

**EPHRATA BOROUGH COUNCIL  
REGULAR MEETING MINUTES  
APRIL 10, 2023**

The regular Ephrata Borough Council meeting was called to order by President Thomas Reinhold at 7:00 PM on April 10, 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, President Pro Tem Victor Richard, Council Members Timothy Barr (Arrived at 7:02 PM), Alan Buohl, Kory Musser, Ricky Ressler, as well as Mayor Ralph Mowen. Absent was Member Greg Zimmerman.

Also in attendance were Borough Manager Nancy Harris, Police Chief Christopher McKim, Borough Solicitor Isaac P. Wakefield, Esq., Salzman Hughes and Stephanie Fasnacht, Recorder.

The following visitors were present within Council Chambers:

Larry Alexander, The Ephrata Review  
Joy Ashley, Mainspring of Ephrata  
Nancy Aronson, 424 Lake St., Ephrata  
Steve Aronson, 424 Lake St., Ephrata  
Andrew Bowne, 879 N. Maple St., Ephrata  
Sara Bowne, 879 N. Maple St., Ephrata  
Brian Hoffman, 162 W. King St., Ephrata  
Michael Ingram, 6 Cardinal Ln., Ephrata  
Anthony Kilkuskie, Mainspring of Ephrata  
Lisa Kurtz, 2 Bluebird Ln., Ephrata  
Shari Lentz, 2 Cardinal Ln., Ephrata  
Dale Moyer, 70 Ridge Ave., Ephrata  
Ed Ostrowski, ELA Group, Inc.  
Tina Thompson, 872 Fairview Ave., Ephrata  
Tonya Worley, 314 Spring Garden St., Ephrata

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. Richard moved and Vice President Martin seconded to approve the meeting agenda as posted. The motion carried unanimously.

**PROCLAMATION – ARBOR DAY**

Mayor Mowen proclaimed April 28, 2023, as Arbor Day in recognition of trees being a renewable resource and being a source of joy and spiritual renewal wherever they are planted. Mayor Mowen encouraged individuals to celebrate Arbor Day and to support efforts to protect our trees and woodlands,

as well as to plant and care for trees to gladden the heart and promote the well-being of this and future generations.

### **APPROVAL OF MINUTES**

Mr. Barr moved and Mr. Ressler seconded that Borough Council approve the March 6, 2023, Work Session Meeting Minutes and the March 13, 2023, Regular Meeting Minutes. Motion carried unanimously.

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

Tanya Worley, 314 Spring Garden Street, Ephrata, expressed her concerns regarding Mainspring of Ephrata's initiating a plan for the Ephrata Mountain to include public trails. Ms. Worley advised that Mainspring's purpose is to revitalize downtown Ephrata, not the Ephrata Mountain and expressed her thoughts that money and their efforts should be focused on that.

Mr. Richard advised he wished to clarify that Borough Council is not taking action to do anything to the Ephrata Mountain and that what is being spread via social media is inaccurate. Ms. Harris clarified that what Borough Council will be acting on is to authorize a not to exceed grant match of \$10,000 for a master Plan for the Mountain Springs Recreational Preserve and a Resolution of support for Mainspring of Ephrata to do so.

Anthony Kilkuskie, Mainspring of Ephrata, advised he currently serves on the Board and wished to clarify the "gross exaggerations" being spread on social media. Mr. Kilkuskie further advised the \$10,000 match is for the completion of a feasibility study of the recreational area(s) of the mountain with minimal amount of disturbance of the natural habitat. Mr. Kilkuskie commented that the land is owned by the Borough which should be open to the public and the feasibility study will demonstrate if that is an avenue to pursue.

Ms. Worley referenced the "existing trails" stating, "... the majority of the trails were started by deer trails ... if more people are on the trail, there will be more deer who will be scared off of the mountain and into yards." Ms. Worley commented there are already existing issues with water run off and expressed her concerns of more issues to arise if the land is touched. Ms. Worley concluded her comments by stating, "... I don't see Mainspring's vision without destroying the side of the mountain."

After time allotted for additional citizen comments and with no one in attendance wishing to speak, President Reinhold called for a motion to close the public comments section of the meeting until the end of the meeting agenda. Vice President Martin moved and Mr. Richard seconded to close public comments until the end of the meeting agenda. Motion carried unanimously.

### **ACCEPTANCE OF REPORTS**

Mr. Barr moved and Mr. Ressler seconded to approve the Acceptance of Reports. Motion carried unanimously.

### **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.

### **Approval of Agenda:**

Ms. Gerhart 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.

Committee Chair Ressler asked if there were any requests to add a matter of Borough business to the meeting agenda. Ms. Martin requested to add the Northern Lancaster County Chamber of Commerce Anniversary Dinner as an action item. Mr. Ressler asked for a motion to accept the meeting agenda as amended. Mr. Zimmerman moved, and Mr. Musser seconded to approve the amended meeting agenda. The motion carried unanimously.

**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.

**Discussion Items:**

1. Staff informed Council that the vehicle fuel bill has been reviewed and noted that the Ephrata Rec Center's usage of supreme gas has declined. Staff will continue to monitor the product type usage monthly.
2. The Committee reviewed the Free Electric Report and discussed potential ways to control these costs in the future. Ms. Harris is preparing a summary of leases detailing what utilities the Borough is responsible to provide for the Committee's review at a future meeting.
3. As discussed in a prior meeting, a general obligation note from 2007 for the Ephrata Performing Arts Center (EPAC) has been paid in full and satisfied. As such, the footnote in the Borough's financial statements will be removed. Mr. Richard requested confirmation that the UCC filing was updated. Ms. Gerhart will contact the EPAC treasurer to request this information and report back to the Committee.
4. Staff provided a copy of the solicitor and assistant solicitor cost summary. The Committee requested that the legal bills be attached for their review for future meetings.
5. Check and ACH Register was provided. Ms. Gerhart and Ms. Harris provided details on checks questioned by Mr. Zimmerman. No further action is required.

**Old Business Items:**

1. Ms. Gerhart noted that Springbrook has pulled test data from our system, which marks significant progress for our migration to their cloud-based software.

Development Activities Committee

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

**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.

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

**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 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 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 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.

**Discussion Items:**

1. The Zoning Hearing Board did not meet in March so there are no decisions.
2. There were no new applications for the April Zoning Hearing Board meeting.

**Miscellaneous Items:**

1. Ms. Martin mentioned that she would like to see what can be done downtown to improve the quality of the building stock. Ms. Martin advised that many of the buildings are rundown and inquired as to what ordinances can be enforced now, as well as what ordinances are needed to achieve maintained and attractive buildings. Ms. Harris will provide more information at the next meeting.

**Public Safety Committee**

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

**Approval of Agenda:**

Chief McKim 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.
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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.

Committee Chair Buohl asked if there were any requests to add a matter of Borough business to the meeting agenda. There were none. Mr. Richard moved and Mr. Ressler seconded to approve the meeting agenda as posted. The motion carried unanimously.

Lori Ann Kobzina expressed concern about safety at the dog park as an infant had been brought there against the rules. She sought clarification on whom should be notified regarding the rules. She also suggested improved signage.

Borough Manager Harris agreed to post signage to indicate age restrictions and a non-emergency number for police. Mr. Ressler sought clarification regarding the method of reporting and to whom. Chief McKim recommended the police be notified for rules violations as they are memorialized by ordinance. The Chief explained that 911 is okay as well as the non-emergency dispatch number. Mr. Richard remarked that the rules are in place for safety and to abide by insurance requirements.

**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.

**Discussion Items:**

1. EMA February 2023 Report – EMA Manager Gockley reported that he continues to work on establishing emergency shelters in the Borough. He congratulated Deputy EM Sergeant Snavelly of the Ephrata PD for the outstanding training being offered in preparation for the upcoming active shooter drill. Kim Stonebraker of WellSpan reported single digits of COVID-19 patients in the hospital.
2. Community Assessment for Public Health Emergency Response (CASPER) Preparedness in Lancaster County – Representatives from LEMA presented the concept to study potential community needs in the event of a health emergency.
3. Monthly Report – Chief McKim reviewed the police report for the month of February 2023. Ms. Martin requested an overview of the significant issues and challenges facing the department in town.
4. Body-Worn Camera Cooperative Grant Partnership – Chief McKim introduced an upcoming grant opportunity that would allow the Department to expand the existing BWC program to allow a camera to be assigned to each officer rather than only patrol officer. Millersville University Police will spearhead the administration. McKim estimates the out-of-pocket expenses to be approximately \$20,000. McKim will seek additional funding sources to offset the costs.

**Old Business Items:**

1. Fire Call Annual Comparison – The Committee had been provided with the requested information from the prior voting session. Chief Kiefer reported the Company will have a Man Vs. Machine training and that they are implementing new software for ISO tracking, Incident Command, and accountability. The Company continues to provide fire safety tips to the community. They plan to distribute smoke detectors to areas of town that have had fire injuries. Chief Gehman reported an aggressive training program this year; 35 individuals have been trained in the Rescue Task Force concept. There is a change coming in July regarding fire reporting with new software. The new software will also collect pre-plans and inventory. Randy Gockley congratulated the cooperation between the various responding agencies on a recent unusual pedestrian incident.

**Miscellaneous Items:**

1. Whistlestop Activity: Chief McKim reported one incident at the Whistlestop in the bathroom
2. Shelter Activity: Chief McKim reported two incidents at the emergency shelters, both resolved.

### Highway Committee

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

### **Approval of Agenda:**

Mr. Burkholder 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.

Committee Chair Richard asked if there were any requests to add a matter of Borough business to the meeting agenda. Seeing none, Mr. Richard asked for a motion to accept the meeting agenda as posted. Ms. Martin moved and Mr. Musser seconded to approve the meeting agenda as posted. The motion carried unanimously.

### **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 104<sup>th</sup> Ephrata Fair from September 25<sup>th</sup> through September 30<sup>th</sup>, 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 2<sup>nd</sup> 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.

**Discussion Items:**

1. The Committee discussed proposed parking kiosk locations recommended by Jamie Groff with Butts Ticket and Solutions and the Butts Ticket Systems quote to provide CWT Stealth Touch Pay by Plate parking kiosks including training, installation, and shipping costs. BOS management fees and add-on options such as text receipts, Flowbird App, and text-to-park were also included in the quote. The Committee was advised that the costs to remove existing parking meters and support structures and to provide the concrete bases for the proposed kiosks would be assumed by the Borough. The Committee directed Staff to further investigate all fees associated with operating parking kiosks and BOS management to determine ongoing annual Borough costs associated with the parking kiosk system for capital project budgeting in 2024 and system maintenance budgeting in subsequent years and report back to Committee at a future meeting.

**Municipal Enterprises Committee**

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

**Approval of Agenda:**

Mr. Morrison 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.

Committee Chair Martin asked if there were any requests to add a matter of Borough business to the meeting agenda. Seeing none, Ms. Martin asked for a motion to accept the meeting agenda as posted. Mr. Richard moved and Mr. Zimmerman seconded to approve the meeting agenda as posted. The motion carried unanimously.

**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.

**Discussion Items:**

1. Staff provided an update regarding the ongoing discussions with Comcast. Mr. Morrison and Ms. Harris indicated that they have a meeting scheduled for later in the week and more information should be available after that.
2. Mr. Morrison stated that the recommendations for the PJM Annual Financial Transaction Rights Auction have not been finalized. More information will be presented as soon as they are fully prepared.

3. Staff presented a PJM publication regarding the future of generation in the PJM footprint. Mr. Morrison explained that the retiring of dispatchable resources and replacement with intermittent resources is causing concern. Staff recommended that the Committee read through the publication.
4. Mr. Morrison reported that he has been selected to serve on the American Public Power Association Board of Directors. It will be confirmed at the National Conference in June and will be the first time a member from PA has served on the APPA Board in nearly 40 years.

Personnel Committee Report

The Personnel Committee met on March 7, 2023, at 4:00 PM at Ephrata Borough Hall, 124 South State Street.

**Approval of Committee 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.

Ms. Martin asked for a motion to accept the meeting agenda. Mr. Richard made a motion and Mr. Ressler seconded to approve the meeting agenda as posted. The motion carried unanimously.

**Executive Session:**

1. Personnel Matter --- The committee went into Executive Session at 4:04 PM to discuss a personnel matter. The Committee came out of Executive Session at 4:58 PM.

**Action Items:**

1. None.

**Discussion Items:**

1. Personnel Update --- HR Manager (Veronica Barnes) has been hired and her official start date will be 3/20/23. Currently interviewing a 1<sup>st</sup> Class Lineman who is presently employed by PP&L. Code Enforcement Officer position is still open at this time.
2. Salaried Employee Handbook --- Staff is still working on going over the handbook change recommendations.

February 2023 Borough of Ephrata Management Report

March 2023 Borough of Ephrata Management Report

February 2023 Borough of Ephrata Operations Report

March 2023 Borough of Ephrata Operations Report

March 2023 General Ledger Report

Ephrata Pioneer Fire Company March 2023 Report

Lincoln Fire Company March 2023 Report

Ephrata Community Ambulance Association March 2023 Report

Ephrata Emergency Management March 2023 Report

Shade Tree Commission March 2023 Meeting Minutes

Mainspring of Ephrata February 2023 Meeting Minutes

**NEW BUSINESS ITEMS****CONSENT AGENDA**

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

1. That Borough Council adopt Resolution #2023-10 Revised Schedule of Fees and Charges Collected. (Budget and Finance)
2. That Borough Council authorize a disbursement of \$82,999 to Mainspring of Ephrata. (Budget and Finance)
3. 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 Good Samaritan Services, 21/25 West Locust Street. (Development Activities)
4. 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 Good Samaritan Services, 21/25 West Locust Street. (Development Activities)
5. That Borough Council approve a waiver/modification of Landscaping (Street/Shade Trees), Section 281-56 of the Code of the Borough of Ephrata for the Preliminary/Final Land Development Plan for Good Samaritan Services, 21/25 West Locust Street. (Development Activities)
6. That Borough Council approve a waiver/modification of Karst Area Loading Ratio, Section 275-302.A (2)(c) of the Code of the Borough of Ephrata for the Preliminary/Final Land Development Plan for Good Samaritan Services, 21/25 West Locust Street. (Development Activities)
7. That Borough Council approve the Final Land Development Plan for Good Samaritan Services, dated January 13, 2023, containing 8 sheets prepared by ELA Group, Inc, Lititz, PA, subject to the following:
  - a. The applicant must address the comments contained in the HRG letter dated March 8, 2023.
  - b. The applicant must address the comments contained in the Lancaster County Planning Department letter dated February 28, 2023.
  - c. The applicant must provide a parking lease for a minimum period of five (5) years and the parking lease is subject to approval by the Borough Solicitor.(Development Activities)
8. That Borough Council authorize President of Borough Council to execute a Stormwater Operation and Maintenance Agreement with Good Samaritan Services. (Development Activities)
9. That Borough Council authorize President of Borough Council to execute a Stormwater Operation and Maintenance Agreement with the Ephrata Church of the Brethren. (Development Activities)

10. That Borough Council approve a Subdivision and Land Development Agreement for the War Memorial Field Improvements totaling \$51,795.70. (Development Activities)
11. That Borough Council authorize President of Borough Council to execute a Stormwater Operation and Maintenance Agreement with the Ephrata Area School District. (Development Activities)
12. That Borough Council release \$73,271.55 for land development improvements for the Garden Spot Auto Auction. (Development Activities)

Mr. Barr moved and Mr. Ressler seconded to approve the items listed on the Consent Agenda. Motion carried unanimously.

**STANDING COMMITTEE RECOMMENDATIONS**

**Budget and Finance Committee**

Mr. Ressler moved and Mr. Musser seconded that Borough Council authorize attendance by Ms. Martin at the Northern Lancaster County Chamber of Commerce Anniversary Dinner and to authorize the payment of registration fees in accordance with Section 703 of the PA Borough Code. Motion carried unanimously. It should be noted that Ms. Martin recused herself from casting a vote due to the Recommendation directly affecting her.

Mr. Ressler moved and Mr. Musser seconded 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. Motion carried unanimously.

**Development Activities Committee**

Mr. Barr moved and Mr. Buohl seconded that Borough Council authorize a not to exceed grant match of \$10,000 for a Master Plan for the Mountain Springs Recreational Preserve. Motion carried via roll call vote.

Mr. Barr moved and Mr. Buohl seconded that Borough Council adopt Resolution 2023-12 to support the Mountain Springs Recreational Preserve. Motion carried via roll call vote.

**Public Safety Committee**

Mr. Buohl moved and Mr. Richard seconded that Borough Council approve three Third-Party Inspection Agencies for commercial and industrial building inspections and plan reviews and approve contracts with the three agencies subject to the Solicitor’s review. Motion carried unanimously.

**Highway Committee**

Mr. Richard moved and Vice President Martin seconded that Borough Council conditionally approve an Ephrata Recreation Center request to close South Academy Drive between West Main Street and South Reading Road on July 4, 2023, between 7:00 PM and 10:30 PM subject to EMC Gockley and Chief McKim review and approval. Motion carried unanimously.

Mr. Richard moved and Mr. Musser seconded that Borough Council conditionally approve requests from The Ephrata Farmers Day Association, Inc., to conduct the 104<sup>th</sup> Ephrata Fair subject to Borough receipt of a PennDOT Special Events Permit with Ephrata Farmers Day Association, Inc., as applicant and Borough receipt of a certificate of insurance naming the Borough as additional insured. Motion carried unanimously.

Mr. Richard moved and Vice President Martin seconded that Borough Council authorize the advance

procurement of one new model year Johnston V65t street sweeper mounted on a new Freightliner chassis for delivery in 2024 from U.S. Municipal through PA DGS Costars Purchasing Agreement 025-E22-441 for an estimated cost of \$336,326. Motion carried unanimously via roll call vote.

Mr. Richard moved and Mr. Musser seconded that Borough Council authorize the purchase of a new 2023 Ford F550 Regular Cab Crane Truck from Whitmoyer Ford, Inc. through PA DGS Costars Purchasing Agreement 025-E22-513 for \$145,159. Motion carried unanimously.

Mr. Richard moved and Vice President Martin seconded that Borough Council authorize the purchase of a new 2022 Ford Ranger 4X4 Super Crew XLT pickup truck from Whitmoyer Ford, Inc. through PA DGS Costars Purchasing Agreement 025-E22-513 for \$39,595. Motion carried unanimously.

Mr. Richard moved and Mr. Musser seconded that Borough Council authorize the President of Borough Council and Borough Secretary to execute Resolution 2023-13 approving disposal of a 2007 Ford Ranger 4X4 pickup truck, VIN 1FTZR45E67PA96937 by way of public auction. Motion carried unanimously.

Mr. Richard moved and Vice President Martin seconded that Borough Council authorize the President of Borough Council and Borough Secretary to execute Resolution 2023-14 approving disposal of a 1991 Vermeer V500A Trencher, Serial #1VRG06010M1000557 by way of public auction. Motion carried unanimously.

Mr. Richard moved and Mr. Musser seconded that Borough Council conditionally approve Blue Ridge Communication's plans known as the Ephrata Head End, Sheets BRC1 – BRC16 dated March 10, 2023, subject to a fully executed agreement, provision of required performance guarantee, provision of a certificate of insurance naming the Borough as additional insured, delivery of resident notifications, and meeting with Borough staff to discuss project coordination. Motion carried unanimously.

### **Municipal Enterprises Committee**

Vice President Martin moved and Mr. Richard seconded that Borough Council approve Change Order #4 to the contract with LandStudies, Inc., regarding the Gross Run Restoration Project. Motion carried unanimously.

Vice President Martin moved and Mr. Richard seconded that Borough Council approve Change Order #5 to the contract with LandStudies, Inc., regarding the Gross Run Restoration Project. Motion carried unanimously.

### **APPROVAL OF CHECKS 50580 THROUGH 50837 AND THE ACH REGISTER DATED MARCH 30, 2023**

Mr. Ressler moved and Mr. Barr seconded that Borough Council ratify the payment of bills performed by Staff since the last regular Council meeting in the aggregate amount of \$2,399,282.18. Motion carried unanimously.

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

Tanya Worley, 314 Spring Garden Street, Ephrata, advised her social media posts pertaining to the Ephrata Mountain are based on information received directly from Mainspring of Ephrata.

Brian Hoffman, 162 W. King St., Ephrata, in referencing the proposed feasibility study for the Ephrata Mountain, commented, "... if you walk thru Middle Creek (Wildlife Management Area), there are designated areas" pertaining to wildlife and that wildlife protection zones should be mentioned in the study.

Mr. Hoffman, in referencing Council's action relating to the disposition of assets via public auction, inquired as to who conducts the auction; in which, Ms. Harris advised that the auction is conducted via Municibid, an online government auction service.

Mr. Hoffman, in referencing the Gross Run Restoration Project, and specifically the number of change orders, inquired as to how much money has been spent on the project; in which, Ms. Harris advised that DEP permit requirements are the main driver in necessitating change orders for the project. Ms. Harris noted that the Borough is the recipient of approximately \$1.5 million in grant money for the project.

Mr. Hoffman, in referencing land development plans, inquired as to how that information is shared with the public. Solicitor Wakefield advised that plans are available for viewing at the Planning Commission's meetings as well as on the Lancaster County Planning Commission's website. Additionally, Solicitor Wakefield advised that an individual is also able submit a Right-to-Know Request to view the plans at Borough Hall.

Mr. Hoffman concluded his comments by giving kudos to the Ephrata Police Department for their resolution of the recent theft of monies from Boy Scout Troop's 38 Easter flower sales. Chief McKim expressed his appreciation to the public who assisted in the identification of the juveniles involved in the theft.

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

### **DISCUSSION/ANNOUNCEMENTS**

Mr. Barr apologized for his late arrival at the Council meeting.

Ms. Harris encouraged all in attendance to view the posters created by second grade students at Fulton Elementary that are displayed in the entrance to the lobby.

Vice President Martin extended her appreciation to the Management Team for the information provided in their monthly Management Reports. Ms. Martin inquired if a Township resident can switch their electric provider from PPL to the Borough; in which, Ms. Harris clarified they are not able to do so.

Mayor Mowen advised he is still seeking two Council members to participate on the panel on poverty and homelessness in Ephrata and encouraged Council to consider serving in that capacity.

Mr. Reinhold commented that he appreciates the concern expressed regarding the Ephrata Mountain and emphasized that "... things will be looked at when we get to that point."

### **ADJOURNMENT**

Vice President Martin moved that Borough Council adjourn the meeting. Motion carried unanimously. The meeting was adjourned at 7:51 PM.

Respectfully submitted,

SJF

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Nancy E. Harris, P.E.  
Secretary