

EPHRATA TOWNSHIP SUPERVISORS' MEETING

March 15, 2016

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
John Weber
Ty Zerbe
Manager: Steve Sawyer
Admin Asst: Jennifer Carvell
Lieutenant: Chris McKim
Solicitor: Charles Sheidy
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 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 March 1, 2016 Supervisors' Minutes and to approve them as written. The motion was seconded by Ty Zerbe and carried unanimously.

RICHARD STAUFFER – ROUTE 322 CORRIDOR – DISCUSSION

Richard Stauffer, Property Investing and Management, Inc. (PIM); Mark Stanley, Attorney and Traffic Engineer Eric Mountz from Traffic Planning and Design were present to request a discussion in regards to potential development at the intersection of Pleasant Valley Road and Route 322. A letter dated March 14, 2016 from Attorney Mark Stanley was distributed to the Board.

Mr. Stanley explained that his client has obtained proposals from two funding consultants to assist PIM in preparing and submitting grant applications through, among other funding sources, the Multimodal Transportation program administered by both the Commonwealth Financing Authority and PennDot. PIM has also met with State Representative Dave Zimmerman and State Senator Ryan Aument to discuss the Multimodal Transportation program and other potential funding sources. PIM has been advised by both consultants and our legislative delegation that a municipal co-applicant would strengthen the funding applications. PIM requested that the Township agree to be a co-applicant on the funding applications for traffic infrastructure improvements to

Route 322. Attorney Stanley also requested that the Board consider amending the Zoning Ordinance to allow shopping centers in excess of 100,000 square feet in the Mixed Use Zoning District. The plan that was presented to the Board of Supervisors for a proposed shopping center exceeds the 100,000 square foot maximum permitted by the Ordinance. Rick Stauffer explained that they could reduce the overall square footage of the proposed shopping center or divide the property into separate parcels but a larger shopping center will allow him to attract tenants who will help fund the road improvements.

John Weber expressed concerns over the additional traffic on Route 322 and the impacts to the residential properties along the corridor. He suggested that the current "paper" alley behind the residents on the south side Route 322 be connected to the proposed parking lot/access drive as a possible alternate access point for those residents.

Clark Stauffer also expressed his concerns over traffic in this area. Chairman Stauffer stated that he is reluctant to consider a zoning amendment due to the traffic congestion that already exists in this area.

Jim Caldwell of Rettew Associates requested time to research the funding programs being considered by PIM and what impacts the Township may have if we were a co-applicant. Attorney Sheidy stated that traditionally grants of this kind require matching funding by the applicant. Will the Township be responsible for any of the funds needed? He also recommended an Indemnification Agreement be prepared and executed if the Township decided to participate as a Co-Applicant.

Attorney Stanley stated that PIM would make substantial improvements to Pleasant Valley and its alignment with Route 322. TPD, Inc. has submitted a Scoping Application to PennDot and is requesting a letter of concurrence and support from the Township to the Scoping Application and the proposed improvements to the Pleasant Valley Road / Route 322 intersection.

Ty Zerbe suggested tabling all decisions until such time as Jim Caldwell and Attorney Charles Sheidy are able to research the grant programs, thoroughly review the Scoping Application and evaluate potential liability the Township could have as a co-applicant for a grant. Attorney Sheidy and Rettew Associates were directed to research the information discussed and report back to the Supervisors at a future meeting.

NATHAN REIFF – REIFF FARM MARKET

Nathan Reiff was present to discuss possible improvements at the Reiff's Farm Market located along Rothsville Road. He recently demolished a home that was located close to Rothsville Road and to the east of the farm stand. Mr. Reiff built a new home behind the existing buildings on the property. He is requesting approval to construct an 80' x 120' parking lot in the area where the house was torn down. He stated that he would then close the western access drive to improve safety. In addition, he informed the Board that future plans include removing the existing farm stand close to Rothsville Road and relocating it further away from the road. Mr. Reiff stated that if the Township approves the new parking lot, he would install an infiltration bed to collect the runoff from the

existing 96' x 120' greenhouse. This would more than offset any additional storm water created by the new parking lot. The Board discussed with Mr. Reiff that they would like to see an engineered five (5) year plan for improvements to the farm market. It was also discussed that an engineer would need to submit plans to PennDot for the proposed improvements to the access drive since Rothsville Road is a State road.

A motion was made by Ty Zerbe to approve the installation of a temporary stone parking lot to Reiff's Farm Market conditional upon Mr. Reiff submitting a storm water management plan to collect the runoff from the existing greenhouse and Mr. Reiff hiring an engineer to prepare a five year plan showing all proposed future improvements to the market. The storm water management plan and the five year plan for the market shall be submitted to the Township within ninety (90) days. The motion was seconded by John Weber and carried unanimously.

SAM NOLT – WAIVER OF LAND DEVELOPMENT PLAN PROCESSING

Ezra Martin was present on behalf of Sam Nolt of 67 Middle Creek Road, Lititz. Sam Nolt received zoning approval for a home business to operate a woodworking shop from the Zoning Hearing Board in July of 2015. Sam Nolt has submitted a waiver request of land development plan processing to the Board of Supervisors. Ezra Martin presented plans to the Board of Supervisors showing a farm building proposed to be removed and replaced with a woodworking shop which will be smaller in size than the existing building being removed. No storm water management will be required. The plan also showed that the existing building to be removed was actually built across a property line so it will improve the existing zoning conditions of the property.

A motion was made by John Weber to approve the Waiver Request for Land Development Plan processing based on the justification provided. The motion was seconded by Ty Zerbe and carried unanimously.

STAFF REPORTS

Police – Lt. McKim

- **Monthly Report.** Lt. McKim reported that the EPD has changed a reporting policy and they will only be reporting the total calls for service once a month. This report will be given at the next meeting for the Month of March.
- **Drones at Ephrata Township Park.** Lt. McKim reported that an officer on duty last Sunday witnessed two (2) individuals operating drones at the park and they were informed that this was a violation of the park rules and issued a warning.
- **Ordinance Request.** Lt. McKim reported that the Township does not currently have an Ordinance in effect to monitor or control the retail sales of previously owned merchandise. There are a few businesses in the Township that purchase used goods and resell them to the public such as video games. The Police Department is requesting that the Township consider adopting an ordinance similar to the Ephrata Borough that would outline record keeping and notifications to the Ephrata Police Department. This would allow the department to check for stolen merchandise before being resold to the public. Staff was

directed to provide the Supervisors a copy of Ephrata Borough's ordinance to review and discuss at a future meeting.

Clark Stauffer asked if the Township has a target shooting and/or firearm ordinance. Manager Sawyer stated that there is not currently an ordinance covering target shooting or discharging of firearms. Ephrata Borough has an ordinance that prohibits the discharge of firearms within the Borough. It was discussed that the Township cannot prohibit the discharge of firearms because hunting is permitted in the Township. Manager Sawyer stated that there was an article in the newspaper recently that East Cocalico Township was working on an ordinance to regulate target shooting. The Board of Supervisors directed staff to contact East Cocalico Township to get information on the type of ordinance that they are considering. This item will be discussed at a future meeting.

Road Superintendent – Tom Huber

- **Work Completed.** Tom Huber gave the Board of Supervisors a summary of the work completed since the last morning Supervisors' Meeting. Tom Huber also discussed with the Board of Supervisors plans for work to be completed by the Road Crew in March and April.

A letter of recommendation from Luke W. Zimmerman of Turf Trade for fertilizing and weed control at the parks within the Township was also provided. The Board of Supervisors authorized Tom to move forward with the proposal presented.

Tom Huber also notified the Supervisors that Warwick Township notified him that they were planning to install a link fence at the bridge along the rail trail that is not currently open to the public for safety reasons and requested Ephrata Township do the same on the Township's side of the bridge. Tom was directed by the Board of Supervisors to move forward with the installation of fencing as recommended by Warwick Township.

Manager Steve Sawyer

- **Christian King – Update.** Manager Sawyer provided the Board of Supervisors with a narrative from Bill Rogers, Engineer for Christian King's Manure Storage Facility for their review prior to the meeting. Mr. Roger's is proposing two (2) drainage systems for the footer drain. One of the drainage systems would be a pump and a short drainage pipe that would discharge close to the existing farm buildings. This is very similar to the original design approved with the building permit. The second footer drain would be a gravity drain pipe that will drain into the King's field to a point that is 18 to 24 inches below the soil and an estimated 165 feet from the property line. Mr. King would install a grass water way to the property line of the Lincoln's Meadow development. The Board discussed whether it was legal for the Kings to pipe water that could be generated from a spring produced from new construction to a neighboring property. Manager

Sawyer contacted the Lancaster Conservation District and they do not get involved with manure storage facilities. After discussion, the Board authorized Attorney Sheidy to research case law in regards to discharging ground and/or spring water onto another property. In addition, the Supervisors directed Manager Sawyer to reply to Bill Roger's narrative informing him that the Township cannot approve their proposed drainage plan until legal research is completed by the Township Solicitor.

- **Christian Glick Storm Water Plan.** Manager Sawyer gave an update of the Christian Glick Storm Water Management Plan. Gregory Heigel from the Lancaster County Conservation District stated that they will be updating the original E&S Plan for the farmland to a Conservation Plan in the near future. Jim Caldwell of Rettew Associates felt that the conditional approval given by the Township for the Glick Storm Water Management Plan was met with the added language that would enforce that the pasture shall be maintained in dense vegetative cover and remain in a non-erosion condition.
- **Pick-Up Truck Purchase.** Manager Sawyer notified the Board of Supervisors when preparing the 2016 budget that the 2000 Chevrolet pick-up truck was rusting and will not pass inspection. This item was considered as a budgeted item in the 2016 Budget. Manager Sawyer contacted local dealerships requesting Co-Star pricing for a 2016 GMC Sierra 2500, 2016 Chevrolet Silverado 2500, 2016 Ford F-250 which is not available in yellow, and a 2016 Dodge Ram 2500. Manager Sawyer explained that he used the same specifications as the 2013 pick-up truck purchased by the Township but would not include a snowplow. The Supervisors discussed if 4WD was needed since the truck would not be equipped with a snowplow. Manager Sawyer advised the Board that Penske GMC provided information that eliminating the 4 WD would result in a savings of only \$1,800.

A motion was made by John Weber authorizing staff to purchase a 2016 GMC Sierra 2500 Pick-Up Truck with a Knapheide Body from Penske GMC Trucks in the amount of \$36,903.00. The motion was seconded by Ty Zerbe and carried unanimously.

- **Lancaster County Clean Water Consortium Membership.** Manager Sawyer requested that the Board of Supervisors authorize the Township to become a Lancaster County Clean Water Consortium Member. Some of the benefits of being a member are free training and grant opportunities. The cost of the membership is based on population and the Township's cost would be \$500.

A motion was made by Ty Zerbe authorizing the Township becoming a member of the Lancaster County Clean Water Consortium in the amount of \$500.00. The motion was seconded by John Weber and carried unanimously.

- **Storm Drain Markers.** Manager Sawyer notified the Board of Supervisors that he has contacted several companies that sell storm drain markers. Manager Sawyer will make a recommendation on purchasing storm drain markers at a future meeting.

- **Make-A-Wish – Annual Mother's Day Convoy.** The Make-a-Wish Foundation Convoy is scheduled for May 8, 2016. The Township received a Special Events Permit Application from the Make-a-Wish Foundation. This is a PennDot requirement and is the same form that has been completed the last couple of years.

A motion was made by Ty Zerbe to accept and authorize the execution of the Special Events Permit Application as presented for the Make-a-Wish Foundation Mother's Day Convoy. The motion was seconded by John Weber and carried unanimously.

- **David Lenhard – Disability Claim.** Manager Sawyer notified the Board of Supervisors that a road crew member, David Lenhard will be requiring surgery and will need to be off of work approximately four (4) months. Manager Sawyer requested direction from the Board of Supervisors in regards to a temporary replacement. After discussion, the Board of Supervisors directed staff to move forward with hiring a temporary seasonal employee to help the road crew during Dave Lenhard's absence at a rate of \$11 to \$15 an hour depending on experience.

Solicitor Charles Sheidy

Attorney Sheidy discussed his *Solicitor's Report* with the Board of Supervisors; it is on file in the Township Office.

- **Delinquent Street Light.** Charlie Sheidy provided the Board of Supervisors with a listing of each delinquent street light customer and provided a brief summary.

Engineer Jim Caldwell

Jim Caldwell reported the plans that Rettew is currently reviewing within Ephrata Township:

Evangelical Assembly of God - Preliminary Land Development Plan
Ephrata Crossing - Traffic Impact Study
Ephrata Borough – Solar Land Development Plan
Christian Glick – Minor Storm Water Plan
Justin Oberholtzer – As-built Plan
Copperwood Lane – As-built Plan
Ephrata Township – GP3 Permit for the WERT

Jim Caldwell discussed the Township's future MS4-BMP Inspection Program responsibilities. The Township is required to document and record the maintenance of the storm water facilities owned by the Township and the facilities that are owned by private property owners within Ephrata Township. Mr. Caldwell stated that if a property owner is sent an inspection form to complete it will most likely not get returned or will not be filled out accurately. Jim Caldwell explained the concern of accountability if the Township relies completely on the property owner to verify if the storm water facility is functioning properly. The Township has approximately 150 privately owned facilities to date. It was suggested that hiring a college intern over the summer months may be a good way to begin the inspection program. Manager Sawyer suggested that it would make more sense for Rettew Associates to hire a college intern that could be shared by

their municipal clients than for each municipality to hire their own intern. Mr. Caldwell notified the Board that Rettew is looking into different options to be able to service local municipalities.

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 John Weber to adjourn the meeting at 11:18 a.m. The motion was seconded by Ty Zerbe and carried unanimously.

Clark R. Stauffer

John L. Weber

J. Tyler Zerbe