

EPHRATA TOWNSHIP SUPERVISORS MEETING

March 7, 2023

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
Solicitor:	Anthony Schimaneck
Engineer:	Jim Caldwell
Admin. Assist.	Jennifer Carvell

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 February 21, 2023 Supervisors' Minutes and to approve them as presented. The motion was seconded by Ty Zerbe and carried unanimously.

PUBLIC HEARING – ZONING ORDINANCE AMENDMENT – SIGN REGULATIONS

Steve Sawyer advised the Board that the proposed Ordinance has been advertised and it could be adopted by the Board at the conclusion of the Hearing. The Ephrata Township Planning Commission and Lancaster County Planning Commission have reviewed the proposed Amendment and recommendations were provided for review prior to the meeting.

Clark Stauffer opened the hearing for:

AN ORDINANCE OF THE TOWNSHIP OF EPHRATA, LANCASTER COUNTY, PENNSYLVANIA, TO AMEND THE ZONING ORDINANCE OF EPHRATA, TOWNSHIP, AS AMENDED, TO REQUIRE SIGNS FOR PUBLIC RECREATION AREAS, SCHOOLS, COLLEGES, CHURCHES, OR OTHER SIMILAR PUBLIC INSTITUTIONS IN THE COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS TO COMPLY WITH THE BUSINESS SIGN REQUIREMENTS IN THE UNDERLYING ZONING DISTRICT.

Attorney Peter Wertz, Keith Zimmerman of the Ephrata Mennonite School, and Randy Berger of Horst Signs were present. Attorney Wertz summarized the proposed amendment and Keith Zimmerman explained the new school project that is currently under construction. Randy Berger reviewed the location and design of the proposed freestanding sign along with the intent of the electronic message board. Jim Caldwell and Steve Sawyer stated that staff supports the proposed amendment.

There was no one in attendance to offer any public comment on the proposed ordinance.

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 Ordinance amending the Ephrata Township Zoning Ordinance to require signs for public recreation areas, schools, colleges, churches, or other similar public institutions in the commercial and industrial zoning districts to comply with the businesses sign requirements in the underlying zoning district 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 – 471 NORTH READING ROAD REZONING

Steve 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. The Ephrata Township Planning Commission and the Lancaster County Planning Commission has reviewed the proposed Rezoning and recommendations were provided for review prior to the meeting.

Clark Stauffer opened the hearing for:

**AN ORDINANCE TO AMEND THE EPHRATA TOWNSHIP ZONING MAP
BY REZONING FROM INDUSTRIAL (I) TO COMMERCIAL (C)
APPROXIMATELY 5.75 ACRES OF LAND LOCATED ALONG NORTH
READING ROAD AND CHURCH AVENUE.**

Attorney Erik Hume and Scott Cover, Owner of 471 North Reading Road were present to present the proposed Zoning Petition and answer any questions from the Board of Supervisors. Steve Sawyer and Jim Caldwell stated that staff was in support of the proposed rezoning request as presented.

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 Ordinance amending the Ephrata Township Zoning Map by rezoning approximately 5.75 acres of land located along North Reading Road and Church Avenue from Industrial (I) to Commercial (C). The motion was seconded by Ty Zerbe and carried unanimously.

BRIAN FREY – EPHRATA PUBLIC LIBRARY BOARD

The Board of Supervisors were provided with an email that was sent to the Township from Brian Frey, Board Member of the Ephrata Public Library on February 27, 2023 requesting to be on the next Supervisors' Meeting Agenda. Brian Frey was present and introduced himself to the Board of Supervisors. Mr. Frey is an Ephrata Township resident and has been on the Library Board for 3 years. The Library Board decided this year to have a designated Board Member assigned as the representative for each local municipality in the area and Mr. Frey was appointed to be the contact for Ephrata Township. The goal is to improve communication between the Municipalities and the Library. Brian gave the Township contact information and offered to be of service whenever any questions or concerns may arise.

STAFF REPORTS

Police Department – Monthly Report.

Sgt. Matt Randolph was in attendance and provided the Supervisors with a summary of the calls for service within Ephrata Township for the month of February totaling 338 incidents. There were 8 arrests and 10 traffic citations. The monthly report will be kept on file in the office.

Manager Steve Sawyer

- **Hearing – 75 East Mohler Church Road Sidewalk.** Manager Sawyer notified the Board of Supervisors that multiple notices have been sent to James Neighbors of 75 East Mohler Church Road regarding a block of sidewalk that has been missing along the frontage of his property since a water and sewer lateral repair several years ago.

Clark Stauffer opened the hearing for 75 East Mohler Church Road Sidewalk Repair.

Manager Sawyer stated that a notice was sent regular and certified mail along with the Township's Ordinance No. 84 for the repair and maintenance of existing curbs and sidewalks and the penalties for failure to repair curbs and sidewalks to the property owner James Neighbors. The certified letter was unclaimed. A copy of the notice was provided to the Board of Supervisors for their review. Attorney Schimaneck stated that the next step would be to have staff prepare an Adjudication as stated in the Ordinance to move forward.

No one was in attendance from the public to take part of the Hearing.

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 find that the missing block of sidewalk is a public nuisance and that James M. Neighbors Jr. is in violation of Ephrata Township Ordinance #84 and Second Class Township Code. Mr. Neighbors is ordered to replace the block of sidewalk within thirty (30) days of the date of this adjudication. In the event Mr. Neighbors does not replace the block of sidewalk within thirty (30) days of the date of this adjudication, Ephrata Township may take any and all action to repair/replace the block of sidewalk, at the sole expense of Mr. Neighbors, and to lien the real estate located at 75 East Mohler Church Road for any and all expenses related thereto. The motion was seconded by Ty Zerbe and carried unanimously.

- **Road Bids – Escalator Clause Resolution.** 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 2023 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 Ty Zerbe to approve the Resolution to approve the resolution for price adjustment of bituminous materials for small quantities for Ephrata Township 2023 bids for road projects and materials. The motion was seconded by Tony Haws and carried unanimously.

- **Park Pavilion Rental Science Explorers Summer Camp.** The Township received an email from Leslie Houck of Science Explorer requesting to use the Ephrata Township Park and Pavilion for a week or 2 weeks from 9am to 12pm to operate a summer camp. The minimum number of students would be 10 and the maximum 23 with 2 instructors. The Township would receive 10% of the registration fee which would be a maximum of \$552.00 for the week. Manager Sawyer stated that similar requests from for-profit businesses have been denied in the past by the Board of Supervisors. Manager Sawyer also stated that if the Board were to grant the request from Science Explorers this would set a precedent and that the Park is heavily used during the summer months without day camps. Attorney Schimaneck also stated that having profit organizations use the park could also lead to some additional liability concerns.

A motion was made by Tony Haws to deny Science Explorers request to use the Ephrata Township Community Park and directed staff to also deny future requests from other for-profit organizations. The motion was seconded by Ty Zerbe and carried unanimously.

- **LCATS Spring Meeting.** Manager Sawyer notified the Board of Supervisors that the Spring LCATS Spring Meeting has been scheduled for March 30, 2023 at Yoder's Restaurant & Banquet. RSVPs are needed by March 20, 2023.

- **Cocalico Creek Restoration Project – Update.** Manager Sawyer notified the Board of Supervisors that he and Jim Caldwell attended a site meeting with Flyway Excavating and the Lancaster County Conservation District to discuss changing the location of the walking trail that is shown on the approved plan. The Township has requested that DEP and LCCD approve the relocation of the trail as a minor field change to our approved permit. If DEP and LCCD approve the relocation as a minor field change, Flyway and Rettew Associates would complete soil probes of the new location to verify that the relocation would be beneficial. After discussion, the Board of Supervisors directed staff to move forward with the necessary steps needed to change the trail location and not to complete the soil testing as recommended.

Solicitor – Tony Schimaneck

Solicitor Schimaneck informed the Board that he did not have anything additional information to report at this time.

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

- Cocalico Creek Restoration Project – Site Work
- East Mohler Church Subdivision – Site Inspections

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 8:45 p.m. The motion was seconded by Ty Zerbe and carried unanimously.

Clark R. Stauffer

J. Tyler Zerbe

Anthony Haws