

**EPHRATA BOROUGH COUNCIL
WORK SESSION MINUTES
FEBRUARY 1, 2021**

The Ephrata Borough Council Work Session was called to order by President Susan Rowe at 7:00 PM on February 1, 2021, in the Council Chambers of the Borough Office, 124 South State Street.

Due to the Coronavirus – COVID-19 guidelines set forth by Governor Tom Wolf and in the respect of the practice of social distancing, President Susan Rowe, President Pro Tem Melvin Weiler and Council Members Victor Richard, Ricky Ressler and Borough Manager D. Robert Thompson were present within Council Chambers while the remaining Council Members including Vice President Thomas Reinhold, Linda Martin and Greg Zimmerman, Mayor Ralph Mowen, as well as the Solicitor, James R. McManus, III, Esq. and Police Chief John Petrick participated via a video conference. Absent from the meeting was Council Member Timothy Barr.

The following visitor(s) participated via video conferencing:

Jason Halberstadt, 242 Spring Garden Street, Ephrata
Susanna Wurtz, 33 Akron Road, Ephrata
Marylouise Sholley, The Ephrata Review

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

STATEMENT FROM PRESIDENT ROWE CONCERNING HOLDING A PUBLIC MEETING VIA VIDEO CONFERENCE

“This meeting was advertised in accordance with Act 15 of 2020 enabling residents that wish to participate in the meeting virtually to do so through the duration of the COVID-19 emergency declaration. Although the mandates have been lifted, there are still restrictions on the number of people we can have at a gathering in a building, so we are meeting those standards.” President Rowe, addressing Mr. Thompson, inquired if any citizen participating virtually wished to address Council; in which, Mr. Thompson advised he received a request from Mr. Halberstadt to speak.

First Opportunity for Citizens to be Heard

Jason Halberstadt, 242 Spring Garden Street, Ephrata, advised he wished to address the issue of littering and trash within the community. Mr. Halberstadt further advised as he is running in town, he has observed a large amount of litter thrown in the storm drains and in various alleyways. Mr. Halberstadt inquired if there are any ordinances regarding littering or if there are any personnel designated to clean up throughout the town; in which, President Rowe advised that Chapter 193 of the Borough Code of Ephrata is dedicated to littering and if he observes an individual littering and/or a property with a lot of trash to contact the Codes Department who will follow up on the matter. President Rowe, addressing Mr. Thompson, inquired if Borough personnel collect trash in the roadways; in which, Mr. Thompson advised of the street sweeping/cleaning program as well as if the matter is brought to personnel’s attention, they will clean the area. President Rowe concluded her comments by advising Mr. Halberstadt to report any concerning issues he observes to Borough Hall personnel.

Mr. Halberstadt then inquired if signage could be placed in certain areas (i.e., roadway behind

Weis Markets shopping area and Redner's Warehouse Markets shopping area as well as near the Ephrata Public Library between Wawa and Turkey Hill). Mr. Halberstadt commented, "... I understand there is an Ordinance ... I just wish people wouldn't litter." President Rowe advised she agreed with Mr. Halberstadt's comment. Mr. Thompson, in referencing Mr. Halberstadt's request for signage, advised it is a concern that we have "sign pollution" when you have too many signs in place; therefore, it is typically up to the property owner to post signage.

With no other citizens in attendance wishing to address Council, President Rowe moved onto the Discussion of Committee Actions.

Discussion of Committee Actions

Budget and Finance Committee

Mr. Ressler advised the Committee met on January 25, 2021, and has three Action Items:

1. The Committee reviewed Resolution 2021-1 exonerating the Borough from paying Borough real estate taxes. The Committee will recommend that Borough Council adopt the resolution. This item will appear on the Consent Agenda.
2. The Committee reviewed the list for the annual disposal of records. The records are being disposed in accordance with the guidelines from the Pennsylvania Historic and Museum Commission. The Committee will recommend that Borough Council approve the disposition of records per the January 20, 2021 memorandum from Heidi Showalter, Customer Service Representative, to the Management staff. This item will appear on the Consent Agenda.
3. The Committee will recommend ratifying the transfer of \$2,951,760.96 from the Borough's Central Treasury account to the Ephrata Borough Authority's bank account.

Mr. Ressler then provided an overview of the Discussion Items as listed on the Committee Report.

Mr. Weiler, in referencing the discussion item concerning the Pioneer Fire Company's aerial truck, stated, "... it is very encouraging to hear that the Pioneer Fire Company is getting more (money) than they anticipated for their truck that they're looking to dispose of and, hopefully, that will affect our bottom line in the future and help us out as far as there will be more funds there and we'll be in good shape on that end."

Mr. Zimmerman, addressing Mr. Thompson, inquired if the Pioneer Fire Company had the opportunity to have a meeting with the other townships that they will be servicing; in which, Mr. Thompson advised he is not aware that a meeting has been held. Mr. Thompson further advised he has had discussions with Mayor Mowen about the article in the most recent edition of "The Ephrata Review" and suggested contact be made with Ephrata Township to request a meeting to discuss their thoughts moving forward in regards to the fire commission. Mr. Thompson advised it is not certain that all of the information that has been shared with Borough Council has, in fact, been shared with the Ephrata Township supervisors.

Mr. Richard, in referencing the Pioneer Fire Company's aerial truck, stated, "... I think it is great they can get a good price on the unit ... it is really nice to hear." Mr. Richard then inquired, "... if they need to purchase an older vehicle in the interim time, do they hope to sell that vehicle for, hopefully, what they paid for it or close to it ... do they have any options to rent one or lease one ... is there any conversation on that?" Mr. Ressler advised it was indicated that Pioneer was already aware of an available older truck with the thought process of by purchasing an older model that is temporary, they are relatively certain that within a short timeframe of a year and they could sell it for what they paid for it so they would not lose any money. Mayor Mowen added that Pioneer Fire Company did locate a used aerial truck for a very good price and if that goes through, "... they'll make out very well."

Development Activities Committee

Mr. Zimmerman advised the Committee met on January 25, 2021, and has three Action Items:

1. The Committee reviewed a Subdivision and Land Development Agreement for the Ephrata High School Additions and Tennis Courts land development plan. The amount of the agreement is \$273,139.35. The Committee will recommend that Borough Council authorize the President of Borough Council and Borough Secretary to execute the Subdivision and Land Development Agreement with the developer, Ephrata Area School District, subject to it being in a form acceptable to the solicitor at the February Borough Council meeting. This will appear on the Consent Agenda.
2. The Committee reviewed a Stormwater Operation and Maintenance Agreement for the proposed stormwater improvements associated with the land development plan for the Ephrata High School Additions and Tennis Courts. The Committee will recommend that Borough Council authorize the President of Borough Council and Borough Secretary to execute an Operation and Maintenance Agreement with the developer, Ephrata Area School District, subject to it being in a form acceptable to the solicitor at the February Borough Council meeting. This will appear on the Consent Agenda.
3. The Committee reviewed a drawdown request from Radio Properties, LLC for the subdivision and land development improvements for two new apartment buildings located at 40 and 44 Bethany Road. The improvements have been completed and inspected. The applicant is requesting release of \$81,744.10. The Borough will hold the remaining 15% for 18 months. The Committee will recommend that Borough Council authorize the partial release of funds at the February Borough Council meeting. This will appear on the consent agenda.
4. The Committee reviewed a request from the Ephrata Public Library to place an observation beehive at the library. The installation will put two three-inch diameter holes in one of the building's exterior walls along with bolt holes necessary to hold the hive in place. The library is a tenant and requires the landlord's permission to make changes to the exterior. The Committee would like more information including; the time period the hive will be in place, pictures of an existing installation, confirmation that the library would be willing to escrow funds to cover the cost of restoring the exterior walls to the pre-hive condition. Councilman Reinhold also inquired if a beehive would need a waiver of Section 123-1 of the Code of the Borough of Ephrata "*No person, firm or corporation shall keep any hog, cattle, goat or sheep or any hive of bees at any place within the Borough of Ephrata.*" Harris confirmed that the

library would need to request a waiver. The request should be sent to the Public Safety Committee. The Committee will table the request until their February Committee meeting.

Mr. Zimmerman then provided an overview of the Discussion Items as listed on the Committee Report.

Mr. Reinhold, in referencing the mapping project with Lancaster Economic Development Corporation and Millersville University discussion item, advised he is excited to see it come to fruition as it was put on hold last year due to COVID-19 restrictions.

Ms. Martin, in referencing the mapping project, stated, "... when this was brought before us before, I remember thinking the level of detail we're going to get for an inventory of our properties downtown – the Central Business District – for \$4,100 is great value and will be a really great tool especially as we're trying to redevelop and develop the downtown area ... it's going to be really great source of information ... I'm very anxious to get that off the ground as well."

Mayor Mowen advised he did not hear Mr. Zimmerman address the issue of the fire damage repairs at the Ephrata Performing Arts Center (EPAC); in which, Mr. Zimmerman responded that matter is not included in the list of Action Items. Mayor Mowen further advised the topic is listed on the Committee Meeting Agenda and a bid was included in the Work Session packet. Mr. Thompson advised it appears the matter was omitted from the Committee Report and will amend it to include this as an Action Item. Mr. Thompson further advised the recommendation will be that Borough Council award the bid for the EPAC fire damage repairs to DESSCO Design & Construction, Inc., in the amount of \$100,719.33 at the February Borough Council meeting.

Public Safety Committee

Vice President Reinhold advised the Committee met on January 18, 2021, and has one Action Item:

1. The Committee will recommend authorizing and ratifying the Ephrata Police Department's application to the Federal Aviation Administration for a Certificate of Authorization to operate its small unmanned aircraft system as a public entity within the jurisdiction served by its department.

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

Mr. Ressler, in referencing the Drone Program, advised the Ephrata Police Department acquired a trailer which will allow all of the drones to be transported and recharged making a good platform to utilize them to their best efficiency.

Mr. Ressler, in referencing the discussion of the fire commission, advised he is concerned about getting "bogged down" as the meetings began in August 2019 and not all parties are currently in agreement to allow this to move forward.

Mayor Mowen, in referencing an article published in "The Ephrata Review," advised he is upset that Ephrata Township officials seem to not be receiving all of the information they should be

regarding the fire commission. Mayor Mowen then advised he would like to request that Mr. Thompson make contact with Mr. Sawyer to set up a meeting to find out why they are not getting information as quickly as possible.

Highway Committee

Mr. Richard advised the Committee met on January 25, 2021, and has one Action Item:

1. The Committee reviewed a proposed mower purchase. The mower is a new model year John Deere Z970R ZTrak with 72" deck width and mulch kit with material collection system. The mower will be purchased through the Pennsylvania DGS COSTARS cooperative purchasing program contract #4400020085 from Deer Country Farm and Lawn of Allentown, PA in the total amount of \$15,681.06. The budget estimate for this purchase is \$16,000. A disposition of assets to dispose of the existing Howard Price mower will be submitted for Committee review at a future meeting. The Committee will recommend that Borough Council approve this purchase at their February 8, 2021 meeting.

Mr. Richard then provided an overview of the Discussion Items and Old Business Items as listed on the Committee Report.

Ms. Martin, in referencing the discussion of the truck traffic concerns along Apple Street, advised she was very happy with the way the Committee took the citizens' complaints very seriously. Ms. Martin then stated, "... it's a quality of life issue for those people ... I feel really bad for them ... I don't know what our role is exactly ... I think we just need to keep working on it ... if that would be happening to my property on a daily basis, I know it would be very, very stressful and frustrating so I appreciate the Committee's hard work on this and I look forward to having more discussion on it at the February meeting."

Mr. Ressler, in referencing the discussion of the truck traffic concerns along Apple Street, advised a special exemption was granted for non-conforming use by the Garden Spot Auto Auction and questioned if that aggravates, alleviates or does not affect the problem. Mr. Thompson advised he spoke with the Zoning Officer about this issue and the special exception was to increase the size of the office building on the site. Mr. Thompson further advised the testimony provided indicated it did not increase the volume of traffic, it did not increase the number of vehicles allowed on site, and that it was simply to add additional office space which resulted in the Zoning Hearing Board taking action to approve the special exception.

Vice President Reinhold, in referencing the discussion of the truck traffic concerns along Apple Street, advised the citizen who brought this matter forward did a "a pretty fine job explaining her situation" to the Committee. Vice President Reinhold, addressing Mr. Thompson, inquired if the Garden Spot Auto Auction is completely within the Borough; in which, Mr. Thompson advised it straddles the Borough/Township line and that the majority of the business is in the Borough which is why it falls under our jurisdiction. Vice President Reinhold concluded his comments by stating, "... I don't know if there is any easy fix ... hopefully, we'll come up with something for them."

Community Services Committee

Mr. Weiler advised the Committee met on January 25, 2021, and has three Action Items:

1. The Committee reviewed the bids received for Bid #21-1 Thomas Grater Memorial Park Improvements. The Committee will recommend that Borough Council award the bid, at their February meeting, to the low bidder T.R. Stoner, General Contractor, Elizabethtown, PA for the amount of \$55,446. A Community Development Block Grant, administered by the Lancaster County Redevelopment Authority, has been secured to fund 50% of the total construction costs, said grant amount not to exceed \$30,000. The Lancaster County Redevelopment Authority has reviewed the bid submissions and has provided their concurrence to award this bid to the apparent low bidder.
2. The Committee agreed to move the following from a Discussion Item to an Action Item. The Committee discussed a request from the EASD to construct dugouts at field 2 at the LHOA to continue making improvements to meet requirements of Title 9 – girls and boys athletics must be equal. The EASD assumes all financial responsibility for construction and agreed to be responsible for all O & M. The Committee will recommend that Borough Council approve the construction of the dugouts, at their February meeting, subject to the execution of a Letter of Agreement with the School District.
3. The Committee agreed to move the following from a Discussion Item to an Action Item. Director of Recreation Summers discussed the current fees charged for park pavilion rentals and recommended an increase for both Borough residents and non-residents. Borough Manager Thompson suggested that pavilion rental become a part of the Schedule of Fees. By doing so, the fees will be reviewed annually. The Committee will recommend, at their February meeting, that Borough Council approve the Resolution to add pavilion rental to the Schedule of Fees.

Mr. Weiler then provided an overview of the Discussion Items as listed on the Committee Report.

Mr. Richard, in referencing EASD's request for the construction of the dugouts, advised it was discussed to have a document signed by them that states they would take care of future improvements and/or repairs to the structure; in which, Mr. Thompson clarified the Recommendation will be conditional subject to a letter agreement in a form acceptable to the Borough Solicitor.

Ms. Martin, in referencing the pool and membership discussion, stated, "... that pool is a terrific amenity to our Borough and is something to be really proud of ... and I think it is very important for us as discussions continue to keep in mind that we need to balance ... do a very nice job of balancing between having a sufficient amount of revenue to operate and maintain the pool adequately while still creating a great experience for the guests and members that will attend this summer ... and I don't exactly know how to do that, but I think lessons in the past have led us down this path that we need to do a good job balancing the two because when one gets out of skew, it competes with the other ... so I think it's going to be really important to bring this forward next month and, hopefully, we can extend upon these memberships a little bit more ... once that happens, I think, some of the other problems we've had will diminish."

Vice President Reinhold, in referencing EASD's request for construction of the dugouts, advised he mentioned to the softball coach that the matter will be voted on at the February 8, 2021, Council meeting and she was very excited to hear that. Vice President Reinhold then stated, "... being a father of two girls that both play softball, I'm excited for this ... also being President of the War Memorial Association that maintains the athletic facility at the High School and seeing all of the work that has gone into that facility over the last 24 years, it's high time that we catch up here a little bit ... and I know Title 9 comes into play when we talk about these things, but at the end of the day, it's going to make that facility a lot nicer and it's just going to improve the quality ... not only for the high school program, but also for the younger groups that play there as well ... so I'm pretty excited about that."

Mayor Mowen, in referencing the Schedule of Fees, and specifically, the False Alarm Fees, reiterated that those funds needs to be distributed to the Pioneer Fire Company since it is their equipment being "put on the street" and any fees received should go to offset the costs of that equipment.

Mayor Mowen, in referencing the slide at the Community Pool, inquired as to the length of time it has been in use; in which, Mr. Thompson clarified the slide has an age of 10 years.

Municipal Enterprises Committee

Ms. Martin advised the Committee met on January 18, 2021, and has no Action Items to bring forward at the February Voting Session.

Ms. Martin then provided an overview of the Discussion Items and Old Business Items as listed on the Committee Report.

Mr. Richard, in referencing the Borough's requirements for rooftop solar facilities, inquired if Mr. Serbine did in fact obtain a permit; in which, Mr. Thompson clarified that Mr. Serbine applied for a permit after the fact which has been reviewed and there is one outstanding item as it relates to the second meter that is still being resolved.

Vice President Reinhold, in referencing solar energy, stated, "... the electric utility ... it's a very complex business and we're just doing our best to try to keep up with everything ... but the gist that I finally think I understand about all of that is there is nothing ... we're not restricting residents from wanting to do solar ... it's just go through the proper channels ... get your permit upfront ... get the meters in place ... know what our policies are so you can make wise decisions if you want to purchase that."

Mr. Weiler, in referencing the recommendation for Stephen Morrison as an alternate to the AMP Board, inquired as to his role within the Borough; in which, Mr. Thompson advised Mr. Morrison was recently hired as our Technical Support Manager and highlighted his employment background information and experience.

Mr. Zimmerman, in referencing Redemptorists Father and the possible solar site, inquired if a timeframe had been established for them to provide a yes or no answer; in which, Mr. Thompson

advised he is in receipt of an email from them advising that the aesthetics of a solar field are “not the best” and they want to weigh that against what the lease amount is going forward to balance out whether or not they are willing to move ahead with the project. Mr. Thompson further advised he requested GDS prepare an exhibit to share with Council to show what the impacts of various negotiated lease amounts would have so that Council can provide some limits to negotiate within and then go back to them and begin negotiating a price per acre for leasing the land.

Special Projects Committee

Mr. Ressler advised the Committee met on January 18, 2021, and has no Action Items to bring forward at the February Voting Session.

Mr. Ressler then provided an overview of the Discussion Items and Old Business Items as listed on the Committee Report.

Mr. Richard, in referencing the discussion of the Veterans of Foreign War (VFW) gateway sign request, inquired if under the “old” guidelines was there a limit on square inches; in which, Mr. Thompson confirmed a size limit was not established previously.

Mayor Mowen, in referencing the Gateway Signs program, inquired as to the status of him being provided an updated listing of participants; in which, Mr. Thompson advised he will get that information to him in the near future.

Personnel Committee

Vice President Reinhold advised the Committee met on January 12, 2021, and has no Action Items to bring forward at the February Voting Session.

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

Second Opportunity for Citizens to be Heard

After allotting a brief time for citizen comments and/or remarks, President Rowe turned to the discussion/announcements portion of the meeting.

Discussion/Announcements

Mr. Richard advised he received his COVID-19 vaccine provided by WellSpan ECH and stated he was very impressed with the how the process was organized and wished to extend his appreciation to the hospital.

Mr. Ressler advised he was not able to get his vaccination as there were no available appointments. Mr. Ressler concluded his comments by stating, “... we’ll just do our best staying safe.”

Mr. Weiler expressed his appreciation to Borough Staff for their snow removal efforts as “... the hill in front of my house was very well plowed.”

Mr. Zimmerman advised he wished to ditto Mr. Richard's statement and further stated, "... the WellSpan process to get the COVID shots ... my wife and I both got them last week ... we were in and out of there in 20 minutes ... they've just done a great job coordinating the whole thing."

Ms. Martin expressed to Council Members to "... be safe out there" due to the inclement weather conditions.

Vice President Reinhold requested, "... to keep our Public Works guys and everybody else out there cleaning the streets tonight in your thoughts and prayers ... it's a tough job especially, I imagine, overnight and you're fighting your eyelids sometimes possibly ... they'll do a great job ... I know."

Vice President Reinhold, in referencing Mr. Halberstadt's concern regarding littering, inquired if the area he spoke about was the WERT extension; in which, Mr. Thompson responded, "... the more traffic there is, the less likely people are going to be behaving poorly." Vice President Reinhold replied, "... that's what I'm hopeful for."

Chief Petrick stated, "... to drive safely" due to the poor road conditions.

Mr. Thompson, in referencing the Improvement Agreement listed in the Development Activities Committee's Recommendations, advised that late afternoon on this date, WellSpan ECH provided an updated Improvement Agreement cost estimate which is approximately \$2,000 higher than what was included in the original agreement changing the total to \$273,139.35. Mr. Thompson advised the Committee's Recommendations will be revised to reflect the new amount.

Mr. Thompson, in referencing the Budget and Finance Committee's discussion of the possibility of appointing John Keller as a Board Member to the Ephrata Borough Authority, advised that he received notification from Mr. Keller who respectfully declined the opportunity to serve resulting in a remaining vacancy on the EBA Board.

President Rowe advised the Municipal Moment at the February 8, 2021, meeting will be provided by the Pioneer Fire Company.

President Rowe advised she is in receipt of an official notice of intent to retire from the Borough Manager, Mr. Thompson, who advised his effective retirement date will be January 15, 2022.

Adjournment

It was moved by Mr. Richard and seconded by Mr. Weiler to adjourn. The meeting was adjourned at 8:19 p.m.

D. Robert Thompson, Secretary