

## **EPHRATA TOWNSHIP SUPERVISORS MEETING**

**January 7, 2019**

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

Present were Supervisors: Clark Stauffer  
Tony Haws  
Ty Zerbe  
Manager: Steve Sawyer  
Police: Lt. Shumaker  
Solicitor: Anthony Schimaneck  
Engineer: Jim Caldwell

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 Ty Zerbe, seconded by Tony Haws to open the nominations and nominate Clark Stauffer as the Temporary Chairman. The motion carried unanimously. Tony Haws made a motion to close the nominations and appoint Clark Stauffer as Temporary Chairman. The motion was seconded by Ty Zerbe and carried unanimously.

Temporary Chairman Stauffer asked for nominations for the Chairman of the Board of Supervisors for 2019. Ty Zerbe 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 2019. The motion was seconded by Ty Zerbe and carried unanimously.

Chairman Stauffer asked for nominations for the Vice-Chairman, Secretary, Assistant Secretary and Treasurer of the Board of Supervisors for 2019. Tony Haws nominated Ty Zerbe as Vice-Chairman, Tony Haws as Secretary, Steve Sawyer as Assistant Secretary and 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 Vice-Chairman, Tony Haws as Secretary, Steve Sawyer as Assistant Secretary and Ty Zerbe as Treasurer for 2019. The motion was seconded by Ty Zerbe and carried unanimously.

Clark Stauffer requested nominations for the 2019 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 2019. The motion was seconded by Clark Stauffer and carried unanimously.

Clark Stauffer requested recommendations for the Township Elected Auditors concerning the 2019 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. The motion was seconded by Ty Zerbe and carried unanimously.

Clark Stauffer requested recommendations for the Township Elected Auditors concerning the 2019 pay rate for a Supervisor performing mowing or snow removal duties. Tony Haws made a motion to recommend to the Auditors that the pay rate for the Supervisors be the same rate as a seasonal worker for 2019. 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 2019. Ty Zerbe made a motion to establish the amount of the 2019 Treasurer's Bond at \$1,500,000.00 with the option to raise the coverage if needed to cover the total funds for 2019. The motion was seconded by Tony Haws and carried unanimously.

Ty Zerbe made a motion to appoint Earl Martin as the 2019 Vacancy Board Chairman. The motion was seconded by Tony Haws and carried unanimously.

A motion was made by Ty Zerbe to appoint Morgan, Hallgren, Crosswell & Kane, P.C. as Ephrata Township Solicitor for 2019 and Rettew Associates as the Ephrata Township Engineer for 2019. The motion was seconded by Tony Haws and carried unanimously.

A motion was made by Tony Haws to appoint Bill Howard as the Ephrata Township Emergency Management Coordinator for 2019. The motion was seconded by Ty Zerbe and carried unanimously.

Ty Zerbe made a motion to appoint Dale High as the 2019 Ephrata Township Sewage Enforcement Officer and Rettew Associates as the alternate Sewage Enforcement Officer as required by DEP in the event that Dale High is not available in 2019. The motion was seconded by Tony Haws and carried unanimously.

A motion was made by Tony Haws to appoint Associated Building Inspectors, LLC and Jim Phillips as the Ephrata Township Building Inspectors for 2019. Edward Poorman of ABI, LLC will be the 2019 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 – LaMarr Stauffer – 4-year term; and  
    Zoning Hearing Board – Don Boll – 5-year term; and  
    Sewer Authority – Robert Fisher – 5-year term  
The motion was seconded by Tony Haws and carried unanimously.

A motion was made by Tony Haws to appoint James Stauffer, Eric Brubaker and Don Good to the 2019 Ephrata Township Building Code Appeals Board. The motion was seconded by Ty Zerbe and carried unanimously.

Ty Zerbe made a motion to set the 2019 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 Ty Zerbe to select Ephrata National Bank as the Township Depository for the 2019 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 Tony Haws and carried unanimously.

A motion was made by Clark Stauffer to appoint Tony Haws as the 2019 Voting Delegate to the State Association Convention. The motion was seconded by Ty Zerbe and carried unanimously.

Tony Haws made a motion to set the compensation for the maintenance on-call pager responsibilities for 2019 at \$400.00 per year per road department employee. The motion was seconded by Ty Zerbe and carried unanimously.

Tony Haws made a motion to appoint Conrad Siegel, Inc. as the Ephrata Township Actuary for 2019 for the employee's Non-Uniformed Pension Plan. The motion was seconded by Ty Zerbe and carried unanimously.

Ty Zerbe made a motion to appoint Trout, Ebersole & Groff as Ephrata Township's Professional Auditors for 2019. The motion was seconded by Tony Haws and carried unanimously.

Tony Haws made a motion to appoint Manager Steve Sawyer as the 2019 Chief Administrative Officer for the Ephrata Township Non-Uniformed Pension Plan. The motion was seconded by Ty Zerbe and carried unanimously.

A motion was made by Tony Haws to appoint Jennifer Carvell as the 2019 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 2019 Non-Uniform Benefit Package and the Employee Policy Manual, originally adopted on June 20, 2006 and last amended on January 6, 2014. The motion was seconded by Tony Haws and carried unanimously.

A motion was made by Tony Haws to approve the following paid holidays for 2019:  
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 Ty Zerbe and carried unanimously.

A motion was made by Ty Zerbe to approve the 2019 Ephrata Township Fee Schedule. 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 2019 to be the same as the IRS Rate which is currently 58 cents per mile. The motion was seconded by Ty Zerbe and carried unanimously.

A motion was made by Ty Zerbe to keep the current meeting dates and times for 2019, 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 Tony Haws 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 18, 2018 Supervisors' Minutes and to approve them as written. The motion was seconded by Ty Zerbe and carried unanimously.

PUBLIC HEARING – Sheetz Inc.

Sheetz, Inc. has requested approval of an Inter-Municipal Transfer of a Restaurant Liquor License. Ephrata Township submitted the following Exhibits into the record: Exhibit 1 – Letters dated October 25, 2018 and November 29, 2018 from Sheetz's Attorney, Flaherty & O'Hara, Exhibit 2 – the Public Notice for the Hearing and Exhibit 3 – the proof of publication from the Ephrata Review.

Ellen Freeman from Flaherty & O'Hara presented the request to the Board. Sheetz, Inc. is requesting approval from the Township for the transfer of a restaurant liquor license owned by Vita, Inc., 50 Veterans Drive, Elizabethtown, PA to Sheetz, Inc., 891 East Main Street, Ephrata, PA. Ms. Freeman explained the process and the Liquor Control Board requirements for the transfer of a liquor license.

Sheetz is proposing to sell beer and wine from this location. Purchase of beer to go would be limited to two six packs and wine would be limited to four bottles per the LCB regulations. In store consumption of beer would be limited to two per customer. There will be no outdoor consumption of alcohol permitted. Sheetz has security cameras that are monitored off site. There is a 100% carding policy for the purchase of beer or wine. Proposed hours for the sale of beer are per LCB regulations: Monday through Saturday 7 AM – 1:45 AM and Sunday 9AM – 1:45 AM. Wine sales would begin at the same times but must end at 11 PM per LCB regulations.

Chairman Stauffer asked Lt. Shumaker for his input. Lt. Shumaker stated that he discussed this matter with Chief Harvey and the Ephrata Police Department does not have any issue with Sheetz acquiring a liquor license and does not believe it will create an increase in police calls at this location.

Chairman Stauffer also asked Ms. Freeman what Sheetz has done if a municipality turns down their request to transfer a liquor license. She stated that Sheetz has not accepted

municipal disapproval of a liquor license transfer and has appealed those decisions to the courts.

Chairman Stauffer asked for public comments. There was no one in attendance who wanted to comment. A motion was made by Ty Zerbe to close the testimony. The motion was seconded by Tony Haws and carried unanimously.

Solicitor Schimaneck stated that his office prepared two resolutions for the Board to consider. One resolution is to approve the request and the other is to deny the request.

A motion was made by Ty Zerbe to approve Resolution 31-010719 approving the application of Sheetz, Inc. for an intermunicipal transfer of the Liquor License to Sheetz store located at 891 East Main Street, Ephrata, PA. The motion was seconded by Tony Haws and carried unanimously.

#### STAFF REPORTS

**Police – Lt. Shumaker** – Lt. Shumaker gave a brief overview of the calls for service in the Township during the month of December.

#### **Manager Steve Sawyer**

- **Surveillance Cameras – Community Park.** Mr. Sawyer received a proposal from Choice Communications for installation of cameras at the park. Lt. Shumaker stated that a camera close to the entrance would be very important to identify vehicles. Manager Sawyer was instructed to get pricing on an additional camera at the entrance and to contact Choice Communication for a demo of their equipment.
- **Ephrata Crossing Preliminary Plan – Time Extension.** Manager Sawyer stated that the Township has received a letter from RGS Associates, on behalf of Premier R&G Properties granting the Township an additional 56 days to act on the Ephrata Crossing Preliminary Plan. The new deadline for the Township to act on the plan will be March 20, 2019. A motion was made by Ty Zerbe to accept the time extension. The motion was seconded by Tony Haws and carried unanimously.
- **Summerlyn Green Letter – Elimination of Landscape Easement.** The Township received a letter from Attorney, Neil Albert who represents two property owners in the Summerlyn Green Development. They are requesting the Township's consent to dissolve a landscape easement on their properties. The landscape easement was established in order to maintain a row of evergreen trees on the adjoining property owned by Green Dragon. In 2015 the trees were removed so the easement is no longer necessary.

A motion was made by Tony Haws to not object to the elimination of the landscape easement subject to review and approval of the agreement by Township staff. The motion was seconded by Ty Zerbe and carried unanimously.

**Ephrata Mennonite School – ZHB Application.** The Board received a copy of the public notice for the Ephrata Mennonite School Zoning Hearing on January

15, 2019. The Board did not feel it was necessary for the Township to present testimony or be a party to the Hearing.

**Engineer Jim Caldwell**

Jim Caldwell thanked the Board for reappointing Rettew Associates as the Township Engineer for 2019.

Mr. Caldwell reported the plans that are currently in the review process as follows:

- Ephrata Crossing Preliminary Plan
- Ephrata Crossing Phase 1 Final Plan
- LGH / Concept – SWM Plan
- Lincoln Christian Home Land Development Plan
- Creek Corner Final Land Development Plan
- Autumn Hills – Parking Lot Plan

**Solicitor**

Anthony Schimaneck thanked the Board of Supervisors for the reappointment.

**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 Clark Stauffer 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 9:10 p.m. The motion was seconded by Ty Zerbe and carried unanimously.

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Clark R. Stauffer

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J. Tyler Zerbe

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Anthony Haws