

**EPHRATA BOROUGH COUNCIL
WORK SESSION MINUTES
JULY 6, 2020**

The Ephrata Borough Council Work Session was called to order by President Susan Rowe at 7:00 PM on July 1, 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 and in the respect of the practice of social distancing, President Susan Rowe, Mayor Ralph Mowen and Borough Manager D. Robert Thompson were present within Council Chambers while the remaining Council Members, Solicitor and designated Staff participated via a video conference. It should be noted Council Member Timothy Barr joined the meeting at 7:07 PM.

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. 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 upheld by the Supreme Court of the Commonwealth of Pennsylvania as well a Declaration of Emergency declared by the Mayor of the Borough of Ephrata remains in effect. This meeting and instructions to allow for citizen comment were advertised as stipulated in Act 15.

All members of Council are participating remotely with exception of the Council President. The Mayor is also 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, followed by residents that are attending by way of a telecommunication device. Any written comments will be read by the Council President.”

President Rowe inquired if any citizen comments were submitted; in which, Mr. Thompson advised no comments were submitted for discussion.

STATEMENT FROM PRESIDENT ROWE OUTLINING HOW MEETING WILL BE CONDUCTED

“At this time, for those that have not yet been a part of a virtual meeting of Ephrata Borough Council, I would like to mention a few items. The Ephrata Borough Council virtual meetings are very structured to ensure everyone has a chance to speak and is heard by all. Some of the basics for participating in this 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 next week 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 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."

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

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., Director of Finance and Administration Christine Moore, and Interim Police Chief Thomas Shumaker.

The following visitors were present:

Dustin Stauffer, 621 W. Main Street, Ephrata

The following visitors participated via video conference:

Jennifer Ludwig, 111 Martin Avenue, Ephrata

James Busby, 119 E. Main Street, Ephrata

Josh George, Snyder Secary Associates

Jason Wheeler, Snyder Secary Associates

Ryan Nelson, Snyder Secary Associates

Jim Summers, Ephrata Recreation Center

Joy Ashley, Ephrata Area Social Services

Marylouise Sholly, The Ephrata Review

First Opportunity for Citizens to be Heard

Jennifer Ludwig, 111 Martin Avenue, Ephrata, inquired if she should speak on her topic now or during the Public Safety Committee portion of the meeting; in which, President Rowe advised she will request the Chair of the Public Safety Committee to recognize her at that time.

James Busby, 119 E. Main Street, Ephrata, expressed his concern regarding parking issues near his residence. Mr. Busby stated there have been times during the COVID-19 pandemic that he has not moved his vehicle as he did not have anywhere to be; further advising he had been laid off from his workplace during this time. Mr. Busby advised he has been issued parking tickets as a result of him not moving his vehicle. Mr. Busby then asked Council to take into consideration that residents who park their vehicles on Main Street or nearby streets not be ticketed because they cannot move their vehicles due to various reasons including health issues.

President Rowe advised the topic of issuing parking permits within different areas of the Borough has been discussed from time to time by the Highway Committee. President Rowe inquired if Chairman Richard was interested in having this topic appear on the Highway Committee's July meeting agenda; in which, Mr. Richard advised the topic will be included for further discussion.

With there being no additional visitor comments, President Rowe turned to the Municipal Moment portion of the meeting.

Municipal Moment: School Resource Officer

Officer Paul Moore provided an overview of his efforts over the last year highlighting the following:

- Conducted Walk-Throughs of Buildings with Local Fire Companies
- Participated in Lancaster County Emergency Management's Point of Distribution "POD"

Program

- Practice of Utilizing the High School as a Distribution Point of Medications Needed for Public Use (i.e., Vaccinations)
- Reviewed with Students: Internet Safety, General School Safety, Bike Safety
- Training with Nursing Departments Highlighting Medical Responses
- Training of Bus Drivers/Vendors/Crossing Guards
- Conducted “Every 15 Minutes” Event
- Participated in Safety Meetings with Staff and Students
- Participated in SRO Training Sessions
- Oversaw Two (2) Youth Aid Panels
- Worked in Conjunction with the Police Department, School Staff and Students to Create a Training Video Highlighting Red Light Violations

Officer Moore expressed his gratefulness in serving in this role throughout the last few years and advised that Officer John Hirneisen will be serving in the School Resource Officer role as he will begin his retirement in three weeks. Officer Moore then introduced Officer Hirneisen to Borough Council.

President Rowe advised that Ephrata Borough, as well as the Ephrata Area School District, has been very fortunate to have had Officer Moore as the School Resource Officer. President Rowe then stated that she believes Officer Moore has “... done a magnificent, wonderful job and I appreciate everything that you have done for our students.”

Ms. Martin thanked Officer Moore for all of his hard work and dedication to the schools. Ms. Martin, referencing the SRO’s role in working with WellSpan-ECH’s Mental Health Process, inquired if he could expand on what that program entails. Officer Moore explained if a student is having a mental health issue at school and it has escalated to a point where the student needs hospitalization and/or an assessment, a school counselor will make contact with him to advise him of the need. Officer Moore advised at that point, he will meet with the parents, along with the counselor, to sit down and explain what the process looks like at the hospital and then assist them at the hospital. Officer Moore explained that the parents know one side of the situation and the school counselor knows another side resulting in him being in the middle trying to make sure the mental health professionals hear both sides to provide the best medical assistance to the student.

Mayor Mowen jokingly stated, “... your retirement has been rescinded ... I’m not accepting your retirement ... you’re stuck with us.” Mayor Mowen further stated, “... it has been a pleasure having you on the force ... you have been a credit to the department ... I really appreciate your service to the Borough and to the department.” Officer Moore then responded, “... thank you very much ... again, it is been a pleasure ... it is been an honor to do what I do ... what we all do as officers.”

Lieutenant Shumaker then stated, “... Paul has done an awesome job ... he picked up the SRO duties after Pete Sheppard finished his tour at the school ... and both officers have done a great job ... we’ve had great reviews from the district on their performance as well as the program ...

and we are looking forward with what John Hirneisen can do with the program moving forward ... but, again, Paul, thank you and we will miss you.”

Officer Hirneisen approached the podium and provided some background information regarding his years of service. Officer Hirneisen praised Officer Moore’s efforts over the years; specifically referencing his streamlining of the mental health process used to assist students to get the treatment they need. Officer Hirneisen concluded his comments by thanking Officer Moore for his tireless efforts over the past few years.

President Rowe inquired if there is a particular area that Officer Hirneisen will be focusing on when he takes over the role as School Resource Officer on July 20, 2020. Officer Hirneisen advised his first task will be assisting the School District in figuring out what a school day is going to look like in the fall due to the implications of the COVID-19 pandemic. Officer Hirneisen further advised he wants to continue the mental health process started by Officer Moore as well as building trustful relationships with the students.

President Rowe thanked both Officer Moore and Officer Hirneisen for their time.

Discussion of Committee Agendas

Budget and Finance Committee

Mr. Ressler advised the Committee has two Action Items:

1. Ordinance No. 1555: LERTA (Local Economic Revitalization Tax Assistance): Mr. Ressler provided a brief overview of the proposed Ordinance that will be discussed during a public hearing at the July 13, 2020, Borough Council Voting Session. Mr. Thompson advised that the hearing requires comments from the taxing authorities (including Lancaster County and the Ephrata Area School District), as well as local planning commissions. Mr. Thompson further advised the Ephrata Borough Planning Commission will meet on July 21st; therefore, the intention is to open the public hearing on July 13th and continue it until August 10th. Mr. Thompson advised prior to the August 10th meeting, comments can/will be received from the Planning Commission as required. Mr. Thompson further advised at the August 10th Voting Session, the public hearing will resume and then be closed; after which, Borough Council will take action regarding the Ordinance.

Upon opening the topic for questions, Mr. Zimmerman, in referencing page 3 of the proposed Ordinance, specifically referring to the Exception Schedule, inquired if the 11th and subsequent years needed to be listed as “\$0.00” to indicate there is no deduction starting with that year; in which, Solicitor McManus clarified that there is not a need to list subsequent years as “\$0.00” as the table shows the forgiven amount for each year.

Mr. Zimmerman, in referencing page 4 of the proposed Ordinance, specifically referencing the “Termination Date” paragraph, inquired if the 5-year exemption schedule is defined somewhere within the Ordinance; in which, Mr. Thompson advised it is his understanding that under the review process, the 5-year schedule was to be deleted. Solicitor McManus confirmed that no reference to a 5-year schedule should be included within the Ordinance and expressed his appreciation to Mr. Zimmerman for bringing that to his attention. Mr.

Ressler advised that the subsequent paragraph references an extension of five years; in which, Mr. Zimmerman agreed with Mr. Ressler's observation.

Ms. Martin, in referencing the timeline discussed, sought clarification of the process. Ms. Martin advised it is her understanding a public hearing will be held on July 13, 2020, and inquired if comments from the taxing authorities are going to be accepted through August 10, 2020. Solicitor McManus clarified the statute requires Council to hold at least one public hearing to receive public comments, as well as comments specifically from the entities and taxing entities that may have a recommendation as to the properties that should be included in the LERTA area. Ms. Martin advised she understands that part of the process; however, she sought additional clarification regarding the timeframe of receiving the public comments. Solicitor McManus explained when the hearing was publicized, notices were sent to the taxing entities; however, some of those entities may not have a meeting scheduled in a timely fashion to formulate any recommendations if they have any. Solicitor McManus further explained that the Borough's obligation under the Ordinance advertising is to enact this Ordinance within 60 days of the legal advertisement relating to this matter which takes us through to the August 10th Voting Session. Solicitor McManus stated, "... by opening the public hearing at the July 13th meeting, we may have comments ... we may have no comments ... but we would continue the hearing then to the August Voting Session and consider any comments that we have received in the interim or hear the comments of anybody who is in attendance at that hearing."

Solicitor McManus additionally clarified that although there may be comments from taxing entities as to what properties they believe should or should not be included, it is really Council's decision to make. Solicitor McManus advised the first step has been taken which outlines the district and that the purpose of the hearing is to consider if the proposed district outline should be amended. Solicitor McManus advised Council they should not feel compelled to make changes to the proposed district based upon another organization's recommendation at the hearing. Ms. Martin thanked the Solicitor for his explanation regarding her inquiry.

President Rowe advised she had emailed questions to Ms. Moore, Director of Finance and Administration, after the February meeting who did provide her with answers; however, President Rowe further advised she would like to put that information on record. President Rowe inquired if the Ordinance only applies to new construction (page 1) or to the rehabbing of existing property as mentioned later in the Ordinance; in which, Ms. Moore replied, "... it does cover rehabbing of existing property as well as new construction."

President Rowe then advised that the Ordinance states it applies to commercial property and inquired if we are excluding private property that may be within the boundaries established by the Ordinance; in which, Ms. Moore replied, "... it applies to all eligible properties that are included in the list ..." and as the Solicitor stated, the included properties are the responsibility of the Ephrata Borough Council. President Rowe then inquired if properties may be added to the list and/or would a new Ordinance be needed or if there is another method to do so; in which, Solicitor McManus responded, "...there is nothing that prevents

us from amending the Ordinance to include additional properties subject to the same terms and conditions in the Ordinance.”

Mr. Thompson, in addressing Solicitor McManus, inquired if a provision should be considered, as is done with other Ordinances in changing amounts of fines, including language that could be amended from time to time by Resolution; in which, Solicitor McManus responded, “...the short answer to his inquiry is no ... Resolutions are amended with Resolutions and Ordinances are amended with Ordinances.”

President Rowe then inquired if the boundaries could be expanded to include a one-block area around the proposed boundary; in which, Ms. Moore advised that adjacent boundaries can be included as long as they meet the definition of deteriorated. President Rowe advised that she had previously brought up the possibility of property reassessments changing and the impact of how an increase or decrease in the value of property would be considered with LERTA percentage abatements. President Rowe advised she was informed that the County had recently completed reassessments and that reassessment would not be a factor. President Rowe further advised the County Commissioners did pass a Resolution adopted in 1997 which has not yet been rescinded that establishes the policy by where reassessment will occur every eight (8) years. President Rowe restated her inquiry of if a property receives a LERTA exemption, are the percentages based on the old assessment and/or how does the new assessment factor in. Additionally, President Rowe inquired if a reassessment is not factored into the LERTA amounts, how will the property owner(s) be made aware of that upon reaching 100%, they may, in fact, be paying even more than anticipated due to the increase in reassessment value. President Rowe advised the response she received referenced page 4, section C of the Ordinance which advises the reassessed value will not be used. President Rowe sought clarification that the property owner(s) will never have to pay 100% on the reassessed value of the property.

Mr. Thompson clarified that during the 10-year period, the reassessed value will not be used; however, once that 10-year period expires, then the taxes will be paid based upon whatever the assessed value is at the time. Mr. Thompson further clarified if there is reassessment that occurs during that period, then once this expires, then that reassessed value should be the value that it is taxed upon. President Rowe replied, “... but according to the Ordinance, we’re going to tell the County that they are not allowed to reassess the property ... so if they can’t reassess the property, we’ll never ever receive taxes on 100% of the value of the property.” President Rowe then asked if that is the way the Ordinance is written or is she misreading it; in which, Solicitor McManus clarified the County can always reassess anytime it decides to do so. Solicitor McManus further clarified the LERTA exemptions are based upon the assessed evaluation at the time the Ordinance goes into effect.

President Rowe, referencing §287-29(A), “If an eligible property is granted a Borough tax exemption pursuant to this article, the improvement shall not, during the exemption period, be considered as a factor in assessing other properties.” Mr. Thompson advised he believes that covers what she is asking highlighting “... during the exemption period.” President Rowe, referencing §287-29(C), “In the event there is a county-wide assessment of all real property located within Lancaster County, the tax exemption granted hereunder shall remain

in effect in accordance with the terms of this article notwithstanding any such reassessment ...,” inquired if the Ordinance is stating the property will never be reassessed. Solicitor McManus clarified that relates to the tax exemption and after ten years, “... it is a new ball game.”

President Rowe further inquired if we can dictate to the County our criteria and/or do we have the right to inform the County Assessor they cannot factor improvement on a LERTA property when conducting a reassessment of nearby properties. President Rowe sought clarification asking, “... if a property is a LERTA property and the house next to it cannot be reassessed during the LERTA period because one property has a LERTA property next to it?” Solicitor McManus clarified this Ordinance pertains to all properties within the LERTA district. Solicitor McManus further stated, “... that some properties may be in better shape than others, but we are allowed to include those as areas that are adjacent to or closely akin to other properties in need of improvement ... and so they are all treated the same for purposes of that ... of tax relief within the district.” President Rowe, referencing wording within the Ordinance, “... if an eligible property is granted tax exemption, the improvements shall not be considered a factor in assessing other properties ...” President Rowe further stated, “... that’s what doesn’t make sense to me ... how can we dictate to the County that they can’t use a LERTA property as a factor in considering the assessment of other properties that are not LERTA properties?” Mr. Thompson then stated, “... we’re saying when the County is assessing other properties that if it is a LERTA property and the assessed value is lower because it is still within the abatement period, then the County shall not use that for the basis of a comparable to the property it is currently assessing.”

Solicitor McManus sought clarification from President Rowe so he could further understand her inquiry. President Rowe advised her concern is, “... that the way I’m reading this ... and if I’m reading this wrong, please correct me ... but, the way I’m reading (referring to §287-29(A)) ... it says, “... an eligible property is granted tax exemption pursuant to this article ...” ... pursuant to LERTA ... so we have a LERTA property ... “... that improvement shall not be considered a factor in assessing other properties ...” ... and I don’t understand how we can tell the County Assessor that Property A is a LERTA property so you cannot use that property while you are reassessing Properties B, C, and D because they are in proximity to LERTA Property A ... that’s where my confusion is coming in.” Solicitor McManus advised the County can assess the properties as they wish and he believes the section President Rowe referred to states that the exemption granted would not affect the assessment of other properties and does not preclude other properties from being assessed by the County. Solicitor McManus further advised, “... this really relates to what properties are in the defined area in that schedule for that 10-year period.”

President Rowe requested Solicitor McManus to re-read §287-29(A) prior to the August 10, 2020, hearing to ensure that it says what it needs to as she does not believe the meaning is clear. Solicitor McManus then stated he believes it should read, “... other LERTA properties” instead of “... other properties.” President Rowe suggested that wording should be added for clarification; in which, Solicitor McManus replied he will look into her request.

President Rowe referenced §287-29(B) which states, "... shall not terminate upon the sale or exchange of the property," and then inquired if the seller does not disclose that the property taxes will increase due to a LERTA exemption, is there any liability to the Borough when the new property owner receives a larger than anticipated tax invoice; in which, the response received stated, "... that is not a municipal obligation." President Rowe advised her follow-up question to that is "... it may not be a municipal obligation, but is there any way to make it clearer or is the Borough just not liable at all and we do not need to worry about it?" Solicitor McManus replied, "... I think it is fair to assume that somebody that is involved in any real estate that's in the LERTA district should be aware of the taxes that they are going to be paying on the property and what benefits are in place by the school district, County and Borough ... I'm not sure what you would do to ensure that somebody would know what they ought to know anyway." President Rowe replied, "... I just want to make sure that the Borough is not under any kind of a liability if that real estate transaction doesn't disclose that it is a LERTA property and your taxes are going up." Solicitor McManus then stated, "... I'm not involved in the issuance of tax bills ... but I think once the property is in a LERTA area, that the bills that are sent out automatically reflect that LERTA discount ... I don't think it is an application each and every year ... that's my understanding of how it is administered."

President Rowe advised her final question was, "... should we include a reference to the Borough of Ephrata's Zoning Ordinance §319-31 through and including §319-34 regarding Historic Buildings since many of these properties included in the boundary would be defined under the Historic Buildings sections?" President Rowe advised the response she received was, "... it was discussed with the Solicitor and that is not necessary."

No visitors participating in the meeting had any additional questions and/or comments regarding this matter; therefore, Mr. Ressler proceeded to the Committee's next Action Item.

2. Penalties and Collections: Mr. Ressler referenced a memo pertaining to penalties and connections included within the meeting packet and requested Ms. Moore to provide an overview of that memo. Ms. Moore advised that a decision/vote was made prior by Council to not penalize and/or disconnect service during the COVID-19 Emergency. Ms. Moore advised the request is to re-implement the procedure to penalize and/or disconnect service since the Declaration of Emergency issued by the Governor has been lifted. Ms. Moore further advised the request is to recommend this be effective August 1, 2020.

Mr. Ressler advised this is referencing the House Resolution terminating the Governor's Declaration; however, he further advised that the State Supreme Court basically nullified that Resolution which means the Governor's Declaration of Emergency is still in effect. Mr. Ressler inquired if that changes the opinion of the Borough Staff as far as the timing of their request; in which, Ms. Moore advised her concern is, "... if we don't reinstate disconnections and penalties ... that if we wait any longer, we're going to be in the winter season again which means we're going to have like a year and a half of delinquencies before we can start collecting them the following Spring ... so we're requesting that we start to do this on August 1st which at least will give us August, September and October to attempt to collect

some of these balances before we go into our winter season where, once again, we will not disconnect.” Mr. Ressler thanked Ms. Moore for her explanation.

Mr. Weiler inquired, “... if we do disconnect in August, September, and/or October, what happens when we come to the winter season, do we re-connect or are they still disconnected?” In which, Ms. Moore replied, “... if they were disconnected prior to the winter season, we will not reconnect them until they make their payments ... we will just not disconnect anyone else once it hits November.”

Mr. Zimmerman stated, “... I think we’ve done well in postponing this as long as we can ... I think I would be in favor of moving this along and start this up again in August.”

Mr. Richard inquired how many actual accounts make up the numbers provided within the memo; in which, Ms. Moore responded she does not have that information at the current time, but will look into it and provide Council with that information. Mr. Richard then inquired as to what would be the average customer delinquency figure amount; in which, Ms. Moore advised she would need to pull that information from a report and can supply that information to Council as well. Mr. Richard concluded by inquiring if the number of delinquencies is typical or is it due to the COVID-19 pandemic; in which, Ms. Moore advised the number is higher this year than in past years. Mr. Ressler requested Ms. Moore provide Council Members with the information Mr. Richard asked for prior to the July 13, 2020, Voting Session; in which, Ms. Moore advised she will do so.

Ms. Joy Ashley, Ephrata Area Social Services, inquired if there is any way possible to receive information on residents who were delinquent prior to the shutdown and who has been delinquent due to the pandemic because there is funding available for emergent needs for those who have been affected directly by the pandemic. Ms. Ashley stated, “... it would be helpful to have that information as we award from the funds that are available to us that we can make those decisions.” Mr. Ressler requested Ms. Moore to provided Ms. Ashley with the requested information; in which, Ms. Moore advised that information can and will be provided to Ms. Ashley. President Rowe then inquired if there is any kind of confidentiality our customers would expect and/or anticipate that we would not be able to provide that information; in which, Ms. Moore asked Ms. Ashley if that type of information was provided to her in the past. Ms. Ashley replied that she does not need specific names of people and that she is trying to get the number of those who have been delinquent since mid-March and then those prior to that. Ms. Moore then responded that she is able to provide her with the information she is requesting.

Mr. Ressler inquired if the August 1st date is the date of notification or if it is the date of the actual disconnect; in which, Ms. Moore clarified that the August 1st date is the date Staff would like to start to disconnect and assess penalties with notification being sent prior to that date. Ms. Moore then advised that three cycles of letters will be sent with the first cycle being sent July 24th with those subject to disconnection beginning August 11th.

After input received from remaining Council members, Mayor and Staff, the Committee unanimously agreed to bring the matter forward for action/vote at the July 13, 2020, Borough Council Voting Session.

3. Mainspring of Ephrata Funds Request: Mr. Ressler referenced a letter received from Mainspring of Ephrata requesting a release of funds totaling \$86,374.00. Ms. Moore clarified the amount requested is the bi-yearly budgeted amount payable to them upon request. Mr. Ressler inquired if this is the normal time to receive a payment request; in which, Ms. Moore advised it is. Mr. Thompson advised their fiscal year 2021 budget for operations is \$149,952.00 and that the fiscal year 2020 budget was \$153,318.00. Mr. Thompson further advised they will be asking for 7/12 for the first installment with the remaining 5/12 being asked for the second installment which is why the amount totals \$86,347.00.

President Rowe inquired if Mainspring has been impacted as far as their operations due to the COVID emergency; in which, Mr. Thompson advised they have been affected but they did receive a Payroll Protection distribution of approximately \$19,097 which helped offset the impact.

After input received from remaining Council members, Mayor and Staff, the Committee unanimously agreed to bring the matter forward for action/vote at the July 13, 2020, Borough Council Voting Session.

Mr. Ressler advised the Committee has two Discussion Items:

1. McManus Invoice: Mr. Ressler referenced the “Jim McManus 2020 Billing Detail by Project” and opened up for comments from the Committee members, remaining Council members and Staff. Mr. Richard, in referencing the reports provided to Council, sought clarification of how he could correlate information on the two documents. Ms. Moore advised she currently provides the invoice totals; however, she can provide the total per invoice and the total year-to-date figures going forward. Mr. Richard advised he believes that information will be worthwhile to reference as he reviews the reports.
2. Check and ACH Register: Mr. Ressler referenced the Check and ACH Register and opened up for comments from the Committee members, remaining Council members and Staff. Mr. Zimmerman, in referencing Check #42228, requested some additional details regarding the payment; in which, Ms. Moore advised the check was payable to Lyons Recreation for \$2,750 for a poured rubber playground surface which was a budgeted item. Mr. Zimmerman, in referencing Check #42249, payable to S&S Wildlife Control Services, requested some additional details regarding the payment; in which, Ms. Moore advised the payment was for muskrat removal at Bethany Park.

Development Activities Committee

Mr. Zimmerman advised the Committee has two Action Items:

1. Land Development Plan for a New Financial Institution, Cloister Shopping Center: Mr. Thompson provided a synopsis of the proposal to add a bank (3224 square feet) with 15 parking spaces in the shopping center. Mr. Thompson advised they are proposing to do a waiver of preliminary plan and to have this processed as a final plan. Mr. Thompson further advised there are no on-site public improvements and Staff is standing on the comments provided by the various planning agencies. Mr. Thompson introduced Mr. Ryan Nelson, Mr. Joshua George and Mr. Jason Wheeler who are participating in the meeting representing the developer. Mr. Joshua George, Snyder Secary Associates, advised they are seeking to put in a proposed bank within the confines of the Cloister Shopping Center. Mr. George further advised they will be providing connections to the public water and sewer systems as well as providing stormwater management controls. Mr. George advised the comments provided by the Borough staff and engineer will be addressed and incorporated into the revised plans.

Mr. Weiler inquired if a sidewalk would be put in along Dawn Avenue; in which, he was advised the current plans do not include a sidewalk. Mr. Thompson inquired if a waiver was received; in which, he was advised that it is their (Snyder Secary Associates) belief that a waiver was issued as there were certain improvements done on the sidewalk that extend down Dawn Avenue. Mr. Zimmerman requested that item be verified prior to the vote occurring.

After input received from remaining Council members, Mayor and Staff, the Committee unanimously agreed to bring the matter forward for action/vote at the July 13, 2020, Borough Council Voting Session.

2. Sketch Plans for Zimmerman Subdivision, 600 Block of East Main Street: Mr. Thompson advised the plans are for a "lot add-on," further stating there are eight (8) acres residing in the Borough and/or Township. Mr. Thompson advised the plans are for two (2) building lots as well as adding land to three (3) existing lots. Mr. Thompson advised the request is to release comments to the developer.

Mr. Weiler inquired if access would be from Main Street; in which, Mr. Thompson replied that access would be from Ridge Avenue.

After input received from remaining Council members, Mayor and Staff, the Committee unanimously agreed to bring the matter forward for action/vote at the July 13, 2020, Borough Council Voting Session.

Mr. Zimmerman advised the Committee has three Discussion Items:

1. Information Provided to the Committee Regarding Zoning Hearing Board Decisions: Mr. Zimmerman reviewed the decisions made by the Zoning Hearing Board regarding the applications of Michael and Kathleen Lillis regarding 114 Gery Court, Ephrata; Devin Donmoyer regarding a property located at Arch and Franklin Streets, Ephrata; as well as Rebecca and David Gallagher regarding 900 West Main Street. Mr. Zimmerman, as well as additional Council members and the Mayor, expressed concerns regarding the inconsistency of the decisions being made by the Board and stressed the importance of reviewing past

decisions and taking them into consideration when making their decisions. Solicitor McManus addressed Council and explained the duty of the Zoning Hearing Board is to enforce the Zoning Ordinance which has specific rules, regulations and standards when granting a variance. Solicitor McManus advised the only alternative to a decision is to file an appeal by someone who was present at the hearing to the Court of Common Pleas stating, "... the Zoning Hearing Board did not follow the law ... they committed an abusive discretion or an error of law because ... they didn't do A, B, C and D." Solicitor McManus further advised the parties to the appeal would be the applicant (through the applicant's attorney), the Zoning Hearing Board as well as the Borough. Solicitor McManus then provided information regarding possible scenarios of the appeal process.

Mayor Mowen advised it was his understanding that the request involving 900 West Main Street was brought before the Development Activities Committee; in which, President Rowe confirmed it was discussed at the February 24, 2020, committee meeting who voted they were fine with the request and they did not wish the Solicitor to appear on behalf of the Borough. Mr. Zimmerman reiterated his main concern is having consistency going forward. President Rowe, in addressing Solicitor McManus, advised it is her understanding that one Zoning Hearing Board decision does not set precedence for every other Zoning Hearing Board decision that comes after it and they all stand on their own merits; in which, Solicitor McManus advised President Rowe her statement is accurate.

2. Community Development Block Grant: Mr. Thompson informed Council that the Borough has been awarded \$30,000 in grant money. Mr. Thompson advised Staff is in receipt of the grant agreement which needs to be executed within 30 days and requested the Committee to consider approving the agreement and authorizing the President and Secretary to execute the agreement subject to a form acceptable to the Borough Solicitor.

After input received from remaining Council members, Mayor and Staff, the Committee unanimously agreed to bring the matter forward for action/vote at the July 13, 2020, Borough Council Voting Session.

3. Mainspring of Ephrata Request: Mr. Zimmerman advised a request was received from Mainspring of Ephrata to hold the September 19, 2020, Party on the Plaza, event at Grater Park instead of the previously approved location of the Whistlestop Plaza. Mr. Zimmerman advised by changing the venue to Grater Park, it would allow Mainspring to meet the suggested CDC guidelines (limit of 250 attendees) mandated by the Governor of the Commonwealth of Pennsylvania. Additionally, Mr. Zimmerman advised Mainspring would have to create a new Incident Support Plan approved by the Emergency Management Coordinator, receive a copy of a PLCB Special Occasion Permit and provide a Certificate of Insurance naming the Borough as additional insured.

After input received from remaining Council members, Mayor and Staff, the Committee unanimously agreed to bring the matter forward for action/vote at the July 13, 2020, Borough Council Voting Session.

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

Vice President Reinhold advised the Committee has three Discussion Items:

1. Monthly Police Report: Lt. Shumaker advised that criminal case reports are down and that there are no Youth Aid Panel cases being assigned due to COVID-19 issues. Lt. Shumaker further advised that patrol activity has returned to normal levels.
2. School Resource Officer Report: Lt. Shumaker advised the information within the report was provided during Officer Moore's presentation.
3. Speeding Complaint: Ms. Ludwig and her husband thanked Borough Council for allowing them to address their concerns regarding the speeding observed on Martin Avenue. Ms. Ludwig advised she sent an email regarding her concerns and stated she would appreciate having an increase in police presence in their neighborhood. Ms. Ludwig stated her children walk to school and she is concerned for their safety as they cross the roadway due to the high speed of vehicles traveling Martin Avenue. Ms. Ludwig advised that the WellSpan ECH employees walk along the street as well; however, they do have a crosswalk for them to cross in. Ms. Ludwig stated she observed a speed box was put into place; however, it currently is not operating. Mr. Ludwig advised that both he and Ms. Ludwig are teachers and this past spring, there were times they had to stop class due to the loud noise level of motorcycles, cars and truck traveling on the road. Ms. Ludwig concluded her comments by stating, "... this has to stop ... it is such a nice little neighborhood."

Lt. Shumaker advised the radar device that has been posted is functioning and has been set up to not display the speed. Lt. Shumaker further advised upon his return to the office, he will receive a report that will define what the speeds are, what days of the week, and what time of the day the events are occurring. Lt. Shumaker advised he will use that information to determine: (1) Do we have a problem? and (2) When is it occurring? Lt. Shumaker then stated this data will be utilized for the Department to take target enforcement actions.

Ms. Ludwig stated when she observed the sign she was concerned that people would slow down when they saw their speed and that she was happy to see the speeds not being displayed. Lt. Shumaker advised that was done on purpose in hopes of obtaining factual speed data. In referencing the Ludwig's noise complaint, Lt. Shumaker stated that due to large volume of traffic on the roadway, there is not much that can be done to resolve that issue. Lt. Shumaker concluded his comments by advising he will make contact with Ms. Ludwig after he has the opportunity to review the data obtained from the traffic study.

Vice President Reinhold expressed his appreciation to Ms. Ludwig for bringing the matter to the Committee's attention.

Mayor Mowen noted his appreciation to the Police Department for their excellent work in the handling of the recent shooting event.

Highway Committee

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

Mr. Richard advised the Committee has two Discussion Items:

1. Pleasant Valley Mennonite Church – Street Meeting Request: Mr. Richard advised a request was received from the Pleasant Valley Mennonite Church to conduct street meetings on the public sidewalk in front of The Ephrata Review building on July 22, 2020, and August 19, 2020, from 7:00 PM to 7:45 PM. Mr. Richard confirmed the Borough is in receipt of a Certificate of Insurance naming the Borough as an additional insured.

After input received from remaining Council members, Mayor and Staff, the Committee unanimously agreed to bring the matter forward for action/vote at the July 13, 2020, Borough Council Voting Session.

2. Coalition Against Bigger Trucks: Mr. Thompson advised this is an active group that will ask for letters of support periodically based on what is before Congress. Mr. Thompson further advised that he is not authorized to send a letter of support without Council's authorization and due to this meeting being the first opportunity to discuss the request, it was added to the meeting agenda as a Discussion Item.

After input received from remaining Council members, Mayor and Staff, the Committee unanimously agreed to allow this request to expire as the meeting date it was due by has past.

Municipal Enterprises Committee

Ms. Martin advised the Committee has one Action Item:

1. Estoppel Request: Ms. Martin reviewed a request for an Estoppel Certificate for the TPE Pennsylvania project. Mr. Thompson advised the recommendation is to authorize the execution of the Estoppel Certificate subject to a form acceptable to McNeese, Wallace & Nurick LLC, our energy solicitor.

After input received from remaining Council members, Mayor and Staff, the Committee unanimously agreed to bring the matter forward for action/vote at the July 13, 2020, Borough Council Voting Session.

Ms. Martin advised the Committee has five Discussion Items:

1. AMP Board of Trustees Alternate Position: Mr. Thompson reminded the Committee that with the resignation of Nate Merkel, the Borough is short an alternate position for the AMP Board of Trustees and that a replacement decision will need to be made in the near future.
2. Gross Receipt Tax: Mr. Thompson referenced House Bill 1036 and advised that the PMEA Attorney was successful in getting the bill changed to be clear that public power entities are not subject to gross receipt tax which is a significant win for public power allowing the savings of hundreds of thousands of dollars.

3. Electric Vehicle Charging Stations Update: Mr. Thompson advised that installations are occurring for three of the four selected areas and that the work is being completed on schedule.
4. Solar Actuator Status: Mr. Thompson advised all of the actuators have been replaced and the solar farm is fully operational.
5. RICE Peaking Project Update: Mr. Thompson advised the actual RICE Peaking Project construction is complete with the exception of the reverse flow materials and supplies. Mr. Thompson further advised that dialog with PPL has resumed and the hope is to have an agreed upon solution within the next two to four weeks; after which, the necessary materials and supplies will be ordered as well as the fabricating of the cabinets.

Community Services Committee

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

Mr. Weiler advised the Committee has no Discussion Items.

Special Projects Committee

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

Mr. Barr advised the Committee has two Discussion Items.

1. Spotted Lanternfly Presentation: Mr. Barr extended his appreciation to the fourth grade class of the Ephrata Area School District on their efforts in preparing the informative presentation they provided to Council. President Rowe stated she thought it would be a kind gesture to send a little note of thanks and congratulate those students on their hard work.
2. Junior Council Program: After input received from all Council members, Mayor and Staff, the Committee unanimously agreed to add this topic to the July 20th Committee Meeting for possible action at the August 10th Borough Council meeting.

Personnel Committee

Vice President Reinhold advised the Committee has two Action Items for the upcoming Voting Session.

1. Revision of Telecommunications Policy: Vice President Reinhold referenced the Telecommunications Policy included in the meeting packet highlighting the minor proposed changes.

After input received from remaining Council members, Mayor and Staff, the Committee unanimously agreed to bring the matter forward for action/vote at the July 13, 2020, Borough Council Voting Session.

2. McNees, Wallace and Nurick LLC Unbudgeted Expenditure: Vice President Reinhold discussed the request for an unbudgeted expenditure from the General Fund in an amount not

to exceed \$7,500 to hire personnel from McNeese, Wallace and Nurick LLC, to perform an analysis of the interactions of the management team of the Borough of Ephrata.

After input received from remaining Council members, Mayor and Staff, the Committee unanimously agreed to bring the matter forward for action/vote at the July 13, 2020, Borough Council Voting Session.

Vice President Reinhold advised the Committee has no Discussion Items.

Second Opportunity for Citizens to be Heard

Mr. Summers, Ephrata Recreation Center, provided an update regarding the pool including that, to date, 487 memberships have been sold which is a bit over 50% of what was sold last year. Mr. Summers added, to his surprise, memberships are still being sold. Mr. Summers further advised that 375 was the number determined to be the limit of people in the pool and that the largest number in attendance was 370. Mr. Summers advised the pools have now been opened to day care centers and day camps for their use. Mr. Summers further advised due to current mandates, they will monitoring attendance and seeing what position they are in to allow the reopening of the water features. Mr. Summers concluded his comments by advising that he has received "... nothing but good comments from the patrons."

Ms. Martin advised she and her husband purchased memberships and they are enjoying their time at the pool immensely and that she has also received positive feedback. Ms. Martin advised she has heard comments regarding allowing members to bring a guest with them; in which, Mr. Summers advised he was hoping to be able to allow that by now and will be re-evaluating that request in the near future.

Discussion/Announcements

Mr. Richard, addressing Lt. Shumaker, advised that the noise levels of exhaust pipes on motorcycles and cars seems to be very excessive and inquired if there was any way the Police Department could look into that issue. Lt. Shumaker advised that vehicles with those types of modifications are not supposed to be able to pass inspection; however, they seem to be able to pass at local garages and that the State Police are the ones to enforce the inspection regulations at those garages. Lt. Shumaker further advised the most the Police Officers can do is to be trained to be licenses inspection mechanics allowing them to perform mechanical inspection of the vehicle and issue a citation based on those results.

Mr. Richard, addressing Mr. Thompson, stated he did not receive any emails regarding this meeting; in which, President Rowe advised she did check the email she received and saw that, in fact, he was copied on it. Mr. Thompson advised at 6:37 PM, he received an "undeliverable" notification from Mr. Richard's email; in which, Mr. Richard reiterated he did not receive any information for the meeting.

Mr. Barr, addressing Lt. Shumaker, sought clarification that officers would indeed have to have inspection licenses and not just a decibel meter; in which, Lt. Shumaker advised that decibel meters have been used in the past, however, you have to have a sustained decibel level for a specific period of time which is difficult to do with a vehicle that is in motion.

Lt. Shumaker, in referencing the shooting that occurred on Sunday, July 5th in the area, stated “... it was an unfortunate day for us as a community ... fortunately nobody lost their life in yesterday’s incident ... the last update I had was two of the victims were stable ... two are still critical ... out of the six people that were targets ... that’s alarming ... especially in the neighborhood it occurred ... I’m not saying that one neighborhood would be more likely than another, but we’re not ... we’re not used to it here and it is very unfortunate ... I’m sure a lot of neighbors in that community are quite upset about what did occur ... the fortunate thing is that we were able to apprehend the shooter quickly and it was an isolated incident that unfortunately resulted from an online argument which is sad ... it was a long day ... the team performed well.”

Adjournment

It was moved by Mr. Ressler and seconded by Ms. Martin to adjourn. The meeting was adjourned at 10:08 p.m.

D. Robert Thompson, Secretary