

**EPHRATA BOROUGH COUNCIL
REGULAR MEETING MINUTES
JUNE 10, 2019
RECONVENED JUNE 19, 2019**

The regular Ephrata Borough Council meeting was called to order by President Susan Rowe at 7:00 PM on June 10, 2019, in the Council Chambers of the Borough Office, 124 South State Street.

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

Also in attendance were Municipal Services Manager Nancy Harris, Police Chief William Harvey, Recording Secretary Stephanie Fasnacht, and Borough Solicitor James R. McManus, III, Esq.

The following visitors were present:

Teresa Caruthers, 229 Railroad Avenue, Ephrata
Tina Thompson, 872 Fairview Avenue, Ephrata
B. Ziemba, 108 Washington Avenue, Ephrata

President Rowe advised there was not a quorum of Council Members present to conduct the meeting on this date; therefore, she advised the meeting will be recessed until Wednesday, June 19, 2019, at 7:00 PM.

The regular Ephrata Borough Council meeting was reconvened and called to order by President Susan Rowe at 7:00 PM on June 19, 2019, in the Council Chambers of the Borough Office, 124 South State Street.

A moment of silence was held 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 and Council Members Timothy Barr, Linda Martin, Ricky Ressler, Victor Richard and Mayor Ralph Mowen. Absent was Council Member Gregory Zimmerman.

Also in attendance were Municipal Services Manager Nancy Harris, Police Chief William Harvey, Recording Secretary Stephanie Fasnacht, and Borough Solicitor James R. McManus, III, Esq.

The following visitors were present:

Mike and Judy Shobert, 227 West Chestnut Street, Ephrata
Jim Sandoe, 1181 Joann Avenue, Ephrata
George and Virginia Dillio, 30 Kings Court, Ephrata
Anthony Jackson, 158 East Franklin Street, Ephrata
Laura Martin, 1323 Lincoln Heights Avenue, Ephrata
James Gehman, 1033 Marie Avenue, Ephrata
Mike Eichenlaub, 25 East Orange Street, Ephrata
Tina Thompson, 872 Fairview Avenue, Ephrata

Teresa Caruthers, 229 Railroad Avenue, Ephrata
Richard Stauffer, 339 Clay School Road, Ephrata
Kim Buehler, 174 Windsor Drive, Ephrata
Mark Stanley, 570 Lausch Lane, Lancaster
Rich Ritter, Lincoln Fire Company
John Eitnier, Ephrata Pioneer Fire Company
Cody Bowen, Ephrata Pioneer Fire Company
Mike Kiefer, Ephrata Pioneer Fire Company
Dr. Jane Hershberger, Ephrata Public Library
Penny Talbert, Ephrata Public Library

APPROVAL OF MINUTES

After a brief discussion of a few minor changes to the Work Session Minutes, it was moved by Mr. Barr, seconded by Ms. Martin, and unanimously passed to approve the revised May 6, 2019, Work Session Minutes, and the May 13, 2019, Regular Meeting Minutes.

FIRST OPPORTUNITY FOR CITIZENS TO BE HEARD

George Dillio, 30 Kings Court, Ephrata, inquired as to the Borough's Action Plan regarding the Spotted Lanternfly issue. Ms. Harris advised that staff is responding on a complaint-based basis; further advising that Borough properties are being treated by Borough workers. Additionally, Ms. Harris advised that any issues on residential property are to be handled by the property owner and provided some tips on how to treat infected areas.

Mr. Dillio advised Borough Council that he initially brought up the issue regarding the unkempt weeds located on the hill behind his property seven years ago and that the issue still remains to date. Mr. Dillio referenced the Borough's weed ordinance and closed his comments by thanking Council Members Ressler and Barr for visiting and viewing the property firsthand last year. Ms. Harris advised that correspondence was sent to the property owners requesting them to trim the weeds located on their property. Ms. Harris further advised while some complied with the request, others did not and she will continue to look into the matter.

Mike Shober, 227 West Chestnut Street, Ephrata, in referencing the diesel generator project, inquired if tonight's meeting was the place to discuss his concerns with the project. President Rowe advised that Council voted on the matter at their May meeting and unless a Council Member made a motion to re-open the matter, there will be no further discussion and/or action taken.

Mike Eichenlaub, 25 East Orange Street, Ephrata, in referencing the Spotted Lanternfly issue, inquired since the Tree of Heaven is known for congregation of the insects if that particular plant can be removed from public properties (i.e., Heatherwood Park, Brickyard Park, etc.). After a brief discussion, Ms. Harris advised that she would need to check on staffing levels to see if the removal of the plants can be done with internal staff or if an outside vendor would need to be contacted.

Tina Thompson, 872 Fairview Avenue, Ephrata, voiced her concern of traffic issues resulting from the road construction on Route 222. Ms. Thompson inquired if there is any way for "No Left Turn" signage to be placed on Academy Drive to help assist with some of the issues; in

which, President Rowe requested this matter be added to the next Highway Committee's meeting agenda for further discussion.

Jim Sandoe, 1181 Joann Avenue, Ephrata, in referencing the Municipal Enterprise Committee's June Report Discussion Item #2 regarding Biochar, inquired as to why Borough Council voted against the plan and turn down a \$8 million grant from the EPA. Mr. Sandoe further stated that Representative Zimmerman is still a strong supporter of the project as he has recently been in communications with him. Mr. Sandoe concluded his comments by stating that, "... he does not see any good excuse not to move forward." President Rowe advised Mr. Sandoe that the matter was discussed and voted on by the Committee not to bring forward to Borough Council as an action item. Additionally, Ms. Martin advised Mr. Sandoe that she wanted to clarify that the grant from EPA was for \$100,000, not for \$8 million as he was told.

After a brief time allotted for additional citizen comments and with no one in attendance coming forward, it was moved by Vice President Reinhold, seconded by Mr. Weiler, and unanimously passed that the public comments section of the meeting be closed until the end of tonight's agenda.

MUNICIPAL MOMENT – MS. PENNY TALBERT, EPHRATA PUBLIC LIBRARY

Ms. Talbert opened her presentation by providing an overview of the Library's programs held throughout 2018. Ms. Talbert highlighted the following programs:

- After-School Program: Ms. Talbert advised the pilot program, sponsored and paid for by the Lancaster County Drug & Alcohol Commission, was created as a place for students to gather after school to complete homework and participate in various clubs. Additionally, through coordination with the Ephrata Area Social Services, participants also are provided a meal. Ms. Talbert advised there is an overwhelming need for the program to be offered again this year and that she is looking into possible funding options.
- Community Gardens: Ms. Talbert advised, to date, they have delivered two batches of produce to the Food Bank for distribution within the community. Additionally, Ms. Talbert advised gardening and cooking classes will be held throughout the summer months to teach people how to garden with the hope they will participate in the future purchase of community garden plots. Ms. Talbert advised this successful program has grown thanks to the many volunteers who provide their time and skills.
- Volunteer Income Tax Assistance (VITA): Ms. Talbert advised there are currently over 50 volunteers, trained by VITA, who provide free tax assistance to residents who have a less than \$62,000 household income which is 70% of the overall population. Ms. Talbert advised that next year, they will make budgeting counselors available to these same individuals to assist with establishing individual budgets.

Ms. Talbert concluded her presentation by thanking Borough Council for their time and support.

ACCEPTANCE OF REPORTS

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

Budget and Finance Committee

The Budget & Finance Committee met on May 28, 2019 and discussed the following:

Action Items:

None

Discussion Items:

1. The Staff discussed the 4th Quarter Budget Review with the Committee. No further action is required.
2. The Staff provided a copy of the McManus 4/29/19 invoice and answered any questions. The report containing the detail by project has been added to the Dropbox. No further action is required.
3. The Staff reviewed the PILOT program funds received so far this year. The Borough has received a total of \$2,701.65 from other organizations. We will continue to provide updates as additional funds are received.
4. The Staff reviewed the contribution received from WellSpan. We received \$32,000 to be utilized for 2 projects: a new drone for the PD department in the amount of \$27,000 and bikes for the bike share project in the amount of \$5,000. We will continue to request contributions on an annual basis.
5. The Staff reviewed a request from another Municipality to submit a Resolution limiting Right to Know Requests that are considered to be vexatious. A number of municipalities have received requests from a disgruntled resident, parent, or former employee that are extreme in nature requiring up to 30 hours per week to fulfill. They are requesting that we submit a resolution to our state representative so we can get PA to act to create relief from these serial RTK requesters. The Staff will contact some other municipalities to see if they are committing to complete this request. This item will appear on next month's B&F agenda for further discussion.
6. The Staff reviewed the change of our street lights to LED. A Council member had requested additional information on the investment into the change to LED's. The Borough has 1,948 street lights. We do not meter our street lights so all information is based on estimates. On the conservative side the Borough will save approximately \$31,500 per year which will result in a payback of 25 years on the investment to change to LED. Since the Borough has the infrastructure in place due to the AMI project, we could add modules which will allow us to dim/brighten the lights remotely as well as turning on using motion sensors. This might be beneficial to the PD in certain areas of the Borough due to crime. The Borough electric team has replaced approximately 354 lights to date and have budgeted funds in 2019 and 2020 to continue the project. An estimated completion date is not available at this time. No further action is required at this time.
7. The Staff provided the Check and ACH registers to the Committee for April to date. No further action is required.

8. The Staff provided information regarding an IRS audit notice received regarding the 2016A Bond issue to the Ephrata Rec Center. When the documents were filed with the IRS by bond counsel, it violated the rule which states that the fees charged on a bond cannot exceed 2% of the bond issue amount. McNees has agreed to pay for our legal representation and any penalties that are issued by the IRS. The Staff will keep the Committee informed of any updates as they occur.
9. A few miscellaneous items mentioned in the meeting that were not on the agenda:
 - a. The Library and the Historical Society sent thank you notes for the funds donated.
 - b. There was an item on the Community Services agenda for a music license when the Borough or others hold events on Borough property. The license must be obtained by the property owner. The Borough will add this and the planter donation to the budget for 2020 so it does not have to appear on the Community Services agenda next year.
 - c. The Public Safety Committee will be leading a fire department cost of service study which is estimated to cost \$15,000. The Borough will fund their portion of the study with general fund balance.
 - d. The Borough pays a significant amount each year for tree trimming of the Borough electric lines as well as parks and other borough properties. This amount has increased with the many storms that we have experienced. We will discuss the possibility of adding this as a capital item in the 2020 budget.

Development Activities Committee

The Development Activities Committee met on May 28, 2019 and discussed the following:

Action Items:

1. The Committee reviewed an HVAC repair invoice for the Ephrata Public Library. The repairs go beyond normal maintenance on the system. The money would be taken out of the borough building maintenance fund. The Committee will recommend that Borough Council authorize a payment of \$1,715 directly to H.C. Nye at the June meeting.
2. The Committee reviewed a request from Josh and Laura Haupt, 1256 Marilyn Avenue to place additional fencing within an electric easement. They received approval in July of 2016 to place fencing in a portion of the five-foot easement at the rear of the property. They would like to extend the fencing along the entire rear property line. The Electric Department reviewed the request and didn't see any issues with it. The Committee will recommend that Borough Council grant the request at the June Council meeting subject to executing a hold harmless agreement in a form acceptable to the solicitor and the applicant will be responsible for the cost of preparation and recording of the agreement.
3. Councilperson Martin presented a draft brochure for holiday banners. The program is sponsored by Mainspring of Ephrata. This is similar to requests made in prior years, but were never executed. The Committee will recommend that Borough Council agree to absorb the cost of an additional banner change-out for a new set of holiday banners at the June Council meeting.

Discussion Items:

1. Thompson reported that after the draft lease with the Rec Center was reviewed, it was determined that there were outstanding repairs. The Rec has engaged John Fuehrer to evaluate the two areas and make recommendations on remediation. Once that is complete, the lease will be brought back before the Committee. At Council's request, the staff inspected the facility and found a few areas with some cracking in the walls. If repairs are needed, they shouldn't be too extensive. Otherwise, no other issues were found.
2. PIM is the developer of Ephrata Crossings in Ephrata Township and they were recently awarded a grant of \$2,200,000 from the state. When applying for the grant, the developer sought support from the Borough and pledged to make improvements at the Bethany Road and East Main Street intersection. The Borough wants the developer to commit to the intersection improvements through an improvement agreement. It would be a way to guarantee that the improvements would get done. The staff is concerned that if the developer exhausts all of the grant money on the improvements in the township, the improvements at Bethany Road won't get done. The developer has concerns about possible PennDOT requirements on the north side of the intersection and that could push the costs of improvements past the estimate of \$400,000. The developer is willing to enter into the agreement, but unwilling to post financial security. One option is that if the developer is agreeable, the developer could post a \$400,000 bond and the borough could pay the annual premium of approximately \$12,000. The Committee is agreeable to this concept; paying \$12,000 to ensure \$400,000 of improvements. The staff will continue to work with the developer and bring any future agreements before the Committee.
3. Harris updated the Committee on the Zoning Ordinance rewrite. The draft has been reviewed by the Ephrata Borough Planning Commission and the Lancaster County Planning Commission. It is on track for July Council approval. The draft is available in Dropbox so Council can begin to review and comment on it and ask any questions. Any comments or questions should be directed to Nancy Harris.
4. The Committee reviewed the first quarter budget report for activities under their purview. There were no concerns regarding the budget report.
5. There was a discussion regarding Borough Hall plant care in the lobby and rotunda. There was a change in the staff caring for the plants and the hope is that they will perk up. The staff is looking into cost effective plant care services.
6. Harris reviewed code enforcement procedures with the Committee. She explained that some things, while unsightly, are not code violations. Those things included stuffed furniture on a porch, kids toys in the yard, overgrown bushes around the house, etc. The Codes Office tries to find violations during the course of their duties and responds to complaints. They follow legal procedures regarding notifying the owner, but that can prolong the enforcement process.
7. Harris updated the Committee regarding a recent zoning enforcement case. Zoning enforcement is regulated by the MPC. There are very specific procedures that must be followed and enforcement is different than other code violations. In the recent case of 247 Heatherwood Drive, the issue has been going on since 2016. Numerous forms of

correspondence were sent and still the owner never got a permit for a patio. At the recent District Justice hearing, the owner was fined \$2,000 and has since applied for a permit.

8. There were no decisions from the May Zoning Hearing Board meeting.
9. There are no new applications for the June Zoning Hearing Board meeting.

Public Safety Committee

The Public Safety Committee met on May 20, 2019 and discussed the following:

Action Items:

1. **2019 Ephrata Fair:** The Ephrata Farmers Day Association, Inc. requested to waive Ephrata Borough Code §123.1 *Livestock: hives of bees. No person, firm or corporation shall keep any hog, cattle, goat or sheep or any hive of bees at any place within the Borough of Ephrata*, in order to conduct a livestock judging, general fair activities, and a petting zoo for the 2019 Ephrata Fair during the week of September 23 to 28, 2019. **Unanimously approved by Committee - Action by Borough Council – Recommended for Consent Agenda**

Discussion Items:

1. **Comp-stat (April 2019) – *Received for Informational Purposes Only***
2. **EMC Report (April 2019) – *Received for Informational Purposes Only***

Old Business:

1. **Fire Service Feasibility Study** – There was discussion regarding moving forward with a feasibility study involving Pioneer Fire Company and Lincoln Fire Company. Staff was directed to contact Ephrata Township and Clay Township to seek their support in conducting the study.

Highway Committee

The Highway Committee met on May 28, 2019 and discussed the following:

Action Items:

1. The Committee reviewed the requests from the Ephrata Farmers Day Association, Inc. per their letter dated April 15, 2019 to conduct activities associated with the 101st Ephrata Fair from September 23rd through September 28th, 2019. The Committee will recommend that Borough Council conditionally approve the requests subject to Borough receipt of a PennDOT issued Special Events Permit with the Ephrata Farmers Day Association, Inc. as applicant and satisfactory certificate of insurance naming the Borough as additional insured at their June 10, 2019 meeting.
2. The Committee reviewed a clear sight distance concern at the Hunter Alley approach to West Fulton Street brought forth by Lt. Shumaker of the Ephrata Police Department via an April 25, 2019 e-mail. Citing opportunities for obstructed clear sight distance at most intersections throughout the Borough the Committee is taking no action to improve clear sight distance at this intersection at this time.

3. The Committee reviewed an Ordinance to amend the Code of the Borough of Ephrata, Chapter 305, Vehicles and Traffic, Section 305-100, Schedule XVII: Parking Prohibited at all Times, by adding thereto certain locations along West Pine Street and North Oak Street. The Committee will recommend that Borough Council enact Ordinance No. 1549 at their June 10, 2019 meeting.
4. The Committee reviewed a Resolution providing for price adjustment of bituminous materials in small quantities. Price adjustments are associated with Bid #19-2 Henn Avenue Full-Depth Pavement Reclamation and Bid #19-3 2019 Street and Alley Improvements. This Resolution is a requirement when using liquid fuels tax monies to pay for certain street and alley improvements. The Committee will recommend that Borough Council adopt Resolution No. 2019-10 at their June 10, 2019 meeting.
5. The Committee reviewed the results of Bid #19-2 Full-Depth Pavement Reclamation (FDPR) – Henn Avenue and was advised that the apparent low bid price is over budget estimate due to increased costs associated with revising the FDPR parameters from a budget estimate depth of 8” to a bid depth of 12” due to existing street conditions observed prior to bidding. Although this bid came in over budget estimate by \$77,905.69, Bid #19-3 for 2019 Street and Alley Improvements came in \$131,338.75 under budget estimate. Total budget estimate for both bids is \$755,000 while total low bid amount for both bids is \$701,566.94 providing a difference of \$53,433.06 under budget estimate. The Committee will recommend that Borough Council award Bid #19-2 to apparent low bidder: New Enterprise Stone & Lime Co, Inc. from Ephrata, PA in the total bid amount of \$322,905.69 at their June 10, 2019 meeting.
6. The Committee reviewed the results of Bid #19-3 2019 Street and Alley Improvements and will recommend that Borough Council award the bid to apparent low bidder: Berg Construction, LLC from Morgantown, PA in the total bid amount of \$378,661.25 as part of the Consent Agenda at their June 10, 2019 meeting.
7. The Committee reviewed a May 22, 2019 e-mail from Joseph Lenart, Construction and Maintenance Supervisor, with UGI Utilities, Inc. requesting to close East Fulton Street between South State Street and Lake Street from June 17, 2019 to June 21, 2019 and June 24, 2019 to June 26, 2019 between the hours of 7:30 AM and 4:30 PM, daily, weather permitting. Local traffic needing access to East Fulton Street would be permitted through the road closure at Lake Street to Railroad Avenue. Eastbound and westbound Fulton Street detour routes will be established using South State Street, East Main Street and Lake Street. Flagger will be staged at the State & Fulton intersection and the Lake & Fulton intersection to ensure compliance with the road closure and confirm access to local traffic. The Committee will recommend that Borough Council approve the road closure as requested and authorize staff to extend the road closure, as necessary, through July 3, 2019 at their June 10, 2019 meeting.

Discussion Items:

1. The Committee reviewed the 1st quarter 2019 budget report for those activities under their purview. No concerns at this time.
2. The Committee discussed emergency vehicle preemption (EVP) recently installed at six (6) signalized intersections in the Borough and the recently requested priority installations at

three (3) signalized intersections in the Borough comprised of: West Main Street & Market Street, West Main Street & Academy Drive and South State Street & Fulton Street. Staff will investigate any PennDOT approvals for existing preemption at West Main Street & Market Street intersection and make recommendations to fund the completion of EVP priority installations in 2019 for discussion at a future Highway Committee meeting.

3. The Committee heard from Councilperson Linda Martin, Rebecca Gallagher and Kelly Withum from Mainspring Ephrata regarding gaining Borough approval for installation of a cross-street banner in the Central Business District. Information associated with PennDOT approval was reviewed and discussed by the Committee including adoption of a Borough resolution allowing banners for a single event, recurring event, or multiple events throughout the year. The Committee has no objections to the concept at this time.
4. The Committee discussed an e-mail request from Councilperson Zimmerman asking the Committee to look at placing a solar-powered pedestrian crossing warning device where the Major Winters Trail crosses East Main Street. The device would be similar to what is already installed at Parkview Heights Road. Staff will check into what is necessary to install pedestrian crossing warning devices within a PennDOT right-of-way and report back to Committee at a future meeting.
5. Committee was updated on a previous citizen parking concern in the 200 block of West Main Street. Staff evaluated the West Main Street & Parkway intersection area for additional parking opportunities and found no viable options to increase parking in that area at this time. Staff will respond to the complainant. No further action required at this time.
6. Committee reviewed a citizen concern regarding existing uneven and unacceptable sidewalk conditions in the Heather Lane / Lincoln Avenue area. Due to the anonymity of the complaint no further action will be taken at this time.
7. Committee was updated on storm water drainage concerns at 741 North Maple Street. Public Works recently completed cleanup and regrading of existing swales to the rear of this property in hopes of alleviating the storm water drainage concerns. Staff will continue to monitor this situation and keep in contact with the property owner. No further action required at this time.

Municipal Enterprises Committee

The Municipal Enterprises Committee met on May 20, 2019 and discussed the following:

Action Items:

1. Borough Manager Thompson discussed with the Committee swapping proposed storm water projects on Lake Street in 2019 with Spring Garden Street extended between East Main Street and Sugar Alley for 2020, as shown on Page 146 of the budget document. The project along Spring Garden Street extended has become a higher priority as storm water has been causing damage in the right of way adjacent to private property while the Lake Street project can be deferred for another year. Both projects are estimated at \$100,000 so there is no anticipated financial impact. The Committee will recommend that Borough Council amend the 2019 Budget and Program of Services by moving the Lake Street project from 2019 to 2020 and the Spring Garden Street project from 2020 to 2019.

Discussion Items:

1. Borough Manager Thompson reviewed the first quarter budget report with the Committee. Expenditures are tracking on budget and revenues are lagging behind for invoiced items for service in the first quarter. There are no concerns at this time.
2. Borough Manager Thompson reviewed a memorandum concerning the proposed Biochar project with the Committee. Due to several factors including the immediate need to replace dewatering equipment at WWTP No. 1 and the fact that the market for the Biochar material has not yet been developed sufficiently for the Borough Authority to rely upon for disposal of wastewater solids, the staff is recommending that the project no longer be pursued. The Committee supports the recommendation by staff. Borough Manager will contact Representative Zimmerman to inform him of our decision.
3. The Committee reviewed a status report for the Borough solar project. There will be an official ribbon cutting ceremony on May 29 at 10 am. The project is waiting for PPL to conduct a final inspection before it is authorized for commercial operation. No action is required.
4. The Committee was informed that since the weekly AMP Update newsletter, immediately following the AMP board of director meeting each month, reports on the activities of the board it is no longer necessary for the Committee to receive copies of the minutes from the board meetings. No action is required.

Old Business Items:

1. Borough Manager Thompson informed the Committee that although he has been authorized to execute any and all RICE Peaking documents for the AMP project he will be reviewing those documents with the Committee at the next committee meeting following the execution of the documents.
2. Borough Manager Thompson discussed with the Committee a requested change to the Borough's behind the meter technical specifications whereby instead of using the base power supply cost as the rate (\$0.07358) to pay for annual true up power we will use the energy rate (\$0.08). The Committee will consider the change and asked the Borough Manager to prepare an amended behind the meter technical specification document for their review.

Community Services Committee

The Community Services Committee met on May 28, 2019 and discussed the following:

Action Items:

1. The Committee discussed last month's request from Blue Ridge Communications to provide free Wi-Fi at the Pool and Grater Park. To access the internet, individuals will have to use the Blue Ridge App. The only concern discussed is that the App is unfiltered. It is very common to have unfiltered free Wi-Fi. There are usually terms and conditions of the App that need to be checked off before sign up is complete. There is no liability or cost to the Borough. The Committee will recommend that Borough Council approve Blue Ridge's request at their June 10, 2019 meeting.

2. Rebecca Gallagher explained to the Committee the need to acquire a City/Borough License from BMI Licensing Sales and from American Society of Composers, Authors and Publishers (ASCAP) for all events/venues held in the Borough where music is played. The Licenses will cover all Borough properties. The annual fee, for both licenses, is \$715.00. If the Borough Solicitor is a member of International Municipal Lawyers Association there is 10% discount offered. The liability to the Borough, if caught operating without the licenses, is more costly than purchasing the licenses. The Committee will recommend that Borough Council approve the unbudgeted expense to purchase the BMI and ASCAP Licenses at their June 10, 2019 meeting. Going forward, the purchase of the Licenses will be included in the annual Budget and Program of Services as an operating expense.

Discussion Items:

1. The Committee reviewed the 2019 first quarter budget report for those areas under the Committee's responsibility. The Committee had no budget concerns. No further action is required by the Committee.
2. Kelly Withum with Mainspring of Ephrata wanted the Committee to be informed that there will be construction fencing and signage placed at the Heatherwood Park Project. There are no permits required and no action required by Council.
3. Borough Manager, Robert Thompson, discussed some issues that have occurred with trees in the Ephrata Mountains, behind N. Maple Street properties. With the recent storms that have come through, there have been power outages from downed trees and some actual physical damage as well. There was a Forestry Plan completed years back. Under the current circumstances, it is a good time to re-visit the Plan and include as a Capital Project in the 2020 Budget. In the process of clearing some of the woods, it is possible that new trails will be created for walking and hiking. The Committee has no problem with moving forward to re-visit the Forestry Plan.
4. Borough Manager, Robert Thompson, reported that WellSpan ECH issued a check to the Borough in the amount of \$32,000. The police received \$27,000 for the Drone Project and \$5,000 goes toward the Bike Share Project. The Borough received a proposal from Lititz Bikeworks. Kelly Withum asked if there would be any objections to her approaching Lititz Bikeworks to see if she can negotiate a better proposal. There were no objections. The plan is no move forward with the Project. Kelly is also going to contact Musselman Lumber to layout the plan for the bike shed and possibly get them to donate the lumber. The Borough already has the bike pumps that were donated by Knead It.
5. Jim Summers, Executive Director of the Ephrata Recreation Center, reported that there were two police incidents at the pool on opening weekend. One incident was alcohol/hookah related and the other was an unattended child. Jim reported that staff did a good job handling both incidents. Jim suggested that the Constable be present for opening weekend. This Memorial Day was one of the busiest he can remember.
6. Councilwoman Linda Martin stated that she's been getting complaints about the bathrooms, especially the men's, in Grater Park. Jim Summers stated that a major overhaul was completed, including the floors, stalls, and dividers added. Further discussion was tabled for the June CS Committee meeting.

Personnel Committee

The Personnel Committee met on May 13, 2019 and discussed the following:

The Committee immediately went into Executive Session to discuss a personnel matter. This part of the meeting was attended by Weiler, Ressler and Barr in addition to Reinhold, Richard, Martin, Rowe, Zimmerman and Mowen.

Action Items:

1. The committee looked over the evaluation and self-evaluation forms for the Borough Manager. The committee was again satisfied with the forms as presented the past two months but would now like to see a return to five levels of assessment rather than the three they requested. Rowe will revise the documents to include five levels of assessment and add seven numerical levels to each key element and each core competency. The items will not be brought forward for action but will be discussed again in July for possible action in August.
2. The committee looked over the evaluation and self-evaluation forms for the Chief of Police. The committee was again satisfied with the forms as presented the past two months but would now like to see a return to five levels of assessment rather than the three they requested. Rowe will revise the documents to include five levels of assessment and add seven numerical levels to each key element and each core competency. The items will not be brought forward for action but will be discussed again in July for possible action in August.

Discussion Items:

1. The committee reviewed the Workshop Topics as prioritized at the Borough Council Retreat. Row explained the formula she applied to each topic, using the information provided by retreat attendees. Rowe did not have time to discuss the additional suggestions provided for possible topics. The committee instructed Rowe to facilitate having the item that was considered a top priority, the budget process, in place for a workshop and extend an invitation to all of council to attend the workshop. It was decided to try and have the workshop planned for July 1 at 6:00. The other topics will be discussed as time permits at the July committee meeting.
2. The committee looked over the list of topics for additional guidelines for Borough Council and instructed Rowe to begin work on the Teleconferencing Policy. Rowe is expected to have a draft of The Teleconferencing Policy of the Ephrata Borough Council in place for the July committee meeting. Other guidelines/policies/procedures will be researched, and Rowe will commence researching and working on those. The topics will be completed as the committee desires.
3. The committee briefly glanced over the revised PMP form as prepared by Rowe. It was decided to look at this form again at the July meeting to suggest any changes.
4. The committee discussed setting up an occasional meeting with various managers at the Borough of Ephrata to gain a better idea of their positions and their views on working for the Borough of Ephrata. The committee would like to see this occur, but not on a regular basis. Rowe will create a list of positions within the management team so the committee can determine when they wish to meet with individuals.

5. The topic of the key card access to various areas of Borough Hall was discussed briefly. Richard expressed a desire to not only have access to additional areas of the building but to also have a photo ID issued to all members of Borough Council. Richard indicated he has no desire to have access to the second floor or the areas of the Police Department which he agrees should be restricted. This will be discussed again by the committee at the July meeting.
6. The committee had no goals for the July meeting, but Rowe does have some items that will be added to the agenda to begin additional discussions.

Old Business:

1. The committee realizes the importance of planning orientation for new council members and intends to have a reorientation for sitting council members but did not discuss this topic.

NEW BUSINESS ITEMS**Consent Agenda**

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

1. That Borough Council approve the request from The Ephrata Farmers Day Association, Inc. to waive Ephrata Borough Code §123.1 Livestock: hives of bees. *No person, firm or corporation shall keep any hog, cattle, goat or sheep or any hive of bees at any place within the Borough of Ephrata*, in order to conduct a livestock judging, general fair activities, and a petting zoo for the 2019 Ephrata Fair during the week of September 23 to 28, 2019. (Public Safety)
2. That Borough Council award Bid No. 19-3 2019 Street and Alley Improvements to apparent low bidder: Berg Construction, LLC from Morgantown, PA in the total bid amount of \$378,661.25. (Highway)

It was moved by Mr. Richard, seconded by Mr. Weiler, and unanimously passed that Borough Council adopt, authorize and/or approve/conditionally approve the items listed on the Consent Agenda.

STANDING COMMITTEE RECOMMENDATIONS**Development Activities Committee**

It was moved by Mr. Weiler, seconded by Mr. Barr, and unanimously passed via roll call vote that Borough Council authorize a payment of \$1,715 from the Borough Building Maintenance Fund to H.C. Nye for an HVAC repair at the Ephrata Public Library.

It was moved by Mr. Weiler, seconded by Mr. Barr, and unanimously passed that Borough Council grant the request from Josh and Laura Haupt, 1256 Marilyn Avenue, subject to executing a hold harmless agreement in a form acceptable to the solicitor and the applicant will be responsible for the cost of preparation and recording of the agreement.

It was moved by Mr. Weiler, seconded by Mr. Barr, and unanimously passed via roll call vote that Borough Council agree to absorb the cost of an additional banner change-out for a new set of holiday banners.

Public Safety Committee

It was moved by Mr. Ressler, seconded by Mr. Weiler, and unanimously passed via roll call vote that Borough Council enter into an Agreement for Consulting Services with the Pennsylvania Fire & Emergency Services Institute to conduct a fire service study. The funds will be taken from Fund Balance and not to exceed \$14,520.00.

Highway Committee

It was moved by Mr. Barr, seconded by Mr. Ressler, and unanimously passed that Borough Council conditionally approve the April 15, 2019 letter requests from The Ephrata Farmers Day Association, Inc. to conduct the 101st Annual Ephrata Fair from September 23 through September 28, 2019 subject to Borough receipt of a PennDOT issued Special Events Permit with The Ephrata Farmers Day Association, Inc. as applicant and satisfactory certificate of insurance naming the Borough as additional insured.

It was moved by Mr. Barr, seconded by Mr. Richard, and unanimously passed that Borough Council enact Ordinance No. 1549 amending the Code of the Borough of Ephrata, Chapter 305, Vehicles and Traffic, Section 305-100, Schedule XVII: Parking Prohibited at all Times by adding thereto certain locations along West Pine Street and North Oak Street.

It was moved by Mr. Barr, seconded by Mr. Richard, and unanimously passed via roll call vote that Borough Council adopt Resolution No. 2019-10 allowing price adjustment of bituminous materials in small quantities associated with Ephrata Borough Bid #19-2 Henn Avenue Full Depth Pavement Reclamation and Bid #19-3 2019 Street and Alley Improvements.

It was moved by Mr. Barr, seconded by Mr. Ressler, and unanimously passed via roll call vote that Borough Council award Bid No. 19-2 Full-Depth Pavement Reclamation – Henn Avenue to apparent low bidder: New Enterprise Stone & Lime Co., Inc. from Ephrata, PA in the total bid amount of \$322,905.69 exceeding the budget estimate by \$77,905.69 but considering that Bid No. 19-3 came in under budget estimate by \$131,338.75 the total for both bids combined is \$53,433.06 under total budget estimate for 2019 Street and Alley Improvements.

It was moved by Mr. Barr, seconded by Mr. Richard, and unanimously passed that Borough Council conditionally approve the May 30, 2019 email request from Police Chief Harvey for Ephrata Pioneer Fire Company to close South State Street from West Franklin Street to Fulton Street on Tuesday, June 25, 2019 from 5:45 PM to 9:15 PM to conduct demonstrations and activities associated with their annual fund drive kick-off open house subject to Borough receipt of satisfactory certificate of insurance naming the Borough as additional insured.

It was moved by Mr. Barr, seconded by Mr. Ressler, and unanimously passed via roll call vote that Borough Council adopt Resolution No. 2019-11 authorizing the execution of a municipal signature page as a required supplement to the Multimodal Transportation Fund Grant Agreement between the Pennsylvania Department of Transportation and Property Investing and Management, Inc.

It was moved by Mr. Barr, seconded by Mr. Richard, and unanimously passed that Borough Council authorize the Council President and Secretary to execute a Developer's Agreement with the Property Investing and Management, Inc., for certain modifications and improvements to the intersection of East Main Street (SR 0322) and Bethany Road subject to the document being in a form acceptable to the solicitor.

Municipal Enterprise Committee

It was moved by Mr. Richard, seconded by Mr. Reinhold, and unanimously passed via roll call vote that Borough Council amend the 2019 Budget and Program of Services, Account Number 31-49-055, Chesapeake Bay Pollutant Reduction Plan & MS4 Improvement Program, by moving the Lake Street project from 2019 to 2020 and the Spring Garden Street project from 2020 to 2019. Each project has an estimated budget of \$100,000, therefore there will be no budget impact.

Community Services Committee

It was moved by Ms. Martin, seconded by Mr. Ressler, and unanimously passed that Borough Council approve the request from Blue Ridge Communications to provide free Wi-Fi at Grater Park and the Ephrata Community Pool.

It was moved by Ms. Martin, seconded by Mr. Ressler, and unanimously passed via roll call vote that Borough Council approve an unbudgeted expense to purchase BMI and ASCAP City Licenses for any event/venue held on property owned by the Borough of Ephrata where music is played.

APPROVAL OF CHECKS 37999 THROUGH 36368 AND THE ACH REGISTER DATED MAY 30, 2019

It was moved by Mr. Richard, seconded by Mr. Barr, 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 \$1,245,494.11.

SECOND OPPORTUNITY FOR CITIZENS TO BE HEARD

Jim Sandoe, 1181 Joann Avenue, Ephrata, advised a discussion needs to begin on ways to financially assist our local fire departments and first responders. Mr. Sandoe inquired about the implementation of a fire tax to acquire funds. Mr. Sandoe closed his comments by advising the community recognizes that these volunteer organizations and personnel offer a valuable service and need support. President Rowe advised this topic has been a discussion item within the Public Safety Committee for some time with the initial step of assistance being the completion of a fire service study. Mr. Ressler added that it needs to be recognized that "this issue is bigger than Ephrata Borough" resulting in a comprehensive study being completed.

After a brief time allotted for additional citizen comments, President Rowe closed the public comments portion of the meeting.

DISCUSSION/ANNOUNCEMENTS

Ms. Martin, in referencing Ms. Talbert's Municipal Moment presentation, stated, "... how great it is to see efforts of the library and Ephrata Area Social Services who are changing their models to be more supportive with members of the community." Additionally, Ms. Martin stated, "... how awesome it is for our Borough to be taking the lead" in these types of matters. President

Rowe advised Ms. Martin that the HUB will also be presenting a Municipal Moment in an upcoming Council meeting.

Ms. Martin, while addressing the audience, advised it is "... great to see all in attendance" and encouraged attendance at committee meetings.

Ms. Martin provided an update on the Plaza's events (i.e., Exercise on the Plaza, Brown Bag Lunches, and Party on the Plaza) advising that the events are growing in size and are bringing people from outside of the area to Ephrata.

Mr. Barr, while addressing the audience, advised that committee meeting schedules and agendas are available on the Borough's website.

Mr. Barr advised that as a result of the damp weather we have been experiencing, there is an abundance of spider webs. Mr. Barr additionally advised that spiders do eat the Spotted Lanternflies.

Mr. Richard provided an update on the Solar Farm advising Council that "... we are still waiting for the final OK from PPL." Mr. Richard encouraged all to drive past the solar field as "... it is quite a sight to see."

Mayor Mowen advised that the Spotted Lanternflies love roses and shared a comical story of how he vacuumed and removed them from his rose bushes. Additionally, Mayor Mowen advised he heard on this evening's newscast that Penn State has advised there is a certain fungus which kills them and a study is being conducted.

Mayor Mowen referenced a "Letter to the Editor" in a recent edition of "The Ephrata Review" in which he advised, "... he took exception with some of the statements." Mayor Mowen further stated, "... this body works very hard with no pay."

Mayor Mowen advised there are no viable biochar projects currently within Pennsylvania and a main reason for not pursuing the project further is due to when the product is really needed, which is during the winter months, the product does not work.

Mayor Mowen, in referencing the comments regarding the Borough's electric rates, advised that residents are getting quality electric and quality service at a lesser cost than most and that the Borough has worked very hard to get the electric program to where it is today.

Mayor Mowen, in referencing the diesel generator comments, advised that a key point to remember is that there are over 8,700 hours within a year and that the Borough-Council approved generators will run less than 100 hours a year. Mayor Mowen advised that the pollution that could result is being over exaggerated.

Mayor Mowen encouraged both residents and Council Members to attend the upcoming Ephrata Pioneer Fire Company's Open House on Tuesday, June 25th, as well as to attend the Lincoln Fire Company's Open House which will be held the second Saturday in October of this year.

President Rowe echoed Ms. Martin's comments and advised that she "... enjoyed seeing a filled room" at tonight's meeting and encouraged attendance at committee meetings.

President Rowe extended her appreciation to Lt. Thomas Shumaker, filling in for Chief William Harvey, and Ms. Nancy Harris, filling in for Mr. D. Robert Thompson, for attending tonight's meeting.

ADJOURNMENT

It was moved by Ms. Martin, seconded by Mr. Ressler, and unanimously passed that Borough Council adjourn. The meeting was adjourned at 7:59 PM.

Respectfully submitted,

D. Robert Thompson, Secretary