

**EPHRATA BOROUGH COUNCIL
WORK SESSION MINUTES
JULY 1, 2019**

The Ephrata Borough Council Work Session was called to order by President Susan Rowe on July 1, 2019, at 7:00 p.m., in the Council Chambers of the Borough Office, 124 South State Street.

The meeting began with a moment of silence which was followed by the Pledge of Allegiance.

In attendance in addition to the President were Vice President Thomas Reinhold, President Pro Tem Melvin Weiler, Council Members Timothy Barr, Linda Martin, Ricky Ressler, Victor Richard, Greg Zimmerman and Mayor Ralph Mowen.

Also in attendance were Borough Manager, D. Robert Thompson, Police Chief William Harvey and Borough Solicitor James R. McManus, III, Esq.

President Rowe advised that Borough Council had met prior to tonight's meeting attending an educational workshop.

First Opportunity for Citizens to be Heard

After allotting a brief time for citizen comments and/or remarks and with no one in attendance approaching the podium, President Rowe turned to the discussion of Committee Actions.

Committee Reports/Committee Actions - June 19, 2019

Public Safety Committee Report

Mr. Ressler provided an overview of the Committee Report; in which, the Action Items were acted upon at the June 19, 2019, Borough Council Reconvened Regular Session.

Mr. Weiler advised he thought the presentation given regarding the Fire Study was very informative and he is looking forward to receiving recommendations on moving forward.

President Rowe, in referencing The Shopping News discussion item, inquired if the matter will be revisited in the future to see if progress is being made. Chief Harvey advised Ms. Hocking, The Shopping News, stated it may take a few weeks to see any improvement due to the various delivery schedules. Chief Harvey further stated, "... we are giving them a fair opportunity to adjust their business practice."

Highway Committee Report

Mr. Barr provided an overview of the Committee Report; in which, the Action Items were acted upon at the June 19, 2019, Borough Council reconvened Regular Session.

Committee Reports – July 8, 2019

Development Activities Committee Report

Mr. Weiler provided an overview of the Committee Report; in which, there were no Action Items to be brought forward to the July 8, 2019, Borough Council Regular Session.

However, Mr. Weiler advised the Committee has an Action Item involving the salt storage shed currently in progress which was withdrawn from any action as to receive further review/

consideration by staff. Mr. Weiler further advised there was proposal for the purchase of a structure; however, staff has requested the Solicitor look into the matter further so as to not make any missteps in the purchasing process. Mr. Weiler advised this matter will be brought forward at a later time for voting.

Additionally, Mr. Weiler advised there will be a Zoning Ordinance public hearing being held on July 8, 2019, at 6:00 PM.

Discussion of Committee Actions

Budget and Finance Committee

Vice President Reinhold advised Mainspring of Ephrata submitted a request for \$88,405 which is the first request for the budget year 2019/2020. Once the year end has been completed, they will have a better idea of what their ending balance will be. This will determine what they will request in January 2020. The Committee will recommend approval of the funding request of \$88,405 at the July 8th voting session.

Vice President Reinhold provided an overview of the Discussion Items as listed on the Committee Report.

President Rowe, in referencing the Mainspring funding request, advised the CPI used to determine the increase was 2.1; and, further advised, as of June 12, 2019, the CPI was 1.8. President Rowe inquired what the reason was to use 2.1 for the increase; in which, Mr. Thompson advised that Mainspring's budget was adopted in May so that it could come before Council at the June committee meetings. Mr. Thompson further advised in May, the CPI was in fact 2.1.

President Rowe, in referencing the PILOT Program discussion item, advised at this time only 15% of the tax exempt organizations responded to the request. President Rowe encouraged Council and staff to think of ways to encourage responses from those organizations who have not participated in the program. Mr. Thompson advised a discussion occurred regarding having a media outlet publish a listing of those organizations that did contribute which may insight others to consider participating in the program. Mr. Thompson further advised in moving forward, there may be a need to provide some examples (i.e., street lights, public safety, etc.) of what their funds would be used for. After a brief discussion, President Rowe again requested Council to give this topic some thought prior to the next Budget and Finance Committee Meeting.

Highway Committee

Mr. Barr advised the Committee reviewed a request from Richard Gehman, Boy Scout Troop 73 Committee Chairperson, per his letter dated June 3, 2019 to use the East Locust Street parking lot and have the opportunity to staff the West Franklin Street parking lot during the 2019 Ephrata Fair to park cars as a fundraiser. Because the West Franklin Street lot is occupied by vendors during Fair week, The Ephrata Farmers Day Association, Inc. (TEFDAI) has agreed to compensate Boy Scout Troop 73 for lost revenue provided they invoice TEFDAI in a timely manner following the completion of the Ephrata Fair. The Committee will recommend, as part of the Consent Agenda, that Borough Council conditionally approve the request subject to Borough receipt of a satisfactory certificate of insurance naming the Borough as additional insured at their July 8, 2019 meeting.

Mr. Barr advised the Committee reviewed a resolution authorizing execution of an application for traffic signal approval to the Pennsylvania Department of Transportation for planned signal modifications at East Main Street (SR 0322) & Bethany Road associated with the proposed Ephrata Crossing land development in Ephrata Township. The Borough is the traffic signal permittee for this signalized intersection. The Committee will recommend that Borough Council adopt Resolution #2019-12 authorizing the President of Borough Council and the Borough Secretary to execute the application for traffic signal approval for planned signal modifications at East Main Street (SR 0322) & Bethany Road at their July 8, 2019 meeting.

Mr. Barr advised the Committee heard about a community storm water education project from Nick Thomas, Public Works Foreman, and two teachers from Highland Elementary School. The project promotes “Only Rain in the Drain” to ensure a healthy environment and clean water supply. As part of the community education program, encouraging the importance of a clean storm sewer system, the storm water catch basin inlet markers are being updated and 3rd grade students at Highland Elementary School were asked to work collaboratively on a new design for the markers. The Highway Committee reviewed six marker designs and chose the “Don’t Even Bother to Pollute the Water” entry as their recommendation to Borough Council to accept as the winning entry at their July 8, 2019 meeting.

Mr. Barr advised the Committee reviewed and discussed UGI’s latest natural gas extension plans through certain areas of the Borough. Proposed gas main extensions comprise East Fulton Street from Lake Street to the municipal boundary line east of Bethany Road, Jeff Avenue, and a section of Tom Avenue. The Committee was updated by Project Manager Burkholder regarding UGI’s current project and was advised that UGI has not begun any final pavement or concrete sidewalk restorations at this time but that UGI has been in recent contact with the Borough to schedule a walk-through of the areas that require final restoration. Committee will recommend that Borough Council conditionally approve the gas main extensions subject to the three (3) separate Agreements (“Get Gas Program” Agreement and two (2) “Street Opening and Gas Service Extension” Agreements) between UGI Utilities, Inc. and the Borough of Ephrata. This includes any required performance bonds and certificate(s) of insurance being in a form acceptable to the Borough Solicitor and Borough receipt of a \$107,813.35 payment from UGI in lieu of pavement restoration. This payment is to serve as compensation to the Borough for future costs to final restore those affected portions of East Fulton Street and Jeff Avenue and physical reduction of UGI’s current construction footprint by providing final pavement and concrete sidewalk restoration along West Pine Street and North and South State Streets between West Pine Street and Fulton Street. This is to be done as soon as possible, no later than August 30, 2019, in a manner consistent with the approved plans and satisfactory to the Borough at their July 8, 2019 meeting.

Mr. Barr advised the Committee reviewed Municipal Winter Traffic Services Renewal Agreement #3900038016, year 4 of 5, by and between the Pennsylvania Department of Transportation (PennDOT) and the Borough. The Agreement area consists of 2.97 linear miles along East and West Main Streets (SR 0322) from Bethany Road to Market Street and compensates the Borough at a rate of \$1,168.77 per travel lane mile for snow and ice removal during the 2019/2020 winter season. The total anticipated reimbursement to the Borough is \$6,942.49 plus any applicable adjustment to offset severe winter conditions. There is no fuel cost adjustment factored into the Agreement. The Committee will recommend as part of the Consent Agenda that Borough Council

authorize the Borough Manager to execute Municipal Winter Traffic Services Renewal Agreement #3900038016 with PennDOT at their July 8, 2019 meeting.

Mr. Richard provided an overview of the Discussion Items listed on the Committee Report.

Mr. Ressler, in referencing the Christmas in Ephrata discussion item, advised the request has the closing of the street happening an hour earlier (the same time as last year); however, there was a complaint from a business owner where a vendor stand was placed directly in front of their open business which caused some concerns. Mr. Ressler further advised at this time, the Committee has tabled the matter so that more conversations can take place between Mainspring of Ephrata and the business owner for resolution of the timing of the street closure.

Mr. Ressler, in referencing the Comcast discussion item, advised that he read recently that Lititz Borough had stopped Comcast's permit to do work within the Borough due to them not following procedures. Mr. Ressler advised due to that information, he believes there is a need to be careful of this matter when working with Comcast in the future. Mr. Thompson advised a letter was received from Comcast which more or less stated, "... they have the authority to do whatever they need to do to in order to complete the project." Mr. Thompson advised he forwarded the letter, along with staff comments, to Dan Cohen, The Cohen Law Group, as he assisted in the preparation of the Franchise Agreement and is awaiting his response. Mr. Richard advised he thought it would be a positive to have Comcast being able provide service to the Borough which is more in line with what was discussed when the project was initially brought up. Mayor Mowen, in referencing the underground placement areas, inquired if Comcast will be going across private property; in which, Mr. Thompson advised they have to be in the right of way or there has been offers to property owners to put some of the pedestals on private property should they grant them permission to do so.

Ms. Martin, in referencing the Christmas in Ephrata event, advised that some of the downtown business owners who are affected by the street closure will be in attendance at the next Highway Committee Meeting for further discussion of the matter. Additionally, Ms. Martin advised that a brief informational presentation will occur at that time highlighting what occurs during the setting up of the event thus the request for the earlier street closure time. Mr. Weiler inquired if sponsors of the event have been invited to attend that meeting; in which, Ms. Martin advised invitations have been shared with event sponsors.

Mr. Weiler, in referencing the UGI action item, inquired as to what is the driving factor for UGI's desire to expand their territory. Mr. Thompson advised that the first phase being completed currently is State Street from just past Pine Street, south to Queen Street. Additionally, Mr. Thompson advised there was also a portion going up Fulton Street to Lake Street and then down Sugar Alley and up Rose Alley. Mr. Thompson advised UGI is planning to service Lakeside Villas, Ephrata Township, on Fulton Street (past Bethany Road – just before the Ephrata Township Park – on the left-hand side). Mr. Thompson further advised that Fulton Elementary was also included in the original agreement.

Mr. Weiler advised he likes the fact UGI is planning on having everything done by August 30th and hopes they are able to maintain their ambitious schedule.

Mr. Ressler advised he has received information from a citizen who witnessed a horse going down on a steel plate in the roadway; in which, Mayor Mowen advised several of those types of incidents have occurred.

Chief Harvey, in referencing the upcoming Firecracker Run, advised some of the course has plating and raised surface areas resulting in him reaching out to the Race Director who advised that the matter will be added to the safety briefing and communicated to all of the runners. Mr. Zimmerman inquired if cones could be added to the affected areas; in which, Chief Harvey advised the runners will be reminded the course is a “shared run course” and they have to be aware of their surroundings. Vice President Reinhold inquired if additional signs could be placed at the registration area advising of the possible hazards; in which, Chief Harvey advised, although that is a great idea, some of the runners pick up their registration materials at the Ephrata Recreation Center the evening prior to the race. Vice President Reinhold suggested that the Rec Center staff notify those individuals of the possible road course hazards.

Mayor Mowen advised he believes by moving the “Steel Plates Ahead” signs off of the sidewalk and placing them along side of the street will allow runners to see the warning(s) as they are approaching the affected area(s). Mr. Richard, in speaking to the Solicitor, inquired as to what the Borough’s liability would be if a runner is injured as a result of the steel plates; in which, Chief Harvey advised on the back of the race application, there is a disclaimer that releases the Borough from any liability. Mr. Richard again requested to hear the Solicitor’s opinion on the matter; in which, Solicitor McManus advised that while a lawsuit could be initiated, it falls on what defenses were put into place for the race. Solicitor McManus further advised it would come down to if the Borough was negligent in the activity that it performed or by the way of negligent supervision. In answering if the Borough is totally without risk, Solicitor McManus stated, “... the answer is always no.” Solicitor McManus further stated, “... our best defense would be to make the area as safe as possible.”

Mayor Mowen advised as he is the one who “pulls the trigger” at the start of the race so he will make sure the “Steel Plates Ahead” signs are visible to the runners. Mr. Thompson advised the agreements that UGI has executed with the Borough is not the Borough granting them permission to use the street as they have the right as a public right of way to use the street. Mr. Thompson further advised the agreement being executed is for proper restoration of the work and payment in lieu of doing a full mill and overlay restoration.

Community Services Committee

Ms. Martin advised the Committee reviewed a written request, dated June 13, 2019, from Josh McCracken, Principal of Fulton Elementary School, to place flags at the Winters Leadership Plaza for Veterans Day. The Committee will recommend that Borough Council approve the request as part of the Consent Agenda at their July 8, 2019 meeting. The Borough is in receipt of a certificate of insurance naming the Borough as additional insured.

Ms. Martin provided an overview of the Discussion Items listed on the Committee Report.

Mr. Zimmerman, in referencing the Ephrata Community Pool discussion item, advised it is listed that there are 2,000 bathers allowable within the pool and that the Rec Center would like to see that

number decreased to 1,000 bathers in an attempt to alleviate some of the concerns regarding the pool being overcrowded. Vice President Reinhold sought clarification if the possible total number of people within the pool complex is actually closer to 2,800 as he interpreted when reading the report; in which, Ms. Martin advised Mr. Summers, Ephrata Recreation Center, advised he was told that anything inside the fence, including the grass areas, is pool decking which is why the allowable total number is 2,800.

Vice President Reinhold advised, in referencing the 1,000 bathers figure, the report reads that the total number would include 600 day passes and 400 scans (members). Vice President Reinhold further advised he feels there should be more membership scans than there are general admission entries. Ms. Martin clarified that those figures were chosen based on the historical ratio of scans versus day passes.

Vice President Reinhold inquired if by the July 22nd meeting, the numbers regarding the pool's daily attendance rates would be available; in which, Mr. Thompson advised Mr. Summers has been providing that information on a regular basis.

Mr. Richard, in referencing a possible weekly Borough Council article in the newspaper, advised with incorrect information getting quoted from time to time to "Letters to the Editor" and other sources, that he feels that, "... we need to state the facts." Mr. Richard stated, "... we never really respond to these inaccuracies which are quoted ..." and "... some people take some of the articles in the paper as gospel and they are just not right ..." Mr. Richard further stated, "... it is well past time for us to come forward and address some of these inaccuracies ... and set them straight ... and also to "toot our own horn" on some things ... we just can't do enough of that." Mr. Richard ended his comments by stating, "... we need to show a clear, transparent front to the average taxpayer of correct information and correct wrong information which has been disseminated out there."

Mayor Mowen advised he spoke up at the last Borough Council meeting because the published "Letter to the Editor" was totally off base; in which, Mr. Richard thanked him for his comments and clarifications.

Mayor Mowen, in referencing the pool, advised within the last week, he has had two residents who had prior season passes tell him, "... there are so many day passers there that come in, take over, cause issues ... that they will not buy season passes again until that changes." Mayor Mowen advised another individual, in referencing a recent swim meet, advised the area in which they have set up a concession stand at past events, was occupied by day passers who would not vacate the area when asked. Mayor Mowen concluded his comments by stating, "... I am firm believer to raise the price of non-resident day passers." Ms. Martin advised the Committee continues to discuss the issue and is very interested in changing the structure with more information to come in the future.

Mr. Weiler, in referencing the Rail Trail and the Heatherwood bike path, inquired as to where individuals will park their vehicles and how that area will be accessed; in which, Ms. Martin advised individuals can park in the already designated parking areas and ride their bikes to the bike path. Mr. Thompson advised parking is available at Queen Street where the basketball courts are as well as the public parking area located on Fulton Street. Vice President Reinhold further advised there is plenty of on-street parking options close to and available in that area.

Second Opportunity for Citizens to be Heard

After allotting a brief time for further citizen comments and/or remarks and with no one in attendance approaching the podium, President Rowe turned to the discussion/announcements portion of the meeting.

Discussion/Announcements

Mr. Zimmerman extended his appreciation to Chief Harvey for sending the email with tips on how to be safe for the July 4th holiday.

Mr. Ressler stated, "... we had a stellar Brew Fest this year ... fantastic weather ... they sold more tickets, but it still is not crowded in there at all ... I just thought it was a fantastic event ... enjoyed it very much."

Mr. Weiler advised he is hoping the 4th of July celebration is an additional success.

Ms. Martin stated, "... she is always delighted when we are partnering with the students in our community ..." and when reading about the 3rd Grade Contest to help mark our storm sewer markers, she thought "... it was the cutest thing." Ms. Martin further stated her favorite was "... dirt in the drain makes me insane." Ms. Martin advised she had so much fun reading through the entries and inquired as to whose idea it was to incorporate the students in this way; in which, Mr. Thompson advised the idea came from Nick Thomas, Public Works Foreman. Ms. Martin stated, "... amazing ... well kudos to him because what a great partnership that was ... so I just want to commend him for the great job of connecting government with students ... I think that is amazing."

Mr. Richard advised he attended the Concert on the Creek event held last evening which was well attended. Mr. Richard advised on Sunday, July 7, 2019, at 7:15 PM, a patriotic concert will be held and encouraged all to attend. Mr. Richard further advised he is hoping for nice weather on July 4th for the fireworks display.

Vice President Reinhold, in referencing the Community Services Committee Report's discussion of the addition of bike racks, benches and a map of local businesses along the Rail Trail, advised downtown is getting an increased number traffic, especially during the weekends, coming from Lititz and would like to see a quick response for resolution of the matter. Mr. Thompson advised Mainspring of Ephrata had a discussion at their board meeting about placing directional signage along the trail such as: How to get to the Public Library; How to get to the Central Business District; Various Eateries; etc.

Mayor Mowen advised that in the past, 4th grade students picked an issue within the Borough (i.e., stormwater, dog parks, stream pollution, erosion control) and they had to come up with a solution to resolve the issue. Mayor Mowen further stated, "... it was amazing to see what they could come up with." Mr. Thompson advised the students also had to make a presentation where each member of their team had a speaking role. Mayor Mowen further stated, "... it is amazing to see these kids ... and you think, "Wow ... they're just little kids, but those are some really good ideas!" Mr. Thompson further stated, "... we have to give credit to Paul Swangren, who at the time was the Superintendent of Public Works ... on multiple evenings, on his own time, he went and sat down

with the students to talk about some of their projects ... and I think that is why Nick Thomas followed suit as it was a very positive experience.”

Mayor Mowen, in referencing the rail trail signage request, advised he forwarded an email to the Highway Committee that lists some possible ideas.

Mayor Mowen advised a tree fell across Fulton Street which had thousands of Spotted Lanternfly nymphs on it. Mayor Mowen advised there is a spray available, however, he is not sure what the contents of the spray are. Chief Harvey advised that Penn State has a website available which lists helpful treatment information and will forward that information to Council members.

Mayor Mowen concluded his comments by advising he will be on vacation from July 6th to July 27th.

Adjournment

It was motioned by Ms. Martin, seconded by Mr. Barr, to adjourn the meeting. The meeting was adjourned at 8:10 PM.

D. Robert Thompson, Secretary