

**EPHRATA BOROUGH COUNCIL  
WORK SESSION MINUTES  
AUGUST 6, 2018**

The Ephrata Borough Council Work Session was called to order by President Susan Rowe on August 6, 2018, at 7:02 p.m., in the Council Chambers of the Borough Office, 124 South State Street.

President Rowe apologized for not starting the Work Session on time due to an advertised Special Projects Meeting that ran a little over their scheduled time.

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

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

Also in attendance were Planning and Engineering Manager Nancy Harris, Police Chief William Harvey and Borough Solicitor James R. McManus, III, Esq.

Visitors included:

- Kevin Bippus, P. O. Box 297, Ephrata, PA
- Tim Auker, 542 N. State St., Ephrata, PA
- Kory Musser, 340 Washington Ave., Ephrata, PA

**Declaration of Flooding Emergency**

President Rowe read the following “Declaration of Flooding Emergency”:

WHEREAS, on or about August 4, 2018, a potentially serious rain storm/flooding event threatens to cause injury, damage, and suffering to the persons and property of Ephrata Borough; and

WHEREAS, the storm may endanger the health, safety and welfare of a substantial number of persons residing in Ephrata Borough, and threatens to create problems greater in scope than Ephrata Borough, may be able to resolve; and

WHEREAS, emergency management measures are required to reduce the severity of this disaster and to protect the health, safety and welfare of affected residents in Ephrata Borough;

NOW, THEREFORE, we, the undersigned Ephrata Borough Council Members, pursuant to the provisions of Section 7501 of the Pennsylvania Emergency Management Services Code, (35 PA C.S., Section 7501), as amended, do hereby declare the existence of a flood emergency in Ephrata Borough, in Lancaster County, Pennsylvania;

FURTHER, we direct the Ephrata Borough Emergency Management Coordinator to coordinate the activities of the emergency response, to take all appropriate action needed to alleviate the effects of this storm, to aid in the restoration of essential public services, and to take any other emergency response action deemed necessary to respond to this emergency.

STILL FURTHER, we authorize officials of Ephrata Borough to act as necessary to meet the current exigencies of this emergency, namely: by the employment of temporary workers, by the rental of equipment, by the purchase of supplies and materials, and by entering into such contracts and agreements for the performance of public work as may be required to meet the emergency, all without regard to those time-consuming procedures and formalities normally prescribed by law, mandatory constitutional requirements excepted.

This Declaration shall take effect at 9:00 a.m., August 4, 2018.

It was moved by Ms. Martin, seconded by Mr. Richard, and unanimously passed to approve the Declaration of Flooding Emergency.

### **Opportunity for Citizens to be Heard**

There were no comments or remarks from attendees.

### **Discussion of Committee Actions**

#### Development Activities Committee

Mr. Weiler advised the Committee reviewed a request from the Ephrata Public Library to erect a utility pole on the library property at their cost. The pole will be used to connect fiber optic cable from the Exploratorium to the library. The Committee will recommend that Borough Council approve the request per section 5(f) of their lease at the August meeting with the condition that there will be no cost to the Borough.

Mr. Weiler advised the Committee reviewed a request from Bob Harter to hold an Oktoberfest event in Grater Park on October 20, 2018 from 1:00 p.m. to 4:00 p.m. They plan on having five breweries and around 200 people. The Committee will recommend that Council approve the request at the August meeting subject to receipt of a copy of the PLCB Special Occasion Permit, a certificate of insurance naming the Borough as an additional insured and an incident support plan approved by the Chief of Police.

Mr. Weiler advised the Committee reviewed a request for a Temporary Construction Access License Agreement with TPE Pennsylvania Solar 1, LLC. This is for the solar site in Ephrata Township. The solar provider is requesting a temporary construction easement through Borough property that is outside of the area the solar provider is leasing. The Committee will recommend that Borough Council authorize the President of Borough Council to execute the agreement at the August meeting subject to it being in a form acceptable to the Borough solicitor and that any legal fees incurred by the Borough are paid for by TPE Pennsylvania Solar 1, LLC.

Mr. Weiler advised the Committee reviewed a draft concurrence letter that the solar provider is requesting for their investors. The letter confirms that the Borough has no objections to solar panels and/or underground wires encroaching into three easements on the two properties. The Committee will recommend that Borough Council authorize the Borough Manager to sign the letter to DEPCOM Power at the August meeting subject to it being in a form acceptable to the solicitor.

Vice President Reinhold referenced Bob Harter's request questioning where the event will be held within the Thomas Grater Memorial Park. Mr. Weiler clarified Mr. Harter is seeking to use the pavilion area and possibly the bandstand area for the event.

President Rowe referenced Ephrata Public Library's request asking if the "no cost to the Borough" will be an ongoing measure (i.e., if the pole would fall down, the Library would incur the cost to fix/replace the pole and not the Borough). After a brief discussion, the Committee members were in agreement that the Borough will not incur any expenses for the pole now and/or in the future. Ms. Harris advised that condition will be added to the recommendation.

President Rowe referenced Bob Harter's request questioning if the beer is for sale or is not for sale at the Oktoberfest event. Ms. Harris advised it is a ticketed event with one drink/cup being included as well as the individual having the option to purchase additional beverages as long as they are clearly not intoxicated. President Rowe inquired if there was going to be any other alcohol available for purchase other than beer. Ms. Harris advised Mr. Harter stated it was going to be a "beer-only event." President Rowe further inquired if there will be food available for purchase at the event. Ms. Harris advised she believes Mr. Harter stated they were going to have some sort of food vendor(s).

#### Highway Committee

Mr. Richard advised the Committee reviewed a resolution to adopt experimental traffic and parking regulations under Section 305-5 of the Code of the Borough of Ephrata restricting parking along certain portions of West Pine Street and North Oak Street. The Committee will recommend that Borough Council adopt Resolution #2018-8 at their August 13, 2018 meeting.

Mr. Richard advised the Committee reviewed a proposal from Rettew Associates, Inc. for engineering and design services for traffic signal upgrades at the intersections of South Reading Road (SR 0272) and Meadow Valley Road (SR 1020) and South Reading Road (SR 0272) and South Academy Drive and Old Mill Road, both projects being part of the 2016GLG078 PennDOT Green Light-Go Grant. The estimated cost of the professional services is \$9,250 and is within budget. The Committee will recommend that Council conditionally approve the proposal from Rettew Associates, Inc. subject to PennDOT approval and the agreement being in a form acceptable to the Borough Solicitor at their August 13, 2018 meeting.

Mr. Ressler referenced the West Pine Street and North Oak Street parking issues advising there are existing "No Parking" signs in place at this location; however, they are not ordained which means they are not enforceable. Mr. Richard further stated this issue was brought forward to the Committee and the area was described as being a "traffic mess." Mr. Ressler advised the Committee concluded if there are "No Parking" signs at the location, they should be ordained. Chief Harvey stated the Police Department has been struggling with this issue for a long time and provided background information as to how this issue came to be and what actions have been taken to resolve the ongoing issue. Ms. Martin questioned if there is an end date for the Resolution; in which, Mr. Richard advised the end date is 90 days. Ms. Martin questioned what the process is after the 90 days and was advised Council then would pass a permanent Resolution.

Ms. Martin referenced the Rettew Associates, Inc., proposal questioning what kind of improvements are going to be made at Meadow Valley Road and South Reading Road; in which, Ms. Harris advised it would include signal improvements and timing to improve traffic flow.

Municipal Enterprises Committee

Mr. Richard advised the Committee reviewed a letter from EPA Region 3 Acting Director Dominique Luekenhoff. The letter expressed interest in partnering with the Borough of Ephrata to pilot an EPA initiative called the Smart Green Corridor Development Blueprint. Director of Operations, Thomas Natarian reviewed the agenda of a July 11, 2018 meeting with Ms. Luekenhoff, State Representative David Zimmerman, LandStudies, Coaltec Energy, and Borough Staff where the EPA outlined their goals for the Smart Green Corridor initiative and Rep. Zimmerman expressed his support.

LandStudies, Inc. of Lititz has been retained by EPA to manage the Smart Green Corridor Development Blueprint. Three representatives from LandStudies were present at the Committee meeting to provide details of the Smart Green Corridor and the reason for EPA's desire to partner with Ephrata. In addition to the Borough's location relative to farm land, the 3.5 MW solar site, rails to trails, Critical Aquifer Recharge Area (CARA) project, Basin Retrofit project, and MS4 activities were all listed as elements currently existing in the Borough that are consistent with the Smart Green Corridor concept. The EPA would intend to showcase the Borough's environmental attributes and use Ephrata as an example for others to follow.

A key element of the Smart Green Corridor is the processing of manure from farms into an environmentally friendly material called biochar. Diverting manure from farm fields could reduce the runoff of nutrients and have a significant positive impact on the Chesapeake Bay watershed. Manure is converted into biochar utilizing a process known as gasification. The excess heat from the gasification process can be used to produce as much as 1 MW of electricity that the Borough could use as a behind the meter generation resource.

After discussing the request from EPA, the Committee will recommend that Council authorize the Borough Secretary to send a letter to EPA expressing interest in collaborating with EPA to pilot the Smart Green Corridor Development Blueprint with an emphasis on the use of the gasification process to produce behind the meter electrical generation when they meet on August 13, 2018.

Mr. Richard advised supporting documents were included in the meeting packet for further review. Mr. Richard advised there are many positive effects for the Borough should this project get up and running. In closing, Mr. Richard advised this process is in its infancy and "...we'll see where we go from there."

Ms. Martin added, "... this is actually a pretty exciting venture." Ms. Martin advised it is being driven by the cleaning up of the bay; in which, Lancaster County is behind schedule. Ms. Martin stated, "... she believes this is a very good idea which can benefit the community."

Vice President Reinhold advised the Borough was almost like the perfect candidate for this venture. Vice President Reinhold advised LandStudies seemed pretty excited and thought it was something they could work with.

Mr. Ressler advised he sat in on the Municipal Enterprises meeting and he was very impressed with the presentation. Mr. Ressler advised one of the main reasons Ephrata Borough was chosen for this project is because of the good things we already have in place that are not available at other locations (i.e., future solar field, waste treatment, proximity to the resources they want to utilize.)

Mr. Weiler inquired as to where the manure would come from; in which, Mr. Richard responded the manure would be handled by whoever was operating the plant. Mr. Richard advised it was clearly stated, "... it would not be our responsibility to bring manure to the site." Mr. Weiler inquired if there are any concerns regarding odors; in which, Mr. Richard replied that was a discussion topic. Mr. Weiler concluded, "... he believes this is worth exploring; however, we want to make sure any concerns are addressed."

#### Community Services Committee

Ms. Martin advised the Committee reviewed a written request from the Ephrata Rec Center to use the Ephrata Community Pool (upper pool) on Saturday, September 8, 2018 from noon to 3:00 p.m. to hold its sixth annual Dog Days of Summer Dog Swim event. The Committee will recommend that Borough Council approve the request as part of the Consent Agenda at their August 13, 2018 meeting.

Ms. Martin advised the Committee reviewed a request from Ephrata Church of the Brethren to use the linear trail on Saturday, October 20, 2018 from approximately 8:00 am to 11:00 am to hold an Ephrata Area Crop Walk to End Hunger event. The Committee will recommend that Borough Council approve the request at their August 13, 2018 meeting subject to the receipt of a Certificate of Insurance naming the Borough as an additional insured, and if required, an Incident Support Plan approved by the Chief of Police.

Ms. Martin advised the Committee reviewed a request from the owner of 1030 Pointview Avenue, Kevin Bippus, to make site improvements so he can construct a building for his limousine business. Mr. Bippus is requesting approval to bore under the trail to install a sewer lateral that connects from his building to the sewer main on Parkview Heights Road. He needs to obtain a recorded sewer easement from the Borough to cross the trail. The Committee will recommend that Borough Council approve granting the sewer easement in a form acceptable to the Borough Solicitor at their August 13, 2018 meeting.

Referencing Ephrata Church of the Brethren's request, Chief Harvey advised he has worked closely with them in the past and they are pretty much self-contained and know what to do. President Rowe advised she believes there will be approximately 100 runners and they are going to have a "rolling start" so that the trail would not have to be completely closed off to the general public.

President Rowe referenced Kevin Bippus' request questioning if language is needed within the agreement to protect the Borough in case the trail and/or any Borough property is damaged when the sewer line is put in and/or if there is a problem with the sewer line post installation resulting in having to dig up the trail to get to the sewer line. Ms. Harris clarified if damage would occur to Borough property, it would be at the property owner's expense to repair, replace and restore; further advising this will be included within the agreement to be prepared by Solicitor McManus.

Special Projects Committee

Mr. Zimmerman advised Borough Manager Thompson and Solicitor McManus reviewed with the committee the edits made to the Special Events ordinance, application and checklist. After much discussion it was decided that the ordinance will be amended as follows:

- Remove any references to block parties
- To allow applicants to waive the appeal process and thus reducing the application processing time limits
- Review the penalty provisions that include imprisonment

The committee has directed the staff to make the changes with hope that they can be advertised for action by Borough Council at their August 13, 2018 voting session.

Mr. Zimmerman advised Borough Manager Thompson and Solicitor McManus reviewed with the committee the edits made to the Mobile Food Facility ordinance, application and checklist. The staff will review the ordinance to remove any references to block parties. The committee was satisfied with the proposed changes and will recommend that Borough Council enact the ordinance at their August 13, 2018 voting session.

Vice President Reinhold advised there was a Special Projects Meeting held earlier this evening where there were detailed discussions regarding the two Ordinances; further advising he wanted to clarify what these Ordinances are looking to do is to limit the Borough's liability in any kind of event moving forward. Vice President Reinhold advised there have been many revisions of these documents. Vice President Reinhold concluded his comments with, "... he believes the first year may be the most interesting; and then from that point forward, it should be pretty easy for everyone."

President Rowe advised the Public Safety Committee met on July 18, 2018. Mr. Ressler advised last month's Public Safety Committee meeting was primarily reviewing informational reports. Mr. Ressler stated the Chief and the Police Department are doing a fine job. Chief Harvey advised he has been training Historic Cloister's volunteers and staff on active shooter response as well as the lanternfly. Chief Harvey advised he has received copies of Ephrata Cloister's State Emergency Plans; further advising the police, Pioneer Fire Company, Lincoln Fire Company and Akron Fire Company conducted site visits for pre-planning and response purposes.

President Rowe advised the Budget and Finance Committee did not meet this month. Vice President Reinhold provided an update regarding the PILOT Program advising there was a 30% hit rate on the request that was sent out. Vice President Reinhold advised the revenues that could

have been generated were about 68-69% of that. Vice President Reinhold stated it was not a huge number – a little shy of \$17,000 – received in PILOT payments.

### **Opportunity for Citizens to be Heard**

There were no comments or remarks from attendees.

### **Discussion/Announcements**

Mr. Ressler revisited a discussion topic from last month's Work Session in which two citizens had an issue with weeds and overgrowth on a bank. Mr. Ressler advised he is aware that Ms. Harris, Mr. Thompson and staff are working on the issue and have been in communication with those citizens. Mr. Ressler advised he went to the property to view the issue himself and to meet with the citizens. Mr. Ressler advised the citizens the issue is moving forward and is being addressed.

Mr. Ressler expressed his thanks and gratitude to first responders. Mr. Ressler advised he was especially thankful to the fire department who worked with many water rescues on Friday into Saturday morning. Mr. Ressler further stated, "... everybody did a phenomenal job in a serious situation and he wanted to express his gratitude to those individuals who gave up their time."

Mr. Weiler echoed Mr. Ressler's comments regarding first responders.

Mr. Richard advised he attended EPAC's West Side Story and stated, "It was a wonderful production!" Mr. Richard stated the quality of the volunteers was exceptional and it was one of the best plays he ever saw in his life.

Mr. Richard advised he attended the Ephrata Cloister Associates' Ice Cream Social this past Sunday. Mr. Richard stated it was a very well attended event run by volunteers.

Mr. Richard concluded with, "... we are very fortunate to have so many events going on around here and we have a lot of volunteers."

In referencing this past weekend's flooding event, Chief Harvey stated, "...there was a lot of good work done by a lot of people." Chief Harvey advised there are no known injuries, no known fatalities and all of the critical infrastructure and key resources are intact.

Ms. Harris echoed the Chief's comments, further stating, "... our first responders were "Johnny on the spot"... our Public Works department was out there hustling and barricading roads to prevent our residents from hurting themselves ... so great job by everybody."

President Rowe echoed previous comments that "... first responders did an outstanding job ... I also want to commend our Public Works department and Paul Swangren ... and Ms. Harris working in codes enforcement and emergency management as far as getting people to safety that needed to be removed from their dwellings and making sure they had a place to go and being on top of the situation ... so thank you to all of you."

**Adjournment**

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

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D. Robert Thompson, Secretary