

**EPHRATA BOROUGH COUNCIL
WORK SESSION MINUTES
MAY 1, 2023**

The Ephrata Borough Council Work Session was called to order by President Thomas Reinhold at 7:00 PM on Monday, May 1, 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 and Council Members Timothy Barr, Alan Buohl, Kory Musser, Ricky Ressler and Gregory Zimmerman as well as Mayor Ralph Mowen.

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

The following visitors were present within Council Chambers:

- Larry Alexander, The Ephrata Review
- Joy Ashley, Mainspring of Ephrata
- Tim Auker, 542 N. State Street, Ephrata
- Shawn Bear, Mainspring of Ephrata
- Brian Hoffman, 162 W. King Street
- Linda Kegerreis, 279 Windsor Dr., Ephrata
- Andy Ruhler, 279 Windsor Dr., Ephrata
- Jennifer Sappington, Homeless
- Tina Thompson, 872 Fairview Ave., Ephrata
- Lisa Willwerth, Mainspring of Ephrata
- Tina, 1 W. Main Street, Ephrata

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

President Reinhold advised Borough Council met in an Executive Session prior to the May 1, 2023, Work Session to discuss a potential legal claim.

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

Jennifer Sappington, Homeless, advised she had previously resided at 1368 Apple Street, Ephrata, but was evicted due to being issued a protection from abuse order resulting in the necessity for her to leave the residence. Ms. Sappington expressed her disappointment with the Ephrata Police Department commenting about their lack of assistance regarding her numerous concerns. Chief McKim commented he wished to set up a meeting with Ms. Sappington and advised of his availability later in the week.

Tina Thompson, 872 Fairview Ave., Ephrata, referenced Discussion Item #3 listed on the Development Activities Committee Report, stating while she understands the request for surrounding residences and business to receive notifications of when and where homeless shelters are in place, she is hopeful that a notification would simply be "... just that ... a notification" and not an opportunity to entice negative communications.

Andy Ruhler, 279 Windsor Dr., Ephrata, advised he is coming before Council to begin a dialogue of rainwater and stormwater runoff issues in the Brickyard development. Mr. Ruhler advised residents have experienced issues for several years and, along with their Homeowner's Association, "... residents have been trying to deal with problems on their own." Mr. Ruhler further commented, "... there is nothing the Homeowner's Association can do that will improve the end results as there is no place for the water to go other than where it flows currently."

Mr. Ruhler then stated, "... it's been a longstanding problem ... it's getting worse each year ... and it's to the point where we can barely use our back yards ... it's wet all the time." After providing additional examples of various issues residents are experiencing within the area, Mr. Ruhler concluded his comments by stating, "... there's road problems ... there's Brickyard problems ... there's drainage issues ... I'm before you to ask for your help."

Ms. Harris advised the referenced location is mainly private property and is not public stormwater; however, she confirmed Mr. Ruhler's comments are accurate regarding the drainage issues. Ms. Harris further advised that Staff could take a look at the drainage system and offer guidance to the Homeowner's Association to assist in correcting some of the issues.

Mayor Mowen inquired if there is something in place stating, "... you can't dump your stormwater into your neighbor's property ..."? Ms. Harris advised there is and reiterated that Staff can try to work with the Homeowner's Association and provide as much guidance as possible, but ultimately it will be on the HOA to fix the issue.

Linda Kegerreis, 279 Windsor Drive, Ephrata, expressed her additional concerns regarding the stormwater runoff affecting the properties within her neighborhood.

Vice President Martin inquired if there is an HOA in place and due to this situation being in a private development – and if funding is available through the HOA – would they be financially responsible to mitigate those issues or do they need to receive the Borough’s permission to move forward. Solicitor Wakefield advised it is likely that the HOA owns the common area and stormwater basins; but in terms of a retention basin or swales, the HOA typically owns them once the development is finished making them responsible for upkeep and maintenance of those facilities. Solicitor Wakefield advised there may be an Operation and Maintenance Agreement in place as well, but that would have to be investigated further.

Vice President Martin then asked who is ultimately responsible to fix the issue; in which, Solicitor Wakefield confirmed it would be the HOA’s responsibility assuming the affected area is the HOA’s common area. Solicitor Wakefield clarified if a neighbor is discharging stormwater onto a resident’s property, then that is an issue to be dealt with the neighbor directly.

President Reinhold expressed his appreciation to both Mr. Ruhler and Ms. Kegerreis for bringing the matter to Council’s attention and advised that Staff could have a conversation with the President or representatives of their HOA to provide them with guidance for possible resolution; however, there is nothing from a Council perspective to continue discussion at a Committee due to the matter being a private property issue.

Mayor Mowen advised he will be making a trip to the neighborhood to “take a look” at the affected properties. Mr. Ressler additionally commented he is aware that the referred to area is prone to water runoff as there are natural springs at that location that percolate water.

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

Discussion of Committee Actions

Development Activities Committee

The Development Activities Committee met on April 24, 2023, at 7:30 PM at Ephrata Borough Hall, 124 South State Street.

Action Items:

1. The Committee reviewed a land development plan for the Ephrata Area Intermediate School Athletic Field Improvements Land Development Plan. The Committee will recommend that Borough Council approve one waiver/modification request and approve the final plan subject to the inclusion of HRG’s comments and Lancaster County Planning comments. This will appear on the May Consent Agenda.
2. The Committee reviewed a letter from the VFW regarding Phase IV of the Ephrata Honors banners. The current three-year rotation will end in November and those banners will be retired. The VFW will offer a new set of banners which will be available for the summer of 2024. The Committee will recommend that Borough Council approve the VFW’s request.

3. The Committee reviewed an alcohol request from Mainspring of Ephrata as part of the Deck Crawl. They are asking to set up two locations on Borough property. One is at Whistle Stop Plaza and the other is in Grater Park. The Committee will recommend that Borough Council approve the request subject to receipt of a certificate of insurance naming the Borough as an additional insured and a copy of the PLCB Special Occasion permit.
4. The Committee reviewed a draft lease with the County of Lancaster for a radio transmitter building and antenna tower. This will replace the previous lease and has been reviewed by the solicitor. The Committee will recommend that Borough Council authorize President of Borough Council to execute the lease.

Ms. Harris, in referencing Action Item #1, advised the matter has been tabled per the request of the School District.

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

Highway Committee

The Highway Committee met on April 24, 2023, at 5:30 PM at Ephrata Borough Hall, 124 South State Street.

Action Items:

1. The Committee reviewed a Staff request to authorize the purchase of a new street saw and two new blades. The 5-year fleet replacement plan includes \$55,000 in 2023 to replace a street saw. The Committee will recommend that Borough Council approve this purchase via Costars Contract #008-E23-1115 through Service Supply Corporation from Ephrata, PA for \$34,715 at their May 8, 2023, meeting.
2. The Committee reviewed a disposition of assets request for a 2009 Husqvarna Street Saw, Serial #001260790001, with 395 hours of use, to be traded in towards the purchase of a new street saw. This equipment is in fair condition and is functional. This equipment has a trade-in value of \$6,000. 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 #2023-15 at their May 8, 2023, meeting.
3. The Committee reviewed the results of Bid #23-2 for South Oak Street Bridge Repairs and Approach Improvements. Budget estimate for this project is \$125,000. The Committee will recommend that Borough Council award the bid to the apparent low bidder: Bertolet Construction, LLC, from Wernersville, PA in their total bid amount of \$115,732 at their May 8, 2023, meeting.
4. The Committee reviewed an April 17, 2023, letter request from the Ephrata Pioneer Fire Company asking to close South State Street between West Franklin Street and Fulton Street on Tuesday, June 27, 2023, between the hours of 5:30 PM and 9:30 PM to conduct an open

house. The Committee will recommend that Borough Council approve this street closure at their May 8, 2023, meeting.

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

Community Services Committee

The Community Services Committee met on April 24, 2023, at 4:30 PM at Ephrata Borough Hall, 124 South State Street.

Action Items:

1. A request was made by Lori Ann Kobzina, a member of the Ephrata Unleashed Dog Park Committee, to install four shade structures in the dog park. Ms. Kobzina stated the Dog Park Committee has been exploring different options for shade structures at the dog park. She stated that building a pavilion type structure would be too expensive and their Committee settled on a permanent 14' x 14' umbrella. Ms. Kobzina stated that the Committee has the funds to pay for the structures and they are currently searching for a contractor to install the structures. Ms. Martin and Mr. Ressler wanted to know what the wind uplift rating was for the structures. Ms. Kobzina stated that they are rated for wind gusts of up to 85 MPH. Mr. Ressler asked about the maintenance of the structure. Ms. Kobzina stated the fabric would be taken off over the cooler months and re-installed over the summer months. The material has a 10-year life expectancy. The Committee will recommend that Borough Council approve the request.

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

Discussion of Committee Reports (No Action Items)

Public Safety Committee

Mr. Buehl advised that the Community Services Committee met on April 17, 2023, and provided an overview of the Discussion, Old Business Items and Miscellaneous Items as listed on the Committee Report.

Committees (No Meetings Held in April 2023)

- Budget and Finance Committee
- Municipal Enterprises Committee
- Personnel Committee
- Special Projects Committee

Budget and Finance Committee

Mr. Ressler advised that included in the Work Session meeting packet was the April 2023 check run and ACH register for Council to review. Mr. Ressler further advised that the 1st Quarter 2023 Budget and Finance Committee document as well as the legal fee breakdown is available in the Dropbox.

Personnel Committee

Vice President Martin advised that the May 9, 2023, Personnel Committee meeting has been cancelled.

Second Opportunity for Citizens to be Heard

Brian Hoffman, 162 W. King Street, Ephrata, in referencing the recently held Active Shooter training event for first responders, requested if consideration can be given for the Ephrata Police Department to include in their budget an Active Shooter training event for Borough residents to participate in.

Mr. Hoffman additionally advised it was his understanding that a couple of years ago there was action taken to have the top of streetlights be painted or “blacked out” to assist with people not being able to sleep due to the brightness of the lights.

Mr. Hoffman, in referencing the “old” building standards and the mixing in of the “new” building standards within neighborhoods, commented, “... in my opinion, it looks dumb.”

Mr. Hoffman advised he observed a paving crew earlier today on East Locust Street and inquired if a permit is required for that particular job; in which, Ms. Harris confirmed a permit would be required.

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

Discussion/Announcements

Mr. Musser referred to an accident that occurred a while back where a pedestrian was struck in the intersection of Church Street and Main Street. Mr. Musser advised earlier today his wife observed an elderly couple almost get hit and requested that intersection be looked at to see what can be done to improve the safety of pedestrians crossing in that area. Chief McKim advised that he has received data regarding the intersection which he will review.

Mr. Ressler advised his opinion on the intersection is that, “... vehicles do not look actively for pedestrians even in crosswalks ... that is a bad intersection.”

Mr. Ressler further advised he attended both sessions of the recently held Homeless Coalition workshops stating, “... it is a discussion that needs to be ongoing ... there are no simple solutions ... in some cases, there are no solutions ... but still you always work to improve.” Mr. Ressler said he was impressed with the workshops and commented that they both were very well attended.

Mr. Barr advised that April is National Donor Awareness Month and on Tuesday, April 11, 2023, he received a phone call for him to be in Pittsburgh by 5:00 AM for a kidney transplant. Mr. Barr

expressed gratitude to his donor and encouraged individuals to consider being a living donor or possibly make the decision to “put the stamp” on their driver’s license to be an organ donor.

Vice President Martin inquired if it is a violation when a vehicle is parked on the street and not be in operational condition; in which, Ms. Harris advised the vehicle needs to obviously be not operational. Chief McKim commented that vehicles must be registered, display a valid inspection and be operational to be parked on the street. Chief McKim advised if there is a specific complaint, he will take the information and have an officer look into it further; in which, Vice President Martin advised she will follow up with him.

Vice President Martin advised she had two individuals contact her recently regarding homeless individuals sleeping in Whistlestop Plaza. Vice President Martin inquired if this is an ongoing issue or could this have been an isolated incident as the pictures shared were her seem to be one in the same; in which, Chief McKim advised he has requested officers patrol the area and address any public safety matters.

Vice President Martin advised the Borough recently had the honor of hosting the Lancaster County Borough Association’s dinner event on the third floor of the Brossman Building. Vice President Martin commented there was a beautiful sunset that evening leaving attendees “ooing and awing” as they viewed it through the windows. Vice President Martin advised attendees were provided with updates from Mainspring of Ephrata, The Historic Cloister, an informative overview of the Borough by Ms. Harris, as well as Liz Ackerman commenting on what the future of the Brossman Building looks like. Vice President Martin commented, “... I got a lot of compliments about that ... it was really fun to be able to show off our town and brag a little bit about what we’re doing here ... I was just very proud to be able to host a dinner this year.”

Mayor Mowen, in referencing the Community Conversation about Homelessness events, advised he would estimate 200 individuals were in attendance and believes they went very well. Mayor Mowen advised as a follow up to those conversations, the makeup of the coalition will be changing to include business owners and citizens at large. Mayor Mowen further advised their next meeting will be held in June.

Mayor Mowen commented that today he had the privilege to participate in the first round of the Hibshman Scholarship interviews stating, “... my faith is again in good shape for our future because the students coming up are very astute.”

Mayor Mowen inquired if the Borough has any outside basketball facilities; in which, Ms. Harris advised there is a halfcourt located along the rail trail. Mayor Mowen commented that he received feedback from a few of the students he spoke with that it would be appreciated for the Borough to place a full court in the community. Mayor Mowen further commented that maybe this request could be looked into along with the establishment of a community pickleball court.

Larry Alexander, The Ephrata Review, advised he requested a previous Council to look at the intersection of Lake Street and Main Street which he feels is unsafe; in which, Ms. Harris advised he would need to address his concerns with PennDOT; however, she can request Staff to see if any safety issues can be addressed.

President Reinhold advised his daughter participated in a Hibshman Scholarship interview earlier today noting the Mayor asked the question, "... if you could be Council President for a day, what would you do?" which he found humorous.

President Reinhold, in referencing an Active Shooter training possibility for public participation, sought agreement that he believes former Police Chief Harvey conducted such training with the local churches; in which, Mr. Richard confirmed he did and Mr. Hoffman's request will be discussed at a future Public Safety Committee meeting.

President Reinhold advised he is participating on a Community Panel for the school district on Wednesday, May 3, 2023, noting he will be discussing the role of Borough Council and how the community is impactful in our lives.

Adjournment

Mr. Barr moved and Vice President Martin seconded to adjourn the meeting. The meeting was adjourned at 8:11 PM.

Nancy E. Harris, P.E.
Secretary

SJF