

EPHRATA TOWNSHIP SUPERVISORS' MEETING

September 3, 2019

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 Asst: Jennifer Carvell
Police: Sergeant Shupp
Engineer: Jim Caldwell
Solicitor: Anthony Schimaneck

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 August 20, 2019 Supervisors' Minutes and to approve them as presented. The motion was seconded by Ty Zerbe and carried unanimously.

COMCAST PROJECT – CABLE SERVICE TO RESIDENTIAL AREAS

Manager Sawyer stated that the Township entered into a Cable Franchise Agreement with Comcast last year. At that time, Comcast planned to offer service along the business corridors such as Rte. 322 and Rte. 272. Most of the wiring in these areas are placed on existing utility poles. Manager Sawyer stated that Comcast is now interested in extending service in residential developments that have underground wiring. Comcast is proposing to install pedestals to provide service in residential developments beginning with Copperwood Lane Development and Sycamore Acres. Comcast is proposing to place the pedestals within the grass strip between the curb and sidewalk. A map was presented to the Board of Supervisors showing the location of the proposed pedestals. Todd Eachus of Comcast was present to answer questions from the Board of Supervisors. Mr. Eachus stated that one pedestal could service 4 residents. Comcast plans to install the pedestals throughout the entire development so they would be able to provide service to any resident within the development upon request. They are trying to avoid having developments under construction in multiple stages. Manager Sawyer expressed concerns with the pedestals being placed between the curb and sidewalk due to potential conflicts with the roadway and sidewalk. Manager Sawyer stated that snow plows, vehicles parking along the street in addition to general yard maintenance could be an

issue. Jim Caldwell agreed that any obstruction within a right of way was not encouraged. Clark Stauffer asked if flush mounted boxes could be used instead of the proposed pedestals. Mr. Eachus stated that underground boxes are not waterproof and that it is difficult for maintenance crews to find them when repairs are needed. Mr. Eachus stated that Comcast would take responsibility for any repairs needed to pedestals in the grass strip that are damaged from vehicles or snow plows. Manager Sawyer suggested placing the proposed pedestals within Utility Easements on properties which would already have PPL, Blue Ridge Cable, and Windstream boxes and pedestals. Mr. Eachus stated that they were running into legal issues where the Utility Easements were given to the utilities by the developers but not transferred to the individual property owners through their deeds. He stated that getting property owners to agree to a Utility Easement Agreement was very difficult and time consuming. Mr. Eachus stated that they are currently installing pedestals in the grass strip in West Earl Township because of the same issue. Mr. Eachus stated that Comcast will be contacting all property owners with existing utility equipment on their property to see if they would grant approval to Comcast to install their equipment there. Mr. Eachus stated that in the past 40%-45% of the property owners have granted approval. Manager Sawyer stated that Comcast should do this first before submitting a road occupancy permit application showing all pedestals in the grass strip.

Attorney Schimanek recommended having a title company research the issue to determine what legal easements exist that Comcast could use. Mr. Caldwell stated that the Lancaster County Recorder of Deeds has a website and deeds are public record. He stated that it was standard practice to transfer the Utility Easements from the developer to the property owners. During the meeting Jim Caldwell pulled up three deeds on his laptop in Sycamore Acres that referenced a utility easement in the front yard of the properties. The Board of Supervisors determined that more research was needed to determine if the pedestals could be located within Utility Easements throughout the developments and not within the proposed grassy strip areas.

A motion was made by Ty Zerbe to table a decision on the Comcast road occupancy applications until further research is completed by Comcast to determine if there are alternatives to placing pedestals in the grass strip. The motion was seconded by Tony Haws and carried unanimously.

EPHRATA MENNONITE SCHOOL SKETCH PLAN

Todd Shoaf of Pioneer Management was present on behalf of Ephrata Mennonite School to present to the Board of Supervisors a Sketch Plan for review and input. Ephrata Mennonite School is proposing to build a three-story building with a building footprint of 14,952 square feet and athletic fields for students K-12 grades at 598 Stevens Road. The existing Ephrata Mennonite School has an enrollment of 290 students and the existing property is too small to expand. The Sketch Plan was also presented to the Ephrata Township Planning Commission at their last meeting. Rettew Associates Review letter dated July 18, 2019 was also submitted to the Board of Supervisors for their review prior to the meeting. Zoning Hearing Board approval has been received. No action is needed from the Board of Supervisors at this time.

STAFF REPORTS

Police Report – Sgt. Shupp

- **Reports.** Sgt. Shupp provided the Supervisors with a summary of the calls for service within Ephrata Township for the month of August totaling 400 incidents. There were 17 arrests and 26 traffic violations. The monthly report was provided to the Township and will be kept on file in the office.

Manager Steve Sawyer

- **2020 MMO – Non-Uniform Employee Pension.** A motion was made by Tony Haws to approve the 2020 Ephrata Township Employees' Pension Plan Minimum Municipal Obligation (MMO) in the amount of \$36,068.12. The motion was seconded by Ty Zerbe and carried unanimously.
- **David Martin – DEP Planning Module.** The Board of Supervisors gave conditional approval of David and Rhoda Martin's Subdivision Plan at a prior meeting. Manager Sawyer recommended that the Board approve the DEP Planning Module as submitted.

A motion was made by Ty Zerbe to approve the DEP Planning Module for David and Rhoda Martin as presented. The motion was seconded by Ty Zerbe and carried unanimously.

- **Glenwood Food – DEP Planning Module Exemption.** Diehm & Sons on behalf of Glenwood Food prepared a DEP Planning Module Exemption for a Revised Land Development Plan that will be presented to the Township in the near future. Manager Sawyer stated that the Glenwood Foods facility and that the Planning Module Exemption is needed to connect the existing single-family dwelling unit located to the east of the Glenwood Foods property.

A motion was made by Tony Haws to approve the DEP Planning Module Exemption as presented. The motion was seconded by Ty Zerbe and carried unanimously.

- **Carpenter Road Bridge.** Manager Sawyer notified the Board of Supervisors that the Carpenter Road Bridge was recently inspected through the PennDOT Bridge Inspection Program. As a result of the inspection, the weight limit was lowered from 20 tons to 3 tons due to the current condition of the bridge. Manager Sawyer stated that Warwick Township owns 50% of the bridge and Ephrata Township and Clay Township each own 25%. There are three (3) adjoining property owners (one from each municipality) who have been contacted to discuss the bridge. Emory Martin of Ephrata Township owns a farm that has land on both sides of the creek. He would not be able to conveniently access 40 to 50 acres of farm fields if the bridge was vacated. There is a low volume of traffic currently using Carpenter Road. According to the inspection report, a new bridge would cost approximately \$700,000.00. Warwick Township is in favor of vacating Carpenter Road. Manager Sawyer stated that the state is requiring a proposed plan within 6 months from the date of the inspection. Manager Sawyer recommended moving forward with discussions with the property owners about vacating Carpenter Road and researching the cost of building a smaller scale

bridge that could be turned over to the property owner(s). The Board of Supervisors supported Manager Sawyer's recommendations and directed staff to move forward.

- **Communication Tower / Antenna Ordinance.** A copy of Warwick Township's Ordinance to regulate Communication Towers and Antennas was presented to the Board of Supervisors for their review and discussion. Manager Sawyer recommended that Ephrata Township adopt a similar ordinance.

A motion was made by Ty Zerbe authorizing staff to move forward with drafting an Ordinance to regulate Communication Towers and Antennas for Ephrata Township. The motion was seconded by Tony Haws and carried unanimously.

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

Autumn Hills – PRP Project
Ephrata Crossing – Hotel Site Inspections
Weaverland Mennonite Home
Scott Cover – Organic Poultry
Glenwood Foods – Revised Land Development
Gary Weaver – Ridge Ave.
Denver Wholesale Foods
Ephrata Mennonite School – Sketch Plan
L & B Water Parking Lot Expansion

Solicitor Tony Schimaneck

Attorney Schimaneck stated that his office is currently working on the draft of a Street Opening Ordinance.

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 Ty Zerbe to adjourn the meeting at 8:42 p.m. The motion was seconded by Tony Haws and carried unanimously.

Clark R. Stauffer

Anthony K. Haws

J. Tyler Zerbe