

**EPHRATA BOROUGH COUNCIL
REGULAR MEETING MINUTES
AUGUST 10, 2020**

The regular Ephrata Borough Council meeting was called to order by President Susan Rowe at 7:00 PM on August 10, 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, Vice President Thomas Reinhold, President Pro Tem Melvin Weiler, Council Members Linda Martin, Ricky Ressler, Victor Richard and Mayor Ralph Mowen along with Borough Manager D. Robert Thompson were present within Council Chambers while Council Members Timothy Barr 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 Interim Police Chief Thomas Shumaker and Recorder Stephanie Fasnacht.

The following visitors were present within Council Chambers:

- Scott Cover, S. R. Cover Properties, Ephrata
- Bob Harter, 301 W. Main St., Ephrata
- Thomas Smucker, 35 E. Walnut St., Ephrata
- Kelly Withum, Mainspring of Ephrata

The following visitors participated in the meeting via video conferencing:

- Porter Stevens, Lancaster County Planning Commission
- Marylouise Sholly, The Ephrata Review
- Rev. Kevin Eshleman, Ephrata Community Church

Reverend Kevin Eshleman, Ephrata Community Church, offered the invocation, which was followed by the Pledge of Allegiance.

Prior to starting with agenda items, President Rowe advised a quorum of Borough Council met in an Executive Session on August 6, 2020, to discuss a personnel matter.

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, 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 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.

There is a quorum of Council physically present for this meeting as is the Mayor; however, two Council Members are 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 remotely. Any written comments will be read by the Council President.”

President Rowe, addressing Mr. Thompson, inquired if any residents are participating remotely; in which, he advised there are none. President Rowe then inquired if any written comments were received; in which, Mr. Thompson confirmed none had been received.

STATEMENT FROM PRESIDENT ROWE OUTLINING HOW MEETING WILL BE CONDUCTED

President Rowe advised the meeting will be conducted by following the Ephrata Borough Council Bylaws and Rules of Order as closely as possible.

CONTINUANCE OF PUBLIC HEARING FOR LOCAL ECONOMIC REVITALIZATION TAX ASSISTANCE (LERTA) ORDINANCE (CONTINUED FROM JULY 13, 2020)

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

Solicitor McManus commenced the hearing at approximately 7:10 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 later during the Voting Session.

Solicitor McManus advised the hearing was continued primarily to give agencies and entities additional time to respond to the request of the Borough to provide any comments and/or recommendations regarding the proposed district. Solicitor McManus requested Mr. Thompson to summarize which entities were notified and which have responded to the request to participate in the identification of the LERTA district. Mr. Thompson advised the Ephrata Area School District and the Lancaster County Commissioner's Office were notified, as well as those organizations directly impacted including the Ephrata Borough Planning Commission and Mainspring of Ephrata.

Solicitor McManus advised the District was developed through the efforts primarily of Mainspring of Ephrata, who is the Borough's economic development entity. Mr. Thompson advised the Borough was approached by Mainspring of Ephrata and asked to consider enacting a LERTA Ordinance. Mr. Thompson further advised that Mainspring of Ephrata worked closely with the Ephrata Area School District to identify the area that is included in the proposed Ordinance to be voted on later during the meeting.

Solicitor McManus inquired if it is true that the school district reviewed not only the Ordinance, but the area proposed for inclusion in the LERTA district and did they provide either formally or informally their opinion regarding the appropriateness of the district. Mr. Thompson advised the school district did participate in the development of the area and through communications with the County Solicitor's office and Business Manager indicated their support of the Ordinance and the area.

Solicitor McManus inquired if the school district had any recommendations as to any alterations to the properties within the district; in which, Mr. Thompson, advised initially properties were included that they did not feel should be which resulted in them being removed from the list. Solicitor McManus then inquired if the LERTA district presented at the July 13, 2020, hearing represented not only Mainspring of Ephrata's recommendation, but also the review and recommendations of the Ephrata School District; in which, Mr. Thompson advised that is his understanding.

Solicitor McManus inquired if any amendments have been made to the LERTA district during the course of the last month; in which, Mr. Thompson advised no changes to the district have been made since the hearing commenced on July 13, 2020. Solicitor McManus then inquired if any additional properties have been included within the district; in which, Mr. Thompson advised based on comments received and the identification of one address omission, it is recommended to add two properties to the list prior to the consideration of enactment. Solicitor McManus requested Mr. Thompson to identify those two properties. Mr. Thompson advised those properties include: (1) The Wenger Mill property, 27 E. Main Street; and (2) 40 W. Main Street (formerly the Mauer Furniture Store). Solicitor McManus clarified the Wenger Mill property was included within the district outline presented at the July hearing; however, it was erroneously omitted as an individualized parcel on the exhibits to the Ordinance.

Solicitor McManus then inquired if the Borough has received a formal response from its Planning Commission regarding the outline of the proposed LERTA district; in which, Mr. Thompson advised a response was received on July 27, 2020 from Nancy Harris, Secretary of Planning Commission stating the following:

“The Ephrata Borough Planning Commission met on July 21, 2020, to review and comment on the eligible areas proposed within the draft LERTA Ordinance. They had the following comments:

1. It appears that the proposed buildings on the list do not meet the definition of “Deteriorated Property” as defined in the draft ordinance. The list appears to be properties that have the potential to be developed. Please provide facts on how the buildings were selected and how they meet the definition.
2. 40 West Main Street should be added to the list of eligible properties. Other than the Wenger Feed Mill building, it is the most deteriorated property within the downtown area.

The Ephrata Borough Planning Commission respectfully requests that Borough Council postpone their decision on the Ordinance and eligible areas until the responses to the two comments listed above are provided to the Planning Commission.”

Solicitor McManus then inquired if the Borough has received a formal response from the Lancaster County Planning Commission; in which, Mr. Thompson advised a response was received August 6, 2020, on from Scott Standish, Executive Director, Lancaster County Planning Commission, stating the following:

GENERAL INFORMATION

LERTA was created as a way for local municipalities in Pennsylvania to foster redevelopment of deteriorated properties or areas of their municipality. LERTA forgives taxes on property improvements on a sliding scale for a period of up to 10 years. The property owner continues to pay taxes on the unimproved portion of the property. Property taxes are partially forgiven on property improvements with the amount forgiven reduced over the scheduled period.

The three local taxing bodies, the municipality, the county, and the school district, are all asked to approve a LERTA designation. The three taxing bodies do not need to agree on the LERTA, and separate taxing bodies can apply LERTA without the others.

MUNICIPAL INFORMATION

To obtain tax relief for future improvements to areas located within the LERTA Investment Opportunity Area, the Borough is proposing to adopt a LERTA ordinance declaring forty (40) properties in a district centered on the intersection of Main Street and State Street, as listed in Attachment “A” (LERTA District Properties). The ordinance states that many of the structures within the proposed district are more than 50 years old, and have structural, sanitation, parking, and zoning issues that create a financial burden for property owners. Borough Council is therefore proposing this ordinance to stimulate owner reinvestment and new economic development in the Borough’s historic downtown.

The 2019 population of the Borough of Ephrata was 13,862 with 4,755 taxable parcels. The total 2020 real estate tax revenues will be approximately \$2.53 million in county taxes, \$1.53 million in municipal taxes, and \$14.96 million in 2020-2021 school district taxes.

CONSISTENCY WITH COUNTY AND MUNICIPAL PLANS

The Ephrata Borough’s LERTA is consistent with several of the 5 Big Ideas and 26 Supporting Policies in *places2040*, Lancaster County’s Comprehensive Plan. By encouraging investment and redevelopment in Ephrata’s downtown area, this proposal encourages us to “Create Great Places” by making our downtowns more vibrant, safe, and attractive. It also promotes, in conjunction with the Borough’s recently adoption historic demolition review ordinance, the preservation and redevelopment of historic residential and commercial structures, which encourages us to “Take Care of What We Have” by using existing buildings and maintaining public infrastructure. Additionally, by providing tax relief to property owners in the LERTA district, the proposal also promotes entrepreneurship and helps local businesses grow. Finally, the LERTA district is located within the Ephrata-Akron Urban Growth Area; by promoting economic development and reinvestment in the core of the Borough, this proposal encourages us to “Grow Responsibly” by growing where we’re already growing and prioritizing redevelopment and infill in Urban Growth Area

The *Ephrata Borough Comprehensive Plan* (2014), also contains several goals and recommendations relevant to this proposal. The Plan encourages local stakeholders to “Re-energize Historic Downtown Ephrata,” and “Boost Ephrata’s Economic Development Efforts and Stimulate Desirable Redevelopment.” The plan also stresses the importance of protecting historic resources, encouraging a greater mix of restaurant and retail businesses in the Downtown area, and ensuring that a housing choice exist for familiar and individuals of all ages, incomes, and abilities.

RECOMMENDATIONS

Based upon this review, staff recommends that the Board of Commissioners adopt the redefined boundaries of the Ephrata Borough planned Tax Increment Financing District. It is further recommended that the Board of Commissioners adopt the proposed LERTA.”

Solicitor McManus inquired if it is fair to say that in the definition of the area, there was not a single focus on the appearance of buildings, the structural conditions of the buildings or any independent engineering evaluation of the buildings, but rather the age of the buildings in the district, the fact that those buildings do not comply with land use regulations in effect and the lack of off-street parking and many of the design criteria that would enable that district to compete with other economic areas in the area; in which, Mr. Thompson agreed that was a fair representation.

Solicitor McManus advised although the term “deteriorated” implies a case of structural disrepair, the factors previously stated are consistent with legislation related to economically disadvantaged areas or

the potential for economical detriment by virtue of the age of the buildings as well as the conditions of the buildings further inquiring if that is fair to say; in which, Mr. Thompson agreed it is a fair statement.

Solicitor McManus inquired, apart from the responses from the Ephrata Borough Planning Commission and the Lancaster County Planning Commission, if any other responses were received; in which, Mr. Thompson advised he has not received any additional comments.

At this time, Solicitor McManus opened the floor to visitors present to provide comments.

Ms. Kelly Withum, Mainspring of Ephrata, provided additional information as to the establishment guidelines of the proposed district. Additionally, Ms. Withum stated all of the buildings are well over 50 years old resulting in the infrastructure and/or the outside structure deteriorating. Ms. Withum further stated that most of the buildings she has observed have not been painted resulting in a tremendous amount of wood rot. Ms. Withum went on to state that the Brossman Building has some serious internal infrastructure issues and that, "... in order to not allow these buildings to get any worse, to do something that we have in our toolbox ... and we're going to need all of the tools that we have to encourage people to actually take care of their buildings ... to put some money into their buildings ... to attract developers who might take a look at the Wenger Feed Mill ... we need those tools ... and we need those tools now more than we've ever needed those tools." Ms. Withum advised there are buildings that need to be fixed up and/or a change of use in what they are being used for. Ms. Withum, referencing the Royer Building, advised the building is falling apart both outside and inside stating, "... we don't want our buildings to go from in ill repair to being blighted ... that is the greatest thing that we need to work on is to prevent buildings that need work and some upkeep and a little bit of change of use perhaps so they do not become blighted ... and in this crazy time that we're living in, none of us can predict what the future is ... and we need to take those tools that we have available to us and use them to the best possible way that we can."

Mr. Bob Harter, President, Mainspring of Ephrata, approached the podium and advised he is in agreement with the points presented by Ms. Withum. Additionally, Mr. Harter, stated in looking at a broader perspective by looking at surrounding communities, many of them have the same issues. Mr. Harter further stated, "... if Ephrata does not keep up with that type of incentives, then I think we're going to continue to be passed by, by the developers and the businesses that can do that." Mr. Harter concluded his comments by stating, "... I believe it is important to seize this kind of capability and tool so that we can keep developing our town."

Mr. Scott Cover, Cover Properties, approached the podium and advised he was in attendance at the July 13, 2020, hearing; however, he was not provided with an opportunity to speak at that time. Mr. Cover, addressing Mr. Thompson, inquired if the School Board has addressed this matter; in which, Mr. Thompson advised he believes they have. Mr. Cover then stated the topic was not listed on any Board agendas and/or meeting minutes and inquired if the Board has voted on it; in which, Mr. Thompson clarified the Board will vote on the topic at their August 24, 2020, meeting. Mr. Thompson further advised he is not aware of what the School Board's process is; however, he has had communications with the Business Manager as well as their Solicitor. Mr. Cover again expressed his surprise that this matter is not listed on the School Board's agenda for their meeting being held this evening.

Mr. Cover advised he has a couple of problems with the proposed Ordinance stating, "... Downtown Ephrata ... we've spent so much money ... we've had so many people come in and tell us what to do ... I mean we've had how many experts come in that were hired to run downtown Ephrata and it has

not changed ... good or bad ... it has not changed ... we put bricks in ... we put lights in ... we did the whole streetscape ... that was no help ... that didn't do anything ... now we want to give tax abatements ... the problem I have with that is that you need to draw ... we had a draw ... this Borough destroyed and worked against that business on North State Street ... that business brought more people to this town than anything we can ever think of, but this Council ... probably not you all ... but this Council did not work with them ... they're gone ... had we had that, we'd have a lot more to work with. My problem is ... is that we own ... I own ... and I'll be personal ... I own businesses ... outside properties outside of this ... if you need to paint, you need to spend your money and paint ... if you own a property, you need to maintain it ... if you can't maintain it, sell it ... bottom line ... you buy a property ... I bought deteriorating properties in this town and I've spent a lot of money bringing them up to date and bringing in tenants and bringing the tax base in ... I go through the Borough, do the improvements ... go through the whole system and it works ... it will work ... you don't need tax abatements ... tax abatements will do nothing to improve downtown ... all its going to do is give a break to people who are too lazy to do the project themselves ... that's my opinion."

Ms. Martin advised she wished to clarify that LERTA is, in fact, listed as Discussion/Information Item #3 on the School Board's August 10, 2020, Meeting Agenda.

Solicitor McManus, addressing Mr. Thompson, inquired if the Board has seen the limits of the area, although has not formally acted, and intends to do so; in which, Mr. Thompson stated, "... I cannot speak on behalf of what the Board has or has not seen ... I can tell you that the Superintendent of the District has told me that they plan to discuss it and that they will act on the Ordinance on the 24th of August." Solicitor McManus clarified that procedurally the School Board cannot enact a Resolution until the Borough acts as they must have an approved Ordinance by a governing body prior to their vote.

Mayor Mowen advised the Planning Commission provided their comments; however, they were informed by the Solicitor that no response to them was necessary. Mayor Mowen stated, "... it may not be necessary, but it is proper ... those individuals spend their time and I do believe ... same as Council ... at no pay, they worked through this thing, made comments ... and I think the very least, some response ... even if it's "We don't agree" is due to the Planning Commission." Solicitor McManus responded, "... I never said that the comments and concerns of the Planning Commission were irrelevant ... the fact of it is that all of these agencies who have submitted recommendations ... the Planning Commission, the County Planning Commission ... their advisor ... Council and Council alone makes this decision and consider the comments from all of these entities ... to the extent that the Planning Commission makes a recommendation, Council can embrace that ... endorse that ... embrace part of it ... none of it ... all of it ... but they're advisory." Mayor Mowen responded, "... I am well aware of that ... but I still believe some type of response is warranted."

Ms. Martin sought clarification if the Planning Commission did recommend adding 40 West Main Street to the list of properties; in which, Mr. Thompson advised she is correct. Ms. Martin then stated, "... I don't perceive this as us not responding to the Planning Commission ... they offered that as a suggestion and we actually added that into the properties ... per their suggestion."

Solicitor McManus advised the purpose of the hearing is solely for the purpose of receiving comments with respect to the identification of the District. Solicitor McManus further advised the public hearing can now be concluded and that Council may deliberate and/or vote to enact the proposed Ordinance. Additionally, Solicitor McManus advised if Council chooses to postpone the action, with respect to the enactment of the Ordinance, then because of the 60-day timeline required by the Borough Code, the

matter would need to be re-advertised. Solicitor McManus clarified that Council is not compelled to act at tonight's meeting and if chosen not to act, the matter will then need to be re-advertised to another date and time.

At 7:36 PM, Solicitor McManus concluded the public hearing.

APPROVAL OF MINUTES

It was moved by Mr. Zimmerman, seconded by Mr. Weiler, and unanimously passed that Borough Council approve the July 6, 2020 Work Session Meeting Minutes and the revised July 13, 2020, Regular Meeting Minutes.

MUNICIPAL MOMENT – MAINSPRING OF EPHRATA

Kelly Withum, Mainspring of Ephrata, provided a brief presentation to Council highlighting their mission, values and commitment to Ephrata's past, embracing the present and inspiring the future. Ms. Withum advised the Board is a hands-on working board and volunteer their time to the organization.

Ms. Withum provided an overview of their events held in 2019-2020. Ms. Withum advised that 2019 was an extremely successful year and stated that much of Mainspring's revenue is generated through these events.

Ms. Withum highlighted the "Bike Park at Heatherwood" project that was completed in 2019. Ms. Withum stated, "... in all the time that I've been doing this kind of work, this is one of my favorite projects ... the fact that ... how quickly that from coming to Council to the completion of the project ... and how everybody worked together, collaborated, communicated ... it was ... it was the ... the School District was involved ... Mainspring ... the Borough ... the SAMBA ... and not only that, we didn't have to come to the Borough and say, "Hey ... can you pay for this?" ... so we thought outside of the box and by doing that, we started a GoFundMe ... it was pretty amazing that we kept putting the message out there and people within the community ... because the community wanted this ... so they came together and they put the money into the ... to be able to support this project."

Ms. Withum continued by stating, "... we also have three amazing brew pubs ... who they collaborated with one another and they came up with a special brew and the proceeds from that brew went to the trail ... and the brew was called "Ale for Trails." Ms. Withum further stated, "... and then there was young man who does this mini golf thing in his yard every year ... and he finds a ... his favorite non-profit and he donates the money ... so he wants to learn how to mountain bike ... so he donated the money to the project."

Ms. Withum also highlighted a community revitalization project conducted by a group of Franklin & Marshall College students. Ms. Withum advised these students broke into groups and interviewed numerous people to gather information. Ms. Withum further advised the students then presented the results of their research efforts including: (1) they felt we had a "lack of confidence" and we should be doing more things to make Ephrata "cool" and to bring more people to the town; (2) they wanted to really encourage the bike path and trail; (3) they would like to see alternative modes of transportation (i.e., scooters) brought to the area; (4) they would like to see us promote our many green spaces; and (5) they also highlighted the lack of diversity within the community.

Ms. Withum advised they are working on various marketing pieces, including a farm stand brochure as well as a video focusing on buying local. Ms. Withum further advised, prior to COVID-19, they were working on a project to promote the area's restaurants and will continue with those efforts. Additionally, Ms. Withum advised they are in the process of developing "block packets" with their ultimate goal being to create a model that can be replicated from neighborhood to neighborhood.

Ms. Withum advised that during the lockdown resulting from COVID-19, staff began to work from their homes. Ms. Withum further advised, along with a team of board members, they made contact with various businesses around the Borough inquiring if there were any resources needed (i.e., PPE supplies, unemployment issues, etc.). Additionally, Ms. Withum advised a positivity program was implemented encouraging residents to decorate their windows/doors as well as requested the Ephrata Gardening Club to create videos on gardening tips.

Ms. Withum stated that various 2020 events had to be cancelled and/or modified due to the COVID-19 pandemic resulting in Mainspring's revenue stream, "... being a bit challenging." Ms. Withum briefly discussed the upcoming Christmas events and the changes to the activities and programs being made.

Ms. Withum, in referencing Ephrata's economic development standpoint, stated, "... the single most critical issue is to insure and preserve our community to help save our small business ... this is imperative." Ms. Withum advised Mainspring is embarking on several campaigns including a "Buy Local" campaign. Ms. Withum advised a Recovery Team was formed and has created a unified "Open" flag which will be displayed at downtown businesses in the near future. Ms. Withum further advised that an Ephrata Community gift card will be offered for purchase: "Ephrata Local ... Shop, Dine and Gift." Ms. Withum stated that Mainspring will be contributing funds to the program so when someone purchases a gift card, they will receive an additional gift card for their own use (i.e., purchase a \$20 gift card and they will receive a second \$10 gift card).

Ms. Withum concluded her presentation by showing a video created by Seth Bollinger highlighting the "Why Buy Local" program; after which, she opened the floor for questions and/or comments. Mr. Ressler inquired as to how the video will be shared with the public; in which, Ms. Withum advised the video will be shared via social media and Mainspring's website. Mr. Reinhold inquired as to the anticipated date that the video will go public; in which, Ms. Withum advised as soon as the final edits are completed by Mr. Bollinger, it will be shared via the means mentioned as well as with other organizations including the Pennsylvania Downtown Center, the County, etc.

Mr. Richard inquired if other highlights of Ephrata, such as the bike trail, the pool, the Eicher Center, the Playhouse in the Park, the Cloisters, could be included in the video as his outtake from the video was the featuring of the local brew pubs. Ms. Withum advised while the theme is "Buy Local" resulting in the featuring of local businesses, she stressed that the Recovery Team is looking at into the possibility of establishing self-driven GPS-guided tours which will highlight various properties including those Mr. Richard mentioned. Ms. Withum stated, "... we will not forget our other gems ... but this is "Buy Local." Mr. Reinhold stated he believes one of Ms. Withum's goals is to promote the community and this aspect is just specific to the businesses.

President Rowe extended her appreciation to Ms. Withum for her time and informative presentation.

OPPORTUNITY FOR CITIZENS TO BE HEARD

With no citizens approaching the podium, President Rowe moved onto Acceptance of Reports.

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:

Budget and Finance Committee

The Budget & Finance Committee met on July 27, 2020 and discussed the following:

Action Items:

1. The Staff reviewed with the Committee a purchase request from the Electric Department for a pole trailer and a vacuum trailer for pole replacement. The budget includes \$34,000 for a pole trailer and \$60,000 for pole replacement. Since they are working on the Comcast project on pole replacement, they will not be using the budgeted pole replacement funds. They would like to purchase a pole trailer for \$20,217.47 and use the remaining funds to purchase a vacuum trailer up to \$73,782.53. The Committee will recommend approval not to exceed \$73,782.53 for a vacuum trailer at the August Council meeting.
2. The Committee discussed proposed Ordinance 1555 concerning LERTA. The document was sent to the school district, the county, the borough planning commission and Mainspring for comments on the deteriorated area. The Borough Planning Commission had questions regarding the properties included in the ordinance and requested that the Council wait to approve the ordinance until after all of their questions are answered. Per Jim McManus, council is only required to receive questions and comments and not required to resolve/respond to questions and can still act on ordinance as written. The properties included in the ordinance can be changed in the future and the Committee would like to get started with the program. The Committee will recommend approval of Ordinance 1555 concerning LERTA at the August Council meeting.

Discussion Items:

1. The Committee reviewed a list of potential revenue sources created by the management team during a brainstorming session. A number of items on the list were discussed and a few items will be pursued by the staff. The staff will focus on; a Stormwater Ordinance for the 2022 budget, the Maximus study, grant opportunities, pre-settlement inspections, the sale of the two lots along Cocalico Street, and volume discounts for purchasing. Mr. Zimmerman will provide some of his contacts for volume discounts.
2. The Committee discussed the parking needs at Borough Hall for staff and police department fleet vehicles. The Staff requested permission to research additional parking. There were originally three potential lots identified; the lot at State and Fulton Streets, the lot across the street from Borough Hall that is a lawyer's office and the Pioneer Fire Department lot next to the fire company. The Committee feels the employees can walk to the Franklin St lot since it is only 2 blocks away from Borough Hall, so additional parking is not needed for the staff. Mrs. Martin requested that the police department employees park in the borough hall lot on Saturday and Sunday to free up parking for the trail. The Staff will discuss this suggestion with the police department. The Committee would like the Staff to pursue discussions with Pioneer regarding a potential lease of their lot. Staff will provide updates as new information is available.
3. The Staff reminded the Committee that disconnects will start in August and this could cause residents to contact council members. Also, the Staff wanted to remind the Committee that tenant delinquency will ultimately fall on the landlords if left unpaid. No further action is required.
4. The Staff advised the Committee that an emergency fund account has been set up with an initial deposit of \$546,461.17. This fund is for the General Fund only and is available in the event of an

emergency when funds are low. The Committee requested that this information be added to the budget book next year, as well as the information on where fund balances fall within the 25 – 50% fund balance that the Borough prefers to maintain. The Staff will add this information to next year's budget book.

5. The Staff reviewed with the committee the previously adopted Resolution 2020-09 which deferred rental payments for qualifying tenants. The Staff also provided a proposed resolution rescinding and nullifying the prior resolution 2020-09 and reinstating rent payments. The tenants that qualify for the rental abatement have not been able to reopen so this item will be moved to old business until such time as the tenants reopen or the Committee determines it is time to reinstate the rental payments.
6. The Staff provided a copy of two reports on the solicitor's invoices. The first report is sorted by invoice and the second report is sorted by project. No further action is required.
7. The Staff provided the Check and ACH registers to the Committee for July to date. The Committee requested details on the following checks:
 - a. 42416 – Borough Authority for Plant 1 – transfer switch
 - b. 42440 - Borough Authority for Plant 2 – press bldg. roof
 - c. 42475 – Electric Department tree trimming
 - d. 42517 – Electric Department LED Street Lights
 - e. 42555 – Borough Authority for Plant 1 – water utility pump
 - f. 42580 – Borough Authority for Plant 2 – oxidation ditch drives
 - g. 42598 – Borough Authority for Collection system
 - h. 42617 – Borough Authority for Plant 2 – belt filter press parts

Old Business Items:

1. The Staff provided a brief update on the credit card fees. The Staff received an update from Springbrook earlier that day advising that they have three more items to review and should have next steps for us shortly. The Committee asked that the Staff obtain a date when this will be complete.

Highway Committee

The Highway Committee met on July 27, 2020 and discussed the following:

Action Items:

1. The Committee reviewed the results of Bid #20-4 Spruce Alley Improvements and will recommend that Borough Council award the bid to apparent low bidder: H&K Group, Inc. from Skippack, PA in the total bid amount of \$100,092.44 as part of the Consent Agenda at their August 10, 2020 meeting.
2. The Committee reviewed a disposition of asset request for disposal of a 2005 Bobcat ML 5600 Toolcat via auction on MuniBid or PennBid. The estimated value of the equipment is \$7,000. The Committee will recommend that Borough Council approve this disposition of asset at their August 10, 2020 meeting.
3. The Committee reviewed Municipal Winter Traffic Services Supplemental Agreement No. 3900038016-A by and between the Commonwealth of Pennsylvania, Department of Transportation and the Borough. This supplemental agreement amends Agreement No. 3900038016 by adding

snow lane miles along SR 0322 between Market Street and Bethany Road as calculated by PennDOT and compensates the Borough at a rate of \$1,183.73 per snow lane mile for snow and ice removal during the 2020/2021 winter season. The total anticipated reimbursement to the Borough in 2021 is \$14,323.13 plus any applicable adjustment to offset severe winters. The Committee will recommend that Borough Council approve Municipal Winter Traffic Services Supplemental Agreement No. 3900038016-A at their August 10, 2020 meeting.

4. The Committee reviewed a Resolution authorizing the President of Borough Council and the Borough Secretary to execute the Municipal Winter Traffic Services Supplemental Agreement No. 3900038016-A with the Commonwealth of Pennsylvania, Department of Transportation. The Committee will recommend that Borough Council adopt this Resolution at their August 10, 2020 meeting.

Discussion Items:

1. The Committee discussed a citizen request for a multiway stop sign installation at the Church Avenue and West Chestnut Street intersection. The Committee reviewed information regarding multiway stop warrants in the MUTCD, LTAP Technical Bulletin, and PennDOT Publication 212 along with 10-year crash data and vehicle volume/speed reports for this intersection. The Committee also discussed clear-sight distance and vehicle parking at a fire hydrant at this intersection. Staff will respond to complainant and re-visit this issue at a future Highway Committee meeting at the end of 2020 to further discuss and determine if any warrants for a multiway stop have been met at that time.
2. The Committee discussed a citizen request to add no parking signage along the north side of SR 0322 (East Main Street) between Akron Road and a common use private alley where no parking between signs signage currently exists. Staff determined that only a portion of that no parking area is ordained from the west curb line of Akron Road extended 75 feet east by Ordinance No. 1318. Staff will discuss this issue further with the concerned citizen and report back to Committee at their next meeting.
3. The Committee discussed a permit parking program suggested by a citizen living along the south side of the 100 block of East Main Street. The citizen advised the Committee that he typically parks at a metered space in front of his residence but when those spaces are unavailable it is difficult to find other parking spaces nearby. Off-street parking spaces were not provided as part of his lease. Committee discussed alternative parking in the area and offered to look into possible parking available for lease at a nearby property on Lake Street. Staff provided the citizen with contact information for future communication regarding alternative parking in the area.
4. The Committee discussed the South Oak Street bridge pedestrian railing/vehicle barrier. Staff will contact the Borough's liability insurer to talk over the issue and report back to Committee at their next meeting.
5. The Committee discussed weed growth in streets throughout the Borough and was advised by Borough Manager Thompson that recently retired Paul Swangren held the only herbicide application license for the Borough and that the Borough has recently contracted with Land Studies from Lititz, PA to oversee the application of herbicides in the Borough. Herbicide applications have recently begun in the Borough.

Miscellaneous Reports:

- ◆ July 2020 General Ledger Report

- ◆ Ephrata Pioneer Fire Company July 2020 Report
- ◆ Lincoln Fire Company July 2020 Report
- ◆ Ephrata Community Ambulance Association July 2020 Report
- ◆ Ephrata Emergency Management July 2020 Report
- ◆ Mainspring of Ephrata June 2020 Meeting Minutes
- ◆ 2nd Quarter 2020 Financial, Police, Electric Division, Inspection/Codes, Wastewater Treatment Division, Public Works Division, Water Division and Sanitation Reports
- ◆ 2nd Quarter 2020 Ephrata Public Library, Ephrata Performing Arts Center, Ephrata Recreation Center, Historical Society of the Cocalico Valley and Mayor's Revenue Reports

NEW BUSINESS ITEMS

Consent Agenda

Vice President Reinhold advised the items on tonight's consent agenda have been discussed in detail at the August 3, 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 award Bid #20-4 Spruce Alley Improvements to apparent low bidder: H&K Group, Inc. from Skippack, PA in the total bid amount of \$100,092.44. (Highway)

It was moved by Ms. Martin, seconded by Mr. Ressler, 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 authorize a purchase request from the Electric Department for a pole trailer in the amount of \$20,217.47. The Budgeted amount for the pole trailer is \$34,000.

It was moved by Mr. Ressler, seconded by Mr. Zimmerman, and passed via roll call vote with seven yeas by Messrs. Reinhold, Weiler, Richard, Ressler, Zimmerman, Ms. Martin and President Rowe and one nay by Mr. Barr that Borough Council authorize the remaining funds from the purchase of the pole trailer and the funds from the proposed pole replacement program in the 2020 Budget and Program of services (\$60,000) towards the purchase of a vacuum trailer, to be used for pole replacement, in an amount not to exceed \$73,782.53. It should be noted prior to the vote, Mr. Barr expressed his concerns regarding spending this amount of money now and felt it would be best to wait until the COVID-19 crisis has subsided.

It was moved by Mr. Ressler, seconded by Mr. Weiler, and unanimously passed via roll call vote that Borough Council approve Ordinance 1555, with amended Exhibit A to include the addresses of 27 East Main Street and 40 West Main Street, establishing a LERTA program in the Borough.

Highway Committee

It was moved by Mr. Richard, seconded by Mr. Weiler, and unanimously passed via roll call vote that Borough Council approve a disposition of asset for disposal of a 2005 Bobcat ML 5600 Toolcat via online auction.

It was moved by Mr. Richard, seconded by Ms. Martin, and unanimously passed via roll call vote that

Borough Council approve entering into Municipal Winter Traffic Services Supplemental Agreement No. 3900038016-A with PennDOT.

It was moved by Mr. Richard, seconded by Mr. Weiler, and unanimously passed via roll call vote that Borough Council adopt Resolution No. 2020-16 authorizing the President of Borough Council and the Borough Secretary to execute Municipal Winter Traffic Services Supplemental Agreement No. 3900038016-A.

Municipal Enterprises Committee

It was moved by Ms. Martin, seconded by Mr. Reinhold, and unanimously passed via roll call vote that Borough Council authorize the Borough Secretary to execute a construction agreement with PPL in a form acceptable to the Borough's energy solicitor, McNees Wallace and Nurick LLC.

It should be noted prior to the vote, Mr. Thompson provided the following information regarding the agreement. Mr. Thompson advised the RICE Peaking Project is a behind-the-meter generation project and the generation component of the project is essentially completed through the Borough's contract with AMP to purchase the power from the project. Mr. Thompson further advised there was a bog down in the process of getting PPL, the transmission provider, to approve the back flow design and AMP was recently able to relieve the bog down a little bit and PPL has agreed to move ahead with the securing engineering project management and construction of the proposed improvements.

Mr. Thompson advised the agreement is between the Borough and PPL for the construction of electric service facilities. Mr. Thompson further advised there is a cost component of \$261,606.87 which will be paid by AMP; however, due to this being the Borough's electric system, PPL required that the Borough execute the construction agreement.

Personnel Committee

It was moved by Mr. Reinhold, seconded by Mr. Richard, and unanimously passed via roll call vote that Borough Council conditionally approve the hiring of Mr. John Petrick as the Chief of Police for the Ephrata Borough Police Department upon successful completion of a background check and psychiatric evaluation.

It should be noted prior to the vote, Mayor Mowen advised Mr. Petrick has 30-plus years in law enforcement and has served as Chief of Police previously. Mayor Mowen further stated, "... he does come to us with great credentials and I look forward to working with him."

APPROVAL OF CHECKS 43283 THROUGH 42696 AND THE ACH REGISTER DATED JULY 30, 2020

It was moved by Mr. Ressler, seconded by Mr. Barr, and unanimously passed that Borough Council ratify the payment of bills performed by the Staff since the last regular Council meeting in the aggregate amount of \$1,056,467.64.

OPPORTUNITY FOR CITIZENS TO BE HEARD

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

DISCUSSION/ANNOUNCEMENTS

Ms. Martin requested an update regarding the speeding concerns occurring on Martin Avenue; in which, Lt. Shumaker advised a speed detail based on the data received will be scheduled in the near future.

Ms. Martin inquired about alternative parking for the Police Department on Saturday's and Sunday's to free up the trail parking for visitors; in which, Mr. Thompson advised that currently signage is displayed advising of "Official Use Only" and that Public Works will be changing the signage to state "Official Use Only Monday-Friday." Mr. Thompson advised once the signage has been updated, Lt. Shumaker will inform Police Department personnel to park in the Borough Hall parking lot. Lt. Shumaker clarified the signs have been put into place and communication to staff has been completed.

Ms. Martin extended her appreciation to Lt. Shumaker regarding a neighborhood complaint of an individual revving engines and stated, "... I am very pleased with the way Lt. Shumaker handled it ... extremely, quickly ... he went to the resident ... both residents ... the person that complained and the people that live there and I really appreciate your promptness on that ... so thank you very much for that ... I appreciate that."

Ms. Martin advised she received an email from Mr. Stewart who would like to have a conversation with the Municipal Enterprises Committee about taking a look at restructuring the electric rates and requested the topic be added to the next Municipal Enterprises Meeting Agenda.

Mayor Mowen, in referencing Ordinance #1555 passed by Borough Council earlier in the meeting, advised he had expressed some concerns about the Ordinance and wished to remind Council that he has 10 days from tonight to either sign the Ordinance or veto it or not sign it and not veto it; at which point, it would become law. Mayor Mowen further advised he will communicate with President Rowe his intentions within the 10-day time period allotted.

Mr. Thompson advised that Councilman Reinhold passed onto him some information at the end of last week that the Ephrata Area School District delayed the start of their school year by one week and are now starting on August 31, 2020. Mr. Thompson advised the request received was whether or not to extend the operating dates of the Ephrata Community Pool by a week. Mr. Thompson further advised that a previous action was taken to close the pool on August 23, 2020; however, if Council wishes to extend the closing date until August 30, 2020, additional action would need to be taken to do so.

Mr. Weiler, Chairman of the Community Services Committee, inquired if the Rec Center is prepared to operate the pool if the operating dates are extended; in which, Mr. Thompson was advised that, to date, there is a revenue of approximately \$75,000 against an expenditure of approximately \$82,000. Mr. Thompson stated the Rec Center is prepared to staff the pool and is recommending extending the operating dates another week. Both Ms. Martin and Mr. Barr, as committee members, advised they are in agreement to bring the matter forward for vote.

COMMITTEE RECOMMENDATIONS

Community Services Committee

It was moved by Mr. Weiler, seconded by Ms. Martin, and unanimously passed that Borough Council extend the Ephrata Community Pool Operating Season by one week closing on August 30, 2020.

DISCUSSION/ANNOUNCEMENTS (CONTINUED)

Solicitor McManus, in referencing Ordinance #1555 which was enacted by Borough Council earlier in the meeting, requested that the Council- and Secretary-portion be executed and hand delivered to the Mayor at the end of tonight's meeting.

President Rowe advised that Dr. Brian Troop, Ephrata Area School District, will be providing the Municipal Moment at the September 8, 2020, Work Session.

President Rowe advised she would like to take a moment to express her thanks to all who reached out to her following her comments at the close of the July 13, 2020, meeting. President Rowe then stated, "... while it was not surprising to me that I heard from people I know ... I received an equal number of email messages and notes in the mail from people that I do not know ... everyone expressed support not only for me, but for everybody working on Borough Council and for the work that we are trying to accomplish to make our community a better place to live ... and I want to thank the community for their support."

ADJOURNMENT

It was moved by Ms. Martin, seconded by Mr. Weinhold, and unanimously passed that Borough Council adjourn. The meeting was adjourned at 8:39 PM.

Respectfully submitted,

D. Robert Thompson, Secretary