

EPHRATA TOWNSHIP SUPERVISORS' MEETING

October 16, 2018

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
Manager: Steve Sawyer
Admin Assist: Jennifer Carvell
Engineer: Kara Kalupson
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

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 October 2, 2018 Supervisors' minutes and to approve them as presented. The motion was seconded by Ty Zerbe and carried unanimously.

EPHRATA TOWNSHIP MS4 GENERAL PERMIT – DEP APPROVAL LETTER

At the last meeting, Manager Sawyer stated that the Township's Pollution Reduction Plan was approved by DEP but with conditions. Staff has concerns about some of the conditions because the Township does not know what impact it will have on the current plan. DEP has scheduled a meeting for this afternoon which local municipalities and their engineering firms to discuss this issue. Kara Kalupson of Rettew Associates was present and stated that they have investigated the impacts of the DEP conditions particularly the areas that had to be included to calculate the pollution reduction loads. Kara stated that they believe adding areas identified in the DEP letter would increase our required pollution reduction loadings by 15 – 20 percent. Kara stated that it should be possible to alter the Autumn Hills PRP to handle the additional pollution reduction requirements. The DEP approval letter was dated October 20, 2018 and the Township's appeal period will expire Friday, October 29, 2018. Attorney Schimaneck was also in attendance to give his legal opinion of the Township's options regarding appealing the permit. Attorney Schimaneck advised the Board of Supervisors that the meeting among DEP representative and municipalities and their engineers that is to take place today, October 16, 2018 may help to determine the best option for the Township. Attorney Schimaneck recommended that the Board of Supervisors pass a motion that if the results of the meeting with DEP are not favorable to the Township, the solicitor, after

consultation with the Township engineer and Township staff, shall be authorized to appeal the DEP letter dated September 20, 2018. If the results of the meeting in the opinion of staff, the engineer, and solicitor, the appeal is not necessary, then no appeal needs to be filed.

A motion was made by Clark Stauffer directing staff to report to the Board of Supervisors the results of the meeting with DEP which is to be held today, October 16, 2018 and if it is determined by staff, their engineer, and solicitor that an appeal is warranted the Township Solicitor is authorized to file an Appeal on behalf of Ephrata Township. If the results determine that an Appeal is not in the best interest of the Township than no Appeal is to be filed. The motion was seconded by Tony Haws and carried unanimously.

EPHRATA PUBLIC LIBRARY – PENNY TALBERT

Penny Talbert and Jean Putt of Ephrata Library were present. The Board of Supervisors were given a letter dated October 11, 2018 and a year to date statistics flier as of September 30, 2018. Ephrata Township residents checked out 77,163 items in 2017 and the Library's circulation continues to increase. 70% of the Township's residents currently have an active library card. Penny also stated that the number of volunteers has increased. The library continues to bring in revenue from their passport business and have currently added a finger printing machine. The library is requesting that the Township contribute \$36,000.00 in 2019.

EPHRATA CROSSINGS – ZONING ORDINANCE TEXT AMENDMENT

Richard Stauffer of Property Investing and Management, Inc. and his Attorney, Claudia Shenk were present to discuss their proposed zoning ordinance text amendment. A letter dated September 27, 2018 along with the proposed petition to amend the Ephrata Township Zoning Ordinance was submitted to the Board of Supervisors prior to the meeting. Attorney Shenk presented to the Board each proposed amendment and the reason for each request. The Zoning Ordinance section that they are requesting to be amended are Separation between Restaurant and Residential Zoning districts and dwelling units, Master-Planned Development Signs, Health and Fitness Center definition and parking requirements, and Off-Street Loading Spaces for Hotels. The Board of Supervisors gave direction on each of the sections and directed Attorney Shenk to modify the petition accordingly. The Board will review the revised petition at their next meeting on November 6th.

HAROLD ZIMMERMAN – WAIVER OF LAND DEVELOPMENT PLAN PROCESSING

Harold Zimmerman is proposing a waiver of land development plan processing for the construction of 5,310 square foot building. The new building will result in an increase of impervious area of 3,918 square feet. A letter from Rettew Associate's dated October 12, 2018 was presented to the Board of Supervisors prior to the meeting for their review. Harold Zimmerman was also present to answer any questions.

A motion was made by Tony Haws to approve the Waiver Request to Section 308 – Land Development Plan Processing based upon the justification provided and the conditions

continued in the Township Engineer's letter dated October 12, 2018. The motion was seconded by Ty Zerbe and carried unanimously.

TOM SHEAFFER – RAIL TRAIL RUN

At a prior meeting Tom Sheaffer and David Coryell requested to use the Warwick to Ephrata Rail Trail for a 5 mile / 1 mile walk called Patriot Way. The event is to observe and support Veteran's Day Weekend. Veteran Honor Signs will also be available to purchase. Manager Sawyer stated at that time that there is a Rails to Trails Committee but a procedure for this type of request has not been completed. The Board of Supervisors directed Tom Sheaffer and David Coryell to first get the approval of Ephrata Borough and Akron Borough and then return to the Township since the majority of the race will be in their section of the rail trail. The Board of Supervisors were advised that approvals have been received from both Ephrata Borough and Akron Borough.

A motion was made by Tony Haws to not object to the use of Ephrata Township's portion of the Rail Trail for the Patriot Way 5 mile run / 1 mile walk subject to all of the conditions placed by Ephrata Borough and Akron Borough be followed and a Certificate of Insurance naming Ephrata Township be provided. The motion was seconded by Ty Zerbe and carried unanimously.

STAFF REPORTS

Manager Steve Sawyer

Autumn Hills Block Party - Road Closure Request. At prior Supervisors meetings, Emily Patterson was present to request permission to close a portion of Red Sunset Run on October 27th from 10:00 a.m. to 6:00 p.m. for a Community Wide October-Fest Block Party. The road closure would only effect 8 property owners. She had 4 of the 8 signatures needed at the prior meeting. She asked the Board of Supervisors if she would get the other 4 remaining signatures if they would allow them to close the road to hold the Community Block Party. The Board of Supervisors asked Lieutenant McKim who was in attendance for his opinion in regards to safety. He stated that fire apparatus was his biggest concern. It was also discussed that the Township would need to provide barriers with road closed signs. Emily informed them that a wide enough area of the road would be kept open if emergency vehicles would need to access the area. Lieutenant McKim did not have any other concerns regarding the requested event. Emily Patterson provided the Board of Supervisors with 8 signatures of the residents that live on Red Sunset Road that will be affected by the road closure.

A motion was made by Ty Zerbe to not object to the one-time event, Autumn Hills Block Party and road closure of Red Sunset Road on October 27, 2018 from 10:00 a.m. to 6:00 p.m. subject to proper assistance from Ephrata Township staff and the Ephrata Police Department to properly barricade the street and to keep sufficient room on the street clear for access of emergency vehicles. The motion was seconded by Tony Haws and carried unanimously.

Autumn Hills Parkland Agreement. Manager Sawyer notified the Board of Supervisors that a Parkland Agreement with Gerry Horst of GRH Development was approved in 2009 for the Autumn Hills Development. Since that Agreement, the

Township and GRH Development Inc. have agreed that 16 acres along the creek will be dedicated to the Township for our MS4 Pollution Reduction Plan. The improvements for the Rail Trail and parking lot location have changed and will now be incorporated into the Township's Pollution Reduction Plan. Therefore, an amendment to the original agreement is needed. Manager Sawyer presented new calculations of fees owed to the Township for the Parkland Agreement. Mr. Horst has agreed to the proposed amendment. The overall fee for all four Phases of Autumn Hills is now calculated at \$324,768.00. Payment has been received by the Township for Phase 1 and Phase 2 in the amount of \$165,375.22. The remaining balance due Ephrata Township is \$159,393.00. Manager Sawyer requested authorization to have the Township Solicitor prepare the proposed amendment.

A motion was made by Anthony Haws to authorize the Ephrata Township's Solicitor's Office to prepare an Amendment for the Parkland Agreement as presented. The motion was seconded by Ty Zerbe and carried unanimously.

Akron Road – Culvert Repair. Manager Sawyer notified the Board of Supervisors that the culvert located on Akron Road is in need of repair. A proposed design was presented. Manager Sawyer stated that based on input from the Township Engineer, the culvert should be repaired/replaced in 2019. Rettew Associates will provide additional information including a cost estimate for this project.

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

Tony Haws reported that there is an LCATS Meeting at Yoder's Restaurant scheduled for Monday, November 5, 2018. All three (3) Supervisors plan to attend along with Steve Sawyer and Jennifer Carvell. There was no additional correspondence to report at this time.

Clark Stauffer announced a short recess at 9:05 am before beginning the budget work session.

2018 BUDGET WORK SESSION

The Board provided Manager Sawyer direction to finalize the preliminary budget for 2019.

A motion was made by Tony Haws to adjourn the meeting at 11:45 A.M. The motion was seconded by Ty Zerbe and carried unanimously.

Clark R. Stauffer

Anthony K. Haws

J. Tyler Zerbe