

**EPHRATA BOROUGH COUNCIL  
WORK SESSION MINUTES  
MAY 6, 2019**

The Ephrata Borough Council Work Session was called to order by President Susan Rowe on May 6, 2019, at 7:00 p.m., in the Council Chambers of the Borough Office, 124 South State Street.

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

In attendance in addition to the President 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.

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

Visitors included:

- George & Virginia Dillio, 30 Kings Court, Ephrata
- Betsy Malarkey, 217 Lincoln Avenue, Ephrata
- Bonnie Northeimer, 15 East King Street, Ephrata
- Jim Sandoe, 1181 Joann Avenue, Ephrata
- Teresa Caruthers, 229 Railroad Avenue, Ephrata
- John Stewart, 429 North Maple Street, Ephrata
- Joe Lenart, 225 Morgantown Road, Reading
- Jim Summers, Ephrata Recreation Center

Ms. Martin, Community Services Committee Chairman, received a donation of two bicycle air pumps from Jeremy Guldin, KneadIt Massage & Bodyworks, which will be mounted on the Rail Trail for use by the community. Mr. Guldin explained for the past five years, KneadIt Massage & Bodyworks has hosted a 5K on the Rail Trail with the main portion of the proceeds of the race being donated to the Ephrata Public Library. Mr. Guldin further explained this year, it was decided to donate a portion of the proceeds for the purchase of two bicycle air pumps for use by the public along the Rail Trail. Ms. Martin expressed her gratitude for the generous donation.

**First Opportunity for Citizens to be Heard**

Teresa Caruthers, 229 Railroad Avenue, Ephrata, advised as the rollout of electric vehicles becomes unstoppable, it may be beneficial for the town to consider how it can accommodate individuals with electric vehicles. Additionally, Ms. Caruthers advised of the increased truck traffic along Main Street and inquired if there was any way to limit the size of trucks that travel on the roadway.

President Rowe advised the topic of electric vehicles was discussed previously at a Highway Committee meeting and is being addressed. Additionally, President Rowe advised Ms. Caruthers that Main Street is governed by PennDOT and she would need to bring her concern to their attention for resolution. President Rowe concluded her comments by thanking Ms. Caruthers for her comments.

After allotting a brief time for further citizen comments and/or remarks and with no one in attendance approaching the podium, President Rowe turned to the discussion of Committee Actions.

**Discussion of Committee Actions**

Development Activities Committee

Mr. Weiler advised the Committee reviewed a draft lease for the Ephrata Recreation Center. The property is currently owned by the Ephrata Borough Authority (EBA). The Borough has guaranteed the Rec Center debt with no collateral. Is there interest from Council in pursuing having EBA transfer ownership to Ephrata Borough. Only pieces of a lease from 1976 can be found. A new lease is necessary. Mr. Thompson and Solicitor McManus reviewed the notable sections of the lease. The proposed lease doesn't require a lease payment until the Rec's repayment agreement is satisfied in 2021. The next five year period requires a lease payment of \$1,000 per month adjusted annually by the CPI. There are three renewal periods of five years each. The Committee is recommending that Council authorize the staff to develop documents to transfer the property from the Ephrata Borough Authority to Ephrata Borough conditioned upon the EBA offering the property to the Borough and Ephrata Borough accepting the offer. The Committee is also recommending that Borough Council accept the lease document subject to the Rec Center approval at the May Council meeting.

Mr. Weiler advised the Committee reviewed a request from WellSpan Ephrata Community Hospital to release financial security for the storm water improvements associated with the construction of a parking lot located at 166 Martin Avenue. The improvements have been inspected and approved. The Committee will recommend that Borough Council release the remaining amount of \$3,528.45 at the May meeting. This will appear on the consent agenda.

Mr. Weiler advised the Committee reviewed a Subdivision and Land Development Agreement for Weaverland Mennonite (Lincoln Christian Homes). The amount of the agreement is \$116,361.63. The Committee will recommend that Borough Council authorize the Council President and Secretary to execute the Subdivision and Land Development Agreement with the developer, Weaverland Mennonite Homes. This will appear on the May Consent Agenda.

Mr. Weiler advised the Committee reviewed a Stormwater Operation and Maintenance Agreement for the proposed stormwater improvements associated with the land development plan for Weaverland Mennonite (Lincoln Christian Homes). The Committee will recommend that Borough Council authorize the Council President and Secretary to execute an Operation and Maintenance Agreement with the developer, Weaverland Mennonite Homes. This will appear on the May Consent Agenda.

Ms. Martin sought further clarification regarding the proposed Lease with the Ephrata Recreation Center. Ms. Martin referred to Section 6, Maintenance and Repairs, Subsection (g) of the proposed Lease which states, "Tenant at its sole cost and expense shall be responsible for maintaining, repairing and replacing the carpeting within the buildings." Ms. Martin inquired if the Lease should state, "flooring" instead of "carpeting." Mr. Thompson clarified the correct wording should be "flooring."

Ms. Martin referred to Section 6, Maintenance and Repairs, and requested Mr. Thompson to explain the difference between the Landlord performing the maintenance versus the Tenant. Ms. Martin advised Subsection (a) states, "Landlord shall perform all exterior maintenance, repairs and replacements to the premises, including, without limitation, the walls and structure, roof, foundation, and the sidewalks, curbs and parking areas, necessary to maintain the exterior of the

premises in good order, condition, and repair, and in compliance with all applicable laws, codes and regulations.” Additionally, Ms. Martin further advised Subsection (b) states, “Landlord shall perform all maintenance, repairs and replacements of the heating, ventilating and air conditioning (HVAC) systems, plumbing systems ...” and Subsection (k) states, “Tenant at its sole cost and expense shall be responsible for the ordinary and customary operation, repair and maintenance of the plumbing, electrical, and HVAC systems from the point of the service to the premises into the building.” Ms. Martin again requested Mr. Thompson to explain the difference of the two responsibilities.

Mr. Thompson advised as a Tenant, if the electrical system within the building has an issue, they would not be responsible to replace the wires in the walls as well as the electric service to the building – the Landlord would be the responsible party as that is part of the infrastructure of the building. Mr. Thompson further advised as a Tenant, if an outlet or a wall switch went bad, they would be responsible for the replacement and/or repair of the outlet and/or wall switch. In referring to the HVAC system, Mr. Thompson explained there is a cooling unit, fan unit and/or the ductwork inside the walls which would be fall under the responsibility of the Landlord; however, Mr. Thompson further explained that the changing of the filters and/or other items of standard operation and/or maintenance would fall under the responsibility of the Tenant.

Ms. Martin inquired if the Tenant would want to complete a renovation project within the building (i.e., gutting a bathroom), whose responsibility would that fall under; in which, Mr. Thompson advised as the Tenant, they would need to seek approval from the Landlord prior to doing said renovation(s).

Ms. Martin inquired if this Landlord/Tenant Lease proposal is any different from the Borough’s current relationship with the Rec Center; in which, Mr. Thompson clarified that right now the Tenant is responsible for more of the capital costs. Mr. Thompson provided examples of the Rec Center having recently replaced the roof, the HVAC System, and the filter at the Ephrata Community Pool. Mr. Summers, Ephrata Recreation Center, advised since 2013, the Rec Center has put about \$750,000 into the building. Mr. Summers further advised that \$210,000 of that amount was, in fact, financial assistance received from the Borough; however, Mr. Summers stated the Rec Center came up with approximately \$530,000 through fundraising.

Ms. Martin inquired in moving forward, if the proposed Lease is a different relationship than what the Borough has with the Rec Center currently; in which, Mr. Thompson advised the proposed Lease is more in line with the Lease the Borough currently has with the Ephrata Public Library and is intended for the Owner to be more responsible for the capital projects. Mr. Thompson referred to the proposed Lease advising there is a paragraph included advising the Tenant pays up to the first \$5,000 in capital maintenance; after which, the Landlord would take responsibility for the remaining balance.

In conclusion, Ms. Martin expressed her gratitude to Mr. Thompson for the clarification of her inquiries.

Mr. Thompson additionally advised Council when sharing the proposed action with Staff, it was brought to his attention that back in 2015, there was an issue with the Rec Center’s pool in which

the Borough became involved with. Mr. Thompson further advised there was some water leaking down from the deck which was affecting the wall of the pool. Mr. Thompson advised engineers were brought in to assess the issue which was summarized as not being a threat to public health and welfare. Additionally, the engineers advised the issue could be resolved with some short- and long-term repairs. Mr. Thompson advised the short-term repairs were completed; however, none of the long-term repairs have been taken care of. Mr. Thompson recommended that further discussions occur with the Rec Center regarding this particular topic prior to the Lease being acted upon. Mr. Thompson further advised, in his perspective, the Borough as a Landlord does not want to take that on when at that time (4 years ago), it should have had some plan of action identified. Mr. Thompson concluded by advising he spoke with Mr. Summers earlier on this date to bring the matter to his attention.

President Rowe inquired if the Committee would like to revisit this matter; in which, Mr. Weiler advised he would like to move forward although there are some areas that need further discussion. Mr. Zimmerman agreed with Mr. Weiler advising the Lease has been a discussion topic for some time and he would like to move forward with the Lease and discuss this issue as a separate matter. Mr. Barr advised he would be comfortable with moving forward with the Lease.

Solicitor McManus advised without knowing the substance, cost or seriousness of the issue, it would be his recommendation to “get a good handle on that” prior to moving forward. Solicitor McManus advised as an abundance of caution, his recommendation would be to delay executing the Lease until further details of the issue and resolution of it have been discussed.

Mayor Mowen inquired if the Engineering staff was aware that a Lease was being worked on; and, if so, why wasn't the issue brought to the forefront prior to tonight's meeting; in which, Mr. Thompson advised a Lease is not a typical point to share with staff during the developmental phase.

President Rowe inquired if the Committee would like to stand by their decision to bring the matter forward for voting at next week's Borough Council meeting; in which, Mr. Weiler advised he feels he would follow the Solicitor's advice to receive further information regarding the issue. Mr. Zimmerman advised he believes the relationship between the Borough and the Ephrata Rec Center has been phenomenal and does not feel the matter needs to be postponed. Mr. Barr advised it is his feeling that any issue should be ironed out prior to voting on the Lease.

President Rowe concluded by advising this topic will be deferred back to the Committee for further discussion.

President Rowe referred to the 2019 Budget advising the Building Maintenance Fund for the Borough is \$138,000 and the 5-Year Capital Projects calls for \$100,000 per year for Building Maintenance. President Rowe inquired as to what percentage of increase, if any, is anticipated in the 5-Year Capital Fund if we add this building to our maintenance repairs. Mr. Thompson advised at this point a specific inspection of the building will need to be completed with a separate project being created so as to not be part of the Borough Building Maintenance Fund. Mr. Thompson further advised there may be an increase in the Capital Fund based on the recent work that has been completed; however, he is unaware at this point if there are other significant areas that need to be addressed. President Rowe inquired if the inspection could occur prior to the Lease being voted on;

in which, Mr. Thompson advised that request could be completed by Staff and Rec Center staff. Mr. Summers advised it should be noted that during the first two years of the Lease, until the repayment amount has been complete, the rent is going to be \$1 a year; after which, it will be \$1,000 a month and with the \$5,000 the Rec Center will be paying for repairs, the Borough will be getting \$17,000 before it costs any money. President Rowe thanked Mr. Summers for this information.

President Rowe inquired if the membership rates are going to be restructured with reduced costs to the Borough residents since the taxes and rates paid by the Borough residents would be used for the maintenance and repairs to the building. Mr. Summers responded, "... not through the way the Lease is structured right now." President Rowe referred to the reduced rates Borough residents receive for the Ephrata Community Pool as their taxes maintain the pool; in which, Mr. Summers responded, "... correct ... but the Borough residents taxes are maintaining the entire pool ... the way the lease is written now, I don't think that we could offer a program where there would be a discount for a resident ... that would have to be some other negotiations and a give-and-take."

President Rowe inquired if the fair market value for the rent for the building is known; in which, Mr. Thompson advised he does not have that information. President Rowe requested that matter be looked into as well.

President Rowe inquired if the building is covered under the Borough's current insurance or does the Rec Center pay for their insurance premiums. Mr. Thompson advised the Owner pays for the building and the Tenant pays for the contents. President Rowe further inquired if currently the Ephrata Borough Authority pays for the insurance for the building; in which, Mr. Thompson responded they do as part of their assets.

President Rowe inquired if the Borough assumes ownership from the Ephrata Borough Authority, would the building be added to our insurance premiums; in which, Mr. Thompson advised it would be. President Rowe inquired if the costs of the insurance premiums could be looked into and reported; in which, Mr. Thompson advised he will look into the matter.

President Rowe inquired as to who owns the land on which the building sits; in which, Mr. Thompson advised that Ephrata Borough Authority owns the land. President Rowe inquired if the land is going to remain with the Borough Authority; in which, Mr. Thompson advised ownership of the building and land will be transferred to the Borough.

President Rowe referred to the building on Springhouse Road which formerly housed the State Police Barracks inquiring how long that building sat vacant prior to it being rented/leased; in which, Mr. Thompson advised it was vacant for approximately five or six years. President Rowe further inquired during the time the building sat vacant, how much did the Borough pay to repair that building (i.e., water damage due to the roof leaking, etc.) Mr. Thompson advised an insurance claim was submitted for that issue. Mr. Thompson advised a new roof was put on the building as well as the replacement of the HVAC system.

President Rowe concluded her comments by thanking Mr. Thompson and Mr. Summers for clarification of her inquiries.

Public Safety Committee

Mr. Ressler advised the Committee discussed a Police Services Agreement for Ephrata Township. Chief Harvey and B. Thompson reported that a tentative agreement has been reached with Ephrata Township for policing services. An exemplary ordinance was shown for the extension of police services through December 31, 2024. The Committee is recommending that Borough Council approve the Agreement and enact the ordinance at the May Council meeting.

Mr. Ressler advised the Committee discussed a Disposition of Assets of fourteen (14) Mossberg shotguns on a trade-in for new shotguns. Amount of trade-in is \$7,259.98. The Committee is recommending that Borough Council approve the Disposition of Assets at the May Council meeting.

Mr. Weiler advised he is pleased to see that things are moving forward with the Ephrata Township Policing Agreement.

Ms. Martin inquired as to the age of the Mossberg shotguns that are being traded in; in which, Chief Harvey advised that the age and/or wear or tear of the weapons is not the issue. Chief Harvey went on to advise in policing today, different modifications of shotguns are being used as well as police cruisers getting smaller which has resulted in the Department obtaining a more compact frame and design of shotguns. Chief Harvey advised the previous shotguns were purchased approximately 9-10 years ago. Chief Harvey further advised the lifespan of police weapons typically do not have the lifespan of someone who would "... shoot it once, put it in a closet and then go back six months later and shoot it again."

Municipal Enterprises Committee

Mr. Richard advised the Committee discussed extending the refuse and recycling contract with Eagle Disposal by accepting the year 4 and year 5 options subject to the execution of a change order as follows:

- a. Increasing the number of allowable refuse containers from 3 to 4.
- b. Agreeing to pay for disposal costs (tipping fees) for recyclable materials at rates established by the Lancaster County Solid Waste Authority.

In addition, the Committee will recommend that the Borough approve the waiver authorizing the contractor to haul single stream recyclable materials from Ephrata Borough to Eagle's transfer facility to be hauled to Penn Waste Recycle Processing Facility.

The Committee will recommend that Borough Council approve both the change order and waiver at their May 13, 2019 meeting.

The Committee heard a presentation by Erin Shealy from GDS Associates regarding the American Municipal Power (AMP) Pennsylvania Reciprocating Internal Combustion Engine (RICE) Peaking Project. The project, which will be owned and operated by AMP, proposes to install 5,400 kW of diesel generation to reduce the Borough's coincident peaks and thus reduce transmission and capacity costs. The Committee will recommend that Borough Council enact an ordinance

authorizing the Borough Manager to execute any and all documents necessary for the implementation of this project subject to a form acceptable to the Borough's energy solicitor McNees Wallace and Nurrick.

Mr. Richard further advised there was an omission of a topic, Cohen Law Group's proposal to prepare an ordinance for Row of Way management in the Committee's Report for April 2019. Mr. Richard advised the report has been revised and will be submitted for approval at the May 13, 2019 meeting.

Mr. Richard provided an update on the solar project advising the cabinet has been delivered, installed and internally tested. Mr. Thompson advised that we are currently waiting for PPL to complete the final inspection. Mr. Thompson further advised during the wind event experienced a few weeks ago, 15 of the solar modules received damage and are in the process of being repaired/replaced.

Vice President Reinhold advised of his concern of the damaged panels due to a wind event and inquired if this is an issue that is going to be experienced often. Mayor Mowen noted that the wind peaked at over 50 MPH. Mr. Thompson advised the owner and operator of the solar facility is conducting a root cause analysis in which the Borough will be in receipt of upon its completion.

Mr. Ressler referenced the recycling/refuse action item inquiring if the Borough is sending out a notification to residents advising of such; in which, Mr. Thompson advised correspondence will be mailed to Borough residents closer to its effective date.

Mr. Ressler referenced the solar field and inquired if the owner is the responsible party to repair/replace any damaged panel(s); in which, Mr. Thompson advised the responsibility does fall under the owner.

President Rowe referenced the RICE Peaking Project and sought clarification that the Borough owns the land which will be leased to AMP for the generator; in which, Mr. Thompson advised she is correct. President Rowe inquired as to the amount the land would be leased for; in which, Mr. Thompson responded he believes it would be for \$1.00 per year.

President Rowe inquired if there are any plans of containment for a possible diesel leak; in which, Mr. Thompson advised the Department of Environmental Protection has very strict requirements on whether the tank is housed in underground or above ground storage and assured the Borough will definitely be in compliance.

President Rowe stated that DEP regulations may be changed at any time and sought clarification regarding what if the generator is not able to operate due to a new regulation put in place. Mr. Thompson advised that is considered either an environmental or a regulatory risk with the project. Mr. Thompson advised historically speaking, DEP has not eliminated full use, but have capped the amount of non-retail behind-the-meter generation which may result in the proration of the capacity and transmission credits.

President Rowe referred to page 5 of the GDS Study where it stated the project costs were contingent on Hatfield Borough's participation. President Rowe inquired if Hatfield Borough has agreed to participate in the project. Mr. Thompson advised that Hatfield Borough has not yet committed to the project; however, it is anticipated they will be participating at 2.7 megawatts. President Rowe inquired if the costs have changed since the April 15<sup>th</sup> meeting when the figures were discussed; in which, Mr. Thompson advised the total estimated costs is estimated down from \$10.7 million to \$10.4 million.

President Rowe inquired as the generator has a 25-year life span, what happens when that time is over; in which, Mr. Thompson advised you can choose to replace it or you can choose to say the project is over and AMP will remove the equipment.

President Rowe referenced the Cost of Service Study advising it states the Borough is responsible for the operation and maintenance after 15 years. Mr. Thompson advised the Borough will be paying for the operation and maintenance of the first 15 years as well, but after 10 years, the debt service will be paid. President Rowe inquired as to the estimated costs; in which, Mr. Thompson advised beginning at Year 1, the cost would be \$14,250 – at Year 5, the cost would be \$27,476 – and at Year 10, the cost is at \$33,035. President Rowe inquired if it would be possible to receive information for the increase in operation and maintenance costs for future Councils; in which, Mr. Thompson advised he will look into the matter.

Mayor Mowen advised the generators are in contained unit and the fuel tank is actually the base of the unit. Mr. Thompson advised the proposal is for a 5,000 gallon storage tank and he is unsure of how the units are constructed.

Mr. Thompson advised at each Council seat is a draft Resolution for review that authorizes the Borough Manager to execute any and all documents associated with the project. Mr. Thompson further advised after the Committee indicated they would recommend the project, our energy solicitor, McNees Wallace, reviewed the documents that are expected to be executed. Mr. Thompson advised McNees Wallace's 17-page response will be included in the Council packet. Mr. Thompson further advised the Committee did meet with some citizens prior to tonight's meeting who expressed some concerns regarding the emissions of the units.

#### Community Services Committee

Ms. Martin advised the Committee reviewed the request from Mainspring for the Borough to sponsor a planter. All Committee members agreed so they are recommending approval at the May Council meeting.

Ms. Martin advised the Committee reviewed the request from Jim Summers to hold 2 Luau's at the pool this summer. The events will be for all members 21+ and will be held from 6-8:30pm. The dates for the events have not yet been selected. The Committee will recommend approval at the May Council meeting.

Ms. Martin advised the Committee received a presentation from Ephrata Community Garden Project Committee. Ms. Martin further advised WGAL has taken on our Community Garden as one of their project givebacks. Ms. Martin referenced the Committee Report advising it states there are

a total of 48 plots available to rent; however, from her understanding, the HUB has six plots available to grow food for the Ephrata Area Social Services.

Ms. Martin advised the Committee received a request from Mr. Summers for free Wi-Fi for the pool and the park. At the time of the request, it was thought that filtering capabilities could be put into place; however, after further review, it was discovered that this is not an option available. Ms. Martin is seeking to defer this matter back to the Committee for further discussion and clarification.

Ms. Martin advised that Mr. Summers is working to get a proposal together for a bike share program which will be presented to the Committee at an upcoming meeting.

Mr. Ressler advised he was not in attendance at the meeting as listed on the Committee Report and requested the report be revised prior to approval at next week's meeting.

Mr. Zimmerman gave his approval to defer the free Wi-Fi request back to the Committee.

Vice President Reinhold referenced the luaus to be held at the pool and clarified that these events are for members who are age 21-year-old plus members.

Vice President Reinhold referenced the free Wi-Fi request inquiring if the individual has to be a Blue Ridge customer; in which, Mr. Summers clarified the service would be through a Blue Ridge app, but believes the individual does not have to be a Blue Ridge customer. Ms. Martin advised she is going to reach out to Blue Ridge to gather further information and clarification of the process to report at the next Committee meeting.

Mayor Mowen referenced Mainspring of Ephrata's request regarding the sponsorship of a planter. Mayor Mowen clarified the Borough has a planter plaque and inquired if this request is for the renewal of the program; in which, Ms. Martin confirmed this action item is to renew the Borough's sponsorship. Mayor Mowen advised the planters will be delivered within a week or two.

Mr. Thompson advised a proposal was included in the meeting packet for an addendum to the plastering contract at the competition pool. Mr. Thompson advised it was brought to his attention about a week and a half ago that there was some additional cracking that was identified when the loose plaster was removed. Mr. Thompson further advised if the work was not authorized immediately, it would jeopardize the availability of the pool upon opening for the season. Mr. Thompson advised he authorized the addendum to the plastering contract in the amount of \$9,400. Mr. Thompson advised he would ask Council to take action to ratify that authorization so there will be an Action Item for the Committee to do that next week.

Mr. Thompson advised he committed to providing Council information on how we would pay for the additional costs. Mr. Thompson advised there was a budgeted item for the plastering work which came in under budget; therefore, the \$9,400 is actually a net of \$7,300. Mr. Thompson further advised as part of the Capital Projects, we have a pedestrian signal head replacement program where we were going to do the countdown heads and because of Bethany Road, the proposed intersection improvement, and South Reading Road and South State Street project being deferred, there will be more than enough money to cover the additional \$7,300.

Mayor Mowen advised it states in the proposal that they are not guaranteeing their work; therefore, there is no guarantee the cracks won't come back. Mr. Thompson advised when there are cracks in concrete, you don't necessarily eliminate them 100% and when you plaster over it, it will eventually reflect through. Mr. Zimmerman confirmed Mr. Thompson's remarks by stating, "... nature of the beast with concrete ... it will crack ... just repair it the best you can." President Rowe sought clarification that this was not due to negligence on the pool; in which, Mr. Thompson advised that was definitely not the case.

President Rowe requested the Committee Report be revised with the noted changes prior to voting at next week's meeting.

#### Personnel Committee

Vice President Reinhold advised the Committee reviewed and discussed the revisions to the Committee Meeting Guidelines as suggested at the previous meeting. The Committee was fine with all changes; however, an additional minor adjustment was requested for §6B. President Rowe read the revised paragraph several times until the Committee was satisfied with the language. If Council has no suggested modifications when the item is discussed at the May 6<sup>th</sup> Work Session, the Committee will request approval of the Committee Meeting Guidelines at the May 13<sup>th</sup> meeting.

Vice President Reinhold advised the Committee reviewed the Guidelines for Employee Evaluations. The document remained unchanged since it was discussed in March. The Committee again believes the document is thorough and no additional revisions are necessary. This document will be presented at the May 6<sup>th</sup> Work Session and if full Council does not desire any changes, the Committee will request approval of the Guidelines for Employee Evaluations at the May 13<sup>th</sup> meeting.

Ms. Martin referenced the Committee Meeting Guidelines, Section §3E2: "Discussion Items – Items for discussion only; no committee action shall be taken. Discussion items may be moved out of committee to full council for a vote if a majority of the committee so desires." Ms. Martin stated, "... it is a little bit of a contradiction on the two sentences." President Rowe clarified when the meeting agenda is prepared, they are discussion items – items for discussion only – and the Committee is not expected to take action; however, if during the course of the meeting, the Committee decides they are ready to move forward, the item can be moved out of Committee.

Ms. Martin referenced the Committee Meeting Guidelines, Section §9: "The committee report shall be prepared by the committee secretary and forwarded to the committee chair no more than 2 days following the adjournment of the committee." Ms. Martin stated, "... all of our Committee meetings are on a Monday, so we should have that Committee Report to the Committee Chairman ..." Ms. Martin inquired if that report is going to be emailed or placed into the Dropbox; in which, Vice President Reinhold advised the report is sent via email for review and after the Chair's approval, the report is placed in the Dropbox by Borough staff.

#### Budget & Finance Committee

President Rowe advised the Budget & Finance Committee did have a meeting on April 27, 2019; however, there were no action items to be brought forward.

Highway Committee

President Rowe advised the Highway Committee did not meet in April.

Special Projects Committee

President Rowe advised the Special Projects Committee did not meet in April.

**Second Opportunity for Citizens to be Heard**

Jim Sandoe, 1181 Joann Avenue, Ephrata, advised he had spoken previously with Mr. Thompson regarding the diesel generator project. Mr. Sandoe further advised he believes diesel generation within the Borough is not a good idea. Mr. Sandoe advised he has a handout which lists the 17 carcinogens that are in diesel exhaust plus other harmful substances. Mr. Sandoe advised he believes the Committee needs to reconsider its work and speak with experts whom he has offered to bring in (including an American Lung Association representative) and take a look at the new generation of solar which was not included in their deliberations but is available and was not mentioned by their study. President Rowe thanked Mr. Sandoe for his comments.

Mr. John Stewart, 429 N. Maple Street, Ephrata, requested a copy of the engineering report for the combustion diesel. Mr. Stewart advised he is interested in the reason they only selected one engine. Mr. Stewart stated, "... even though we hope for 100% reliability of an engine, small things do happen ... you could actually buy this project ... buy the engine and have it fail and you have no backup." Mr. Stewart further stated, "... what Ralph (Mayor Mowen) was working on up at Lititz at the Communications Center, there were always two ... one can run almost the whole facility ... the other one just adds more to it ... so that's why I'm interested in the engineering report to see why they only selected one engine ... that's a real vulnerability in this project." Additionally, Mr. Stewart referenced the Tier 3 Emission Standards in place for large engines advising they limit or can limit the amount of time the engine can be brought online.

Teresa Caruthers, 229 Railroad Avenue, Ephrata, advised there seems to be a discrepancy of the "Big 4" that Lancaster County says can be recycled versus what Penn Waste will actually accept. Ms. Caruthers advised Penn Waste will accept more than the "Big 4" items. Mr. Thompson advised the Borough has executed a contract with the Solid Waste Authority that pretty much allows them to dictate refuse and recycling requirements for the entire county. Mr. Thompson further advised regardless of whether the other hauler disposes of those materials, the Borough has to follow in line with the agreement that was signed with the County.

After allotting a brief time for further citizen comments and/or remarks and with no one in attendance approaching the podium, President Rowe turned to the discussion/announcements portion of the meeting.

**Discussion/Announcements**

Ms. Martin announced various upcoming activities at the Whistlestop Plaza including:

1. Exercise on the Plaza: Held on Saturday's (May 11, May 18, June 1, June 8, and June 15) from 9:00 a.m. – 9:45 a.m. Ephrata Recreation Center has provided, at no cost, exercise instructors to lead the classes which are open to the public.

2. Brown Bag Lunch Series: Held on the 2<sup>nd</sup> and 4<sup>th</sup> Friday's of the month from 12:30 p.m. Restaurants will have prepared bag lunches for purchase. Various events will be held at the Plaza over the lunch hour.

Mr. Barr advised he may be a bit late to next week's Borough Council meeting.

Vice President Reinhold advised he was a bit disheartened to see a project he was involved with at the park was vandalized on Sunday night. Vice President Reinhold expressed his appreciation to Chief Harvey for placing the information on Crimewatch and is certain the police will locate the individual(s) who vandalized the pavilions.

Vice President Reinhold advised the days he works from home, he and his wife take morning walks together. Vice President Reinhold further advised as a result of these walks, he has observed numerous properties which are not kept up at all (i.e., overgrown grass, weeds, etc.) either by homeowners or rental properties. Vice President Reinhold advised he will be looking into this matter further as he would like action to be taken regarding these unkempt properties.

President Rowe inquired if Vice President Reinhold would like to have this topic added to the Development Activities Committee as a discussion item; in which, Vice President Reinhold replied he would appreciate the topic being addressed.

Mr. Zimmerman thanked President Rowe for working on the Guidelines which he feels will be a big benefit to all moving forward.

Mr. Weiler reminded all that this Sunday is Mother's Day and that the Make-A-Wish Truck Convoy will be traveling through town.

Mayor Mowen inquired if any progress has been made regarding the seep leaks on the front end of the Water Plant; in which, Mr. Thompson advised it is a continuous effort. Mr. Thompson referenced Mr. Zimmerman's comments from earlier in the meeting regarding the issues with concrete and reoccurring cracks over time. Mayor Mowen inquired if the company that was in touch with the previous operator ever comes back, can we talk to them as they seem to think they can stop it. Mr. Thompson advised everybody seems to think they have the "silver bullet" to resolve the issue; however, any recommendations they have are appreciated.

Mayor Mowen referenced Vice President Reinhold's comments regarding unkempt properties within the Borough. Mayor Mowen advised earlier today he sent an email to Nancy Harris regarding overgrown grass on two properties. Mayor Mowen advised that he is happy to report that by 4:00 p.m. this afternoon, both properties had, in fact, been mowed. Mayor Mowen further requested all to report these types of properties to Ms. Harris to seek resolution.

Chief Harvey advised that this week is Hurricane Preparedness Week.

President Rowe thanked all community members who attended tonight's meeting as the public's comments are appreciated.

President Rowe referenced a topic previously brought up by Ms. Caruthers which was the Pennsylvania Sustainable Communities. President Rowe advised the matter was discussed at the Committee level and even though the Borough qualified for the second level, as well as some of the third level, it was decided not to pursue the platinum level qualification at this time. President Rowe again thanked Ms. Caruthers for bringing the topic to Council's attention and advised it remains on the back burner.

**Adjournment**

It was moved by Mr. Barr and seconded by Ms. Martin to adjourn. The meeting was adjourned.

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D. Robert Thompson, Secretary