

EPHRATA TOWNSHIP SUPERVISORS' MEETING

August 11, 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 which is a telecommunications application that provides video chat and voice calls between computers, tablets and telephones. 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
 Lieutenant Thomas Shumaker
 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 July 7, 2020 Supervisors' Minutes and to approve them as written. The motion was seconded by Ty Zerbe and carried unanimously.

STAFF REPORTS

Police Report

- **Reports.** Lieutenant Shumaker provided a summary of the calls for service within Ephrata Township for the month of July totaling 331 incidents. There were 10 arrests and 16 traffic citations. The monthly report will be kept on file in the office.

STAFF REPORTS

Manager Steve Sawyer

- **Comcast – Modification Request to approved Lincoln Gardens Plan.**
Keith Allridge from Comcast and James Cihocki, from Cable Services (Comcast's contractor) attended the meeting virtually to answer any questions that the Township may have regarding their request to modify the approved Lincoln Gardens Plan due to the 36" boring depth requirement. Comcast is requesting the Township to approve a modified depth of 18"- 24" due to the limestone in the area and location of other utilities such as water lines. Manager Sawyer and Engineer Jim Caldwell both recommended approving the modified depth request to 24" with the condition that if any damage would occur to the roads, storm sewer facilities or any utilities, Comcast would be responsible to make the repairs deemed necessary by Ephrata Township. In addition, it was discussed that due to the depth of the newly installed conduit it may impact future projects or repairs to utilities when necessary. Comcast representatives stated that the main concern was in the utility right of way areas and not in the streets and agreed with staff's proposed conditions.

A motion was made by Tony Haws to approve the modification request made by Comcast to change the minimum boring depth from 36" to 24" due to the justification subject to the following conditions:

- The minimum depth for all underground facilities shall be twenty-four (24) inches.
- Any damage or deterioration in the condition of the road surface, storm water facilities, water and sewer lines, curbing or sidewalk shall be the promptly fixed by Comcast to the satisfaction of the Township.
- Ephrata Township shall not be responsible for any damage to Comcast infrastructure within the Township right-of-way as a result of the maintenance of the street, storm sewers and/or utilities. Comcast shall agree to relocate any facilities that are in conflict with the Township's plans to improve and/or maintain the street, storm sewers and utilities.

The motion was seconded by Ty Zerbe and carried unanimously.

- **Ephrata Youth Soccer.** Manager Sawyer received an email dated July 30, 2020 from Travis Schumacher, President of Ephrata Youth Soccer, requesting to start practices the first week of September at the Ephrata Township Park for their fall soccer season. Manager Sawyer notified Travis that he would need to take his request to the next Supervisors meeting and received a second email dated August 10, 2020 stating the they are expecting 150 kids from the ages of 3 to 8 years old expecting to participate. They are planning to have staggering practices and games limiting the amount of people to 80 to 120 at any given time. In addition, they would supply portable toilets and make the bathrooms and pavilion off limits. A list of protocols that have been put into place by their governing body for all practices and games was also provided. Travis Schumacher was present virtually to answer any questions that the Board of Supervisors may have.

Manager Sawyer stated that the Township has not rented the pavilion to date and that would also need to be discussed. Manager Sawyer also stated that the park has been heavily used by the public this summer without pavilion rentals and youth sports. Attorney Schimaneck stated that his legal advice was to not allow any organized sports or pavilion rentals at this time. Travis asked the Supervisors if they would be willing to allow their U14 team to host 3 or 4 games this fall at the Township Park with no organized practices instead of his previous request. There would be 11 girls per team plus officials, coaches, and spectators which would lessens the number of people at the park at one given time. It was discussed that a decision would be better made after decisions are made regarding the opening of public schools and whether fall scholastic sports would be held.

A motion was made by Ty Zerbe to table the request for Ephrata Youth Soccer to use the Ephrata Township Park for fall soccer until the next scheduled Supervisors Meeting on September 1, 2020. The motion was seconded by Tony Haws and carried unanimously.

- **Financial Security Reductions – Ephrata Crossing Phase 1 (Hotel) and Creek Corner.** Manager Sawyer stated that the Township received a request to reduce the financial security for the Ephrata Crossings Phase 1 (Hotel) project. The financial security being held by the Township is \$471,486.03. The developer is requested a reduction in the amount of \$371,281.00. The Board of Supervisors were provided with a letter dated July 2, 2020 from Rettew Associates recommending a reduction of \$287,231.26 leaving a new financial security balance of \$184,254.77.

A motion was made by Ty Zerbe to approve the reduction of financial security for Ephrata Crossings Phase 1 (Hotel) in the amount of \$287,231.26 leaving a new financial security balance of \$184,254.77. The motion was seconded by Tony Haws and carried unanimously.

Manager Sawyer stated that the Township also received a request to reduce the financial security for the Creek Corner project. The financial security currently being held is \$957,328.04. The Board of Supervisors were provided with a letter dated July 17, 2020 from Rettew Associates recommending a reduction of \$468,865.14 leaving a new financial security balance of \$488,471.90.

A motion was made by Tony Haws to approve the reduction of financial security to Creek Corner in the amount of \$468,865.14 leaving a new financial balance of \$488,471.90. The motion was seconded by Ty Zerbe and carried unanimously.

- **Financial Security Reduction - McDonald's.** Manager Sawyer notified the Board of Supervisors that he received a letter dated August 7, 2020 from Michael Jeitner of Bohler Engineering on behalf of McDonald's Restaurant requesting full release of the Financial Security in the amount of \$166,459.12 being held for their Land Development Plan. Manager Sawyer stated that this project has been completed approximately 5 years ago and all of the storm water is being

controlled on the Ephrata Marketplace property. Michael Jeitner has verified that all improvements has been completed per the approved plan. Manager Sawyer and Jim Caldwell of Rettew Associates recommended to the Board of Supervisors full release of the financial security as requested.

A motion was made by Tony Haws approving the full release of financial security in the amount of \$166,459.12 for the McDonald's Restaurant project. The motion was seconded by Ty Zerbe and carried unanimously.

- **Glenwood Foods – Time Extension to Act on the Plan.** Manager Sawyer notified the Board of Supervisors that Ephrata Township received a letter from Diehm & Sons on behalf of Glenwood Foods dated July 24, 2020 granting an extension of time for the Township to act on the land development plan. The new deadline would be October 21, 2020. Manager Sawyer recommended approval.

A motion was made by Ty Zerbe to approve the time extension granted by Glenwood Foods for the plan review period. The new deadline for the Township to act on the plan will be October 21, 2020. The motion was seconded by Tony Haws and carried unanimously.

- **Vertex Mechanical -Change Order.** Manager Sawyer provided the Board of Supervisors with an invoice from Vertex Mechanical that represents a change order for the additional costs incurred as a result of the required performance bond. Manager Sawyer recommended approval of the change order since the bid documents and specifications did not require a performance bond. Manager Sawyer stated that Vertex did an excellent job and that the Township is seeing significant savings on the energy bills to date. Manager Sawyer stated that in the last 3 months the Township reduced its electricity cost by \$2,057.00 from 2019.

A motion was made by Tony Haws authorizing the payment of the change order from Vertex Mechanical. The motion was seconded by Ty Zerbe and carried unanimously.

- **HVAC Proposal for Maintenance Garage.** Manager Sawyer notified the Board of Supervisors that the previous tenant installed a mini split HVAC system in a portion of the downstairs garage that is no longer being used. Manager Sawyer received two (2) estimates to have that unit installed in the Maintenance Garage office. The estimates received were from Vertex Mechanical in the amount of \$1895.00 and Les Weaver Heating & Air Conditioning in the amount of \$1500.00. Manager Sawyer recommended approving the estimate received by Les Weaver in the amount of \$1500.00.

A motion was made by Ty Zerbe to approve the estimate received by Les Weaver Heating & Air Conditioning in the amount of \$1500.00 to install a mini split HVAC system in the maintenance garage office as presented. The motion was seconded by Tony Haws and carried unanimously.

- **Township Building Phone System.** Manager Sawyer presented to the Board of Supervisors a proposal from Choice Communications for the installation of a new phone system. Manager Sawyer explained that the Township's current phone system is outdated and replacement parts are no longer available. Manager Sawyer met with four (4) different communication providers over the last few months and recommended to the Board of Supervisors the system proposed by Choice Communications. Manager Sawyer stated that this was a 2020 budgeted item.

A motion was made by Ty Zerbe authorizing staff to proceed with the installation of a new phone system as proposed by Choice Communications in the amount of \$3791.00. The motion was seconded by Tony Haws and carried unanimously.

- **Community Park – Pavilion Rental.** Manager Sawyer stated that the restrooms and playground at the Ephrata Township Community Park were opened on Friday, June 26th when the State moved Lancaster County into the green phase. The pavilion has remained closed for rentals and money has been refunded to groups that had previously reserved the pavilion to date. Manager Sawyer stated that groups are still scheduled for the next several months and calls are still coming into the office requesting to rent the pavilion for the remainder of the season. Attorney Schimaneck recommended not reserving the pavilion at this time.

A motion was made by Tony Haws to continue the current policy of not renting the pavilion to any groups. Anyone who has paid to reserve the pavilion will be given a full refund. The Board will review this issue again at their September meeting. The motion was seconded by Ty Zerbe and carried unanimously.

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

Ephrata Crossing – Phase 2 Construction
Creek Corner
Conestoga Valley Mennonite Church – Construction Meeting
Weaverland Mennonite Church
High Point Church
Denver Wholesale Foods LD Plan
Autumn Hills – MDS Permit

Solicitor Tony Schimaneck

Tony Schimaneck stated that 47 Street Light Delinquent Letters were sent certified.

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

Supervisor Haws informed the Board about the status of the Fire Department Study currently being conducted for the Pioneer and Lincoln Fire Companies.

A motion was made by Tony Haws to adjourn the meeting at 8:40 p.m. The motion was seconded by Ty Zerbe and carried unanimously.

Clark R. Stauffer

Anthony K. Haws

J. Tyler Zerbe