mechanical showing two options to replace the HVAC system in the Township building. Mr. Youndt will attend the next meeting to discuss the project.
- **Grader Purchase.** Manager Sawyer stated that Cleveland Brother has a 2001 Caterpillar motor grader for sale that was previously owned by Salisbury Township. The grader currently owned by the Township is in very bad shape and needs extensive repairs. Manager Sawyer recommended that the Township pursue the purchase of the used grader and recommended that the Township offer \$78,000 to Cleveland Brothers. The Township could purchase the used grader under a cooperative purchasing program called Sourcewell.

A motion was made by Tony Haws to authorize staff to purchase the used Caterpillar Grader from Cleveland Brothers for a price not to exceed \$78,000.00. The motion was seconded by Ty Zerbe and carried unanimously.

- **Road Occupancy Ordinance Draft.** Manager Sawyer presented to the Board of Supervisors a rough draft of a Road Occupancy Ordinance that was prepared by

the Township's Solicitor's for West Hempfield Township. Manager Sawyer was directed to begin working on an Ordinance because of the increasing activity of utility extensions within the Township. The Supervisors will review the draft Ordinance presented and discuss it at a future meeting.

- **Traffic Signal Resolution – PennDOT Diversion Diamond.** Manager Sawyer requested the Board of Supervisors approve resolutions authorizing him to be the designated signer for the agreements with PennDOT regarding the new and revised traffic signals that are required as part of the diversion diamond project at Route 322 and Route 222.

A motion was made by Ty Zerbe to approve the Resolutions authorizing Steve Sawyer to execute the PennDOT agreements/permits for the traffic signals that are part of the Diversion Diamond Project. The motion was seconded by Tony Haws and carried unanimously.

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

Creek Corner Heights
Glenwood Foods
Autumn Hills - MS4 Project
Weaver Precast – Sketch Plan
AB Martin
Dave & Rhoda Martin

Solicitor Jason Hess

Nothing further 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

A motion was made by Ty Zerbe to adjourn the meeting at 9:14 p.m. The motion was seconded by Tony Haws and carried unanimously.

Clark R. Stauffer

Anthony K. Haws

J. Tyler Zerbe