

EPHRATA TOWNSHIP SUPERVISORS' MEETING

November 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: Lieutenant McKim
Solicitor: Anthony Schimaneck
Engineer: Melissa Kelly

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 October 17, 2017 Supervisors' minutes and to approve them as presented. The motion was seconded by Ty Zerbe and carried unanimously.

PUBLIC HEARING – REZONING OF RUFUS MARTIN PROPERTY

Attorney Dwight Yoder was present on behalf of Rufus and Anna Martin and Nelson Martin for NLR Property, LP. Attorney Yoder explained the rezoning request and presented to the Board of Supervisors a map and photographs of the adjoining land uses which showed Industrial Zoning on three (3) sides of the 48.5 acres owned by Rufus and Anna Martin. Manager Sawyer stated that the Lancaster County Planning Commission reviewed the proposed rezoning of the 48.5 acres and recommended only rezoning the 16 acres that is under agreement with NLR Property, LP. The Ephrata Township Planning Commission also reviewed the rezoning request and LCPC's recommendations. ETPC recommended rezoning the entire 48.5 acres but the vote was not unanimous.

Solicitor Schimaneck advised the Board of Supervisors that the proposed Ordinance to Amend the Ephrata Township Zoning Map has been advertised with two (2) separate options and one of them could be adopted by the Board at the conclusion of the Hearing.

Clark Stauffer opened the hearing for:

AN ORDINANCE TO AMEND THE EPHRATA TOWNSHIP ZONING MAP BY REZONING FROM AGRICULTURAL ("A") TO INDUSTRIAL ("I") 48.5 ACRES OF LAND LOCATED AT THE END OF EAST TROUT RUN ROAD, EPHRATA TOWNSHIP.

OR

AN ORDINANCE TO AMEND THE EPHRATA TOWNSHIP ZONING MAP BY REZONING FROM AGRICULTURAL ("A") TO INDUSTRIAL ("I") 16 ACRES OF LAND LOCATED NEAR SPRINGHOUSE ROAD, EPHRATA TOWNSHIP.

Rufus Martin stated that he did not have any intentions to sell the remaining property at this time and would continue to farm the remaining land. He did not have any opposition to the Board of Supervisors rezoning only 16 acres.

John Summers of Summers Trucking a neighboring property owner stated that if the Board of Supervisors chose to approve amending the zoning map, he requested that they consider rezoning the entire 48.5 acres of land which would allow his business and other surrounding businesses the option for growth in the future.

Clark Stauffer stated that he understood John Summers reasoning but that since Rufus Martin did not object to the rezoning of 16 acres he felt keeping the remainder of the property in Agricultural Zoning was the best option at this time. A new rezoning request could be considered in the future if the Martin's decided to sell the property.

Ty Zerbe and John Weber stated that they felt that this was a good area for industrial growth and did not feel that repeating the process to rezone additional acres in the future was the best option if the Township supports Industrial Zoning for this area.

Clark Stauffer closed the hearing and stated that there are two (2) proposals on the floor. The Board of Supervisors could make a motion to approve one of the proposals or it could be considered at a later date.

A motion was made by John Weber to approve the Ordinance to amend the Ephrata Township Zoning Map by rezoning 48.5 acres from Agricultural Zoning to Industrial Zoning as prepared and advertised. The motion was seconded by Ty Zerbe; opposed by Clark Stauffer. The motion carried 2 to 1. In favor: John Weber and Ty Zerbe; opposed, Clark Stauffer.

STAFF REPORTS

Police Report – Lieutenant McKim.

- **Reports.** Lieutenant McKim gave a summary of the calls for service totaling 151 within Ephrata Township for the month of October. The monthly report will be provided to the Township and will be kept on file in the office.
- **Training.** Chief Harvey is providing Active Shooter Event Training for Emergency Services and Crime Prevention Training for Houses of Worship. Anyone interested in this type of training should contact Chief Harvey.

Manager Steve Sawyer

- **Lamar Martin – Storm Water Management Plan.** Manager Sawyer presented to the Board of Supervisors a proposed Revised Storm Water Management Plan for Lamar Martin of 920 Glenwood Drive. The Plan was prepared by Team Ag and reviewed by Rettew Associates. Rettew Associates letter dated November 7, 2017 was presented to the Board of Supervisors. Lamar Martin built two (2) poultry houses in 2004 and a basin was constructed to control storm water at that time. Lamar Martin is proposing to build a 60' x 100' storage building on the farm. Team Ag determined that the existing basin was built larger than required in 2004. The proposed Storm Water Management Plan meets all of the Township's requirements.

A motion was made by Ty Zerbe to approve the Revised Storm Water Management Plan conditional upon Rettew Associate's letter dated November 7, 2017. The motion was seconded by John Weber and carried unanimously.

- **2018 Proposed Budget.** The Board of Supervisors held a budget work session on October 17, 2017. The Board directed staff to finalize the proposed 2018 budget as discussed during the work session for approval at the November 7, 2017 meeting.

A motion was made by Ty Zerbe to approve the 2018 Ephrata Township Proposed Budget. The motion was seconded by John Weber and carried unanimously.

Manager Sawyer notified the Board of Supervisors that the 2018 proposed budget will be advertised and available for review by the public during regular business hours. The 2018 budget is scheduled to be adopted by the Board at their meeting on December 19, 2017 at 7:00 a.m.

- **Zoning Ordinance Amendment – Building Height.** Rick Stauffer from PIM, Inc. presented the Board of Supervisors with a petition to amend the Zoning Ordinance at a prior meeting. The petition is requesting an increase of the building height in the Commercial and Mixed-Use Zoning Districts to allow 4 story buildings. The proposed Amendment was reviewed by the Lancaster County Planning Commission and the Ephrata Township Planning Commission. LCPC commended the Township for considering increasing the building height to allow 4 story buildings within the Commercial and Mixed-Use Zoning Districts

within the Urban Growth Area. ETPC reviewed the proposed amendment at their October 24, 2017 meeting and also recommended approval.

A motion was made by John Weber to direct staff to advertise a public hearing with the intent to adopt the Zoning Ordinance Text Amendment to increase the maximum building height within the Commercial and Mixed-Use Zoning Districts as presented. The Hearing will be held on Tuesday, December 5, 2017 at 7:00 PM. The motion was seconded by Ty Zerbe and carried unanimously.

- **Denver Wholesale Foods – PA DEP Planning Module Exemption.** A letter from Diehm & Sons on behalf of Denver Wholesale Foods dated October 17, 2017 was presented to the Board of Supervisors. Denver Wholesale Foods is an existing facility located at 20 West Mohler Church Road and is proposing a building addition of 2100 square feet. The building is used for warehousing of food products both dry and refrigerated. The site presently has 14 fulltime employees (5 office and 9 warehouse). The addition will result in the hiring of one additional employee. The sewage flow for the site is 10 gallons per day per office employee and 35 gallons per day per warehouse employee totaling 400 to 500 gallons per day of domestic use. The site is served by public sanitary sewer service provided by the Ephrata Township Sewer Authority and water service is provided by Ephrata Area Joint Water Authority. The site is presently assigned one (1) EDU of sanitary sewer service capacity. Upon reviewing water billing records for the site, it has been documented that the existing facility uses a maximum of 2,821 gallons per day of water during the summer months and 563.6 gallons per day of water over the winter months. The fluctuation of water usage is related to the water used to cool the condensers in the refrigerated sections of the warehouse operation. The Ephrata Township Sewer Authority has approved six (6) additional EDU's of sewage conveyance/treatment capacity. Denver Wholesale Foods is requesting the Township approve a PA DEP Sewage Planning Module Exemption to connect the refrigeration discharge water to the sanitary sewer.

A motion was made by Ty Zerbe to approve the request for a PA DEP Sewage Planning Module Exemption for Denver Wholesale Foods per the justification provided. The motion was seconded by John Weber and carried unanimously.

- **LCPC Regional Municipal Meeting – November 16th @ Ephrata Borough.** Manager Sawyer notified the Board of Supervisors that he plans to attend the LCPC Regional Municipal Meeting scheduled for November 16th at 7:30 a.m. at the Ephrata Borough. Manager Sawyer will provide the Supervisors with a flier in case they are interested in attending.
- **Dump Truck Purchase.** Manager Sawyer provided the Board of Supervisors with three (3) different quotes received for purchasing a new dump truck. Manager Sawyer explained that he discussed the purchase with Tom Huber and Randy Groome for their input. The Maintenance Department has reviewed the specifications and are in favor of the Township purchasing the stock unit because it would be available for use this winter. A new truck ordered now would only be

delivered in April 2018. Manager Sawyer notified the Board of Supervisors that a new snow plow has been ordered and will be delivered by the end of this year. Manager Sawyer recommended the purchase of the 2018 International 7400 Stock Unit for \$139,255.00. This would be a savings of \$1840.00 over ordering a new truck and the stock unit could be delivered in December.

A motion was made by John Weber to approve the purchase of the 2018 International 7400 Stock White Unit for \$139,255.00. The motion was seconded by Ty Zerbe and carried unanimously.

- **Resolution Prohibiting a Category 4 Licensed Facility within Ephrata Township.** Manager Sawyer explained that at the LCATS meeting on Monday, November 6, 2017 legislators discussed a new Act to allow 10 licenses for Category 4 Casinos to be permitted in Pennsylvania. The purpose is to generate revenue to help balance the 2018 budget. The Act allows each municipality the opportunity to prohibit a “mini-casino” facility within their Municipality. A municipality must pass the Resolution to prohibit “mini-casinos” within their municipality by December 31, 2017. If a Resolution is not adopted by the deadline, a municipality cannot prohibit a Category 4 casino in the future. PSATS and the Lancaster County legislators are recommending that all municipalities pass a resolution.

A motion was made by John Weber to approve the Resolution Prohibiting the Location of a Category 4 Licensed Facility within the Township. The motion was seconded by Ty Zerbe and carried unanimously.

- **PA Department of Transportation – Public Meeting.** Manager Sawyer presented to the Board of Supervisors a letter dated October 30, 2017 from Michael C. Keiser, District Executive of the PA Department of Transportation notifying the Township that a Public Officials' Meeting will be held at the Ephrata Pioneer Fire Company on Thursday, November 30, 2017 from 4:00 p.m. to 5:00 p.m. and an Open House Plans Display Meeting for the general public will be held from 6:00 p.m. to 8:00 p.m. The purpose of the meeting is to present the plans for the proposed diverging diamond interchange at Route 322 and Route 222.

Solicitor Tony Schimaneck gave a brief overview of the projects his office is currently working on.

Engineer Melissa Kelly reported that there are two (2) plans in the review process.

Lamar Martin Storm Water Management Plan
Ephrata Crossing – Revised Traffic Study

In addition, Rettew continues to work on the Township's MS4 Program. They continue to update the CS Datum MS4 Map and have also been working on developing a program to inspect the BMP facilities throughout the Township.

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 stated that there was no additional correspondence to report at this time.

A motion was made by Ty Zerbe to adjourn the meeting at 8:03 p.m. The motion was seconded by John Weber and carried unanimously.

Clark R. Stauffer

John L. Weber

J. Tyler Zerbe