

EPHRATA TOWNSHIP SUPERVISORS' MEETING

October 2, 2018

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 Assist: Jennifer Carvell
Police: Lt. Chris McKim
Engineer: Jim Caldwell
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

Clark Stauffer asked if there was anyone in attendance that was not on the agenda. Township Residents of the Eastbrooke Development were in attendance. At a prior meeting, staff was directed to research the possibility of selling the property owned by the Township at the corner of Market View Drive and Briarwood Lane. The 26,000 square foot property is currently an open grass area with a picnic table. The Township sent a letter to the two (2) property owners bordering the property requesting their input. Sue Stevenson of 39 Market View Drive was one of the property owners who received a letter. She was in attendance and also submitted a letter to the Board of Supervisors requesting that the lot remain open space for the public. Herself along with other residents within the development expressed to the Board of Supervisors that the open space does get used by families with young children for activities such as football, soccer, and flying kites. In addition, others enjoy the area for walking their dogs, etc. It has also been used in the past for a development block party. Clark Stauffer thanked everyone for attending the meeting. There was no decision made by the Board in regards to selling the property at this time.

Manager Sawyer stated that Emily Patterson on behalf of the Autumn Hills Development was present. Ms. Patterson attended the September 18th Board meeting to request approval from the Township to close Red Sunset Run on Saturday, October 27th from 10:00 a.m. to 6:00 p.m. for a Community Wide October-Fest Block Party. In the past, the event was held on an empty lot but due to the amount of rain, the empty lots available are too muddy. There was discussion about concerns of blocking access to residents' driveways and emergency vehicles. The Supervisors asked that Emily contact all of the residents that would be affected on Red Sunset Run and have them sign an acknowledgement that they

were not opposed to the proposed road closure. The Board also discussed safety concerns that would need to be addressed such as the location of tables and other items proposed to be in the street. Lieutenant Shumaker was also in attendance at the September 18th meeting and stated that he could do some research and also help with the safety concerns.

Ms. Patterson notified the Board of Supervisors that they are now requesting a road closure of only a portion of Red Sunset Run. The road closure would only effect 8 property owners. She has 4 of the 8 signatures needed. 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 them with the proper road closure barriers. 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. It was also recommended that fliers be prepared to put on doors of all the homeowners in the area making sure that they are aware of the planned event and road closure. The Board of Supervisors stated that if all 8 signatures are obtained that they would be in favor of approving this one-time event. Emily Patterson stated that she will obtain the signatures and will present them to the Board of Supervisor at the next Supervisors Meeting for formal approval.

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 September 18, 2018 Supervisors' minutes and to approve them as presented. The motion was seconded by Ty Zerbe and carried unanimously.

ORDINANCE – COMCAST CABLE FRANCHISE AGREEMENT

At the September 18, 2018 meeting the Board of Supervisors authorized staff to advertise the Ordinance regarding the Comcast Cable Franchise Agreement. Mr. Eaches of Comcast was present and gave a quick overview of the area that comcast plans to serve both commercial and residential customers. Comcast has received attachment rights from PPL and will be running overhead cable lines except where undergrown is a requirement. Warwick Township and Lititz Borough have already approved the cable franchise agreement. Manager Sawyer advised the Board that the proposed Ordinance has been advertised and it could be adopted by the Board at the conclusion of the Public Comment Period.

Clark Stauffer asked if there was anyone from the public that had any comments regarding an advertised Ordinance to approve a Cable Franchise Agreement with Comcast of Southeast Pennsylvania, LLC ("Comcast").

There was no one in attendance to offer any public comment on the proposed ordinance.

A motion was made by Ty Zerbe to approve the Ordinance approving a Cable Franchise Agreement with Comcast of Southeast Pennsylvania, LLC (“Comcast”) as presented. The motion was seconded by Tony Haws and carried unanimously.

530 WEST TROUT RUN ROAD – LOT ADD-ON PLAN

Rodney Horst of Hershey Surveying, Inc. presented the proposed Lot-Add-On Plan to the Board of Supervisors. The Ephrata Township Planning Commission recommended approval of the Plan and the Lancaster County Planning Commission recommendations were also provided to the Board of Supervisors for their review prior to the meeting. A review letter from Rettew Associates dated August 23, 2018 was also provided. There are no waivers being requested. Clark Stauffer asked where the fuel tanks are located on the neighboring property. After discussion, Rodney Horst was directed to get the size and location of the fuel tanks located on the neighboring property to Manager Sawyer to research the zoning and building code regulations.

A motion was made by Tony Haws to approve the Lot Add-On Plan for 530 West Trout Run Road subject to Rettew Associates letter dated August 23, 2018 and the fuel tanks on the neighboring property meeting all building code requirements. The motion was seconded by Ty Zerbe and carried unanimously.

JAMES HOOVER FINAL SUBDIVISION PLAN

Dave Mease of Diehm & Sons presented the James & Esther Hoover Final Subdivision Plan to the Board of Supervisors. The Ephrata Township Planning Commission and Lancaster County Planning Commission reviewed the plan and their recommendations have been provided to the Board of Supervisors along with Rettew Associates Review Letter dated August 23, 2018.

A motion was made by Ty Zerbe to approve a waiver to Section 403.A – Plan Scale based upon the justification and alternative provided. The motion was seconded by Tony Haws and carried unanimously.

A motion was made by Tony Haws to approve a waiver to Section 403.D.12, 508.A and 607.A – Concrete Monuments based upon the justification and alternative provided. The motion was seconded by Ty Zerbe and carried unanimously.

A motion was made by Ty Zerbe to deny a waiver to Section 602.A.7, 603.B.1, and 603.C.1 – Reconstruction of Existing Streets Including Curb and Sidewalks until such time as the Township, at its sole discretion, determines the improvements are necessary in the area. The motion was seconded by Tony Haws and carried unanimously.

A motion was made by Tony Haws to approve a waiver to Section 609.E.8 – Street Trees based upon the justification provided. The motion was seconded by Tony Haws and carried unanimously.

A motion was made by Ty Zerbe to approve the Final Subdivision Plan for James H. & Esther M. Hoover subject to Rettew Associates letter dated August 23, 2018. The motion was seconded by Tony Haws and carried unanimously.

STAFF REPORTS

Police Report – Lieutenant McKim

- **Reports.** Lieutenant Chris McKim provided the Supervisors with a summary of the calls for service within Ephrata Township for the month of September. The monthly report will be provided to the Township and will be kept on file in the office.
- **Radio Purchase.** At the prior Supervisors' meeting, Lieutenant Shumaker explained that the Ephrata Police Department has been experiencing significant issues with their RELM portable radios. The RELM warranty will run out the end of 2018. The Ephrata Police Department negotiated a contract with Motorola beginning 2019 and are able to defer payments until 2020. Interest will be added to the price during the deferral period. The Township's current Police Contract will run out the end of 2019 and they are currently negotiating a new contract with the Borough. The Township's actual percentage in 2020 is currently unknown. It was discussed that if the Police radios only have a 3-year warranty and will need to be replaced more frequently than in the past that it may be wise to begin treating radios as an operating budgeted item instead of a capital budget item. The Board of Supervisors directed staff to contact Bob Thompson with their questions and concerns to obtain more information prior to approving the proposed capital purchase of Motorola radios. Manager Sawyer provided the Board with Bob Thompson's response to the issues discussed at the last meeting. Lieutenant McKim stated that West Cocalico Township and Adamstown Borough have approved the radio purchase at their last meeting. Manager Sawyer recommended to the Board of Supervisors approving the purchase as proposed.

A motion was made by Tony Haws to approve the capital purchase and paying 25.6% of the overall cost of the Motorola radios in the estimated amount of \$27,568.07 due on January 1, 2020. The motion was seconded by Ty Zerbe and carried unanimously.

Manager Steve Sawyer

- **ALDI – Financial Security Release.** A Financial Security Reduction Letter from Rettew Associates dated August 23, 2018 was submitted to the Board of Supervisors for their review prior to the meeting. Jim Caldwell recommended to the Board of Supervisors full release of their Financial Security. A motion was made by Ty Zerbe to approve the full release of ALDI's Financial Security as per Rettew Associate's Letter dated August 23, 2018. The motion was seconded by Tony Haws and carried unanimously.
- **Resolution – East Main Street & Pleasant Valley Road Traffic Signal.** A Traffic Impact Study for the Ephrata Crossing development has been approved by PennDOT. The project will require modification to the existing traffic signal at East Main Street and Pleasant Valley Road. Since Ephrata Township owns and

maintains the signal, the Township must sign the PennDOT application. Ephrata Crossing will be responsible for the improvements and will be required to post financial security to PennDOT for the improvements.

A motion was made by Ty Zerbe to authorize the execution of the Resolution approving the modification of the traffic signal at East Main Street and Pleasant Valley Road as presented. The motion was seconded by Tony Haws and carried unanimously.

- **Short Term Rental Ordinance.** Manager Sawyer provided information to the Board concerning a possible ETZO amendment concerning short-term rental units. The information included recommendations from the Lancaster County Planning Commission and a copy of West Cocalico's Ordinance. The Board was in favor of moving forward with an Ordinance due to the growing number of short-term rentals being started throughout the county and directed staff to begin working on a rough draft. Manager Sawyer provided a rough draft to the Board of Supervisors to review and discuss at a future meeting. Manager Sawyer stated that the Township may want to wait because the Lancaster County Planning Commission are currently working on a draft ordinance and other recommendations. The Board was in favor of waiting for the information from the LCPC before finalizing a draft of an ordinance.
- **Storm Water Easement Agreement – Charles Ratliff.** A storm water pipe located at 18 West View Drive, Akron is deteriorated and needs to be replaced. It was discovered that a portion of the existing pipe was not in an easement. The property owner has signed the agreement that was prepared by Bob Sisko. Manager Sawyer is requesting approval from the Board of Supervisors to record the Easement Agreement as presented.

A motion was made by Tony Haws to approve the Easement Agreement by and between Ephrata Township and Charles Ratliff of 18 West View Drive, Akron as presented. The motion was seconded by Ty Zerbe and carried unanimously.

- **Police Contract Negotiations – 10/3/18.** Manager Sawyer and Supervisor Haws are meeting with Borough representatives tomorrow to continue negotiations for a new police contract. The current contract will expire 12/31/19.
- **Budget Work Session – October 16, 2018.** Manager Sawyer requested to schedule a 2019 budget work session following the regular scheduled Supervisors Meeting on October 16, 2018. A preliminary budget will be submitted to the Board of Supervisors to review prior to the meeting.
- **Zoning Text Amendment Request.** Manager Sawyer notified the Board of Supervisors that he met with Richard Stauffer of Premier R&G and his Attorney, Claudia Shenk to discuss possible text amendments needed for their Commercial Project, Ephrata Crossings. Attorney Shenk has prepared the Zoning Text Amendment and has requested the Township review the draft. The proposed zoning text amendment will be presented to the Board at their October 16th meeting.
- **Pollution Reduction Plan Response.** Manager Sawyer stated that the Township's Pollution Reduction Plan was approved by DEP with conditions.

Some of the conditions are concerning because we do not know what impact it will have on the current plan. Rettew Associates plans on working with DEP to address the concerns. In addition, Jim Caldwell plans to meet with Scott Russell of East Cocalico Township to find out what they are planning to do since they received a similar approval from DEP. He will bring more information to the next meeting. It was discussed that there is a thirty-day appeal period. Attorney Schimaneck recommended waiting until the next meeting to decide our next step. No action was taken at this time.

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

Lakeside Villa – Site Inspections
Ephrata Crossings East
Creek Corner Heights
Autumn Hills Phase 4
Trout Run Road – Lot Add-On
Harold Zimmerman – Land Development Waiver
David & Rhoda Martin – Subdivision Plan
MS4 – Pollution Reduction Plan

Solicitor – Tony Schimaneck

Attorney Schimaneck stated that he did not have any additional information to report at this time.

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 was no additional correspondence to report at this time.

A motion was made by Tony Haws to adjourn the meeting at 9:34 p.m. The motion was seconded by Ty Zerbe and carried unanimously.

Clark R. Stauffer

Anthony K. Haws

J. Tyler Zerbe