

**EPHRATA BOROUGH COUNCIL  
WORK SESSION MINUTES  
OCTOBER 5, 2020**

The Ephrata Borough Council Work Session was called to order by President Susan Rowe at 7:00 PM on October 5, 2020, in the Council Chambers of the Borough Office, 124 South State Street.

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

Also in attendance were Borough Manager D. Robert Thompson, Director of Finance and Administration Christine Moore and Police Chief John Petrick.

Due to the Coronavirus – COVID-19 guidelines set forth by Governor Tom Wolf and in the respect of the practice of social distancing, James R. McManus, III, Esq., participated via a video conference.

The following visitor(s) were present:

Keith Allridge, 33 Country Side Lane, Leola  
Tim Auker, 542 N. State Street, Ephrata  
Marissa Becklin, 1005 Clearview Avenue, Ephrata  
Richard Bender, 149 N. State Street, Apartment C, Ephrata  
Tammy Bender, 149 N. State Street, Apartment C, Ephrata  
James Cihocki, 14 Concord Street, Mount Joy

The following visitor(s) participated via video conferencing:

Marylouise Sholley, Ephrata Review

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

**STATEMENT FROM PRESIDENT ROWE CONCERNING HOLDING A PUBLIC MEETING VIA VIDEO CONFERENCE**

“This public meeting of Ephrata Borough Council is being held in accordance with Act 15 of 2020. This Act allows for participation of Council Members is 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 Emergency is occasioned by 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 Mayor of the Borough of Ephrata remains in effect. This meeting and instructions to allow for citizen comments were advertised as stipulated in Act 15.”

President Rowe inquired if any citizen participating virtually wished to address Council; in which, Mr. Thompson advised he has not been made aware of any wishing to speak.

President Rowe inquired if any written comments were received that are to be read at this evening’s meeting; in which, Mr. Thompson advised no written comments were received.

**First Opportunity for Citizens to be Heard**

Tammy Bender, 149 N. State Street, Apartment C, Ephrata, was acknowledged by President Rowe to begin her comments. Ms. Bender advised she is attending tonight's meeting to request/designate a toy collection spot, possibly Grater Park, for the 2020 Marine Corps' Toys for Tots annual toy drive. Ms. Bender stated due to the circumstances individuals/families are currently experiencing, there is a greater need for this program than in years past. Ms. Bender advised the community collection day has been designated as Saturday, December 12, 2020, from 1:00 PM to 4:00 PM and she is requesting permission to set up a small tent and table in Grater Park to receive community donations. Additionally, Ms. Bender advised she may also need some assistance with traffic control (i.e., cones) to allow people enter and exit the park in a safe manner.

After a brief question and answer session, President Rowe requested this matter be added to the October 26, 2020, Community Services Committee meeting agenda to be voted on at the November 9, 2020, Borough Council Voting Session.

With no additional citizens in attendance wishing to address Council, President Rowe moved onto the Discussion of Committee Actions.

**Discussion of Committee Actions**

Budget and Finance Committee

Mr. Ressler advised the Committee met on September 28, 2020, and has one Action Item:

1. The Staff reviewed with the Committee a request from the Police Department to bid on an enclosed 20' trailer that is for sale by the Pioneer Fire Company. It is listed at \$10,000 or best offer. The trailer would be used for the housing of the drones. Currently, officers must load the drones into a PD vehicle when needed. This would allow the drones to be ready and charged at all times. The trailer already has a generator, benches, dc outlets and scene lighting. The trailer would be stored in the Fulton Maintenance Garage. The funds for the trailer will come from the 2020 training budget. Due to COVID, the PD team has not been able to train as much as they would normally. Additionally, a citizen has agreed to donate \$2,000 towards the purchase of the trailer. The bid ends on October 9, 2020 so the Committee will recommend that Council approve the request at the October 5<sup>th</sup> Work Session.
2. Mr. Ressler turned the meeting over to Christine Moore who provided a brief presentation on Ephrata Borough Authority Borrowing. Ms. Moore presented the following information: (1) For 2020, she is proposing to taking on new debt up to \$10 million which includes the fire company debt; (2) For 2021, she is proposing to refinance the current outstanding debt (approximately \$10 million); and (3) In 2022, she is proposing to taking one additional bond that would also be new debt to a maximum of \$10 million. Ms. Moore informed Council that Ephrata Borough Authority has a large construction project coming up at Plant 1 with an estimated cost of between \$13-\$15 million. Additionally, Ms. Moore advised also being included within that amount is approximately \$2.5 million to be split between the two fire companies (\$1.5 million for Pioneer Fire Company and \$1 million for Lincoln Fire Company). Ms. Moore then provided an overview of the 2020, 2021 and 2022 debt schedules and informed Council that she will be sharing her presentation with them via

Dropbox. Ms. Moore further advised these amounts were estimated on the high side as it is easier to decrease the amounts than increase. Ms. Moore concluded her comments by advising Council she is requesting their go ahead to move forward with the Borough guaranteeing the fire company's respective debt.

Mr. Richard requested a further explanation regarding what the fire companies are asking for; in which, Ms. Moore advised that Pioneer Fire Company is looking to purchase a ladder truck and Mayor Mowen advised that Lincoln Fire Company is looking to purchase a new pumper as their current one is over 30 years old. Mr. Thompson, in providing some background information, advised that Pioneer Fire Company approached the Borough a couple of months ago to advise their aerial truck has had some failures and they are in need of replacing it. Mr. Thompson advised, Pioneer had submitted a proposal with a maximum cost of \$1.5 million; in which, Staff was requested to look at options in which they would be able to save in the purchase and/or financing of the equipment. Mr. Thompson further advised at the same time, Staff was looking into the cost and financing of the upcoming WWTP1 project and in seeing how favorable current interest rates are currently came up with what is being presented this evening. Ms. Moore noted that the numbers shared at tonight's meeting will be tweaked as needed when more accurate information is available.

Mr. Ressler clarified that the Action Item would be that Staff is asking Council's permission to proceed with the borrowing which would be followed-up with a Resolution. Mr. Ressler then asked the remaining Committee Members for their comments; in which, Mr. Weiler stated, "... it seems like a wise move to space it out ... and the ten million ... stay under that number ... the advantages that has ... and it's definitely coming so let's plan ahead." Mr. Zimmerman then stated, "... I'm certainly fine with moving ahead."

Mr. Ressler inquired when the sewer project building will begin; in which, Mr. Thompson advised it is currently in the design phase and it is his understanding the design portion will be completed in early 2021. Mr. Thompson further advised that the bidding will most likely take place mid-2021; after which, it typically takes another 30-60 days to award it and get started. Mr. Thompson advised the money received from the first borrowing should be more than enough to get through 2021. Mr. Thompson further advised the third borrowing will take place in January 2022 which we will then be able to tailor how much money will be needed to complete the project.

Mayor Mowen sought clarification that the work being completed at the treatment plant is being done because it is a necessity, not a want; in which, Mr. Thompson advised it is a risk mitigation project and the proposed technology will last 20-30 years. Ms. Moore further advised that there will be a significant savings incurred by the Borough by not having to transport material to the landfill.

Mr. Thompson reminded Council that the Borough's share of the debt related to the Borough Authority is 50% with the remaining debt belonging to East Cocalico Township, Ephrata Township, Denver Borough and Akron Borough.

Mr. Ressler advised the Committee had six Discussion Items:

1. The Staff provided numerous documents for the Committee on the topic of Financial Assistance for Borough Residents:
  - a. Borough Website – Links to financial assistance (links to EASS and HUB), budget billing information and the budget billing application have been added in 3 locations on the website (electric documents from home page, News & Events tab from home page and under Borough Services – Utility billing info). The Staff has added funds to the 2021 budget for a website overhaul.
  - b. Jim Sandoe Letter – Mr. Sandoe submitted a letter to Council making suggestions on ways the Borough can solicit funds to help customers with their electric bills. Per James McManus, the Borough does not have the authority under the Borough Code to create a fund that could be used to help residents pay their bills. Council members suggested this is more of a social services function. The Borough is not a social services organization. The Borough can only do what is authorized under the Borough Code.
  - c. EASS Suggestions – Joy Ashley suggested a similar fund to help residents as well as a discount if they pay their bill. This is more of a social services issue and the Borough is not authorized to establish such a fund under the Borough Code. There were a number of guests who also expressed their thoughts that the Borough should help residents pay their electric bills.
  - d. Budget Billing – Information has been added to the website in three locations on how this program works.
  - e. John Stewart Audit Request – The Staff placed documents in the Dropbox summarizing his requests. The Committee will review the documents and discuss during the next Budget & Finance meeting.
  - f. Updated Statistics on Borough Electric Disconnections – The Staff updated the Committee on the current disconnect statistics. Of the 66 residences disconnected during the initial round thru 9/10/20, only 10 remain disconnected. Of the 10, at least 7 are vacant. On 9/17/20, there were 4 disconnected and they have been reconnected. Disconnections are also scheduled for 9/29/20. There are 13 on the list but the expectation is that a number of them will pay before being disconnected at 10AM.
2. The Staff provided numerous documents for the Committee on the topic of COVID update:
  - a. Revenue to Date – The Staff believes the estimate of a loss of \$380,000 in revenue, primarily under taxes, is still accurate.
  - b. PA CARES Submission – The Staff submitted a revised PA CARES packet with the PD payroll broken out between all of our partners. The original Borough submission was \$1,013,592.58 and the revised submission was \$622,637.96.
  - c. Rec Center – December Bond Payment – The Staff received an update from Jim Summers regarding the bond payment in December and they feel they will be able to make the payment without assistance from the Borough.
3. The Staff provided numerous documents for the Committee on the topic of Budget:
  - a. Pool Revenue – This was also discussed during the Community Services meeting. Staff will use \$270,000 as projected pool revenue. After Council has come to an agreement on how to handle pool admittance next year, Staff will update the projection as needed.
  - b. Fire Company Truck Financing – The Staff has some suggestions for financing of trucks for Pioneer and Lincoln Fire Companies. This information will be provided at the 10/05/20 Work Session.

- c. Sewer Rate Increase in 2021 – The Staff reviewed the estimated increase in sewer rates for spring 2021. The in-borough rate will increase and the out-of-borough rate will decrease to make them equal and increase revenue by approximately \$250,000. The additional funds are necessary to cover the additional debt that is needed for the construction at Plant 1.
  - d. Refinance of Bonds plus New Borrowing for Borough Authority – The rates are very favorable currently so it will be beneficial to Borough Authority to refinance the current debt plus additional borrowing of \$13 - \$15 million for Plant 1. The refinancing cannot occur until after August 2021 but additional borrowings will occur in 2020 and 2022 to cover all of the construction costs.
  - e. Pension Status – The Borough pension plans have a distress score of 1. Previously, the pension plans were at a zero distress score which meant the fund was funded at 90% or higher. The score now shows a distress score of 89% which is why we have a distress score of 1. This is primarily due to the poor returns in the stock market and an increase in the life expectancy charts.
4. The Staff provided the breakout of contributions that was listed as Old Business. The Committee will review and contact the Staff with any questions.
  5. 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.
  6. The Staff provided the Check and ACH registers to the Committee for September to date. No further action is required.

President Rowe asked Council if they had in any questions regarding the Report; in which, Ms. Martin, in referencing the refinancing of bonds, sought clarification that the Borough is basically seeking to refinance previous debt of approximately \$15 million. Ms. Moore advised the previous debt to be refinanced will be “just shy” of \$10 million. Ms. Martin then sought clarification that additional debt will be taken on to complete the WWTP1 project and fire company equipment purchases. Ms. Moore clarified that the first borrowing to be completed by the end of this year for approximately \$10 million will be partially for Wastewater and partially for Pioneer Fire Company; the second borrowing is solely a refinance; and the third borrowing will be for the additional amount that is needed which is being estimated at approximately \$8 million which includes the amount for Lincoln Fire Company. Ms. Martin sought clarification that that the Borough is guaranteeing the debt for the fire companies; in which, Ms. Moore advised she is correct and that the respective fire companies are to be paying their debt.

Mr. Thompson clarified that the Borough is not paying for the sewer debt and that the ask is for Borough Council to guarantee the fire department and the Borough Authority debt.

#### Development Activities Committee

Mr. Zimmerman advised the Committee met on September 28, 2020, and has five Action Items:

1. The Committee reviewed an assignment of lease from Cumulous Radio LLC to their successor organization for the WIOV tower. Per the lease they have to right to do this. The solicitor has reviewed the documents and is satisfied. The Committee will recommend that

Borough Council authorize the Borough Secretary to execute the Landlords Consent to the assignment of the lease at the October Borough Council meeting.

2. The Committee reviewed a drawdown request for stormwater improvements for a new home built at 851 Martin Avenue. The stormwater work has been completed and inspected. The applicant is requesting release of all remaining funds, \$19,380.24. The Committee will recommend that Borough Council authorize release of the remaining funds at the October Council meeting. This will appear on the consent agenda.
3. The Committee reviewed a drawdown request for stormwater improvements for a new two-unit constructed at 52 East Fulton Street. The stormwater work has been completed and inspected. The applicant is requesting release of their funds. The Borough will continue to hold 15% (\$2,006.57) for 18 months. The Committee will recommend that Borough Council release \$11,370.53 at the October Council meeting. This will appear on the consent agenda.
4. The Committee reviewed a Subdivision and Land Development Agreement for a new financial institution at the Cloister Shopping Center. The amount of the agreement is \$80,976.50. The Committee will recommend that Borough Council authorize the President of Borough Council and the Borough Secretary to execute the Subdivision and Land Development Agreement with the developer subject to it being in a form acceptable to the solicitor, Cloister Associates LP at their October meeting. This will appear on the Consent Agenda.
5. The Committee reviewed a Stormwater Operation and Maintenance Agreement for the proposed stormwater improvements associated with the land development plan for a new financial institution at the Cloister Shopping Center. The Committee will recommend that Borough Council authorize the President of Borough Council and the Borough Secretary to execute an Operation and Maintenance Agreement with the developer subject to it being in a form acceptable to the solicitor, Cloister Associates LP at the October Council meeting. This will appear on the Consent Agenda.

Mr. Zimmerman advised the Committee had two Discussion Items:

1. There were no decisions from the September Zoning Hearing Board meeting.
2. There are no new applications for the October Zoning Hearing Board meeting.

#### Highway Committee

Mr. Richard advised the Committee met on September 28, 2020, and has four Action Items:

1. The Committee reviewed a Resolution providing for price adjustment of bituminous materials in small quantities. Potential price adjustments are associated with Bid #20-4 Spruce Alley Improvements. This Resolution is a requirement when using liquid fuels tax dollars to pay for certain street and alley improvements. The Committee will recommend that Borough Council adopt Resolution No. 2020-19 at their October 12, 2020 meeting.
2. The Committee reviewed a disposition of assets request regarding disposal of a vehicle. The specified vehicle is a 2005 Ford F-250 Super Duty, Regular Cab Pickup Truck, 4X4, VIN

#1FTNF21595EA53221, approximately 78,183 miles with an estimated value of \$3,700.

The Committee will recommend that Borough Council approve this disposition of assets at their October 12, 2020 meeting and authorize Staff to transfer title to the 2005 Ford F-250 Super Duty, Regular Cab Pickup Truck, 4X4, VIN #1FTNF21595EA53221 to the Ephrata Borough Authority.

3. The Committee reviewed Comcast's plans to install 723 linear feet of underground cable in conduit along Lincoln Heights Avenue from Buch Alley east to the Cul-De-Sac. Staff has reviewed and approved the plans as submitted. The Agreement is in a form previously acceptable to the Borough Solicitor. The Committee will recommend that Borough Council conditionally approve Comcast's plans known as Drawing No. 093192019A-4 dated July 7, 2020 subject to a fully executed Street Opening and Cable System Construction Agreement and Borough receipt of a satisfactory Performance Bond and certificate of insurance naming the Borough as additional insured at their October 12, 2020 meeting.
4. The Committee reviewed Windstream's plans to install 60 linear feet of underground cable in conduit along North State Street adjacent to Poplar Alley requiring a road closure for approximately 1-2 days during work hours. The work will be completed by Triple D Communications, LLC. Staff has reviewed and approved the plans as submitted. The Agreement is in a form previously acceptable to the Borough Solicitor. The Committee will recommend that Borough Council conditionally approve Windstream's plans known as Project No. 702192008 dated August 20, 2020 subject to a fully executed Street Opening and Cable System Construction Agreement and Borough receipt of a satisfactory Performance Bond and certificate of insurance naming the Borough as additional insured at their October 12, 2020 meeting.

Mr. Richard advised the Committee had three Discussion Items:

1. Mainspring of Ephrata discussed with Committee plans for a virtual Christmas event.
2. Councilperson Weiler discussed with Committee a Veteran's Day event placing luminaries along the Winters Memorial Trail and the need to close Railroad Avenue to accommodate activities planned for this event. Staff could not immediately locate previous requests for this event so further discussion will occur at the October 5, 2020 Council Work Session. Mayor Mowen advised that the Pioneer Fire Company sets their aerial truck in that area and hangs a flag over the trail for approximately two to three hours. Mr. Thompson advised that there needs to be confirmation with Mainspring of Ephrata as to the time period requested as well as obtain authorization to close Railroad Avenue. Mayor Mowen advised he received information from Kelly Withum today who stated setup will begin at 3:00 PM and the function itself will be from 6:00 PM to 8:00 PM. Mayor Mowen further advised in past years, Pioneer has set up the equipment/flag a few minutes prior to the starting time and clears a few minutes after the ending time. Mr. Thompson clarified if the ask would be from 5:30 PM to 8:30 PM; in which, Mayor Mowen advised that is correct. Mr. Richard requested the Recommendation be updated to reflect what was discussed.
3. South Oak Street pedestrian bridge railing/vehicle barrier discussion will continue at a future Committee meeting after Staff discusses their issue with Lancaster County PennDOT

maintenance staff regarding a similar barrier they have on a local bridge in the Borough and what plans they may have to replace that railing.

President Rowe asked Council if they had in any questions regarding the Report; in which, Mr. Ressler inquired as to an updated on Comcast's status within the Borough. An unidentified male in attendance advised that most of the aerial has been installed and active and they are currently waiting for the underground to be completed. Mr. Thompson advised he received information that the aerial portion is about 75% completed and the underground is about 10%; in which, he was advised his information was accurate.

### Community Services Committee

Mr. Weiler advised the Committee met on September 28, 2020, and has three Action Items:

1. The Committee agreed to move the following from a Discussion Item to an Action Item.  
The Committee discussed a request from Kelly Withum of Mainspring of Ephrata to use the Winters Leadership Memorial Plaza and Warwick Ephrata Rail Trail, to hold a celebration honoring our Veterans. Luminaries will be placed along the trail with the names of Veterans who have served in the Armed Forces from our Community. In addition, it was requested to close Railroad Ave. to have a fire truck there to hang a flag across the trail. (Referred to the Highway Committee) The Event is scheduled for Wednesday, November 11, 2020 from 5:00 PM to 8:00 PM. Set up for the Event will begin at 3:00 PM. At the end of the Event, cleanup will take approximately one hour. Mainspring of Ephrata is partnering with Fulton Elementary School, a community Boy Scout group, VFW, and Pioneer Fire Company. The Committee will recommend that Borough Council approve Mainspring of Ephrata's request at their October 12, 2020 meeting subject to an approved Incident Support Plan from Randy Gockley. The Certificate of Insurance has been submitted. (Move to Consent Agenda)

Kelly Withum also asked for approval for Mainspring of Ephrata to submit requests for all of their events in January of each year. The Committee agreed, with the understanding that if anything would change before the Event, it has to go back to the Committee.

2. The Committee agreed to move the following from a Discussion Item to an Action Item.  
The Committee discussed a request from Jennifer King, and therapy dog, Nova, from United Disabilities Services, Service Dogs, to use 3.1 miles of the Warwick Ephrata Rail Trail on Saturday, October 31, 2020 for a 5K Event. It is not a private event and is open to the public, nor will it prohibit others from using the trail. Registered participants will report to the parking lot near the Fulton Elementary School at 11:30 AM with the race starting 12:00 PM, with scheduled start times of every 15 minutes to ensure social distancing. Racers will also be encouraged to wear a face mask. Those attending the Event do so at their own risk. The route will be marked with signs, placed and removed, by UDS Service Dogs volunteers and/or staff. The UDS Service Dogs Ford Flex will be parked at the congregating point with runner's bags and a donation box for participants that choose to donate an item to the service dogs. The Committee will recommend that Borough Council approve the request at their October 12, 2020 meeting subject to receipt of a satisfactory Certificate of Insurance naming the Borough as an additional insured.
3. The Committee agreed to move the following from a Discussion Item to an Action Item.

The Committee reviewed a request from Revs. Marissa and Hans Becklin to place a Little Free Library at the entrance to Sycamore Acres Park, near the sidewalk on Dawn Ave. The project will be funded and installed by the Becklin's. Little Free Library is a nonprofit organization that inspires the love of reading, builds the community, and sparks creativity by promoting neighborhood book exchanges. The box is made of composite material to hold up in the weather. The inside of the box is constructed to be weatherproof. The Becklin's will take full responsibility for maintaining the Library, keeping it clean and stocked with books. President Susan Rowe suggested that they contact the Ephrata Public Library. They may already have the boxes built and available. The Committee will recommend that Borough Council approve the installation of a Little Free Library at their October 12, 2020 meeting.

Mr. Thompson advised that the Becklin's did reach out to the Library who offered to them a Little Free Library that they had in storage. Mr. Thompson further advised that Ms. Talbert sought additional information regarding the insurance requirements as well as offered to donate some books for the box.

Mr. Weiler advised the Committee had two Discussion Items:

1. Mr. Thompson advised the Committee of the Adopt-A-Trail announcement made by Maria Tivoli-Attah, WRRRC/LrC Regional Recreation Coordinator. The Warwick to Ephrata Rail Trail (WERT) has been enjoyed by many in our region. Recently, friends of WERT have volunteered to Adopt-A-Trail, similar to the Adopt-A-Highway Program where a group of people or organization maintains a portion of a highway. The Adopt-A-Trail Program will provide trail care for a section of the trail. The Borough has been invited to participate. The Program will be coordinated through Maria. The Borough's Solicitor will be asked to prepare a waiver in lieu of a Certificate of Insurance. The Committee had no objections. Maria will be informed that the Borough will participate. No further action is needed.
2. Chris Moore, Director of Budget and Finance, reviewed pool membership numbers and revenue for the 2020 season. Mrs. Moore explained that a number needs to be put in the 2021 proposed budget draft. Borough Council will need to decide their philosophy of operating the pool for the 2021 season as it relates to attendance and revenue: Should it become a Member Only or a Members Only and guests?; (2) As well as, do we want to continue selling day passes? These decisions will significantly affect the budget. For example, if we decide on Members Only, there will be a loss of revenue that will need to be made up somewhere perhaps in membership fees. Linda Martin stated that there is a need to have to further discussion before a decision can be made. It was decided that \$270,000.00 will be put in the budget and adjustments will be made after Council meets to review the budget draft.

President Rowe asked Council if they had in any questions regarding the Report; in which, Ms. Martin, in referencing the Free Little Library, advised she is a bit concerned regarding the requested Certificate of Insurance. Ms. Martin further advised she reached out to Lancaster City who has a few of the Free Little Library boxes in place who stated they did not require any Certificates of Insurance for their boxes. Ms. Martin advised she also spoke with Penny Talbert, Ephrata Public Library, and asked if they could provide the insurance coverage; in which, Ms. Talbert advised she looked into the request and the Library is not able to do so. Ms. Martin

inquired if a Certificate of Insurance is necessary if the boxes are placed on Borough property as it would be her understanding the Borough's liability insurance should cover them.

Additionally, Ms. Martin stated, "... I get concerned about swatting flies with big sledgehammers when it comes to people who are just trying to do things for the community and getting discouraged doing that ... because we have had that happen before." Ms. Martin further inquired, "... if we can issue a waiver on the trail to the do the Adopt-A-Trail ... if we can provide a waiver in lieu of a Certificate of Insurance ... if people are going to be working on our trail, it seems like a lot more worse things can happen doing that than going and picking out a book out of a free library ... so I'm just concerned about the Certificate of Insurance and why this is so difficult for ... why this is so necessary ... why can't it be just the Borough insurance that covers it ... it just seems like overkill and I just want to address that."

Mr. Thompson provided an explanation as to why insurance and release of liability for proposed activities is important to protect the Borough's liability. Mr. Thompson stated, "... this means if the Borough is subject to an action, we would want protection of ourselves as well as whoever's property it is that we are covered under their insurance as well. Mr. Thompson further advised if you put something foreign on your property that is not owned, operated and maintained by the Borough, somebody injures themselves ... I'm riding my bicycle and I run into it ... it's in a state of disrepair and I get a rusty nail and tetanus, for example, we would want to be covered for that ... the Waiver of Liability is for when someone is working on our trail, they are waiving liability from us (the owner); however, if someone puts a foreign object on Borough property, they have nothing to waive." Mr. Thompson advised if we waive our liability, it does not stop someone from coming in and suing us for some injury.

Ms. Martin inquired what would prevent someone from suing us if they are working on the trail; in which, Mr. Thompson clarified that we are allowing the work to be completed by certain specific individual(s) who is/are assigned a particular portion of the trail. Mr. Thompson further clarified that even though the Borough has their own insurance, it is the person creating the liability that should provide the insurance and should allow the Borough to become an additional insured on their insurance. Ms. Martin concluded her comments by advising she is going to make contact with other municipalities in an effort to see how they handle such matters.

Mayor Mowen advised he is in agreement with Ms. Martin and inquired as to why the Borough would not get the Free Little Library structure from the Ephrata Public Library and place it in the proposed area which would make it the Borough's property which would be covered under its insurance policy. Mayor Mowen expressed his concerns of "... making things so difficult for our residents who want to do stuff ... that they want to do things for the Borough ... okay ... let the Borough get the thing and if there's a cost to buying it from the Library, I'll pay for the darn thing." Ms. Martin clarified there is no cost for the structure.

Mr. Weiler advised it was his understanding that the Ephrata Public Library was to provide the insurance; in which, Ms. Martin clarified that she received information from Ms. Talbert at 6:41 PM this date who stated, "... I did look into it and it is not something we can do." Mayor Mowen then stated, "... well if the Borough puts it in, then it's ours." Mr. Weiler inquired if there is a need for input from the Solicitor regarding this matter; in which, Solicitor McManus stated, "... it's really ... it's a question of policy ... it's difficult to ... with some projects and

some activities that are being done on Borough property by others have more potential risk than others ... I can't tell you and I'm not familiar with what the costs are to provide that entity's coverage, but it's been a long-standing policy for the Borough to require ... can you waive it? ... yes ... I think you have to measure that versus the risk that might be involved ... I can't really give you a legal opinion as to this particular project because it's a policy matter."

Mayor Mowen, addressing Solicitor McManus, inquired, "... if the Borough puts it in and it's the Borough's property, then it falls under the Borough's insurance ... you don't have to worry about getting insurance from somebody else?" Solicitor McManus advised if it is a Borough activity on Borough property, Mayor Mowen is correct with his thinking.

President Rowe, in addressing the Committee members, inquired if they are in agreement to have the Action restated to waive the Certificate of Liability; in which, Mr. Weiler, Mr. Barr and Ms. Martin advised they are all in agreement to do so.

President Rowe, in addressing the Committee members, inquired if they are in agreement to have the Borough install the Free Little Library structure on Borough property with Mr. and Ms. Becklin maintaining/stocking the structure; in which, Mr. Weiler, Mr. Barr and Ms. Martin advised they are in agreement to do so.

President Rowe requested the Action Item be revised reflecting the noted changes to be voted on at the October 12, 2020, meeting.

#### Special Projects Committee

Mr. Barr advised the Committee met on September 21, 2020, and has one Action Item:

1. The Committee reviewed two applications for gateway signs. The first was from the Ephrata Masonic Lodge #665; and, the second was from the Veterans of Foreign Wars Post 3376. Both applications are acceptable and the Committee will recommend that Borough Council approve the applications at their October 12, 2020, meeting.

Mr. Barr advised the Committee had one Discussion Item:

1. The Committee discussed the Pennsylvania State Association of Boroughs Junior Council Program. Borough Manager Thompson reviewed with the Committee one of the keys to success with the Grove City program. He stated that in Grove City, one of their elected officials serves as an advocate and a mentor for the program and suggested that Ephrata should consider an elected official as a sponsor. In addition, Mr. Thompson indicated that he reached out to Dr. Troop to ask for his input on how to make the program more sustainable. It was suggested that this item be tabled until the next meeting when the Committee could review Dr. Troop's response.

Mr. Barr advised the Committee had two Old Business Items:

1. Mr. Thompson reported that little action has been performed on the free electricity policy guidelines.
2. Mr. Thompson reported that the information for new customers is currently on the Borough's website; however, the information is not all located in one place. The Staff will be budgeting

to update the Borough's website in 2021 and will place all of the items in one easy-to-locate section of the site. It was suggested that the Borough consider utilizing the school district's intern program to update the site. Mr. Thompson will discuss with Ms. Moore and Mr. Kachel.

**Discussion of Committee Reports (No Action Items)**

Public Safety Committee

Vice President Reinhold advised the Committee met on September 21, 2020, and had three Discussion Items:

1. Monthly Police Report – Lt. Shumaker presented on the monthly police report noting no major incidents for the month of August.
2. Emergency Management Report– EMC Gockley was not present for this month's report and there was no discussion regarding the content of his written report.
3. Public Comments – Members of Northern End Stands Up briefed the Committee regarding issues to improve community trust with the Ephrata Police Department and requested that Council consider posting police policies online, banning choke holds and banning carotid artery restraints.

Mr. Ressler advised he requested Mayor Mowen to speak with Chief Petrick about the monthly police reports being provided to Council. Mr. Ressler stated, "... I really enjoyed the aspect of the recognition of policing excellence and also the aspect of the report that had detailed the issues that the Borough is experiencing ... and hopefully, I'd like to see some version of those to continue because the statistics are very dry to us and while we need to get them, they don't really have that much meaning to us ... the other thing I talked to him about is that I hope there is some way the Excelling in Policing can possibly be shared with the public whether by website or however because this sends another narrative out to the public cause we do have some outstanding things that the police do for us and we need to not just have one narrative out there." Mayor Mowen advised he will be speaking with Chief Petrick about this suggestion.

Municipal Enterprises Committee

Ms. Martin advised the Committee met on September 21, 2020, and had six Discussion Items:

1. The Committee discussed a rate concern from John Stewart that was carried over from the August Committee meeting. Mr. Stewart referred to a customer who reached out to him about a recent electric bill. Mr. Stewart stated that there is no benefit to small customers from the all-electric rate. The staff compared the customer's usage with the Commercial General Service Total Electric (GST) rate with the Commercial General Service (GS) rate. The Commercial General Service rate is approximately \$22-25 per month less than the total electric rate. This is reflected in the difference between the customer charges for GS (\$25) and the GST (\$52.50). The Staff will change the rate class that this customer will be charged to Commercial General Service. The Staff will also perform the same comparison for all other Commercial General Service Total Electric customers to identify if there are others that should change class.

2. The Committee discussed a second concern from Mr. Stewart that was carried over from the August Committee meeting. Mr. Stewart complained that the Borough was charging a fee of \$125 to remove an electric meter at the customer's request. He claims that no other electric utility charges such a fee. Mr. Thompson reported that the \$125 fee is to remove the electric service from the customer's property including the meter and that the fee is to recover the cost incurred by the Borough. The Committee was satisfied with Mr. Thompson's explanation and did not recommend any changes to the fee.
3. Mr. Thompson reviewed with the Committee the financing for the AMP R.I.C.E. Peaking Project. AMP will pay for the project by borrowing money from their line of credit (LOC). Monthly charges will equal the credits received from the peaking shaving project resulting no additional monthly charges to the Borough. Once the debt is retired, the Borough will receive monthly credits being the net from the peak shaving and the monthly operation and maintenance charges for the generators. It is estimated that the debt will be retired in approximately ten years.
4. The Committee discussed a proposal from Joy Ashley, Executive Director of the Ephrata Area Social Services, to create a COVID Relief Fund to assist customers to pay their utility bills. Ms. Ashley suggested that the Borough consider funding such an account, (Kelly Warner also participated in the discussion via Zoom.) Mr. Thompson informed the Committee that he has reviewed the Pennsylvania Borough Code and could not find that the Code grants to a Borough the authority to use public funds to create such an account. The only reference is to create a fund that benefits seniors. In addition, it was discussed that the Borough could create a mechanism to allow the public to voluntarily pay into a COVID Relief account and the Borough could distribute the money to those in need. Mr. Thompson informed the Committee that he asked the Borough Solicitor to look into the authority of what the Borough can and cannot do. The Solicitor will attend the Budget and Finance Committee on September 28, 2020 at 6:30 PM and report on his findings.
5. The Committee discussed a second proposal from Joy Ashley consisting of an incentive program for past due customers who pay their bills in full by a certain established deadline. Bills could be discounted by 10-15%. The Committee had concerns for this proposal citing that this favors customers who have not paid their bill on time, while those who did pay on time are not rewarded. The Committee did not make any recommendation to move this proposal forward.

The Committee also discussed the Borough's budget billing program. This program requires that the past due amounts be paid in full before a customer can participate in the program. Councilwoman Martin stated that the program information and application form is very difficult to locate on the Borough's website and asked that it be prominently displayed in the Electric Documents section on the website. Ms. Martin also asked that a link be shared with social services organizations that can assist customers pay their bills.

(NOTE: EASS and the Northern Hub suggested that there be monthly meetings between the Borough, EASS and the Hub. Ms. Ashley requested that a council person be part of the Borough's team.)

6. The Committee discussed establishing an electric rate for the Borough's electric vehicle charging stations. Mr. Thompson informed the Committee that Lansdale Borough has had EV charging stations online since July 2019. During that period, they have used 26,600 kWh, valued at approximately \$2,000. Mr. Thompson recommended that the Committee establish the initial EV charging rate at \$0.00/kWh; suggesting that they can be used as an economic development tool. The Committee supports preparing an ordinance establishing the EV rate at \$0.00/kWh with the option to adjust future rates via resolution. The Solicitor will prepare the ordinance for the November Council meeting.

Ms. Martin advised the Committee had one Old Business Item:

1. Mr. Thompson reminded the Committee that the Borough's alternate position to the AMP board of trustees is still vacant. No further action is required.

Mayor Mowen inquired if the charging stations are operational; in which, Mr. Thompson advised they are not until a rate has been established.

President Rowe advised that Ms. Ashley, EASS, requested a Council person to attend their quarterly meetings and asked for a volunteer. Ms. Martin confirmed at this time, the meetings will be held quarterly and then on an as-needed basis; after which, Mr. Ressler volunteered to be the Council liaison for those meetings.

#### Personnel Committee

Vice President Reinhold advised the Committee met on September 14, 2020, had one Special Item:

1. Mr. Thompson was present to review some questions from the Committee following his conversation with them last month. Several handouts were provided to the Committee at their request including job descriptions for assistant/deputy borough managers and organization charts from other municipalities. The Committee dialogued their concerns and listened as Mr. Thompson shared his perspective. A compromise was reached, as the Committee agreed to proceed with a temporary organization chart and a future organization chart. Mr. Thompson also discussed with the Committee the staffing at the Public Works division. Public Works is short on equipment operators. The Committee agreed to accept his proposal to get that division back to full staffing. This is informational only as all positions are included in the 2020 Budget and Program of Services and therefore previously approved by Borough Council. It was shared with the Committee as a courtesy.

Vice President Reinhold advised the Committee had three Discussion Items:

1. At the request of the Committee Alternate, the Committee agreed to begin the discussion with Discussion Item #4, the Personnel Committee ideas for priorities. As that discussion began, Ms. Martin requested it be tabled to bring up an item not covered on the agenda.
2. Ms. Martin expressed her displeasure in the Committee only accepting a final report on the results of the Borough Manager's goal of increasing employee morale. She appealed to the Committee to request to see the raw data (with any identifying indicators removed) as opposed to simply being given an analysis. After some discussion, the Committee agreed that

Council President Rowe be tasked with first determining if viewing the raw data was possible, then requesting that information in addition to the analysis report from the Borough Manager. Ms. Rowe will complete these tasks and invite the Borough Manager to participate in the October 12 Committee meeting, reserving a “Special Item” slot at the beginning of the meeting for this discussion.

3. Discussion Item #1 (Future and Priority of Workshops), Discussion Item #2 (Policies and Guidelines), Discussion Item #3 (Retreats for 2021) and Discussion Item #4 (Personnel Committee members ideas for priorities) were not brought forward by Chairman Reinhold due to the late hour. These are planned to be presented as discussion items again at the October meeting.

Vice President Reinhold advised the Committee met in an Executive Session to discuss a confidential personnel matter. This Executive Session was recessed until all of the Committee could be available. The meeting will be reconvened on Wednesday, September 16 at 8:00 AM. Chairman Reinhold reconvened the meeting as scheduled; however, a quorum of the Committee was not present and the meeting was again recessed until Tuesday, September 29 at 2:00 PM.

### **Recommendations**

#### **Budget and Finance Committee**

It was moved by Mr. Ressler, seconded by Mr. Weiler, and unanimously passed via roll call vote to authorize the Police Department to submit a bid not to exceed \$20,000 to purchase and upfit the 20’ enclosed trailer that is for sale by Pioneer Fire Company to be used for housing of the drones.

Prior to the vote, Mr. Richard sought clarification as to how the trailer will be funded; in which, Mr. Ressler advised the original asking price of the trailer is \$10,000, however, the item has been put on a bid so that is the starting price point. Mr. Ressler additionally advised a citizen has offered to donate \$2,000 towards the purchase with the remaining funds being paid out of the Police Department budget due to them having unused/available training funds.

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

After allotting a brief time for citizen comments and/or remarks and with no one in attendance approaching the podium, President Rowe turned to the discussion/announcements portion of the meeting.

#### **Discussion/Announcements**

Ms. Martin advised that Mainspring of Ephrata held their Party in the Plaza event in the Grater Park which resulted in a good turnout on a beautiful day. Ms. Martin advised that several attendees were from out of town as they were followers of the band which "... was really cool ... it was just a lovely, lovely time for everybody."

Mr. Barr advised over the past few Council meetings, as well as Committee meetings, there were concerns voiced regarding electric cutoffs and the uncertainty of landlords taking care of their respective properties. Mr. Barr further advised some of the concerns expressed were lack of insulation, need for better quality insulation, as well as "other energy wasters" including caulking or cheap windows. Mr. Barr advised he would like to see the Development Activities Committee and Codes Enforcement be more proactive and assertive in having landlords take care of these issues.

President Rowe, addressing Solicitor McManus, inquired if Borough Council can compel landlords and/or property owners to insulate their properties; in which, Solicitor McManus advised what can be done is to enforce the codes that are in effect. Solicitor McManus further advised if there is not a code requirement for a certain amount of insulation, the answer is no.

President Rowe, addressing Mr. Barr, inquired if he wished to discuss amending the Property Maintenance Ordinance at the Development Activities Committee meeting; in which, Mr. Barr advised he believes there are a lot of deficiencies that need to be corrected. Mr. Barr further advised that there are several landlords charging a lot of rent who are not maintaining their property and that issue needs to be resolved.

Mr. Richard advised he is not sure Council can mandate how landlords insulate and/or install windows on a property when that cannot be done to people who own their own properties. Mr. Richard further advised properties are inspected every three years and/or when people change renters for safety violations stating, "... which I think is a great idea ... but I think to go past that and start to be judge/juror for what you have to insulate, I think we are way out of line." Mr. Richard further stated, "... as far as what people pay for rent, they can say no and go somewhere else ... so, I think what Mr. Barr is proposing is very scary to me because we're in an area where I don't think we should be even in that area ... to tell people how they need to construct or insulate their properties ... only for rentals, not the house they live in ... I totally disagree 150 percent of that."

President Rowe, addressing Mr. Thompson, sought clarification that the Property Maintenance Code covers owner-occupied and rental properties; in which, Mr. Thompson advised she was correct. Mr. Richard then stated, "... but we don't tell people how to insulate and put windows in ... I just think that's way out of line ... but that's my two cents."

Vice President Reinhold, addressing Ms. Moore, inquired if it is correct that there are currently three residences that have occupancy that are still without electric; in which, Ms. Moore advised he is correct.

Vice President Reinhold then inquired as to the status of leaf bags and if the program will be held differently this year due to COVID; in which, Mr. Thompson advised bags are available at the Customer Service desk. Mr. Zimmerman advised that bag distribution will also be happening on Saturday, October 10, 2020, at the Grater Park.

Mayor Mowen, in referencing the Veteran's Day event, advised after re-reading Ms. Withum's request, the Pioneer Fire Company will most likely be setting up their truck around 5:00 PM, not 6:00 PM as previously mentioned.

Mayor Mowen, in referencing the Gateway Signs, advised he is still working on the program and is awaiting responses from several organizations.

Solicitor McManus informed Council that on September 30, 2020, the County Commissioners adopted its version of a LERTA Ordinance so all three taxing entities have, either by Resolution or Ordinance, a LERTA provision in place and effective.

Chief Petrick advised that on this date, the Police Department commenced their school walkthrough's. Chief Petrick advised officers are being encouraged to walk through the elementary, intermediate, middle and high schools to "meet and greet" the students as part of community policing efforts. Chief Petrick concluded his comments by advising it was positive contact with the students and will be done on a regular basis.

At 8:34 PM, President Rowe advised she is calling for a recess of the Work Session for Council Members to reconvene in an Executive Session to discuss a personnel matter.

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D. Robert Thompson, Secretary