

EPHRATA TOWNSHIP SUPERVISORS MEETING

January 3, 2022

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 also conducted virtually utilizing Microsoft Teams 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 Supervisors: Clark Stauffer
Tony Haws
Ty Zerbe
Manager: Steve Sawyer
Solicitor: Anthony Schimanek
Engineer: Jim Caldwell

Virtual Attendance: Jennifer Carvell, Administrative Assistant

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

ORGANIZATIONAL MEETING

A motion was made by Tony Haws to nominate 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 2022. 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 2022. 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 2022. 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 2022. 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 2022. The motion was seconded by Clark Stauffer and carried unanimously.

Clark Stauffer asked for nominations for Assistant Secretary. Tony Haws nominated Steve Sawyer as Assistant Secretary. There were no other nominations. A motion was made by Tony Haws to close nominations and to appoint Steve Sawyer as Assistant Secretary of the Board of Supervisors for Ephrata Township for 2022. The motion was seconded by Ty Zerbe and carried unanimously.

Clark Stauffer requested nominations for the 2021 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 2022. The motion was seconded by Clark Stauffer and carried unanimously.

Clark Stauffer requested recommendations for the Township Elected Auditors concerning the 2022 pay rate for the Secretary, Treasurer, and Supervisors doing work with the Maintenance Department. Ty Zerbe made a motion to recommend to the Auditors that the pay rate for the Supervisors be the same rate as the Assistant Road Superintendent. The motion was seconded by Tony Haws and carried unanimously.

Clark Stauffer requested recommendations for the Township Elected Auditors concerning the 2022 pay rate for Supervisors performing mowing or snow removal duties. Tony Haws made a motion to recommend to the Auditors that the pay rate for the Supervisors mowing or performing snow removal be \$18.30 per hour for 2022. The motion was seconded by Ty Zerbe and carried unanimously.

Clark Stauffer requested a motion to set the amount for the Treasurer's Bond for 2022. Ty Zerbe made a motion to establish the amount of the 2022 Treasurer's Bond at \$2,000,000.00. The motion was seconded by Tony Haws and carried unanimously.

Tony Haws made a motion to appoint Earl Martin as the 2022 Vacancy Board Chairman. 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 2022 and Rettew Associates as the Ephrata Township Engineer firm for 2022. 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 2022. The motion was seconded by Ty Zerbe and carried unanimously.

A motion was made by Ty Zerbe to appoint Dale High as the 2022 Ephrata Township Sewage Enforcement Officer. The motion was made by Tony Haws and carried unanimously.

A motion was made by Tony Haws to appoint Rettew Associates as the alternate Sewage Enforcement Officer as required by DEP in the event that Dale High is not available in 2022. The motion was seconded by Ty Zerbe and carried unanimously.

A motion was made by Tony Haws to appoint Associated Building Inspectors, LLC as the Ephrata Township Building Inspectors for 2022. Edward Poorman of ABI, LLC will be the 2022 Ephrata Township Building Code Official. The motion was seconded by Ty Zerbe and carried unanimously.

Ty Zerbe made a motion to reappoint the following individuals:

- Planning Commission - Marv Sauder – 4-year term
- Zoning Hearing Board – Thomas Bollinger – 5-year term
- Sewer Authority – James Martin – 5-year term
- Ephrata Area Joint Water Authority. – Clark Stauffer – 5-year term
- Building Code Appeal Board – James Stauffer
Eric Brubaker
Don Good

The motion was seconded by Tony Haws and carried unanimously.

A motion was made by Tony Haws to set the 2022 compensation for residential Water and Sewer Lateral inspections along with Minor Storm Water Management inspections at a rate of \$50.00. The motion was seconded by Ty Zerbe and carried unanimously.

A motion was made by Ty Zerbe to set the 2022 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 Tony Haws and carried unanimously.

A motion was made by Tony Haws to select Ephrata National Bank as the Township Depository for the 2022 General Fund, Capital Reserve Fund, Liquid Fuels Fund & Non-Uniformed Pension Fund subject to Ephrata National Bank pledging their assets for funds exceeding the amount federally insured. The motion was seconded by Ty Zerbe and carried unanimously.

A motion was made by Ty Zerbe to appoint Tony Haws as the 2022 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 pager responsibilities for 2022 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 2022 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 Trout CPA as Ephrata Township's Professional Auditors for 2022. The motion was seconded by Ty Zerbe and carried unanimously.

A motion was made by Ty Zerbe to appoint Jennifer Carvell as the 2022 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 approve the 2022 Non-Uniform Benefit Package and the Employee Policy Manuel, originally adopted on June 20, 2006 and last amended on July 2, 2019. The motion was seconded by Ty Zerbe and carried unanimously.

A motion was made by Ty Zerbe to set the Ephrata Township Mileage Reimbursement Rate for 2022 to be the same as the IRS Rate which is currently 58.5 cents per mile. 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 2022, 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

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 21, 2021 Supervisors' Minutes and to approve them as presented. The motion was seconded by Ty Zerbe and carried unanimously.

CLAUDIA SHANK – DISCUSSION ON POSSIBLE ZONING ORDINANCE AMENDMENT – ELECTRONIC VARIABLE MESSAGING SIGNS

Peter Wertz, Esquire of McNees Wallace Nurick, LLC was in attendance on behalf of his client Good's Store. Good's Store is planning to redevelop the former K-Mart property located at 1127 South State Street which has frontages on Rothsville Road to the West and South State Street (Route 272) to the East. The property is owned by Good's Store Inc. and is located in the Commercial Zoning District. Good's Store desires to redevelop the Property with a Good's Store and a Dutch-Way Farm Market grocery store. Good's Store is requesting that the Township consider an amendment to the Zoning Ordinance

regulation for electronic variable messaging signs. A letter dated December 28, 2021 was submitted to the Township supporting their request. The Board of Supervisors were provided with this letter for their review prior to the meeting. The current EVMS regulations (Section 507.A.12.i) permits only one EVMS per property. Good's Store is requesting that the Board consider amending this section to allow two (2) signs where one (1) property has two (2) street fronts that are classified as arterial, major collector, or minor collector streets; and/or the property contains a minimum of 10 gross acres; and/or the property is improved with a building containing at least 100,000 square feet of gross floor area. In addition, Good's Store is requesting that the Board consider amending the Zoning Ordinance to allow for greater maximum daytime luminance for EVMS. Current regulations (Section 507.A.12.b) state that an EVMS display shall have a maximum luminance of 3,500 nits during the daylight hours and a maximum luminance of 125 nits for dusk through dawn. Good's is requesting 5,000 nits during daylight hours while maintaining the 125 maximum nits from dusk to dawn. A list of other municipal requirements in the surrounding area were provided for review as well. Finally, Good's Store is requesting an amendment to the Zoning Ordinance that would decrease the minimum required time between message changes on an EVMS. Section 507.A.12(c) of the Zoning Ordinance states that the message displayed on the EVMS shall be static and non-animated and shall remain fixed for a minimum of fifteen (15) minutes and Good's Store is requesting that the Board consider changing the fixed message display time to 20 seconds. A list of municipal requirements for surrounding municipalities were also provided. Manager Sawyer, Attorney Schimaneck and Jim Caldwell expressed safety concerns with lowering the static message display time from 15 minutes to 20 seconds. Manager Sawyer stated that he feels the Board may want to consider lowering the static message display requirement from 15 minutes but he does not support lowering it to 20 seconds. After discussion, the Board of Supervisors stated that they would consider an amendment to allow two signs under certain conditions and would consider an amendment to increase the daytime luminance. The Board will inspect current EVMS in the area and review the information provided for the proposed change to the static message time. The proposed change to the static message time will be discussed further at the next meeting.

STAFF REPORTS

Manager Steve Sawyer

- ◆ **Sycamore Acres Trees.** Manager Sawyer stated that he sent letters to the two (2) single-family home owners regarding the possible removal of the evergreen trees on the Township's Sycamore Acres Park property. The trees are directly behind the two properties. No response has been received to date. Manager Sawyer recommended that the Board consider moving forward with getting a revised quote to trim the rest of the evergreen trees to the north of the parking lot. There are also a few dead or dying trees that could be removed. The Board could postpone a decision regarding the removal or trimming the trees behind the two single-family homes until input is received from the property owners.

A motion was made by Tony Haws to move forward with trimming the trees to the north of the parking lot, to remove any dead or dying trees and to remove the

three trees along the northern property line. The motion was seconded by Ty Zerbe and carried unanimously.

Solicitor

Anthony Schimaneck thanked the Board of Supervisors for the reappointment.

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

- Park Plans at Autumn Hills
- Tommy's Carwash - Land Development Plan
- Ephrata Crossing – Phase 4

In addition, Jim Caldwell thanked the Board for reappointing Rettew Associates for 2022.

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 8:37 p.m. The motion was seconded by Ty Zerbe and carried unanimously.

Clark R. Stauffer

J. Tyler Zerbe

Anthony Haws