

EPHRATA TOWNSHIP SUPERVISORS' MEETING

May 5, 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 virtually utilizing Skype which is a telecommunications application that provides video chat and voice calls between computers, tablets and telephones.

A notice was posted on the Township Building and also on the Township website notifying the general public that they can join the meeting by calling the number and entering the meeting ID. We also notified the public that the Township will accept public comment by e-mail or by written comments that can be dropped in the mail slot of the Township building.

Present were: Supervisor Clark Stauffer
 Supervisor Ty Zerbe
 Township Manager Steve Sawyer

Participating Virtually: Supervisor Tony Haws
 Administrative Asst. Jennifer Carvell
 Township Engineer Jim Caldwell
 Township Solicitor Tony Schimaneck
 Lieutenant Chris McKim. EPD
 Ted Cromleigh, Diehm and Sons
 Edwin Kurtz, Conestoga Valley Mennonite Church
 Kim Graybill, Pioneer Management
 Veronica Dube, Fuehrer Associates
 Paul Stoltzfus, New Enterprise Stone and Lime Company

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 April 7, 2020 Supervisors' Minutes and to approve them as presented. The motion was seconded by Ty Zerbe and carried unanimously.

CONESTOGA VALLEY MENNONITE CHURCH – FINAL SUBDIVISION & LAND DEVELOPMENT PLAN

Ted Cromleigh of Diehm & Sons and Edwin Kurtz participated virtually to present the plan. Mr. Cromleigh explained the proposed project to construct a new church at 587 Stevens Road, Ephrata Township. The property is currently a 6.7-acre tract with an existing single-family home. A new 5.73 acres lot will be created for a 10,456 square foot church with 245 seats and 98 parking spaces. There will be no banquet hall/kitchen in the church and the church will be used on average one day a week. In addition, there is a small cemetery proposed as an accessory use to the church. Storm water will be controlled by underground infiltration beds. The Board of Supervisors were provided with Rettew Associates Review Letter dated March 9th and the Lancaster County Planning Commissions' comments along with the Ephrata Township Planning Commissions' recommendations prior to the meeting.

A motion was made by Ty Zerbe to approve a Waiver to Section 305 Preliminary Plan Processing Procedures based upon the justification provided with the condition that the applicant satisfy all preliminary and final plan requirements to the satisfaction of the Township.

Ted Cromleigh notified the Board of Supervisors that the waiver request to Section 402.A.1 – Plan Scale has been withdrawn.

A motion was made by Tony Haws to approve a waiver to Section 406 – Traffic Study based upon the justification provided with the condition that the applicant provides a trip generation report using the most current ITE standards and provides a fee in lieu of the required study in an amount not to exceed \$3,000.00. The motion was seconded by Ty Zerbe and carried unanimously.

A motion was made by Ty Zerbe to approve a waiver to Section 602.C.1 and 3 – Vertical Alignment based upon the justification provided. The motion was seconded by Tony Haws and carried unanimously.

A motion was made by Ty Zerbe to approve a waiver to Section 602.E.7 – Street Intersection Clear Sight Triangle based upon the justification and alternative provided subject to the applicant demonstrating that the proposed access drive location will meet the minimum safe stopping sight distances for all four requirements.

A motion was made by Tony Haws to deny a waiver to Section 602.A.7, 603.B.3 and 603.C.1 – Reconstruction of Existing Streets including Curb and Sidewalks but to defer the reconstruction of Stevens Road and the installation of curbing and sidewalks until such times as the Township, at its sole discretion, determines that the improvements are necessary in the area.

A motion was made by Ty Zerbe to approve a waiver to Section 603.A.3 – Vehicular Parking Facilities 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 603.C.2 – Curbs 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 grant conditional approval to the Conestoga Valley Mennonite Church Subdivision and Land Development Plan based on the applicant addressing all comments contained in the Township Engineer's letter dated March 9, 2020. The motion was seconded by Tony Haws and carried unanimously.

WEAVER PRECAST – FINAL SUBDIVISION & LAND DEVELOPMENT PLAN

Kim Graybill from Pioneer Management, LLC participated virtually on behalf of Weaver Precast to explain the proposed subdivision plan. A letter from Pioneer Management dated March 9, 2020 explaining the project was provided to the Board of Supervisors for review prior the meeting along with Rettew Associates' Letter dated April 28, 2020 and the Ephrata Township Planning Commissions' recommendations. Weaver Precast is located at the terminus a private street that is on the north side of Route 322 immediately opposite of Pleasant Valley Road. Penn Dutch Farms owns three (3) properties which are occupied by the Weaver Precast manufacturing building (existing lot 4B), the Weaver Precast corporate office building (existing lot 3A) and the Weaver Precast storage yard (existing lot 2C). Penn Dutch Farms also owns a 3.7-acre land-locked residential parcel to the north of the manufacturing building and south of Ridge Avenue.

The Applicant is proposing to make improvements to three (3) of the four (4) lots and revise the property boundaries for two (2) of the lots. In addition, Mr. Weaver proposes to change the property lines to the adjacent northeast property owned by James and Janine Stauffer (existing lot 5). The project area consists of 19.55 acres, divided between the RLD and Mixed-Use Zoning Districts.

Weaver Precast proposes to enlarge the gravel storage yard to provide additional storage area to temporarily park trailers (Lot 2C), construct a 2,000 SF storage building on lot 4B, provide access to the proposed storage building and to change the property lines between the land locked residential parcel, the James and Janie Stauffer parcel and the Penn Dutch Farms parcel.

Kim Graybill stated that Waivers and Final Subdivision Plan approval is being requested.

A motion was made by Ty Zerbe to approve a waiver to Section 305 – Preliminary Plan Processing Procedures based upon the justification provided with the condition that the applicant satisfy all preliminary and final plan requirements to the satisfaction of the Township. The motion was seconded by Tony Haws and carried unanimously.

A motion was made by Tony Haws to approve a waiver to Section 402.C.3 – Existing Features within 200' of tract based upon the alternative and justification 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, 603.C – Reconstruction of Existing Streets, Curb and Sidewalk but allow the applicant to defer the reconstruction of Ridge Avenue and the installation of curb and sidewalks until such times that the Township, at its sole discretion, determines that 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 602.J – Access Drive Design Requirements based upon the alternative and justification provided with the condition that any increase or change in the intensity or use of the storage building will require the access drive to be upgraded to the applicable design standards. The motion was seconded by Ty Zerbe and carried unanimously.

A motion was made by Ty Zerbe to approve a waiver to Section 603.C.1 – Installation of Curbs Along Access Drives and Parking Compounds based upon the justification provided. The motion was seconded by Tony Haws and carried unanimously.

A motion was made by Tony Haws to approve a waiver to Section 604.D.3 – Lot Width/Depth Ratio based upon the justification provided. The motion was seconded by Ty Zerbe and carried unanimously.

A motion was made by Ty Zerbe to approve a waiver to Section 604.D.5 – Lot Shall Front on a Public or Private Street based upon the alternative and justification provided. The motion was seconded by Tony Haws and carried unanimously.

A motion was made by Tony Haws to approve a waiver to Stormwater Management Ordinance Section 409.1.A – Volume Control 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 conditionally approve the Weaver Precast Subdivision and Land Development Plan based upon the applicant addressing all of the comments contained in the Township Engineer's letter dated April 28, 2020. The motion was seconded by Tony Haws and carried unanimously.

NEW ENTERPRISE STONE AND LIME COMPANY – FINAL SUBDIVISION PLAN

Veronica Dube of Fuehrer Associates and Paul Stoltzfus from New Enterprise participated in the virtual meeting and explained the proposed subdivision plan. New Enterprise owns a thirty-acre property along Fry's Road in Ephrata Township. The tract is divided by Fry's Road with 9 acres on the west side and 21 acres on the east side. There is an existing single-family residence on both the west side and east side of the Fry's Road. The proposed project is to subdivide the 9 acres on the west side and join the

21 acres on the east side with existing lands owned by New Enterprise. There are no new structures or any other development proposed with the plan.

The Board of Supervisors received a Rettew Associates' Letter dated April 28, 2020, the Lancaster County Planning Commission's recommendations and the Ephrata Township Planning Commission's recommendations for review prior to the meeting. Veronica Dube on behalf of New Enterprises is requesting action on waiver requests and the final subdivision plan.

A motion was made by Ty Zerbe to approve a waiver to Section 402.A.1 – Plan Scale based on the justification that was provided. The motion was seconded by Ty Zerbe and carried unanimously.

The waiver to Section 403.E.2.a has been withdrawn.

A motion was made by Tony Haws to deny a waiver to Section 602.A.7., 603.B, and 603.C but to allow the applicant to defer the reconstruction of the adjoining perimeter streets to their centerline and the installation of curbing and sidewalks until such times as the Township, at its sole discretion, determines that the improvements are necessary in the area. The motion was seconded by Tony Haws and carried unanimously.

A motion was made by Ty Zerbe to approve the New Enterprise Final Subdivision Plan conditioned upon Rettew Associates' Letter dated April 28, 2020. The motion was seconded by Tony Haws and carried unanimously.

STAFF REPORTS

Police Report

- **Reports.** Lt. McKim sent the Township a summary of the calls for service within Ephrata Township for the month of April totaling 271 incidents. There were 14 arrests and 4 traffic citations. He noted that the number of incidents has dropped but was confident that the quality of service remains. The monthly report will be kept on file in the office.

Manager Steve Sawyer

- **2019 Financial Statements.** Manager Sawyer notified the Board of Supervisors that Trout, CPA completed the 2019 Ephrata Township Audit and the Supervisors were provided with the 2019 Financial Statements for their review. Megan Senkowski will be attending a future meeting to give a brief explanation of the 2019 Financial Statements and answer any questions from the Supervisors at that time.
- **Road Bids – Seal Coating and Line Painting.**
The bid tabulations were prepared and submitted to the Board of Supervisors for their review. Manager Sawyer recommended that the Board of Supervisors approve the bid from Martin Paving for Seal Coating and the bid from A-1 Traffic Control Products LLC for line painting.

A motion was made by Tony Haws to award the 2020 Chip Seal Coat bid in the amount \$40,513.61 to Martin Paving. The motion was seconded by Ty Zerbe and carried unanimously.

A motion was made by Ty Zerbe to award the 2020 Line Painting in the amount of \$23,650.61 to A-1 Traffic Control Products LLC. The motion was seconded by Tony Haws and carried unanimously.

- **Vertex Payment – HVAC Project.** Manager Sawyer stated that Vertex finished the installation of the HVAC system in the lower and upper level for the Ephrata Township Building. The demolition work will be scheduled to be completed at a later date. Vertex is requesting final payment in the amount of \$41,337.00. This is minus \$1,100.00 for the demolition work.

A motion was made by Ty Zerbe to approve the payment in the amount of \$41,337.00 to Vertex as invoiced leaving a balance of \$1,100.00 for the demolition work. The motion was seconded by Tony Haws and carried unanimously.

- **Comcast –Bond Requirement.** Manager Sawyer received a letter from Todd Eachus dated April 23, 2020 asking if the Township would accept \$100,000.00 bond as financial security to cover all nine proposed Comcast projects in the Township. The Board passed a motion to require separate financial security for each road occupancy permit issued to Comcast for underground work in the Township at a previous meeting. Attorney Schimaneck review Todd Eachus' request and recommended approval.

A motion was made by Tony Haws to approve a financial security in the amount of \$100,000.00 for the nine (9) proposed Comcast Projects as requested. The motion was seconded by Ty Zerbe and carried unanimously.

- **Election Day – June 2, 2020.** Manager Sawyer notified the Board of Supervisors that the Primary Election has been rescheduled for June 2, 2020. The Ephrata Township Office is sued as a polling place. Information was given to the Board of Supervisors regarding the COVID 19 procedures that will be put into place to follow the CDC Guidelines and protect the poll workers. Manager Sawyer stated that he had some concerns for the safety of the municipal staff if the office remained opened during the election. The Board approved of closing the municipal office on June 2nd. Manager Sawyer also requested that the Board consider hiring a company to sanitize the office after election day. Manager Sawyer stated that correspondence has been sent out to the Board of Elections to ask if reimbursement for sanitizing polling facilities has been considered by the County. Manager Sawyer will contact the Board of Supervisors when a response is received.
- **Glenwood Foods – Time Extension.** Ephrata Township received a letter from David Mease of Diehm & Sons dated April 14, 2020 on behalf of Glenwood

May 5, 2020 Supervisors' Meeting minutes continued

Foods granting the Township a time extension to act on the Final Plan until July 22, 2020.

A motion was made by Tony Haws to accept the time extension granted to act on the Glenwood Foods Final Plan until July 22, 2020. The motion was seconded by Ty Zerbe and carried unanimously.

- **Accessory Dwelling Agreement -Rufus Martin.** Manager Sawyer stated that a building permit application to demolish and replace a manufactured home at 26 East Trout Run Road was received. This is a second dwelling unit on the property and will continue to be occupied by Martin family members. The existing manufactured home was permitted by the Township approximately 30 years ago. The proposed new dwelling will be connected to an existing on-lot sewer system that was formerly used for Martin's Repair Shop. The Township SEO Dale High has approved a permit to install an additional septic tank and connect the new home to the existing system. Manager Sawyer stated that the Township's current procedure is to require a recorded Accessory Dwelling Agreement so that any future property owners understand that the home can only be occupied by family members not as a rental property. An Agreement was prepared and presented to the Board of Supervisors for approval.

A motion was made by Ty Zerbe to approve the execution of the Accessory Dwelling Agreement for Rufus Martin at 26 East Trout Run Road, Ephrata Township. The motion was seconded by Tony Haws and carried unanimously.

- **Request for Holding Tank Agreement.** Manager Sawyer notified the Board of Supervisors that there is a failing on-lot sewer system at 317 W. Meadow Valley Road. Dale High, Ephrata Township's SEO has inspected the property and is requesting that Ephrata Township approve the use of a holding tank. PA DEP requires a Holding Tank Maintenance Agreement with all new holding tanks. Manager Sawyer recommended approval.

A motion was made by Tony Haws to approve the request for a holding tank conditional upon the execution of a Holding Tank Agreement and \$500.00 escrow account. The motion was seconded by Ty Zerbe and carried unanimously.

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

Autumn Hills - MS4 Permit – Small Projects Permit
Ephrata Crossing – Phase 2 Construction
Weaver Precast Land Development and Lot Add-On
New Enterprise – Lot Add-On
Denver Wholesale Foods LD Plan

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 8:45 p.m. The motion was seconded by Ty Zerbe and carried unanimously.

Clark R. Stauffer

Anthony K. Haws

J. Tyler Zerbe