

EPHRATA TOWNSHIP SUPERVISORS MEETING

January 2, 2024

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
	Tony Haws
	Ty Zerbe
Manager:	Steve Sawyer
Solicitor:	Anthony Schimaneck
Admin. Assist.	Jennifer Carvell

The meeting was called to order by Chairman Clark Stauffer followed by the Pledge of Allegiance to the Flag.

ORGANIZATIONAL MEETING

Clark Stauffer asked for nominations for a Temporary Chairman. Tony Haws nominated Ty Zerbe. There were no other nominations. A motion was made by Tony Haws to close the nominations and appoint Ty Zerbe as the Temporary Chairman. The motion was seconded by Clark Stauffer and carried unanimously.

Temporary Chairman Ty Zerbe asked for nominations for the Chairman of the Board of Supervisors for 2024. Tony Haws nominated Clark Stauffer as Chairman. There were no other nominations. A motion was made by Tony Haws to close the nominations and to appoint Clark Stauffer as Chairman of the Board of Supervisors for Ephrata Township for 2024. The motion was seconded by Ty Zerbe and carried unanimously.

Clark Stauffer asked for nominations for Vice-Chairman. Tony Haws nominated Ty Zerbe as Vice-Chairman. There were no other nominations. A motion was made by Tony Haws to close the nominations and to appoint Ty Zerbe as Vice-Chairman of the Board of Supervisors for Ephrata Township for 2024. The motion was seconded by Clark Stauffer and carried unanimously.

Clark Stauffer asked for nominations for Secretary. Ty Zerbe nominated Tony Haws as Secretary. There were no other nominations. A motion was made by Ty Zerbe to close the nominations and to appoint Tony Haws as Secretary of the Board of Supervisors for Ephrata Township for 2024. The motion was seconded by Clark Stauffer and carried unanimously.

Clark Stauffer asked for nomination for Treasurer. Tony Haws nominated Ty Zerbe as Treasurer. There were no other nominations. A motion was made by Tony Haws to close the nominations and to appoint Ty Zerbe as Treasurer of the Board of Supervisors for Ephrata Township for 2024. The motion was seconded by Clark Stauffer and carried unanimously.

Clark Stauffer asked for nominations for Assistant Secretary. Ty Zerbe nominated Steve Sawyer as Assistant Secretary. There were no other nominations. A motion was made by Ty Zerbe to close nominations and to appoint Steve Sawyer as Assistant Secretary of the Board of Supervisors for Ephrata Township for 2024. The motion was seconded by Tony Haws and carried unanimously.

Clark Stauffer requested nominations for the 2024 Police Liaison to represent Ephrata Township and attend the Ephrata Borough Public Safety Committee meetings. Ty Zerbe nominated Tony Haws. There were no other nominations. A motion was made by Ty Zerbe to close the nominations and to appoint Tony Haws as the Police Liaison for 2024. The motion was seconded by Clark Stauffer and carried unanimously.

Clark Stauffer requested recommendations for the Township Elected Auditors concerning the 2024 pay rate for the Secretary, Treasurer, and Supervisors doing work with the Maintenance Department. Tony Haws made a motion to recommend to the Auditors that the pay rate for the Supervisors be the same rate as the Assistant Road Superintendent. After discussion the motion was withdrawn. Ty Zerbe made a motion to recommend to the Auditors that the pay rate be increased by 3.5% over the 2023 pay rate. The recommended 2024 pay rate is \$34.55. The motion was seconded by Ty Zerbe and carried unanimously.

Clark Stauffer requested recommendations for the Township Elected Auditors concerning the 2024 pay rate for Supervisors performing mowing or snow removal duties. Ty Zerbe made a motion to recommend to the Auditors that the pay rate for the Supervisors mowing or performing snow removal be a 3.5% increase from last year's pay rate. The new recommended rate is \$20.29 per hour for 2024. The motion was seconded by Tony Haws and carried unanimously.

Clark Stauffer requested a motion to set the amount for the Treasurer's Bond for 2024. Ty Zerbe made a motion to establish the amount of the 2024 Treasurer's Bond at \$2,500,000.00. The motion was seconded by Tony Haws and carried unanimously.

Clark Stauffer stated that the Board of Supervisors need to nominate a Vacancy Board Chairman for 2024. Earl Martin served in 2023 and staff confirmed that he is willing to serve an additional term. A motion was made by Tony Haws to appoint Earl Martin as the 2024 Vacancy Board Chairman for 2024. The motion was seconded by Ty Zerbe and carried unanimously.

A motion was made by Ty Zerbe to appoint Morgan, Hallgren, Crosswell & Kane, P.C. as Ephrata Township Solicitor for 2024 and Rettew Associates as the Ephrata Township Engineer firm for 2024. The motion was seconded by Tony Haws and carried unanimously.

A motion was made by Tony Haws to appoint William Howard as the Ephrata Township Emergency Management Coordinator for 2024. The motion was seconded by Ty Zerbe and carried unanimously.

A motion was made by Ty Zerbe to appoint Dale High as the 2024 Ephrata Township Sewage Enforcement Officer and Rettew Associates as the alternate Sewage Enforcement Officer in the event that Dale High is not available in 2024. The motion was seconded by Tony Haws and carried unanimously.

A motion was made by Tony Haws to appoint Associated Building Inspectors, LLC as the Ephrata Township Building Inspectors for 2024. Edward Poorman of ABI, LLC will be the 2024 Ephrata Township Building Code Official. The motion was seconded by Ty Zerbe and carried unanimously.

Tony Haws made a motion to reappoint the following individuals:

Planning Commission – Jim Stauffer and Leonard Martin for a 4-year term; and
Zoning Hearing Board – Don Boll for a 5-year term; and
Sewer Authority – Bob Fisher for a 5-year term; and
Building Code Appeal Board for 2024 – James Stauffer, Eric Brubaker & Don Good
The motion was seconded by Ty Zerbe and carried unanimously.

A motion was made by Tony Haws to appoint Becker Engineer as the 2024 Water and Sewer Lateral Inspector at a rate of \$125.00 per inspection. The motion was seconded by Ty Zerbe and carried unanimously.

A motion was made by Ty Zerbe to set the 2024 compensation for Minor Storm Water Management inspections at a rate of \$50.00. The motion was seconded by Tony Haws and carried unanimously.

A motion was made by Tony Haws to set the 2024 compensation for the Zoning Hearing Board members, Planning Commission members, and Building Code Appeals Board members at \$40 per meeting. The motion was seconded by Ty Zerbe and carried unanimously.

A motion was made by Ty Zerbe to select Ephrata National Bank as the Township Depository for the 2024 General Funds, Capital Reserve Funds, Liquid Fuels Funds & Non-Uniformed Pension Funds subject to Ephrata National Bank pledging their assets for funds exceeding the amount federally insured, and PLGIT for 2024 General Funds, Capital Reserve Funds, and ARPA Funds. The motion was seconded by Tony Haws and carried unanimously.

A motion was made by Ty Zerbe to appoint Tony Haws as the 2024 Voting Delegate to the State Association Convention. The motion was seconded by Clark Stauffer and carried unanimously.

A motion was made by Tony Haws to set the compensation for the maintenance on-call responsibilities for 2024 at \$400.00 per year per road department employee. The motion was seconded by Ty Zerbe and carried unanimously.

A motion was made by Ty Zerbe to appoint Conrad Siegel, Inc. as the Ephrata Township Actuary for 2024 for the employee's Non-Uniformed Pension Plan. The motion was seconded by Tony Haws and carried unanimously.

A motion was made by Tony Haws to appoint Herbein CPA as Ephrata Township's Professional Auditors for 2024. The motion was seconded by Ty Zerbe and carried unanimously.

A motion was made by Ty Zerbe to appoint Steve Sawyer as the 2024 Chief Administrative Officer for the Ephrata Township Non-Uniformed Pension Plan. The motion was seconded by Tony Haws and carried unanimously.

A motion was made by Tony Haws to appoint Jennifer Carvell as the 2024 Privacy Officer and Security Officer for the HRA Health Insurance Plan. The motion was seconded by Ty Zerbe and carried unanimously.

A motion was made by Ty Zerbe to approve the 2024 Non-Uniform Benefit Package and the Employee Policy Manuel, originally adopted on June 20, 2006 and last amended on July 2, 2019; and the paid Holiday Schedule for 2024 as New Year's Day, President's Day, Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Black Friday and Christmas. The motion was seconded by Tony Haws and carried unanimously.

A motion was made by Tony Haws to set the Ephrata Township Mileage Reimbursement Rate for 2024 to be the same as the IRS Rate which is currently 67 cents per mile. The motion was seconded by Ty Zerbe and carried unanimously.

A motion was made by Ty Zerbe to set the Ephrata Township Fee Schedule for 2024 as presented by staff. The motion was seconded by Tony Haws and carried unanimously.

A motion was made by Tony Haws to keep the current meeting dates and times for 2024, i.e., the first Tuesday of every month at 7:00 p.m. and the third Tuesday of every month at 7:00 a.m. The motion was seconded by Ty Zerbe and carried unanimously.

PUBLIC COMMENTS NON-AGENDA ITEMS

Jay Snyder of 6 Echo Valley Drive, Ephrata Township was present. Jay stated that he wanted to formerly thank the Board of Supervisors for their service, wisdom and knowledge that they provide to Ephrata Township. He stated that he knows that they had a difficult decision regarding police services this year and thanked them for their dedication and hard work.

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 December 19, 2023 Supervisors' Minutes and to approve them as presented. The motion was seconded by Ty Zerbe and carried unanimously.

PUBLIC HEARING – SUN VAPE & SMOKE SHOP - INTERMUNICIPAL TRANSFER OF LIQUOR LICENSE

Sun Vape & Smoke Shop has requested approval of an Inter-Municipal Transfer of a Restaurant Liquor License.

Tony Schimaneck opened the Public Hearing and notified the Board of Supervisors that the Township has 45 days to render a decision. Melissa Anderson was present as the Township's court reporter and Manager Sawyer and the Applicant was sworn in. Manager Sawyer stated that the property and Township Building were posted with the public notice on December 14, 2023 and a copy of the public notice appeared in the December 20th and December 27th editions of the Ephrata Review. Ephrata Township submitted the following Exhibits into the record: Exhibit 1 – Letters dated December 1, 2023 from Sun Vape & Smoke Shop's Attorney, Calvery, Shea, Phillips & Rodgers, LLC as Exhibit 2 – the Public Notice for the Hearing and Exhibit 3 – the Ephrata Review December 20, 2023 and December 27, 2023 editions proving advertising of the Public Notice.

Attorney Jessica Pleskach from the law firm Caverly, Shea, Phillips & Rodgers, LLC was present to represent Sun Vape and Smoke Shop, Inc. Sun Vape and Smoke Shop is located at 887 E. Main Street, Ephrata, PA and is currently operating as the Racetrack convenience store and fueling station. Attorney Pleskach presented the request to the Board and provided to them the employee policy and procedure guidelines that would be put into place upon LCB approval of liquor license along with examples of signage that would be posted throughout the store. Sun Vape & Smoke Shop is requesting approval from the Township for the transfer of a restaurant liquor license currently owned by Stout Brewing Company in Adamstown, PA. Ms. Pleskach gave a brief explanation of the process and the Liquor Control Board requirements for the transfer of a liquor license. She stated that an addition to the existing structure would be required to provide seating for thirty (30) people, the ability to serve food and additional parking will need to be completed prior to LCB final approval of the license transfer. There will be a 100% carding policy for all customers of beer or wine. The proposed hours for the sale of beer will be less than the allowable hours restricted by LCB. Staff will post the premises and darken the coolers during off sale hours. Staff will also be trained and liable for all sales and rules set by the establishment and LCB.

Chairman Stauffer asked for public comments. Jay Snyder of 6 Echo Valley Drive, Ephrata Township stated that he has some safety concerns with the location with added traffic. There was no one else in attendance who wanted to comment. A motion was made by Tony Haws to close the testimony. The motion was seconded by Ty Zerbe and carried unanimously.

Solicitor Schimaneck stated that his office prepared a resolution for the Board to consider and the applicant's attorney prepared a resolution as well for the Board to consider if the Board's elects to make a decision this evening.

A motion was made by Clark Stauffer to table a decision on the request for an intermunicipal transfer of a liquor license to Sun Vape & Smoke Shop located at 887 East Main Street, Ephrata, PA until the next Supervisors Meeting scheduled for January 16, 2024 at 7:00 am. The motion was seconded by Tony Haws and carried unanimously.

STAFF REPORTS

Manager Steve Sawyer

- **Comcast – Charity Gardens Road Occupancy Permit.** Manager Sawyer stated that Clay Township is scheduled to act on the Comcast Charity Gardens Final Utility Plan at their Board of Supervisors meeting on January 8, 2024. Staff recommended approval subject to Clay Township's approval and Rettew Associate's letter dated December 5, 2023.

A motion was made by Ty Zerbe to approve the Comcast Final Utility Plan and Road Occupancy Permit subject to Clay Township's approval and Rettew Associates Letter dated December 5, 2023. The Motion was seconded by Tony Haws and carried unanimously.

- **Salt Shed Roofing Project.** Manager Sawyer stated that three (3) proposals were received from roofing companies to install a new metal roof on the salt storage shed. Staff recommended approving the lowest price proposal from Prime Home Contracting in the amount of \$10,343.73.

A motion was made by Tony Haws to approve the proposal from Prime Home Contracting to install a new metal roof on the salt storage shed in the amount of \$10,343.73 as recommended by staff. The motion was seconded by Ty Zerbe and carried unanimously.

- **Resignation for ZHB – Appoint New Member.** Manager Sawyer provided the Board of Supervisors with a resignation letter from Larry Ray dated December 19, 2023. Larry's term has not expired and he has enjoyed being a Zoning Hearing Board Member, but has decided to resign due to personal reasons. Manager Sawyer stated that the Zoning Hearing Board members had suggested Ryan Horst, 548 West Trout Run Road, as a possible replacement. Manager Sawyer contacted Ryan Horst and he would be willing to serve on the Zoning Hearing Board.

A motion was made by Ty Zerbe to approve the appointment of Ryan Horst as a Zoning Hearing Board member to fill the remaining term for Larry Ray. The motion was seconded by Tony Haws. Clark Stauffer abstained. The motion carried.

Solicitor – Tony Schimaneck

Anthony Schimaneck thanked the Board of Supervisors for the reappointment.

Township Engineer Jim Caldwell was not in attendance.

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 that has not already been discussed.

A motion was made by Tony Haws to adjourn the meeting at 8:32 p.m. The motion was seconded by Ty Zerbe and carried unanimously.

Clark R. Stauffer

J. Tyler Zerbe

Anthony K. Haws