

**EPHRATA BOROUGH COUNCIL  
REGULAR MEETING MINUTES  
AUGUST 12, 2019**

The regular Ephrata Borough Council meeting was called to order by President Susan Rowe at 7:00 PM on August 12, 2019, in the Council Chambers of the Borough Office, 124 South State Street.

Reverend Walter Carter, First United Methodist Church, offered the invocation, which was followed by the Pledge of Allegiance.

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

Also in attendance were Borough Manager D. Robert Thompson, Police Chief William Harvey, Recording Secretary Stephanie Fasnacht, and Borough Solicitor James R. McManus, III, Esq.

The following visitors were present:

Cookie Sandoe, 1181 Joanne Avenue, Ephrata  
Jim Sandoe, 1181 Joanne Avenue, Ephrata  
Teresa Caruthers, 229 Railroad Avenue, Ephrata  
Denise Harter, 301 W. Main Street, Ephrata  
Bob Harter, 301 W. Main Street, Ephrata  
Virginia Dillio, 30 Kings Court, Ephrata  
George Dillio, 30 Kings Court, Ephrata  
Tim Auker, 542 N. State Street, Ephrata  
Dave Beazley, 110 E. Pine Street, Ephrata

**APPROVAL OF MINUTES**

After a brief discussion of minor changes to the Work Session Minutes, it was moved by Mr. Barr, seconded by Mr. Richard, and unanimously passed to approve the revised July 1, 2019, Work Session Minutes and the July 8, 2019, Regular Meeting Minutes.

**MUNICIPAL MOMENT – KELLY WITHUM, MAINSPRING OF EPHRATA**

Ms. Withum opened her presentation by extending her appreciation to Borough Council for the opportunity to speak to them about one of her greatest passions ... Mainspring of Ephrata. Ms. Withum referenced Mainspring's mission which is "... to improve the quality of life in our community through increased economic opportunity" as well as their vision which is "... to foster a vibrant, prosperous and growing Ephrata through extraordinary community and economic development."

Ms. Withum provided an overview of Mainspring's accomplishments within the past year including assisting with the opening of several new businesses as well as involvement within the educational systems including the Ephrata Area School District as well as F&M College. Ms. Withum advised she works hand-in-hand with a wonderful group of volunteers who gives this community their greatest gift ... that being their time. Additionally, Ms. Withum further advised of the fantastic partners Mainspring works with on a regular basis.

Ms. Withum informed Council of the Mainspring's key strategies which are: (1) Sustainability; (2) Community Connectivity; (3) Economic Development; and, (4) Community Identity. Additionally, Ms. Withum shared her excitement of a recent local publication featuring the town of Ephrata and advised that "... we need to celebrate Ephrata on a regular basis and we should be proud of our town." Ms. Withum further advised another key component currently being worked on is tourism development advising a brochure is currently in the works.

Ms. Withum shared a few highlights of what to expect in the near future, including:

- Opening of the Heatherwood Bike Trail/Park
- Establishing a Business/Home Ownership Program
- Completing a Neighborhood Model
- Encouraging Tourism Growth
- Establishing a Wayfinding Program
- Identify and Assist Business Growth including Restaurants/Hospitality
- Connect, Showcase and Support Performances within the Community

After a brief question and answer session from members of Borough Council as well as residents in attendance, Ms. Withum concluded her presentation by again thanking Council for their support and resources to establish a strong organization.

### **FIRST OPPORTUNITY FOR CITIZENS TO BE HEARD**

Jim Sandoe, 1181 Joanne Avenue, Ephrata, read the following email correspondence he received from Mike McGolden (mikemcgolden@gmail.com) with the subject being the Ephrata digester:

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Jim,

I was sent the article in the paper and was very disappointed to see just how much information was completely wrong. I was not going to waste my time in trying to correct it, but certainly am happy to try to help someone that wants to get the facts straight.

I will provide you with what I know is factual, and then address the article.

I was involved in 3 meetings and one call with the Ephrata group. There was usually a different set of people at many of these, so there was a lot of confusion as it was obvious the communication was not good between each group, and there were obvious different agendas from different groups.

Representative Zimmerman was trying to find a solution for Ephrata, so he and his office were involved in setting up some of the meetings and at least trying to see if there was something we could offer that was beneficial to Ephrata.

At the conclusion of the last meeting, the following was the plan:

1. Ephrata initially wanted to produce power to replace some of the power it was buying. The existing price is \$0.04 per kw. There is no biomass project in the US that can compete with that pricing, so I explained that it made no sense to pursue that as I couldn't save them money.

2. The main goal for Ephrata was to find a solution for disposal of their biosolids; and avoid a huge capital expense to convert the plant to produce a Class A biosolids - estimated at \$10 to \$12 million.
3. I explained that we could process the biosolids at a lower price than the current disposal cost, and without the cost of converting the plant - there was an upgrade that was needed regardless of what they did that would cost \$2 or \$3 million, which I recommended that they did regardless of their decision.
4. They expressed a concern about truck traffic at the WWTP, and I explained that one of our options was to site the facility at a farm and transport the biosolids to the farm. Their biosolids is only about 7% of the capacity of our system, so we would be not only siting it at another location, but would also be securing contracts for other material.
5. We held a meeting in February with 3 farmers that would site the facility and provide some of the material. We discussed and agreed with the plans.
6. We had a couple of calls with the NRCS office and had a meeting with them in April. Denise Coleman was very supportive and they agreed that NRCS could provide \$1.35 million toward the project through the EQIP program - which is available to farmers. There is a process to obtain this funding, but we feel that we will be able to secure this for the project.
7. I met with the farmers again on June 27th, at the farm and viewed the site. Everything is moving forward, and we still need to secure contracts for biosolids, but there are many sources and we have not seen much difficulty so far in getting interested municipalities. Ideally, we are looking to secure contracts for about 40 tons per day of wet biosolids - 8 tons per day of dry material. This will provide about 20% of the total volume we will gasify, but will provide the revenue we will need from tipping fees.
8. As I have hit milestones in the development, I have been updating both Robert Thompson and Representative Zimmerman's office - but these have not been extremely frequent since I only did this when we actually accomplished something. Needless to say, I was quite surprised to read the article.

Now to address the article. I will go down through the article and address each item as I come to them:

1. **The borough decided to go with a proven technology** - we have 6 systems operating and have a 7th installed that will start operating in August. At what point do you consider something proven.
2. **All gasifier projects that the borough researched were incapacitated.** They visited the Energy Works facility in Gettysburg and it is correct that that facility has not operated for 2 years and will likely never operate again. But, that is not our technology, and I have never even visited the facility, much less been involved in it. We have a system operating in South Charleston, Ohio - about a 6-hour drive from Ephrata; that is our nearest facility. In the past 4 weeks, I have had 3 different groups visit it; including a group from the project we are developing in Souderton, Pennsylvania - including 2 people representing WWTPs looking to supply biosolids to that project. They were all

impressed with what they saw and all committed to supplying material to that project. This was mentioned to the council, but nothing was done to schedule a visit.

3. **No plants are currently operating in Pennsylvania** - that is a correct statement.
4. **There are no viable bio-char programs in Pennsylvania** - if the meaning is that the state is not subsidizing the product, that is correct. It is a new market and we are developing sales as we move forward. Obviously, you can't sell a product until you actually make it - so it is difficult to have a market before you start developing projects. But, we are selling Ecochar from existing projects and have developed some very exciting prospects for large volume sales at a very good price.
5. **Your statement that \$328 million of biochar was sold last year** - the difficulty is that almost all of that is wood-based char. However, the Ecochar products we are making have characteristics that are much more valuable than wood chars, so there is a market.
6. **The gasifier won't work in the winter** - completely ridiculous. We just started a system in Russia and were running at -10 degrees. The issue with operating in the winter is the raw material. If the material is stored outside in extremely cold weather, it becomes frozen solid and you can't handle it to feed the dryer. The gasifier itself has no problems in the winter.
7. **The gasifier would need a large footprint, there would be heavy truck traffic, the operators would need shelter, restrooms and a lunchroom, and we provided no design plan.** Completely ridiculous. First of all, at the last meeting everyone agreed that there was room on site, but the best solution was to transport the biosolids off site to a remote location. Robert Thompson said that Ephrata would not pay for the transport, and I agreed the tipping fee would be determined at the WWTP, and we would pay for the transportation.

Now, for my personal opinions:

1. I would hate to face taxpayers and explain that I decided to spend almost \$12 million dollars because I thought the bathroom at the WWTP was too small to add 1 person per shift at the plant - that is quite embarrassing.
2. The bottom line is that we were facing the same situation we have faced at multiple WWTPs - there is a consulting engineering company that stands to make a considerable amount of money with the \$12 million project, and with their continued consulting fees - they don't make anything from putting in a gasifier. They all continue to promote the same solution that they have for many years; and put as many barriers as possible to eliminate new solutions. I would hate to admit as an engineer that I was too stupid to figure out how to accommodate extra people in a lunchroom or restroom, and all I could think to do was to spend \$12 million to avoid overcrowding.
3. Now for the real tragedy:
  - a. Their plan is to make a Class A biosolids. We are working on another project with a larger city that already has a system making Class A biosolids - and they are paying \$61 per ton to landfill the biosolids because there is no market.
  - b. It is true that Class A biosolids have removed the pathogens; but they have not removed the hormones and endocrine disruptors that are in biosolids. There is solid research that these are creating same sex fish in stream where run off from land application of biosolids has occurred - because they mess up the reproductive

systems of the fish. Class A biosolids also do not destroy the PFOS and PFOA that can be in the biosolids. There is a report from the EPA where they express concern over the 352 unregulated contaminants that are found in biosolids.

Ephrata may spend \$12 million and find that in a few years, they will need to do more because the product is not acceptable for land application. This is not new data, but the consulting companies don't care because it disrupts their profits. The Blue Plains WWTP in Washington, DC installed a digester system that does remove the hormones - it is called a Cambi system. I think it was developed in Sweden, and it processes the material at 400 degrees prior to entering the digester. It is a very effective system - but it was a \$400 million project.

We have gone through this a dozen times with the same results. The consultants have a lot of power over the WWTPs, and they always manage to get their way. Our success has been with either the companies with the contracts to dispose of the biosolids, or the communities that are too small to afford to hire the consultants.

I don't expect the outcome at Ephrata to change, but do appreciate your concern and think it is important that everyone understands the truth. We currently have 3 projects in progress that will process biosolids as a portion of the feedstock. I am hopeful to have one running before the end of this year, but they will all most likely start in 2020.

If you have any further questions, feel free to contact me.

Mike

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Teresa Caruthers, 229 Railroad Avenue, Ephrata, expressed her concerns regarding the overgrown weeds at the solar field. Ms. Caruthers advised there are special low-maintenance grasses that could be planted to resolve that issue. Ms. Caruthers further advised the panels themselves are facing in all different directions and inquired as to why. In conclusion, Ms. Caruthers stated when she visited the solar field over the weekend, she observed an open gate and four to five empty cars in the area; however, she did not see anyone around which caused her to be concerned.

Mr. Richard responded to Ms. Caruthers' concerns and advised the solar field is currently in its final stages and issues are being addressed including the replacement of bellows which is why the panels are not currently in sync. Additionally, Mr. Richard advised the solar field is not open to the public and there are workers on the property. Mr. Richard concluded his comments by advising, "... the Borough does not maintain the property, we only take power from the property."

After a brief time allotted for additional citizen comments and with no one in attendance coming forward, President Rowe moved onto the Acceptance of Reports.

### **ACCEPTANCE OF REPORTS**

It was moved by Mr. Barr, seconded by Mr. Ressler, 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 22, 2019 and discussed the following:

**Action Items:**

1. The Ephrata Public Library submitted three applicants for the Library Board, Ephrata Borough openings. The applicants are Casey A. Martin, Joel Horst Nofziger, and Mike Eichenlaub. The Committee will recommend that Borough Council approve these nominees for the Library Board at the Council Voting session on August 12<sup>th</sup>.
2. Staff has recommended changes to the positions of Zoning Officer and Building Code Official. At the August 12<sup>th</sup> Voting Session, the Committee will recommend the following become effective 8/26/19:
  - a. Zoning Officer – Zach Rineer
  - b. Alternate Zoning Officer – Nancy Harris
  - c. Building Code Official – Zach Rineer
  - d. Second Building Code Official – Nancy Harris
3. Staff presented the Resolution 2019-13 to update the Base Power Supply Cost from 0.07281/kwh to 0.07358/kwh. This change occurred with the first billing in May 2019, which decreased the PCA that was used to bill our residents. Everyone was billed correctly; however we need to approve the resolution. The Committee will recommend approval of Resolution 2019-13 at the Voting Session on August 12<sup>th</sup>.
4. Staff presented details regarding Senate Bill 321 which was signed into law. This allows municipalities to opt-out of allowing video gaming terminals (VGTs) into their truck stops and gas stations. The Committee will recommend approval of Resolution 2019-14 to opt-out of allowing video gaming terminals (VGTs) into Borough truck stops and gas stations, at the August 12<sup>th</sup> voting session.

**Discussion Items:**

1. Staff reviewed with the committee the topic of the Cost of Service Studies that are being performed, including the Maximus Study, which determines the allocations of indirect costs to the General Fund. Since we provide police services for other municipalities for which we include admin charges, staff feels any admin charges must be calculated by an independent party. We also charge EAJA and EBA admin charges so we want to ensure we have appropriate documentation supporting the charges. We have used Maximus at least twice in the past, the last time being 2011; we will use them again since they will be updating their previous report rather than perform a completely new study from scratch. No further action is required.
2. The Staff provided a copy of two reports on the solicitor's invoices. The first report is sorted by date and the second report is sorted by project. No further action is required.
3. Last month we discussed a question from a resident asking why committee meeting minutes are no longer included on the Borough Website. Agendas are included on the website and the committee reports are included in the Council Minutes which are placed on the website. The Committee has requested that Staff put the draft committee reports on the website by the Friday before the work session. Staff is placing draft minutes on the website as requested and once the minutes are approved they are changed on the website to the approved minutes. No further action is required.
4. The Staff provided electronic copies of the quarterly uniform and non-uniform pension plan performance documents provided by Morgan Stanley. Sue Rowe emailed all council

members to see if anyone was interested in attending the quarterly pension meetings. She did not receive any interest. The Staff offered to have our representative from Morgan Stanley attend a Committee meeting or another meeting to explain all of the documents and answer any questions they might have. The Committee is satisfied with the quarterly reports. No further action is required.

5. President Rowe emailed Staff a request for information to be discussed at the committee meeting, regarding the phone bills paid by the Borough as well as charges labeled as contract services. She hoped we could consolidate the phone charges and was concerned that there was an excessive number of contract services being paid on a monthly basis. The Staff explained that we have different types of services through different companies because no one company has been able to provide all that we need. With the automation of our facilities, as well as the expanding needs of our police department, it has resulted in an increase in the services we pay for. Examples are: office phones, cell phones, internet, connections between facilities, GPS service for the police cars and a direct connection to the State Police. The Staff recently had a meeting with ET&T and has a meeting scheduled with Verizon for this week, as part of an ongoing review of our services. In addition, the Staff has been working with ET&T to have an automated generic message when we have an electric outage so our customers know that we are aware of the outage and our electric team is diligently working to correct the problem. There are also many invoices that are allocated between the departments as determined by the last Maximus study. The Staff also provided information on the contract services charges. Many of these are allocations which makes it appear as if we are paying an alarming number of contract services invoices. In reality, it is only one invoice and it has been allocated to share the charge between all departments as per the Maximus study. The Staff will continue to work on this project but no further action is needed with the Committee.
6. The Staff provided the Check and ACH registers to the Committee for July to date. No further action is required.
7. A few miscellaneous items were briefly mentioned in the meeting that were not on the agenda:
  - a. A request has been received by Council to have ID's for the Council members so all staff are aware of their position. Staff has suggested that we provide ID cards, add Council pictures to the staff books, and add pictures to the Lobby as well as to the Borough website. We were running out of time for a thorough discussion so staff will email this to all council members to get their feedback.
  - b. The Staff also would like to know when Council would like us to present the Budget in a session separate from the Budget and Finance sessions. Due to a lack of time, staff will also email this question to Council.
  - c. Since the Staff has been very busy fulfilling Right-to-Know requests, we are cognizant of how this impacts draft documents. According to Mr. Thompson we don't have to post agendas since they are draft documents they are not subject to right to know. A question was raised if we could post the agendas in the lobby. Staff will continue to work on this topic and will advise the Committee at next month's meeting.

### **Development Activities Committee**

The Development Activities Committee met on July 22, 2019 and discussed the following:

**Action Items:**

1. The staff reviewed the plans for the Ridge Avenue Tract. An existing property (Weaver) in Ephrata Township is adding property to an adjoining property (Rutt) in Ephrata Township. A portion of the existing Rutt tract is in Ephrata Borough. Since the tract receiving the land lies partially in Ephrata Borough, the County will require Borough signatures on the recorded plan. Because there is no change taking place within the Borough, the applicant has requested a deferral of review and approval to Ephrata Township. The Committee will recommend that Borough Council grant a deferral of review and approval to Ephrata Township for this lot add-on at the August meeting.
2. The staff reviewed the progress of the draft Zoning Ordinance Rewrite and Zoning Map. It has been through the required review process which includes two Ephrata Borough Planning Commission meetings, Lancaster County Planning Commission meeting, and a public hearing with Borough Council. At their July 16, 2019 meeting the Ephrata Borough Planning Commission is recommending that Council enact the June 13, 2019 version of Ephrata Borough Zoning Ordinance Rewrite and revised zoning map. The Committee will recommend that Council enact ordinance 1550, Ephrata Borough Zoning Ordinance Rewrite and Zoning Map at their August meeting.

**Discussion Items:**

1. Ms. Harris updated the Committee on weed enforcement along Mortar Lane in the Brickyard. Notices were sent to the owners in April and the properties have been monitored from the public right-of-way. Neighboring property owners have indicated that there are weeds at the property line. Code enforcement staff may only go on private property by invitation or with an administrative search warrant. The staff is recommending holding a neighborhood meeting with the owners of the east side of Mortar Lane to discuss the weed issue and the need to address weed growth on all of their property including the top of the slope. Letters announcing the meeting will go out to the property owners within one week. Council members will be invited to attend.
2. There were no decisions from the July Zoning Hearing Board meeting.
3. There are two new applications for the August Zoning Hearing Board meeting. The committee does not feel it's necessary to send the solicitor to either hearing, however the Committee is concerned about parking for the 301 West Main Street application and will ask the solicitor to prepare a statement that will be given to the Zoning Hearing Board addressing the Committees parking concerns.

**Public Safety Committee**

The Public Safety Committee met on July 15, 2019 and discussed the following:

**Action Items:**

1. **2019 Police Officer Hiring Process** was presented by Lt Shumaker. Currently, the EPD is fully staffed with two (2) projected retirements. One will be in May 2020 and the other is undetermined. The Ephrata Borough Police Civil Service Commission has just approved the new updates to our process (reference their July 2, 2019 report) which was presented along with costs and budgeting information. The Lancaster County Chiefs of Police hiring consortium is underway and is our source for applicant testing. The Committee was requested to approve an open hiring process that will allow us to consider non-certified and

Act 120 certified applicants to ensure a broad applicant pool. The hiring process will be contingent upon final determined staffing - Unanimously approved by Committee- Action by Borough Council.

2. **2019 Sergeant of Police Promotional Process and Staff Adjustments** was presented by Lt. Shumaker. The Ephrata Borough Police Civil Service Commission has just approved the new updates to our Sergeant promotional process (reference their July 2, 2019 report) which was presented along with costs and budgeting information. The EPD currently has one unfilled Detective Sergeant position open and one forecasted Patrol Sergeant retirement (May 2020). Currently to assist with Patrol supervision and workload, a temporary position of Patrol Administrative Sergeant is being tested and proving extremely valuable. This position can be created by reassigning a police officer position to this with adjustment in staffing table. The project plan will be to promote two (2) to Sergeants starting in January 2020, one (1) in patrol and one (1) in investigations. The third (3) will be to replace a retiring Sergeant in May 2020. This process will **NOT** result in an increase in department staffing levels. Costs with projected twelve (12) candidates will be \$19,630.00 and budgeted in Training & Professional development 01-20-201-4560 - Unanimously approved by Committee- Action by Borough Council.

#### **Discussion Items:**

1. **Police Civil Service Report (July 2, 2019) – Received for Informational Purposes Only**
2. **Comp-stat (June 2019) - Received for Informational Purposes Only**
3. **EMC Report (June 2019)- Received for Informational Purposes Only**

#### **Old Business: None**

#### **Highway Committee**

The Highway Committee met on July 22, 2019 and discussed the following:

#### **Action Items:**

1. The Committee reviewed a June 20, 2019 e-mail from the Ephrata Area Education Foundation (EAEF) requesting to conduct a 5K Purple & Gold Color Run event. The Committee will recommend, as part of the Consent Agenda, that Borough Council conditionally approve the request subject to Chief Harvey's approval and establishment of an Incident Support Plan, Borough receipt of a satisfactory certificate of insurance naming the Borough as additional insured and notification to residents in the Lincoln Heights area impacted by the event at their August 12, 2019 meeting.
2. The Committee reviewed a July 15, 2019 letter from Kim Stonebraker, representing WellSpan Ephrata Community Hospital, requesting to close Third Street between Ephrata Avenue and Penn Avenue. The Committee will recommend that Borough Council conditionally approve the request subject to Borough receipt of a satisfactory certificate of insurance naming the Borough as additional insured and notification to residents along Third Street impacted by the road closure at their August 12, 2019 meeting.
3. The Committee revisited discussions tabled at their June 24, 2019 meeting regarding a June 6, 2019 letter of requests from the Christmas in Ephrata Committee of Mainspring of Ephrata and heard from numerous downtown merchants concerning the events and the requested East

Main Street closure time of 3:00 PM. The Committee will recommend that Borough Council conditionally approve the requests at their August 12, 2019 meeting subject to Chief Harvey's approval and establishment of an Incident Support Plan, Borough receipt of a satisfactory certificate of insurance naming the Borough as additional insured, Borough receipt of a Special Events Permit issued by the Pennsylvania Department of Transportation to close a numbered state route, Mainspring of Ephrata attempt to reach out to Nancy Thompson at Uncle Funky's to help with her concerns alleviating her complaints on the day of the event, and that Ephrata Borough Public Works make new no parking signage that incorporates larger, easier to read text defining parking time restrictions.

4. The Committee reviewed a July 6, 2019 e-mail from Lori Weaver, representing Boy Scout Troop 38, requesting to use the Ephrata Borough Office parking lot and the Major Winters Memorial Trail parking lot adjacent to East Fulton Street during the 2019 Ephrata Fair to park cars as a fundraiser. Councilperson Richard inquired if other organizations have had an interest in using Borough property for fundraisers during the Fair. No other organizations have made requests in the past. The Committee will recommend that Council conditionally approve the request as part of the Consent Agenda at their August 12, 2019 meeting subject to Borough receipt of a satisfactory certificate of insurance naming the Borough as additional insured.
5. The Committee reviewed a July 2, 2019 e-mail request, from Curvin Zimmerman representing Pleasant Valley Mennonite Church of Ephrata, PA, to conduct a street meeting. The Committee will recommend that Council conditionally approve the request as part of the Consent Agenda at their August 12, 2019 meeting subject to Borough receipt of a satisfactory certificate of insurance naming the Borough as additional insured and proof of appropriate license to play music, produced by others, within a public right-of-way.
6. The Committee was advised that two of the four pedestrian signal head replacements planned for 2019 will likely be required for replacement as part of future development projects completed by others and should be postponed for future budget consideration as necessary. The Committee will recommend that Council defer replacement of pedestrian signal heads at the South Reading Road (SR 0272) & South State Street and East Main Street (SR 0322) & Bethany Road intersections at their August 12, 2019 meeting.
7. The Committee heard from Project Manager Burkholder regarding previously requested priority installations for Emergency Vehicle Preemption (EVP) by several emergency first-responder agencies. Priority EVP installations are requested at the following intersections:
  - West Main Street (SR 0322) & Market Street
  - West Main Street (SR 0322) & Academy Drive
  - South State Street & Fulton Street

Costs to complete the work are estimated at \$10,000 for engineering, design, permitting, biddable plans and specifications with construction costs estimated at \$40,000. The Committee will recommend that Borough Council authorize an unbudgeted expenditure in the amount of \$9,825 funded from the unappropriated fund balance for pedestrian signal head replacements and award a professional services contract to Rettew Associates, Inc. of Lancaster, PA in the amount of \$9,825 for Traffic Engineering Services at their August 12, 2019 meeting.

**Discussion Items:**

1. The Committee discussed a Comcast request to fast-track plan review and approval for their initial submission proposing to install underground conduit and cable in certain locations within the Lincoln Heights development. If staff has approved plans and agreements in place in a timely manner the Committee has agreed to hold a special meeting of Highway Committee at 5:30 PM on August 5, 2019 to review plans and agreements and make a recommendation for Council action at their August 12, 2019 meeting.

**Municipal Enterprises Committee**

The Municipal Enterprises Committee met on July 15, 2019 and discussed the following:

**Action Items:**

1. Borough Manager Thompson discussed a letter from McNees Wallace and Nurrick, the Borough's energy attorney, regarding the status of their ongoing review of the American Municipal Power documents related to the RICE Peak Shaving project. The legal review is being shared among the three subscribers, Hatfield Borough, Perkasio Borough and Ephrata Borough based on their percent of the total project output. The percent allocations are 21.77%, 34.68% and 43.55% respectively. The initial legal estimate was between \$10,000 and \$20,000. Due to the complexity of the documents they are estimating that they will require another \$7,500-\$10,000 to complete their review. The Committee will recommend that Borough Council authorize up to an additional \$10,000 to complete the review at the August 12, 2019 meeting. This authorization will cap the Borough's exposure at \$13,064.52.
2. The Committee discussed amending the Borough Technical Requirements for Customer Owned Generation-Revised February 11, 2019 by replacing the true-up rate for excess energy from the Base Power Supply Cost (currently \$0.07358) to the Energy rate (currently \$0.08). The Committee will recommend that Borough Council approve the change to the technical requirements at their August 12, 2019 council meeting.

**Discussion Items:**

1. Borough Manager Thompson reported to the Committee that the solar project passed a PPL field verified test of the facility and will be cutting in the solar output line into the Borough's substation on July 17 and 18. Once the facility is connected to the substation performance testing can be initiated and the facility is expected to be online by the end of July, barring any other unforeseen issues. No further action is required.
2. Borough Manager Thompson advised the Committee that the Pennsylvania seat on the AMP board of directors term expires this September. There will be an election at the annual PMEA conference September 11-13, 2019. If the Borough is successful in retaining the seat Mr. Thompson recommends that the Committee consider appointing the Borough's Enterprise Support Manager, Nate Merkel, as the alternate board member. This will allow the transition from Mr. Thompson to Mr. Merkel over the next year as part of the succession plan for the Borough Manager. No action is required at this time.
3. Several citizens questioned the availability of the full committee packet to the public on the Borough's Website versus just posting the agenda. Currently committee agendas are posted on the Borough website the Friday prior to the committee meetings. Council is provided access to committee packets through a Dropbox which is not accessible to the public. The Committee indicated their commitment to full transparency. The Borough Manager will discuss this issue with the Borough Solicitor who will provide his findings to Council for

further consideration. In the meantime, requests for information can be made through the Right-to-Know process. Applications can be found on the Borough's website.

**NOTE:** Following this agenda items, the citizens engaged in a conversation regarding the spotted lanternfly. While this subject matter is not part of the Municipal Enterprises' responsibilities, the matter will be referred to the appropriate committee of Council for further review.

### **Community Services Committee**

The Community Services Committee met on July 22, 2019 and discussed the following:

#### **Action Items:**

1. The Committee reviewed a request from the Ephrata Church of the Brethren to use the trail for their annual Crop Walk to End Hunger on Saturday, October 19, 2019 from approximately 8:00 am to 12:00 pm. There was some confusion on the procedure for approval since the inception of the WRRC. It's been determined that any multi-municipal annual event will be grandfathered in for the non-Sunday events. In addition, the "legacy" events will be reviewed and approved by the local municipality(s); however, the WRRC will need to be notified of the event to check for conflicts and to place it on their calendars. The Crop Walk is planned to walk a 5k loop between Fulton Street in Ephrata and Akron. The Committee will recommend that Borough Council approve the request at their August 12, 2019 meeting subject to the receipt of a Certificate of Insurance naming the Borough as an additional insured, approval from Akron Borough, and if required, an Incident Support Plan approved by the Chief of Police.
2. The Committee agreed to move the following from a Discussion Item to an Action Item. The Committee reviewed the proposed design and locations for temporary signage along the trail that was presented by Kelly Withum. She suggested the temporary signage to see if it is effective and beneficial before spending a lot of money on permanent signage. Kelly is planning on surveying trail users and meeting up with bikers in the parking lots. The Committee requested that Kelly write up a summary of the discussion from this meeting and identify the locations for the temporary signage to have at the Work Session on August 5, 2019. Mainspring of Ephrata will also have to submit paperwork for a sign permit. The Committee will recommend that Borough Council conditionally approve the request at their August 12, 2019 meeting.

#### **Discussion Items:**

1. Kelly Withum of Mainspring of Ephrata shared information of Shop Small Saturday. It is an annual National promotional for the day after Black Friday. It's a retail event that small communities participate in. This year's event will be bigger and better than last year. There will be signs for the days, balloons, and sidewalk sales. The Codes Office will provide guidance on the rules & regulations. No further action is required by the Committee.
2. There was a discussion about some concerns at the Ephrata Community Pool and a request for additional lounge chairs. Jim Summers reported that there are currently just under 100 chairs. Each chair costs \$130.00. Additional chairs have been in the budget for the last two years, but due to capital projects going over budget, they have not been able to be purchased. Jim will include an additional 30 – 50 chairs in the 2020 budget. There was also a concern brought up about the safety of the bathroom floors. They are slippery and are a hazard to the patrons. Jim Summers reported that runners were installed and will be replaced every two

weeks at a cost of \$250.00 for the remainder of the 2019 season. New epoxy flooring will be in the 2020 capital projects budget. There was also a discussion about the cooler size allowed to be brought in the pool. Current snack bar vendor does not have a problem with food being brought on whereas the past vendor did. A guest brought up that she is a member but will not attend the pool on weekends because of inappropriate clothing, loud music, and there's too many people in the pool. Jim reminded the Committee that the State certified the upper pool for 444 swimmers. There were only 200 swimmers in on Saturday, July 20<sup>th</sup>. Other issues discussed were a sign needed entering the slide area, the Divisional swim meet that was held on the hottest weekend of the year, adding members only benefits, hired attendants for the top of the tower to have an extra set of eyes, swimmer limits, possibility of making it an EASD pool only, and Jim shared that there were two incidents at the Denver Pool – both parent issues. These issues are recurring and will be discussed by the Committee during the off season. Jim Summers also distributed attendance and revenue information. He noted that there is an increase in attendance during the week.

3. Kelly Withum of Mainspring of Ephrata gave an update on the Bike Share Program. The shed will be 15 x 10 and will hold twelve bikes and is being planned to be located right off of E. Fulton Street, in a grassy area in front of the parking lot. Kelly is still soliciting for donations. The Committee requested that she layout everything – the final cost, the placement of the shed, all approvals needed, and then bring back to this Committee.
4. Visitor Mike Eichenlaub gave a brief update on the Community Garden Project. There was 167 lbs. of produce given to EASS that came from the garden.

### **Personnel Committee**

The Personnel Committee met on July 8, 2019 and discussed the following:

#### **Action Items:**

1. The Borough Manager Evaluation Form and Self-Evaluation Form were discussed. Rowe explained the rationale for using the simplified version rather than changing to a five-category with seven numerical values as was suggested at the last committee meeting. She explained the rationale would become clearer when the PMP Form (for Personnel Committee use) was discussed. Rowe also explained to be implemented for 2019, the forms should be approved at the August meeting, mentioning a promise was made to the employees and council that she would attempt to simplify the process. Input was received from the employee whose evaluation would be completed using this form. The committee agreed the form was acceptable and will recommend council approve the Borough Manager Evaluation Form and Borough Manager Self-Evaluation Form at the August 12, 2019 meeting.
2. The Chief of Police Evaluation Form and Self-Evaluation Form were discussed. The same procedure was followed for the first Action Item with input received from the employee whose evaluation would be completed using this form. The committee agreed the form was acceptable and will recommend council approve the Chief of Police Evaluation Form and Chief of Police Self Evaluation Form at the August 12, 2019 meeting.
3. The Performance Management Process (PMP) Form, for use by the Personnel Committee was discussed. Rowe noted that the form was revised to reflect three performance levels instead of the seven used previously. After receiving comments and suggestions from the two employees in attendance, the committee determined the form was acceptable as prepared.

The committee will recommend council approve the Performance Management Process Form at the August 12, 2019 meeting.

**Discussion Items:**

1. Sandy Kramer, Human Resources Manager was present to explain the methodology and formula used to create the median (average) wage, as well as how she determines the minimum, mid-level and maximum range of salary for each management employee. A combination of similar positions through various sources of which she subscribes is used. For some positions, such as Chief of Police, only information from other municipalities is used. For other positions, such as Water/Wastewater Manager, a combination of municipal and public sector positions is used since not all municipalities would employ that position. In addition, salaries are compared with other area municipalities to ensure the most accurate data is obtained. Due to the amount of data that is required to compile the ranges, the process is only done every two to three years. Sandy shared that the objective should be for a seasoned employee to be within 90% to 105% of the mid-range, the goal should not be to be at the maximum of the salary range. The methodology/formula is also effective when hiring to fill vacancies, allowing the Borough to offer a justifiable starting salary to someone with experience in the field. The committee thanked Sandy for her explanations and answers to their questions.
2. The Ephrata Borough Council Telecommunication Policy was presented to the committee for the first time. This Policy is a requirement to allow council or committee members to participate in a meeting without being physically present. Rowe explained her use of PSAB guidelines and recommendations when creating the policy. It was noted a quorum must be physically present at the onset of the meeting; the individual participating remotely cannot be considered a part of the quorum. After the meeting begins, the remote participant may be counted as part of the quorum, but if for any reason there is no longer a quorum present the meeting must be recessed. The committee discussed some changes in the timeline required for seeking approval. Those changes will be made, and the Policy will be discussed as an Action Item at the August meeting.
3. A scale of the management salary was discussed, with amounts prepared showing the budget impact for each quarter percent from 0% to 5%. The Borough Manager explained how the management salary increase is presently calculated. The committee wishes to possibly explore this further as a discussion item for the Budget & Finance Committee. No further action required.
4. Several topics for additional guidelines/policies were discussed. Previously, the committee requested Council – Management guidelines. This item will be placed on hold and appear as Old Business on the Agenda until the committee is prepared to address it again. Rowe presented a Policy for communication between council president and the Solicitor. While the committee was appreciative of the reasoning behind this Policy and realized the possible need for it to be implemented, it was decided to revisit this policy later in the year. Rowe also expressed a need for Borough Council Meeting Guidelines (similar, but in addition to the Committee Meeting Guidelines). The committee agreed and a draft or partial draft of the Borough Council Meeting Guidelines will be discussed at the August meeting. Of the remaining topics in place for future guidelines/policies/procedures, the committee determined that Ethics and Conflicts of Interest to be of the most importance. A draft or partial draft of this document will be discussed at the August meeting.

5. The Ephrata Borough Council Priority sheet was discussed. All agreed the Budget Process Workshop in July was a success. The next Workshop will be Running an Effective Meeting to be held August 5, 2019 at 6:00 PM. The Workshop will be led by Susan Rowe. Upcoming Workshops will include Right to Know and Executive Session/Closed Session.
6. The committee discussed again the benefits of meeting with various managers as part of the committee discussion from time to time. The goal would be to gain a better understanding of the requirements of the position, discuss the job description for the position and hear any positive feedback (or possible negative feedback) for working for the Borough of Ephrata. A list of position titles with the employee name blacked out (to ensure impartiality) was shared with the committee. A position was selected to begin the process at the August committee meeting but must be confirmed for the Agenda.
7. There was a lively debate regarding Key Card Access to select portions of Borough Hall by members of Ephrata Borough Council. It was determined that access would remain as it is now; however, members of Ephrata Borough Council will receive Borough IDs.
8. No goals were established by the committee for the August meeting, with the exception of possibly creating a shorter agenda. Rowe explained that much of the work being done by the committee now was allowed to lapse for far too long, necessitating the need for so much discussion at this time. Every effort will be made to not include as many items going forward.

#### **Old Business:**

1. The Planning of Orientation for New Council Members (to be revisited for current council members), although remaining a priority topic for the committee was not discussed at the July meeting due to the length of the meeting to this point.

#### **Additional Discussion Items:**

1. There were no additional items discussed at the July meeting.

#### **Executive Session:**

1. There was no Executive Session held at the July meeting.

#### **Additional Reports Included:**

- July 2019 General Ledger Report
- Ephrata Pioneer Fire Company July 2019 Report
- Ephrata Community Ambulance Association July 2019 Report
- Ephrata Emergency Management July 2019 Report
- Mainspring of Ephrata June 2019 Meeting Minutes
- 2<sup>nd</sup> Quarter 2019 Financial, Police, Electric Division, Inspection/Codes, Wastewater Treatment Division, Public Works Division, Water Division and Sanitation Reports
- Ephrata Performing Arts Center Quarterly Report
- Historical Society of the Cocalico Valley Quarterly Report
- Mayor's Revenue Report

*Reports Not Submitted: Ephrata Public Library Quarterly Report*

#### **NEW BUSINESS ITEMS**

### Consent Agenda

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

1. That Borough Council conditionally approve the June 20, 2019 e-mail request from the Ephrata Area Education Foundation to conduct a 5K Purple & Gold Color Run on Saturday, September 28, 2019 subject to Chief Harvey's approval and establishment of an Incident Support Plan, Borough receipt of a satisfactory certificate of insurance naming the Borough as additional insured, and notification to residents in Lincoln Heights area impacted by the event. (Highway)
2. That Borough Council conditionally approve the July 6, 2019 e-mail request from Lori Weaver, representing Boy Scout Troop 38, to use the Borough Office parking lot and the Major Winters Memorial Trail parking lot at East Fulton Street during the 2019 Ephrata Fair to park cars as a fundraiser subject to Borough receipt of a satisfactory certificate of insurance naming the Borough as additional insured. (Highway)
3. That Borough Council conditionally approve the July 2, 2019 e-mail request from Curvin Zimmerman, representing Pleasant Valley Mennonite Church, to conduct a street meeting at the corner of State and Main in front of the Ephrata Review building subject to Borough receipt of a satisfactory certificate of insurance naming the Borough as additional insured and proof of appropriate license to play music, produced by others, within a public right-of-way. (Highway)

It was moved by Mr. Barr, seconded by Mr. Richard, 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. Weiler, seconded by Ms. Martin, and unanimously passed that Borough Council approve three nominees for the Library Board: Casey A. Martin, Joel Horst Nofziger and Mike Eichenlaub.

It was moved by Mr. Weiler, seconded by Ms. Martin, and unanimously passed via roll call vote that Borough Council approve the following positions effective 8/26/19:

- a. Zoning Officer – Zach Rineer
- b. Alternate Zoning Officer – Nancy Harris
- c. Building Code Official – Zach Rineer
- d. Second Building Code Official – Nancy Harris

It was moved by Mr. Weiler, seconded by Ms. Martin, and unanimously passed via roll call vote that Borough Council adopt Resolution 2019-13 which updates the Base Power Supply Cost from 0.07281/kwh to 0.07358/kwh.

It was moved by Mr. Weiler, seconded by Ms. Martin, and unanimously passed via roll call vote that Borough Council adopt Resolution 2019-14 which allows the Borough to opt-out of allowing video gaming terminals (VGTs) in Borough truck stops and gas stations.

### **Development Activities Committee**

It was moved by Mr. Weiler, seconded by Mr. Barr, and unanimously passed that Borough Council grant a deferral of review and approval to Ephrata Township for the Ridge Avenue Tract lot add-on prepared by Pioneer Management and dated June 24, 2019.

It was moved by Mr. Weiler, seconded by Mr. Barr, and unanimously passed via roll call vote that Borough Council enact Ordinance 1550, Ephrata Borough Zoning Ordinance Rewrite and Zoning Map.

It was moved by Mr. Weiler, seconded by Mr. Barr, and passed via roll call vote with five yeas by Messrs. Weiler, Barr, Richard, Ressler and Ms. Martin and one nay from President Rowe that Borough Council authorize sending a member of Borough Council to the August 21, 2019, Zoning Hearing Board meeting to address concerns about possible adverse impacts to homes that do not have any off-street parking. It should be noted prior to the vote taking place, Ms. Martin inquired if the statement being voted on was the statement located at their seat at tonight's meeting; in which, Mr. Thompson confirmed she was correct and that statement being, "Ephrata Borough Council is concerned about any adverse impacts to the availability of existing parking that this application may create. There are four homes that do not have any off-street parking along North Oak Street. We ask the Zoning Hearing Board to consider our parking concerns when deliberating your decision. Thank you." Additionally, Mr. Weiler confirmed that he and/or Mr. Zimmerman will represent Council at the upcoming Zoning Hearing Board to read the prepared statement.

### **Highway Committee**

It was moved by Mr. Barr, seconded by Mr. Ressler, and unanimously passed that Borough Council conditionally approve the July 15, 2019 request from Kim Stonebraker, representing WellSpan Ephrata Community Hospital, to close Third Street between Ephrata Avenue and Penn Avenue on August 27, 2019 from 6:00 PM to 10:00 PM subject to Borough receipt of a satisfactory certificate of insurance naming the Borough as additional insured and notification to residents along Third Street impacted by the road closure.

It was moved by Mr. Barr, seconded by Mr. Richard, and unanimously passed that Borough Council conditionally approve the June 6, 2019 requests from the Christmas in Ephrata Committee of Mainspring of Ephrata to conduct activities associated with the annual Christmas Tree Lighting, Santa's Arrival, Holiday Walking Tour, Caroling, and hosting of Santa Claus subject to Chief Harvey's approval and establishment of an Incident Support Plan, Borough receipt of a satisfactory certificate of insurance naming the Borough as additional insured, Mainspring of Ephrata informing all merchants along Main Street regarding the Christmas Tree Lighting and Santa's Arrival event, Borough receipt of a Special Events Permit issued by the Pennsylvania Department of Transportation to close a numbered state route, Mainspring of Ephrata attempt to reach out to Nancy Thompson at Uncle Funky's to help with her concerns alleviating her complaints on the day of the event, and that Ephrata Borough Public Works make new no parking signage that incorporates larger, easier to read text defining parking time restrictions.

It was moved by Mr. Barr, seconded by Mr. Ressler, and unanimously passed that Borough Council defer replacement of pedestrian signal heads at the South Reading Road (SR 0272) & South State Street and East Main Street (SR 0322) & Bethany Road intersections.

It was moved by Mr. Barr, seconded by Mr. Richard, and unanimously passed via roll call vote that Borough Council authorize an unbudgeted expenditure in the amount of \$9,825 from the unappropriated fund balance for replacement of pedestrian signal heads and conditionally award a professional services contract to Rettew Associates, Inc. for traffic engineering services to install emergency vehicle preemption at three signalized intersections subject to a form acceptable to the Borough solicitor.

It was moved by Mr. Barr, seconded by Mr. Ressler, and unanimously passed that Borough Council conditionally approve Comcast's plans known as Drawing No. 093192019A-1 last revised August 1, 2019 subject to a fully executed Street Opening and Cable System Construction Agreement and Borough receipt of a satisfactory Performance Bond.

### **Municipal Enterprises Committee**

It was moved by Mr. Richard, seconded by Ms. Martin, and unanimously passed via roll call vote that Borough Council authorize McNees Wallace and Nurrick, the Borough's energy attorney, to incur up to an additional \$10,000 in charges, for a total of \$30,000, to complete the remaining tasks as described in their July 11, 2019 correspondence to Borough Manager Thompson, regarding the RICE Peaking Project documents. The Borough is sharing the cost of the legal work with both Hatfield and Perkasio boroughs, and will pay 43.5% of the total cost; not to exceed \$13,050.

It was moved by Mr. Richard, seconded by Ms. Martin, and unanimously passed that Borough Council adopt Resolution 2019-15 revising the Technical Requirements for Customer Owned Generation dated February 11, 2019.

### **Community Services Committee**

It was moved by Ms. Martin, seconded by Mr. Ressler, and unanimously passed that Borough Council approve the request from Ephrata Church of the Brethren to use the trail for their annual Crop Walk to End Hunger on Saturday, October 19, 2019 from approximately 8:00 a.m. to 12:00 p.m.

It was moved by Ms. Martin, seconded by Mr. Ressler, and unanimously passed that Borough Council conditionally approve the request from Mainspring of Ephrata to place temporary signage at various locations along the trail subject to all approvals required by Zoning and any permits obtained that are necessary.

### **Personnel Committee**

It was moved by Mr. Richard, seconded by Ms. Martin, and unanimously passed that Borough Council approve the Borough Manager Evaluation Form as amended.

It was moved by Mr. Richard, seconded by Ms. Martin, and unanimously passed that Borough Council approve the Borough Manager Self-Evaluation Form.

It was moved by Mr. Richard, seconded by Ms. Martin, and unanimously passed that Borough Council approve the Chief of Police Evaluation Form as amended.

It was moved by Mr. Richard, seconded by Ms. Martin, and unanimously passed that Borough Council approve The Chief of Police Self-Evaluation Form.

**APPROVAL OF CHECKS 38678 THROUGH 39092 AND THE ACH REGISTER  
DATED AUGUST 1, 2019**

It was moved by Mr. Barr, seconded by Mr. Richard, 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 \$1,111,679.73.

**SECOND OPPORTUNITY FOR CITIZENS TO BE HEARD**

Virginia DiIlio, 30 Kings Court, Ephrata, thanked Borough Council and Borough Manager D. Robert Thompson for posting “DRAFT” committee meeting minutes on the website making them available for attendees to review prior to the Voting Session.

Bob Harter, 301 W. Main Street, Ephrata, requested a copy of the prepared statement that will be read to the Zoning Hearing Board at their August meeting; in which, Mr. Thompson advised he will provide a copy of the statement to him.

After a brief time allotted for additional citizen comments and with no one in attendance coming forward, President Rowe closed the public comments portion of the meeting.

**DISCUSSION/ANNOUNCEMENTS**

Mayor Mowen inquired if he could receive a copy of the letter that was read by Jim Sandoe earlier at tonight’s meeting; in which, Virginia DiIlio advised she will take care of his request.

Mr. Richard requested a copy of Ms. Withum’s PowerPoint presentation be added to the Dropbox; in which, Mr. Thompson advised he will take care of his request.

Chief Harvey extended his appreciation to Mr. David Burkholder and the Highway Committee for their moving up the Emergency Vehicle Preemptions at the intersections deemed the most critical.

**ADJOURNMENT**

It was moved by Mr. Weiler, seconded by Mr. Barr, and unanimously passed that Borough Council adjourn. The meeting was adjourned at 8:29 PM.

Respectfully submitted,

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D. Robert Thompson, Secretary