

EPHRATA TOWNSHIP SUPERVISORS' MEETING

October 6, 2020

The Ephrata Township Supervisors met this date at 7:00 p.m. at the Ephrata Township Office Building, 265 Akron Road, Ephrata, Pennsylvania. The meeting was conducted in person and virtually utilizing Skype. Notice was posted on the Township building and on the Township's website.

Present were: Supervisor Clark Stauffer
 Supervisor Ty Zerbe
 Supervisor Tony Haws
 Township Manager Steve Sawyer
 Police Officer Schmidt
 Township Engineer Jim Caldwell
 Township Solicitor Tony Schimaneck

Participating Virtually: Admin. Assistant Jennifer Carvell

The meeting was called to order by Chairman Clark Stauffer followed by the Pledge of Allegiance to the Flag.

PUBLIC COMMENT PERIOD

A motion to close the public comment period was made by Ty Zerbe. 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 1, 2020 Supervisors' Minutes and to approve them as written. The motion was seconded by Ty Zerbe and carried unanimously.

EPHRATA PUBLIC LIBRARY – PENNY TALBERT

Penny Talbert attended the meeting virtually by Skype. A power point presentation was submitted to the Township for the Supervisors to review prior to the meeting. The presentation was to give the Township an update on the changes that the library has made to continue to provide services to the community during this unprecedented year along with a letter dated September 28, 2020 requesting that the Township consider a contribution of \$36,500.00 to the library in 2021.

COMCAST – LINCOLN'S MEADOW

Todd Eachus and Keith Allridge from Comcast participated in the meeting virtually by Skype to answer any questions that the Township may have concerning their proposed plans for Lincoln's Meadow. Rettew Associates has completed two reviews of the

Comcast plans. The Township has also issued a review letter for the Comcast plans for the Sycamore Acres development.

A motion was made by Ty Zerbe to approve the Comcast Lincoln's Meadow plans based on the conditions contained in the Rettew Associates review letter dated October 1, 2020. The motion was seconded by Tony Haws and carried unanimously.

WEAVER PRECAST – PRELIMINARY/FINAL SUBDIVISION AND LAND DEVELOPMENT PLAN

Todd Shoaf of Pioneer Management presented the plan to the Board of Supervisors on behalf of Weaver Precast. The Township conditionally approved the Weaver Precast plan on May 6, 2020. Todd Shoaf explained that since that time Gary Weaver has been working with the adjacent property owner to obtain an access easement that was shown on the plan. Based on discussions with the adjoining landowner, Mr. Weaver now wants to construct the driveway as part of this plan. An ownership, use, and maintenance agreement has been prepared by Mr. Weaver's Attorney and has been reviewed by the Township's Solicitor. An additional waiver of Section 602.C.2 – Maximum Driveway Slope is being requested. Rettew Associates Review letter dated October 6, 2020 was provided to the Board of Supervisors. Manager Sawyer recommended that if the Board of Supervisors decides to approve the waiver and construction of the driveway, that the driveway be limited to residential use only and that no commercial traffic including Weaver Precast employees be permitted to use the driveway. The Board may want to consider requiring a chain, gate or barrier be installed on the driveway to prevent unauthorized use. Todd Shoaf stated that Mr. Weaver would not be opposed to adding a physical barrier on the driveway if required by the Supervisors.

A motion was made by Ty Zerbe to approve the waiver request to Section 602.C.2 – Maximum Driveway Slope based on the justification and alternative provided with the condition that Weaver Precast install a chain, gate or other barrier across the driveway to prevent commercial or unauthorized use.

A motion was made by Tony Haws to approve the revised Weaver Precast Final Subdivision and Land Development Plan based on the conditions contained in the Township Engineer's letter dated October 6, 2020 and the applicant complying with the condition of the driveway slope waiver. The motion was seconded by Ty Zerbe and carried unanimously.

STAFF REPORT

Police Report

- **Reports.** Sergeant Eric Schmidt provided a summary of the calls for service within Ephrata Township for the month of September totaling 331 incidents. There were 9 arrests and 7 traffic citations. The monthly report will be kept on file in the office.

STAFF REPORTS

Manager Steve Sawyer

- **Glenwood Foods – Access Issue.** The Township received a letter dated September 18, 2020 from Dwight Yoder of Gibbel Kraybill & Hess, on behalf of Glenwood Foods. Glenwood Foods is currently working on a land development plan and the Township has informed Glenwood Foods that as part of the plan, their Division Highway access should be changed to a right out only access. The main access into Glenwood Foods shall be on Martindale Road. The existing Division Highway access is adjacent to another driveway owned by Erla Burkholder. Glenwood Foods is required to obtain a highway occupancy permit from PennDOT to change the access to a right out only. PennDOT has taken the position that any physical changes to the Glenwood Foods access requires the Burkholders to sign the Glenwood Foods HOP application. Based on discussions with the Burkholder family, it has become apparent that they would prefer not to be involved in a permit application with PennDOT. Glenwood Foods is now proposing to convert the Division Highway access into an emergency access per two alternatives included in Attorney Yoder's letter.

John Schick of Rettew Associates reviewed the letter and alternatives proposed and issued comments by email that were provided to the Board prior to the meeting. Mr. Schick believes that a right out only access is the best option and that if the access is changed to an emergency access only, all of the existing pavement should be removed and replaced with grass pavers.

A motion was made by Ty Zerbe directing staff to send a letter to Glenwood Foods informing them that the Township strongly believes that a right out only driveway is the best option since it will reduce traffic at the Division Highway / Martindale Road signalized intersection. Glenwood Foods should contact PennDOT to see what can be done at this location without a sign off from Burkholder. There may be options that PennDOT would approve since the proposed project will enhance safety and reduce traffic congestion along a major PennDOT arterial highway. The motion was seconded by Tony Haws and carried unanimously.

In addition, the Township received a letter from Diehm & Sons dated October 2, 2020 on behalf of Glenwood Foods granting the Township a time extension to act on the Revised Plan due to the issues previously discussed. The new expiration date to act on the plans would be January 20, 2021.

A motion was made by Tony Haws to accept the time extension granted by Glenwood Foods for the Township to act on the plan. The new deadline for the Township to act on the plan will be January 20, 2021. The motion was seconded by Ty Zerbe and carried unanimously.

- **Payroll Tax Deferral – Opt-Out.** Manager Sawyer provided the Board of Supervisors with a PSATS News Bulletin on the Payroll Tax Deferral Program that has been authorized by the Federal Government. The Township's current payroll provider has notified their customers this week that they are now set up to be able to provide this option. The deferral applies to employees who make less than \$4,000.00 for any biweekly pay period between September 1st and December 31, 2020. The deferred taxes would then need to be paid by April 30, 2020. The employer would be responsible to collect the money owed by the employee and submit the taxes by the due date or face a possible penalty. Manager Sawyer recommended to the Board of Supervisors to opt out of the Payroll Tax Deferral option.

A motion was made by Ty Zerbe to approve opting out of the Payroll Tax Deferral as recommended by staff. The motion was seconded by Tony Haws and carried unanimously.

- **Denver Wholesale Foods – Blasting Issue.** Manager Sawyer notified the Board of Supervisors that the Township received complaints by residents living in the area of Denver Wholesale Foods due to blasting that is occurring in connection with their building expansion project. Manager Sawyer informed the residents that blasting is regulated by DEP and provided DEP contact information to the residents. In addition, Manager Sawyer contacted DEP to discuss the complaints and concerns that the Township received. Christopher Catalano, Blasting/Explosives Inspector for DEP, informed Manager Sawyer that DEP has initiated an active investigation of the blasting at Denver Wholesale Foods. Mr. Catalano has visited the site to interview the blasting company representatives, has received blasting data from the contractor and has also placed several DEP seismographs in the area to confirm that the vibration limits being reported by the blasting company are accurate. To date the vibration limits have not exceeded the DEP regulatory limits which are well below structural damage limits.
- **Oil Tank Project - Generator.** Manager Sawyer stated that the new HVAC system has been installed and that the 2,000-gallon oil tank for the municipal building is no longer needed. Two (2) quotes were received to install a 275-gallon oil tank inside the building to replace the large tank. This tank will provide fuel for the generator located in the mechanical room. Manager Sawyer recommended approving the quote from Les Weaver Heating & Air Conditioning in the amount of \$2,500.00.

A motion was made by Tony Haws to approve the estimate received from Les Weaver Heating & Air Conditioning in the amount of \$2,500.00 as recommended by staff. The motion was seconded by Ty Zerbe and carried unanimously.

- **Budget Work Session Meeting – October 20, 2020.** Manager Sawyer requested to hold a Budget Work Session at the end of the October 20, 2020 regular scheduled Board of Supervisors' meeting. All Supervisors plan to be in attendance. The Board has been given a copy of the draft budget for their review prior to the meeting.

Engineer Jim Caldwell reported that the following plans are in the review process:

MS4 – Annual Report Complete
Autumn Hills – MDS Permit
Ephrata Crossing – Financial Reduction Requests
Denver Wholesale Food - Construction Meeting
Hendrix
Comcast
Weaver Precast

Solicitor Tony Schimaneck

Tony Schimaneck stated that there was nothing further to discuss with the Board of Supervisors 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 stated that there was no additional correspondence at this time.

A motion was made by Tony Haws to adjourn the meeting at 8:50 p.m. The motion was seconded by Ty Zerbe and carried unanimously.

Clark R. Stauffer

Anthony K. Haws

J. Tyler Zerbe