

**EPHRATA BOROUGH COUNCIL  
WORK SESSION MINUTES  
MAY 3, 2021**

The Ephrata Borough Council Work Session was called to order by President Susan Rowe at 7:00 PM on May 3, 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, President Susan Rowe, Vice President Thomas Reinhold, President Pro Tem Melvin Weiler and Council Members Linda Martin, Ricky Ressler, Victor Richard, Greg Zimmerman, Mayor Ralph Mowen and Borough Manager D. Robert Thompson, Chief John Petrick as well as the Solicitor, James R. McManus, III, were present within Council Chambers. Absent was Council Member Timothy Barr.

The following visitors were present within Council Chambers:

Larry Alexander, The Ephrata Review  
Tim Auker, 542 N. State Street, Ephrata  
Rebecca Beres, 44 Brookfield Drive, Ephrata  
Tina Citrow, WellSpan-ECH  
Rebecca Gallagher, 900 W. Main Street, Ephrata  
Gail Gladfelter, 1220 Marilyn Avenue, Ephrata  
Claire Hemperly, 509 W. Main Street, Ephrata  
Leona J. Kohl, 858 N. Maple Street, Ephrata  
Kris McKinney, 1214 Marilyn Avenue, Ephrata  
Jon Sullenberger, 1214 Marilyn Avenue, Ephrata  
Scot Sherbine, 202 S. State Street, Ephrata  
Carrie Willetts, WellSpan-ECH

The following visitor(s) participated via video conferencing:

Teresa Caruthers, 229 Railroad Avenue, Ephrata  
Steve Hefner, Ephrata

The meeting then began with a moment of silence which was followed by the Pledge of Allegiance.

**STATEMENT FROM PRESIDENT ROWE CONCERNING HOLDING A PUBLIC MEETING VIA VIDEO CONFERENCE**

“This meeting was advertised in accordance with Act 15 of 2020 enabling residents that wish to participate in the meeting virtually to do so through the duration of the COVID-19 emergency declaration. Although the mandates have been lifted, there are still restrictions on the number of people we can have at a gathering in a building, so we are meeting those standards.” President Rowe, addressing Mr. Thompson, inquired if any citizen participating virtually wished to address Council; in which, Mr. Thompson advised he received a request from Mr. Hefner and Ms. Caruthers to speak if they so choose.

**BOROUGH COUNCIL MEETINGS ANNOUNCEMENT**

President Rowe advised there was a special advertised meeting of Borough Council that was held on Monday, April 19, 2021, at 5:00 PM. Additionally, President Rowe advised a special

Executive Session of Borough Council will be held on Tuesday, May 4, 2021, at 5:00 PM to discuss personnel matters.

**WELLSPAN-ECH PRESENTATION OF CHECK**

President Rowe introduced Ms. Tina Citrow and Ms. Carrie Willetts from WellSpan-ECH who were in attendance to present the Ephrata Police Department with a monetary donation towards the purchase of electric bicycles as well as body cameras. Chief Petrick extended his appreciation for the donation and advised the bicycles will assist officers in increasing their footprint throughout the community.

President Rowe, on behalf of Borough Council, extended her/their sincere appreciation to WellSpan-ECH for their continued support of the public safety endeavors of the Borough.

**First Opportunity for Citizens to be Heard**

Rebecca Gallagher, 900 W. Main Street (Historic Smithton Inn Bed & Breakfast), Ephrata, advised she will be attending more public meetings in an attempt to be more “tuned in as to what is going on” within the community. Ms. Gallagher stated there have been some issues regarding her property and she believes there was some misunderstandings resulting in her wanting to be in person “... to set the record straight for you guys because it is really important to us and our business that we be good community members, good citizens, good neighbors.” Ms. Gallagher concluded her comments by extending an invitation to Council to visit her business “... so you can get a first-hand view of what has been coming up and what the place is all about.”

Gail Gladfelter, 1220 Marilyn Avenue, Ephrata, advised she would like to bring forward a concern, as well as a signed petition, before Council regarding Ordinance No. 123-1, Bee Hives. Ms. Gladfelter advised her neighbor who resides at 1214 Marilyn Avenue has two honey bee hives on his property. Ms. Gladfelter further advised it is her understanding that while the request was brought before the Public Safety Committee, it has not yet been voted on and approved by Borough Council for the placement of the hives within the Borough.

Ms. Gladfelter then shared information she obtained while researching bee colonies as well as the severity of bee stings to those allergic. Ms. Gladfelter concluded her comments by stating, “... I am hopeful the Ordinance regarding beekeeping will be enforced and that the person who applied for the exception will be told he has to get his bees away ... I am requesting that the exception be denied and that would be just to preserve the safety of not only us in the neighborhood, but those within the next few miles ... that’s my request ... you deny his exception so that we can live in peace.”

Leona Kohl, 858 N. Maple Street, Ephrata, advised she was in attendance at a Council meeting last September to address an issue on North Maple Street regarding the speeding of traffickers as they travel on her street. Ms. Kohl stated, “... nothing has changed ... actually it has gotten worse.” Ms. Kohl further advised her main concern is the safety of pedestrians in the area that they may possibly get struck by a speeding vehicle. Chief Petrick advised her concern will be looked into to see what can be done; after which, Mayor Mowen commented that Pennsylvania is the only state in the nation that does not allow local police to utilize radar and encouraged her, as well as all in attendance, to call Representative Zimmerman and express their support of House

Bill 606 – Municipal Radar Bill.

Jon Sullenberger, 1214 Marilyn Avenue, Ephrata, advised he is the owner of the bee hives and everything Ms. Gladfelter spoke about is true. Mr. Sullenberger advised he did not have a clear understanding upon the review of his request at the April Public Safety Committee meeting as he believed it was a formality to obtain their approval for the placement of the hives. Mr. Sullenberger further advised he had an arrangement made with the former owner of the hives for their arrival on his property prior to the May 10, 2021, Voting Session date. Mr. Sullenberger stated he is prepared to remove the hives if Council desires him to do so. Mr. Sullenberger advised he does not believe the bees pose a public health concern; however, he understands others may think they do. Mr. Sullenberger additionally advised he did speak with his immediate neighbor who expressed their support of his hobby. Mr. Sullenberger advised he, along with his wife, desire to be a good neighbors within the community and that they are taking Ms. Gladfelter's concerns very seriously and are making arrangements to relocate the hives if necessary. Mr. Sullenberger further advised he is doing everything possible to follow the Pennsylvania's Beekeepers Association's guidelines for owning bees in residential areas including providing fresh water onsite, ensuring they are away from streets and property lines, etc. Mr. Sullenberger advised he will be registered with the Pennsylvania Council of Bees and that the hives will be inspected once every two years as required. Mr. Sullenberger concluded his comments by stating, "... I don't know what else we can possibly do to make this more safe for the Borough ... but I understand that it ultimately comes down to your decision whether or not you keep the Ordinance, rewrite the Ordinance, grant me an exemption."

Mr. Steve Hefner, Ephrata resident, advised he is requesting Council consider passing a Resolution in support of the Fair Funding lawsuit that is going to be proceeding within the Pennsylvania courts this September. Mr. Hefner then provided some background information about Fair Funding and stated, "... it is estimated that the Ephrata Area School District - should this lawsuit succeed, should the Fair Funding formula be applied - would see an estimated increase in funding just slightly over \$2M per year ... which I'm sure everyone could recognize the benefit that could mean to the students in the Ephrata Area School District." President Rowe advised the matter will need to go before a Committee prior to Borough Council voting on it and requested Mr. Thompson and Solicitor McManus review the document to later go before Committee for further discussion.

Ms. Gladfelter requested to make a rebuttal regarding one of Mr. Sullenberger's statements that "... he is keeping the bees away from the property line." Ms. Gladfelter advised the last she observed, the bees are being housed along a fence; in which, Mr. Sullenberger clarified the area she is referencing to is not along the property line. Ms. Gladfelter then asked where the property line is located. Due to the nature of the question, President Rowe requested Ms. Gladfelter and Mr. Sullenberger continue their discussion in the lobby or at the end of this public meeting.

Ms. Martin inquired if Council is in receipt of the petition referenced by Ms. Gladfelter; in which, Ms. Gladfelter advised she has it with her and provided it to President Rowe. President Rowe advised the petition only lists names and does not include the addresses of the signers; in which, Ms. Martin advised she would like to have been able to verify the addresses of the individuals who have signed the petition.

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

**Discussion of Committee Actions**

Public Safety Committee

Vice President Reinhold advised the Committee met on April 19, 2021, and has three Action Items:

1. Ordinance 123-1 Bee Hive Waiver Request 1214 Marilyn Ave.: Jon Sullenberger (resident of location) requested a waiver in order to possess bee hives. He provided information on the location and reason for the hives. Council members had discussion on the matter. Public Safety Committee conditionally approved the waiver for no more than 2 bee hives at the location and the hives could not be used for commercial purposes.
2. County Health Department Resolution: Borough Manager Thompson provided an overview of the Manheim Township Board of Commissioners resolution supporting a county health department. Council members had discussion on the matter to include the following: Where would funding for such department come from? Would this new department be another layer of bureaucracy? Is there a use /need for this department? Public Safety Committee decided to invite an Ephrata WellSpan Community Hospital and county official to attend a future council meeting for discussion on this matter. No action at this time.
3. Resolution Amending Civil Service Commission Rules and Regulations for the proceedings of the Police Civil Service Commission Relating to Certain Testing and Examination Requirements: Public Safety Committee approved the resolution amending the Civil Service Rules and Regulations. Chief John Petrick provided an overview of the changes. He provided an overview of the upcoming Sergeant promotional process that was approved by the Ephrata Borough Civil Service Committee at their April 12, 2021 meeting.

Vice President Reinhold, referencing Mr. Sullenberger's bee hive request, confirmed the request did not receive full approval at the Committee level as it needed to be voted on at an upcoming Voting Session.

Vice President Reinhold, referencing the County Health Department Resolution, advised the purpose of the Resolution is for the County Commissioners to form a County Health Department. Vice President Reinhold then requested input from either Ms. Citro, WellSpan-ECH, and/or Ms. Willetts, WellSpan-ECH, as to their thoughts on whether the Borough should take a position on the matter. Ms. Willetts advised WellSpan has long been advocates for a public health infrastructure in which Pennsylvania does not currently have; however, she advised the Borough to go through an assessment to determine if a public health infrastructure is built for the County, what would be the proposed scope, the funds flow, as well as the benefits policy infrastructure associated with it. Ms. Willetts additionally advised to take into consideration what the role is of a public health department versus the role of a health system or other health

care providers within the community. Ms. Willetts commented that well run and coordinated public health departments bring a subject matter expertise in responding to public health crisis that frankly health systems have, but are not as strong as that is not their core area of focus. Ms. Willetts concluded her comments by stating, "... WellSpan advocates for a well thought out public health strategy ... we would advise you to encourage the Commissioners to go through a well thought out assessment that had the right stakeholders at the table so you could really weigh the pros and cons, understand how the funds flow in where a public health infrastructure might benefit our County."

Vice President Reinhold sought clarification as it was his understanding that York County has a public health department in place; in which, Ms. Willetts confirmed that the City of York has a Health Department. Ms. Willetts, in referencing an assessment, advised her recommendation is that a multi-disciplinary group be formed to see if there is a benefit to forming a Public Health Department with attention on the funds flow as to where will the funding come from, will the funding be transitioned from one service or program to another, etc.

Ms. Martin advised she completed research and found that only four municipalities have supported and adopted the Resolution and seven municipalities have chosen not to support the establishment of a County Health Department. Ms. Martin, in reference to Ms. Willetts' comments, stated, "... I think they are excellent comments because I think the resolution, in my view, didn't really even take into account any of the things you were saying ... funding flow ... things like that." In which, Ms. Willetts further commented, "... you should understand the infrastructure ... but I will say public health infrastructure brings an expertise to the community that other organizations really don't have ... they would be a great partner to a health system and to the communities in addressing public health crises."

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

Mr. Ressler, referencing Mr. Sullenberger's bee hive request, advised at the time of the Committee's meeting, he weighed in as favorable to the waiver; however, while he does not feel bees are inherently dangerous and there is no controlling where they are at, he does weigh heavily that there is an Ordinance in existence and when he hears neighbors who are against the waiver that does weigh heavily on his final decision. Mr. Ressler further advised upon a future vote on the request, he will take those considerations in place.

Mr. Ressler, referencing the County Health Department Resolution, advised while the Council speaks on behalf of residents on local issues, Council does not speak for them on county-wide issues. Mr. Ressler further advised residents themselves vote for County Commissioners and he believes the matter should be taken to them. Mr. Ressler concluded his comments by advising he is not in favor of supporting the Resolution although he does favor a County Health Department in some fashion and is in agreement that working out the details is very important.

Mayor Mowen, referencing the County Health Department Resolution, advised he is in agreement in suggesting the Commissioners establish a qualified study group together to actually look at versus just saying, "No, we're not going to do it." Mayor Mowen advised he has no

problem with the Borough submitting that type of Resolution versus what is being brought to the table by Manheim Township.

President Rowe, addressing Vice President Reinhold, referencing the County Health Department Resolution, inquired if he is considering tabling the proposed Resolution or does he wish to bring the matter forward for vote at the May 10, 2021, Voting Session. Vice President Reinhold advised he would like to table the matter for further discussion at the May 17, 2021, Public Safety Committee meeting.

President Rowe, addressing Vice President Reinhold, referencing Mr. Sullenberger's bee hive request, inquired if he is considering tabling the matter or does he wish to bring the matter forward for vote at the May 10, 2021, Voting Session. Vice President Reinhold advised there are a lot of unknowns including the addresses of the residents who signed the petition; therefore, he would like to table the matter for further discussion at the May 17, 2021, Public Safety Committee meeting. Vice President Reinhold, addressing Mr. Sullenberger, advised if he has the hives on his property currently, they are there without Council's approval of his request.

Mr. Thompson, referencing the Resolution Amending Civil Service Commission Rules and Regulations for the proceedings of the Police Civil Service Commission Relating to Certain Testing and Examination Requirements, advised he wanted to clarify that Council is not adopting a Borough resolution and that they will be approving a resolution of the Civil Service Commission.

Rebecca Beres, 44 Brookfield Drive, Ephrata, referencing Mr. Sullenberger's bee hive request, inquired if there is a way to allow him "to stay status quo in limbo land with their bees" while they are being considered. Vice President Reinhold replied, "... honestly, I hate to say it ... I'd say probably not because the Ordinance as written today states there are no hives of bees in the Borough." Ms. Beres further stated, "... simply because it was a confusion ... the way it did sound there was going to be a provision made for this ... one simple allowance made for this property ... you have the bees ... he left the meeting thinking, "Okay ... got the bees ... we're good to go ... not realizing that he had three more meetings to wait to get all the "i's" dotted and "t's" crossed and now he realizes he has to come back." President Rowe clarified at the Public Safety Meeting it was explained to Mr. Sullenberger that the Work Session was going to be held on this date and then the Voting Session is held the following week before approval could be given. President Rowe apologized if there was a misunderstanding; however, she reiterated the timeline was communicated at the meeting.

Vice President Reinhold requested input from Solicitor McManus on the matter; in which, Solicitor McManus advised that Code Enforcement, as with any Ordinance, would have to take action to enforce the ordinance and issue a cease and desist violation (notice of violation) and provide a reasonable amount time (determined by Codes) for the beekeepers to remove the hives or be subject to the penalties.

#### Budget and Finance Committee

Mr. Ressler advised the Committee met on April 26, 2021, and has five Action Items:

1. The Committee reviewed Resolution 2021-9 to extend the terms of the Civil Service Commission from three (3) years to six (6) years to be consistent with the Civil Service Regulations. The Committee will recommend that Borough Council adopt the resolution at their May 10, 2021 meeting.
2. The Committee reviewed a request from Eagle Disposal to pass through to them a \$5/ton LCSWMA rebate during the nine-week closure. The Committee will recommend that Borough Council pass the funds to Eagle Disposal to offset the hauler's costs, at their May 10, 2021 meeting.
3. The Committee reviewed Resolution 2021-10 to amend the schedule of fees and charges, which included a reduction of the yard sale fee from \$10 to \$5, and an added charge for Fault Current Study (non-dwelling) which would be assessed after the amendment to the Electric ordinance is enacted. The Committee will recommend that Borough Council adopt the resolution at their May 10, 2021 meeting.
4. The Committee discussed adopting a resolution to appoint Debra M. Bartow as the Borough Treasurer and Assistant Secretary. The Committee will recommend that Borough Council adopt the resolution at their May 10, 2021 meeting.
5. The Committee discussed adopting a number of banking resolutions to add the Borough Treasurer to the Borough's accounts.

Mr. Ressler, referencing Resolution 2021-10 and as a follow-up from the Committee meeting, requested clarifying information pertaining to Mayor Mowen's inquiry regarding the Borough's receipt of the fire department's false alarm fees and if those fees are getting distributed to the respective fire department. Mr. Ressler, referencing the Fee Structure, advised the false alarm fees are defined as burglar alarms and not fire alarms; in which, Mr. Thompson clarified the fees are for both false burglar and fire alarms and the Resolution will be amended to state as such. Mayor Mowen advised the main question he has is if those false alarm fees being collected by the Borough are going to the respective fire company as it is their equipment being used in response to those types of calls. Mr. Thompson advised he will speak further with Lt. Shumaker about his inquiry.

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

Mr. Weiler, referencing the Eagle Disposal pass-through request, advised he is hopeful that it will not involve any difficult calculations and believes the process should run smoothly.

Mr. Zimmerman, referencing the Discussion Item related to electric disconnects, advised there was a request for Staff to add the information to the Borough website; in which, Mr. Thompson advised the website has been updated.

Mr. Zimmerman, referencing the Check Register, advised there are three checks in which he would like to receive additional detail on: Checks #44938, #45009 and #45115.

Mr. Thompson, referencing the Eagle Disposal pass-through request, advised after the Council meeting packet was prepared and posted, correspondence was received from the LCSWA who clarified the rebates they are providing. Mr. Thompson further advised there are two rebates: (1) a \$5 rebate per ton directly paid to the haulers to go to the second transfer station in Bainbridge, and (2) a \$4 rebate per ton paid directly to the municipalities for the inconvenience as well. Mr. Thompson advised a sample change order has been provided which was placed at each Council Member's seat. Mr. Thompson concluded his comments by advising Staff is recommending to approve Change Order #2 which would, in turn, pass through a \$4 per ton rebate through to Eagle Disposal.

Ms. Martin, referencing the Discussion Item related to electric disconnects, advised a timeline was discussed for a resident to apply for the Emergency Rental Assistance Program (ERAP). Ms. Martin advised she reached out to the Executive Director of the Lancaster City Housing Authority who advised they, along with the Lancaster County Housing Authority, in tandem, are helping to administer the ERAP Program. Ms. Martin advised she was told the applications are not first-come, first-serve as was originally thought and what they do is prioritize the applications by finding out which residents have immediate evictions. Ms. Martin further advised she was told there is not "a really great answer" for a timeline between when an application is fully accepted and when they (resident) get their receipt. Ms. Martin concluded her comments by stating, "... I wanted to have their advice on that as there is confusion, I guess ... they are not first-come, first-serve and there is no timeline ... it is all about prioritization and they are hiring staff as fast as they can to help administer this program."

Rebecca Beres, 44 Brookfield Drive, Ephrata, referencing the ERAP Program, stated, "... this is a moving target and information is a constant ebb and flow." Ms. Beres commented, "... the ERAP Program as I'm told ... as of 04/27 has received 1,500 applications so far and they have only been able to process 120 ... even though they knew this was coming ... they were so well planned ... they knew ... they had all of these ducks in a row, they have only been able to process less than 10% ... that's it ... and they are scrambling ... they are scrambling to hire ... there is a humongous backlog and they are absolutely doing their best." Ms. Beres further stated she was told, "...when they fill out the application online, they should get a receipt ... the problem is, they're not ... some aren't ... some are ... it's sort of a crap shoot ... so there is now ... today is the 3<sup>rd</sup> and the first round of shutoffs for this month is scheduled in eight days."

President Rowe, in response to Ms. Beres' comments, stated, "... well, now see you're not giving Council a chance to go through the process here." In which, Ms. Beres replied, "... I understand ... as it was discussed last week that the next round of shutoffs ... the first round ... Route 1 as was discussed on 04/26 .. the first round of shutoffs in this round is scheduled for 05/11 where there are 16 owners and 25 tenants slated for shutoff ... I beg ... throw myself at the mercy of the courts once again to please consider ... I have been told at one week ... so tomorrow ... a door hanger will be hung with instructions about the ERAP Program again ... and yes, thank you for the addition to the website ... I posted it today ... I saw it on the website that you can access the link directly to the ERAP Program from the Borough's website ... thank you ... every little bit helps ... we are doing our absolute best ... Lancaster Stands Up is trying to make phone calls to people to let them know this program exists, but there's hoops to jump



through because we can even get the names of the people of the program because of legal purposes ... so extending the shutoffs ... the moratorium on the shutoffs by another month would be a huge help.”

President Rowe, addressing Mr. Ressler, advised the Committee had discussed possibly extending the moratorium and inquired if he is prepared to come forward with that Recommendation at this meeting; in which, Mr. Ressler replied he is ready to do so.

#### Development Activities Committee

Mr. Zimmerman advised the Committee met on April 23, 2021, and has three Action Items:

1. The Committee reviewed a Subdivision and Land Development Agreement for the Brian McCarty land development plan. The amount of the agreement is \$15,213.00. The Committee will recommend that Borough Council authorize the President of Borough Council and Borough Secretary to execute the Subdivision and Land Development Agreement with the developer, Brian and Audrey McCarty, subject to it being in a form acceptable to the Solicitor at the May Borough Council meeting. This will appear on the Consent Agenda.
2. The Committee reviewed a Stormwater Operation and Maintenance Agreement for the proposed stormwater improvements associated with the land development plan for Brian McCarty. The Committee will recommend that Borough Council authorize the President of Borough Council and Borough Secretary to execute an Operation and Maintenance Agreement with the developer, Brian and Audrey McCarty, subject to it being in a form acceptable to the Solicitor at the May Borough Council meeting. This will appear on the Consent Agenda.
3. The Committee reviewed a request to waive land development requirements for the Ephrata Borough Authority’s Wastewater Treatment Plant One (WWTP1). The Authority is building a new solids processing building along with a few other improvements to the plant. The net result of the improvements will not increase the impervious surface coverage. The new building will not generate any new employees or increase any traffic. The impacts are minimal. The Staff will review the plans and assure zoning compliance. The Committee will recommend that Borough Council approve the waiver request at the May Borough Council meeting.

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

#### Highway Committee

Mr. Richard advised the Committee met on April 26, 2021, and has four Action Items:

1. The Committee reviewed the requests from The Ephrata Farmers Day Association, Inc. per their letter dated March 22, 2021 to conduct activities associated with the 102<sup>nd</sup> Ephrata Fair from September 20, 2021 through September 25, 2021. Staff noted an additional request and several modifications when comparing the current request letter to

previous request letters. Committee directed Staff to contact N. Elaine Sensenig, President of The Ephrata Farmers Day Association, Inc., and inquire about several concerns and report back to Committee via e-mail for further discussion at Council Work Session on May 3, 2021.

2. The Committee reviewed a Traffic Signal Maintenance Agreement No. TSMA-36408 by and between the Commonwealth of Pennsylvania, Department of Transportation and the Borough. This agreement is pursuant to 74 Pa.C.S. Chapter 92 and 75 Pa.C.S § 6122(a)(2) to define maintenance requirements for all traffic signals within the Borough. Local authorities are responsible for the installation, revision, maintenance, operation and removal of traffic signals on highways under their jurisdiction with written PennDOT approval pursuant to 67 Pa. Code § 212.5(c)(1). The Committee will recommend that Borough Council approve Traffic Signal Maintenance Agreement No. TSMA-36408 at their May 10, 2021 meeting.
3. The Committee reviewed a Resolution authorizing the President of Borough Council and the Borough Secretary to execute Traffic Signal Maintenance Agreement No. TSMA-36408 with the Commonwealth of Pennsylvania, Department of Transportation. The Committee will recommend that Borough Council adopt this Resolution at their May 10, 2021 meeting.
4. The Committee reviewed a proposal from Rettew Associates, Inc. for engineering, design and bidding services for Traffic Engineering Services (Emergency Vehicle pre-emption installation) at the following intersections:
  - North State Street and Locust Street
  - South Reading Road (SR 0272) and South State Street
  - South State Street (SR 0272), Rothsville Road (SR 1018), and Parkview Heights Road

The estimated cost of the professional services is \$11,450 and is within budget. The Committee will recommend that Council conditionally approve the proposal from Rettew Associates, Inc., subject to the agreement being in a form acceptable to the Borough Solicitor at their May 10, 2021 meeting.

Mr. Richard, referencing The Ephrata Farmers Day Association, Inc.'s request, provided clarifying information received by Staff on the modifications listed within the request. Mr. Richard, in addressing Committee members, inquired if they are in approval to bring the matter forward for vote at the May 10, 2021, Voting Session; in which, both Mr. Weiler and Ms. Martin advised they were in favor of what Staff and the Fair Committee agreed to.

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

Mr. Richard advised notification was received from PennDOT regarding the upcoming road closure at Route 322/222 (Ephrata Township) from Friday, May 14, 2021 – 9:00 PM to Monday, May 17, 2021 – 6:00 AM. Mr. Richard further advised detours, although rather cumbersome,

have been established by PennDOT and will be put in place during this time. Mr. Richard further advised this closure is weather-permitting with a rain date of Friday, May 21, 2021 – 9:00 PM through Monday, May 24, 2021 – 6:00 AM.

Mr. Ressler, referencing the Route 322/222 detour, extended kudos to Chief Petrick and the police department for placing the information on the EPD’s Facebook page. President Rowe stressed the point to expect major delays along Main Street in the Borough due to the project.

Mayor Mowen, in referencing the Apple Street traffic issue, advised he was recently traveling along the street when a car carrier was approaching in the opposite direction which resulted in him having to back up as there was no way to safely have both vehicles pass through the area.

Mayor Mowen, in referencing the PennDOT notification, advised their correspondence stated “9:00 AM” on Friday, May 14, 2021; in which, Chief Petrick clarified the correct time should read “9:00 PM.” Mayor Mowen concluded his comments by stating, “... it’s going to be an interesting weekend ... pray that it is over and done with quickly.” President Rowe then stated, “... I would imagine this is the first of many (road closures) as they work on that project.” Mayor Mowen replied, “... according to information that was given to us at the meeting they (PennDOT) had at the Bergstrasse Church, they are hoping to be done and out of there by September ... that this will take care of all of the paving and the only thing that will be left will be the seeding and some other things around the sides and stuff ... but as far as the actual cart way, this will, hopefully, put it in the bag.”

Municipal Enterprises Committee

Ms. Martin advised the Committee met on April 19, 2021, and has four Action Items:

1. Borough Manager Thompson reviewed with the Committee a Management Agreement between the Borough and the Ephrata Borough Authority. This agreement replaces the lease agreement between the Borough and the Authority that was terminated following the Authority’s satisfaction of the bond indenture. The Committee will recommend that Borough Council approve the agreement at the May 10, 2021 Council meeting.
2. Mr. Thompson reviewed with the Committee a Common Interest Agreement between the Borough and the Ephrata Borough Authority and their shared Counsel, McNees Wallace & Nurick LLC. Both the Borough and the Borough Authority share Counsel in a project involving the restructuring of the Ephrata Sewer System owned by the Ephrata Borough Authority and managed by the Borough. This agreement identifies the roles and responsibilities of each party for this project. The Committee will recommend that Borough Council approve the Common Interest Agreement at their May 10, 2021 meeting.
3. Mr. Thompson reviewed with the Committee a proposed Pole Attachment Agreement between the Borough and CenturyLink. The Electric Division Staff identified foreign attachments to our utility poles and later identified them as owned by CenturyLink. This agreement will authorize CenturyLink to attach to the Borough’s utility poles; however, the Borough will require CenturyLink to complete the application process as if the

attachments have not been made including the payment of all related fees. In addition, the Staff will review all existing pole attachment documents and add penalties associated with unauthorized attachments to Borough utility poles. The Committee will recommend that Borough Council conditionally approve the Pole Attachment Agreement subject to the submission of all necessary applications, the payment of all related fees and the receipt of approved applications at the May 10, 2021 Council meeting. Any defects in the current CenturyLink attachments must be corrected prior to final application approvals.

4. Mr. Thompson advised that our electrical inspection contractor ABI has adopted the 2017 NESC rules which require that all non-dwelling electric services conduct a Fault Current Study. The Staff is recommending that Chapter 165 of the Code of the Borough of Ephrata be amended to require the Fault Current Study for all non-dwelling electric services. In addition, the Staff is recommending that that the Borough's Schedule of Fees and Charges be amended to include the cost of the Fault Current Study set at \$300 per study. The Committee will recommend that Borough Council enact the ordinance to amend Chapter 165, Electricity, in addition to adopting a resolution to amend the Schedule of Fees and Charges at their June 14, 2021, Council meeting.

Ms. Martin then provided an overview of the Old Business Items, as there were no Discussion Items, as listed on the Committee Report.

Ms. Martin advised at the upcoming May 17, 2021, Committee meeting, a representative from Salzmann Hughes, PC, PA Municipal Electric Association's (PMEA) Solicitor, as well as Diane Bosak, Executive Director, PMEA, will be in attendance to update and educate members on PMEA's net metering policy.

Mr. Richard, referencing CenturyLink's pole attachments, clarified that Staff did not know about these attachments until they were discovered already attached to the poles.

Vice President Reinhold, in referencing the amendment of the Schedule of Fees and Charges, sought clarification if the proposed Fault Current Study fee (\$300 per study) will be included for approval at the May Borough Council Voting Session or be tabled until the June Voting Session; in which, Mr. Thompson, clarified as discussed in the meeting, the Fault Current Study fee would be included in the revised Schedule of Fees and Charges but the fee would not be required until Council acts on the ordinance at their June 14, 2021, meeting.

#### Community Services Committee

Mr. Weiler advised the Committee met on April 26, 2021, and has one Action Item:

1. The Committee reviewed the proposal submitted by Hanover Engineering to prepare two grant applications that will assist with the costs of the design and construction for the remaining section of the Rail Trail. The section of the right-of-way from West Chestnut Street to the northern Borough line adjacent to the Autumn Hills Development is still not completed. The estimated cost of Hanover Engineering's services is between \$5,000-\$7,000. The Multimodal Grant has a 30% match and the Greenways Trails and Recreation Grant has

a 15% match. The fee for the grant preparation will be paid out of the Capital Project that has been budgeted. The estimated cost for design and construction of the remaining section of trail is \$535,000. The Committee will recommend at their May meeting that Borough Council approve the execution of the proposal with Hanover Engineering, not to exceed \$7,000 and subject to the proposal being in a form acceptable to the Solicitor.

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

Ms. Martin, in referencing the Discussion Item regarding the dog park, advised a main problem that is occurring is the shortage of workers (i.e., land surveyors) to complete the land development part of the project which is delaying its completion.

Mr. Ressler, in referencing the Discussion Item regarding the dog park, reminded Council that there is small citizens' group that had showed a great interest in the establishment of the dog park and inquired if they are be kept apprised of its progress; in which, Ms. Martin responded she will reach out to them and relay the information. Mr. Ressler stated, "... I think it's very important ... the Borough isn't walking their dogs ... it's the community that's going to be walking their dogs in there so, I think, that the community support is very important in that."

Vice President Reinhold advised he was unable to attend the Committee meeting and requested President Rowe to ensure that member hours were established for the Ephrata Community Pool further stating, "... I am glad to hear that is in place ... because that is a big thing for members ... and July 4<sup>th</sup> is members only ... I'm hoping for a nice scorcher of a day, but we'll see."

#### Special Projects Committee

Mr. Ressler advised the Committee met on April 19, 2021, and has no Action Items to bring forward at the May Voting Session.

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

Mr. Zimmerman, in referencing delinquent accounts, addressing Solicitor McManus, inquired if he has any additional details to share with Council; in which, Solicitor McManus advised there are some cases filed under the Right-to-Know Laws and from what he is able to preliminary determine is the names of the persons in arrearage would not be discoverable, but the balances on the particular balances would be.

Mr. Richard, in referencing delinquent accounts, advised he had inquired as to if landlords can request to terminate electric service; in which, he was advised the answer is no. Mr. Richard sought clarification of if the property owner's name is on the contract, can they request the electric service to be terminated; in which, Solicitor McManus advised that before electric services can be turned off, the account has to be in arrearage. Solicitor McManus further advised the "short answer" is the Borough would not normally shut the electricity off at the request of the landlord of the property. Mr. Richard stated it does not make any sense to him if their tenant is delinquent in their payments, that the landlord "... just has to watch it happen."

Mr. Thompson advised of three possible scenarios that were discussed: (1) the tenant is on the application for electric service only; (2) the tenant and the landlord are on the application jointly; or, (3) the landlord is on the application solely. Mr. Thompson advised of the following:

- If only the tenant is on the application, the answer is no, the owner/landlord may not direct the disconnection because the Utility Billing Tenants Rights Act would come into play;
- If both the tenant and landlord are on the same application, once again, because the tenant is listed, they are protected by the Utility Billing Tenants Rights Act; and,
- If only the landlord is on the application, he/she would be solely responsible for the arrearage, not the tenant.

#### Personnel Committee

Vice President Reinhold advised the Committee met on April 12, 2021, and has one Action Item to bring forward at the Voting Session.

1. The Committee discussed the suggestion from President Rowe to include a confidentiality clause in the job description for the Borough Manager. President Rowe shared three suggestions of confidentiality language for the Committee to consider. The Committee suggested combining ideas from the first and third suggestions. Borough Manager Thompson suggested to also include language regarding the ability to be bonded. The Committee instructed President Rowe to update the job description using the first and third confidentiality clause suggestions as well as to add bonded language. The Committee will recommend that Borough Council approve the revised Borough Manager Job Description at their May 10, 2021 meeting.

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

Vice President Reinhold, in referencing the priority of items for future Committee discussion, advised top priorities include: (1) review of the Salaried Employee Handbook as the last revision was made in December 2015; (2) the Assistant Borough Manager Job Description; as well as, (3) the re-establishment of holding various workshops with topics to be determined.

President Rowe, referencing the Borough Manager's Job Description, for clarification purposes, provided a brief overview of the changes made to the document. Additionally, President Rowe advised Mr. Thompson advised of two typographical errors which will be corrected prior to approval at the May 10, 2021, Voting Session.

#### **Committee Recommendations**

##### **Public Safety Committee**

It was moved by Vice President Reinhold, seconded by Mr. Richard, and unanimously passed that Borough Council approve a resolution of the Civil Service Commission amending its Rules

and Regulations for the proceedings of the Police Civil Service Commission relating to certain testing and examination requirements.

### **Budget and Finance Committee**

It was moved by Mr. Ressler, seconded by Mr. Weiler, and unanimously passed to extend the moratorium of disconnects for utility bills and arrearages in the Borough of Ephrata to June 10, 2021.

Prior to the vote, Ms. Martin sought clarification of the reference of the American Rescue Plan funds; in which, Mr. Ressler advised those funds came from the federal government to the County who, in turn, are running the ERAP Program which has had a “slow start.”

### **Second Opportunity for Citizens to be Heard**

Scot Sherbine, 202 S. State Street, Ephrata, referencing PMEA representatives attending the May Municipal Enterprise Committee’s meeting, advised he believe it will be good for members to understand what they propose, “... which is the reason there are only three people with solar ... you will finally have a grasp of why this isn’t working .. if they are truly coming down to explain this and how this all works.” Mr. Sherbine further stated, “... we might want to consider using the term “net metering” differently ... I think it is not net metering is what is being done ... so I know that was thrown out as a term so we want to clarify that a little better ... but it will be good to finally get a good understanding of why this isn’t working.”

After allotting a brief time for additional citizen comments and/or remarks, President Rowe turned to the discussion/announcements portion of the meeting.

### **Discussion/Announcements**

Ms. Martin referenced an article which was recently published in the newspaper that referenced the transparency of Borough Council and inquired as to why pictures of Council members are not on the website. Ms. Martin advised she believes it would be a good idea to have Member photos added. President Rowe advised at one time there was a group photo as well as individual photos on the website; in which, Ms. Martin commented that photos have not been included since she has been on Council. Mr. Richard advised he was in agreement with Ms. Martin’s request.

Vice President Reinhold advised he participated in the Hibschman Scholarships interview process stating, “... like always, I think we’re in good hands for the future.”

Vice President Reinhold additionally advised that a Memorial Day service, hosted by the Ephrata AMVETS, will be held on Monday, May 31, 2021, at 9:00 AM at the War Memorial Field weather permitting. Vice President Reinhold advised that the school district is not allowing use of the bleachers for the event; therefore, those attending will need to bring their own seating.

Mr. Weiler stated, “... it is always great to see so many citizens out and making comments ... appreciate your input.”

Mayor Mowen expressed kudos to the Electric Division as they had “a hell of a day” on Friday, April 30, 2021, due to high winds and then on top of that, traffic signal lights were out from Lincoln Avenue to Bethany Road, as well as a fire on the mountain resulting in electric service being out for a fairly large portion of the Borough which Electric personnel restored within three to four hours. Mayor Mowen also expressed his appreciation to Public Works personnel who assisted during the high wind event.

Mr. Thompson provided clarification regarding the checks that Mr. Zimmerman had asked about:

- Check #44938: Jerry Ozog; Performing the Strategic Plan for the Volunteer Fire Companies
- Check #45009: Restoration Relief: Contractor who was repairing the water damage at EPAC when the sprinkler head came off and there was flooding
- Check #45115: DESCO: Restoration after the fire at EPAC

President Rowe advised that the Municipal Moment for the May 10, 2021, Voting Session will be the Annual School Resource Officer Presentation by SRO Hirneisen.

President Rowe announced she is calling an Executive Session of the Personnel Committee only immediately following the Work Session to discuss a personnel matter.

### **Adjournment**

It was moved by Mr. Weiler and seconded by Ms. Martin to adjourn. The meeting was adjourned at 9:09 p.m.

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D. Robert Thompson, Secretary