

**EPHRATA BOROUGH COUNCIL  
REGULAR MEETING MINUTES  
APRIL 13, 2020**

The regular Ephrata Borough Council meeting was called to order by President Susan Rowe at 7:00 PM on April 13, 2020, 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 not to gather in groups of more than ten (10) and in the respect of the practice of social distancing, a quorum of Council Members along with designated Staff were present within Council Chambers while the remaining Council Members, Solicitor and designated Staff participated via a video conference.

In attendance within Council Chambers in addition to the President were President Pro Tem Melvin Weiler and Council Members Linda Martin, Ricky Ressler and Victor Richard. In attendance via video conference were Vice President Thomas Reinhold, Council Member Gregory Zimmerman and Mayor Ralph Mowen. Absent from Roll Call was Council Member Timothy Barr who joined the meeting via video conference at 7:25 PM.

Also in attendance within Council Chambers were Borough Manager D. Robert Thompson and Interim Police Chief Thomas Shumaker. Also in attendance via video conferencing were Borough Solicitor James R. McManus, III, Esq., Christine Moore, Director of Finance and Administration, and Recorder Stephanie Fasnacht.

**APPROVAL OF MINUTES**

It was moved by Vice President Reinhold, seconded by Mr. Weiler, and unanimously passed that Borough Council approve the March 2, 2020, Work Session Minutes, and the March 9, 2020, Regular Meeting Minutes.

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

“This public meeting of the Ephrata Borough Council is being conducted in accordance with the provisions of Section 1001 of the Borough Code that allows for participation of Council members in public meetings by way of telecommunication devices upon a declaration of emergency. Declarations of emergencies occasioned by the COVID-19 pandemic have been declared by the Governor of Pennsylvania and the Mayor of the Borough of Ephrata and remain in effect.

A quorum of Council is physically present in Council Chambers while other members are participating remotely. I am directing, for the sake of efficiency and continuity the Borough manager who is physically present, to act as the Secretary of each Committee, unless that Committee Secretary is also participating remotely. As Council President, I will be acting on behalf of each Committee Chairperson, will call for motions and take roll call votes.”

**STATEMENT FROM PRESIDENT ROWE OUTLINING HOW MEETING WILL BE CONDUCTED**

“As we proceed through the items on the agenda, I will call on the Committee Chair to offer his/her comments first, followed by the Committee Vice-Chair. The remaining Committee members will speak next, followed by the alternate. After that, I will ask the remaining Council members if they wish to speak. I will then allow for follow-up discussion. If you have a question or wish to add any additional comments, I will ask that you raise your hand (not unlike the requirement when everyone is in Council Chambers); however, those attending via Zoom (video conferencing) should ensure their hand is visible on camera so I can recognize you. When the discussion is complete, I will call for a motion from the Chair which may or may not be followed by a second. If there is no second to the motion, the item will be tabled. Every vote will be a roll call vote only so we can ensure each member voted on the item.

Please wait to be called upon to speak. This includes Council Members and Staff members. Before you begin your comments, please state your name so everyone is aware who is speaking.”

### **OPPORTUNITY FOR CITIZENS TO BE HEARD**

With no citizens in attendance, President Rowe moved onto the Acceptance of /Reports.

### **ACCEPTANCE OF REPORTS**

It was moved by Mr. Ressler, seconded by Mr. Zimmerman, and unanimously passed via roll call vote to approve Acceptance of Reports consisting of the following documents:

#### **Personnel Committee**

The Personnel Committee met on March 9, 2020 and discussed the following:

#### **Action Items:**

1. The Committee received information from Borough Manager Thompson regarding the Pennsylvania Chiefs of Police Association (PCPA) request for the addition of a salary range to be added to the application. Mr. Thompson explained current and future salaries of the uniformed police with respect to the current bargaining contract as well as the formula used to determine a salary for management. The committee agreed to a salary range to be included as part of the advertisement. Since no Personnel Committee Reports mention whether or not to include a salary range, this does not have to go before Council as an action.

#### **Discussion Items:**

1. Borough Manager Thompson shared his conversations with the PCPA regarding the search for candidates for the Chief of Police position. The PCPA is extending the deadline to receive applications to March 24. Each resume will be reviewed by the PCPA; as well as the three members of the Personnel Committee, the President of Borough Council and the Mayor (Ad Hoc Committee) will each receive all of the applications by March 25. The Ad Hoc Committee will review the resumes and meet on March 28 to discuss and select the top candidates. The Ad Hoc Committee will then meet with the PCPA on March 31 to discuss their selections and determine which candidates will proceed to the Structured Interview and Analysis Presentation. Additional updates will be given at the next Committee meeting.
2. a. As previously determined the April Workshop of Ephrata Borough Council will be “Right to Know/Sunshine Law” facilitated by Bob Thompson and Stephanie Fasnacht. Mr. Thompson previously attended a class on this topic and is waiting for additional updates; however, the Workshop is progressing and will be ready for Monday April 6 at 6:00 PM.  
  
b. The Committee discussed the merits of having a Borough policy on the Sunshine Law and the Right to Know Act. President Rowe provided policies from Denver Borough and North Coventry Township. Other municipalities were contacted but have not yet provided copies. The Committee wishes President Rowe to begin working on this policy but does not want a draft to consider until after the Workshop. They also requested President Rowe contact the Solicitor to see if he has any policies at his disposal.
3. The Committee reviewed the draft Ephrata Borough Council Budget Night Policy. The Committee pointed out that no month is mentioned and instructed President Rowe to amend §3 to include the month of October. Although this date may conflict with other meetings, the Committee does not wish to change

any other language in §3. President Rowe will make the change to the draft and the revised policy will be reviewed as an action item at the April committee meeting.

4. The Committee discussed a “Travel Policy” for Ephrata Borough Council. President Rowe provided the current travel policy for the Borough which includes elected officials. The Committee suggested some changes. President Rowe reminded the Committee that the Borough Manager agreed to provide a template for a revision to the policy. The Committee instructed President Rowe to secure a copy of the template for discussion at the next Committee meeting.
5. President Rowe informed the Committee she is still seeking guidance on the Quarterly Report they wish to receive from Borough Manager. The Committee debated what they would like to be included in the reports but could not come up with a definitive conclusion. They agreed to think about this and report at the next Committee meeting.
6. President Rowe will update the Guidelines Topics for the next Committee meeting. The Committee instructed President Rowe to include PSAB ideas in the update; these will be discussed at the next Committee meeting to determine if any guidelines or policies should be queued.
7. President Rowe briefed the Committee on the June Workshop which will be information on how Council should approach the evaluation process, as well as what is important to consider when evaluating employees. This will be discussed in greater detail at the next Committee meeting.
8. President Rowe gave a brief review of some of the items she attended to in her role as Council President since the last Personnel Committee meeting.
9. The Committee began review of a Succession Plan Policy provided by Borough Manager Bob Thompson. This document is a sample policy recently used by American Municipal Power (AMP). The Committee agrees that adoption of a succession plan policy would be advantageous for the Borough but wishes more time to review and discuss the policy presented. This item was tabled until the next monthly meeting.

**Old Business:**

1. The Committee discussed the recent conclusion of the Budget & Finance Committee that no further clarity would be necessary for the check register received by Council each month. The Personnel Committee discussed their rationale for requesting this be placed on the Budget & Finance agenda. There was concern that items identified on the check register as contract services did not fall under this category; the Committee was not clear if any other items are also mis-categorized. This will be added to the Budget & Finance Committee agenda once again for additional discussion with an update for the Personnel Committee next month.
2. No future workshop topics were brought forward.
3. The ideas for the Meeting with Manager requested by the Personnel Committee will be brought up at the next monthly meeting.

Chairman Reinhold called the Committee into a very brief executive session to discuss a personnel matter. The Committee meeting was recessed by Chairman Reinhold at 10:45 PM to be reconvened March 24 at 4:15 PM.

The Committee meeting was reconvened March 24 at 4:15 PM for an Executive Session to discuss a personnel matter. The meeting was recessed at 5:15 PM to be reconvened March 28 at 9:00 AM.

The Committee meeting was reconvened March 28 at 9:00 AM for an Executive Session to discuss a personnel matter. The meeting was recessed at 10:15 AM to be reconvened March 31 at 5:00 PM.

The Committee meeting was reconvened March 31 at 5:00 PM for an Executive Session to discuss a personnel matter. The meeting was adjourned at 6:15 PM.

### **Miscellaneous Reports:**

- ◆ March 2020 General Ledger Report
- ◆ Lincoln Fire Company March 2020 Report
- ◆ Ephrata Community Ambulance Association March 2020 Report
- ◆ Ephrata Emergency Management March 2020 Report
- ◆ Mainspring of Ephrata February 2020 Meeting Minutes

### **NEW BUSINESS ITEMS**

### **STANDING COMMITTEE RECOMMENDATIONS**

#### **Budget and Finance Committee**

It was moved by Mr. Ressler, seconded by Mr. Weiler, and unanimously passed via roll call vote that Borough Council adopt Resolution 2020-04 to ratify the Mayor's declaration of emergency for COVID-19.

It was moved by Mr. Ressler, seconded by Mr. Zimmerman, and unanimously passed via roll call vote that Borough Council adopt Resolution 2020-05 to designate the Agents for obtaining financial assistance from PEMA.

It was moved by Mr. Ressler, seconded by Mr. Weiler, and unanimously passed via roll call vote that Borough Council adopt Resolution 2020-06 to temporarily stop disconnects and penalties for all Borough utility bills.

It was moved by Mr. Ressler, seconded by Mr. Zimmerman, and unanimously passed via roll call vote that Borough Council adopt Resolution 2020-07 extending the period to pay real estate taxes without a penalty to December 31, 2020.

It was moved by Mr. Ressler, seconded by Mr. Weiler, and unanimously passed via roll call vote that Borough Council adopt Resolution 2020-08 to authorize postponement of the 2020 Upset Tax Sale to 2021.

It was moved by Mr. Ressler, seconded by Mr. Zimmerman, and unanimously passed via roll call vote that Borough Council adopt Resolution 2020-09 to authorize the temporary postponement of rent payments on specific Borough owned properties.

#### **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 the remaining financial security of \$30,474.00 for land development improvements for the Hocking Apartments located at 130 and 142 Tom Avenue.

It was moved by Mr. Zimmerman, seconded by Mr. Barr, and unanimously passed via roll call vote that Borough Council authorize the release of \$66,258.63 of the financial security escrowed by Weaverland

Mennonite Homes for the land development improvements associated with building expansion located at 1307 Apple Street.

It was moved by Mr. Zimmerman, seconded by Vice President Reinhold, and unanimously passed via roll call vote that Borough Council authorize the Secretary of Borough Council to sign a letter of approval and authorize the submission of the Community Development Block Grant Funding Request Application.

### **Public Safety Committee**

It was moved by Vice President Reinhold, seconded by Mr. Richard, and unanimously passed via roll call vote that Borough Council terminate Phase II and III Fire Study Agreement with the Pennsylvania Fire and Emergency Institute.

It was moved by Vice President Reinhold, seconded by Mr. Ressler, and unanimously passed via roll call vote that Borough Council enter into an agreement with Jerome Ozog Enterprises, LLC, to conduct the Phase II Fire Study in an amount of \$7,050.00.

It was moved by Vice President Reinhold, seconded by Mr. Richard, and unanimously passed via roll call vote that Borough Council approve the use of \$600.00 from the 2020 Emergency Management Budget, Account #01-30-303-6260, for repairs to the Lincoln Fire Department's Siren Activation and Paging System. Hammel Installs, LLC is the approved vendor for this project.

It was moved by Vice President Reinhold, seconded by Mr. Ressler, and unanimously passed via roll call vote that Borough Council adopt Resolution 2020-10 ratifying the Lancaster County Regional COVID-19 Law Enforcement Task Force Agreement signed by the President and Secretary of Borough Council on March 19, 2020.

It was moved by Vice President Reinhold, seconded by Mr. Richard, and unanimously passed via roll call vote that Borough Council accept the proposal from Gockley Emergency Planning and Training, LLC, to serve as Emergency Management Coordinator for a period of 12 months effective April 13, 2020, in an amount of \$12,000.00.

It was moved by Vice President Reinhold, seconded by Mr. Ressler, and unanimously passed via roll call vote that Borough Council approve the appointment of Randy Gockley to serve as the Emergency Management Coordinator for the Borough of Ephrata.

### **Highway Committee**

It was moved by Mr. Richard, seconded by Mr. Weiler, and unanimously passed via roll call vote that Borough Council conditionally approve the February 26, 2020 request from the Ephrata War Memorial Association to use the streets of the Borough for the 43<sup>rd</sup> Annual Firecracker Run event on Saturday, July 4, 2020 subject to EMC review and approval and Borough receipt of a satisfactory certificate of insurance naming the Borough of Ephrata as additional insured. Additionally, it should be noted, this event is dependent upon the "shelter in place" restrictions having been lifted at the time of the race.

It was moved by Mr. Richard, seconded by Ms. Martin, and unanimously passed via roll call vote that Borough Council conditionally approve Comcast's revised plans for the Lincoln Heights area known as Drawing No. 093192019A-1, Drawing No. 093192019A-2, and Drawing No. 093192019A-3 last revised March 13, 2020 subject to fully executed Street Opening and Cable System Construction Agreements. Additionally, it should be noted, Vice President Reinhold abstained from participating in the vote due to him being employed by Comcast.

It was moved by Mr. Richard, seconded by Mr. Weiler, and unanimously passed via roll call vote that Borough Council enact Ordinance No. 1554 amending the Code of the Borough of Ephrata, Chapter 305, Vehicles and Traffic, Article V, Section 305-37, Placement and characteristics of parking meters, by providing for the digital display of time for lawful and expired time periods and Section 305-39, Coin deposit in meter; overtime parking unlawful, by changing the caption thereto and by providing for the establishment of parking rates by Resolution of Borough Council.

### **Municipal Enterprises Committee**

It was moved by Ms. Martin, seconded by Mr. Richard, and unanimously passed via roll call vote that Borough Council accept a proposal for professional services from Rettew Associates, Lancaster, PA, in the amount not to exceed \$12,000, for Geographic Information System support for the Electric Division.

It was moved by Ms. Martin, seconded by Vice President Reinhold, and unanimously passed via roll call vote that Borough Council approve a proposal for professional services from GDS Associates, Marietta, GA, in the amount not to exceed \$21,300, to prepare a five-year strategic plan for operation and maintenance of the Borough's Electric distribution system.

It was moved by Ms. Martin, seconded by Mr. Richard, and unanimously passed via roll call vote that Borough Council adopt Resolution 2020-11 authorizing the Borough Secretary to participate in the annual and long-term financial transmission rights auctions per the limits in Attachment A.

It was moved by Ms. Martin, seconded by Vice President Reinhold, and unanimously passed via roll call vote that Borough Council authorize the Staff to submit two applications for the construction of tier two electric vehicle charging stations. One will be located in the rear parking lot adjacent to Whistle Stop Plaza and a second site will be located in the shared parking lot between Applebee's Restaurant and the Hampton Inn, subject to successfully negotiating a public private partnership agreement with the owners.

### **Personnel Committee**

After a brief question and answer session regarding the Committee's proposed recommendation to authorize a change to the non-uniform employee life insurance benefit, it was decided the matter would be taken back to the Committee for further discussion and consideration.

### **APPROVAL OF CHECKS 41264 THROUGH 4157 AND THE ACH REGISTER DATED APRIL 2, 2020**

It was moved by Mr. Ressler, seconded by Mr. Weiler, 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 \$901,924.84.

### **OPPORTUNITY FOR CITIZENS TO BE HEARD**

With no citizens in attendance, President Rowe moved onto Discussion/Announcements.

### **DISCUSSION/ANNOUNCEMENTS**

Mr. Ressler advised he wished to commend and thank the Borough employees for their work during this time.

Mr. Weiler echoed Mr. Ressler's comments and added he wished to thank President Rowe for her efforts in preparing for and running tonight's meeting.

Ms. Martin requested an update on employee Bruce Haws who was involved in a work-related accident; in which, Mr. Thompson advised he received an update earlier this evening advising he was transported to a

burn center for treatment, however, he was alert, had no organ damage nor loss of any appendages.

Ms. Martin sought clarification regarding Comcast not performing work during this time advising they do have a permit and have been classified as essential personnel; in which, Mr. Thompson advised the Borough is not willing to put employees at risk (unnecessary exposure) to work with their subcontractors and that no work can be done on the Borough-owned poles without the Borough performing a final inspection. Ms. Martin advised she would like confirmation that the Borough is not in violation of the issued permits requesting Staff to research the matter further.

Mr. Zimmerman expressed his appreciation for all who have “stepped up” during this time.

Vice President Reinhold also expressed his appreciation to Mr. Thompson, Staff and everyone in the field for their hard work and dedication to the Borough during this time.

Vice President Reinhold additionally provided feedback relating to the video conferencing of the meeting; in which, he advised overall the meeting went efficiently and the only issue he noticed was audio feedback at the beginning which was corrected.

Mr. Barr thanked President Rowe for organizing tonight’s meeting; to Mr. Thompson and Mr. Kachel, IT Manager, for working with the technology; and to Staff for their hard work.

Mayor Mowen, in referencing the solar farm, stated, “... it still seems less than adequate” and inquired if and when it will be getting up and running properly; in which, Mr. Thompson advised that progression was being made, but due to the COVID-19 issue, the timing has lagged once again.

Mayor Mowen expressed his thankfulness that Bruce Haws will recover from the injuries he sustained earlier this date.

In conclusion of his comments, Mayor Mowen advised he believes it to be beneficial to view meeting packets in Dropbox rather than to receive paper copies due to the large amount of paper being wasted.

Lt. Shumaker extended his appreciation to Borough Council for their kind comments and support while “navigating these waters.”

Mr. Thompson echoed that Staff has been remarkable in “stepping up” and taking on additional duties (i.e., janitorial duties) during this time. Mr. Thompson extended his appreciation to Council for their support.

Mr. Zimmerman, in referencing the Declaration of Disaster Emergency, inquired if those members participating via Zoom will need to stop by Borough Hall to sign the document; in which, Mr. Thompson advised the document will be sent via email with a request to sign, scan and send it back to Staff.

President Rowe echoed the comments regarding Borough Staff and the Police Department.

President Rowe expressed her appreciation to everyone for their patience during the meeting.

In conclusion of her comments, President Rowe advised that the “Municipal Moment” for this evening’s meeting was cancelled; however, it is her hope to reschedule it for a later date.

Mr. Richard advised of his appreciation to all for their service and hard work.

Mr. Richard then inquired as to the status of the Oak Street Bridge; in which, Mr. Thompson advised that, unfortunately, he has no new information to report.

**ADJOURNMENT**

It was moved by Mr. Richard, seconded by Ms. Martin, and unanimously passed that Borough Council adjourn. The meeting was adjourned at 9:15 PM.

Respectfully submitted,

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D. Robert Thompson, Secretary