

**EPHRATA BOROUGH COUNCIL  
WORK SESSION MINUTES  
AUGUST 1, 2016  
“Amended”**

The Ephrata Borough Council Work Session was called to order by President Susan Rowe at 7:00 PM on August 1, 2016 in the Council Chambers of the Borough Office, 124 South State Street.

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

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

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

Attending for the press was Gary Klinger of The Ephrata Review. The following visitors were present:

Dennis Rowe, 214 East Main Street, Ephrata  
Dave Wilhide, 39 Clover Court, Ephrata  
Richard Stewart, 915 Fairview Avenue, Ephrata  
Tina L. Thompson, 872 Fairview Avenue, Ephrata  
Jim Witwer, 34 Spruce Street, Ephrata  
Rebecca Gallagher, 900 West Main Street, Ephrata  
Jean Lausch, 950 Hammon Avenue, Ephrata  
Tim Auker, 542 North State Street, Ephrata  
Jim Summers, Ephrata Recreation Center  
Faith Samuel, 212 North Academy Drive, Ephrata  
Bruce Wolf, 1037 Lincoln Heights Avenue, Ephrata  
Mike Legerlotz, 1446 Mountain Road, 27545

**Opportunity for Citizens to be Heard**

There were no comments from attendees.

**Discussion of Committee Actions**

The Committee Chairs reviewed and discussed their work session items.

Development Activities Committee

Mrs. Martin said the Committee reviewed the subdivision and land development agreement for 40 & 44 Bethany Road. They also reviewed the stormwater operation and maintenance agreements for 40 Bethany Road and 44 Bethany Road. These recommendations will appear on the consent agenda.

**Sgt. Schmitt Award Recognition**

Earlier this year the VFW had a special dinner at their Post and presented Sgt. Eric Schmitt with the Department of Pennsylvania Veterans of Foreign Wars John Radko Law Enforcement Gold Medal Award for 2015/16. Candidates are submitted from all over the Commonwealth. We are very pleased to announce that Sgt. Schmitt was awarded this.

Sgt. Schmitt thanked the VFW for this award. Sgt. Schmitt said he is not able to receive this award without thanking his other officers that he works with every day. Without them Sgt. Schmitt would not be able to do the job he does as well as he does.

Chief Harvey said on behalf of the Ephrata Police Department they have a close tie with the VFW over certain events that enable them to work closely with them. Also, Chief Harvey being a veteran and several of the police officers are veterans. This is positive proof as you have heard the Mayor say several times we have one of the most excellent Police Departments in Pennsylvania. We have the Officer of the Year in the Commonwealth of Pennsylvania. The Mayor stands true and correct with what he has been saying all along. We have a fine department.

Public Safety Committee

Mr. Weiler said there are three items for the Public Safety Committee.

The first is a request from the Ephrata’s Farmers Day Association to waive the Borough code about livestock, bees, etc. in the Borough in order to conduct their livestock judging and petting zoo for the 2016 Ephrata Fair.

The other two items that will be coming up for a vote tonight will be the appointment of Gary Krafft as Special Counsel to the Property Maintenance Appeal Board. The other is the appointment of Dale Latshaw to the Property Maintenance appeal Board with a term expiring December 31, 2018.

Municipal Enterprises Committee

Mr. Richard said they have three items that will come forward next week. The first is Bid #16-9 for Contract Waste and Recyclable Materials Collection. Mr. Richard reviewed the terms of the contract and bid amounts. Eagle Disposal is the company we are using now. Mr. Thompson said Ream Disposal has been serving us for the last three years, and they have been bought out by Eagle. The last two months of the term Eagle is presently collecting; therefore, we won’t need any transition because they are already the contractor.

Mr. Richard said the Committee also received a request to reduce the financial security from Lincoln Land Group for Home Towne Square Phase 2 land development.

There was also a request for sanitary sewer capacity for 40 & 44 Bethany Road land development plan. Mr. Richard said we have a lot of capacity for sewer.

President Rowe said we received a late request and asked Mr. Ressler to discuss the item.

Highway Committee

Mr. Ressler said the Highway Committee is going to have one item to bring forward next week. We received a letter from the VFW requesting a closure of the alley behind the VFW and Fire Company for an event they are holding on August 20 called The Crabfest. Mr. Ressler said he heard from the Chief that there are no issues with that item. Mr. Barr said last year was the first year for that event and it went well. Mayor Mowen said tickets are on sale at the VFW and Pioneer Fire Company.

Community Services Committee

Mr. Barr said there are two items for next week’s meeting. The Committee received a request from Ephrata Alliance to hold a Party in the Plaza event. A free admission block party to coincide with Ephrata Borough’s 125<sup>th</sup> birthday weekend celebrations. The event will be held on October 20, 2016 at Whistle Stop Plaza. The event will be sponsored by the Ephrata VFW. The request does include the sale of beer and wine by using the VFW’s liquor license. The Committee will recommend Council conditionally approve the request.

The Committee also received a request from Jim Summers to use the Whistle Stop Plaza for Brewfest 2017. This is a save the date request only. The Committee will recommend Council approve the request.

President Rowe said she has one comment regarding the for sale alcohol on Borough property. Mrs. Rowe said this in no way reflects any concern I have with the organizations bringing the request before Council. Mrs. Rowe’s only concern is the precedent we would be setting allowing for sale alcohol on borough property.

Mrs. Rowe said before we consider this request we must consider what this will lead to or could lead to going forward. No one can foresee what may or may not occur; but it is possible that it won’t be long before other social clubs with liquor licenses are requesting to sell alcohol for example at the Tom Grater Park at different events. If that goes forward what is to stop a restaurant or any for sale business that has a liquor license requesting to sell alcohol at The Plaza or on any borough owned property. What is to stop any establishment with a liquor license from

requesting to sell alcohol at any event on borough property? Once approval is granted for permitting to sell alcohol on borough property, it will make reversing that position difficult, not just this Council but for other future Councils.

Mrs. Rowe said she is not saying that she is against it she is just concerned about what precedence we are setting.

Mr. Richard asked Mr. McManus as far as the sale of alcohol on borough properties do we have any regulations that would limit the sale on borough properties because of location.

Mr. McManus said we presently have in borough code prohibition of the consumption of alcohol on borough property. In this packet there is a draft of an ordinance addressing various occasions in which alcohol would be provided for not for sale and for sale subject to certain criteria. Mr. McManus said presently it is not allowed.

Mr. McManus said we have carved out an exception to the existing ordinance. Mr. McManus said we diligently view that very closely in light of what occurs on public property. Mr. McManus said sometimes exceptions are warranted. In any of them they would be subject to whatever local ordinances we have in place and not be in violation of any PLCB rule or regulation.

Mrs. Rowe said PLCB regulations have precedence over borough regulations. Mr. McManus said the borough cannot permit something that is otherwise in violation of the PLCB.

Mr. Barr said is our ordinance designed to simplify the process or give us a definition of whether we can allow this event to be held.

Mr. McManus said it turned a one paragraph ordinance into a two-three page ordinance. It's not a simplification of legislation but it does identify a lot the situations in which the sale and consumption of alcohol is regulated. It makes it more clear.

Mayor Mowen said there is nothing in the new ordinance that would prohibit this.

Mr. Thompson said there are two steps in the proposed ordinance. One is whether it meets LCB requirements. The second part of that is since its borough property Borough Council still has the right to refuse, reject, or deny any request.

Mayor Mowen said there's nothing that would prevent this from happening with those things being met. Mr. Barr said although we can vote our conscience and the will of our residents.

Mrs. Rowe said just to be clear she is not saying she is against rather she is concerned about the precedence that we may be setting.

Mr. Ressler said he was on the Committee that was working on this ordinance for some time. They had some difficulty and sent it back many times.

Mr. Ressler said his opinion and understanding is we want to allow special events, encourage special events. Mr. Ressler doesn't see that as opening the door for restaurants to operate in a park or such things. Mr. Ressler said the ordinance went a long way to addressing all those things and clarifying them.

#### Special Projects Committee

Mr. Barr said staff issued to all members of Council and the Mayor the proposed ordinance to revise the policy for serving not for sale alcohol at borough facilities. The ordinance was advertised with the intention of recommending that Council enact the ordinance at the August meeting.

Mr. Thompson said it should be amended to say for sale and not for sale alcohol. The ordinance does provide for the restriction of both for sale and not for sale.

Mrs. Martin said they worked really hard on this. It went back many times to make sure that we were being diligent but also keeping our minds open to be able to have events in the future to

build loyalty and comradery among the Ephrata residents. We think it’s fair where it is now.

### **Appointment to Fill Council Vacancy**

President Rowe said at this time we will begin the process of appointing a vacancy in Council tonight. Council will be filling a vacancy in the first ward. In a few minutes, Mrs. Rowe will introduce you to the individuals that have contacted us and are interested in filling that vacancy. First, Mrs. Rowe wants to go over some items we all must be aware of.

There are three individuals that have stepped up and are interested in filling the vacancy. We need to keep in mind that this vacancy will be filled by Council, and they will only serve until December 2017. A special election will occur in 2017 to fill the remaining two years of the term of the vacant position. After the introductions, each individual will be given an opportunity to explain their interest in filling the vacancy. Mrs. Rowe will then allow any member of Council to ask questions if they wish. Also, if any borough resident in attendance would like to make a statement, Mrs. Rowe will allow time for that following the Council question period.

When that procedure has been completed, Mrs. Rowe will entertain nominations to fill the vacancy. Nominations do not require a second. After Mrs. Rowe closes the nominations, she will call for a vote in the order the nominations were received. First nominee to gain a majority vote will fill the vacancy. If there is a tie, the Mayor may either cast a vote to break the tie or request that the item be tabled until our next meeting.

If after one round of voting we do not have the seat filled, Mrs. Rowe will call for a motion to carry the vacancy until next week at our Voting Session. The individuals can then decide if they wish to continue to pursue the vacancy or if they want to step aside.

If Council cannot fill the seat next week, Mrs. Rowe will call for the Vacancy Board to convene no later than August 25, allowing time for the Borough to advertise the Vacancy Board meeting, which by the Code of the Borough of the Commonwealth, must be a public meeting. As a reminder all members of Borough Council sit on the Vacancy Board in addition to the Vacancy Board Chair.

Council had no questions about the procedures described.

Mrs. Rowe said the three individual candidates are Tina Thompson, Gregory Zimmerman, and Richard Stewart.

Mrs. Rowe asked Ms. Thompson to explain her interest in the seat and any other comments you have regarding sitting on Council.

Mrs. Thompson distributed documents to Council. Mrs. Thompson lives in Ephrata and has all of her life. She resides with here with her husband of 25 years and four children (four boys) ranging in age from 23 and above. Ms. Thompson’s heart is for Ephrata. Thirteen years ago she ended up moving across town where her husband wanted to move out of town. Mrs. Thompson did not want to move out of town. She calls Ephrata home; she likes the small town feel and likes the town in general. Sitting on Council had intrigued Mrs. Thompson previously. It was just something she did not pursue. When she read of this vacancy, she took the opportunity to contact Mrs. Rowe to see what it was all about, and it interested Mrs. Thompson.

Mrs. Thompson currently works for Senator Ryan Aument and has worked for him the past two years since he took office over for Senator Brubaker. Prior to that she worked for Senator Brubaker. In doing that it has opened her eyes to how government works. It has given her a vision for what residents and constituents can contact the office for. It could be something somebody would consider very minor to something that is very major. There are always two sides to every story. Some things are black and white while some things may take a little more research. Her heart and her job, just like for Ephrata, would be for the residents and constituents of the town. If there is an issue, do research, and see what can be done to assist them. They may not always get their way, may not always get Council’s way but to come to a satisfactory resolution.

Mrs. Thompson has been involved in local organizations within the Ephrata and Akron areas for the past twenty years. She has served in different capacities. Some involved in the schools,

some involved with other public service organizations within the community. Mrs. Thompson said she has a heart for serving.

Mr. Stewart said he is here this evening because a number of individuals throughout the borough forced him to run for Council again to fill this seat. Mr. Stewart has prior experience on Council so he could hit the ground running. He would basically have to catch up to speed with what is on the agenda and what is going to be on the agenda. Mr. Stewart said being retired he has a lot of time on his hands so if there is a special request from Council if extra hours be required he would be able to do that. Mr. Stewart still enjoys serving the people of Ephrata; he'll always serve the people of Ephrata. When it comes to decision time it's a matter of adding up the pluses and the minuses and make a decision based upon wise information.

Mr. Zimmerman said he too has been a lifelong resident of the Borough of Ephrata. Mr. Zimmerman has been involved in various community organizations and is on Ephrata Borough's Zoning Hearing Board. Mr. Zimmerman said he is able to make decisions when presented with facts and information. Mr. Zimmerman said he sees this as an opportunity for him to grow and get a little more development himself but also with the knowledge he has and his business background in developing teams and growing the business. Mr. Zimmerman said he thinks his business background would certainly be an asset. Mr. Zimmerman is currently employed by ArcelorMittal Steel. Mr. Zimmerman has been involved in the community for many years. Mr. Zimmerman said he is involved with the Ephrata Rec Center currently and with his church as well. It's very important to give to the borough; we have some great assets here – the library, the Rec Center, the pool, the Cloister to name a few. It is important to keep pushing these organizations forward.

Mr. Richard asked Mr. Stewart you touched on that you were on borough council before would you please give him more detail on how long, what committees, what you did on council.

Mr. Stewart said he was on in 1976 to fill John Rupp's last year; he was leaving Ephrata. After that Mr. Stewart was elected to two full terms. The last four years Mr. Stewart was President of Council. Mr. Stewart said Mr. Mowen was also on Council at that time. Mr. Stewart said they had a number of events during that time the main one being Diakonia, which they had extensive hearings. They solved that problem without too much trouble, and Diakonia now exists behind the Post Office.

Mr. Barr said it's commendable that Mr. Stewart wants to come back for more.

Mrs. Martin asked Mrs. Thompson you said you work for State Senator Aument. Could you please give me an indication of what experiences you have there that you could bring to Council.

Mrs. Thompson said she works with constituents and helping them solve problems by helping them to get information from different state agencies would be similar to residents if they come to the borough with issues whether it's with ordinances, or neighbors, or roads within the borough and seeing what current ordinances we have that would govern that or if there would need to be research done. Mrs. Thompson said she is a big researcher, and she likes to research. Mrs. Thompson would bring that along with knowledge of state government, and the knowledge of how the whole process works. If we can't find something then who do we go to?

Mrs. Thompson said she gets to see a lot of people in state government outside of state government in the community networking with people.

Mr. Barr said he thinks it's commendable that you are all volunteering for this and especially Mr. Stewart who is coming back for more. Thank you all for coming in.

Mr. Weiler asked each of the candidates realizing that you are going to be volunteering for an unpaid position and you recognize the time commitment that you have. Just talk about that a little bit with all your activities you have now, how are you going to make time for more activities?

Mrs. Thompson said since her kids range in age from 23 to 12 they are at the age where they are self-sufficient; the other involvement Mrs. Thompson has is with church organizations, she is also on the Community Action Program Board, which is once a month. Mrs. Thompson realizes this would be an every Monday event along with some other special meetings. Mrs. Thompson

said she likes to stay busy; she likes something to do. Mrs. Thompson is not a homebody. Mrs. Thompson likes to stay busy and likes to be involved. Mrs. Thompson likes to help people in this community in a capacity to serve the community, help the residents out there as well. Mrs. Thompson said she was brought up where you serve. Mrs. Thompson doesn't see where it would conflict with anything.

Mr. Stewart said being retired; time is no problem. Mr. Stewart has plenty of time on his hands, sometimes too much so if there's a special project that needs looking into or extra work to be done with Council no problem. It's always for the good of Ephrata. We're all elected to serve the people of Ephrata, and we must keep that fact in mind. Mr. Stewart said he hopes Ephrata's Council never does look at fee paid. If you can't give something back to your community without being paid for it you're doing an injustice.

Mr. Zimmerman said he guesses it's in his DNA that he's always been involved in organizations and giving back. Mr. Zimmerman said the time constraints; it's very nice that we meet on Mondays because that's the night of the week that he doesn't have much going on so it will work out really well.

Mr. Ressler said he saw on Mr. Zimmerman's resume he's a member of the Zoning Board is there any kind of conflict?

Mayor Mowen said he would have to leave the Zoning Board. Mr. Zimmerman said he's been on the Zoning Board for 24+ years, and Mr. Zimmerman will step down from the Zoning Hearing Board to come to Council.

President Rowe said whenever there is a vacancy she always asks this question.

Mrs. Rowe started with Mr. Zimmerman and will ask each candidate to ask the following question.

Have you had an experience where you had to work with someone that you didn't get along with and if so how did you resolve that conflict?

Mr. Zimmerman said that has happened many times over the years, and it's just a matter of finding a common ground and working through the process of talking their points, understanding their point of view and my point of view. Being involved with various team building exercises over the years that's part of making things work. You have to negotiate to get the best benefit you can for everybody involved. It's a joint effort to make it happen.

Mr. Stewart said many times he has been in that situation and basically as Mr. Zimmerman said it's a matter of working with the individual, trying to find a common ground, find out what the differences are, and in the end resolve it to a common ground decision. You're not always going to be able to please everybody; you're always going to have those times when someone isn't going to be pleased with what you do. It's just a matter of how you come to an understanding and realize what the situation is and then move on, don't let it become a sore.

Mrs. Thompson said she has been on committees already with five or six women and sometimes there's nothing more challenging than five or six women together and coming to a resolution. Mrs. Thompson said it's working together, understanding and realize that we're not all going to agree whether we sit on borough council, a member of council, or a resident. Mrs. Thompson said as Dick said coming to a common ground, understanding that if you disagree sometimes you have to agree to disagree, but you still have to work together and you have to work for the good of the residents of Ephrata, the town, or whatever it might be the center of the topic.

Mr. Richard asked Mr. Stewart is there any particular item or discussion point that you maybe have in your mind right now, that you think's going on in the borough that may be of interest.

Mr. Stewart said he doesn't have anything particular in mind, but he knows the one thing that is bugging him is spending three-quarter million dollars for the Haller Property and there it sits. Why is it sitting there; why it's only used when somebody wants a garden plot. There is also a building on there that costs to be maintained. It seems foolish. That's one thing we need to take a good look and decide what we're going to do, because the money was paid out by the people of the borough. Is there something in return? That would have been a great place to put a brand

new pool.

Mr. Richard asked Mrs. Thompson.

Mrs. Thompson said she would say probably something that she has seen in the past couple weeks that kind of intrigued her interest is the issues with the Ephrata pool. Mrs. Thompson has lived here all her life and remembers when as a kid watching from Lincoln Avenue with her great aunt. She would sit outside the gate while Mrs. Thompson would go in. It was a safe environment, a fund environment. It would something they did over the summer. Some of the things Mrs. Thompson has been reading in the paper in regards to some of the activities that have been going on is sad because this is something that some of these kids look forward to during the summer.

Mrs. Thompson said even though it's a short time, a 3 month span of something for the community, to try to help to resolve the issues.

Mr. Zimmerman said there is really nothing specific – the pool, the Haller property; Mr. Zimmerman is not sure of some of the other assets the borough has. Mr. Zimmerman referred to the State Police barracks. There is a property that's sitting. Why is it is still sitting?

Mr. Zimmerman said what's the long term plan with some of the assets that the borough does have.

Mr. Stewart said there is one other thing that's in the back of his mind. We're going to be building a solar farm. Mr. Stewart said when he left Council he said within a number of years our problem here in Ephrata would be water. Cocalico Valley is a very small bowl. Mr. Stewart said water's going to be a problem one of these days. Mr. Stewart said should the borough start looking at osmosis. It's cheap and retainable water.

President Rowe had another question for the three candidates. Mrs. Rowe said each year we go through a budget process and the state recommends that we have 3-6 months in our fund balances in each of the funds. This year we are within the 3-6 month towards the lower end on most of our fund balances. Mrs. Rowe believes the capital projects fund balance is below that 3 month threshold. What do you consider more important – having a healthy fund balance or raising taxes for the residents of the borough or a combination of both?

Mrs. Thompson said she would say a combination of both because we need the money there to operate but there's no resident including herself likes to see taxes raised but sometimes It's inevitable and until you're walking through that process and seeing the numbers. Sometimes there's no other choice. Just like in your own personal finances it might require getting a second part time job to make up that difference. For us that second part-time job could be raising taxes on something; it doesn't always have to be the extreme. Let's start at 1% enough to get through this year and see what it looks like next year.

Mr. Stewart said he thinks you should probably keep a 6 month reserve, but the borough's not a young chicken anymore. Mr. Stewart thinks they have replaced every foot of water pipe on Main Street, because the pipes are old. We have sewer lines that were put in in the 30's.

Mr. Stewart said as far as taxes it's always a tricky situation. You should try to operate as much in the budget, and if there comes a time you have to raise taxes find out what you really need and go accordingly. Mr. Stewart said the one thing that's hard sometimes for people to understand is if the borough sits there and says no tax increase for four years look out because the fifth year you're going to get waxed. Costs aren't going down, they're going up. You have to be careful with it and do the best you can. It isn't always easy trying to figure out what the tax rate should be.

Mr. Zimmerman said he agrees with both candidates as well. Mr. Zimmerman said he thinks some of the various pools of money may take more money in to affect accounting based on the right decision. Your infrastructure, not only in Ephrata Borough but the whole United States, is in major need of repair and if we're living on the edge we're certainly going to have to pay that, but you can't have too much money sitting aside and saved for what ifs so it's a combination of having a couple of that money set aside in the areas where you need that money set aside and then in some of the other areas leave it go down closer to the 3%. If you have been working on

those areas in the past then you don't perceive a need right away.

Mr. Zimmerman said as far as taxes he would like to see small increments routinely rather than a 4 or 5% tax. That just doesn't go over well. We all know prices of everything rise all the time. To keep doing it a little bit at a time is better.

None of the attendees present had questions or statements for the individual candidates.

President Rowe opened the floor for nominations.

It was moved by Mr. Barr, to nominate Richard Stewart.

It was moved by Mrs. Martin to nominate Tina Thompson.

It was moved by Mr. Ressler to nominate Gregory Zimmerman.

President Rowe closed the floor for nominations. As per the State Borough Code Council will vote on the nominations in the order in which they were received.

Mrs. Rowe asked Borough Council to vote on seating Mr. Richard Stewart to fill the vacancy.

There were two yeas by Messrs. Barr and Richard and four nays by Messrs. Ressler, Weiler, Mrs. Martin, and Mrs. Rowe.

Mrs. Rowe asked Borough Council to vote on seating Tina Thompson to fill the vacancy.

There was one yeah by Mrs. Martin and five nays by Messrs. Barr, Ressler, Richard, Weiler, and Mrs. Rowe.

Mrs. Rowe asked Borough Council to vote on Mr. Greg Zimmerman filling the vacancy.

There were five yeas by Messrs. Ressler, Richard, Weiler, Mrs. Martin and Mrs. Rowe and one nay by Mr. Barr.

President Rowe congratulated Mr. Zimmerman on his appointment to fill the vacancy.

It was moved by Mr. Richard, seconded by Mr. Weiler, and unanimously passed to adopt Resolution 2016-22, a resolution of the Borough of Ephrata to fill the vacancy in the 1<sup>st</sup> Ward seat.

#### **RESOLUTION 2016-22**

#### **A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF EPHRATA, LANCASTERCOUNTY, PENNSYLVANIA, TO FILL A VACANCY IN ELECTED BOROUGH OFFICE**

WHEREAS, a vacancy in the office of Councilperson of the Borough of Ephrata, County of Lancaster, has occurred due a resignation; and

WHEREAS, Section 901 (53 PS § 45901) of the Borough Code provides that the Borough shall fill such vacancy by resolution within thirty (30) days by appointing a registered elector of the Borough (who has also resided one year continuously prior to the date of appointment) to hold such office until the first Monday in January after the first Municipal Election occurring more than sixty (60) days after the vacancy occurs at which election an eligible person shall be elected to the office for the remainder of the term; and

WHEREAS, the next Municipal Election will be held in November, 2017.

NOW THEREFORE, BE IT RESOLVED, that Gregory S. Zimmerman, a registered elector of the Borough of Ephrata is hereby appointed to the office of Councilperson of the Borough of Ephrata to serve until the first Monday in January, 2018.

FURTHER RESOLVED, that there shall be elected at the next Municipal Election, which shall occur in November 2017, a qualified registered elector of the Borough of Ephrata to hold such office from the first Monday in January, 2018 until the first Monday in January, 2020.

RESOLVED by the Borough Council of the Borough of Ephrata this first day of August, 2016.

Mayor Mowen said he knows all three of these individuals having worked with two of them on various things and has known Tina for several years with her coming to Council. Mayor Mowen said we have three very good people here and he hopes you will stay involved and try again maybe when the election comes up.

Mayor Mowen administered the Oath of Office to Council Member Gregory S. Zimmerman.

President Rowe asked Mr. Summers to give an update on the pool. We have had negative comments about the pool at last month's voting session and again at the Public Safety Committee meeting. We had a large group of people discussing their problems with the pool.

Mrs. Rowe said she did notice that at the Community Services Committee meeting there were positive comments that did not get reported in the paper. There weren't as many people there, but everybody seemed to think there was an improvement.

Mrs. Rowe asked Mr. Summers to come tonight and give an update on the past two weekends at the pool and any improvements you noticed.

Mr. Summer said as you are aware we have been having some challenges with some customer behavior. It seemed to be getting a little more frequent towards the end of June beginning of July. Actually before we had any public comments at meetings staff had already put some steps in place to try to cut back on some of challenges we were having. We were having some problems with contraband being smuggled into the pool that was not allowed and challenges with patrons not obeying staff. The pool staff took some steps right away to try to combat some of those.

Mr. Summers said the first step they did which was the first weekend after the 4<sup>th</sup> of July, July 9<sup>th</sup> and 10<sup>th</sup> pool staff began searching coolers coming into the pool to make sure there was nothing in them that weren't supposed to be.

They had staff meetings, and Chief Harvey's staff provided some training for the entire staff. There were some management meetings on how they were going to handle unruly patrons. What the steps were going to be, what the process was going to be to cut down.

Mr. Summers said he still sees a few challenges moving into the next weekend. The weekend of the 16<sup>th</sup> and 17<sup>th</sup> they began searching all bags that came into the pool – all coolers and all bags. They also brought on a second manager to help control the perimeter on the lower end with the competition pool – the area farthest away from the offices.

Mr. Summers said he thinks it has cut down on some of their challenges; they still did have to have some police officers down there on Saturday and Sunday to help with some issues.

Mr. Summers said he did have a gentleman come up to him and said he felt there was a different vibe with having more staff on. Mr. Summers said he did the same thing for the following weekend after.

It was a big weekend on Saturday. There were 1,248 patrons there through the course of the day. There were some challenges. Mr. Summers said he thought the main issue that the citizens were concerned about were sneaking in contraband mainly alcohol, disrespect to the staff. Mr. Summers said he thought they definitely cut down on those issues although with 1,248 patrons you're going to continue to have challenges.

Mr. Summers said this past weekend at the recommendation of Community Services Committee they brought on an armed constable on Saturday and Sunday from 2:00 to 8:00 PM to help patrol the grounds. Just being another presence. Mr. Summers said they had Chief Harvey's staff to determine what the chain of command was going to be when we brought the constable on. They

weren't bringing someone on to enforce pool rules; they were there as a presence,, they were there if staff needed additional help in dealing with some unruly patrons.

Mr. Summers said Saturday was a complete wash out; the pool closed at 2:30 so it's not a good judge there of what a difference there is of bringing this constable on may have been.

Sunday for as nice as it was was kind of a slow day at the pool. Attendance was lighter than a couple of weekends before that. There were no issues on Sunday.

### **Opportunity for Citizens to be Heard**

Rebecca Gallagher, 900 West Main Street, wanted to expand a little bit of discussion for the proposed party at the plaza. Mrs. Gallagher said she understands and heard what you were saying that you're not for or against just playing devil's advocate.

Mrs. Gallagher said she didn't have a chance to write notes down but the feeling she got as Mrs. Rowe was speaking was that there was an anticipation of a possible free for all. That there would be either a negative event take place or there would be a rush on people wanting to do this and somehow that could be a negative thing.

Mrs. Gallagher said she's not necessarily sure that would be the case and at the end of the day she thinks you still have control and the event needs to be well planned and well thought out brought on and organized by responsible people. Time will tell. Sometimes you're going to have to take your foot off first base to get to second and you have to have the faith in the people who are doing it to know that they're going to do a good job. I think you have that here with the Ephrata Alliance and VFW and all partnerships and organizations in the community.

Mrs. Gallagher also pointed out that this isn't without precedence in Lancaster County and if anyone has ever been to the Lancaster Arts and Craft show at Longs Park this is exactly what they do and it's the entire Longs Park. They have throughout the park about four stations where you can go up and buy a glass wine and beer and walk around and look at the art. It's lovely. It's not mayhem.

That's not the type of event we're organizing and it's not the type of people who will come. It's not how it's going to be promoted. It's just a community celebration. We should all types of celebrations geared towards different members of the community. It's right to have family friendly, kids events geared toward that. What we saw with the Ephrata Beerfest is there's a segment of the community who has kind of been left out feeling apart. To be able to organize events to appeal to those is our objective.

Mrs. Gallagher said we should always proceed with caution, take the right steps to make sure things are done properly. In this case it would be a risk worth taking.

There were no other comments.

### **Recommendations**

#### **Public Safety Committee**

It was moved by Mr. Weiler, seconded by Mr. Richard, and unanimously passed that Borough Council approve the appointment of Gary G. Krafft, Esq. of Russell, Krafft & Gruber LLP as special counsel to the Property Maintenance Appeals Board.

Mr. Thompson said Chairman Weiler indicated there was urgency. At the tail end of last week the applicant did withdraw his application; however, the process and the packet was already put together. Had we not gone forward with making an appointment tonight Mr. Thompson would have recommended that the recommendations be pushed back but since we're already transcribing the minutes for tonight Mr. Thompson left it in.

It was moved by Mr. Weiler, seconded by Mrs. Martin, and unanimously passed that Borough Council approve the appointment of Dale Latshaw to the Property Maintenance Appeals Board with a term expiring December 31, 2018.

**Discussion/Announcements**

Mrs. Martin said she was finally persuaded to go to the police ride along. Mrs. Martin did that two Thursdays ago. It was fine; we had no issues. Mrs. Martin said it was really interesting to see how everything operated and the different ways they patrol the area. It was very eye opening. Glad to finally have the opportunity.

Mrs. Martin said about the pool. Mrs. Martin commented Mr. Summers and appreciates his proactiveness. Mrs. Martin went to the pool Sunday afternoon. Attendance was lower than Mrs. Martin thought. Mrs. Martin did have the opportunity to meet the constable, Tory Landis. Mrs. Martin had a very nice conversation with him and was impressed by his intention of being there in terms. He didn't perceive himself as being an authoritative type figure; he perceived himself as being just get to know the community and go out and have really nice conversations. He said he was out talking to people and getting to know people. Mrs. Martin was very impressed with the attitude he took. Mrs. Martin said moving forward she thinks him being there is going to be an asset.

Mr. Weiler thanked the citizens who came out to the Public Safety Committee again on the pool issue. It's wonderful to see so many of our citizens wanting to be involved and wanting to solve the situation. It was a good discussion time and an exchange of ideas and an opportunity for them to be heard.

Mr. Zimmerman said he is looking forward to working with each and every one.

Mr. Ressler welcomed Mr. Zimmerman to Council. Mr. Ressler was impressed with all of the applicants. It was a tough decision for him. Looking forward to having all the committees fully staff and wants to encourage to community to continue to come to our committee meeting because that's where things start.

Mr. Barr said he hopes the Lancaster Newspaper will take it upon themselves to come up to date on the information with the pool.

Mr. Richard mirrored what Mr. Ressler said about having three excellent candidates to come forward.

Mr. Richard hopes Gary puts something in the paper of how we are addressing the issues that were brought to the committee as strongly as we can. Mr. Richard thinks the remaining part of the season he hopes that all the people who have season passes come back. Mr. Richard said we all care up here and have a vested interest as being community members.

Mr. Richard said he thinks the people in this town have to know and feel good about coming back to the pool that they have supported all these years and have bought season tickets for. Mr. Richard said we have shown we are totally aware of what is going on there. Mr. Summer and the people at the Rec Center and the Borough will be looking to make sure we have no additional problems or continued problems.

Mayor Mowen welcomed Greg to fold. Mr. Mowen said he would be glad to sit with Mr. Zimmerman some time and explain what he can and can't do. Mr. Mowen said Ricky and Linda are no longer the newbies.

Mr. Mowen said he understands the concerns with the party, but we need to support community activities and keep in mind that Council has the ultimate say. As Mrs. Gallagher said, and Mr. Mowen didn't think about it, he goes to the art show in Lancaster every year. Yes he buys a beer and walks around looking at the art. Mr. Mowen said Lancaster city is not overrun with people having parties and selling beer on the streets. Mr. Mowen said he thinks Council can continue to maintain that control, and it's something we can move forward with and hopefully support.

Chief Harvey said just an FYI for all the members when it comes to planning. The guidelines now for a special planned event is if it's over approximately 5,000 people the Chief has to have medical plans submitted ninety days prior. As people call the Chief to let him know they would like to have a special event and they need ISP planning, which he dearly loves to do the thing of it is he does need a ninety day window to get the medical plans submitted in time. If anyone is planning a big one let the Chief know.

Mr. Thompson reminded Council that Saturday morning we do have a planned employee’s day at the community pool from 9:00 to 11:00 followed by lunch at the pavilion. Greg as the newest member feel free to attend. The borough has the 9:00 to 11:00 full use of the community pool and members come in at 11:00

President Rowe welcomed Mr. Zimmerman. Mrs. Rowe said the third Monday of the month Mr. Zimmerman will be chairing Special Projects Committee and the fourth Monday of the month at 4:30 and 5:30 Mr. Zimmerman will be sitting on Community Services and Highway Committee.

Mrs. Rowe also reaffirmed she wasn’t against the proposal that the Community Services Committee brought forward; she just wanted Council to be aware of the precedence that they would be setting should this be voted in. Mrs. Rowe said she is not saying she doesn’t think it should be voted in; she wants to be cautious about the precedence of selling alcohol on borough property.

**ADJOURNMENT**

The meeting was duly adjourned at 8:00 PM.

Respectfully submitted,

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D. Robert Thompson, Secretary