

**EPHRATA BOROUGH COUNCIL
REGULAR MEETING MINUTES
APRIL 12, 2021**

The regular Ephrata Borough Council meeting was called to order by President Susan Rowe at 7:00 PM on April 12, 2021, in the Council Chambers of the Borough Office, 124 South State Street.

Due to the Coronavirus – COVID-19 guidelines set forth by Governor Tom Wolf and in the respect of the practice of social distancing, designated Council Members and Staff participated via a video conference.

In attendance in addition to the President were Vice President Thomas Reinhold, President Pro Tem Melvin Weiler, Council Members Timothy Barr, Linda Martin, Ricky Ressler, Victor Richard (participated virtually via Zoom), and Mayor Ralph Mowen. Absent was Member Greg Zimmerman.

Also in attendance were Borough Manager D. Robert Thompson, Police Chief John Petrick, Borough Solicitor James R. McManus, III, Esq., Zach Rineer, Zoning and Codes Administrator, and Stephanie Fasnacht, Recorder (participated virtually via Zoom).

The following visitors were present within Council Chambers:

- Larry Alexander, The Ephrata Review
- Rebecca Beres, 44 Brookfield Drive, Ephrata*
- Alan Buohl, 235 E. Walnut Street, Ephrata
- Fred Geyer, Senior Class Advisor, Ephrata Area School District
- Alyssa Fedorshak, Senior Class Vice President, Ephrata Area School District
- Hopelynn Hauser, Senior Class President, Ephrata Area School District
- Talia Sheaffer, Student Council Vice President, Ephrata Area School District
- Jayda Thomas, Student Council President, Ephrata Area School District
- Scot Sherbine, 202 S. State Street, Ephrata
- Don Haines

The following visitors participated in the meeting via video conferencing:

- Rebecca Beres, 44 Brookfield Drive, Ephrata*
- Teresa Caruthers, 229 Railroad Avenue, Ephrata
- Pastor Scott Dorn, Hope United Methodist Church
- Erica Wible, McNees Wallace & Nurick, LLC

*Ms. Beres began her participation in the meeting via video conferencing and then participated in-person a short time later.

Pastor Scott Dorn, Hope United Methodist Church, offered the invocation, which was followed by the Pledge of Allegiance.

TEFRA HEARING

Erica Wible, McNees Wallace & Nurick, LLC, initiated a TEFRA Hearing at 7:02 PM. Ms. Wible advised a public notice advertising the hearing was published on April 1, 2021. After a brief time for questions and/or comments with none being received, Ms. Wible concluded the hearing at 7:05 PM.

APPROVAL OF MINUTES

It was moved by Mr. Barr, seconded by Ms. Martin, and unanimously passed that Borough Council approve the March 1, 2021, Work Session Meeting Minutes and the March 8, 2021, Regular Meeting Minutes.

MUNICIPAL MOMENT – EPHRATA SENIOR CLASS STUDENT COUNCIL

Fred Geyer, Senior Class Advisor, as well as members from the Ephrata Area School District's Student Council including Alyssa Fedorshak, Senior Class Vice President; Hopelynn Hauser, Senior Class President; Talia Sheaffer, Student Council Vice President; and, Jayda Thomas, Student Council President, provided feedback from the students regarding some of the challenges of online learning versus in-person learning. Mr. Geyer advised the challenges being highlighted in tonight's presentation are: Assessments; Access to Teachers; Stress; Socialization; and Future Goals.

Ms. Thomas spoke in reference to online assessments advising that a poll was taken among the students with the results being pretty equal between paper/pencil testing versus online testing preferences. Mr. Geyer advised from a teacher's perspective online testing has challenged them to become creative in ways to overcome possible cheating scenarios.

Ms. Fedorshak spoke in reference to access to teachers advising that students found it challenging; however, creative ways were implemented to assist in their concerns. Mr. Geyer advised that he found himself answering a lot of questions in the evening hours to assist students. Additionally, Mr. Geyer advised there is time devoted upon completion of the school day for teachers to assist in-person students as well as online students.

Ms. Hauser spoke in reference to the increased stress and pressure the students feel as a result of the COVID pandemic and how it has affected their educational journey.

Ms. Sheaffer spoke in reference to access to the challenges of the lack of socialization among the students. Ms. Sheaffer advised that individuals are not participating in class as much as in past years resulting in more of lecture-style learning. Mr. Geyer advised that it is apparent that face masks are creating a physical barrier resulting in lack of vocal expression.

When asked if COVID has affected their future goals, the results of the student poll taken were 73.6% voting no and 26.4% voting yes. Ms. Thomas commented that advanced placement (A/P) testing is at an all-time low. Ms. Fedorshak, in referencing internships, advised that many were cancelled. Ms. Hauser, in referencing college and career choices, advised that many students are choosing to take a gap year in hopes that things will return to normal by the following year. Ms. Sheaffer advised that college recruitments are significantly lower due to many students having lost a year of sports/extracurricular activities being cancelled.

Mr. Ressler expressed his concern of the negative postings on social media and inquired as to how students are coping with the negativity; in which, the student presenters commented that many do not base information from only one source, have to conduct their own research to obtain facts and then make their own decision.

Mr. Reinhold expressed his hopefulness to see an outdoor graduation ceremony held this year; in which Mr. Geyer advised an announcement was made that graduation will take place at the War Memorial field on June 3, 2021, at 7:00 PM with alternate rain dates established.

Mr. Reinhold inquired as to if SAT and PSAT testing will occur in-person or online; in which, he was advised the testing, as well as A/P testing, will be held in-person.

Mr. Reinhold sought clarification regarding that he heard students, mainly those involved in sports, are applying hand sanitizer every 15 minutes to avoid contact tracing; in which, he was advised that students are able to do so if they so choose.

Mr. Reinhold inquired if the counseling office has seen an increase in use due to the issues the students are working through; in which, Mr. Geyer advised he unfortunately does not have information pertaining to his inquiry.

Mr. Barr commented that he is glad to hear that students are using analytic thoughts to make their own decisions.

Mayor Mowen stated, "... kudos for you and what you have gone through ... what you have lost ... you have done a wonderful job living through it."

President Rowe inquired if students are missing the one-on-one interaction; in which, the response received was opportunities are still available for students to have that personal interaction.

OPPORTUNITY FOR CITIZENS TO BE HEARD

After a time allotted for citizen comments and with no one in attendance in person or virtually 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. Ressler, and unanimously passed to close public comments until the end of the meeting agenda.

ACCEPTANCE OF REPORTS

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

Budget & Finance Committee

The Budget & Finance Committee met on March 22, 2021, and discussed the following:

Action Items:

1. None

Discussion Items:

1. Borough Manager Thompson discussed two potential scenarios regarding the general obligation loan to purchase the aerial fire truck for the Pioneer Fire Department: 1) the Borough can borrow the entire amount of the truck estimated at \$1,522,000 and pay for 64% of the debt service and enter into a repayment agreement with the Pioneer FD to pay the remaining 36% of the debt service in addition to attaching a lien to the fire truck title. The FD will take the net proceeds for the sale of the used aerial truck (estimated at \$200,000) and place it in a bank account to be used towards their annual debt service payment covering 4-5 years; 2) Pioneer can use the net proceeds from the sale of the used aerial truck to lower the purchase price of the new truck and the Borough would borrow less money. Pioneer prefers scenario 1 as it allows them to additional time to fund raise for the money needed for the last 10 years of the loan. The Committee had no objections to scenario 1). In addition the Committee discussed structuring the repayment agreement to be flexible enough to lower the Borough's obligations from 64% in the event conditions change that the Borough percent of calls drops.
2. Mr. Thompson shared with the Committee the information that he is currently aware of regarding the American Rescue Plan recently approved by Congress and signed by the President. Under the Plan there is 19.5 billion dollars provided to local governments with less than 50,000 population. The Borough share of the amount of eligible funds is \$1,370,508. Mr. Thompson shared with the Committee the possible uses for the funds, however, emphasized that the details how the money may be used have not yet been released, Mr. Thompson indicated that the Borough Staff participated

in a workshop for a new Emergency Rental Assistance Program. This is a program that assists tenants with paying for rent as well as utility bills. The process is a twostep application where applicants submit basic information and if it is deemed complete then there is a process to submit documentation and the like to determine final eligibility and at what dollar level. In order to accomplish this it will like take 3-4 weeks. The Staff recommended that the Committee extend the winter moratorium on utility disconnections for 30 days to allow applicants to receive a receipt of their application whereby the Borough will place them in a group to avoid disconnects and penalties until a final determination of their application is made. The Committee supports the Staff's recommendation and will recommend that Borough Council ratify this action at their April 12, 2021 meeting.

3. Mr. Thompson shared with the Committee the disconnection statistics as of Friday March 19, 2021. There were a total of 183 accounts (out of 6,800) that are subject to disconnections totaling \$172,601. Of that amount there are 114 tenant occupied units (\$103,346) and 69 owner occupied units (\$69,255); total penalty amounts for this period is \$22,209. The Committee discussed the importance of getting this information out to our customers.
4. Mr. Thompson informed the Committee that there is a summary of the former Finance Director's exit audit in their packet. The audit does not identify any irregularities.
5. The Committee reviewed a listing of completed and outstanding work activities that the finance consultant is working on. There were no questions or comments.
6. The Committee reviewed the Borough Solicitor's invoice. The Committee commented that it prefers to have the second page detail included along with the summary page. Mr. Thompson will include the detail in future monthly reports.
7. The Committee reviewed the check and ACH registers. There were no comments.

Old Business Items:

1. Mr. Thompson informed the Committee that at the October Committee meeting, Chairman Ressler reviewed the items in a letter received from Mr. John Stewart. Per his remarks, all concerns in the letter have been addressed to the Committee's satisfaction. Mr. Thompson did indicate that his concerns regarding the rental unit program and utility bill arrearages will be addressed by the Special Projects Committee.
2. Mr. Thompson reported that the credit card fees project will be delayed until June as a result of the Springbrook software not being available until that time.

Development Activities Committee

The Development Activities Committee met on March 22, 2021, and discussed the following:

Action Items:

1. The Committee reviewed a request to waive land development requirements for John Bright. In 2006, the site was developed for mini storage and all improvements were made except one storage building was not constructed. The owner would like to construct the remaining building, but the time to complete the land development has expired. Staff has reviewed the proposed building and it would comply with the zoning ordinance. The site was reviewed for compliance with the original plan. One tree is missing and some minor repairs need to be made to the basin, but otherwise the plan is complete. The Committee will recommend that Borough Council approve the waiver request at the April meeting subject to conditions that a missing tree be planted and the basin repaired before a building permit is issued.
2. The Committee reviewed a land development plan for the Brian McCarty. This plan was originally approved and recorded in 2011, but the owner never built the proposed building and the plan has expired. Since that time a new zoning ordinance and a new stormwater ordinance have been enacted. The plan and stormwater management plan have been updated and reviewed. The Committee will recommend that Borough Council approve one waiver/modification and approve the plan as a final land development plan subject to the inclusion of Staff comments dated March 5, 2021 and HRG comments dated March 8, 2021. This item will appear on the April Consent Agenda.
3. At last month's meeting the Committee reviewed a request for an access easement over the trail to serve parking spaces for 1 East Main Street. It was tabled after a draft of the easement was received and there were concerns over provisions in the draft. Solicitor McManus presented a history of the trail easements in this area and how they relate to the proposed easement agreement. The solicitor commented that the draft easement emphasizes the rights of the owner, but does not reflect a fair arrangement for the Borough. The easement needs more work and he suggests that the Borough Manager meet with the owners to develop a plan that contains reasonable assurances that they won't interfere with trail usage and the owners get access to their parking. It needs to be a mutually acceptable agreement. The Committee will table this until next month.
4. Kelly Withum, Executive Director of Mainspring of Ephrata, presented a request to serve alcohol at the Party on the Plaza events in the months of June, August and October. They will need to restrict parking along the driveway and half of the railroad lot closest to North State Street. The Committee will recommend that Borough Council approve the request at the April meeting to use the plaza, restrict parking and to sell beer and wine subject to the receipt of a certificate of insurance naming the Borough as an additional insured, an incident support plan approved by Emergency Management and receipt of a copy of the PLCB special occasion permit.
5. Kelly Withum, Executive Director of Mainspring of Ephrata, presented a request to serve alcohol at three Wednesday at the Whistle Stop events in May, June, and July. They will need to restrict parking along the driveway. The Committee will recommend that Borough Council approve the request at the April meeting to use the plaza, restrict parking and to sell beer and wine subject to the receipt of a certificate of insurance naming the Borough as an additional insured, an incident support plan approved by Emergency Management and receipt of a copy of the PLCB special occasion permit.

6. The Committee reviewed a proposal to replace seven HVAC units at Borough Hall. The current units are original to the building that was constructed in 2002. The typical life of an HVAC unit is 15 years. Three units have already been replaced. The proposal includes the purchase and installation of the units through a COSTARS contract with Frey Lutz Corporation. COSTARS is a Pennsylvania cooperative purchasing agency that allows registered entities to use contracts that have already gone through the bidding process. The contract is over budget by \$10,000, but when combined with the control system proposal, the net result will be less than the total budgeted amount. The two projects go together. The Committee will recommend that Borough Council award the HVAC replacement contract to Frey Lutz Corporation for \$120,000.
7. The Committee reviewed a proposal to replace the HVAC Control System at Borough Hall. The current system is original to the building that was constructed in 2002 and is antiquated. The proposal includes replacing the controls through a COSTARS contract with Dynatech Controls, Inc. The contract is under budget by \$31,215. The total budgeted amount for both projects is \$235,000 and the total of both contracts is \$213,785. The Committee will recommend that Borough Council award the HVAC replacement contract to Dynatech Controls, Inc. for \$93,785.00

Discussion Items:

1. The Staff presented information regarding the Borough Building Maintenance Capital Project. The rain garden at the Fulton Maintenance garage will not be completed this year and the planned reroofing project at the Eicher Indian Museum will be partially funding with CDBG grant funds. The police department has not been repainted during the 19 years it has been occupied. The police have a proposal to repaint the second floor for \$15,163.00. Ten thousand dollars will be paid out of the Borough Building Maintenance Capital Project and the balance will be paid out of the police budget.
2. The Borough Manager discussed occupancy limits for borough leased properties. With COVID-19 restrictions in place, it's important for Borough owned properties comply with the reduced occupancy limits in accordance with state restrictions and CDC recommendations.
3. There was one Zoning Decision from the March Zoning Hearing Board Meeting. Cloister Associates was denied a lot area and impervious area variances.
4. There is one new application for the April Zoning Hearing Board Meeting. The Committee is recommending that Borough Council authorize the solicitor to attend the hearing to ensure that the objective standards of the Zoning Ordinance are met and variance criteria are complied with.

Old Business Items:

2. None

Miscellaneous Items:

1. None

Public Safety Committee

The Public Safety Committee met on March 15, 2021, commenced at 6:45 pm, and discussed the following:

Action Items: None

Discussion Items:

1. February 2021 Monthly Police Report was provided and reviewed by Chief John Petrick. He highlighted the Excellence in Policing section of the report. He spoke of the department's ability to deploy AED's (automated external defibrillator) for cardiac arrest incidents. This department was involved in three (3) cardiac arrest responses in which officers attempted to save lives. Mr. Ressler complimented the police department for all of their wonderful work.
2. President Rowe asked if there has been an increase in mental health cases. Chief Petrick was going to report back on this to Council. Chairman Reinhold commented that officers do have de-escalation training, which Chief Petrick confirmed.
3. Chief Petrick presented on the PennDOT Yellow DOT program. He encouraged motorists to participate in this program in order to aid in providing incapacitated motorists and occupants medical assistance.
4. Emergency Management February Report was provided and reviewed by Randy Gockley. He discussed the April 22nd simulated tornado drill. Kim Stonebraker of WellSpan spoke of current vaccination efforts with WellSpan. She stated that WellSpan is partnering with LGH at the Bon-Ton vaccination site. Discussions took place by Council and visitors about arranging for the COVID-19 vaccination.
5. Mayor Mowen informed those present that a rumor is going around related to a "fire bug" in Ephrata setting fires. Mayor Mowen stated that this is not true and there is no confirmation of such a person. This rumor started after the most recent fire that affected four (4) attached townhouses. Chief Petrick stated that the department is working with the PSP Fire Marshall on this most recent townhouse fire.

Old Business Items: None

Miscellaneous Items: None

Highway Committee

The Highway Committee met on March 22, 2021 and discussed the following:

Action Items:

1. The Committee reviewed a March 2, 2021 letter request from Michael Lillis and Kim Swinko representing the Ephrata War Memorial Association as Co-Directors of the Firecracker Run asking to use the streets of the Borough on Saturday, July 3, 2021 beginning at 8:00 AM for the 44th Annual Firecracker Run event. Alternate Committee Member Reinhold advised the Committee that on numerous occasions this event has previously occurred on a Saturday. The Committee will recommend that Borough Council conditionally approve the request subject to EMC review and approval, Borough receipt of a satisfactory certificate of insurance naming the Borough as additional insured, and compliance with current PA Department of Health and CDC guidelines associated with COVID-19 at the time of the event at their April 12, 2021 meeting.
2. The Committee reviewed House Bill No. 765 – Session of 2021 amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes. The Bill would prohibit PennDOT from requiring municipalities to indemnify PennDOT as a condition for approving special event permits involving state highways for third party sponsored events when the third party has already satisfied all other legal requirements, including providing an indemnification statement to PennDOT. The Committee will recommend that Borough Council authorize the Borough Manager to provide a letter in support of this Bill at their April 12, 2021 meeting.

3. The Committee reviewed Comcast's plans to install approximately 4,699 linear feet of underground cable in conduit within the Heatherwood Heights development. Staff has reviewed and approved the latest revised plans. The Committee will recommend that Borough Council conditionally approve Comcast's plans known as Drawing No. 093192019-B1 last revised March 5, 2021 subject to a fully executed Street Opening and Cable System Construction Agreement being in a form acceptable to the Borough Solicitor, Borough receipt of a satisfactory performance guarantee in the amount of \$106,040.00, and provision of a certificate of insurance naming the Borough of Ephrata as additional insured at their April 12, 2021 meeting.
4. The Committee reviewed Comcast's plans to install approximately 15,176 linear feet of underground cable in conduit within the Brickyard and Pioneer View developments. Staff has reviewed and approved the latest revised plans. The Committee will recommend that Borough Council conditionally approve Comcast's plans known as Drawing No. 093192019-C last revised March 5, 2021 subject to a fully executed Street Opening and Cable System Construction Agreement being in a form acceptable to the Borough Solicitor, Borough receipt of a satisfactory performance guarantee in the amount of \$338,070.00, and provision of a certificate of insurance naming the Borough of Ephrata as additional insured at their April 12, 2021 meeting.
5. The Committee reviewed Comcast's plans to install approximately 1,193 linear feet of underground cable in conduit within the Brickyard development. Staff has reviewed and approved the plans. The Committee will recommend that Borough Council conditionally approve Comcast's plans known as Drawing No. 093192019-C2 dated January 8, 2021 subject to a fully executed Street Opening and Cable System Construction Agreement being in a form acceptable to the Borough Solicitor, Borough receipt of a satisfactory performance guarantee in the amount of \$26,844.00, and provision of a certificate of insurance naming the Borough of Ephrata as additional insured at their April 12, 2021 meeting.

Discussion Items:

1. The Committee heard from Lakresha Zimmerman, a Borough citizen residing at 122 West Franklin Street, regarding her recent experiences with parking tickets received while parked in the West Franklin Street parking lot. The Committee asked that Lt. McKim with the Ephrata Police and Ms. Zimmerman attend the April Highway Committee meeting to further discuss issuance of parking tickets at this location.
2. The Committee further discussed truck traffic on Apple Street, particularly trucks used to haul cars to and from the Garden Spot Auto Auction (GSAA). There are a wide variety of trucks hauling to and from the GSAA facility making it difficult to determine what to restrict to alleviate the safety concerns along Apple Street. The Committee asked that Lt. McKim with the Ephrata Police discuss the Apple Street truck concerns along with alternate routes for truck use with GSAA Staff and report his findings to Committee at their April meeting.

Old Business Items:

1. Borough Staff continues communications 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 also contact the consultant performing the bridge inspection in November to discuss concerns regarding the pedestrian railing/vehicle barrier.
2. Staff is collecting data regarding recent South State Street traffic concerns for reporting at a future Highway Committee meeting.

Miscellaneous Items:

1. Staff updated the Committee regarding the West Pine Street water main replacement project. A water service line installation to the raw water intake building and sewerage pump station needs replaced and then paving restoration work will begin.
2. Committee Chairman Richard inquired about paving project notifications and Staff advised that all adjacent residents directly impacted by street improvement projects are notified by door hanger delivered by Staff and/or the paving contractor when required.

Municipal Enterprises Committee

The Municipal Enterprises Committee met on March 15, 2021, and discussed the following:

Action Items:

1. The Committee discussed a request from the Borough's Electric Manager, Bruce Haws, to amend the Code of the Borough of Ephrata, Chapter 165 Electricity Section 165-4A(2) by eliminating an outdated three phase one hundred twenty/two hundred forty (120/240) volt service. Mr. Haws indicated this is an outdated service and has become a safety concern. Existing three phase 120/240 volt services will be grandfathered; however, no new three phase 120/240 volt services will be approved. The Committee will recommend that Borough Council enact an ordinance to amend the Electric Chapter of the Code of the Borough of Ephrata at their April 12, 2021 meeting.
2. The Committee reviewed a letter of support for a grant application to the National Fish and Wildlife Foundation in the amount of \$500,000 towards the Gross Run storm water project. This grant requires a one third match. The Borough has budgeted for the entire project costs so the match will not be an issue. The Committee will recommend that Borough Council authorize the Council President to execute a letter of support for the project at their April 12, 2021 meeting.

Discussion Items:

1. Ephrata Borough Technical Support Manager, Stephen Morrison, made a presentation to the Committee regarding distributed energy resources (DER) that provided examples of the various savings residential rooftop solar customers will realize under the Borough's current Technical Specifications for Behind the Meter Generation. Following the presentation, the Committee members, Council attendees and guests asked questions and provided comments. At the conclusion of the discussion Chairman Martin stated that she has repeatedly asked Mr. Sherbine to provide the Committee the specific changes to the Borough requirements he would like to see. Mr. Sherbine indicated he would provide that information to Ms. Martin, commenting that he wants the Borough to follow the laws in place. No Committee action is required.
2. Borough Manager Thompson informed the Committee that in their meeting packet there is a draft management agreement between the Borough and the Ephrata Borough Authority. This agreement is required due to the terminated lease agreement with EBA. While this agreement is in draft form he wanted the Committee to have it to become familiar with it. In the next several weeks the Staff will fine tune the agreement and send out an updated version. The goal is to approve the agreement the May Council meeting. No Committee action is required.

Community Services Committee

The Community Services Committee met on March 22, 2021 and discussed the following:

Action Items:

1. The Committee reviewed the 2021 Cultural Arts Grant proposed awards recommended by the Ad Hoc Art Grant Committee – Brubaker, Kimmel, and Bare. The Committee recommended the following awards for the April Council meeting.

Ephrata Public Library	\$3,000
EPAC	\$1,800
Ephrata Concert Band	\$2,000
Ephrata Cloister Associates	\$800
Historical Society	\$1,000
Ephrata Rec Center	\$1,200
Eicher Arts Center	\$700

There were questions and comments from Committee and Council members that will need to be addressed at a later date. Some of those questions and comments were; *who chooses the members of the Ad Hoc Committee, how is the award recommendation decided, Council should have some say on who serves on the Committee and how the funds are distributed, when a vacancy arises, should Council appoint the members?* President Rowe referenced the PA Consolidated Statutes, Title 8, Boroughs and Incorporated Towns, Chapter 12, Section 1202 (52) to confirm that the art grant applicants meet the criteria of the Statutes. Solicitor McManus is going to be requested to review the Statutes to verify compliance, and to have it done prior to Work Session. The Committee will conditionally recommend that Borough Council approve the proposed art grant awards contingent on Solicitor McManus’s findings.

Discussion Items:

1. Rec Center Executive Director Summers updated the Committee on the status of the electric grounding issue at the Ephrata Community Pool. McCarty is estimating the total cost of the repair to be between the \$5,000 - \$6000 ranges and will be repaired for the pool season. McCarty reported that unless they really have to go down deep for the repair, there is really no way to tell if the issue is part of the original construction. The Committee requested that if McCarty does have to go deep, to make an assessment and give his professional opinion whether it’s just “wear & tear” or part of the original construction. Summers stated that up until this year, it passed inspection. Councilman Richard commented that something changed or it was never done correctly. No further action is required regarding this item.
2. David Burkholder reported on the status of the fiberglass flume water slide. Burkholder met with D.G. March & Associates about the slide. March recommended that we repair and maintain the existing slide and conducting more aggressive maintenance on it going forward. March reported that there is nothing wrong with the existing structure. The rust is superficial and can be removed, primed, and painted. There are also eleven (11) bands that need to be replaced, and should not rust. March stated that these slides should last 20 – 30 years, and the pool has only had the existing one for 10 years. Burkholder is waiting for a proposal from Wenrich Painting to repair the rust, prime, and paint. The replacement of the slide was budgeted at \$101,000. There will be a significant savings by doing the repair. No further action is required regarding this item.
3. Councilman Reinhold reported of complaints about trash being left behind at the ballfield facilities that are being rented. Summers will talk to the promoter of the tournaments.

Special Projects Committee

The Special Projects Committee met on March 15, 2021 and discussed the following:

Action Items:

None

Discussion Items:

1. Borough Manager Thompson discussed with the Committee the applicable codes as they relate to utility balances and who is liable for the past due amounts. Those sections of the Code of the Borough of Ephrata include Chapter 165 Electricity Sections 165-2E, 165-5I, Chapter 253 Rental Properties 253-7A(7), 253-10B(4), 253-10C(2).

The Committee discussed options how landlords can mitigate their risks without violating privacy issues. The issues are as follows:

- Can the Borough Staff provide information to landlords regarding whether or not a tenant or potential tenant has outstanding utility arrearages?
- Can the landlord direct that the utilities serving landlord properties be disconnected without tenant permission? Can this be authorized if it is during a winter disconnection moratorium period?
- Change requirements such that the indebtedness stays with the property where it was created versus following the tenant
- Should both landlord and tenant be signatures on the application for electric service?
- What form of identification should be required when applying for service?
- What protections (if any) can the landlord get if they “do the right thing”?

Mr. Thompson will discuss these items with the Staff and the Borough solicitor and report back to the Committee at their April meeting.

2. Mr. Thompson reviewed with the Committee a recent email response from Nathan Upham from the Ephrata Area School District concerning the Junior Council Program. Mr. Upham strongly advises that the Borough will need an elected official mentor/sponsor to be successful program. After some discussion Council Reinhold volunteered to be the Council mentor for the program. Mr. Thompson will inform the school district of that decision and arrange for Mr. Upham and Councilman Reinhold to have program discussion. No Committee action is required.

Old Business Items:

None

Personnel Committee

The Personnel Committee met on March 8, 2021 and discussed the following:

Action Items:

1. None.

Discussion Items:

1. The Committee reviewed the descriptions received. The Committee selected the following:

“Responsible for personnel policies, instituting goals for Senior Management, oversight of organizational structure and developing management job descriptions in conjunction with the Borough Manager.”

The Committee directed Rowe to have this description added to the Borough website.

2. The Committee discussed the communications policy/guidelines as suggested by a Council member at the 2019 retreat and again last month by the Solicitor. It was decided that this item should be placed back in the “Suggested Policies/Guidelines to Work On” list from August 2019 as the ninth suggestion.
3. The Committee reviewed the revised job description for the position of Borough Manager. The Committee agreed that no further revisions are necessary. This will be moved to an Action Item to be voted on at the April 12 meeting.

The Committee went into Executive Session to discuss a personnel matter.

Due to the late hour, the Committee adjourned with no Old Business items being discussed, with hope they can be considered next month.

Miscellaneous Reports:

- ◆ March 2021 General Ledger Report
- ◆ Ephrata Pioneer Fire Company 2020 Annual Fire Report
- ◆ Ephrata Pioneer Fire Company March 2021 Report
- ◆ Lincoln Fire Company February 2021 Report
- ◆ Lincoln Fire Company March 2021 Report
- ◆ Ephrata Community Ambulance Association March 2021 Report
- ◆ Ephrata Emergency Management March 2021 Report
- ◆ Mainspring of Ephrata March 2021 Meeting Minutes

NEW BUSINESS ITEMS

CONSENT AGENDA

Vice President Reinhold 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 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 a Brian McCarty, 1161 Steinmetz Road. (Development Activities)
2. That Borough Council approve the Final Land Development Plan for Brian McCarty, dated February 4, 2021, containing 9 sheets prepared by Diehm and Sons, Lititz, PA, subject to the following:
 - a. The applicant must address the comments from the March 5, 2021 memorandum of Zach Rineer, Zoning Officer.
 - b. The applicant must address the comments contained in the HRG letter dated March 8, 2021.

(Development Activities)

STANDING COMMITTEE RECOMMENDATIONS**Development Activities Committee**

It was moved by Vice President Reinhold, seconded by Mr. Weiler, and unanimously passed that Borough Council approve the John Bright waiver request subject to conditions that a missing tree must be planted and the basin repaired before a building permit will be issued.

It was moved by Vice President Reinhold, seconded by Ms. Martin, and unanimously passed that Borough Council approve the Party on the Plaza request to use the plaza, restrict parking and to sell beer and wine subject to the receipt of a certificate of insurance naming the Borough as an additional insured, an incident support plan approved by Emergency Management and receipt of a copy of the PLCB special occasion permit on the following dates: June 19, 2021, August 21, 2021, and October 2, 2021.

It was moved by Vice President Reinhold, seconded by Mr. Ressler, and unanimously passed that Borough Council approve Wednesday at the Whistle Stop request to use the plaza, restrict parking and to sell beer and wine subject to the receipt of a certificate of insurance naming the Borough as an additional insured, an incident support plan approved by Emergency Management and receipt of a copy of the PLCB special occasion permit on the following dates: May 19, 2021, June 23, 2021, and July 14, 2021, from 4:30 PM to 6:30 PM.

It was moved by Vice President Reinhold, seconded by Mr. Weiler, and unanimously passed via roll call vote that Borough Council award the HVAC replacement contract for Borough Hall to Frey Lutz Corporation for \$120,000.

It was moved by Vice President Reinhold, seconded by Mr. Weiler, and unanimously passed via roll call vote that Borough Council award the HVAC replacement contract for Borough Hall to Dynatech Controls, Inc. for \$93,785.00.

It was moved by Vice President Reinhold, seconded by Mr. Barr, and passed via roll call vote with four yeas by Messrs. Reinhold, Weiler, Richard, and Barr and three nays by Mr. Ressler, Ms. Martin and President Rowe that Borough Council authorize the solicitor to attend the April 21, 2021 Zoning Hearing to ensure that the objective standards of the Zoning Ordinance are met and variance criteria are complied with.

It should be noted prior to the vote there was discussion regarding the Committee's Recommendation and whether Solicitor McManus has been given the necessary guidance from Council regarding the purpose of his attending and/or, if, in fact, it is necessary for him to attend the upcoming Zoning Hearing. Zoning Officer Rineer clarified the previous variance granted to The Smithton was the addition of two parking spaces; however, it has been brought to his attention they are providing dining (36 seats) on their outside patio/property which is not in compliance with the Zoning Ordinance. Mr. Ressler advised the Recommendation does not include verbiage regarding the parking matter; in which, Mr. Weiler agreed with Mr. Ressler's comments advising the Recommendation should be amended to reflect as such. After receiving information from Solicitor McManus who advised the parking matter is inter-related to how the current Recommendation reads, Vice President Reinhold advised he is content with the Recommendation as it was stated.

Budget and Finance Committee

It was moved by Mr. Ressler, seconded by Mr. Weiler, and unanimously passed via roll call vote that Borough Council adopt Resolution 2021-7 authorizing the financing of all or a portion of the costs of purchasing a fire truck and the payment of the costs of issuing the Note up to the maximum amount of \$2,500,000.

Highway Committee

It was moved by Mr. Richard, seconded by Mr. Weiler, and unanimously passed that Borough Council conditionally approve the March 2, 2021 request from the Ephrata War Memorial Association to use streets of the Borough for the 44th Annual Firecracker Run event on Saturday, July 3, 2021 subject to EMC review and approval, Borough receipt of a satisfactory certificate of insurance naming the Borough of Ephrata as additional insured and compliance with current PA Department of Health and CDC guidelines associated with COVID-19 at the time of the event.

It was moved by Mr. Richard, seconded by Ms. Martin, and unanimously passed that Borough Council authorize the Borough Manager to provide a letter in support of House Bill No. 765 – Session of 2021.

It was moved by Mr. Richard, seconded by Mr. Weiler, and unanimously passed* that Borough Council conditionally approve Comcast's revised plans for the Heatherwood Heights development known as Drawing No. 093192019-B1 last revised March 5, 2021 subject to a fully executed Street Opening and Cable System Construction Agreement in a form acceptable to the Borough Solicitor, Borough receipt of a satisfactory performance guarantee in the amount of \$106,040.00, and provision of a certificate of insurance naming the Borough of Ephrata as additional insured.

It was moved by Mr. Richard, seconded by Mr. Weiler, and unanimously passed* that Borough Council conditionally approve Comcast's revised plans for the Brickyard and Pioneer View developments known as Drawing No. 093192019-C last revised March 5, 2021 subject to a fully executed Street Opening and Cable System Construction Agreement in a form acceptable to the Borough Solicitor, Borough receipt of a satisfactory performance guarantee in the amount of \$338,070.00, and provision of a certificate of insurance naming the Borough of Ephrata as additional insured.

It was moved by Mr. Richard, seconded by Mr. Weiler, and unanimously passed* that Borough Council conditionally approve Comcast's revised plans for the Brickyard development known as Drawing No. 093192019-C2 dated January 8, 2021 subject to a fully executed Street Opening and Cable System Construction Agreement in a form acceptable to the Borough Solicitor, Borough receipt of a satisfactory performance guarantee in the amount of \$26,844.00, and provision of a certificate of insurance naming the Borough of Ephrata as additional insured.

*It should be noted prior to the votes, Vice President Reinhold advised he would abstain from voting as he is a current Comcast employee.

Municipal Enterprises Committee

It was moved by Ms. Martin, seconded by Mr. Richard, and unanimously passed via roll call vote that Borough Council enact Ordinance 1560 amending the Code of the Borough of Ephrata, Chapter 165 Electricity, Section 165-4 Description of Service, by prohibiting any new three phase 120/240 services.

It was moved by Ms. Martin, seconded by Vice President Reinhold, and unanimously passed that Borough Council authorize the President of Borough Council to execute a letter of commitment on behalf of a grant application submitted by the Borough to the National Fish and Wildlife Foundation in the amount of \$500,000 for the Gross Run stream restoration project.

Community Services Committee

It was moved by Mr. Weiler, seconded by Mr. Barr, and unanimously passed that Borough Council approve the proposed 2021 Cultural Art Grant awards recommended by the ad hoc committee dated March 1, 2021.

APPROVAL OF CHECKS 44656 THROUGH 44823 AND THE ACH REGISTER DATED MARCH 18, 2021

It was moved by Mr. Ressler, seconded by Mr. Barr, and unanimously passed that Borough Council ratify the payment of bills performed by the Staff since the last regular Council meeting in the aggregate amount of \$1,011,863.12.

OPPORTUNITY FOR CITIZENS TO BE HEARD

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

DISCUSSION/ANNOUNCEMENTS

Mr. Richard expressed his appreciation to Borough Council and Staff for the snack basket he received as he recuperated from his recent hospital stay.

Mr. Weiler, addressing Mr. Richard, commented that he is glad Mr. Richard is feeling better.

Mr. Ressler commented that he was glad to hear from the student presenters earlier in the meeting.

Vice President Reinhold advised that the Personnel Committee will be meeting approximately 15 minutes after the adjournment of the Voting Session.

Mr. Thompson, in reference to a recent article published in The Ephrata Review regarding the local fire companies, advised he had a conversation with Ephrata Township Supervisor Stauffer who confirmed the Township will be committing an additional \$15,000 to Pioneer Fire Company, an increased contribution of \$15,000 to Lincoln Fire Company, as well as a 2021 commitment to both fire companies totaling \$93,000. Mayor Mowen advised he also had a conversation with Mr. Stauffer regarding the Township's commitment to the local fire companies.

President Rowe read a letter to Council advising of the passing of Kurt Beisel, a relative of Conrad Beisel, from Eberbach, Germany – Ephrata's sister city. Mr. Beisel was a 22nd generation owner of a local bakery in Eberbach who visited Ephrata often and loved the area.

ADJOURNMENT

It was moved by Mr. Weiler, seconded by Ms. Martin, and unanimously passed that Borough Council adjourn. The meeting was adjourned at 8:22 PM.

Respectfully submitted,

D. Robert Thompson, Secretary