

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

The regular Ephrata Borough Council meeting was called to order by President Susan Rowe at 7:00 PM on July 13, 2020, in the Council Chambers of the Borough Office, 124 South State Street. Due to the Coronavirus – COVID-19 guidelines set forth by Governor Tom Wolf and in the respect of the practice of social distancing, President Susan Rowe and Mayor Ralph Mowen along with Borough Manager D. Robert Thompson were present within Council Chambers while Vice President Thomas Reinhold, President Pro Tem Melvin Weiler, Council Members Timothy Barr, Linda Martin, Ricky Ressler, Victor Richard and Greg Zimmerman participated via video conferencing.

Also in attendance within Council Chambers was Borough Solicitor James R. McManus, III, Esq.

Also in attendance via video conferencing were the Director of Finance and Administration Christine Moore, Interim Police Chief Thomas Shumaker and Recorder Stephanie Fasnacht.

The following visitors were present within Council Chambers:

Tim Auker, 542 N. State Street, Ephrata
Scott Cover, S. R. Cover Properties, Ephrata
Les Martzall, Ephrata Community Ambulance Association
Dustin Stauffer, 621 W. Main Street, Ephrata

The following visitors participated in the meeting via video conferencing:

James Busby, 119 E. Main Street, Ephrata
Kelly Ernst Warner, Northern Lancaster Hub
Marylouise Sholly, The Ephrata Review

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. A Declaration of Emergencies occasioned by the COVID-19 pandemic has been 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.

Seven members of Council are participating remotely. The Council President and the Mayor are participating on site. 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.”

STATEMENT FROM PRESIDENT ROWE OUTLINING HOW MEETING WILL BE CONDUCTED

“At this time, I once again restate some of the basics for participating in this video-teleconferencing meeting:

- We will first ensure everyone in attendance can hear the others and that everyone is able to be heard. When I call your name for attendance, please respond with “Yes, I am present.” If anyone is unable to hear this response, I ask that you raise your hand so we can correct the problem prior to moving forward.
- If you are not speaking, please place your meeting on “mute.” When you are called upon to speak, remember to turn mute off until you have concluded your comments. I ask that visitors and guests abide by this as well.
- Ephrata Borough Council will adhere to the Rules of Order and Bylaws as well as can be expected.
- As Committee Chairs begin their Recommendations, if the Chair makes a motion, the Chair shall specify which Committee member they would like to second the motion. If the person called upon does not want to second the motion, the Committee Chair shall call upon the next Committee member.
- If an item receives a motion and a second, I will not restate the question for the record as is our usual practice and as suggested in “Roberts Rules of Order,” I will state there is a motion and a second on the floor and individually ask each member of Council if they have any questions or comments. When all discussion and debating of the Recommendation has been completed, I will request a roll call vote on each item. This way, we can ensure everyone has voted and been heard for the record.

- If during the discussion and debate of an issue you have additional comments, please raise your hand in front of the camera to be recognized. I will do my best to watch the screen closely as I complete my tasks. I will ask that I be alerted if I miss recognizing someone.
- The Committee Chair should turn the meeting back to the Council President when all Recommendations have been voted upon or tabled.

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

PUBLIC HEARING FOR LOCAL ECONOMIC REVITALIZATION TAX ASSISTANCE (LERTA) ORDINANCE

President Rowe turned the meeting over to Solicitor McManus for the purpose of conducting a public hearing regarding the LERTA area boundaries.

Solicitor McManus commenced the hearing at 7:12 PM and began his comments by referencing the proposed Ephrata Borough Ordinance No. 1555 which contains a list of properties within the established LERTA district. Solicitor McManus advised that some of the existing buildings are over 50 years old, are deteriorated and many lack acceptable on- and off-street parking. Solicitor McManus advised that prior to Council enacting the proposed Ordinance, a public hearing is required and that a Public Notice of such was published in the July 1, 2020, edition of The Ephrata Review. Solicitor McManus further advised that Council has 60 days to enact the proposed Ordinance and will vote on the matter at their August 10, 2020, Voting Session.

At this time, Solicitor McManus and Mr. Thompson entered into a discussion covering the following:

Mr. Thompson advised that the properties listed within the LERTA District are situated along East Main Street and West Main Street as well as North State Street and South State Street within the Central Business District. Solicitor McManus added the outline of the property area was suggested by Mainspring of Ephrata who is tasked with revitalizing downtown Ephrata. Additionally, Solicitor McManus advised the area was reviewed by the Ephrata Area School District as well. Mr. Thompson confirmed that notification of the public hearing was sent to: Mainspring of Ephrata; Chief Clerk at the County Clerk's Office; Ms. Nancy Harris, Ephrata Borough Planning Commission; as well as the Business Manager, Ephrata Area School District. In conclusion, Mr. Thompson advised that no public comments were received regarding the matter. Solicitor McManus then opened the floor to Borough Council inquiring if they had any comments and/or questions; in which, none were received.

Solicitor McManus informed Council that all of the affected entities that may decide to formally respond may not have had an opportunity to meet, review and respond; therefore, he requested Council continue the public hearing until their meeting scheduled on August 10, 2020.

It was moved by Mr. Ressler, seconded by Mr. Zimmerman, and unanimously passed via roll call vote that Borough Council continue the public hearing allowing adequate time for responses from the affected entities to be received and reconvene the public hearing on Monday, August 10, 2020.

At 7:23 PM, this portion of the public hearing was concluded and continued until Monday, August 10, 2020, at 7:00 PM.

APPROVAL OF MINUTES

It was moved by Mr. Ressler, seconded by Mr. Weiler, and unanimously passed that Borough Council approve the June 1, 2020 Work Session Meeting Minutes and the June 8, 2020, Regular Meeting Minutes.

MUNICIPAL MOMENT – EPHRATA COMMUNITY AMBULANCE ASSOCIATION

Les Martzall, Ephrata Community Ambulance Association, provided a brief presentation on their current status including a comparison of their 2019 versus 2020 year-to-date call volume, vehicle data, crew structure, types of emergencies and financial status. Mr. Martzall thanked Borough Council for the Borough's monetary contributions to the Ambulance Association; however, he stressed that with the decrease in revenue received and the increase in system costs, the result is an existing and escalating crisis.

President Rowe extended her appreciation to Mr. Martzall for his time and informative presentation.

OPPORTUNITY FOR CITIZENS TO BE HEARD

Ms. Kelly Ernst Warner, Hub Coordinator, Northern Lancaster Hub, advised she would like to have a few questions answered regarding proposed Resolution No. 2020-15 which rescinds and nullifies Resolution 2020-6 that was adopted by Council which prohibited public utilities from terminating

utility service during the pendency of the Proclamation of Disaster Emergency proclaimed by Pennsylvania Governor Tom Wolf in response to the Coronavirus (COVID-19) pandemic. Ms. Warner stated as a result of residents being in arrears with their utility payments, Ephrata Area Social Services and the Hub are preparing for a surge in requests for assistance from residents.

Ms. Warner advised there is a grant opportunity being sought; however, data is needed from the Borough prior to the paperwork being submitted. Ms. Moore answered Ms. Warner’s inquiries by providing the following information:

<i># of Days Overdue</i>	<i>Total Amount Unpaid</i>	<i># of Customers</i>	<i>Average Amount Unpaid per Customer</i>
30-60 Days	\$ 109,000	835	\$ 130
60-90 Days	\$ 52,000	654	\$ 79
90-120 Days	\$ 35,000	260	\$ 133
Over 120 Days	\$ 57,000	179	\$ 320

Ms. Moore advised that notifications will be sent to customers in three cycles:

- Cycle 1: Notifications to be Sent on August 7, 2020; Disconnect Date: August 20, 2020
- Cycle 2: Notifications to be Sent on August 14, 2020; Disconnect Date: August 27, 2020
- Cycle 3: Notifications to be Sent on August 21, 2020; Disconnect Date: September 10, 2020

Ms. Warner inquired about reconnection fees, late fees, payment plans, etc.; in which, Ms. Moore advised she will communicate this information to Ms. Warner via email as she did not have all of the information available to her at the time of the meeting.

President Rowe thanked Ms. Warner for her time and participation in the meeting.

It was moved by Mr. Reinhold, seconded by Mr. Weiler, and unanimously passed that the public comment section of the meeting be closed until the end of tonight’s agenda.

ACCEPTANCE OF REPORTS

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

Miscellaneous Reports:

- ◆ June 2020 General Ledger Report
- ◆ Ephrata Pioneer Fire Company June 2020 Report
- ◆ Lincoln Fire Company June 2020 Report
- ◆ Ephrata Community Ambulance Association June 2020 Report
- ◆ Ephrata Emergency Management June 2020 Report
- ◆ Mainspring of Ephrata April 2020 and May 2020 Meeting Minutes

NEW BUSINESS ITEMS

Consent Agenda

Vice President Reinhold advised the items on tonight’s consent agenda have been discussed in detail at the July 6, 2020, 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 a waiver/modification of submission of Preliminary Plan, Section 281-14 of the Code of the Borough of Ephrata for the Preliminary/Final Land Development Plan for a new Financial Institution at the Cloister Shopping Center, 108 North Reading Road. (Development Activities)
2. That Borough Council approve the Final Land Development Plan for a new Financial Institution at the Cloister Shopping Center, dated April 15, 2020, containing 10 sheets prepared by Snyder Secary & Associates, LLC, York, PA, subject to the following:
 - A. The applicant must address the comments from the June 5, 2020 memorandum of Zach Rineer, Zoning Officer.
 - B. The applicant must address the comments contained in the HRG letter dated May 8, 2020.
 - C. The consideration of the Lancaster County Planning Commission comments.

- D. The applicant should consider adding “No Truck Traffic” signage at the South Reading Road entrance to the shopping center.

(Development Activities)

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

STANDING COMMITTEE RECOMMENDATIONS

Budget and Finance Committee

It was moved by Mr. Ressler, seconded by Mr. Weiler, and unanimously passed via roll call vote that Borough Council adopt Resolution 2020-15 reinstating disconnects and penalties effective 08/01/20. Prior to the vote, Mr. Richard advised he requested information from Ms. Moore and would have appreciated to receive it prior to tonight’s meeting. Additionally, President Rowe read a statement she prepared:

“The Electric Division of the Borough of Ephrata provides electric services to Borough residents, not unlike PPL, Reliant Energy or Total Energy Resources. While individuals residing within the Borough do not have a choice of electric providers, I will assure you that, when taking into consideration energy cost, distribution and customer charges Ephrata Borough electric is less expensive than others. Other utility providers may not break down their charges similar to Ephrata Borough, many offer initial “teaser” rates that appear lower, then lock you into unaffordable contracts. In addition, because of the electric revenue, the Borough of Ephrata is able to bless our residents with municipal taxes that are the lowest of any Borough in Lancaster County. Even if you do not own your home, this savings equates into rental rates that are lower than other municipalities in our area.

Ephrata Borough Council, in making this decision, is not a disappointment to the community as was suggested to me. We are not insensitive individuals unable to understand the struggle so many of our residents face in juggling rent, food, medicine and other necessary expenses. I myself have been unemployed for over four years when the company for which I worked closed our division. I do not receive Social Security nor any other monetary assistance. I do personally know what it is like for those grappling with monthly expenses. This decision may impact me as much as anyone else.

While I appreciate the public’s right to speak openly from their heart, I would like to remind everyone that derogatory words and spreading hateful, untrue statements is not only uncalled for, it does not change the facts and thoughtful consideration that are going into this decision.

The Borough of Ephrata is not heartless. We will not begin to immediately disconnect service to everyone struggling to pay current invoices or those in arrears. We offer many options, including payment plans to assist those that cannot pay. We will and do work with our residents with the understanding those residents also work with us to find the best solution for their needs.”

It was moved by Mr. Ressler, seconded by Mr. Zimmerman, and unanimously passed via roll call vote that Borough Council approve the payment of \$86,347 to Mainspring as included in the 2020 budget.

Development Activities Committee

It was moved by Mr. Zimmerman, seconded by Mr. Barr, and unanimously passed via roll call vote that Borough Council authorize the release of comments for a Sketch Plan for Zimmerman Subdivision in the 600 Block of East Main Street.

It was moved by Mr. Zimmerman, seconded by Vice President Reinhold, and unanimously passed via roll call vote that Borough Council approve the request from Mainspring of Ephrata to hold the September 19, 2020 Party on the Plaza at Grater Park and to sell beer and wine subject to the receipt of a certificate of insurance naming the Borough as an additional insured, creation of a new Incident Support Plan as approved by the Emergency Management Coordinator, receipt of a copy of a PLCB special occasion permit and all CDC guidelines as mandated by the Governor of the Commonwealth of Pennsylvania are followed as closely as possible.

It was moved by Mr. Zimmerman, seconded by Mr. Barr, and unanimously passed via roll call vote that Borough Council authorize the President of Borough Council to sign the Community Development Block Grant contract for the award of \$30,000 in grant money to the Borough subject to it being in a form acceptable to the solicitor.

Highway Committee

It was moved by Mr. Richard, seconded by Ms. Martin, and unanimously passed via roll call vote that Borough Council conditionally approve the June 3, 2020, email request from Dave Horst, representing

Pleasant Valley Mennonite Church, to conduct street meetings at the corner of State and Main in front of the Ephrata Review building on July 22, 2020 and August 19, 2020 from 7:00 PM to 7:45 PM subject to utilizing that certain portion of sidewalk within an existing street right-of-way and compliance with current CDC guidelines associated with COVID-19.

Municipal Enterprises Committee

It was moved by Ms. Martin, seconded by Mr. Richard, and unanimously passed via roll call vote that Borough Council authorize the President of Borough Council to execute a Counterparty Estoppel Certificate for the benefit of CoBank, ACB, in its capacity as Collateral Agent as it relates to the Power Purchase Agreement between the Borough of Ephrata and TPE Pennsylvania Solar 1, LLC subject to it being in a form acceptable to the Borough's energy solicitor, McNees, Wallace and Nurick.

Personnel Committee

It was moved by Vice President Reinhold, seconded by Mr. Ressler, and unanimously passed via roll call vote that Borough Council approve the revised Ephrata Borough Council Telecommunications Policy.

It was moved by Vice President Reinhold, seconded by Mr. Richard, and unanimously passed via roll call vote that Borough Council approve an unbudgeted expenditure from the General Fund for an amount not to exceed \$7,500 to hire personnel from McNees, Wallace and Nurick LLC to perform an analysis of the interactions of the management team of the Borough of Ephrata.

APPROVAL OF CHECKS 42114 THROUGH 42382 AND THE ACH REGISTER DATED JUNE 30, 2020

It was moved by Mr. Weiler, seconded by Vice President Reinhold, 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 \$982,172.56.

OPPORTUNITY FOR CITIZENS TO BE HEARD

With no citizens approaching the podium, President Rowe moved onto Discussion/Announcements.

DISCUSSION/ANNOUNCEMENTS

Ms. Martin inquired as to what the restroom hours at the Grater Park are; in which, Mr. Thompson advised it is his understanding they are open from dawn to dusk seven (7) days a week and that they fall under the Ephrata Recreation Center's area of responsibility. Ms. Martin advised she will confirm that information with the Rec Center.

Mr. Barr stated, "... hoping all are remaining healthy."

Mr. Richard inquired if there has been an increase in usage of credit/debit cards for payments; in which, Mr. Thompson advised he will check into the inquiry and reply via email.

Vice President Reinhold advised that at 10:49 PM this evening, the International Space Station will be visible in the sky over the area.

Mr. Thompson, in referencing an earlier comment by Mr. Richard regarding not receiving information he asked for prior to this evening's meeting, advised that Staff was advised not to share certain information electronically, but rather share that information in a public meeting which is why he (and Council) received it at this meeting.

President Rowe read the following statement she had prepared:

"I want to take a brief moment to elaborate a bit more on a subject I touched on earlier in the meeting.

The members of the Ephrata Borough Council are volunteers. We do not receive compensation for the countless hours we put into decisions that are brought before us. All of the elected officials of Ephrata Borough were elected by a majority vote of the residents they represent. No one, I repeat no one, is sitting on Borough Council because "they have an agenda" they want to see fulfilled. Each and every person elected to a position in the Borough of Ephrata is doing so for similar reasons ... an interest in the government of Ephrata; the desire to have a say in what the destiny of our Borough will look like for future generations; and the love of the community in which we live.

I realize the current environment in our country is stormy at best. There are many topics of debate among neighbors, on social media and in the opinion pages of newspapers across our nation. People disagree. This is a fact of life everyone should have learned at an early age. Even we, as members of

Borough Council, do not always agree on the topics that come before us; we do not always vote as one unanimous body. We do, however, respect each other's opinions. We do not resort to name calling. You will not hear us speaking ill of each other, whether in public, private or especially on social media.

While I realize I may be expecting too much of the public, I am asking if everyone could please, please just stop with the hateful statements made about members of Council. While all of us on Council want to hear your opinion and take that into consideration when we vote, we do not deserve any aggression, verbal or otherwise, shown towards us. Constructive criticism is one thing ... what I have been hearing and reading is the opposite of that!

This is where it gets a bit personal for me ... I know how hard each and every one of my fellow Council members work to do the best they can for Ephrata Borough residents. Countless hours go into researching topics that will be discussed. Much time is devoted to reading how similar communities dealt with situations and ideas to be deliberated. When the public verbally assails any member of Ephrata Borough Council, they do so to all of us.

There is a proper forum for letting Council members know your thoughts without being derogatory. Email addresses and/or phone numbers are listed on the Borough's website. In addition, elections are held every other year for four of the eight seats on Borough Council. I will be honest ... it is not easy work. It does take you away from family time. There would be fewer hours to relax and enjoy some of the things you now appreciate. But if you genuinely want to make a difference in your community, instead of resorting to name-calling and idle threats, make the effort and run for local office or volunteer to sit on one of the Boards. Let us see your presence at committee and Council meetings.

If anyone would like to get in touch with me regarding this statement, I can be reached at the email address listed on the Borough's website.

Thank you."

Mayor Mowen suggested the statements read by President Rowe need to be published in a Letter to the Editor in The Ephrata Review; in which, President Rowe advised she will take his request into consideration.

ADJOURNMENT

It was moved by Mr. Weiler, seconded by Mr. Barr, and unanimously passed that Borough Council adjourn. The meeting was adjourned at 8:30 PM.

Respectfully submitted,

D. Robert Thompson, Secretary