

EPHRATA TOWNSHIP SUPERVISORS' MEETING

March 19, 2019

The Ephrata Township Supervisors met this date at 7:00 a.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 Assist: Jennifer Carvell
Engineer: Jim Caldwell

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 was made by Ty Zerbe to close the Public Comment Period. 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 5, 2019 Supervisors' minutes and to approve them as presented. The motion was seconded by Ty Zerbe and carried unanimously.

EPHRATA MENNONITE SCHOOL

A letter dated January 25, 2019 from Joshua Good and Keith Zimmerman of Ephrata Mennonite School requesting to replace their current two-room modular with a larger modular that would accommodate five (5) rooms along with a plot plan showing the proposed location was received by Ephrata Township. Ephrata Mennonite has had an increase of enrollment from 200 students to 290 students from when the approval was received for the placement of the two-room modular. Manager Sawyer stated that the modular was approved with the understanding that it was not to be permanent and that a land development plan to expand the school was needed or they would need to find a new location. The problem with expanding at this current location has been the need for public water and public sewer which would need to be extended to the site. Ephrata Mennonite School has found a new location for a new school campus at 651 Stevens Road and is pursuing development. They are hopeful that the new school will be ready for occupancy in 3 to 5 years. The current detention basin is large enough to accommodate the additional impervious coverage. The well and septic system is currently functioning properly and the school understands that they are responsible to keep the well and septic system in good working condition as enrollment continues to increase. Manager Sawyer recommended that if the Board of Supervisors decides to

approve the replacement of a larger modular that they should define the length of time and require it to be removed prior to the property being sold.

A motion was made by Ty Zerbe to approve Ephrata Mennonite School, 598 Stevens Road, Ephrata Township to replace their existing two-room modular with a larger five-room modular for a period of three (3) years conditional that it is removed prior to selling the property and that the well and septic system continues to function properly. The motion was seconded by Tony Haws and carried unanimously.

STAFF REPORTS

Manager Steve Sawyer

- **Short Term Rental Ordinance – Discussion.** Manager Sawyer presented to the Board of Supervisors a draft of a Short-Term Rental Ordinance prepared by West Cocalico Township for discussion. There was discussion regarding the maximum number of days it could be rented versus the number of rentals in a year, safety in the Agriculture District, owner occupied at the time of the rental, use of second building on a property, and UCC Compliance. Claudia Shenk, Attorney and resident Rebecca Branle were present. Mr. and Mrs. Branle previously were denied by the Zoning Hearing Board for a Special Exemption to operate a short-term rental on their property at 201 Royer Road, Ephrata Township. Their property is currently zoned Agriculture and the proposed short-term rental unit would be located in a renovated barn located on the property. Claudia stated that she could give the Township some additional ordinances from other local municipalities that have recently adopted a short-term rental ordinance. She encouraged the Supervisors to allow short-term rentals in the Agricultural District by Special Exemption so that the Zoning Hearing Board would be able to set restriction for each individual property. The Board of Supervisors stated that they will continue to work on the ordinance but are still trying to determine the language and conditions that should be in place to accurately describe a short-term rental unit in comparison to a Bed and Breakfast or a full-time rental property.
- **Weaverland Mennonite Homes.** Manager Sawyer stated that this plan was not on the Agenda, but it was reviewed by the Ephrata Township Planning Commission at their last meeting. Thomas Matteson of Diehm and Sons was present and showed the proposed plan to the Board of Supervisors. The current building and proposed development are located in Ephrata Borough, but the proposed storm water detention basin is located in Ephrata Township. Manager Sawyer and Jim Caldwell planned to visit the site after the Supervisors' Meeting to determine what if any additional improvements should be required with the project.
- **Escalator Clause Resolution.** Manager Sawyer stated that the Township has advertised the 2019 roadwork and material bids and an escalator clause is part of

the asphalt bids. The Township has included an escalator clause for the past ten years or longer. Manager Sawyer stated that PennDOT is now requiring municipalities to approve a resolution approving the escalator clause.

A motion was made by Tony Haws to approve the Escalator Clause Resolution as presented and required by PennDOT. The motion was seconded by Ty Zerbe and carried unanimously.

- **Akron Request – Rail Trail – Concrete Slab for Portable Toilet.** Manager Sawyer stated that the Township has allowed Akron Borough to install a Portable Toilet by the Rail Trail in Ephrata Township. They have now requested to add an 8' x 16' concrete pad. A plot plan showing the proposed location was provided to the Board of Supervisors. Manager Sawyer explained that the proposed pad would be up against the rail trail and they are requesting to cut approximately 4" into the existing rail trail macadam. After discussion, staff was instructed to contact Akron Borough stating that the Township is ok with the installation of a pad and fence but does not approve the cutting of the rail trail. It was discussed that the location of the pad could be altered or the type of material could be changed to eliminate the need to cut into the rail trail.
- **Request for “Hidden Driveway” Sign – 201 Meadow Valley Road.** Manager Sawyer stated that the Township received a request from the resident of 201 Meadow Valley Road to install signage for “Hidden Driveway”. Manager Sawyer stated that he notified the resident that Meadow Valley Road was a PennDOT Road and the signage would need to be approved by them. Manager Sawyer offered to contact PennDOT with the request but stated that PennDOT could require the owner to make driveway changes if alterations to the driveway occurred that were not previously approved by PennDOT. The property owner has decided to withdraw their request at this time.
- **Right of Way Management Ordinance.** Manager Sawyer stated that he was contacted by Dan Zimmerman of Warwick Township. He has received a proposal from Cohen Law Group to prepare a Right-of-Way Management Ordinance. Cohen Law Group is offering a discounted rate if multiple municipalities would like to go together with the ordinance. Manager Sawyer stated that at this time the Township requires a Road Occupancy Permit but there are no standards or regulations that have been set by the Township. It was stated that there could be a benefit if local municipalities had the same restrictions and conditions in the future for utility companies to follow. It was discussed that UGI is expanding their gas service within Ephrata along with Comcast. Adopting an Ordinance would be a benefit of the Township. Jim Caldwell stated that he feels Township staff, engineer and attorney can draft an Ordinance that would be more cost effective than using the Cohen Law Group. It could also include the Ephrata Township Roadway Specifications and other things that are specific to Ephrata Township.

A motion was made by Ty Zerbe directing Jim Caldwell to begin a draft of a Right of Way Management Ordinance as discussed. The motion was seconded by Tony Haws and carried unanimously.

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- **Video Gaming Terminal; Ordinance – Discussion.** Manager Sawyer provided the Board of Supervisors with a newspaper Article regarding Strasburg and Upper Leacock Township rejecting a proposal from Rutter's store for video gaming terminals. The gambling machines are now legal under a recently enacted state law in certain establishments but the state law does not pre-empt local zoning regulations. Rutter's is appealing the rulings in Strasburg and Upper Leacock. Manager Sawyer recommended to the Board of Supervisors to adopt an Ordinance to regulate where video gaming terminals can be used. The Board was not in favor of permitting video gaming terminals in convenience stores and directed staff to begin preparing a draft Ordinance to be reviewed and discussed at a future meeting.

Engineer Jim Caldwell reported that there are several plans in the review process.

Creek Corner – Final Land Development Plan

Ephrata Crossing – Phase 1 Hotel

Glenwood Foods

Weaverland Mennonite Homes

Jim Caldwell stated that last year Rettew Associates filed a grant application to DCNR on behalf of Ephrata Township for the proposed Restoration of the Cocalico Creek at Autumn Hills project. The grant for the proposed project was not approved. DCNR is now accepting grant applications for the 2019 grant cycle and Jim Caldwell feels like this project has a good chance to be approved this year. He requested that the Board authorize Rettew Associates to apply for the grant again this year. A Resolution to approve the Grant Agreement for the Restoration of the Cocalico Creek at Autumn Hills is required to be submitted with the grant application.

A motion was made by Ty Zerbe to approve the execution of the Resolution as presented and to authorize the submittal of the grant application to DCNR for the Restoration of the Cocalico Creek at Autumn Hills project. The motion was seconded by Tony Haws and carried unanimously.

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 reported that he attended Ephrata Borough's Public Safety Meeting last evening and they are planning to hire a Consultant to do a study for the future needs of Pioneer Fire Company and Lincoln Fire Company. This study is to help the fire company's budget for and work together to reach their future needs.

Clark Stauffer stated that he had a conversation with Representative Dave Zimmerman regarding the denied speed limit reduction on Rothsville Road. Mr. Zimmerman stated that the traffic study is public information and suggested that Warwick Township should

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request a copy of the study from PennDOT. Clark Stauffer requested that staff contact Warwick Township with this information.

There was no additional correspondence to report at this time.

A motion was made by Tony Haws to adjourn the meeting at 9:02 A.M. The motion was seconded by Ty Zerbe and carried unanimously.

Clark R. Stauffer

Anthony K. Haws

J. Tyler Zerbe