

EPHRATA TOWNSHIP SUPERVISORS' MEETING

March 3, 2020

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
Admin Asst: Jennifer Carvell
Police: Lt. Chris McKim
Engineer: Jim Caldwell
Solicitor: Anthony Schimaneck

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 February 18, 2020 Supervisors' Minutes and to approve them as presented. The motion was seconded by Ty Zerbe and carried unanimously.

PROPERTY INVESTING AND MANAGEMENT INC. – REQUEST TO AMEND ZONING ORDINANCE

Ephrata Township received a letter dated February 27, 2020 regarding filing a Petition to Amend the Ephrata Township Zoning Ordinance. A proposed draft Amendment was also enclosed for the Supervisors to review prior to the meeting. Claudia Shank of McNees Wallace & Nurick, LLC and Richard Stauffer of Property Investing and Management Inc. were present to give an overview of the proposed Zoning Amendment and answer any questions that the Board of Supervisors and staff has in regards to their request. If the Board of Supervisors would decide to consider the amendment, it would be forwarded to the Lancaster County Planning Commission and the Ephrata Township Planning Commission for their review and recommendations. The Board would then be required to advertise a public hearing to formally approve or disapprove the proposed amendment.

The current Zoning Ordinance requires a ten-car stacking lane for drive-thru windows and the developer is requesting the Township establish a new requirement of a five-car stacking lane for a pick-up window where all ordering and payment is done remotely via

telephone or the internet. There was discussion regarding the difference between a drive-thru window and a pick-up window. A pick-up window is a new feature being offered to consumers by various restaurants and does not have a clear definition and standards in municipal zoning ordinances. There was no specific data provided to the Board on the size of the stacking lane needed to accommodate restaurants with a pick up window.

A motion was made by Ty Zerbe to table a decision on whether to consider the proposed Zoning Ordinance Amendment until such time that more data regarding the amount of stacking required for a "pick-up window" is submitted to the Township for review. The motion was seconded by Tony Haws and carried unanimously.

PROPERTY INVESTING AND MANAGEMENT INC. – REQUEST TO BEGIN EPHRATA CROSSING PHASE 2 GRADING

Richard Stauffer of Property Investing and Management Inc. sent the Township an email dated February 25, 2020 requesting to be placed on the next Supervisors' Agenda to request permission to do bulk grading prior to the recording of the Ephrata Crossing Phase 2 Final Plan. Richard Stauffer stated that an NPDES permit and E&S Plan has been approved for the entire Ephrata Crossing site. In addition, the required agreement for the Stormwater Management Operation and Maintenance and the Land Development Agreement will be executed prior to beginning the bulk grading. Jim Caldwell discussed with the Board of Supervisors concerns with the perc testing for the underground storm water facilities and additional testing will be completed this Thursday to verify that the SWM system will function properly. Mr. Caldwell recommended that the Board approve the request to begin bulk grading prior to the recording of the final land development plan subject to results of the infiltration testing being acceptable to Rettew Associates.

A motion was made by Tony Haws to approve the bulk grading prior to recording the Ephrata Crossing Phase 2 Final Plan subject to the Township's engineer approving the infiltration testing results. The motion was seconded by Ty Zerbe and carried unanimously.

STAFF REPORTS

Police Report – Lieutenant Chris McKim

- **Reports.** Lt. McKim provided the Supervisors with a summary of the calls for service within Ephrata Township for the month of January totaling 356 incidents. There were 21 arrests and 18 traffic citations. The monthly report was provided to the Township and will be kept on file in the office.

Manager Steve Sawyer

- **Toms – Proposed Ridge Avenue Flag Lot.** John Fuehrer of Fuehrer Associates, Ltd. and Mr. & Mrs. Bryan Toms were present. Mr. and Mrs. Toms would like to create a flag lot for parcel no. 270-93172-00000 that currently has no access. A

letter and sketch plan of the proposal dated February 24, 2020 was submitted to the Board of Supervisors for review prior to the meeting. The Board of Supervisors indicated that they were not opposed to creating a flag lot based on the project meeting the requirements of the Subdivision Ordinance. The location of a sewer main was discussed and possible alternate locations of the proposed driveway. It was also discussed that because the vacant lot is existing, a single-family dwelling could be built on the lot without a subdivision as long as an existing driveway is used and an access easement is recorded.

- **Engine Brake Retarder Issue.** Scott Sweigart and one other resident along Schoeneck Road were present at the February 4, 2020 meeting. Scott Sweigart stated that he received four (4) additional letters from neighboring properties on Schoeneck Road requesting the Township enact an ordinance that prohibits the use of modified engine brake retarders on Schoeneck Road and Stevens Road near the intersection. At that time, the Board of Supervisors directed Lt. McKim to research the enforcement issues before the Township decides whether to send a letter to PennDOT requesting their review. Lt. McKim submitted an email to the Township dated March 2, 2020 highlighting the information that he received regarding enforcing the use of engine brake retarders. The DA's office stated that if the Township would adopt an ordinance the officer would need reasonable suspect that the vehicle had an altered engine brake retarder and then after stopping to investigate, would then have to gather enough evidence to prove it. This would likely create a need to conduct an inspection of the whole system, which the EPD does not have the personnel to do. Lt. McKim stated that the use of engine retarders is not a safety issue. Lt. McKim stated that due to the many complications and variables in play, an ordinance prohibiting the use of engine brake retarders would be hard to enforce and a waste of time. Lt. McKim spoke with the West Lampeter Township Police Chief who stated that West Lampeter has had an ordinance prohibiting the use of modified engine brake retarder since 2005. He said he does not believe the ordinance has ever been used and is recommending that the ordinance be repealed. Solicitor Schimaneck stated that it is an annoyance type complaint and is not a safety issue so he would also recommend not pursuing an ordinance prohibiting the use of engine retarders.

After due consideration, a motion was made by Tony Haws to not pursue an Ordinance prohibiting the use of engine brake retarders due to the information and recommendations from the Ephrata Police Department and Township Solicitor. The motion was seconded by Ty Zerbe and carried unanimously.

- **Conestoga Valley Mennonite Church – Time Extension for Action.** A letter from William Cromleigh of Diehm & Sons dated February 26, 2020 on behalf of Cocalico Valley Mennonite Church granting a 90-day time extension for the Township to act on the Revised Final Plans was presented to the Board of Supervisors prior to the meeting. The new deadline would be June 24, 2020.

A motion was made by Ty Zerbe to accept the time extension granted by Conestoga Valley Mennonite Church for the Township to act on the Revised Final Plan. The new deadline for the Township to act on the plan will be June 24, 2020. The motion was seconded by Tony Haws and carried unanimously.

- **Township Building – Lease.** At the last Supervisors' Meeting, a motion was made by Ty Zerbe to authorize staff to move forward with discussions with Roger Kline to negotiate renting the lower level of the Township building to Carol Musser subject to the Board approving a rental lease agreement with changes. Roger Kline communicated to Carol the information he received from staff and Carol Musser has prepared a Rental Agreement offering to rent the full 2,470 square feet of office space at \$12.50 per square foot if the space that is not needed at this time can be subleased until the business would grow and the space would need to be occupied by Lifepoint Counseling conditional upon the Township approving any sublease tenant. The overall income for the year would be \$30,875.00. Attorney Schimaneck reviewed the Rental Agreement and recommended that a late fee be agreed upon prior to execution.

A motion was made by Ty Zerbe to approve the Rental Agreement with Lifepoint Counseling as presented subject to adding a late fee charge. The motion was seconded by Tony Haws and carried unanimously.

- **Pioneer Fire Company -Funding Request.** Manager Sawyer submitted an email dated February 18, 2020 from Michael Kiefer, Fire Chief for Pioneer Fire Company. The County is mandating a change to the radio paging system, and by the end of the year, the current system will no longer be able to be used. The siren is activated from the paging system so Pioneer will need to upgrade this in order to activate the siren which is used to warn the public of inclement weather or other potential emergencies. The necessary changes will cost the Pioneer Fire Company \$1,200.00 that was not budgeted for 2020. Manager Sawyer stated that the Board of Supervisors authorized an increase to the Township's donation amount for 2020. The Board of Supervisors requested to know what other municipalities were contacted to participate in this cost and what percentage they are willing to pay. The Board also asked if Lincoln Fire Company would also need to upgrade their siren.

A motion was made by Ty Zerbe to table the request to fund the radio paging system/siren upgrade for Pioneer Fire Company until more information is received. The motion was seconded by Tony Haws and carried unanimously.

- **Resolution – Escalator Clause for 2020 Road Bids.** Manager Sawyer requested the Board of Supervisors approve a Resolution for price adjustment of bituminous materials for small quantities. This resolution will allow an escalator clause for bituminous material to be included as part of Ephrata Township's 2020 bids for road projects and materials. The escalator clause will follow PennDOT regulations. Manager Sawyer stated that the local asphalt companies will not bid a project if the Municipality does not include an escalator clause.

A motion was made by Tony Haws to approve the Resolution to allow an escalator clause for bituminous material for 2020 bids for road projects and materials. 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
Conestoga Valley Mennonite Church
Comcast
New Enterprise – Lot Add-On

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 9:06 p.m. The motion was seconded by Ty Zerbe and carried unanimously.

Clark R. Stauffer

Anthony K. Haws

J. Tyler Zerbe