

EPHRATA TOWNSHIP SUPERVISORS' MEETING

March 17, 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 March 3, 2020 Supervisors' minutes and to approve them as presented. The motion was seconded by Ty Zerbe and carried unanimously.

PAUL MOORE – SCHOOL RESOURCE OFFICER REPORT STAFF REPORTS

Manager Sawyer stated that he contacted Paul Moore and requested that he reschedule his school resource officer annual report presentation due to the current health situation.

PROPERTY INVESTING AND MANAGEMENT INC. – REQUESTING TO AMEND ZONING ORDINANCE

Claudia Shank of McNees Wallace & Nurick, LLC and Richard Stauffer of Property Investing and Management Inc. were present. At the last meeting, the Township was asked to consider a Zoning Ordinance Amendment. Currently the Township has a ten-car stacking lane requirement for drive-thru windows and the developer is requesting the Township establish a new requirement of a five-car stacking lane for a pick-up window where all ordering and payment is done remotely via telephone or the internet. There was no specific data provided to the Board on the size of the stacking lane needed to accommodate restaurants with a pick up window. If the Board of Supervisors would decide to consider the amendment, it would be forwarded to the Lancaster County Planning Commission and the Ephrata Township Planning Commission for their review and recommendations. The Board of Supervisors tabled a decision on whether to consider the proposed Zoning Ordinance Amendment until such time that more data

regarding the amount of stacking required for a “pick-up window” is submitted to the Township for review. The Board of Supervisors was given a letter dated March 13, 2020 from Attorney Claudia Shank and information from Chipotle Restaurant showing activity of the pick up window from a restaurant operating in Ohio that has high volume sales for the Board of Supervisors to review prior to the meeting. Attorney Shank requested that the Board of Supervisors forward the proposed Zoning Amendment to the Lancaster County Planning Commission and Ephrata Township Planning Commission for their review and comments. Manager Sawyer stated that he had concerns with the applicant’s projected time frame and did not feel that those times would be able to be met if the Board of Supervisors decided to move forward. There were also concerns that there was still not enough data provided to make a decision that a 5-car stacking lane would be sufficient. After discussion, Richard Stauffer officially withdrew his Petition for an Amendment to the Zoning Ordinance.

Richard Stauffer then stated that he is concerned that the Lancaster County Courthouse will be closing prior to the recording of his Subdivision Plan for Ephrata Crossing Phase 2 and requested Township approval to begin site work with the condition all agreements and financial security be provided before construction beginning. Jim Caldwell stated that the NPDS permit has been approved for the entire Ephrata Crossing project which allows site work to be completed and the Final Plan could be looked at as an Improvement Construction Plan so that construction of the utilities and other site work could begin. No building permits should be authorized prior to the plan being recorded.

A motion was made by Tony Haws to approve PIM, LLC to begin site work for Ephrata Crossing Phase 2 prior to the recording of the final plan conditional upon engineering approval and receipt of the all required agreements and financial security. The final plan will be treated as an improvement construction plan. No building permits will be issued prior to the Final Plan being recorded and all work performed will be at the risk of the developer if for some reason the land development plan does not get recorded. The motion was seconded by Ty Zerbe and carried unanimously.

TEMPORARY CONSTRUCTION EASEMENT – RETAINING WALL GRADING

At the last meeting, the Board of Supervisors approved Richard Stauffer’s request to construct a retaining wall on lot 2 of Ephrata Crossing development prior to a final land development plan for this lot. The approval was based on the condition that a Temporary Construction Agreement be recorded between PIM, Inc. and Ephrata Township due to the location of the retaining wall. Ephrata Township’s property will most likely need to be accessed to complete the work. The Temporary Construction Agreement has been completed and reviewed by staff.

A motion was made by Ty Zerbe to approve the execution of a Temporary Construction Easement between Ephrata Township and PIM, Inc. for the retaining wall construction. The motion was seconded by Tony Haws and carried unanimously.

COMCAST – LINCOLN GARDENS ROAD OCCUPANCY PERMIT

Steve Sawyer stated that he contacted Comcast representatives and suggested that they not attend the meeting unless it was necessary for them to speak with the Supervisors due to the recommendations to limit groups settings to less than 10 people due to the Coronavirus. Jim Caldwell stated that Rettew Associates reviewed the Comcast revised plans submittal for the Lincoln Gardens Development. The Board of Supervisors were provided with a Review Letter dated March 12, 2020 to review prior to the meeting. Rettew is recommending that Ephrata Township require financial security in the amount of \$21,250.00.

A motion was made by Tony Haws to approve the Comcast Cable Final Utility Plan for Lincoln Gardens conditional upon Rettew's Letter dated March 12, 2020. The motion was seconded by Ty Zerbe and carried unanimously.

Manager Steve Sawyer

- **Farmland Trust – Harnish Property.** Manager Sawyer notified the Board of Supervisors that the Township received an email from Katie Yoder of Farmland Trust dated March 5, 2020 regarding preserving three (3) parcels of land; i.e. 270-09998-0-0000, 207-99742-0-0000, and 270-54830-0-0000. The Township received a request back in 2011 and 2019 to preserve only tax parcel 270-09998-0-0000 without the additional two adjoining parcels. The Township did not approve the request at that time explaining that they did not want to preserve the 62.7 acres parcel if it would most likely be surrounded by residential development in the future. Prior correspondence was provided to the Board of Supervisors for their review prior to the meeting.

A motion was made by Ty Zerbe to notify Farmland Trust that the Township was still in favor of preservation of the three parcels (270-09998-0-0000, 270-99742-0-0000, and 270-54830-0-0000) with three separate preservation easements. The motion was seconded by Tony Haws and carried unanimously.

- **ZO Amendment – Communication Towers / Antennas.** Manager Sawyer submitted to the Board of Supervisors a Memorandum dated March 3, 2020 and a draft Ordinance and comments from the Township's Attorney's office. The Township used an Ordinance recently adopted by Warwick Township to prepare the draft. Attorney Jason Hess outlined some recommended changes in his letter and Manager Sawyer provided a memorandum with additional recommendations. Manager Sawyer stated that the Board may want to consider adding some other issues to the Zoning Ordinance Amendment to clarify parking requirements for sit down restaurants, fast food restaurant, and casual dining. Staff recommended tabling the Zoning Ordinance as presented at this time.

A motion was made by Ty Zerbe to table the Zoning Ordinance Amendment for Communication Towers/Antennas and directed staff to research other area municipal zoning ordinances for parking requirements for different types of restaurants. The motion was seconded by Tony Haws and carried unanimously.

- **Martin Properties - Waiver.** Manager Sawyer provided the Board of Supervisors with a letter dated December 2, 2019, revised January 23, 2020 from Thomas Matteson of Diehm & Sons regarding the Martin Properties Final Plan. The proposed Final Plan is to join two (2) properties together and adjust property lines. No improvements are proposed at this time. Modifications are requested by the Applicant.

A motion was made by Ty Zerbe to deny a modification request of the Subdivision and Land Development Plan for Section 602.A.7 – Improvements to existing streets; Section 603.B.1 – Sidewalk along existing street; Section 603.C.1 – Curb along existing streets, but to allow the applicant to defer the reconstruction and installation until such time as the Township, at its sole discretion, determines that the improvements are necessary in the area.

- **Transfer Funds from General Fund to Capital Reserve.** Manager Sawyer provided the Board of Supervisors with a draft of the 2019 Schedule of Revenues, Expenditures, and Changes in Fund Balances – Budget and Actual – Cash Basis – General Fund and Government Fund prepared by Trout, CPA. Manager Sawyer requested that the Board of Supervisors authorize transferring \$150,000.00 from the Ephrata Township Supervisors General Fund to the Ephrata Township Capital Fund to cover the cost of the new HVAC system. Approximately half of the work has been completed by Vertex to date and a partial invoice is anticipated in the near future.

A motion was made by Tony Haws to authorize staff to transfer \$150,000.00 from the Ephrata Township Supervisors General Fund Account to the Ephrata Township Capital Account for the HVAC project being completed by Vertex. The motion was seconded by Ty Zerbe and carried unanimously.

- **Five Star International – 2014 Truck Repair.** Manager Sawyer shared an email that was received from Five Star International's Service Manager. Five Star and Navistar have agreed to discount the Township for parts and labor for the necessary repairs to the Township's 2014 Truck that is no longer under warranty in the combined total amount of \$4,030.49. The remaining balance owed is \$5,176.00.

A motion was made by Ty Zerbe authorizing staff to pay the bill to Five Star International for the repairs to the 2014 International Truck in the amount of \$5,176.00. The motion was seconded by Tony Haws and carried unanimously.

- **Governor Wolf – Government Proclamation.** Governor Wolf has recommended the closing all non-essential businesses due to the Corona Virus. PSATS recommended municipalities stay open at this time but limit public interaction and follow social distancing guidelines. Manager Sawyer stated that

many Lancaster County municipalities have closed their offices to public access and Manager Sawyer recommended that Ephrata Township do the same. Staff will continue to work from the office during regular business hours and mail, payments, building permit submittals, etc. can be dropped off by the public in the mail slot or submitted electronically.

A motion was made by Tony Haws directing staff to keep the municipal office open but to not allow public access to the office per recommendations from PSATS and social distancing guidelines per the State and Federal Government, until further notice. The motion was seconded by Ty Zerbe and carried unanimously.

Engineer Jim Caldwell reported that there are several plans in the review process.

- MS4 – Autumn Hills Project
- Ephrata Crossing – Phase 2
- Denver Wholesale Foods
- New Enterprise - Lot Add-on

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 10:04 A.M. The motion was seconded by Ty Zerbe and carried unanimously.

Clark R. Stauffer

Anthony K. Haws

J. Tyler Zerbe