

**EPHRATA TOWNSHIP SUPERVISORS MEETING**

**April 5, 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
	Tony Haws
	Ty Zerbe
Manager:	Steve Sawyer
Admin. Assist.:	Jennifer Carvell
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 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 March 15, 2022 Supervisors' Minutes and to approve them as presented. The motion was seconded by Ty Zerbe and carried unanimously.

PUBLIC HEARING – ZONING ORDINANCE AMENDMENT – ELECTRONIC VARIABLE MESSAGING SIGNS

Manager Sawyer advised the Board of Supervisors that the proposed Ordinance has been advertised and it could be adopted by the Board at the conclusion of the Hearing.

Clark Stauffer opened the hearing for:

AN ORDINANCE OF THE TOWNSHIP OF EPHRATA, LANCASTER COUNTY, PENNSYLVANIA, TO AMENDED, TO INCREASE THE MAXIMUM PERMITTED LUMINANCE OF ELECTRONIC VARIABLE MESSAGING SIGNS (EVMS) FROM 3,500 NITS TO 5,000 NITS DURING DAYLIGHT HOURS; TO REDUCE THE MINIMUM REQUIRED MESSAGING DISPLAY INTERVAL RATE OF ELECTRONIC VARIABLE MESSAGING SIGNS (EVMS) FROM 15 MINUTES TO 1 MINUTE; TO

AUTHORIZE A MAXIMUM OF TWO ELECTRONIC VARIABLE MESSAGING SIGNS (EVMS) ON CERTAIN QUALIFYING PROPERTIES SUBJECT TO CRITERIA; TO ADD A REQUIREMENT THAT THE DISPLAYS OF ELECTRONIC VARIABLE MESSAGING SIGNS (EVMS) BE PERPENDICULAR TO THE STREET FROM WHICH THEY ARE INTENDED TO BE VISIBLE; AND TO ADD A REQUIREMENT REGULATING EMERGENCY AND TOWNSHIP MESSAGING ON ELECTRONIC VARIABLE MESSAGING SIGNS (EVMS).

Claudia Shank of McNees Wallace Nurick, LLC, Ken Burkholder of Good's Store and Randy Berger of Horst Signs were present. Claudia Shank gave a brief overview of the changes proposed in the Zoning Ordinance Amendment. The Ephrata Township Planning Commission and the Lancaster County Planning Commission reviewed the Zoning Ordinance Amendment and the Board of Supervisors were provided with a copy of their comments. There was no additional public comment on the proposed Zoning Ordinance Amendment.

A motion was made by Ty Zerbe to close the hearing. The motion was seconded by Tony Haws and carried unanimously.

A motion was made by Tony Haws to approve the Zoning Ordinance Amendment concerning Electronic Variable Messaging Signs as prepared and advertised. The motion was seconded by Ty Zerbe and carried unanimously.

The ordinance will be in effect five (5) days from the date of the hearing.

PUBLIC HEARING – ZONING ORDINANCE AMENDMENT – SHORT TERM RENTAL USE AND SMALL WIRELESS FACILITIES

Manager Sawyer advised the Board that the proposed Zoning Ordinance Amendment has been advertised and it could be adopted by the Board at the conclusion of the Hearing.

Clark Stauffer opened the hearing for:

AN ORDINANCE TO AMEND THE EPHRATA TOWNSHIP ZONING ORDINANCE OF 2000 TO REVISE REGULATIONS GOVERNING SHORT - TERM RENTAL UNITS AND TO REVISE REGULATIONS GOVERNING SMALL WIRELESS FACILITIES IN THE RIGHT-OF-WAY TO COMPLY WITH ACT 50 OF 2021.

Manager Sawyer gave a brief overview of both the Short-Term Rental and the Small Wireless Facilities proposed amendments. Both the Ephrata Township Planning Commission and the Lancaster County Planning Commission have reviewed the

proposed amendment and their recommendations were provided to the Board of Supervisors prior to the meeting. There was no one in attendance to offer any public comment.

A motion was made by Ty Zerbe to close the hearing. The motion was seconded by Tony Haws and carried unanimously.

A motion was made by Tony Haws to approve the Zoning Ordinance Amendment to the regulations for Short-Term Rental Units and the regulations for Small Wireless Facilities in the Right-Of-Way to Comply with Act 50 of 2021 as prepared and advertised. The motion was seconded by Ty Zerbe and carried unanimously.

The ordinance will be in effect five (5) days from the date of the hearing.

#### STAFF REPORTS

##### Manager Steve Sawyer

- **2022 Road Bids.** Manager Sawyer provided the Board with a copy of the bid tabulation for the 2022 road bids. The bids include one resurfacing project on Ridge Avenue and material bids for the year. Manager Sawyer notified the Board of Supervisors that the Ridge Avenue resurfacing project included a base bid from Mohler Church Road to Glenwood Drive and an alternate bid which includes the section of Ridge Avenue from Glenwood Drive to the East Cocalico Township line. Manager Sawyer recommended approving the Alternative Bid to the lowest bidder.

A motion was made by Ty Zerbe to award the Bid for the resurfacing project on Ridge Avenue from Mohler Church Road to the East Cocalico Township line to H & K Group, Inc. in the amount of \$212,046.30. The motion was seconded by Tony Haws and carried unanimously.

The Township received two (2) bids for the asphalt and stone materials. Manager Sawyer recommended awarding all of the asphalt and stone items to the lowest bidder.

A motion was made by Tony Haws to award the 2022 stone material bids to the lowest bidder as follows:

- 250 tons 25 MM Superpave (FOB) at \$50.05/ton – New Enterprise
- 200 tons 19 MM Superpave (FOB) at \$53.45/ton – New Enterprise
- 250 tons 9.5 MM Superpave (FOB) at \$57.75/ton – New Enterprise
- 1800 tons 2A Stone FOB a \$7.50/ton – Allan Myers
- 200 tons ASSHTO #1 FOB at \$11.50/ton – Allan Myers
- 100 tons ASSHTO #3 FOB at \$11.50/ton– Allan Myers
- 100 tons ASSHTO #9 Delivered at \$24.85/ton – New Enterprise

200 tons ASSHTO #57 FOB at \$11.50/ton – Allan Myers  
200 tons #4 RIP RAP FOB at \$14.00/ton – New Enterprise  
The motion was seconded by Ty Zerbe and carried unanimously.

Manager Sawyer stated that Clay Township has opened bids for resurfacing Hackman Road. The bid includes the portion of Hackman Road in Ephrata Township. The Board was provided with a copy of the bid tabulation for the Hackman Road project. Manager Sawyer stated that this project was included in the Township's 2022 Highway budget and recommended approving the Township's Portion to the lowest bidder, New Enterprise Stone, in the amount of \$21,112.75.

A motion was made by Ty Zerbe to approve participating in the Hackman Road Overlay Project on Hackman Road with Clay Township in the amount of \$21,112.75. The motion was seconded by Tony Haws and carried unanimously.

- **Cocalico Creek Restoration Project Bids.** Manager Sawyer stated that the Bid Opening for the Cocalico Creek Restoration Project at Autumn Hills took place Tuesday, March 29, 2022 at 2:00 pm. Only one bid was received. The bid came in at a much higher than the estimated project cost that was created 2 years ago. The bid amount to complete the project is \$798,720.00. Manager Sawyer stated that the Township was awarded a DCNR grant and a Lancaster County Clean Water Fund for the project and the project is our DCNR mandatory MS4 Pollution Reduction Plan project. Jim Caldwell stated that he has left a message with Lori Yeich of DCNR to see if additional grant funds could be secured for the project. The bid was advertised that the Board would consider awarding the bid at their April 19, 2022 meeting.
- **Community Park Clearing and Grading Project Bids.** Manager Sawyer notified the Board of Supervisors that three (3) bids were received for the Ephrata Township Community Park Clearing and Grading Project. This project also came in much higher than estimated. Manager Sawyer recommended rejecting the bids at this time and having the Township Road Crew begin some of the clearing when their schedule permits.

A motion was made Tony Haws to reject the bids received for the Ephrata Township Community Park Clearing and Grading Project. The motion was seconded by Ty Zerbe and carried unanimously.

- **Electric Contract.** Manager Sawyer notified the Board of Supervisors that The Township's current contract with Constellation Energy expires in the fall of 2022. The Township has the option to extend this contract now beyond the expiration date. Constellation is recommending that their clients consider locking in rates now because electric rates are expected to continue to go up in price in the upcoming months. A list of the different terms and rates were given to the Board of Supervisors to review prior to the meeting.

A motion was made by Ty Zerbe authorizing staff to lock in rates with Constellation for a term of 36 months as presented. The motion was seconded by Tony Haws and carried unanimously.

- **Comcast – Modification to Eastbrooke & Autumn Hills Road Occupancy Plan.** Manager Sawyer stated that Comcast has submitted proposed modifications to the Eastbrooke and Autumn Hills Road Occupancy Permits plans. Comcast is requesting the modifications due to difficulties in boring in these areas due to heavy limestone. Rettew Associates has reviewed the plans and do not have any issues with the proposed changes.

A motion was made to approve the Comcast changes to the Eastbrook and Autumn Hills Road Occupancy Plans as presented. The motion was seconded by Tony Haws and carried unanimously.

- **Bethany Road Detour.** An email from BR Kreider dated March 21, 2022 requesting permission to use East Fulton Street and Diamond Station Road as a detour route for the intersection improvement project at Bethany Road and Route 322. The northbound lane of Bethany Road is proposed to be closed during work hours from mid-April to the end of May.

A motion was made by Tony Haws to approve the use of East Fulton Street and Diamond Station Road as a detour route for the Bethany Road – Route 322 intersection improvement project during the construction period. The motion was seconded by Ty Zerbe and carried unanimously.

- **Appoint IMG Member.** Manager Sawyer stated that the IMG will begin meeting on a more frequent basis and each municipality must appoint an elected official and an alternate to participate in upcoming meetings.

A motion was made by Tony Haws to ratify and confirm the appointment of Ty Zerbe as the Ephrata Township Representative and Steve Sawyer as the Alternate on the Inter-Municipal Group. The motion was seconded by Ty Zerbe and carried unanimously.

- **Resident Letter – Truck Traffic on Pleasant View Drive.** The Township received a form letter that was submitted and signed by three (3) residents that live along Pleasant View Drive. The reason for the letter was to express their concerns regarding the amount of truck traffic using their street. The three (3) residents are requesting the Township post the road “No Truck Traffic”. The Board of Supervisors tabled action regarding this complaint received regarding truck traffic on Pleasant View Drive until such time input has been received from the Township Engineer. Manager Sawyer stated that a letter was sent to each resident requesting that they contact the Township with additional information as to the type of trucks using the road, the frequency of the truck traffic and possible business identification on the trucks. This information will helpful in determining what action the Township should take on the request.

A motion was made by Ty Zerbe to table any action until a future meeting after more information is received from the residents. The motion was seconded by Tony Haws and carried unanimously.

**Solicitor – Tony Schimaneck**

Agreements for the CB Burkholder Land Development Plan are being completed. Manager Sawyer sent a letter and invoice by certified mail to Yare Trucking concerning damage to the Mohler Church Road bridge as a result of an accident in January of 2022. Tony Schimaneck stated that if no response is received, he would recommend his office send a second letter stating that the Township plans to move forward with filing a civil suit against Yare Trucking with the local Magistrate.

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

- East Mohler Church Subdivision
- Tommy's Carwash – Site Inspections
- CB Burkholder
- Ephrata Mennonite School – Site Inspections
- Lincoln Heights Avenue – Sketch 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**

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 8:48 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