

**EPHRATA BOROUGH COUNCIL
REGULAR MEETING MINUTES
FEBRUARY 8, 2021**

The regular Ephrata Borough Council meeting was called to order by President Susan Rowe at 7:00 PM on February 8, 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, designated Council Members and Staff participated via a video conference.

In attendance in addition to the President were Vice President Thomas Reinhold, President Pro Tem Melvin Weiler (participated virtually via Zoom), Council Members Timothy Barr (participated virtually via Zoom), Ricky Ressler, Victor Richard, Greg Zimmerman and Mayor Ralph Mowen. Absent was Council Member Linda Martin.

Also in attendance were Borough Manager D. Robert Thompson, Police Chief John Petrick (participated virtually via Zoom), Borough Solicitor James R. McManus, III, Esq. and Stephanie Fasnacht, Recorder (participated virtually via Zoom).

The following visitors were present within Council Chambers:

Tim Auker, 542 N. State Street, Ephrata
Cody Bowen, Ephrata Pioneer Fire Company, 135 S. State Street, Ephrata
Eric Carpenter, 137 Washington Avenue, Ephrata
Cameron Hildebrand, 211 West Locust Street, Ephrata
Carolyn Hollinger, 18 W. Main Street, Apartment 1, Ephrata
James Kiefer, Ephrata Pioneer Fire Company, 135 S. State Street, Ephrata
Mike Kiefer, Ephrata Pioneer Fire Company, 135 S. State Street, Ephrata
Anthony Soccoa, 192 Mortar Lane, Ephrata
Derek Vallery, 24 Parkview Terrace, Ephrata

The following visitors participated in the meeting via video conferencing:

Teresa Caruthers, 229 Railroad Avenue, Ephrata
Marylouise Sholley, The Ephrata Review
Susanna Wurtz, 33 Akron Road, Ephrata

A moment of silence was held which was followed by the Pledge of Allegiance.

PROCLAMATION – BLACK HISTORY MONTH

Mayor Mowen proclaimed February 2021 as Black History Month in recognition of African American heritage and achievements past and present and called upon all to recognize this important observance and to continue to work toward the goal of liberty and justice for all.

APPROVAL OF MINUTES

It was moved by Mr. Ressler, seconded by Mr. Richard, and unanimously passed that Borough Council approve the January 4, 2021, Work Session Meeting Minutes and the January 11, 2021, Regular Meeting Minutes.

MUNICIPAL MOMENT – PIONEER FIRE COMPANY

Due to technical difficulties, it was decided to revisit Pioneer Fire Company's presentation later in the meeting once the issues were resolved.

OPPORTUNITY FOR CITIZENS TO BE HEARD

After a brief time allotted for citizen comments and with no one in attendance in person or virtually wishing to speak, President Rowe called for a motion to close the public comments section of the meeting until the end of the meeting agenda; in which, it was moved by Vice President Reinhold, seconded by Mr. Zimmerman, and unanimously passed to close public comments until the end of the meeting agenda.

ACCEPTANCE OF REPORTS

It was moved by Mr. Ressler, seconded by Mr. Richard, and unanimously passed to approve the Acceptance of Reports consisting of the following documents:

Budget & Finance Committee

The Budget & Finance Committee met on January 25, 2021, and discussed the following:

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 approved the disposition of records per the January 20, 2021 memorandum from Heidi (Showalter) to the Management staff. This item will appear on the Consent Agenda.

Discussion Items:

1. Borough Manager Thompson informed the Committee that there is a vacancy on the Ephrata Borough Authority board. He is recommending that Council consider appointing former Wastewater Manager John Keller to fill the vacancy if he is willing to serve. The Committee has no objections to appointing Mr. Keller if he is willing to serve.
2. Mr. Thompson reviewed with the Committee the 2021 list of purchase orders carried over from the 2020 budget. The Committee was satisfied with the information and had no questions or comments.
3. Mr. Thompson discussed with the Committee the reallocation of wastewater expenditures in the 2021 Borough Budget. The reallocations did not impact the Consolidated Fund Summary and the Committee was satisfied with the explanation provided. No further action is required.
4. Mr. Thompson informed the Committee that the Pioneer Fire Department received a very favorable offer to purchase their existing aerial truck and were authorized by their membership to sell the truck. The fire department wanted the Borough to know the circumstance in the sale as they are very appreciative of the Borough's support. They plan to purchase a pre-owned aerial to get them through the period from the sale of the existing truck until delivery of the new aerial. The Committee understood the fire departments reasoning and is supportive of the actions taken. No action is required.
5. The Committee reviewed the invoice from Solicitor McManus and had no questions or concerns.
6. The Committee reviewed the check and ACH register and had no questions or concerns.

Development Activities Committee

The Development Activities Committee met on January 25, 2021, and discussed the following:

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. In November 2020 there was a fire at the Ephrata Performing Arts Center (EPAC). The Borough owns the building and is responsible for the damage repair. The repairs were put out for bid and the apparent low bidder is DESSCO Design & Construction, Inc. with a bid of \$100,719.33. The cost of the repairs is covered by the Borough's insurance. The only cost to the Borough is the deductible. The Committee will recommend 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.

4. 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.
5. 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.

Discussion Items:

1. Last year, at their March meeting, Council approved an expenditure of \$4,100 for the Millersville mapping project. It was put on hold due to the COVID-19 restrictions. Harris reported that the mapping project with Lancaster Economic Development Corporation and Millersville University is now tentatively scheduled to begin in the fall. They will be mapping properties in the CBD for use as an economic development tool.
2. There was one Zoning Decision from the January Zoning Hearing Board Meeting. Garden Spot Auto Auction on Apple Street was granted a special exception to expand a non-conforming use.
3. There is one new application for the February Zoning Hearing Board Meeting. The committee does not feel it is necessary to send the Solicitor to the hearing.

Public Safety Committee

The Public Safety Committee met on January 18, 2021, and discussed the following:

Action Items:

1. FAA Certificate of Authorization: Public Safety Committee recommended authorizing and ratifying the Ephrata Borough 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.

Discussion Items:

1. November and December 2020 Monthly Police Reports were provided and review by Chief Petrick. He highlighted the Excellence in Policing section. Sgt. Matthew Randolph provided a brief overview of the EPD's drone unit. Council requested a future demonstration of the drones. Chief Petrick will arrange for this to occur.
2. Emergency Management December Report: Report was provided to the Public Safety Committee. Randy Gockley was not in attendance. Kim Stonebraker provided a brief COVID-19 update.

3. Use of Force Policy: Chief John Petrick provided an overview of the updated policy. In light of recent national attention regarding police departments' Use of Force policy, Chief Petrick highlighted the following areas of the EPD policy (with excerpts below) and stated that it would be posted on the department's website.
 - a) 300.1 PURPOSE AND SCOPE: This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner.
 - b) 300.2.1 DUTY TO INTERCEDE AND REPORT: Any officer present and observing another law enforcement officer or a member using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. Any officer who observes another law enforcement officer or a member use force that is potentially beyond that which is objectively reasonable under the circumstances shall report these observations to a supervisor as soon as feasible.
 - c) 300.3.4 VASCULAR NECK RESTRAINTS AND CHOKE HOLDS: Due to the potential for injury, the use of a vascular neck restraint or a choke hold is limited to those circumstances where deadly force is authorized.
 - d) 300.3.6 ALTERNATIVE TACTICS - DE-ESCALATION: When circumstances reasonably permit, officers shall use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion).
 - e) 300.5.2 USE OF FORCE REPORT REQUIRED: All Use of Force Reports shall be submitted to and reviewed by the Chief of Police or designee.
 - f) 300.6 MEDICAL CONSIDERATIONS: Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.
 - g) 300.8 TRAINING: Officers will receive annual training on this policy and demonstrate their knowledge and understanding. Officers will receive annual training for all authorized less lethal weapons, empty-hand control, arrest and defensive techniques. Subject to available resources, officers should receive periodic training on: (a) Guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities. (b) De-escalation tactics, including alternatives to force.
4. Fire Commission Status: Borough Manager Thompson provided a status update on the Commission. He stressed the importance of someone taking a leadership role in moving the vision forward. Council members discussed having Mr. Jerry Ozog provide a proposed contract for his future services to provide guidance on the Commission formation (by-laws and Commission structure). A meeting date of February 25, 2021, to include Jerry Ozog and stakeholders, was previously set.

5. PSAB Legislative Update: The deadline for feedback to PennDOT on the Draft Policy and Procedures for the Deployment of Personal Delivery Devices is January 22, 2021.

Highway Committee

The Highway Committee met on January 25, 2021, and discussed the following:

Action Items:

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.

Discussion Items:

1. The Committee discussed truck traffic concerns along Apple Street brought forth by the property owner of 1423-1425 Apple Street who has purportedly sustained property damage over the years by car carrier vehicles traveling to and from the Garden Spot Auto Auction facility via Apple Street. Staff will research accident reports available for this area and communicate with other staff members to acquire information requested by the Committee and report back to Committee at their February meeting. Staff will maintain communications with the complainant.
2. The Committee was advised that the Borough recently received PennDOT approval of requested modifications to the hours of operation for all Ephrata Area School District School Zone Speed Limit Permits within Ephrata Borough. Staff has requested that the Borough Solicitor prepare an Ordinance amending Ordinance No. 1447 providing for revised hours of operation for established school zone speed limitations for Committee review at their February meeting.
3. The Committee reviewed PennDOT's Lancaster County Municipalities Annual Bridge Inspection Notification advising the Borough that an inspection of their South Oak Street Bridge in compliance with National Bridge Inspection Standards is scheduled to be completed on or around November 4, 2021. Mackin Engineering has been performing bridge inspections for PennDOT in Lancaster County since 2013 and is currently appointed by PennDOT to perform the NBIS bridge safety inspections for Lancaster County municipalities in 2021. Staff will contact Mackin Engineering prior to their scheduled bridge inspection in the Borough to discuss our concerns regarding the pedestrian railing / vehicle barrier conditions summary comments in past inspection reports. The bridge inspection report will be provided to Committee for their review when available late this year or in early 2022.
4. The Committee was updated on UGI, Comcast and Windstream projects planned in the Borough. At the current time only Windstream has Borough Council conditional approval to move forward with their planned underground conduit installation in North State Street near its intersection with Poplar Alley subject to provision of required financial security. Comcast has numerous plan revisions in queue but have not submitted any revised plans for review at this time. Staff will recommend to Committee that any UGI gas main extensions proposed in the Borough be shelved until UGI has satisfactorily completed all outstanding final street and sidewalk restorations following gas service line installations performed in the past 12-15 months.

Old Business Items:

1. Borough Staff continues communications with PennDOT regarding the South Oak Street bridge pedestrian railing/vehicle barrier with regards to PennDOT's plans for replacing similar barrier on their West Main Street (SR 0322) over Cocalico Creek Bridge.

Municipal Enterprises Committee

The Municipal Enterprises Committee met on January 18, 2021, and discussed the following:

Action Items:

None

Discussion Items:

1. Borough Manager Thompson discussed the process regarding developing an additional 20 acres of solar generation on lands owned by the Redemptorists Fathers in the Borough. If the Fathers' Council approves the concept for the solar fields then the Borough and the Fathers would negotiate a price per acre to lease the land. Once the lease amount is established then a survey of the property will be performed to determine the amount of usable land is available. If the amount of land available is sufficient for a viable project the Borough will issue an RFP for solar developers and seek to enter into to a power purchase agreement. No action is required by the committee at this time.
2. Mr. Thompson presented to the Committee the current Borough requirements for rooftop solar facilities in the Borough. This is in response to the information presented by Mr. Scott Serbine to the Committee at their November 16, 2020 meeting. Mr. Thompson advised that Mr. Serbine did not secure a permit for his rooftop installation until sometime after it was installed. He informed the Committee that if he had secured a permit prior to the installation he would have been provided the document regarding the Borough's requirements and Mr. Serbine could have discussed his concerns with the Borough prior to installing the solar facility. Mr. Thompson informed the Committee that it is his opinion that all the Borough requirements are lawful however he did commit to sending the Borough's requirements to PMEAs to have their attorney review and comment. This service is included as a member service and provided to the Borough at no charge. The Committee is satisfied that the Borough's requirements are not onerous and would like Mr. Serbine to make his installation compliant with the Borough's requirements. No action is required by the Committee at this time.

Old Business Items:

1. Mr. Thompson discussed that he will be recommending Stephen Morrison to serve as the AMP board of trustees alternate. Steve will be participating in the February board meeting and Mr. Thompson expects to recommend Mr. Morrison at be appointed at the March voting session. No action is required at this time.

Community Services Committee

The Community Services Committee met on January 25, 2021, and discussed the following:

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 LHORA 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 fee 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.

Discussion Items:

1. Director of Recreation Summers reported on the status of the electric grounding issue at the Ephrata Community Pool. The Contractor (McCarty) informed Summers that they may have to dig into the dirt to make the repairs. The worst case scenario, they may have to dig into some concrete. The Contractor anticipates that the repairs will be completed by Memorial Day. Councilman Richard suggested that when the project is complete, that we look into the total cost and investigate if it is a liability issue. We need to check with the individuals that issued the permit/license and completed the inspection.
2. Recreation Director Summers continued the discussion with the Committee on the many issues regarding the Community Pool that need to be decided on prior to the opening of the 2021 season. Borough Council will need to agree on a philosophy of operating the pool as it relates to the membership/day pass structure and revenue. Based on the structure agreed upon, will a constable be needed? Councilwoman Martin voiced her concern about going back to the way it was with a constable. She would like to avoid it unless there is no other way. Councilman Reinhold suggested they work toward a Members Only & Members Guests model. He also suggested for the 2021 season to increase the time given to members only. Director of Recreation Summers suggested keeping the rates for 2021 at the rates we were going to use in 2020. The discussion needs to keep moving forward. There are a lot of decisions that need to be made.

Director of Recreation Summers gave an update on the big slide at the pool. The age of the pool makes it difficult to line up new components to the existing framework. The slide needs to come down. There will have to be a bid for a new slide.

Special Projects Committee

The Special Projects Committee met on January 18, 2021, and discussed the following:

Action Items:

None

Discussion Items:

1. Borough Manager Thompson reviewed with the Committee a request from the Veterans of Foreign War, whose application was previously approved for four new gateway signs, a waiver of the maximum sign area. Borough council recently amended the maximum area of the signs to 432 square inches. The VFW is requesting a sign area of 720 square inches. The Committee rejected the waiver request and will not make any recommendations to Borough Council. Mr. Thompson will contact the VFW to inform them of the Committee's decision.
2. Mr. Thompson updated the Committee on the status of the discussions with the Ephrata Area School District regarding the Junior Council Program. The school district proposes to offer academic or intern credits to program participants as a way to encourage participation. Mr. Thompson informed the Committee that the success of the Grove City program was predicated on having an elected official as a program advocate. There seemed to be little interest among the elected officials in attendance to be the program advocate but all were in agreement that if the school district offered credits to students that the district would take the lead on implementing the program. Mr. Thompson will discuss with the district. This item will remain open and discussed at the next Committee meeting.

Old Business Items:

1. Borough Manager Thompson reported that the free electric policy guidelines will be suspended until 2021 due to staffing limitations.
2. Mr. Thompson reported that the new customer welcome packets will be included in the 2021 Borough website rebuild.

Personnel Committee

The Personnel Committee met on January 12, 2021, and discussed the following:

Action Items:

None

Discussion Items:

1. The Committee requested an update on the status of the Assistant Borough Manager position. President Rowe provided them a copy of the Job Description with the changes she suggested incorporated as well as the advertisement (showing those changes as well). Applications will be accepted through February 12; interviews of qualified candidates will take place virtually near the end of the month with second round interviews taking place a few days later. The final selection is anticipated by mid-March with an employee hire date occurring near the beginning of April.
2. The Committee discussed reviewing and revising the Borough Manager Job Description similar to the process used for the Chief of Police Job Description. Chapter 57, the Ordinance creating the position of Borough Manager was suggested as relevant to this task. President Rowe recommended that the Solicitor be contacted if any Ordinance revisions would be discussed. Ms. Martin suggested comparing the Job Description for Assistant Borough Manager with Borough Manager to ensure consistency. President Rowe was charged with inviting the Solicitor to attend the next meeting of the Committee (or a special workshop of the Committee) to discuss the steps necessary if a change to the Ordinance is forthcoming. Using Ms. Martin's suggestion as a basis, the Committee will have suggested changes prepared to discuss at the next meeting.
3. The Committee expressed interest in revising the Job Description for the former position of Director of Finance and Administration considering the position may become a Finance Manager. Since

many of the essential duties are listed in the Assistant Borough Manager Job Description, several suggestions were made; President Rowe noted those suggestions. This will be reviewed again at a later meeting.

4. The Committee expressed interest in expediting the hiring of a Social Media Specialist as an intern position. This Job Description will be looked into at the next meeting.
5. The Committee voiced a desire to continue reviewing Job Descriptions. They selected Municipal Services Manager, HR Manager, and IT Manager as those they wish to address first.
6. The Committee addressed the discussion that was started at their November meeting to prepare an Overview/Description of the Personnel Committee. President Rowe handed out several overviews that she located performing research into this topic. Chairman Reinhold urged all Committee members to look over the summaries Rowe provided and select verbiage to be discussed and chosen next month.
7. The Committee discussed the possibility of again changing their meeting date and time. Although they agree meeting following the Voting Session of Council will cause the meeting to run later than if they began earlier in the night, they prefer to not have to come to Borough Hall on yet another night. President Rowe reminded everyone the Personnel Committee is an advertised, public meeting and the 2021 schedule was already advertised. The Committee voted to move the meeting date and time back to the second Monday of the month, beginning approximately 15 minutes following the adjournment of the Voting Session. President Rowe will request the new Committee meeting dates and times be advertised.
8. All other agenda items will be discussed at the next meeting.

Miscellaneous Reports:

- ◆ January 2021 General Ledger Report
- ◆ Ephrata Pioneer Fire Company January 2021 Report
- ◆ Lincoln Fire Company January 2021 Report
- ◆ Ephrata Community Ambulance Association January 2021 Report
- ◆ Ephrata Emergency Management January 2021 Report
- ◆ Mainspring of Ephrata January 2021 Meeting Minutes
- ◆ 4th Quarter 2020 Financial, Police, Electric Division, Inspection/Codes, Wastewater Treatment Division, Public Works Division, Water Division and Sanitation Reports
- ◆ 4th Quarter 2020 Ephrata Public Library, Ephrata Performing Arts Center, Ephrata Recreation Center, Historical Society of the Cocalico Valley and Mayor's Revenue Reports

NEW BUSINESS ITEMS

CONSENT AGENDA

Vice President Reinhold advised the items on tonight's Consent Agenda have been discussed in detail at their respective Committee meetings and were brought forward for additional discussion at last week's Work Session. These items are considered routine in nature and voted upon under one umbrella. These items are not open for discussion unless an individual or Council Member wishes to have the item removed from the Consent Agenda. If an item is removed it will be handed over to the Committee under which it was originally discussed during the Standing Committee Recommendations.

1. That Borough Council adopt Resolution 2021-1 exonerating the Borough from paying real estate taxes on various Borough properties. (Budget and Finance)
2. That Borough Council adopt Resolution 2021-2 authorizing the disposition of certain records in the Borough. (Budget and Finance)
3. That Borough Council authorize the President of Borough Council and the Borough Secretary to execute the Subdivision and Land Development Agreement with the Ephrata Area School District for the Ephrata High School Additions and Tennis Courts land development plan subject to it being in a form acceptable to the solicitor. (Development Activities)
4. That Borough Council authorize the President of Borough Council and the Borough Secretary to execute an Operation and Maintenance Agreement with the Ephrata Area School District for the Ephrata High School Additions and Tennis Courts land development plan subject to it being in a form acceptable to the solicitor. (Development Activities)
5. That Borough Council authorize the release of \$81,744.1 escrow funds to Radio Properties, LLC for the subdivision and land development improvements for two new apartment buildings located at 40 and 44 Bethany Road. (Development Activities)

Ms. Teresa Caruthers, 229 Railroad Avenue, Ephrata, in referencing Item #5 listed on the Consent Agenda, sought additional information regarding the escrow funds. After which, President Rowe requested Item #5 be removed from the Consent Agenda and be discussed in more detail during the Development Activities Committee's Recommendations portion of the meeting.

It was moved by Mr. Richard, seconded by Mr. Ressler, and unanimously passed that Borough Council adopt, authorize and/or approve/conditionally approve Items #1, #2, #3 and #4 listed on the Consent Agenda.

STANDING COMMITTEE RECOMMENDATIONS

Budget and Finance Committee

It was moved by Mr. Ressler, seconded by Vice President Reinhold, and unanimously passed via roll call vote that Borough Council ratifies the transfer of \$2,951,760.96 from the Borough's Central Treasury account to the Ephrata Borough Authority's bank account.

MUNICIPAL MOMENT – PIONEER FIRE COMPANY

President Rowe paused the Standing Committee Recommendations portion of the meeting and revisited the Municipal Moment presentation by the Ephrata Pioneer Fire Company.

Fire Chief Mike Kiefer presented Borough Council with an overview of Ephrata Pioneer Fire Company's 2020 statistics including response data, time commitment data as well as their continued emphasis on professionalism within the organization. Chief Kiefer discussed the challenges during 2020 as a result from the COVID-19 pandemic as well as the issues from lack of funding, increasing traffic within the service area, as well as the failing aerial truck.

Chief Kiefer discussed the "many positives" during 2020 including the increase in membership, a reduction in response times, as well as the receipt of grants for the replacement of water rescue PPE and inflatable boats.

Chief Kiefer discussed the numerous concerns resulting from the multiple failures with Pioneer's current

aerial truck as well as the Company's plan to sell it and purchase a used piece of equipment to get them through until their new piece is put into service in 2021.

Chief Kiefer presented an overview of Pioneer's 2021 initiatives including: (1) increased community outreach; (2) improved utilization of the Health & Safety Officer; and, (3) improved utilization of their work-from-home members.

Chief Kiefer concluded his presentation by thanking Borough Council for their continued support and opened the floor for questions. Vice President Reinhold, in referencing the purchasing of the used aerial truck, inquired as to how the payment will be handled; in which, Chief Kiefer advised he would believe the transaction could be handled via a cashier's check. Mr. Richard advised the transaction could be also be completed via a wire transfer; in which, Chief Kiefer thanked him for the information.

Mr. Barr inquired as to the status of donations being received for the new truck; in which, Chief Kiefer responded that donations have been down overall.

President Rowe extended her appreciation to Chief Kiefer for his presentation and revisited the Standing Committee Recommendations portion of the meeting.

STANDING COMMITTEE RECOMMENDATIONS, CONTINUED

Development Activities Committee

It was moved by Mr. Zimmerman, seconded by Vice President Reinhold, and unanimously passed via roll call vote that Borough Council authorize the release of \$81,744.1 escrow funds to Radio Properties, LLC for the subdivision and land development improvements for two new apartment buildings located at 40 and 44 Bethany Road.

It should be noted prior to the vote, Mr. Zimmerman explained to Ms. Caruthers that during the construction process, certain benchmarks must be completed and inspected/approved by Borough Staff; after which, the property owner can then request the release of escrowed funds. Mr. Zimmerman further advised that in this case, Borough standards were met and the developer is requesting a portion of their funds currently being held in escrow be released which is what is being acted upon at tonight's meeting. Ms. Caruthers advised she understood and thanked Mr. Zimmerman for his explanation.

It was moved by Mr. Zimmerman, seconded by Vice President Reinhold, and unanimously passed via roll call vote that Borough Council award Bid #21-2 for the EPAC fire damage repairs to DESSCO Design & Construction, Inc., Fleetwood, Pennsylvania, in the amount of \$100,719.33.

It should be noted prior to the vote, President Rowe advised this is an unbudgeted expenditure; however, the Borough will be reimbursed by the insurance provider for this cost.

Public Safety Committee

It was moved by Vice President Reinhold, seconded by Mr. Richard, and unanimously passed via roll call vote that Borough Council adopt Resolution 2021-3 authorizing an application be made through the Ephrata Police Department for a Certificate of Authorization (CoA) to operate its small Unmanned Aircraft System (UAS) as a public entity within the jurisdiction served by its Department.

It should be noted prior to the vote, President Rowe, addressing Chief Petrick, inquired if this will restrict our offering mutual aid with this unmanned aircraft system outside of our jurisdiction; in which, Chief Petrick advised that information is accurate.

Highway Committee

It was moved by Mr. Richard, seconded by Mr. Weiler, and unanimously passed via roll call vote that Borough Council approve the purchase of one new model year John Deere Z970R ZTrak mower with 72” deck width and mulch kit with material collection system from Deer Country Farm and Lawn of Allentown, PA through DGS COSTARS Contract #4400020085 for \$15,681.06.

It should be noted prior to the vote, Mr. Richard confirmed this item was included in the budget for \$16,000.

Community Services Committee

It was moved by Mr. Weiler, seconded by Mr. Richard, and unanimously passed via roll call vote that Borough Council award the bid for the Thomas Grater Memorial Park Improvements to low bidder, T.R. Stoner, General Contractor, Elizabethtown, PA in the amount of \$55,446.

It was moved by Mr. Weiler, seconded by Mr. Richard, and unanimously passed via roll call vote that Borough Council approve the request from the EASD to construct dugouts at field 2 at the LHORA subject to the execution of a Letter of Agreement with the School District.

It was moved by Mr. Weiler, seconded by Mr. Richard, and unanimously passed that Borough Council adopt Resolution 2021-4 to add pavilion rental to the Schedule of Fees.

It should be noted prior to the vote, Mayor Mowen inquired if the Committee will be looking into the false alarm fees; in which, Mr. Thompson clarified with the Ephrata Police Department that they do not charge false alarm fees and the fees included in the Schedule are, in fact, the fees for the fire departments and that the matter of transferring those monies will be discussed at an upcoming Committee meeting.

APPROVAL OF CHECKS 44237 THROUGH 44455 AND THE ACH REGISTER DATED FEBRUARY 3, 2021

It was moved by Mr. Ressler, seconded by Mr. Richard, and unanimously passed that Borough Council ratify the payment of bills performed by the Staff since the last regular Council meeting in the aggregate amount of \$2,198,562.74.

It should be noted prior to the vote, Mr. Richard, addressing Mr. Thompson, inquired as to the payment to Kelly Wynn; in which, Mr. Thompson advised Ms. Wynn provides facility cleaning services.

OPPORTUNITY FOR CITIZENS TO BE HEARD

Ms. Teresa Caruthers, 229 Railroad Avenue, Ephrata, advised she is concerned about the nature of pesticides used along the rail trail as she has seen a drastic reduction in the number of pigeons and crows as well as plants and trees within the area. Ms. Caruthers inquired as to what type(s) of pesticide(s) are being used along the trail; in which, Mr. Thompson directed Ms. Caruthers to submit a Right-to-Know Request requesting that information. Ms. Caruthers thanked Mr. Thompson and advised she will do so.

With no additional visitors wishing to address Council, President Rowe moved onto the Discussion/Announcements portion of the meeting.

DISCUSSION/ANNOUNCEMENTS

Mr. Barr stated, “... snow is coming ... please be careful.”

Vice President Reinhold advised that the Personnel Committee will be meeting approximately 15 minutes upon the conclusion of the Voting Session. Vice President Reinhold then extended his appreciation to the

Ephrata Area School District for their offering of in-person instruction since last fall with proper safety protocols put into place. Vice President Reinhold concluded his comments by advising he was in receipt of an email earlier today acknowledging the Ephrata Police Department's receipt of the US Department of Justice's certification on Safe Policing for Safe Communities extending kudos to Chief Petrick and EPD Staff.

ADJOURNMENT

It was moved by Mr. Zimmerman, seconded by Mr. Ressler, and unanimously passed that Borough Council adjourn. The meeting was adjourned at 8:15 PM.

Respectfully submitted,

D. Robert Thompson, Secretary