

**EPHRATA BOROUGH COUNCIL
WORK SESSION MINUTES
APRIL 3, 2023**

The Ephrata Borough Council Work Session was called to order by President Thomas Reinhold at 7:00 PM on April 3, 2023, in the Council Chambers of the Borough Office, 124 South State Street.

In attendance in addition to the President were Vice President Linda Martin and Council Members Timothy Barr, Alan Buohl, Kory Musser, Ricky Ressler and Gregory Zimmerman as well as Mayor Ralph Mowen. Absent was President Pro Tem Victor Richard.

Also in attendance were Borough Manager Nancy Harris, Chief of Police Christopher McKim and Borough Solicitor Isaac P. Wakefield, Esq., Salzmann Hughes.

The following visitors were present within Council Chambers:

Larry Alexander, The Ephrata Review
Nancy Aronson, 424 Lake Street, Ephrata
Steve Aronson, 424 Lake Street, Ephrata
Tim Auker, 542 N. State Street, Ephrata
Joy Ashley, Mainspring of Ephrata
Lyle Beidler, 132 Broad Street, Akron
Randy Gockley, 62 Robert Road, Ephrata
Ed Ostrowski, ELA Group, Inc.

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

Approval of Agenda

Ms. Harris provided confirmation of the following:

1. The meeting agenda was posted on the Borough's website and at Borough Hall no later than 24 hours in advance of the time of the meeting.
2. The meeting agenda included a listing of each matter of Borough business that will be or may be the subject of deliberation or official action at the meeting.
3. There were no changes made to the meeting agenda after it was posted.
4. The meeting agenda was made available to individuals in attendance at the meeting.

President Reinhold asked if there were any requests to add a matter of Borough business to the meeting agenda. Seeing none, President Reinhold asked for a motion to accept the meeting agenda as posted. Mr. Barr moved and Vice President Martin seconded to approve the meeting agenda as posted. The motion carried unanimously.

First Opportunity for Citizens to be Heard

With no citizens in attendance wishing to address Council at this time, President Reinhold moved onto the Discussion of Committee Actions.

Discussion of Committee Actions

Budget and Finance Committee

The Budget and Finance Committee met on March 27, 2023, at 6:32 PM at Ephrata Borough Hall, 124 South State Street.

Action Items:

1. The Committee reviewed Resolution 2023-10 authorizing the revised schedule of fees and charges collected. The Committee will recommend that Borough Council adopt the resolution at their April 10, 2023, meeting.
2. The Committee reviewed a funding request from Mainspring of Ephrata of \$82,999 per the approved agreement. The Committee will recommend that Borough Council approve the disbursement at their April 10, 2023, meeting.
3. The Committee reviewed Ms. Martin's request to attend the Northern Lancaster County Chamber of Commerce Anniversary Dinner as a representative from the borough. The Committee will recommend that Borough Council authorize the payment of \$125 for Ms. Martin's attendance at the dinner in accordance with Section 703 of the PA Borough Code at their April 10, 2023, meeting.

Mr. Ressler advised there is an additional Action Item which was not discussed at the Committee meeting; however, it will be included for action at the April 10, 2023, meeting. Solicitor Wakefield advised the proposed Resolution is in reference to the second round of settlements for the County with respect to the opioid litigation. Mr. Ressler then polled the Committee members inquiring if they are in approval to move the matter forward for vote at the April 10, 2023, meeting; in which, both Mr. Zimmerman and Mr. Musser, as well as Mr. Ressler, agreed to do so.

4. That Borough Council adopt Resolution 2023-11 authorizing the Borough of Ephrata to enter into the settlement agreements with Teva, Allergen, Walgreens, Walmart and CVS.

Mr. Ressler then provided an overview of the Discussion Items as listed in the Committee Report.

Development Activities Committee

The Development Activities Committee met on March 27, 2023, at 7:33 PM at Ephrata Borough Hall, 124 South State Street.

Action Items:

1. The Committee reviewed a land development plan for Good Samaritan Services located at 21/25 West Locust Street. They are adding a new one-story office building behind an existing building. Ms. Martin requested confirmation that the Fire Company's review has been received and clarification if Good Sam is holding events in the building. Harris will follow up on the requests. The Committee will recommend that Borough Council approve four waiver/modification requests and approve the final plan subject to the inclusion of HRG's comments, Lancaster County Planning comments and the applicant must provide a parking lease for a minimum period of five (5) years with the parking lease being subject to approval by the Borough Solicitor. This will appear on the April Consent Agenda.

2. The Committee reviewed a Stormwater Operation and Maintenance Agreement for Good Samaritan Services. This is the standard agreement from the Stormwater Management Ordinance. The Committee will recommend that Borough Council authorize the President of Borough Council to execute the agreement with Good Samaritan Services. This item will appear on the April Consent Agenda.
3. The Committee reviewed a request from Mainspring of Ephrata to use Borough-owned land on Ephrata Mountain as a recreational preserve. Mainspring is applying for a grant to prepare a Master Plan. The grant requires a 15% match and Mainspring has asked the Borough to provide the match. Mainspring is also requesting a resolution of support for the project. The Committee will recommend that Borough Council authorize a not to exceed match amount of \$10,000 and that Borough Council adopt a Resolution of support at their April meeting.
4. The Committee reviewed a Stormwater Operation and Maintenance Agreement for Ephrata Church of the Brethren. The Committee will recommend that Borough Council authorize the President of Borough Council to execute the agreement with the Ephrata Church of the Brethren. This item will appear on the April Consent Agenda.
5. The Committee reviewed a Subdivision and Land Development Agreement for the War Memorial Field Improvements. The Committee will recommend that Borough Council approve the Subdivision and Land Development Agreement for \$51,795.70. This will appear on the April Consent Agenda.
6. The Committee reviewed a Stormwater Operation and Maintenance Agreement for the War Memorial Field Improvements. The Committee will recommend that Borough Council authorize the President of Borough Council to execute the agreement with the Ephrata Area School District. This item will appear on the April Consent Agenda.
7. The Committee reviewed a final drawdown request for land development improvements for the Garden Spot Auto Auction located at 1605 Apple Street. The improvements have been completed and inspected. The applicant is requesting the release of all their funds. The Committee will recommend that Borough Council release \$73,271.55. This will appear on the April Consent Agenda.

Mr. Zimmerman then provided an overview of the Discussion Items as listed on the Committee Report.

Mr. Buohl, in referencing Action Item #3, clarified what is being requested by Mainspring of Ephrata is for the Borough to provide the required 15% match and a resolution of support in order for them to pursue a grant opportunity to produce a proposed Master Plan for the land. Mr. Buohl additionally clarified that Council's action at the April 10, 2023, Voting Session, does not include approving any specific plans for the land (i.e., trails).

Vice President Martin, in referencing Action Item #1, inquired if the Borough is in receipt of the required 5-year parking lease; in which, Ms. Harris advised the Recommendation is based on conditional approval of the receipt of the lease. Vice President Martin inquired if the lease must be received and reviewed by the Solicitor prior to the April 10, 2023, Voting Session; in which, Ms.

Harris advised that signatures on the plan documents will be obtained when all conditions of the approval are met.

Public Safety Committee

The Public Safety Committee met on March 20, 2023, at 6:30 PM at Ephrata Borough Hall, 124 South State Street.

Action Items:

1. **Adoption of Third-Party Inspection Agencies for Commercial Building Inspections and Plan Review** The Committee heard Manager Harris' explanation of the staff recommendation regarding three (3) entities for commercial building inspections and plan review. The Committee was in agreement to move the recommendation forward to Council.
2. **Approval for Community Assessment for Public Health Emergency Response (CASPER)** The Committee agreed to move the CASPER Project forward to Council.

Randy Gockley, Coordinator, Emergency Management Operations, in referencing Action Item #2, advised the Lancaster County Emergency Management Agency selected Ephrata and Columbia Boroughs be the first in the County to participate in the CASPER Project. Mr. Gockley stated, "... it is a good assessment of where we are ... where the public sees us ... as far as preparedness and how comfortable they feel with our preparedness efforts." Mr. Gockley commented that the assessment is a good tool to present shortfalls or opportunities for improvements that the County and participating Municipalities can seek out grants to address any of the issues brought forward as part of the assessment. Mr. Gockley further advised the assessment will be done by employees and interns of the Emergency Management Department who will go out into the communities and will randomly seek voluntary participation from the public.

Mr. Musser advised in reviewing the questionnaire, he had some concerns about the relevance of some of the questions as it pertains to public health emergency response. Mr. Musser commented, "... in theory, it sounds like a great idea ... but I just have concern with who's running it ... what they're doing with this information and some of the questions that they're proposing." Vice President Martin advised she conducted research on the CDC's website to gain a better understanding of the project. Vice President Martin further advised that it is her understanding the questionnaire is to be tailored to communities; however, the questions that were provided to Council "... basically is a generic template" that is being used and has not been modified to our municipality. Vice President Martin commented, "... I don't understand why the CDC is getting involved in emergency management ... why isn't FEMA doing this ... why isn't PEMA doing this ... why is it CDC ... I just don't understand the connection between this and the CDC ... I feel like there is something underlined here that we don't know ... I have a hard time giving them (EMA employees and interns) permission to just carte blanche come into our community when we don't know who they are ... are they going to have background checks ... I know for me, I would never answer these questions for myself personally."

Mr. Ressler advised these efforts are more to get the demographics of the community to see what kind of resources would be needed in the event of an emergency (i.e, tornado, hurricane, etc.). Mr. Ressler further advised different areas would need different types of resources and that is his understanding of what this study is about - to identify where some areas would need more resources

or less resources. Mr. Ressler commented, "... I felt very comfortable with the explanation ... and the simple fact that it is not a mandatory thing ... people are giving the information that they want to give."

Mr. Buohl agreed with Mr. Ressler's comments advising it is his understanding as well that the information was confidential and individuals have a choice to participate or not to participate. Mr. Gockley commented, "... to the best of my knowledge, the information will be maintained by the County Emergency Management Agency with copies to participating Boroughs." Mr. Gockley, in referencing the CDC, further commented, "... I don't share the same concerns as you do at the local level ... and with the trust I have in the County Emergency Management Agency to get a quality product which will benefit future services to the community."

Mr. Buohl advised he wished for Council to be comfortable in making a decision regarding the County's request to participate in the CASPER Project resulting in the matter being tabled and returned to the Committee for further discussion. Mayor Mowen commented, "... participation is voluntary ... the information that will come out of this will greatly benefit the emergency services preparedness in this community."

Mr. Buohl then provided an overview of the Discussion Items as listed on the Committee Report.

Highway Committee

The Highway Committee met on March 27, 2023, at 5:30 PM at Ephrata Borough Hall, 124 South State Street.

Action Items:

1. The Committee reviewed a March 20, 2023 email request from Jim Summers, Executive Director at the Ephrata Recreation Center, to close South Academy Drive between West Main Street and South Reading Road on Tuesday, July 4, 2023, between 7:00 PM and 10:30 PM due to fireworks traffic. The Committee will recommend that Borough Council conditionally approve the request subject to review and approval by Emergency Management Coordinator Randy Gockley and Police Chief McKim at their April 10, 2023, meeting.
2. The Committee reviewed the requests from the Ephrata Farmers Day Association, Inc. per their letter dated March 8, 2023, to conduct activities associated with the 104th Ephrata Fair from September 25th through September 30th, 2023. Language concerning shuttle bus location and Covid-19 have been removed from the current request letter. Request #8 should read to 41 West Queen Street instead of State Street since parking is prohibited at all times along the south side of West Queen Street between 41 West Queen Street and South State Street. This will be included in the response letter to Ephrata Farmers Day Association, Inc. The Committee will recommend that Borough Council conditionally approve the requests subject to Borough receipt of a PennDOT issued Special Events Permit with the Ephrata Farmers Day Association, Inc. as applicant and satisfactory certificate of insurance naming the Borough of Ephrata as additional insured at their April 10, 2023, meeting.
3. The Committee reviewed a Staff request to authorize the purchase of a new street sweeper. The Borough's current sweeper is scheduled for replacement in 2024 per the current 5-year fleet replacement plan. Due to procurement concerns and projected longer assembly times, the

sweeper must be ordered as soon as possible for delivery in 2024. The current estimated cost of the new street sweeper is \$336,326 per Costars purchasing agreement 025-E22-441 via U.S. Municipal. The current budget amount for this 2024 purchase is \$370,000. The anticipated delivery date is sometime during the 2nd quarter of 2024. A disposition of assets request for the 2012 sweeper will be submitted in the future when a preferred disposal method is established. The current value of the 2012 street sweeper is \$30,000. The Committee will recommend that Borough Council authorize advance procurement of a new model year Johnston V65t street sweeper mounted on a new 2022/23 Freightliner chassis at their April 10, 2023, meeting.

4. The Committee reviewed a Staff request to authorize the purchase of a new 2023 Ford F550 Regular Cab Crane Truck via Costars vendor Whitmoyer Ford, Inc. Total cost to order per Costars purchasing agreement 025-E22-513 is \$145,159. The budget amount for this 2023 purchase is \$175,000. Delivery is expected in 2023 but may extend into 2024 due to possible fabrication delays. This vehicle will be used by Wastewater maintenance staff. A disposition of assets request for disposal of the 2007 Ford F550 Crane Truck will be submitted in the future closer to delivery time of the new vehicle. The current estimated value of the 2007 Ford F550 Crane Truck is \$17,500. The Committee will recommend that Borough Council approve the purchase of a new 2023 Ford F550 Regular Cab Crane Truck at their April 10, 2023, meeting.
5. The Committee reviewed a Staff request to authorize the purchase of a new 2022 Ford Ranger 4X4 Super crew XLT pickup truck via Costars vendor Whitmoyer Ford, Inc. Total cost to order per Costars purchasing agreement 025-E22-513 is \$39,595. The budget amount for this 2023 purchase is \$55,000. Delivery is expected within 30 days from Council approval. This vehicle will be used by the Water division. A disposition of assets request for disposal of a 2007 Ford Ranger 4X4 pickup truck is provided this month under separate agenda item. The Committee will recommend that Borough Council approve the purchase of a new 2022 Ford Ranger 4X4 Super crew XLT pickup truck at their April 10, 2023, meeting.
6. The Committee reviewed a disposition of assets request for a 2007 Ford Ranger 4X4 pickup truck, VIN 1FTZR45E67PA96937, with 70,995 miles to be sold via public auction. The vehicle is in fair condition and has numerous mechanical issues such as a leaking head gasket, failed front axle gear, and a failing rear pinion seal. The vehicle has an estimated value of \$5,000.00. The Committee will recommend that Borough Council approve this disposition of assets and authorize the President of Borough Council and Borough Secretary to execute Resolution #2023-13 at their April 10, 2023, meeting.
7. The Committee reviewed a disposition of assets request for a 1991 Vermeer V500A Trencher, Serial #1VRG06010M1000557, with 448.6 hours of use to be sold via public auction. This equipment is in fair condition and is functional. This equipment has an estimated value of \$4,500.00. The Committee will recommend that Borough Council approve this disposition of assets and authorize the President of Borough Council and Borough Secretary to execute Resolution #2023-14 at their April 10, 2023, meeting.
8. The Committee reviewed Blue Ridge Communications plans to install approximately 24,529 linear feet of underground cable in conduit in and along various streets within the municipal boundaries of Ephrata Borough. These new underground cables in conduit replaces existing

“direct-bury” cable and permits future replacement of cable without excavating to install conduit. The Committee will recommend that Borough Council conditionally approve Blue Ridge Communication’s plans known as the Ephrata Head End dated March 10, 2023 consisting of 16 sheets numbered BRC1 through BRC16 subject to a fully executed Street Opening and Cable System Construction Agreement by and between the Borough of Ephrata and Blue Ridge Communications, Borough receipt of a satisfactory performance guarantee in the amount of \$395,464.00, provision of a current certificate of insurance naming the Borough of Ephrata as additional insured, delivery of resident notifications explaining the project and including Blue Ridge Communications project contact information, and meeting with Borough staff to discuss project coordination to avoid conflicts with Ephrata Borough and Ephrata Area Joint Authority projects at their April 10, 2023, meeting.

Vice President Martin then provided an overview of the Discussion Items as listed on the Committee Report.

Municipal Services Committee

The Municipal Enterprises Committee met on March 20, 2023, at 5:30 PM at Ephrata Borough Hall, 124 South State Street.

Action Items:

1. The Committee reviewed a request to approve Change Order #4, from LandStudies, Inc., regarding the Gross Run Streambank Restoration Project. The Committee will recommend Council approve the Change Order at their April 10, 2023, meeting.
2. The Committee reviewed a request to approve Change Order #5, from LandStudies, Inc., regarding the Gross Run Streambank Restoration Project. The Committee will recommend Council approve the Change Order at their April 10, 2023, meeting.

Vice President Martin then provided an overview of the Discussion Items as listed on the Committee Report.

Discussion of Committee Reports (No Action Items)

Community Services Committee

Mr. Barr advised that the Community Services Committee met on March 20, 2023, and provided an overview of the Discussion and Old Business Items as listed on the Committee Report.

Personnel Committee

Vice President Martin advised that the Personnel Committee met on March 7, 2023, in an Executive Session to discuss a personnel matter. Additionally, Vice President Martin provided an overview of the Discussion and Old Business Items as listed on the Committee Report.

Committees (No Meetings Held in March 2023)

- Special Projects Committee

Second Opportunity for Citizens to be Heard

With no citizens in attendance wishing to address Council at this time, President Reinhold moved

onto the Discussion/Announcements.

Discussion/Announcements

Mr. Zimmerman extended his appreciation to Mayor Mowen regarding his overseeing of the activity of the Winter Shelter over the last few months.

Ms. Harris advised she received word that the Dog Park will be closed to the public beginning on Tuesday, April 11, 2023, in order for the seeding to be complete. Ms. Harris advised it is not known at this point how long the park will be closed.

Vice President Martin advised she, along with Mr. Ressler and Mr. Richard, attended the Dog Park ribbon cutting event on Saturday, April 1, 2023. Vice President Martin, in referencing the placement of benches at the Dog Park, sought clarification that two benches will be placed outside of the fenced-in area and that two benches will be placed inside the fenced-in area; in which, Ms. Harris advised she is accurate.

Vice President Martin advised she has received a request from the Dog Park Committee to have an opportunity to interview Chief McKim about the Park's rules and regulations and will pass along contact information to Chief McKim to follow up.

Vice President Martin advised that she received a request from an employee of The Ephrata Review in the "old" insurance company building who inquired if a bag could be placed over a meter until they are able to obtain a handicap placard. Mayor Mowen clarified that handicap parking spaces are not assigned to a particular individual and that those spaces are available to any individual who has a placard. Ms. Harris additionally advised that handicap spaces are not designated for specific businesses in the downtown area.

Vice President Martin advised that the April 11, 2023, Personnel Committee Meeting is cancelled due to the lack of any action items.

Vice President Martin advised in reviewing an Ordinance, she observed that camping is prohibited within Parks and Recreations. Vice President Martin then inquired if there is any place an individual can camp within the Borough; in which, Ms. Harris advised it is her understanding that camping is only prohibited in the parks. Ms. Harris further advised she will research her inquiry and follow up with her.

Mayor Mowen, in referencing the Dog Park, advised that he is aware of some police activity in reference to individuals not adhering to the posted rules and regulations. Mayor Mowen, in referencing the age restrictions, advised the rules "... may need to be tweaked a little bit." Vice President Martin commented, "... I'm for anything that makes less controversy and less drama ... I really am ... whatever solution we can find that will eliminate some of the drama and chaos, I'm for it."

Mr. Zimmerman advised that the age restrictions came from a recommendation by the Borough's insurance carrier. Chief McKim clarified the posted verbiage was recommended by the insurance

company; however, in order for police to provide enforcement of the rules and regulations, he would suggest modifying the verbiage.

Mayor Mowen provided an update on the Community Meeting to be held on April 19, 2023, advising that he and President Reinhold will be moderating the morning session. Mayor Mowen advised there will be three presenters who will speak on poverty and homelessness within the Borough, followed by a period of time for questions and comments. Additionally, Mayor Mowen requested the participation of two Council members to sit on a panel to respond to any questions; in which Mr. Ressler advised he is able to sit on the morning panel. Mayor Mowen requested Council members to think about his request and advise if they are willing to participate as, "... it is important to have Council representation on the panel." Vice President Martin commented, "... I appreciate you recognizing that you need to add those Council members because I think it is really important."

Mayor Mowen advised he wanted to bring a matter to Council's attention that is a concern of both fire companies. Mayor Mowen commented that when either fire company responds to emergency situations involving a pole owned by PPL, Windstream or Blue Ridge Communications, fire company personnel sometimes have to wait hours until their arrival on scene. Mayor Mowen referenced a recent incident which involved a transformer that split and caught fire. Mayor Mowen noted upon arrival, the flames "... shot ten feet in the air." Mayor Mowen advised the fire involved a PPL pole resulting in them being contacted to respond to the scene to assist emergency personnel. Mayor Mowen noted that fire personnel did not spray water to put out the fire due to them not knowing if the "line was hot." Mayor Mowen advised emergency personnel remained on the scene as it was an active fire from 2:30 AM to approximately 8:00 AM. Mayor Mowen noted emergency personnel left the scene after the fire "... burnt itself out." Mayor Mowen inquired if there is anything that can be done from the Borough's standpoint to communicate with these organizations to let them know, "... these are volunteers that are sitting out there and you're taking advantage of them."

Vice President Martin advised she has had conversations with various organizations due to her full-time job regarding this matter on several occasions. Vice President Martin further advised she has some contacts that she will pass along to Mayor Mowen.

Mayor Mowen notified Borough Council it is the time of year for Hibshman Scholarships. Mayor Mowen advised he will be participating in interviews on Monday, May 1st and is requesting a volunteer for the Tuesday, May 2nd interviews. Mayor Mowen commented, "... it's probably the best thing I do as Mayor ... it renews your faith in young people that as we go forward, we're going to be okay." Both Mr. Zimmerman and Mr. Barr advised they are interested in participating and will break the day into a morning session and an afternoon session.

President Reinhold reiterated Mayor Mowen's comments regarding the upcoming Community Conversations event on poverty and homelessness. President Reinhold commented, "... it's a hot topic issue ... we all know that ... we see it with our own two eyes when we drive down Main Street ... give it some thought ... if you can, clear your calendars and be there." President Reinhold provided the following statistics in reference to the Winter Shelter Program: 1,787 times a bed was provided for night of shelter (December 1, 2023 – March 31, 2023); 94 unique individuals served;

26% of the 94 individuals were 60 and older; costs per day - \$28.00 to provide bed, food and supplies.

President Reinhold encouraged Council participation in the upcoming Hibshman Scholarships interviews.

Adjournment

Mr. Barr moved and Vice President Martin seconded to adjourn the meeting. The meeting was adjourned at 8:21 PM.

Nancy E. Harris, P.E.
Secretary

SJF