

**EPHRATA BOROUGH COUNCIL
WORK SESSION MINUTES
MAY 4, 2020**

The Ephrata Borough Council Work Session was called to order by President Susan Rowe at 7:00 PM on May 4, 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, President Susan Rowe along with Borough Manager D. Robert Thompson were present within Council Chambers while the remaining Council Members, Solicitor and designated Staff participated via a video conference.

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 public meeting of Ephrata Borough Council is being held in accordance with Act 15 of 2020, signed by the Governor of the Commonwealth of Pennsylvania on April 20, 2020. This Act allows for participation of Council Members in a public meeting by way of telecommunication devices without a physical quorum present through the duration of the COVID-19 emergency declaration. 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. This meeting and instructions to allow for citizen comments were advertised as stipulated in Act 15.

All members of Council and the Mayor are participating remotely although the Council President is on site. For the sake of efficiency and continuity, the Borough Manager will act as the secretary of each committee unless that committee secretary is also participating remotely. When the agenda calls for citizen comment, any citizen in attendance wishing to address Council may do so. Written comments, if received, will be read by the Council President.”

STATEMENT FROM PRESIDENT ROWE OUTLINING HOW MEETING WILL BE CONDUCTED

“At this time, I would like to remind everyone of some of the basics for participating in a video-teleconferencing meeting:

- We will first ensure everyone in attendance can hear the others and that everyone is able to be heard. When I call your name for attendance, please respond with “Yes, I am present.” If anyone is unable to hear this response, I ask that you raise your hand so we can correct the problem prior to moving forward.
- If you are not speaking, please place your meeting on “mute.” When you are called upon to speak, remember to turn mute off until you have concluded your comments.
- As I facilitate this meeting, I will turn control of the meeting over to the committee chair to cover their portion. All action items must be covered in their entirety; discussion items appearing on the agenda are also of importance and should be discussed.
- Each item should be described in depth one at a time and stated by the committee chair verbally for the record before discussion commences. The committee chair may ask the committee secretary for an explanation or clarification prior to initiating deliberation.
- The committee chair should ask questions or make comments first, followed by the vice-chair, the remaining committee member, the alternate committee member, then remaining members of Council. Please keep in mind the Mayor may comment on any item. It is

important to remember the committee chair will be leading their portion of the meeting. Please remember that the Council President should always be called upon last.

- Please wait to be recognized by the chair before speaking, no matter how important you believe your comment to be.
- If you wish to speak further, I ask that you raise your hand ensuring it can be seen on camera.
- When the discussion on the item before the committee has ceased, the committee chair shall request a vote of the committee (for action items) to either move the item forward for a vote by Council May 11 or to table the item for a future committee meeting.
- Committee votes shall be roll call votes and taken by the committee chair. The committee alternate is not afforded an opportunity to vote on a committee action.
- When all business before the committee has concluded for the evening, the committee chair is asked to turn the meeting back to the Council President.

I again ask for everyone's patience as we proceed with our meeting tonight."

President Rowe, speaking to Solicitor McManus, inquired if he has any additional comments regarding the statements she has read regarding the meeting; in which, he advised he has no additional comments to make at this time.

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

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

The following visitors were present:

Jim Hickey, 49 Ephrata Avenue, Ephrata
Brian Hoffman, 162 W. King Street, Ephrata

The following visitors participated via video conference:

Jim Summers, Ephrata Recreation Center

First Opportunity for Citizens to be Heard

Brian Hoffman, 162 W. King Street, Ephrata, advised he is in attendance as a citizen of the Borough and not as a Representative of the American Legion. Mr. Hoffman further advised his reason for attending the meeting is to inquire about the closing of Cocalico Street on Saturday, May 2, 2020 through Sunday, May 3, 2020. Mr. Hoffman then inquired as to the reasoning that particular action was taken. Mr. Hoffman then stated, "... that Cocalico Street, while it serves as the only ingress and egress to the public park and other amenities, it is also the ingress and egress to the private property of the American Legion."

Mr. Hoffman further advised that Roland Park, Akron Borough, was open on Sunday with no

restrictions as well as Ephrata Township Park. Mr. Hoffman, in referencing Akron Park, stated, "... there was not a parking space to be had and people were all over the park ... not even participating in the social distancing or wearing masks – at least uniformly." Mr. Hoffman inquired as to what prompted the decision that Cocalico Street needed to be barricaded off to the park as well as to the American Legion.

President Rowe responded that this was not an action of Borough Council, but rather a public safety matter which is under the purview of the Mayor. President Rowe then requested Mayor Mowen to address Mr. Hoffman's concern/inquiry. Mayor Mowen advised in discussions with the police department and the Borough Manager, as well as representatives from the American Legion who advised they would be closed for business and not sponsoring the Motorcycle Sunday event (to be held on May 3, 2020), a decision was made to close Grater Park in an effort to maintain required social distancing practices. Mayor Mowen further stated, "... he stands by that decision and if I had to do it again, I would do it again." Mayor Mowen reiterated the fact that the American Legion was not open and the closure did not impact their operation in any way.

Mr. Hoffman then advised the American Legion does not and has not sponsored the Motorcycle Sunday event as it is a spontaneous event beginning 25+ years ago. Mr. Hoffman further advised when the event moved to the Legion's parking lot, they (American Legion) took advantage of the spontaneous once-a-month gathering and offered a buffet breakfast; however, due to COVID-19 restrictions, April's and May's buffet breakfasts have been cancelled. Mr. Hoffman further advised the American Legion is still permitted to operate under the current Governor's restrictions by offering takeout and food delivery which they have been doing Wednesday's through Saturday's.

Mr. Hoffman further advised the Sons of the Legion were attempting to put together a takeout event of hamburgers and chicken sandwiches to be held at the American Legion this past weekend; however, due to the street closure, no vehicular traffic of any kind could participate in what was designated as a valid service under the COVID-19 restrictions. Mr. Hoffman advised his concern is not that the Sons of the Legion lost revenue which, in turn, helps both the community and the Post, but rather the fact that the street was closed to one private business coupled with it not being a joint decision made by Borough Council, but rather a decision made by Mayor Mowen. Mr. Hoffman questioned as to what would have occurred if the food takeout event was advertised for that particular date asking the Mayor if he would decide to close the street again claiming it to be a public safety issue; in which, Mayor Mowen responded he is not going to get into an argument regarding this matter and reiterated the facts that the American Legion advised they were going to be closed for business and that there was no mention of the Sons of the Legion having any kind of takeout during those conversations. Mayor Mowen then advised the barriers were removed at Noon on Sunday which would have given the Sons of the Legion plenty of time in the afternoon and evening to conduct their food sales. Mayor Mowen concluded his comments by stating, "... the park closure only had to do with Motorcycle Sunday and not anything else."

Mr. Hoffman then advised that the Pioneer Fire Company had a chicken barbeque fundraiser scheduled which he believes has since been cancelled; in which, Mayor Mowen confirmed he

was correct in his statement further advising that the decision was made solely by the fire company due to the COVID-19 situation.

Mr. Hoffman then referenced the inconsistencies of these types of events being held throughout the state. Mr. Hoffman advised he was recently in Mt. Wolf, Pennsylvania, where the volunteer fire company informed him that they held their most successful chicken barbeque event two weeks earlier with another one being held this upcoming weekend. Mr. Hoffman further advised this particular event takes place only 200 feet from Governor Wolf's resident and stated, "... but here in this community, we're opting to close down."

Mayor Mowen reiterated that it was the fire company's decision, nobody else's, to cancel the event. President Rowe reconfirmed it was not a Borough Council or a public safety decision to cancel the event; in which, Mr. Hoffman acknowledged he understands it was the fire company's decision not to hold the event even though similar events are being held in other areas within the state. Mr. Hoffman further advised he wanted to point out that there are inconsistencies in how the rules are being interpreted throughout the state. Mr. Hoffman then stated, "... I'm going to say that was an unnecessary step due to the neighboring municipalities with parks ... aren't taking the same steps ... I don't know why other than the difference of motorcycles potentially coming into the park ... there were people walking all through Ephrata Park ... through and around ... there were people playing on the tennis courts ... it seems that somebody has an issue with motorcycles ... always have and still have ... that's a great event ..." Mayor Mowen responded, "... I work very hard to make sure Motorcycle Sunday is a success ... I have never been opposed to it ... so don't insinuate that I'm opposed to Motorcycle Sunday."

Mr. Hoffman then closed his comments by thanking Council for their time.

President Rowe turned to the Discussion of Committee Agendas portion of the meeting.

Discussion of Committee Agendas

Budget and Finance Committee

Mr. Ressler advised the Committee has two Action Items:

1. Ephrata Recreation Center: Request to forgive \$2,445.14 in monthly repayments between April 2020 and December 2020 totaling \$22,006.26 allowing the money to be allocated for the December debt service payment and aid in keeping the Rec Center viable during these unprecedented times.

After input received first between Committee members, then remaining Council members, Mayor and Staff, as well as comments from Mr. Summers, Ephrata Recreation Center, the Committee unanimously agreed to bring the matter forward for action/vote to forgive the \$2,445.14 in monthly repayments from April 2020 to December 2020 totaling \$22,006.26 at the May 11, 2020, Borough Council Voting Session.

2. Ephrata Performing Arts Center (EPAC): Requests to (1) Conduct a 2019 financial review rather than a full audit; and, (2) to release the awarded 2019 matching grant funds of \$26,230 for lobby, classrooms and conference space upgrades without a match to be reserved for

operating costs and any additional costs incurred by the delayed opening of their 2020 season.

After input received first between Committee members, then remaining Council members, Mayor and Staff, the Committee unanimously agreed to bring both matters forward for action/vote to: (1) Accept a 2019 financial review rather than a full audit; and, (2) to release the grant funds of \$26,230 to be used for operating costs and any additional costs incurred by the delayed opening of their 2020 season at the May 11, 2020, Borough Council Voting Session.

Mr. Ressler advised the Committee has five Discussion Items:

1. Local Economic Revitalization Tax Assistance (LERTA) Ordinance: Mr. Ressler advised the ordinance is for the temporary exemption of real estate taxes and requested Staff/Solicitor provide an overview of the ordinance. Solicitor McManus advised he had a discussion with the School District's Solicitor about the law that allows to enact LERTA. Solicitor McManus further advised the matter will be presented to the School Board on June 1, 2020. Solicitor McManus recommended the School Board's resolution should reflect the Borough's ordinance to provide for a schedule of tax forgiveness based upon improvements that are made. Solicitor McManus further advised it is important to decide what areas and properties are eligible as the Act itself talks about dilapidated properties and provides some general guidance and definitions of those properties. Solicitor McManus stated during his conversation with the School Board's Solicitor, he advised revisions to the ordinance document would be considered; however, he reiterated nothing will be implemented prior to the School Board's meeting in June. Mr. Ressler inquired if the ordinance is time sensitive; in which, Mr. Thompson responded that the ordinance itself requires sign-off by the three taxing authorities; Ephrata Borough, Ephrata Area School District and Lancaster County. Mr. Thompson advised the Borough will work with the School District to have one proposed ordinance/resolution and will then schedule to meet and review with County representatives to ensure their agreement with the proposed document(s). Mr. Thompson further advised that once verbal agreements have been received, the agreed upon document will be voted on at the next entity's meeting date.
2. Response to COVID-19 Crisis/Minimize Expenditures: Ms. Moore provided an overview of what Staff is doing to minimize expenditures due to the loss of revenue resulting from the pandemic. Ms. Moore advised of two areas currently being affected; those being, (1) the hiring of personnel which has been put on hold, and (2) an implemented process regarding the designation of non-essential versus essential expenditures. Ms. Moore advised essential expenses include items such as contractual obligations and utilities with pre-approval for payments not being necessary. Ms. Moore further advised that any non-essential expenses need approval from either Mr. Thompson or her prior to those purchases being made. Ms. Moore stated the Borough does have healthy fund balances in place which will be in the Borough's favor this year as revenue amounts will not be what is normally received. Mr. Ressler expressed his appreciation to Staff for their efforts in minimizing expenditures. Mr. Weiler, inquired as to the status of capital projects; in which, Ms. Moore replied that only

those capital projects considered to be essential or those that have been committed to via signed agreements will be moving forward.

3. 1st Quarter 2020 Budget Review
4. McManus Invoice: Mr. Ressler advised the invoice is pretty much self-explanatory and opened up for comments from the Committee members, remaining Council members and Staff. Mr. Richard, in referencing the line item titled, “Communications with Bob Thompson,” advised he would appreciate a bit more detail/clarification of those communications (i.e., Human Resources, Ordinance, etc.)
5. Check and ACH Register: Mr. Ressler inquired if all of the accounts payable checks made out to personal names are refunds for utilities or services; in which, Ms. Moore clarified he is accurate.

Public Safety Committee

Vice President Reinhold advised the Committee has no Action Items for the upcoming Voting Session.

Vice President Reinhold advised the Committee has two Discussion Items:

1. 1st Quarter 2020 Police Report: Lt. Shumaker advised the report is included within the meeting packet for review and opened the floor for questions/discussion. Vice President Reinhold, in referencing the notation in the report of potential homeless subjects residing at the Ephrata Public Library, inquired as to an explanation as to why the Library allowed the subjects to remain/stay on the property. Lt. Shumaker provided clarification that there were two males living under the exterior stairs at the Library with action being taken to remove them from that location; however, it was later observed the males took residence in a portable storage pod (PODS) located on library property. Lt. Shumaker concluded his comments by advising with the assistance of the Codes Department, the storage pod has been vacated.
2. Monthly Police Report

Lt. Shumaker advised the Department has concluded the School Resource Officer interviews with the Ephrata Area School District with the selected replacement being Officer John Hirneisen. Lt. Shumaker further advised when the current SRO, Officer Paul Moore, retires in August, it is the Department’s intent to fill his vacancy; however, he advised he does not feel it will be done in a timely fashion (possibly within 6-18 months) as the police academies are currently closed.

Mr. Zimmerman extended his appreciation to Lt. Shumaker and the police department for their participation in a parade honoring a special needs child; in which, Vice President Reinhold commented, “... I thought it was fantastic for that girl personally ... especially for what she is going through.”

Mr. Barr inquired as to if there are any concerns regarding overtime resulting from a shortage in police officer(s). Lt. Shumaker responded that those spots will be filled with overtime as needed; however, it will be done within budget.

Mayor Mowen, in referencing the reports provided to Council for review, expressed his appreciation to Lt. Shumaker for spotlighting officers and their hard work as it shows the professionalism and the quality of our police officers.

President Rowe, in referencing the Quarterly Report's Community Outreach section, advised it is noted that a senior from Cocalico High School began an internship with the police department and that this is the first time she heard about such a program. Lt. Shumaker advised the internship program has been in place for several years, is not a paid program and the applicant/intern must be pursuing a profession in law enforcement to be selected.

Highway Committee

Mr. Richard advised the Committee has three Action Items:

1. Ephrata Farmer's Day Association, Inc.: Request to hold the 102nd Ephrata Fair from September 22 - September 26, 2020. Mr. Richard advised the request includes a waiver of Ordinance 271-24 (time of collection) as well as the invoice includes a detailed breakdown for the costs of electric service, purchased electric, police services and public works labor generated. In conclusion of his comments, Mr. Richard advised approval is dependent upon the COVID-19 crisis.

After input received first between Committee members, then remaining Council members, Mayor and Staff, the Committee unanimously agreed to bring the matter forward for action/vote to conditionally approve the request dependent on the County being in the Green Phase (versus Yellow or Red), approval from PennDOT for the street closure, and a plan in place to meet the State requirements (CDC and WHO guidelines) at the May 11, 2020, Borough Council Voting Session.

2. Boy Scouts of America Troop 73: Request to utilize the Locust Street parking lot to park cars as a fundraising initiative as well as to staff the Franklin Street (vendor) lot during Ephrata Fair Week 2020.

After input received first between Committee members, then remaining Council members, Mayor and Staff, the Committee unanimously agreed to bring the matter forward for action/vote to conditionally approve the request dependent on the County being in the Green Phase (versus Yellow or Red) and a plan in place to meet the State requirements (CDC and WHO guidelines) at the May 11, 2020, Borough Council Voting Session.

3. Ephrata Area School District: Request to close Old Mill Road from Oak Boulevard to Route 272/Reading Road from 6:30 PM to 9:30 PM on either Thursday, June 4, 2020, or Friday, June 5, 2020 (final date to be determined) for the Class of 2020 COVID-19 compliant commencement ceremony. Additionally, EASD is requesting the service of Fire Police at the intersections of Old Mill Road to Route 272 throughout the duration of the closure.

After input received first between Committee members, then remaining Council members, Mayor and Staff, the Committee unanimously agreed to bring the matter forward for action/vote to approve the request subject to the confirmation that EASD will pay the cost for fire police and extra police as well as a receipt of a certificate of insurance naming the Borough as an additional insured at the May 11, 2020, Borough Council Voting Session.

Mr. Richard advised the Committee has two Discussion Items:

1. Resolution - Parking Meter Rates: Mr. Richard briefly reviewed the Resolution to establish parking meter rates for on-street metered parking.
2. 2020 Street Improvements: Mr. Richard briefly reviewed a memorandum received from Mr. Burkholder advising the postponement of the 2020 Street Improvements Program.

Municipal Enterprises Committee

Ms. Martin advised the Committee has three Action Items:

1. Monthly Financial Transmission Rights: Mr. Thompson provided an overview of the recommendations received from AMP regarding monthly variations.

After input received first between Committee members, then remaining Council members, Mayor and Staff, the Committee unanimously agreed to bring this matter forward for action/vote to adopt a Resolution authorizing the Borough Manager to enter into an auction for the purchase of electricity as identified at the May 11, 2020, Borough Council Voting Session.

2. 3MW 7x24 Energy Purchase: Mr. Thompson advised the Borough has a 7x24 or baseload product that was purchased in 2015 which expires in 2024. Mr. Thompson further advised in looking at the market, the trend is they are beginning to bottom out. Mr. Thompson stated he reached out to GDS to inquire if now is a good time to test the market and they advised it would be. Mr. Thompson advised that GDS is planning on doing some indicative pricing where they will do a pre-qualification on energy for 3MW on 7x24 with the results being received prior to the Voting Session; at which time, Council will be asked to act on a Resolution to authorize the Borough Manager to enter into a 3MW 7x24 purchase with a bandwidth of floor-to-ceiling pricing based on the indicative pricing.

After input received first between Committee members, then remaining Council members, Mayor and Staff, the Committee unanimously agreed to bring this matter forward for action/vote to adopt a Resolution authorizing the Borough Manager to adopt a Resolution to authorize the Borough Manager to enter into a 3MW 7x24 purchase agreement at the May 11, 2020, Borough Council Voting Session.

3. Mr. Thompson in reviewing the scenario resulting in the subsequent injury to Electric Foreman Bruce Haws, a question arose as to why the system relays did not trip as a result of the incident; in which, our consultant, Utility Engineers, was contacted for assistance and

input. Mr. Thompson stated Utility Engineers advised they would like to conduct a relay testing effort with the assistance of staff. Mr. Thompson further advised he considers this to be a significant safety issue which needs to be addressed as soon as possible. Mr. Thompson advised a proposal should be submitted by the end of the week which he will add for vote/approval at the May 11, 2020, Borough Council Voting Session.

After input received first between Committee members, then remaining Council members, Mayor and Staff, the Committee unanimously agreed to bring this matter forward to approve a proposal submitted by Utility Engineers to conduct a relay testing effort at the May 11, 2020, Borough Council Voting Session.

Ms. Martin advised the Committee has three Discussion Items:

1. Electric Vehicle Charging Stations Update: Mr. Thompson advised the Committee has approved four locations – Borough Hall, Public Works, Railroad Station Parking Lot and looking at a Private/Public Partnership with Applebee’s and Hampton Inn. Mr. Thompson further advised that, to date, the Borough is in receipt of three coupons totaling \$9,000 each which will be reimbursed following the completion of each charging station.
2. Solar Actuator Status: Mr. Thompson advised Staff was advised of a completion date of June 8, 2020.
3. Impact of COVID-19 Crisis on Electric Load: Mr. Thompson provided an overview of the presentation included in the meeting packet advising that a number of AMP communities, including Pennsylvania, are seeing a reduction in load. Mr. Thompson highlighted that the Borough’s projected loads were higher than our actual loads from January through April. Mr. Thompson further advised that Staff is reviewing the impact of COVID-19, people being at home, as well as the how the impact of low temperatures affects the electric load.

Special Projects Committee

Mr. Barr advised the Committee has no Action Items for the upcoming Voting Session.

Mr. Barr advised the Committee has one Discussion Item:

1. Gateway Signs: Mr. Thompson advised as a result of Mayor Mowen reaching out to a number of entities on the existing three Gateway Signs, new applications were received from the Ephrata Masonic Lodge #665 and the Veterans of Foreign Wars Post 3376 to participate. Mr. Thompson further advised that the American Legion and Lions Club have already provided new signs for display. Mr. Thompson stated the question remains if four organizational signs are enough to keep the program going and requested the Mayor to provide an update on his efforts of reaching out to other organizations. Mayor Mowen replied he was able to make contact with almost every organization on the list provided to him and is awaiting responses from several of the organizations.

Mr. Thompson then provided an update on the New Customer Welcome Packets advising that Business Office staff is working on updating the documents and will present the packet for review in the near future.

Mr. Barr and Ms. Martin extended their appreciation to Mayor Mowen for his efforts in making contact with the various organizations regarding the Gateway Signs.

Second Opportunity for Citizens to be Heard

After allotting a brief time for citizen comments and/or remarks and with no one in attendance (NOTE: The citizens in attendance earlier left prior to the end of the meeting), President Rowe turned to the discussion/announcements portion of the meeting.

Discussion/Announcements

Mr. Richard, in referencing the Peaking Generators, inquired as to the timeline to get them in operation; in which, Mr. Thompson advised there has been a bit of difficulty with PPL in getting them to finalize the reverse flow requirements. Mr. Thompson further advised the construction work is almost complete (possibly another week or two) with the exception of meeting the PPL baffling requirements.

Vice President Reinhold stated, "... I believe this meeting went pretty good ... I mean ... I think we're getting good at this a little bit and everybody seems to know when to mute and unmute ... it's good to see all of your faces and hope everyone is well ..."

Mayor Mowen inquired as to how Electric Foreman Bruce Haws is doing; in which, Mr. Thompson advised he spoke with him about a week or so ago and he expressed his appreciation for all of the prayers and well wishes. Mr. Thompson further advised it is his understanding he may be coming home for a few days and will return to the hospital for skin grafting procedures. Mr. Thompson stated, "... spirits are high and he seems to be doing quite well."

Mayor Mowen advised he participated in the Hibshman Scholarship interview process via videoconferencing with there being over 100 applicants interviewed over a 2-day period.

Lt. Shumaker echoed Mr. Thompson's comments and advised that Mr. Haws was currently home with his family.

Mr. Thompson reported to Council that he gets an opportunity on a daily basis to conduct a Zoom videoconference call with the Management team and stated, "... they have done an outstanding job keeping the workforces going and keeping morale up." Mr. Thompson further stated, "... it is really an honor to work with a group that dedicated and that skilled ... I think from our standpoint, I think the Borough hasn't missed a step ..." In concluding his comments, Mr. Thompson thanked Borough Council for their support.

Adjournment

It was moved by Mr. Zimmerman and seconded by Mr. Weiler to adjourn. The meeting was adjourned at 9:34 p.m.

D. Robert Thompson, Secretary