

## **EPHRATA TOWNSHIP SUPERVISORS' MEETING**

**August 2, 2022**

The Ephrata Township Supervisors met this date at 7:00 p.m. at the Ephrata Township Office Building, 265 Akron Road, Ephrata, Pennsylvania.

Present were Supervisors: Clark Stauffer  
Ty Zerbe  
Anthony Zerbe  
Manager: Steve Sawyer  
Admin. Asst.: Jennifer Carvell  
Engineer: Jim Caldwell  
Solicitor: Tony Schimaneck

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 was made by Ty Zerbe to close the Public Comment Period. 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 19, 2022 Supervisors' minutes and to approve the minutes as presented. The motion was seconded by Ty Zerbe and carried unanimously.

### EPHRATA TOWNSHIP STORMWATER ORDINANCE AMENDMENT

Manager Sawyer stated the DEP MS4 Permit requires municipalities to update their Storm Water Management Ordinance per the 2022 DEP model ordinance by September 30, 2022. In addition to the DEP required revisions, staff is recommending amending the loading ratio section by adding the sentence "A higher ratio would be acceptable if proper justification is submitted and approved". Staff is recommending this change to eliminate the need for a waiver if the Township is in support of a higher loading ratio. Attorney Schimaneck advised the Board that the proposed Ordinance has been reviewed by his office, advertised and it could be adopted by the Board. There was no one in attendance to offer any public comment on the proposed ordinance amendment.

A motion was made by Ty Zerbe to approve the Ephrata Township Stormwater Ordinance Amendment as prepared and advertised. The motion was seconded by Tony Haws and carried unanimously.

STAFF REPORTS

Manager Steve Sawyer

- **Pedestrian Easement – Martin Energy.** An email dated July 22, 2022 from Brian Martin of Martin Energy was provided to the Board of Supervisors prior to the meeting for their review. Manager Sawyer stated that Martin Energy has submitted a Land Development Plan to the Township for redevelopment of the Martin Energy property located at 34 West Mohler Church Road. The property is located adjacent to the Mohler Church Road Bridge that is on the Lancaster County Transportation Improvement Plan for replacement. Engineering design for the new bridge is expected to begin by next fall. Manager Sawyer stated that there have been discussions with PennDOT about incorporating a pedestrian crossing for a future extension of the rail trail as part of the new bridge project. Funding for the bridge project will be 95% Federal and State funds and 5% Ephrata Township funds. Ephrata Township committed to funding 5% of the project at the last Supervisors' meeting. If the Township would like to move forward with a trail type pedestrian crossing as part of the bridge, an easement would be needed from Martin Energy. Manager Sawyer recommended to the Board of Supervisors that the Township attempt to acquire a 15-foot pedestrian easement from Martin Energy. The current Land Development Plan would need to be revised for a pedestrian easement and Manager Sawyer recommended that the Township pay these costs as compensation for the easement. It was discussed that incorporating a trail crossing with the new bridge would save the Township considerable costs in the future by eliminating a pedestrian bridge if the trail is ever extended to the northeast. The Board was in favor of the Township attempting to acquire an easement and authorized staff to continue negotiations with Martin Energy to acquire a pedestrian easement.
- **Zoning Hearings – August 2022.** Manager Sawyer reviewed with the Board two (2) Zoning Hearing Board Applications for the August meeting. Allen Auker is seeking approval to construct a 50' X 140' steel building to operate a machine shop on his residence at 332 E. Mohler Church Road and Leon Martin of 567 Ridge Avenue is seeking approval to utilize an existing building at 709 Glenwood Drive to operate a welding business. After discussion, the Board of Supervisors did not feel that the Township should take a position or present testimony at either hearing
- **ARP Funds – Fire Company Contribution.** At the last meeting, the Board made a motion to allocate a one-time contribution totaling \$200,000.00 to Pioneer, Lincoln, and Akron Volunteer Fire Companies from the ARP Funds. There was also a motion to use the same % used by the township for the annual general fund contributions. Manager Sawyer stated that the Township gives 18% of the general fund contribution to the Akron Fire Company. The recent Fire Study Report, prepared by Jerry Ozog, included a proposed funding formula utilizing assessment, population and call volume. Based on this funding formula, Akron should receive 13% of Ephrata Township's contributions. Manager Sawyer requested clarification as to the ARP funds distribution percentages.

A motion was made by Tony Haws to allocate \$200,000 of the ARP Funds for a one-time contribution to the three fire companies allocating 13% to Akron Fire Company and the remaining 87% to be split equally between the Pioneer and Lincoln Fire Companies. The motion was seconded by Ty Zerbe and carried unanimously.

- **Ephrata Community Park – Clearing at the Lake.** In March, three (3) bids were received for the Ephrata Township Community Park Clearing and Grading Project. The lowest bid was much higher than estimated and the Board of Supervisors rejected the bid. Jim Caldwell stated that Rettew contacted one of the bidders and was informed that the cost was higher due to only having one access point for equipment and debris removal. Manager Sawyer and Rettew Associates recommended that the Board approve rebidding the project in early fall so that the work can be completed over the winter months, adding a second access to the project and having a pre-bid meeting with interested contractors.

A motion was made Ty Zerbe to authorize Rettew Associates to advertise the Ephrata Township Community Park Clearing at the Lake Project adding a second access for clearing and a pre-bid meeting to get contractor input on the best location for the second access point. The motion was seconded by Tony Haws and carried unanimously.

- **Highpoint Church – Detention Basin Issue.** A Corrective Action Plan Supplement dated April 19, 2022 was provided to the Board of Supervisors for their review prior to the meeting. The Highpoint Church Land Development Plan included a DEP NPDES Permit for the storm water facilities. The plan included an extension of the Ephrata Area Joint Water Authority water main and an auto-flusher to meet DEP water quality standards.

In May of 2019 Ephrata Township received a complaint from the owner of the farm located at 53 Hahnstown Road concerning the auto-flusher water damaging his agricultural fields. He was trying to rake hay and could not get to parts of his farm fields due to the daily water being discharges across his fields. Ephrata Township notified the Church, their Engineer and EAJA of the issue being created on the neighboring farm. Ephrata Township, EAJA, ELA, Inc. (Church's Engineer) and the excavator worked out a solution to reroute the auto-flusher water to a storm water inlet in the parking lot / access drive of the church. The auto-flusher water is now directed to the church's storm water basin. Manager Sawyer said that it was his understanding that the original amount of water being discharged from the auto-flusher was 5,000 – 6,000 gallons per day. ELA, Inc. submitted calculations to Rettew Associates to show that the basin would function as designed with this added water. Manager Sawyer informed the Board that it was his understanding that the amount of water EAJA was discharging from the auto-flusher was subsequently increased to 20,000 – 25,000 gallons per day to meet DEP public water quality requirements. Due to the daily EAJA water, the basin no longer dewatered and became a "wet pond" that was not approved as part

of the NPDES Permit for the project. Therefore, the Church has been unable to close out the NPDES Permit.

DEP has rejected the Corrective Action Plan submitted by the Church. A virtual meeting has been scheduled for Monday, August 8, 2022 with DEP and all parties involved with this project.

- **Ridge Avenue Paving Project – Tack Coat on Resident's Car.** Ephrata Township awarded a paving project to H&K Group Inc. to resurface a portion of Ridge Avenue which was completed recently. A resident of Ridge Avenue filed a complaint with the Township that her car was damaged when she drove of the tack coat applied before the asphalt. Manager Sawyer reported that he contacted H&K Group, Inc. and that their claims department has contacted the resident to resolve the matter. No action is needed by the Township at this time.

**Solicitor – Tony Schimaneck** stated that he did not have any additional information to report.

**Township Engineer – Jim Caldwell** reported that the following plans/projects are in the review process:

- MS4 Permit
- Concept – Storm Water Management Plan
- Sprinville Mennonite School Subdivision Plan
- Allan Martin - Land Development Plan
- Mervin Hoover – Subdivision Plan
- East Mohler Church Subdivision Plan
- Martin Energy - Land Development Plan
- Tommy's Carwash/Mavis Tire – Construction Observation
- 515 North Reading Road – Revised Land Development Plan

#### **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**

There was no additional information reported.

A motion was made by Tony Haws to adjourn the meeting at 8:08 P.M. The motion was seconded by Ty Zerbe and carried unanimously.

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Clark R. Stauffer

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Anthony K. Haws

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J. Tyler Zerbe