

**EPHRATA BOROUGH COUNCIL
REGULAR MEETING MINUTES
OCTOBER 11, 2021**

The regular Ephrata Borough Council meeting was called to order by President Susan Rowe at 7:00 PM on October 11, 2021, 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 Ricky Ressler, Council Members Timothy Barr, Wes Dudley, Linda Martin, Victor Richard, Greg Zimmerman and Mayor Ralph Mowen.

Also in attendance were Borough Manager D. Robert Thompson, Police Chief John Petrick and Borough Solicitor James R. McManus, III, Esq.

The following visitors were present within Council Chambers:

Bill Albaugh, East Earl, PA
Danine Albaugh, Warren, PA
Larry Alexander, The Ephrata Review
Alan Armstrong, 106 Hummer Road, Ephrata
Rebecca Beres, 44 Brookfield Drive, Ephrata
Teresa Caruthers, 229 Railroad Avenue, Ephrata
Darleen Deegan, 1321 Marie Avenue, Ephrata
James Deegan, 1321 Marie Avenue, Ephrata
Brandon Deppin, Warren, PA
Jeff Donahue, 205 Julia Road, Ephrata
Marti Epler, 1330 Marie Avenue, Ephrata
Carol Hackman, 1221 Marilyn Avenue, Ephrata
Rob Hackman, 1221 Marilyn Avenue, Ephrata
Lisa Jean Hoefner, 219 Julia Road, Ephrata
Nevin Horst, 102 W. Main Street, Ephrata
John Landis, 1232 Lincoln Heights Avenue, Ephrata
Barry Lausch, 1117 Marilyn Avenue, Ephrata
Greg Martin, 1304 Marilyn Avenue, Ephrata
Gil Ochs, 1193 Lincoln Heights Avenue, Ephrata
Jane Pfautz, 104 Julia Road, Ephrata
Jeff Pfautz, 104 Julia Road, Ephrata
Jesse Pierce, 235 Duke Street, Ephrata
Debra Sanders, 1125 Lincoln Heights Avenue, Ephrata
Lee Sanders, 1125 Lincoln Heights Avenue, Ephrata
Jim Sandoe, 118 Joann Avenue, Ephrata
Robert Shaeffer, 1329 Marie Avenue, Ephrata
Jim Summers, Ephrata Area Recreation Center
Chad Weaver, 1357 Marie Avenue, Ephrata
Jolene Weaver, 1357 Marie Avenue, Ephrata
Jane Weber, 1330 Marilyn Avenue, Ephrata
Mike Weber, 1330 Marilyn Avenue, Ephrata
Tony Weinhold, 121 Julia Road, Ephrata
Gail Witwer, 121 Julia Road, Ephrata
Tony Zbrzezity, 219 Julia Road, Ephrata

A moment of silence was held which was followed by the Pledge of Allegiance.

APPROVAL OF AGENDA

It was moved by President Pro Tem Ressler, seconded by Vice President Reinhold, and unanimously passed to approve the meeting agenda as publicly posted on the Borough’s website, meeting location as well as distributed to meeting attendees.

STATEMENT FROM PRESIDENT ROWE REGARDING PUBLIC MEETINGS

“Ephrata Borough Council follows Rules of Order and Bylaws. We have adopted Robert’s Rules of Order as a parliamentary authority. If you are addressing Borough Council, you must be a resident or taxpayer of the Borough or represent an organization of the Borough. Any individual wishing to address Council must wait to be recognized before speaking. This applies to elected officials as well as any member of the public in attendance. Interruption of any individual who has the floor is not acceptable. If you are addressing Borough Council, you must be a resident or a tax payer of the Borough of Ephrata or represent an organization of the Borough of Ephrata. Please wait to be recognized before stepping to the podium. If you failed to sign in, the sheet will be available for you to do so following the adjournment. We request comments be kept to approximately 3 to 3-1/2 minutes.

The Sunshine Act does allow for video recording of the meeting; however, there are rules associated with this. Out of respect for attendees that may not wish to appear on video, you are asked to announce that you are recording or taking pictures after notifying the individual presiding over the meeting of your intent to do so.”

APPROVAL OF MINUTES

It was moved by Mr. Barr, seconded by Mr. Zimmerman, and unanimously passed that Borough Council approve the September 7, 2021, Work Session Meeting Minutes and the September 13, 2021, Regular Meeting Minutes.

PROCLAMATION – BREAST CANCER AWARENESS MONTH – OCTOBER 2021

Mayor Mowen proclaimed October 2021 as Breast Cancer Awareness Month in the Borough of Ephrata and asked citizens to be aware of the importance of early detection, our best protection, and the risks of breast cancer.

STATEMENT FROM D. ROBERT THOMPSON, BOROUGH SECRETARY

Mr. Thompson advised Council indicated after the COVID-19 Emergency Proclamation expired, they wished to continue streaming of both the Work and Voting Sessions on the Borough’s website. Mr. Thompson directed attendees’ attention to the “Meeting Owl” located in the front of Council Chambers which will be used to video and record the meetings. Mr. Thompson advised the “Meeting Owl” is a 360° degree camera that focuses on the speaker which will be livestreamed (with a 30-second delay) on the website.

SWEARING-IN CEREMONY OF EPHRATA POLICE DEPARTMENT SERGEANTS

Mayor Mowen presided over the swearing-in ceremony of the promotion of two Ephrata Police Department officers, Daniel Albaugh and Kenneth Lockhart, to sergeants. Chief Petrick provided brief overviews of each officer's background including the significant roles and services they have provided and/or currently provide to the Department. After administering the Oaths, Mayor Mowen requested the Sergeant's wives to remove their husband's badge and replace it with their new badge. In concluding the ceremony, Mayor Mowen congratulated both Sergeant Albaugh and Sergeant Lockhart and thanked them for their service to the community.

MUNICIPAL MOMENT – EPHRATA RECREATION CENTER

Jim Summers, Executive Director, Ephrata Recreation Center, provided an overview of the Ephrata Area's Summer Municipal Recreational Program. Mr. Summers advised the program began in the early '60's and is a series of summer programs that are free to the residents, mostly children, of the Ephrata Area School District. Mr. Summers advised the program began as a co-op between the school district and the Rec Center. Mr. Summers further advised at that time, the school district provided both the funding and facilities and the Rec Center provided the management. Mr. Summers advised in the mid- to late-'70's, the municipalities chose to claim a ½ of 1% earned income tax that the school was receiving and when that happened, the school district no longer funded the program but continued to provide use of various facilities. Mr. Summers further advised the way the program currently is structured, there is a collaboration between Ephrata Borough, Ephrata Township, Akron Borough, Clay Township, the Ephrata Area School District and the Rec Center, in where the municipalities provide the funding for the program, the school district provides the facilities with the Rec Center also providing facilities as well as management of the program.

Mr. Summers then spoke about Tom Grater, the namesake of Grater Park and the architect of Ephrata Recreation, who he described as a "recreation visionary" in his time as well as his personal mentor. Mr. Summers advised Mr. Grater, at the time the school district no longer provided funding for the program, reached out to the municipalities and said, "... hey, since you guys are getting more money now, are you interested to keep this free program for your residents?" thus beginning the collaboration between the municipalities of this program.

Mr. Summers provided a brief overview of the various locations and programs offered over the years to the community. Mr. Summers advised during a "good year," there would be approximately 1,500 registrations for the program. Mr. Summers advised in 2021, there were 523 participants from Ephrata Borough which was a decrease from 2019 where there 805 registrations. Mr. Summers advised since the program began, it has touched the lives of over 25,000 individuals in the Ephrata Area School District – a statistic he is very proud of as well as he knows Tom Grater would also be proud of.

Mr. Summers spoke about current program offerings including having opportunities for kids to get "wet and muddy" through nature walks, fishing and experiencing the outdoors.

In closing the Municipal Moment, President Rowe extended her appreciation to Mr. Summers for the valuable services the Recreation Center provides to the community.

OPPORTUNITY FOR CITIZENS TO BE HEARD

Teresa Caruthers, 229 Railroad Avenue, Ephrata, advised she read an article about a community in Pittsburgh who also experienced "speeding traffic" in where the community members took it upon themselves to buy their own speed bump and put it in place. Ms. Caruthers, referencing various

intersections or roadways throughout Ephrata, advised there are ways to control traffic besides the utilization of radar. Ms. Caruthers further advised while it has been encouraged in the past for community members to contact our legislators encouraging them to pass the bill to allow the use of radar, but there are other ways to deter motorists from speeding including the placement of speed signs.

Ms. Caruthers, in referencing the neighborhood located at Ashley/Garrett/Heatherwood, advised there are 164 townhouses in that area which leads it to be very crowded. Ms. Caruthers advised the set speed limit is 35 MPH and she has concerns regarding the residents' safety; specifically, the children that have to walk to their school bus stop. Ms. Caruthers encouraged the Highway Committee to look into her concerns.

President Rowe advised Ms. Caruthers that several of her concerns are already included on the Highway Committee's meeting agenda as she brought them to Council's attention at a previous meeting.

Rebecca Beres, 44 Brookfield Drive, Ephrata, advised she is speaking on behalf of Jean Ressler, 130 Washington Avenue, Ephrata, who is unable to attend the meeting due to work issues. Ms. Beres opened her comments by commenting that "... some of her neighbors have actually sort of been talked out of attending because they feel like they are not going to get their voices heard ..."

Ms. Beres then read the following statement provided to her from Ms. Ressler: "I request that the Borough Council vote "No" on the Final Land Development Plans for Horst Plumbing at 131 Cherry Street or at the very least, take this item off of tonight's Consent Agenda and hear more details at next month's Committee meeting, please."

Mr. Dudley, in referencing Horst Plumbing's Final Land Development Plans, advised he has been trying to, "wrap his head around some of the stuff too." Mr. Dudley, addressing Solicitor McManus, inquired if he could possibly weigh in on some of the legal requirements when it comes to Borough Council approving Final Land Development Plans for the Horst Plumbing. Solicitor McManus advised that procedurally, all Subdivision Land Development Plans are submitted under applicable ordinances which are reviewed by Staff, as well as consulting engineers, to determine compliance with the objective standards contained in those ordinances. Solicitor McManus advised the ordinances have been prepared in accordance with the Municipality's Planning Act, as well as the State Act, which provides authority to regulate plan uses as well as provides rules and regulations that are very specific with respect to submission of plans and the time in which the plan must be reviewed and decisions rendered.

Solicitor McManus advised there are several stages that the statute of the law provides for including the submittal of a Preliminary Plan and then a Final Plan with the optional submission by the applicant of a Sketch Plan stage. Solicitor McManus advised those plans are prepared by professional engineers or landscape architects that typically contain detailed descriptions of the layout of a subdivision or land development along with all of the pertinent information that relates to the objective design standards of the ordinance.

Solicitor McManus advised upon receipt of the submitted Plans, there are time periods in which Council must vote to approve or deny those Plans. Solicitor McManus advised if the Plans are denied, it must site to the specific provision of those relevant ordinances that the applicant did not comply with. Solicitor McManus further advised if the specific provisions are not provided, the applicant is entitled to approval of their submitted Plans. Solicitor McManus further advised typically in development or subdivisions that

do not include new street(s) or substantial improvements, Council may waive the Preliminary Plan provision and direct to proceed with the submittal a Final Plan.

Solicitor McManus, in referencing Horst Plumbing, advised they have gone through the required process with their plans being reviewed by both Staff as well as a consulting engineer and is before Council for its consideration based upon the comments of each.

Jeff Donahue, 205 Julia Road, Ephrata, in referencing Sensenig Company's proposed sketch plan, advised the Solicitor spoke at the October 4, 2021, Borough Council Work Session and spoke about zoning changes. Mr. Donahue stated, "... we didn't know anything about this ..." and inquired as to why notification was not given. Solicitor McManus advised Mr. Donahue is correct with respect to a decision to rezone portions of a municipality; however, the latest rezoning was a comprehensive rezoning for the entire Borough which does not require public notification. Mr. Donahue inquired as to how residents would know about the rezoning; in which, Solicitor McManus advised all of the steps taken to prepare a Comprehensive Plan as well as a Zoning Ordinance were advertised in The Ephrata Review according to the requirements of the Municipalities' Planning Code Act. Solicitor McManus further advised there were many public meetings held over the course of at least a year that the Steering Committee as well as the Planning Commission held to review the Comprehensive Plan.

Jeff Pfautz, 104 Julia Road, Ephrata, in referencing Sensenig Company's proposed sketch plan, and referencing the lack of storm drains in the proposed area, advised that currently most of excess water drains to Lincoln Heights Avenue where the runoff continuously exceeds the 8" curb in the 1300 block. Mr. Pfautz further advised that all of this water currently drains to the Sensenig property, then draining onto Market Street. Mr. Pfautz requested that Council, the engineers as well as the developer(s) to take both the speed of as well as the amount of water runoff into consideration. Mr. Pfautz further advised that the Lincoln Heights residents would like, if the projects moves forward, to keep the buffer zone in place.

Tony Zbrzezity, 219 Julia Road, Ephrata, in referencing Sensenig Company's proposed sketch plan, stated, "... since the proposed structures will be utilized as truck barns, how can you have a residential zone and put in industrial (commercial) trucks ... it doesn't make any sense." Mr. Zbrzezity then stated, "... we just need to use some reasoning ... that company wants to put in residential property, but he also wants to put in commercial use of that property ... shouldn't that be an either or ... now we may find little things in the law that are going to say this and that, but is the law being manipulated in such a way that again we go back to the same thing ... Sensenig Company getting what they need and getting what they want ... and the only ones paying for it is Lincoln Heights ... there is no value of this to the residents of Lincoln Heights ... none!"

Alan Armstrong, 106 Hummer Road, Ephrata, advised over the years, he has seen the amount of traffic increase within the area and expressed his concerns of allowing the Sensenig Company plan to move forward. Mr. Armstrong, in referencing the possibility of bedrock in the area, advised that he heard, although not confirmed, the proposed duplexes will have basements; in which, if true, will even further bring down the value of the homes in the area. Mr. Armstrong further advised if it is not true, are there preparations in place for the repair of existing structures.

John Landis, 1232 Lincoln Heights Avenue, Ephrata, in referencing Sensenig Company's proposed sketch plan, expressed his concern of the water runoff which was discussed earlier. Mr. Landis advised Lincoln Heights Avenue does have storm drains to Marie Avenue; however, he found out there is a corrugated pipe that connects Lincoln Heights Avenue between his property and his neighbor's property at 1234

Lincoln Heights Avenue which connects over to Marie Avenue. Mr. Landis advised he also found out there is either a belly in that corrugated pipe or it is completely clogged because if any amount of rainfall exceeds a quarter inch, "... it just goes out ... goes wet ... heads downhill anyway."

Gail Witwer, 121 Julia Road, Ephrata, in referencing Sensenig Company's proposed sketch plan, advised she would like to follow-up on a comment made by the Solicitor, advising if she understood correctly, it was stated that the zoning changes occurred in 2019 and that there were meetings held which were open for public attendance and participation. Ms. Witwer stated, "... if memory serves, we were in the middle of a pandemic ... we were sequestered in our homes ... Borough Hall was closed in 2020 ... when did these open meetings take place ... when were these invitations posted so that we could attend ... it seems strange that we have an entire network of a whole neighborhood and nobody knew anything about the zoning change ... that seems odd to me."

Ms. Witwer additionally stated, "... years ago, the Sensenig's put up these pole buildings/garages ... it ended tragically ... we had a large hurricane ... the pole buildings were lifted from the foundation ... pieces were driven into homes and it was a disaster ... and I questioned last week, they're going to get permission to do this again ... I mean history will repeat itself ... I hope that Council will take this under consideration."

President Rowe, in addressing Ms. Witwer's comments regarding the Zoning Ordinance, advised the Ordinance was approved in August of 2019 with discussions occurring in 2018 and throughout 2019 which were open for public participation.

Ms. Martin, in referencing the proposed garages/pole buildings, advised that the Sensenig Company is allowed to do so in a medium residential zoning district provided they follow the many provisions listed in Section 319-45. Ms. Martin then stated that one of the provisions listed, specifically, provision (k), states, "... all accessory off-street parking shall be subject to a Land Development Plan review by Borough Council." Ms. Martin, in referencing the proposed sketch plan, which includes the proposed duplex buildings as well as the three garages, inquired, "... according to letter (k), is it true that they have to do a Land Development Plan just for those or can that be part of the whole proposal?" Solicitor McManus clarified while he has not seen specifics of that, it would be part of the same Development Plan and would not be brought forward in a separate plan.

At this time, Mr. Pfautz requested his question to be answered; in which, President Rowe advised that only comments are being received at this time. Mr. Pfautz advised that she (referring to Ms. Martin) had her question answered; in which, President Rowe advised Ms. Martin is a member of Council. President Rowe, addressing Solicitor McManus, inquired if he was prepared to answer Mr. Pfautz's question; in which, Solicitor McManus advised he is being asked a lot of questions procedurally stating, "... I have no direct knowledge of the Planning Commission ... I was never involved in the plan review ... I was never asked to make comments ... that's not my role." Solicitor McManus, in referencing the comments concerning stormwater advised the Borough has a separate Stormwater Ordinance; in where, the host development not only has to accommodate runoff, it must retain more runoff than that development actually generates stating, "... that's a general standard throughout the County."

President Rowe, addressing Mr. Pfautz, inquired if the Solicitor answered his question; in which, Mr. Pfautz advised his question referred to the possibility of basements for these proposed duplexes. President Rowe clarified that she is unable to answer his question as Council has not yet received a Land Development Plan.

After an additional time allotted for citizen comments and with no one in attendance wishing to speak, President Rowe called for a motion to close the public comments section of the meeting until the end of the meeting agenda; in which, it was moved by Vice President Reinhold, seconded by Mr. Barr, and unanimously passed to close public comments until the end of the meeting agenda.

ACCEPTANCE OF REPORTS

It should be noted prior to the approval of the reports, President Rowe, referencing Mainspring of Ephrata's Treasurer's Report, advised the cash amount currently listed at the end of August contains too many figures and requested the amount be corrected.

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

Budget & Finance Committee

The Budget & Finance Committee met on September 28, 2021, and discussed the following:

Action Items:

1. The Committee reviewed Resolution 2021- 35 Appointing Salzman Hughes, P.C. as Assistant Solicitor and Terminating all Prior Appointments to that Office. The Committee will recommend that Borough Council adopt the resolution at their October 11, 2021 meeting.
2. The Committee discussed the 2022 Sanitation Budget and Recommended Pricing Adjustments for Refuse and Recycling. The hauler contract, which was rebid and effective 10/1/2021, resulted in increased costs. Additionally, increases in tipping fees and recycling supplies necessitate a price increase. Rates of \$20.75 for Refuse and \$10.75 for Recycling were recommended. A resolution for these prices will be prepared to be effective January 1, 2022, and the Committee will recommend that Borough Council adopt the resolution at their October 11, 2021 meeting. Communication of the rate changes will be issued to all Residents of the Borough this fall.

Discussion Items:

1. Ms. Bartow reported, in relation to the American Plan Rescue Act, that a Lost Revenue Calculation for 2020 had been prepared and reviewed by the Borough's accounting firm, Maher Duessel. The amount of lost revenue for 2020 per the calculation is \$1.7 million which exceeds the amount of the total funding to the Borough under the Act. This information will be used in coordination with evaluating the eligible uses of the funds in the Boroughs budgeting process.
2. The Committee discussed compliance audit reports issues by the Department of the Auditor General for the Ephrata Borough Pension and Retirement Plans for the years 2017-2020. The reports identified incorrect data on certifications resulting in a net underpayment of State Aid. The net underpayment in the amount of \$38,968 will be made available to Borough and deposited into the Pension Plan within 30 days.
3. The Committee discussed a notice of gratitude received from a Carl W. Fuehrer Memorial Scholar and noted appreciation for the correspondence.
4. Staff provided a report on the Solicitor's invoice. The first was a summary page and then two pages of the detailed invoice. No further action is required.

5. Staff provided the Check and ACH registers to the Committee for September to date. The Committee inquired about an ACH payment to WEX Bank which is for the fuel used by Borough's fleet and allocated across departments.

Old Business Items:

1. Ms. Bartow updated the Committee on the status of discussions with Springbrook and its correlation with the ability to assess credit card fees. Pricing for the conversion to the cloud product has been obtained and is under review. Additionally, the fee for IVR (voice payment) transactions will be reduced from 80 cents to 40 cents under the pricing proposal.
2. Ms. Bartow reported that a Finance Manager has been hired and will start on October 4, 2021.
3. There were no updates on the expanded Borough parking, PILOT or potential revenue sources.

Development Activities Committee

Committee Chair Zimmerman called the meeting to order at 7:30 PM. It was moved by Mr. Reinhold, seconded by Mr. Barr, and unanimously passed that Development Activities Committee approve their September 27, 2021 agenda.

The Development Activities Committee met on September 27, 2021, and discussed the following:

Action Items:

1. The Committee reviewed the land development plan for Horst Plumbing. The developer has been speaking with neighbors regarding the private easement. The developer would like to move forward with his plan. He has submitted a request to add an additional curb cut at the private easement/alley and is requesting approval from Council as part of the land development plan. This easement curb cut would be the third one on the property, but would be permitted under section 319-46.D(7) of the Zoning Ordinance with Council's approval. Councilman Dudley asked about the 90-degree corner where the private easement turns. The proposed retaining wall would not go back that far and won't obstruct the corner. The Committee will recommend that Borough Council approve four (4) waivers/modifications, approve the third curb cut at the private easement, and approve the plan as a final land development plan subject to inclusion of HRG comments dated August 6, 2021. This item will appear on the October Consent Agenda.
2. The Committee reviewed a sketch plan for a proposed residential subdivision in Lincoln Heights for the Richard L. Sensenig Co. The developer is planning to construct a street to connect the west stub of Lincoln Heights Avenue to the west stub of Marilyn Avenue. The plan would create lots for 24 semi-detached homes and construct 3 garages to park the roofing company trucks. A number of residents were in attendance to voice concerns over this proposed subdivision. They were concerned about the density, traffic and parking. Harris reminded the Committee that this is a sketch plan and Council will provide comments on the conceptual plan and does not need to approve or disapprove the plan at this time. The applicant needs to take the comments into account before submitting the plan for formal review and approval. The Committee will recommend that Borough Council authorize the staff to issue the sketch plan comments from HRG to the applicant at the October Council meeting. This item will appear on the October Consent Agenda.

3. The Committee reviewed a sketch plan for a proposed residential subdivision at 219 East Fulton Street. The developer is planning to subdivide the lot located at the intersection of East Fulton Street and Tricia Lane into 4 lots. The Planning Commission had sight distance concerns about the location of one of the driveways and advised the applicant to review all options to improve the sight distance. The Committee will recommend that Borough Council authorize the Staff to issue the sketch plan comments from HRG and the Planning Commission to the applicant at the October Council meeting. This item will appear on the October Consent Agenda.
4. The Committee reviewed a letter regarding 1522 Lincoln Heights Avenue. This plan is in Ephrata Township and plans to create 4 residential lots on the stub of the 1500 block of Lincoln Heights Avenue near South Charles Street. Ephrata Township asked the applicant to get comments from Ephrata Borough regarding traffic. The Planning Commission has no comments; however, since the time of the meeting a letter was received from Attorney Richard Young indicating that improvements were supposed to be made to the stub and haven't been done. The Staff would like to research the files from 1991 to see what was agreed to. This item will be tabled until next month.
5. The Committee reviewed a Memorandum of Understanding (MOU) with Millersville University. This MOU is to have the Millersville student interns catalogue properties in the CBD and Lincoln Village area. The data will be used as an economic development tool. The Committee will recommend that Borough Council authorize the President of Borough Council and Borough Secretary to execute the Memorandum of Understanding with Millersville University at the October Council meeting subject to it being in a form acceptable to the solicitor.

Discussion Items:

1. The Staff provided the Committee with information regarding recent vandalism at the Haller property. The damage includes 2 broken windows on the Mill that are original and historic windows. The house had a window broken on the porch roof and the screening around the screened-in porch has been sliced at numerous locations. The screening is destroyed. The Staff recommended boarding up all the windows on ground level and the rear porch, but the Committee is concerned about the appearance from the street. The Staff will obtain quotes for security cameras at the Haller Mill and the Haller House for the Committee's review at their next meeting.
2. The Staff reported that the cost to add a macadam path from the skate park parking lot to the skate park would be between \$3,000 and \$4,000. Since it is getting late in the season, it will be installed in the spring. This will be removed from the agenda.
3. No Zoning Hearing Board meetings were held in September so there are no decisions.
4. There are no new applications for the October Zoning Hearing Board Meeting.

Public Safety Committee

The Public Safety Committee met on September 20, 2021, and Chairman Reinhold commenced it at 6:40 PM. He informed the Committee that under Act 65 of 2021 the agenda needed to be approved as advertised. Motion made by Mr. Richard and seconded by Mr. Ressler. Motion passed unanimously. Chief John Petrick informed those present that the meeting was being recorded. The following items were discussed:

Action Items:

None

Discussion Items:

1. **2022 Police Officer Hiring:** Chief John Petrick informed the Committee that one police officer will be retiring in July 2022 due to the DROP (police retirement program) and other officers are eligible to retire in 2022 as well. He stated that the department needs to be prepared to fill these vacancies. He stated that the Lancaster Police Chiefs Consortium testing process took place in September. The Department uses the testing process to hire officers. Therefore, an eligibility list of applicants will need to be created by the Civil Service Commission to fill the vacancies. There were no questions from those present. At this time, Mr. Richard was excused from the meeting.
2. **Monthly Police Reports:** Chief Petrick provided an overview of the Monthly Patrol Services Report. He reviewed accident data and citation activity. He also reviewed the actions by officers regarding the storm that took place on August 14th. Officers worked with fire police to address roadway closures. Chief Petrick addressed an additional Excellence in Policing monthly item that dealt with a suicide. He stated that Detective Quinn went above his investigative duties by following up with the deceased's family with support and compassion.

Chief Petrick stated that the Department is preparing for the upcoming Fair and reviewed the monthly Support Services Report. He stated that two cases were reported to the Youth Aid Panel. Chairman Reinhold commented on the Excellence in Policing and Detective Quinn's actions. Mr. Ressler commented on the excellent report.

3. **Monthly Emergency Management Report:** In Randy Gockley's absence, Kim Stonebraker provided an update. She informed the Committee that during the recent storm, some homes along Bellevue Avenue were affected. She provided a WellSpan Ephrata Hospital update. She stated that the hospital has seen a significant increase in COVID patients and they currently have 19 COVID patients with three of them in ICU. Mayor Mowen asked about WellSpan Hospital's recommendation on the booster shot. Kim Stonebraker replied that they are recommending following CDC guidelines. Chairman Reinhold asked about past COVID figures. Kim Stonebraker responded that last month there were 20 COVID patients. The maximum number at one time has been 28. She also stated that they are looking into how to distribute the upcoming booster shot. Adamstown Mayor Schmidt asked Kim Stonebraker about the hospital's staffing and service levels with everything that is happening. Stonebraker responded that there have been no changes.
4. **Lincoln Fire Company Update:** Chief Richard Gehman proceeded to provide an update on current and future projects of the fire company. He stated that they are ramping up their public education on fire safety and have plans to visit three public schools and the rest being private. More will be done than last year due to COVID. He stated that a consultant was hired to review the fire company's bylaws and SOG (standard operating guideline) and modernize them. It is a 1- to 2-year project and will start in October. He also stated that President Ritter has formed an engine research committee for engine 1. The committee will review when and how to replace the 29-year-old engine. There has been an increase in maintenance this year on this existing engine. He also stated that they have been looking into obtaining the QRS License (Quick Response License). He stated that Lincoln Fire Company has been carrying around medical equipment for many years. The three Lincoln Chiefs had a meeting with the EMS Region Director about QRS licensing. Following that meeting, the Chiefs made a recommendation to the fire company to obtain such license. He stated that many times, they get involved in patient care such as cardiac arrest. They have used Narcan for cardiac arrests related to overdoses. The medical equipment is used to protect fire personnel, but they will

also use it for the public. The public will not be denied medical care. Lincoln Fire Company also gets involved in heavy rescue incidents. The QRS license will provide the fire company with not only a certification level of standard of care, but also standard training and equipment levels. The license will define items for them to follow. There will be a medical director overseeing items. He stated that \$750 was budgeted for four pieces of medical apparatus equipment related to QRS. Their current training either meets or exceeds current QRS standards. He reviewed medical care certifications of members with the Committee. He stated that the fire company already has medical malpractice insurance and local notifications of the QRS license are being made. Certification should occur in the second half of October.

Mayor Mowen asked Chief Kiefer about Pioneer Fire Company's QRS status. Chief Kiefer stated that they are in the process of obtaining the QRS license. They had a difficult time locating a medical director. Chief Kiefer provided an update on the recent hurricane that came through the area. He updated the Committee about in-quarters staffing of fire personnel (6:00 PM to 7:00 AM set-up night and 11:00 PM to 7:00 AM other nights) during the upcoming Fair event.

Chairman Reinhold adjourned Public Safety Committee meeting at 7:24 PM.

Highway Committee

The Highway Committee met on September 20, 2021 and discussed the following:

Action Items:

1. The Committee reviewed an Ordinance to amend the Code of the Borough of Ephrata, Chapter 305, Vehicles and Traffic, Section 305-100, Schedule XVII: Parking Prohibited at all Times by adding thereto a certain section of the west side of Railroad Avenue. The Committee will recommend that Borough Council enact Ordinance No. 1563 at their October 11, 2021 meeting.
2. The Committee reviewed an unbudgeted expenditure request to fast-track the purchase of a new dump truck to replace existing truck #69 which is a smaller 2012 Ford F-350 with dump bed and snow plow suitable for navigating narrow alleys but not adequately equipped to handle full loads of salt needed to de-ice the alleys. Truck #69 was slated for replacement with a heavier-duty truck in the 2023 mobile equipment fund 5-year plan but is being moved up so existing truck #69 can replace an existing Parks and Rec dump truck which will not pass state inspection due to a badly rusted frame. The plan is to transfer title to existing truck #69 to the Ephrata Borough Authority who may then choose to donate the vehicle to the Ephrata Recreation Center. A disposition of assets form for existing truck #69 will be provided in the future for Committee review. Whitmoyer Auto Group has provided a COSTARS quote for a 2022 Ford F-350, 4X4, with a standard cab and aluminum dump truck bed, increased engine horsepower, and improved load and towing capacity for \$75,150 including \$3,000 in up-fitting costs by Borough staff. The mobile equipment fund in 2021 included purchasing an electric vehicle which will not be purchased this year. Remaining mobile equipment funds in 2021 are \$49,492. The Committee will recommend that Borough Council authorize an unbudgeted expenditure of \$28,658 from the unallocated balance of the mobile equipment fund (#40-47-440-7420) and approve the purchase of a new 2022 Ford F-350, 4X4, with standard cab and aluminum dump truck bed with up-fitting for \$78,150 at their October 11, 2021 meeting.
3. The Committee further reviewed signage and parking space availability simplification at the Locust Street parking lot. Borough staff will provide two (2) sign mockups, one for reserved parking Monday – Friday 8 AM – 5 PM and one for public parking (blue sign with a blue "P" in a white

circle) for review at the October 4, 2021 Council Work Session. The Committee was advised that the Borough Solicitor recommends we don't modify the existing agreement but wait for the current easement agreement with Ephrata National Bank and Laundromat owner to expire and, if so desired, look at entering into another agreement. Committee Vice Chair Martin also inquired about the Fulton Street at Railroad Avenue parking lot overflow parking directional signage and was advised by Municipal Services Manager Harris that Public Works is working on that signage and it should be installed in the near future. The Committee will recommend that Borough Council approve the additional signage for installation at the Locust Street parking lot at their October 11, 2021 meeting.

4. The Committee reviewed a September 8, 2021 letter request from Kelly Withum, Executive Director for Mainspring of Ephrata to close Railroad Avenue on Thursday, November 11, 2021 from 3:00 PM to 9:00 PM to hang a flag, aurally, across the Major Winters Memorial Trail and to accommodate no more than two (2) food trucks to park and serve during the Veteran's Day event. The requisite certificate of insurance has been provided and an incident plan will be completed with Borough EMC Randy Gockley. The Committee will recommend that Borough Council approve this request as part of the consent agenda at their October 11, 2021 meeting.

Discussion Items:

1. The Committee discussed citizen safety concerns regarding a lack of sidewalk along Parkview Heights Road adjacent to 150 Heatherwood Drive. The concern is that some school students must walk through wet grass or on the street to get to the school bus stop at the Parkview Heights Road and Ashley Drive intersection. It was noted that there are alternate walking routes to the bus stop within the Heatherwood Heights development. This condition has existed since 1994 when the final phase of Heatherwood Heights was constructed. It is not known why sidewalk was not installed along Parkview Heights Road as part of the final phase of construction so the Committee directed staff to research if any deferral agreements existed for sidewalk through this area and to contact the Transportation Coordinator with the Ephrata Area School District to inquire about adding a bus stop along Parkview Heights Road adjacent to the Heatherwood Drive cul-de-sac and report to Committee at their October 25, 2021 meeting.
2. The Committee further discussed tree removal liability adjacent to 203 Park Avenue. Staff advised the Committee that Borough Council meeting minutes from 1970 and 1971 were researched and no mention of trees planted anywhere within the Borough was found during that timeframe. Staff discussed this issue with the Borough Solicitor who indicated that nothing obligates the Borough to maintain the trees at 203 Park Avenue and that this issue is simply word of mouth from one citizen to another. Municipal Services Manager Harris added that the Borough is responsible for street trees along Main Street from Spring Garden Street west to the Cocalico Creek and specified that no precedent has been established to maintain trees outside of that defined area along Main Street. It was noted that a shade tree permit was issued in 2018 to trim trees in front of 203 Park Avenue suggesting that the property owner was maintaining the trees. The current property owner purchased the property at 203 Park Avenue in 1990 and believes that the trees were planted sometime between 1969 and 1972. Citing a lack of documentation demonstrating the Borough is responsible for maintaining the trees at 203 Park Avenue the Committee denied the property owner's request for cost-sharing to remove the trees and replace tree damaged curb and sidewalk prior to a planned street improvement project. No further action required at this time.
3. The Committee reviewed the Steinmetz Road Motor Vehicle Accident (MVA) report for the time period between January 1, 2010 and August 29, 2021 noting that there have been 2 MVA's directly

adjacent to 1140 Steinmetz Road during that time. The Committee heard from Theresa Caruthers regarding her concerns about motor vehicles speeding in this area and noted that recent speed checks along this segment of Steinmetz Road did not reveal that speeding is occurring based on the posted speed limit of 35 mph. Clear sight distance exists around the curve in this area. Additional warning and/or advisory signage is not necessary and would only serve to generate sign pollution through the area. Stating that existing conditions do not warrant any modifications at this time the Committee agreed no further action is required.

4. The Committee reviewed citizen traffic concerns regarding clear sight distance at the Spruce Alley approach to West Chestnut Street and motor vehicle speeding in Spruce Alley. Clear sight distance is occasionally obstructed depending on time of day which is no different than most intersections within the Borough. Speed data collected for Spruce Alley revealed an average speed of 9.4 mph over one week of data collection with one (1) vehicle traveling between 21-25 mph. Stating that existing conditions do not warrant any modifications at this time the Committee agreed no further action is required.
5. The Committee revisited Apple Street truck traffic concerns and reviewed a discussion item from the June 14, 2021 Highway Committee report where the Committee directed staff and the Ephrata police to continue to monitor truck traffic in this area and follow up with the primary complainants by the end of this year. The Committee discussed the new driveway location for Garden Spot Auto Auction (GSAA) being close to Springville Road and that GSAA encourages all traffic to use Hackman Road. Staff will follow up with Lt. Chris McKim with the Ephrata Police and continue discussions at the October 25, 2021 Committee meeting.
6. The Committee discussed resident traffic concerns regarding speeding in the Heatherwood Heights development and reviewed speed and volume data for vehicle traffic on Ashley Drive and Heatherwood Drive. Average speed of all motor vehicles on Ashley Drive was 17.6 mph and on Heatherwood Drive the average speed for all motor vehicles was 12.6 mph. Ephrata Borough Ordinance states that the speed limit within the Borough is 35 mph unless otherwise posted. There is no speed limit posted on Ashley Drive or Heatherwood Drive. Children at play signs are discouraged in the Borough since it is believed that those signs actually encourage children to play in the street. Chief Petrick states that typically the residents within a street or development are the primary violators of traffic regulations. Mayor Mowen encourages all residents to contact their legislators regarding the use of radar by local police. Statistics and data collected regarding vehicle speeds on Ashley Drive and Heatherwood Drive shows that there is not a motor vehicle speeding issue at this time and the Committee agrees that no further action is required.

Old Business Items:

1. Old Business was not discussed due to meeting time constraints but Borough staff continues attempts at communicating with PennDOT regarding the South Oak Street bridge pedestrian railing/vehicle barrier with regards to PennDOT's plans for replacing similar barrier on their West Main Street (SR 0322) over Cocalico Creek Bridge. Staff will contact the consultant performing the November bridge inspection to discuss concerns regarding the pedestrian railing/vehicle barrier.

Municipal Enterprises Committee

The Municipal Enterprises Committee met on September 27, 2021, and discussed the following:

Action Items:

1. The Committee reviewed and discussed the appointment of Stephen Morrison, Technical Support Manager, as the Borough's representative on the Pennsylvania Municipal Electric Association Board of Directors. The Committee will recommend that Borough Council appoint Mr. Morrison at their October 11, 2021 meeting.
2. The Committee reviewed and discussed the appointment of Stephen Morrison as the primary member, and D. Robert Thompson, Borough Manager, as the alternate member to the American Municipal Power Board of Trustees. The Committee will recommend that Borough Council appoint Mr. Morrison and Mr. Thompson at their October 11, 2021 meeting.
3. The Committee reviewed and discussed authorizing the Borough Secretary to execute Wholesale Energy Purchasing, based on recommendations of Staff and indicative pricing provided by outside consultants. The Committee will recommend that Borough Council authorize the Borough Secretary to execute purchasing, within a range to be determined by Borough Council, at their October 11, 2021 meeting.
4. Staff presented the Committee with information, and a model ordinance, pertaining to 2021 Act 50 of the PA General Assembly. The Act establishes standards to deploying small cell infrastructure, while preserving local authority over rights-of-way. The Committee indicated that it would be beneficial to act with haste with regard to this act. Staff was instructed to make the necessary arrangements in order to bring a recommendation before the Borough Council as soon as possible. The Committee will recommend that Borough Council enact Ordinance No. 1564 Establishing Procedures and Requirements Pertaining to the Implementation of Act 50 of 2021 and Regulating Small Wireless Facilities to be placed within the Public Right-of-Way.

Discussion Items:

1. Mr. Morrison provided an update on the Borough's solar facility. He indicated that the necessary materials have been received, repairs are in progress, and the facility will likely be brought back online within a week. A question was raised about the Borough's contractual rights pertaining to the solar facility. Mr. Morrison stated that Staff is working with the contractor on a resolution and will provide more information at a later date.
2. Staff provided information pertaining to a question, from a resident, about the Borough's authority to levy fees. Council instructed Staff to seek alternative ways to ensure transparency to the residents and provide information at the next Committee meeting. The Committee also instructed Staff to provide more detailed information on the Borough's Advanced Metering Infrastructure at the next meeting.
3. Due to time constraints, Staff's presentation comparing municipal Net Metering requirements will be provided at the next Committee meeting.

Community Services Committee

Committee Chair Ressler called the meeting to order at 4:30 PM. It was moved by Mrs. Martin, seconded by Mr. Dudley, and unanimously passed that Community Services Committee approve their September 27, 2021 agenda.

The Community Services Committee met on September 27, 2021, and discussed the following:

Action Items:

1. Mainspring of Ephrata requested to use the WERT and Winters Memorial to place luminaries on November 11th for Veterans Day. The Luminary tribute will begin at 5 PM and conclude at 8 PM, with setup and cleanup of the luminary trail being done by community volunteers and members of local Boy Scout troops. The Committee will recommend that Borough Council approve the request at their October meeting subject to receipt of a certificate of insurance naming the Borough as an additional insured.
2. Cocalico Valley VFW Auxiliary requested to use the Borough Hall parking lot on October 27th to host a Trunk or Treat event. The event would take place immediately after the Jack Frost parade, and would consist of 6-8 members from the VFW handing out candy to children from the trunk/hatch of their vehicle which would be decorated for Halloween. The event would last no longer than an hour. The Committee will recommend that Borough Council approve the request at their October meeting subject to receipt of a certificate of insurance naming the Borough as an additional insured.

Discussion Items:

1. Jim Summers gave an overview on staffing shortages at the community pool. He reported that the pool was never fully closed for anything other than weather-related events before school began. He stated that sometimes they would have to close the lower pool due to staffing shortages. He said that the pool's budget may need to be adjusted to make the pool more competitive compared to other jobs available. This would include increasing wages and paying for certifications which were not budgeted for.
2. Councilwomen Martin discussed the possibility of starting a program to raise Christmas trees for the tree lighting ceremony downtown. She stated that it is becoming increasingly more difficult to find trees in the Borough. The Committee had interest in the prospect of a Christmas tree program, but would like more information, such as cost, location and maintenance issues.

Old Business Items:

1. An update was given on the dog park. Hanover Engineering is still working on the site plan, parking area and stormwater facilities.

Special Projects Committee

The Special Projects Committee met on September 20, 2021 and discussed the following:

Action Items:

None

Discussion Items:

1. The Committee discussed with the Borough Solicitor the legal authority given to the Shade Tree Commission in the care, custody and control of shade trees within the street rights-of-way in the Borough. The option to have the Commission serve as an advisory agency to Council instead of an enforcement entity was discussed whereby the enforcement and administration of shade tree regulations would be the primary responsibility of Borough Council through its Codes Enforcement Office with input from and recommendations of the Commission. Former Shade Tree Commission Chairperson, Chandra Mast, provided comments regarding the Commission's desire to implement a process to effectively protect shade trees. Justin Snyder informed the Committee that the Commission has an inventory of shade trees and their locations within the Borough. The Committee requested that Chapter 297 be revised to reflect the Commission's role as an advisory body. A

revised draft will be prepared by Staff and Counsel and presented to the Committee at a future session.

Personnel Committee

Executive Session:

1. Looking ahead to a possible hire deliberation in October, the committee met in Executive Session to discuss parameters for negotiating salary/benefits.

Action Items:

None

Discussion Items:

NOTE: When the Committee came out of Executive Session, the Chairman attempted to notify the guest the Executive Session had concluded. The guest was no longer in the lobby or in front of Borough Hall; the guest could also not be located in the parking lot. The meeting proceeded without the guest present.

1. The Committee discussed the new position of Social Media Intern. This will be a salaried position. The Committee preference is to have this position full-time rather than part-time. They would like the position title to be Social Media Specialist. Rowe provided a compilation of duties and responsibilities gathered from research. The Committee will continue this discussion at their October meeting with a goal of approving either a job description or parameters for staff at the November meeting. The Committee would like the position advertised before the end of 2021.
2. The Committee reviewed the Borough Council Committee Meeting Guidelines document. Rowe stated that Mr. Richard approached her regarding adding guest names to the Committee Report; Mrs. Martin also mentioned this at the September 7 Work Session. The Committee was in agreement that Rowe should amend §8 of the document (Committee Reports). Rowe also directed the Committee to look at §3.E of the document regarding agendas suggesting this be amended to include the provisions of SB554 revising Act 65. The Committee agreed the language should be updated. Although not included in the packet, Rowe then mentioned a possible revision to the Ephrata Borough Council Meeting Guidelines to include a section offering guidance for the meeting agenda. The Committee was in agreement. Draft versions of each document will be discussed at the October Committee meeting.
3. The Committee reviewed possible changes to the Salaried Employee Handbook. For the next meeting, Rowe will provide a spreadsheet with suggested changes to be discussed in more detail at the October meeting.
4. The revised Borough Manager Performance Evaluation document provided in the packet was briefly reviewed. Rowe mentioned she did not complete the revision of the Chief of Police Performance Evaluation until the Committee commented on the Borough Manager revisions. The Committee made a decision to continue this discussion next month with a goal of having the revised documents reviewed and approved before the end of the year.
5. The three job descriptions selected by the Committee as priority last month were discussed. It was noted there were no suggestions from the employees for revisions. Rowe will research similar positions with other municipalities to share with the committee at the October meeting.

6. The Committee assessed the September workshop; everyone was in agreement it was very informative. Most felt the topic would have been better as a retreat where more time could have been devoted to some of the topics. The November Workshop was confirmed. Rowe will send out an invitation. The start time will be 6:00 PM. Workshops for 2022 will be prioritized at a future meeting.
7. The Committee discussed the Ephrata Borough Council Telecommunications Policy. There was a concern that the policy is very restrictive. Rowe briefed on why the restrictions were placed in the Policy. Everyone understood the Telecommunications Policy was only restrictive to be in accordance with §1001 of the Commonwealth Borough Code. No changes to §8 of the Policy will be made; however, there were a few housekeeping revisions. These will be reviewed in draft format at the next meeting as an Action item.
8. The Committee agreed to meet in Executive Session on October 12 to discuss the compilation of the Employee Evaluation.

Old Business:

1. The Committee was pleased all discussion items were covered and deferred the Old Business items for a future meeting.

Miscellaneous Reports:

- ◆ September 2021 General Ledger Report
- ◆ Ephrata Pioneer Fire Company September 2021 Report
- ◆ Lincoln Fire Company September 2021 Report
- ◆ Ephrata Community Ambulance Association September 2021 Report
- ◆ Ephrata Emergency Management September 2021 Report
- ◆ Mainspring of Ephrata September 2021 Meeting Minutes

NEW BUSINESS ITEMS**CONSENT AGENDA**

Vice President Reinhold advised the item on tonight's Consent Agenda has been discussed in detail at the respective Committee meetings and was brought forward for additional discussion at last week's Work Session. The item is considered routine in nature and voted upon under one umbrella. This item is not open for discussion unless an individual or Council Member wishes to have the item removed from the Consent Agenda. If an item is removed, it will be handed over to the Committee under which it was originally discussed during the Standing Committee Recommendations.

1. That Borough Council approve a waiver/modification of submission of Preliminary Plan, Section 281-14 of the Code of the Borough of Ephrata for the Preliminary/Final Land Development Plan for Horst Plumbing, 131 Cherry Street. (Development Activities)
2. That Borough Council approve a waiver/modification of Existing Features, Section 281-26.B(2)(j) of the Code of the Borough of Ephrata for the Preliminary/Final Land Development Plan for Horst Plumbing, 131 Cherry Street. (Development Activities)

3. That Borough Council approve a waiver/modification of Dedications of Additional Right-of-Way, Section 281-34.D of the Code of the Borough of Ephrata for the Preliminary/Final Land Development Plan for Horst Plumbing, 131 Cherry Street. (Development Activities)
4. That Borough Council approve a waiver/modification of Street Trees, Section 281-56.B of the Code of the Borough of Ephrata for the Preliminary/Final Land Development Plan for Horst Plumbing, 131 Cherry Street. (Development Activities)
5. That Borough Council approve the third driveway at the private easement/alley per section 319-46.D(7) of the Code of the Borough of Ephrata for the 131 Cherry Street land development plan. (Development Activities)
6. That Borough Council approve the Final Land Development Plan for Horst Plumbing, dated June 9, 2021, containing six (6) sheets prepared by Diehm and Sons, Lititz, PA, subject to the following:
 1. The applicant must address the comments contained in the HRG letter dated July 7, 2021. (Development Activities)
7. That Borough Council authorize the Staff to issue the sketch plan comments of HRG's letter dated September 3, 2021 and the public comments made at the September 27, 2021 Development Activities Committee meeting, the Borough Council Work Session of October 4, 2021, and the Borough Council Voting Session of October 11, 2021 to the Richard L. Sensenig Company. (Development Activities)
8. That Borough Council authorize the Staff to issue the sketch plan comments to the developer of 219 E Fulton Street Residential Subdivision. This includes HRG's letter dated September 3, 2021 and that the applicant needs to evaluate the driveway location on lot 4. (Development Activities)
9. That Borough Council approve the September 8, 2021, letter request from Kelly Withum, Executive Director for Mainspring of Ephrata, to close Railroad Avenue from 3:00 PM to 9:00 PM on Thursday, November 11, 2021 to hang a flag across the Major Winters Memorial Trail and to accommodate no more than two (2) food trucks to park and serve during the Veteran's Day event. (Highway)

In response to President Rowe's inquiry if anyone would like to see an item removed from the Consent Agenda, Ms. Martin advised she respectfully requests that Item #7 regarding the release of the sketch plan comments be removed. Ms. Martin then stated, "... I have been on Borough Council for six years and I have never seen as many people upset about something as I have this ... full disclosure – it is my neighborhood ... everybody knows that by now ...” At this time, President Rowe advised Ms. Martin that she will be able to comment on the matter at a later time during the meeting. President Rowe then requested Mr. Zimmerman, Chairman of the Development Activities Committee, to remove this item from the Consent Agenda and add it his Committee Recommendations to be discussed and/or voted on later in the meeting.

Additionally, Ms. Beres requested Items #1 through #6 be removed from the Consent Agenda; in which, President Rowe requested Mr. Zimmerman to add them to his Committee Recommendations to be discussed/voted on later in the meeting.

It was moved by Mr. Ressler, seconded by Mr. Richard, and unanimously passed that Borough Council adopt, authorize and/or approve/conditionally approve Items #8 and #9 as listed on the Consent Agenda.

STANDING COMMITTEE RECOMMENDATIONS

Budget and Finance Committee

It was moved by Mr. Ressler, seconded by Mr. Richard, and unanimously passed that Borough Council adopt Resolution 2021-35 appointing Salzman Hughes, P.C. as Assistant Solicitor and terminating all prior appointments to that office.

It was moved by Mr. Ressler, seconded by Vice President Reinhold, and unanimously passed via roll call vote that Borough Council adopt Resolution 2021-36 establishing monthly refuse and recycling collection fees in the amounts of \$20.75 per month and \$10.75 per month, respectively, effective January 1, 2022.

Development Activities Committee

It was moved by Mr. Zimmerman, seconded by Vice President Reinhold, and unanimously passed that Borough Council authorize the President of Borough Council and Borough Secretary to execute the Memorandum of Understanding with Millersville University subject to it being in a form acceptable to the Solicitor.

It should be noted, at this time, President Rowe advised Mr. Zimmerman that he has Consent Agenda items for Council to take action on and clarified the process which includes an opportunity for discussion of the items.

It was moved by Mr. Zimmerman, seconded by Mr. Barr, and passed unanimously to authorize the Staff to issue the sketch plan comments of HRG's letter dated September 3, 2021 and the public comments made at the September 27, 2021 Development Activities Committee meeting, the Borough Council Work Session of October 4, 2021, and the Borough Council Voting Session of October 11, 2021 to the Richard L. Sensenig Company.

It should be noted prior to the vote that Ms. Martin commented, "... six years on Council, I've never seen a room full like this ... I think the plan is a mess ... I think that our residents didn't get a chance to provide ... to get answers to their questions ... I know maybe that's not part of the ... part of the situation, but the gentleman who ... the management guy ... the engineer was not available at the Work Session ... he's not available tonight ... he was not here ... it's disrupting a quiet neighborhood ... all the while the applicant is sitting on tons of land that he is not even utilizing for access points ... I can go on and on ... I don't want to waste time because I think of the several people that were here and all of the comments we have, I don't want to be redundant ... but I think this is a mess and I would just like to see it kicked back to Committee at the minimum for more discussion at the Committee level."

President Rowe, addressing Ms. Martin, inquired if she is aware that by releasing the comments, that is how the residents will get their questions answered; in which, Ms. Martin advised she does understand that, but still would like to have it removed it from the agenda. President Rowe clarified with Ms. Martin that she would like to have the matter tabled; in which, Ms. Martin replied, "I'd love to table it."

Mr. Ressler requested an addition be made to the motion to add the comments from this meeting; in which, President Rowe clarified that verbiage was added to the motion made.

Mayor Mowen advised he is a bit confused as to why the matter would go back to the Committee as, "...

this is the opportunity for all of the comments – from HRG, from the public and everything – to Sensenig ... it does nothing to the plan as far as approval or anything like that ... it's supplying him with the concerns of all of these people ... and I would think that you would want him to get them as soon as possible so that he can possibly take them ... possibly take them into consideration ... you delay it a month and it is that much longer before he understands or hears the comments, so I ... I would say to Council, you need to get him the comments as soon as possible."

President Rowe then stated, "... that was kind of the point I was making ... he can't answer the questions until he gets the questions." Ms. Martin advised she would like to know why the engineer did not attend the Work Session to answer the questions; further stating, in most instances, the engineer attends and make themselves available to answer questions. President Rowe responded the engineer may not have been able to answer those questions which is why the sketch plan comments are released to provide the engineer with the questions so they can be answered. Mr. Zimmerman commented, "... keep in mind, this is a sketch plan ... your comments are what the engineer needs to hear before he is going to do anything about reconsidering doing anything ... and by us delaying and not getting the information to him and coming back to Committee, I personally don't know what that's going to do because between HRG, what you said last week and this week ... a lot of the same stuff ... some new stuff ... but, basically, it's the same concerns ... the developer needs to hear that and by delaying it, I don't know what that's going to help ... cause again, it's a sketch plan ... he needs to get preliminary plans and that's where all the zoning and ordinance regulations ... that's all going to get ironed out then, not now."

Vice President Reinhold inquired as to how often Council adopts the Zoning map and, in referencing the pole buildings, advised it is his understanding, they are allowed in that area. Vice President Reinhold further related that by delaying the matter for another month to receive additional comments, stated, "... with all due respect, it's probably going to be all the same stuff we've heard before from one side ... we're not even getting attendance from the other side ... what are we going to do ... are we just going to bring it back in November or December or January of 2022 ... and, yeah, that might buy a couple of months, but again we got to get to the first step so then, hopefully, Richard Sensenig being a good neighbor will work with all of the concerns" voiced by the residents.

Mr. Richard reiterated the fact that by Council moving forward with the proposed sketch plan, it does not give approval to complete the project as further dialog with the developer is needed. Mr. Richard then stated, "... I believe by us approving this tonight, it by no means is giving the go ahead to put shovels in the ground in Lincoln ... this is a very complicated thing ... I'm trying to think of the right order here so we can possibly have the right conversation to get this resolved so, hopefully, we can have some people on the same page here ... I don't think it's gotten that far yet and we have a proposal here and if we don't go and look at it further, we don't even know the details of the development so we can't even answer the questions and it's not being approved ... it's not even close to that yet ... but we can't answer your questions if we don't know ... I'm in 4th Ward also ... I totally support what I hear here and by saying yes, I'm not saying do it ... I'm just saying that we need to legally gather information to see are there going to be basements or not ... we don't know ... we don't know answers to almost anything you've asked us ... we haven't gotten that far ... so I'm ... it seems a predicament to me by voting yes, it sounds like I'm not supporting you ... I'm just trying to get to the crux of the questions to see what's going on ... and also get the information to the developer so they know the questions."

Mr. Zimmerman, referencing the inquiry regarding the rezoning, inquired how many years prior to 2019 was the rezoning completed; in which, Mr. Thompson advised that he believes over the 30 years he has been with the Borough, it has been completed two to three times. Mr. Zimmerman reiterated that the

developer currently knows nothing about the comments that have been communicated to Borough Council.

Ms. Martin advised she has been working with Nancy Harris to find out the exact date the area was rezoned stating, "... I'm not positive it changed in 2019 ... I'm not positive ... was it there before ... I don't know that ... I am not 100% positive until I see the meeting notes of when it was actually changed ... was it already there ... residential ... medium density ... I just want to make sure that they know I'm really after that and I want to see the documents that support that date." Ms. Martin inquired as to if the applicant is required to answer the many questions that were brought forward to Council; in which, President Rowe confirmed there is no obligation to do so.

Solicitor McManus clarified that what has been submitted to Council is a concept plan which provides flexibility for changes/adaptions; however, the applicant could "throw the [sketch] plan into the trash can tomorrow" and produce a Development Plan to bring forward. Solicitor McManus advised once the Development Plan is submitted, Council has 90 days to render a decision. Solicitor McManus further advised he has not heard anything other than legitimate concerns about what is going to happen, but because "... you don't like a development," is not enough as the decision must be based upon non-compliance of objective criteria that Council has put into place.

Vice President Reinhold inquired if the plan is approved, does Council have the authority to say, "... we want to see the access placed somewhere else." Solicitor McManus advised that Council can certainly make the recommendation to the applicant. Vice President Reinhold, addressing Chief Petrick, inquired if the Noise Ordinance is enforced; in which, Chief Petrick advised noise issues are typically handed by the Codes Department. Mr. Thompson advised that the Nuisance Ordinance was updated a year or two ago which included noise issues. Mr. Thompson further advised that previously the Noise Ordinance was difficult to administer due to the ability to measure noise levels in the field at the specific times they were occurring; however, the Nuisance Ordinance in place addresses things repetitive in nature whether they were continuous, on and off, etc.

Mayor Mowen, in referencing the 2019 rezoning, advised meetings were held throughout 2018 into 2019 which were advertised and very well attended. Mayor Mowen advised several citizens were on the Committee as well who reviewed the new zoning. Mayor Mowen additionally advised there were presentations to Council on more than one occasion which reviewed the zoning map for the entire new Zoning Ordinance. Mayor Mowen, in closing his comments, stated, "... I can understand if you missed a block or something like that, but the zoning map was put up on the Board and everybody had a chance to look at ... I understand the concerns, but, personally, I think the sooner you get these comments and all of the information to Mr. Sensenig, the better off you're going to be."

Prior to calling for a motion, President Rowe advised there was a request received to table this topic and take it back to the Development Activities Committee and requested Mr. Zimmerman, Chair, to poll his Committee to obtain their thoughts; in which, Mr. Zimmerman complied and all Committee members advised they were in agreement not to have the matter return to the Committee level and to proceed with the motion.

It was moved by Mr. Zimmerman, seconded by Mr. Barr, and passed unanimously that Borough Council approve a waiver/modification of submission of Preliminary Plan, Section 281-14 of the Code of the Borough of Ephrata for the Preliminary/Final Land Development Plan for Horst Plumbing, 131 Cherry Street.

It should be noted prior to the vote, Mr. Dudley stated, "... this is been an ongoing thing and I understand some of the challenges of my neighbors ... a lot of challenges that have been coming out are that it is going to affect the parking on the block with a lot of people being concerned they are not going to be able to park behind their homes and accessing ... going through the private alley and being forced to parking on the street." Mr. Dudley further stated, "... I personally understand the challenges there because I have no driveway of my own ... I have no rear access to my house and the only place I have to park is on the street ... so I personally also am impacted by what's happening on Cherry Street ... however, I also understand that Mr. Horst has walked through a lot of the zoning hurdles ... and that the things that he is looking to do on his property have been approved all the way down the line ... and what has been presented here today meets those qualifications ... and to Mr. Horst's credit, he has demonstrated a desire to work with the neighbors and when he can, to make things a little more desirable and more accessible ... there are some things he cannot work with and there are things that are going to make things very challenging for our neighborhood and we're going to have to work together."

Vice President Reinhold sought clarification regarding if the deeds of the residences do, in fact, state they are able to park to the rear of their property via use of the private alley; in which, Mr. Dudley advised while he has not seen the deeds himself, that is what he has been told. President Rowe advised this is where the Borough cannot grant access because the alley is a private alley, not a dedicated Borough alley. Solicitor McManus advised that nothing on the Development Plan shows encroaches on those private property areas.

Mr. Dudley advised one of the frustrations communicated to him are that there are telephone poles "smack down in the middle" of that alley; however, the company [Windstream] who owns the poles has implied they are willing to move the poles. Mr. Dudley further advised there are numerous hurdles which need to be crossed and, "... that's where the whole private alley thing gets very convoluted."

At this time, it was moved by Vice President Reinhold, seconded by Mr. Barr, and unanimously passed to reopen Public Comments.

Ms. Beres advised she has a copy of the deed if any Council member wishes to review it. Ms. Beres further advised that Windstream is willing to move the telephone poles; however, it is being requested to table this matter for at least one more month. Ms. Beres advised Windstream has advised that as soon as they can determine what side of the property the pole has to be put on, they will come out to do it as it is a very easy process for them. Ms. Beres advised that once construction begins, the residents who have deeded rights to utilize the alleyway will no longer be able to access it. Ms. Beres advised there are spray-painted lines where the borders are going to be resulting in her attempting to drive her vehicle and make the turn which she was not able to do – not with the pole in its current position. Ms. Beres continued her comments by advising this does not only affect accessing via the rear, it also affects parking along the street "which is already a nightmare." Ms. Beres repeated her request to wait one more month to allow time for the repositioning of the pole.

Barry Lausch, 1117 Marilyn Avenue, Ephrata, referencing the Sensenig Company's proposed sketch plan, specifically, the public notice of the Rezoning Ordinance, stated, "... you guys have these meetings and this is your world ... because you discuss it ... because you agree about it ... because it goes forward ... publish it in the Review ... really ... really ... at this day and age, that's Public Notice ... I find that really weak." Mr. Lausch concluded his comments by stating, "... I think it is poor practice on your part ...there should be notices posted." President Rowe advised notices were posted pertaining to the Zoning Ordinance at Borough Hall; in which, Mr. Lausch stated, "... no one saw them ... no one saw them." Mayor Mowen advised that notices are published in the newspaper and the Borough's website in an effort

to communicate to the public. In response to Vice President Reinhold's inquiry as to his recommendation to communicate to the public, Mr. Lausch advised that typically signs are posted in the areas being rezoned. President Rowe advised if somebody requests an exemption from zoning, there are signs posted around the property; however, Mr. Lausch advised he is not asking what is being done currently. Mr. Lausch then stated, "... for that property ... so many people would have known that, then this would have gotten addressed much sooner ... that's what I'm saying ... going forward ... this isn't New York City, this is Ephrata."

At this time, it was moved by Vice President Reinhold, seconded by Mr. Barr, and passed unanimously that Borough Council close Public Comments.

It was moved by Mr. Zimmerman, seconded by Mr. Barr, and passed unanimously that Borough Council approve a waiver/modification of Existing Features, Section 281-26.B(2)(j) of the Code of the Borough of Ephrata for the Preliminary/Final Land Development Plan for Horst Plumbing, 131 Cherry Street.

It was moved by Mr. Zimmerman, seconded by Vice President Reinhold, and passed unanimously that Borough Council approve a waiver/modification of Dedications of Additional Right-of-way, Section 281-34.D of the Code of the Borough of Ephrata for the Preliminary/Final Land Development Plan for Horst Plumbing, 131 Cherry Street.

It was moved by Mr. Zimmerman, seconded by Vice President Reinhold, and passed unanimously that Borough Council approve a waiver/modification of Street Trees, Section 281-56.B of the Code of the Borough of Ephrata for the Preliminary/Final Land Development Plan for Horst Plumbing, 131 Cherry Street.

It was moved by Mr. Zimmerman, seconded by Mr. Barr, and passed unanimously that Borough Council approve the third driveway at the private easement/alley per section 319-46.D(7) of the Code of the Borough of Ephrata for the 131 Cherry Street land development plan.

It should be noted prior to the vote, Mr. Dudley advised he wished to clarify as a reminder, "... essentially what this is doing, it's making it much easier so that if something had to be redone, it doesn't have to go through the process again ... and at any point that the neighbors want to work together and actually put something in there, it's already approved, ready to go and done ... so this actually helps." President Rowe added, "... it actually helps the process along instead of delaying it another month." In response to Mayor Mowen's inquiry, "... of the alley that's right now just along the edge will have access eventually if they can work it out," President Rowe responded, "... with our approval of this tonight, that gives them the go ahead to go ahead and do what they need to do ... if we would push this off another month, it would push that approval down another month."

At this time, it was moved by Vice President Reinhold, seconded by Mr. Barr, and passed unanimously that Borough Council reopen Public Comments.

Ms. Beres stated, "... I want it on the record that this access has to be put in at their (the Washington Avenue residents) expense." President Rowe confirmed the matter has been discussed at the Development Activities Committee meeting.

At this time, it was moved by Vice President Reinhold, seconded by Mr. Zimmerman, and passed unanimously that Borough Council close Public Comments.

It was moved by Mr. Zimmerman, seconded by Mr. Barr, and passed unanimously that Borough Council approve the Final Land Development Plan for Horst Plumbing, dated June 9, 2021, containing 6 sheets prepared by Diehm and Sons, Lititz, PA, subject to the following:

- a. The applicant must address the comments contained in the HRG letter dated July 7, 2021.

Highway Committee

It was moved by Mr. Richard, seconded by Ms. Martin, and unanimously passed via roll call vote that Borough Council enact Ordinance No. 1563 amending the Code of the Borough of Ephrata, Chapter 305, Vehicles and Traffic, Section 305-100, Schedule XVII: Parking prohibited at all times by adding a certain section of the west side of Railroad Avenue.

It was moved by Mr. Richard, seconded by Mr. Zimmerman, and unanimously passed via roll call vote that Borough Council authorize an unallocated expenditure of \$28,658 from the mobile equipment fund and approve the purchase of a new 2022 Ford F-350 with up-fitting for \$78,150 from Whitmoyer Auto Group in Mt. Joy, PA through the COSTARS #025-162 Purchasing Agreement per Quote ID 091321-2 dated September 13, 2021.

It should be noted prior to the vote, Mr. Richard advised this replacement vehicle replaces Borough Vehicle 69, a 2012 F-350 with a dump bed, which is used for snow plowing and salt spreading which is currently undersized for what it is doing.

It was moved by Mr. Richard, seconded by Ms. Martin, and unanimously passed that Borough Council approve the additional parking signage for installation at the Locust Street parking lot.

It should be noted prior to the vote, Mr. Richard advised a sample of the proposed signage was made available to view at the October 4, 2021, Work Session, as well as the October 11, 2021, Voting Session.

Municipal Enterprises Committee

It was moved by Ms. Martin, seconded by Mr. Richard, and unanimously passed that Borough Council appoint Stephen Morrison, Technical Support Manager, as the Borough's representative on the Pennsylvania Municipal Electric Association Board of Directors.

It was moved by Ms. Martin, seconded by Mr. Ressler, and unanimously passed that Borough Council appoint Stephen Morrison as the primary, and D. Robert Thompson, Borough Manager, as the Borough's alternate member of the American Municipal Power Board of Trustees, effective November 1, 2021.

It was moved by Ms. Martin, seconded by Mr. Richard, and unanimously passed via roll call vote that Borough Council adopt Resolution 2021-37 authorizing the Borough Secretary to enter into Power Supply Contracts consistent with the Power Supply Master Plan.

Community Services Committee

It was moved by Mr. Ressler, seconded by Mr. Barr, and unanimously passed that Borough Council grant Mainspring of Ephrata's request to use the WERT and Winters Memorial to place luminaries on November 11, 2021, for Veterans Day subject to the receipt of a Certificate of Insurance naming the Borough of Ephrata as an additional insured.

It was moved by Mr. Ressler, seconded by Ms. Martin, and unanimously passed that Borough Council

grant Cocalico Valley VFW Auxiliary's request to use Borough Hall's parking lot on October 27, 2021, to host a Trunk or Treat event immediately following the Jack Frost Parade subject to the receipt of a Certificate of Insurance naming the Borough of Ephrata as an additional insured.

STATEMENT FROM VICE PRESIDENT REINHOLD

Borough Council met previously in an Executive Session to discuss disciplinary actions recommended by Chief Petrick.

It was moved by Vice President Reinhold, seconded by Mr. Ressler, and unanimously passed that Borough Council accept the recommendation of Chief Petrick and direct that an officer of the Ephrata Police Department be suspended from duty without pay for a period of one day commencing at such time as Chief Petrick shall direct and that they be provided notice of their right to appeal this decision of Council to the Borough's Civil Service Commission or alternatively take such actions as are provided for under applicable provisions of the Police Department's current collective bargaining agreement.

It was moved by Vice President Reinhold, seconded by Mr. Ressler, and unanimously passed that Borough Council accept the recommendation of Chief Petrick and direct that an officer of the Ephrata Police Department be suspended from duty without pay for a period of two days commencing at such time as Chief Petrick shall direct and that they be provided notice of their right to appeal this decision of Council to the Borough's Civil Service Commission or alternatively take such actions as are provided for under applicable provisions of the Police Department's current collective bargaining agreement.

APPROVAL OF CHECKS 46161 THROUGH 46433 AND THE ACH REGISTER DATED SEPTEMBER 30, 2021

It was moved by Mr. Barr, seconded by Mr. Zimmerman, 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 \$697,579.61.

OPPORTUNITY FOR CITIZENS TO BE HEARD

Teresa Caruthers, 229 Railroad Avenue, Ephrata, in referencing the earlier topic regarding garbage and recycling within the Borough, inquired if cardboard is included in the pickup of recyclable materials; in which, Mr. Ressler advised due to the cost of the recycling increasing, pickup was limited to certain aspects of plastic bottles, aluminum and tin cans. Mr. Ressler further advised that the corrugated cardboard material is to be taken, by the resident, to the Borough's centralized pickup location along Church Avenue. Mr. Thompson advised that the Lancaster County Solid Waste Authority dictates what materials are accepted and the list is available via their website. Ms. Caruthers advised that residents may not have known that their cardboard is no longer being picked up by the hauler and they may feel, "... our bill has gone up, but they are taking less."

Additionally, Ms. Caruthers inquired as to where an individual could read about the power supply contract consistent with the power supply master plan; in which, Mr. Thompson advised Ms. Caruthers to submit a Right-to-Know request to the Borough Office.

Chad Weaver, 1357 Marie Avenue, Ephrata, extended his appreciation to Borough Council members for being very accommodating in answering questions. Mr. Weaver, in referencing his comments from earlier in the meeting, stated, "... I do think that you are always welcoming to answer our questions and approachable and always willing to do the things and duties you need to do as elected Borough Council ... so I just want to thank you for the job that you do."

With no additional visitors wishing to address Council, President Rowe moved onto the Discussion/Announcements portion of the meeting.

DISCUSSION/ANNOUNCEMENTS

Mr. Dudley advised his family was recently in Washington DC which made him feel very appreciative of some of the ways that our community is trying to preserve the landmarks and, "... I'm quite proud of some of the ancient history we have even in my hometown."

Mr. Zimmerman thanked Mr. Weaver for his comments stating, "... they're much appreciated because there are some residents that feel the opposite way – we'll just say."

Mr. Barr, in addressing the recycling of cardboard and newspaper items, advised that an alternative use for these items would be to use them for animal bedding and he's sure there would be a number of farmers in the area that would gladly accept the material.

Mr. Richard advised he recently attend the PA State Association of Borough's (PSAB) Fall Conference stating, "... it was interesting because almost all of the topics had bearings on the Borough of Ephrata." Mr. Richard further advised topics included grant applications, working with a Borough Solicitor, working with PennDot, 5G facilities, how to run an effective Borough Council meeting, as well as a conversation regarding be placed under public scrutiny. Mr. Richard concluded his comments by stating, "... almost all of the boroughs – whether you're 500 or 15,000-20,000 – we all have the same problems, just on different scales."

Vice President Reinhold advised the Personnel Committee will be having a meeting following the conclusion of the Voting Session; and due to the late hour, the meeting will have a hard stop at 10:00 PM. Vice President Reinhold further advised the Committee will be meeting in an executive session at the beginning of their meeting and requested visitors to wait outside of Council Chambers until the executive session has ended. Vice President Reinhold suggested the possibility of re-evaluating the day and time the Personnel Committee meets in 2022 as agenda items are not being addressed in a timely fashion due to the late hours the meetings have been held.

Mayor Mowen referenced the power outage Borough experienced recently due to inclement weather advising it is his understanding there was a program in place to make notifications to residents of such events; however, he has recently discovered the program is non-existent. Mayor Mowen further advised he wishes to have a program established to make these notifications to residents advising that the power is out as well as the anticipated length of time to resolve the matter. Mayor Mowen then stated, "... people can die if they don't get their power restored in a certain length of time and/or have the ability to have some kind of backup in place." President Rowe requested the topic be added to the upcoming Budget and Finance Committee meeting for further discussion.

Mr. Thompson advised on July 12, 2021, Borough Council took the following action: Borough Council authorized the President of Borough Council to sign the Keystone Recreation, Park and Conservation Fund Grant application as a sponsor for the grant application for LED lighting and offer an unbudgeted match not to exceed \$20,000. Mr. Thompson advised this action was for the Ephrata Public Library to modify their building to LED lights. Mr. Thompson further advised President Rowe then signed the application and a commitment was made for the \$20,000 payment. Mr. Thompson advised that he recently received an email request from Penny Talbert, Executive Director, who informed him that there

are several of requirements of the grant with three of them being time-sensitive and provided a brief description of those requirements. Mr. Thompson advised these action items will be added to the October 18, 2021, reconvening of Borough Council for a vote; in which, Mr. Ressler asked the Committee members if they were in agreement of the addition of the agenda items; and after a brief discussion, both Ms. Martin and Mr. Barr advised they were in favor to move the matter forward. Mr. Richard, addressing Mr. Thompson, inquired as when he received the email request from Ms. Talbert; in which, Mr. Thompson clarified he received it on Monday, October 4th.

MOTION TO RECESS MEETING

It was moved by Mr. Barr, seconded by Ms. Martin, and unanimously passed that Borough Council recess the October 11, 2021, Voting Session until Monday, October 18, 2021, at 5:00 PM. The meeting was recessed at 9:15 PM.

Respectfully submitted,

D. Robert Thompson, Secretary

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