

## **EPHRATA TOWNSHIP SUPERVISORS' MEETING**

**September 6, 2016**

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  
Solicitor: Charles Sheidy  
Engineer: Jim Caldwell  
Police: Sergeant Schmidt

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 Clark Stauffer and carried unanimously.

### APPROVAL OF MINUTES

Charles Sheidy stated that page 2, Appointing of Assisting Secretary, first sentence should be amended to read "it would be in their best interest to appoint". A motion was made by John Weber to dispense with the reading of the August 16, 2016 Supervisors' Minutes and to approve them as corrected. The motion was seconded by Ty Zerbe and carried unanimously.

### Public Hearing – Creek Corner Heights Rezoning

Charles Sheidy stated that Creek Corner Heights has submitted a rezoning petition to rezone 12.5 acres of land consisting of four properties that they own on the southwest corner of the intersection of South Reading Road and Meadow Valley Road. The properties are currently zoned Commercial and Creek Corner Heights is requesting that the Township rezoning the properties to Residential Medium Density. The rezoning petition was submitted to LCPC and the Ephrata Township Planning Commission for their review and recommendations. LCPC supported the proposed rezoning and the Ephrata Township Planning Commission also recommended approval. A public meeting/hearing was advertised for this evening and the property was posted in accordance with the Municipalities Planning Code.

Chairman Staffer opened the public hearing on the rezoning petition. Jim Henke from Pioneer Management reviewed the proposed rezoning and provided a concept plan of a development that Creek Corner Heights will pursue if the rezoning is approved by the Township. Creek Corner Heights is an LLC controlled by Landmark Homes. They

would like to construct five apartment buildings with a total of 120 dwelling units. They would propose the main entrance on Meadow Valley Road and a secondary entrance, which will probably be a "right in – right out" only, onto South Reading Road. Mr. Henke explained that if the rezoning is approved, the next step would be for Creek Corner Heights to submit a Zoning Hearing Board application for a Special Exception to permit apartments in the RMD Zoning District. If a Special Exception would be approved, land development plans would be submitted to the Township.

Tom and Nancy Heist, 1050 Hammon Avenue, stated that they are opposed to the density of the development proposed. They suggested that Creek Corner Heights consider townhomes instead of apartments. They stated that traffic is a concern and the fact that there is heavy school traffic in the area.

Jen Farrington, 285 South Reading Road, stated that she is not opposed to the rezoning but was concerned about what development would occur close to her property. Mr. Henke explained that the southern portion of the site included a detention basin. Mrs. Farrington is concerned about traffic because it is already heavy in this area due to the development that has occurred on Meadow Valley Road and the school traffic in the area.

Vicki Embley, 1082 Hammon Avenue, also stated that she is concerned about the increased traffic from an apartment complex.

Tina Hanney, 1373 Hammon Avenue, questioned the current population density of Ephrata Township. She does not feel additional apartments are needed in Ephrata Township. Manager Sawyer will send the population density information to Mrs. Hanney.

Paul Rauch, 252 South Reading Road, questioned the grading that will occur if the development is constructed. Mr. Henke informed him that the site will not be lowered to the elevation of South Reading Road. Mr. Rauch stated that he believes there would be more impact to the adjoining residents if the site was developed commercial than there will be if it is developed for an apartment complex. He is not opposed to the rezoning.

Michael Rauch, 254 South Reading Road, stated that he is concerned about the intersection of South Reading Road and Meadow Valley Road. He stated that if this site is developed, significant improvements to the intersection should be required.

Chairman Stauffer thanked the residents for their input but stated that most of the comments pertained to the possible development of the site and not the rezoning. If the rezoning is approved, many of the questions and comments can be considered during the Zoning and Land Development Plan process.

A motion was made by John Weber to close the Hearing. The motion was seconded by Ty Zerbe and carried unanimously.

A motion was made by Ty Zerbe to adopt the Ordinance to rezone a 12.53 acre tract located on the south side of Meadow Valley Road and on the west side of South Reading Road from Commercial to Residential Medium Density. The motion was seconded by John Weber and carried unanimously.

#### STAFF REPORTS

##### Police – Sergeant Schmidt

- **Monthly Report.** Sergeant Schmidt gave a brief overview of the counts reported for the month of August. A full report was also given to the Township and will be kept on file in the office.

##### Manager Steve Sawyer

- **Repair to Mohler Church Road Bridge.** Manager Sawyer reported that there was a hit and run at the Mohler Church Road Bridge between Church Avenue and North State Street. It appears a truck hit the corner of the bridge causing a crack in the parapet wall. Manager Sawyer requested that Rettew Associates inspect the bridge and make a recommendation on the repairs needed. The Board was given a copy of an e-mail message from Jim Caldwell recommending repairing the crack with an epoxy injection crack sealer and repair an area of spalling on the outside of the wall with a rapid hardening concrete patching material. Rettew has estimated the cost of the repair at \$2,000 to \$4,000. Rettew will provide the Township with a list of contractors who do this type of work. Proposals will be presented to the Board at a future meeting.
- **Electric Contract Renewal.** Ephrata Township's current electric supply contract will expire at the end of 2016. The current electric supply rate is \$.06098/KWh. Manager Sawyer provided the Board with current rates for one to four year fixed price rates with Constellation Energy.

A motion was made by John Weber to approve a three year fixed price electric contract with Constellation energy at a rate of \$.05748/KWh. The motion was seconded by Ty Zerbe and carried unanimously.

- **September ZHB Meeting.** Manager Sawyer informed the Board that there is one hearing for September. Josh Fravel, 127 Valley View Drive is requesting approval for a home business to operate a construction/remodeling business. The Board did not want the Township to present testimony or become a party to the hearing.
- **2017 MMO – Non-Uniformed Pension Plan.** A motion was made by Ty Zerbe to approve the 2017 MMO for the non-uniformed pension plan in the amount of \$38,614.63. The motion was seconded by John Weber and carried unanimously.
- **Scott Gola – Request for fence in SWM Easement.** Mr. Gola has requested that the Township permit a fence within a storm water management easement in the rear of his property at 1150 Dawn Avenue. The proposed fence would encroach into the easement by 5.5 feet but would not be located in the depressed area of the swale. Mr. Gola is willing to sign a letter of understanding that would require him to remove the fence if the Township, at its sole discretion, determines that the fence is impacting the storm water swale from functioning as designed or if the fence needed to be removed to allow access to the easement.

A motion was made by John Weber to approve the request subject to the property owners signing a letter of understanding. The motion was seconded by Ty Zerbe and carried unanimously.

**Solicitor Charles Sheidy**

Attorney Sheidy discussed his *Solicitor's Report* with the Board of Supervisors; it is on file in the Township Office.

- **Delinquent Street Light.** Charlie Sheidy provided the Board of Supervisors with a listing of each delinquent street light customer and provided a brief summary.
- **Autumn Hills.** Attorney Sheidy informed the Board that the streets in the Autumn Hills development were dedicated to the Township before the water and sewer lines were dedicated to the ETSA and EAJA. Therefore, Mr. Sheidy recommended that the Board pass a resolution releasing any rights that the Township may have for the utility lines to the respective Authorities.

A motion was made by Ty Zerbe to approve providing a bill of sale to the ETSA and the EAJA for any interests and duties if any in the sanitary sewer or water facilities located in the streets within the Autumn Hills Development. The motion was seconded by John Weber and carried unanimously.

- **PSATS Right-to-Know Seminar.** A motion was made by Ty Zerbe to approve payment of the registration fee for Attorney Sheidy to attend a PSATS Right-to-Know seminar at a cost not to exceed \$60. The motion was seconded by John Weber and carried unanimously.

**Engineer – Jim Caldwell** - reported that Rettew Associates has worked on the following plans and projects over the past month:

MS4 Program, Evangel Assembly of God Final Land Development Plan, Autumn Hills Phase 3, Summerlyn Green As-Built Plan and the ALDI Traffic Impact Assessment. Also, the ALDI Land Development Plan was submitted earlier today.

- **Chesapeake Bay Pollution Reduction Plan.** Mr. Caldwell informed the Board that a meeting was held last week with representatives from Ephrata Township, Ephrata Borough, West Cocalico Township, East Cocalico Township, Denver Borough and Adamstown Borough to discuss a regional Chesapeake Bay Pollution Reduction Plan. Over the next year, each municipality must prepare a plan to reduce the pollution (sediment by 10%, nitrogen by 5%, phosphorus by 3%) in the Cocalico Creek to meet our requirements of the MS4 Program. A regional plan could reduce the cost for all municipalities. Rettew is currently working on budget figures that each municipality will take back to the governing bodies to see if there is interest in partnering on the project.

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

Ty Zerbe stated that he will not be able to attend the October 4, 2016 Board of Supervisors meeting.

APPOINTMENT OF ASSISTANT TREASURER

A motion was made by Ty Zerbe to appoint John Weber as the Assistant Treasurer for the remainder of 2016. The motion was seconded Clark Stauffer and carried unanimously.

A motion was made by Ty Zerbe to adjourn the meeting at 9:05 p.m. The motion was seconded by John Weber and carried unanimously.

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Clark R. Stauffer

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John L. Weber

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J. Tyler Zerbe