

## **EPHRATA TOWNSHIP SUPERVISORS' MEETING**

**October 4, 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  
Ty Zerbe  
Anthony Zerbe  
Manager: Steve Sawyer  
Admin. Asst.: Jennifer Carvell  
Engineer: Jim Caldwell  
Solicitor: Tony 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 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 September 20, 2022 Supervisors' minutes and to approve the minutes as presented. The motion was seconded by Ty Zerbe and carried unanimously.

### 471 NORTH READING ROAD LLC – REZONING PETITION

Manager Sawyer notified the Board of Supervisors that Scott Cover's Attorney has not completed the modification to the Rezoning Petition to add the neighboring property as requested by the Township at the last Supervisors' Meeting. Mr. Cover notified the Township that the amendments to the Rezoning Petition should be completed by the end of this week. Manager Sawyer recommended tabling action by the Board to authorize sending the Rezoning Petition to the Lancaster County Planning Commission and Ephrata Township Planning Commission until the next Supervisors Meeting.

A motion was made by Ty Zerbe to table action on the Rezoning Petition for 471 North Reading Road LLC until the amendments have been completed by the applicant. The motion was seconded by Tony Haws and carried unanimously.

STAFF REPORTS

Manager Steve Sawyer

- **Resolution – Implement Act 57 – Tax Penalty Waiver.** Manager Sawyer presented a Resolution to implement Act 57, which is a Tax Penalty Waiver that taxing authorities are required to adopted by Resolution or Ordinance by Act 57. The Board of Supervisors were provided with an email from Amber Martin, Lancaster County Treasurer dated September 14, 2022 and an article from PSATS explaining Act 57. Act 57 allows taxpayers who fail to receive a tax notice during their first year of ownership of a property to apply for a waiver from penalties and additional costs from the tax collector. This does not waive the annual real estate tax owed. Act 57 will go into effect on January 9, 2023.

A motion was made by Tony Haws to approve the Resolution to adopt the Implement Act 57 Tax Penalty Waiver as presented. The motion was seconded by Ty Zerbe and carried unanimously.

- **Denver Wholesale Foods – Financial Security Release.** Denver Wholesale Foods is requesting the release of their Financial Security. The Board of Supervisors were provided with a letter from Rettew Associates dated September 14, 2022. Jim Caldwell stated that the As-Built Plans have been reviewed and a site visit was completed on April 11, 2022. The only outstanding item is that the NPDES needs to be terminated and approved by DEP. Manager Sawyer recommended that the Board reduce the financial security to a balance of \$5000.00 until such time the NPDES permit termination documentation is provided.

A motion was made by Ty Zerbe to approve a reduction in the financial security for the Denver Wholesale Foods project to a balance of \$5,000 until the NPDES termination documentation is received. The motion was seconded by Tony Haws and carried unanimously.

- **Alan Martin LD Plan – Time Extension to act on the Plan.** The Board of Supervisors were provided with a letter from Red Barn on behalf of Alan Martin dated September 28, 2022 granting a 90-day time extension for the Township to act on the Land Development Plan. An update on the project was also provided. Manager Sawyer recommended accepting the time extension.

A motion was made by Tony Haws to accept the 90-day time extension granted by Alan Martin. The new deadline for the Township to act on the Land Development Plan will be December 23, 2022. The motion was seconded by Ty Zerbe and carried unanimously.

- **Martin Energy – Time Extension to act on the Plan.** The Board of Supervisors were provided with a letter from Diehm & Sons on behalf of Martin Energy dated September 26, 2022 granting a 90-day time extension to act on the Land Development Plan. Ephrata Township has requested a Pedestrian Easement from Martin Energy since the original submittal of the Land Development Plan. Martin Energy is researching what modifications will be required to the building and

parking lot to accommodate the pedestrian easement. Manager Sawyer recommended accepting the time extension.

A motion was made by Ty Zerbe to accept the 90-day time extension granted by Martin Energy. The new deadline for the Township to act on the Land Development Plan will be December 25, 2022. The motion was seconded by Tony Haws and carried unanimously.

- **October ZHB Hearing Application – Joe Burkholder.** Manager Sawyer reviewed with the Board a Zoning Hearing Applications for the October meeting. Joe Burkholder of 1440 Division Highway is seeking approval to construct two building additions for receiving and mixing processes for an existing feed mill business. They are not proposing to add additional employees and there will not be any retail sales conducted on site. After discussion, the Board of Supervisors did not feel that the Township should take a position or present testimony at the zoning hearing.
- **Cocalico Creek Restoration Project – Update.** A preconstruction meeting took place with the Flyway Construction on September 28th. Rettew Associates will be providing the Township with minutes from the meeting. Construction is scheduled to start early November with a completion date of May 2023.
- **Budget Work Session – 10-18-2022.** Manager Sawyer provided the Board of Supervisors with a draft Budget for their review. The 2023 Budget Work Session is scheduled as part of the next Board meeting on October 18, 2022.

**Solicitor – Tony Schimaneck** Solicitor Schimaneck informed the Board that his office has prepared the agreements for the Melvin Hoover Subdivision Plan and Concept Excavating Storm Water Management Plan. Jason Hess from MHCK has been working with Manager Sawyer on an amendment to the Township's Traffic Ordinance. The Street Light Liens for 2023 have been prepared and will be filed in the near future.

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

Cocalico Creek Restoration - Pre-Construction Mtg.  
MS4 Permit Application  
Martin Energy - Land Development Plan  
Denver Wholesale Foods – As-Built Plan/Financial Release  
Alan Martin – Land Development Plan  
East Mohler Church Subdivision – Pre-Construction Mtg.  
503 Alexander Drive/Concept Excavating-SWMP  
Zimmerman – Land Development Plan Deferral

#### **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

There was no additional information reported.

A motion was made by Tony Haws to adjourn the meeting at 7:33 P.M. The motion was seconded by Ty Zerbe and carried unanimously.

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Clark R. Stauffer

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Anthony K. Haws

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J. Tyler Zerbe