

**EPHRATA BOROUGH COUNCIL
REGULAR MEETING MINUTES
MAY 10, 2021**

The regular Ephrata Borough Council meeting was called to order by President Susan Rowe at 7:00 PM on May 10, 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 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, Greg Zimmerman and Mayor Ralph Mowen.

Also in attendance were Borough Manager D. Robert Thompson, Police Chief John Petrick, School Resource Officer John Hirneisen, Borough Solicitor James R. McManus, III, Esq., and Stephanie Fasnacht, Recorder (participated virtually via Zoom).

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
Chandler Eby, 105 Garrett Circle, Ephrata
Kevin Gudala, 171 Heatherwood Drive, Ephrata
Scot Sherbine, 202 S. State Street, Ephrata

The following visitors participated in the meeting via video conferencing:

Teresa Caruthers, 229 Railroad Avenue, Ephrata

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

PROCLAMATION – NATIONAL POLICE WEEK

Mayor Mowen proclaimed the week of May 9, 2021 – May 15, 2021 as National Police Week and May 15th as Peace Officers’ Memorial Day in honor of law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community and let us recognize and pay respect to the survivors of our fallen heroes.

Mayor Mowen stated, “... we have one of the top police departments and I am proud to be associated with them.”

APPROVAL OF MINUTES

It was moved by Mr. Ressler, seconded by Ms. Martin, and unanimously passed that Borough Council approve the April 5, 2021, Work Session Meeting Minutes, the April 12, 2021, Regular Meeting Minutes, and the April 19, 2021, Special Meeting Minutes.

MUNICIPAL MOMENT – ANNUAL SCHOOL RESOURCE OFFICER PRESENTATION

SRO John Hirneisen, Ephrata Area School District, opened his presentation by providing his career background information as well an overview of his current role as the School Resource Officer including, but not limited to: (1) Contract Tracing; (2) Crossing Guard Training and Selection; (3) Transportation; (4) New Staff Induction; (5) Patriot’s Day and Patriot’s Pen Essay Program (Sponsored by VFW); (5) Review of Criminal Law and United States Constitution (8th Grade); (6) Cyber Security (5th and 6th Grade); (7) Senior Presentation; (8) Youth Aid Panel; (9) Fire Drills; (10) Intruder Drills; as well as the (11) Life Ready Graduate Program. SRO Hirneisen concluded his presentation by commenting, “What is the best thing about being the SRO? ... The People!” advising his role “is a pleasure.”

Vice President Reinhold inquired as to if the “Every 15 Minutes” bi-annual program will be held this school year; in which, SRO Hirneisen advised due to the COVID-19 pandemic, the program will not be able to be held. Vice President Reinhold commented it is unfortunate that the students will not be able to receive the importance of the message delivered from the program.

A visitor, referencing a bus transportation matter, inquired if anything can be done to resolve the issue of drivers “running the reds.” SRO Hirneisen advised that even though a vehicle’s license plate may be obtained which would identify the vehicle owner, there is not a way to prove who was driving the vehicle at the time of the violation unless a detailed description is obtained of that individual. Another visitor inquired if dash cameras could be installed to assist in those types of situations; in which, Vice President Reinhold advised he is unsure if that would be a school district or Groff’s Transportation matter to investigate further.

OPPORTUNITY FOR CITIZENS TO BE HEARD

Teresa Caruthers, 220 Railroad Avenue, Ephrata, inquired as to the following: (1) Is it possible to post the Zoom link without having to submit a request for every meeting; (2) Could a surveillance camera be installed in her neighborhood to assist with various issues (i.e., public urination, parking matters, 2-lane vehicle traffic on a narrow roadway); and, (3) Could EV charging station locations be provided to local businesses and hotels to assist people who are visiting Ephrata. President Rowe replied that while she will not be able to respond to all of her inquires during this meeting, she advised Ms. Caruthers that her inquiry regarding the neighborhood issues and concerns are being addressed by the Highway Committee.

After an additional 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 April 26, 2021, and discussed the following:

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 \$4/ton LCSWMA rebate during the nine-week closure. The Committee will recommend that Borough Council pass the funds to Eagle 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.

Discussion Items:

1. Ms. Bartow updated the Committee on disconnection statistics as of April 26, 2021. There were 135 accounts that are subject to disconnections totaling \$107,561. Of that amount, \$68,626 is for 92 units that are tenant-occupied and \$38,935 is for 43 owner-occupied units. The first disconnections for Group 1 are scheduled for May 11th. There was a total of 12 Emergency Rental Assistant Program (ERAP) applications filed as of this date, with one being approved and 11 pending. The ERAP flyer was just received the prior week from Social Services and was included with the second notice. The Committee discussed if adequate timing exists for impacted parties to apply and present application receipts to the Borough, and directed the Staff to inquire further. The Committee would consider an additional extension if warranted.
2. Ms. Bartow discussed that it would be timing for a Request for Proposal for audit services; however, recommended that given the transition of the finance staff, this be delayed into next year. The Committee was in agreement. No further action is required.
3. Staff provided the First Quarter 2021 Budget Review. No further action is required.

4. Staff provided a work log provided by the finance consultant. The Committee requested that work completed in the reporting period and new projects be more clearly differentiated.
5. Staff provided two reports on the Solicitor's invoices. The first was a summary page and the second report is the detailed invoice. No further action is required.
6. Staff provided the Check and ACH registers to the Committee for April to date. No further action is required.

Old Business Items:

1. Mr. Thompson gave an update on the anticipated timeline for American Rescue Plan funds and had some discussion regarding the lack of current guidance for how funds could be utilized by authorities given that water and sewer infrastructure projects are highlighted for potential use of funds in the Plan.
2. Staff reported that all leaseholds have resumed payments of rent to the Borough, therefore, the rental abatement can be removed the Old Business Items list.

Development Activities Committee

The Development Activities Committee met on April 23, 2021, and discussed the following:

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.

Discussion Items:

1. The Committee reviewed the 1st Quarter Budget Report for activities under their purview. There were no concerns regarding the Budget Report.
2. The Zoning Hearing Board application for May was withdrawn the day of the hearing. The applicant's attorney stated that they don't feel they need relief so they withdrew the application. Ms. Harris reported that she and Zach Rineer, Zoning Officer, will be reviewing the previous decisions, meeting minutes and applications to create a list of approvals. If the owner is not in compliance with their previous approvals, an enforcement notice will be issued by the Zoning Officer. The Solicitor provided information to the Committee regarding the procedure for establishing compliance with the zoning ordinance. He also answered questions regarding general zoning issues.
3. There is one new application for the May Zoning Hearing Board Meeting. The Committee does not feel it is necessary to send the Solicitor.

Old Business Items:

1. The Staff updated the Committee on the access easement for 1 East Main Street. The new owners are being provided with a concept plan from 2008 for consideration.

Public Safety Committee

The Public Safety Committee met on April 19, 2021, and discussed the following:

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 two (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; as well as, is there a use /need for this department? Public Safety Committee decided to invite an WellSpan-ECH 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.

Discussion Items:

1. **Police Department Monthly Reports:** Chief John Petrick reviewed the March monthly reports. He highlighted the Excellence in Policing section of the report. He spoke of the department's participation in honoring 100 year old WWII veteran and the use of the department's drone during a multiple structure fire on Linda Terrace. He also spoke of the visit to Fulton Elementary School by Officer Davis. Officer Davis spent several hours talking to 4th graders about policing in an effort to build positive community relationships. Chief Petrick also reviewed mental health call volume for 2020 and 2021.
2. **Emergency Management:** Randy Gockley reviewed the report with Council. He discussed the upcoming April 22th simulated tornado drill. He also provided a COVID-19 update and discussed brush fire concerns.
3. **Repayment Agreement Regarding Pioneer Aerial Fire Apparatus:** Manager Bob Thompson provided an overview of this topic. He suggested a flexible 20-year lease agreement between the Borough and Pioneer Fire Company on this apparatus. Staff will develop a proposed lease agreement for review by Public Safety Committee.
4. **Fee Assessed for PA State Police Services:** Mayor Mowen provided an overview of Gov. Wolf's proposal on this matter. Public Safety Committee decided not to take action at this time.
5. **Bill Information (History)-House Bill 606 (radar for Municipal Police Officers):** Chief John Petrick provided an overview of the legislative history of the bill. The bill moved out of the House Transportation Committee in March 2021 and is currently in the House Appropriations Committee. Chief Petrick will update Council on this bill's status.

Highway Committee

The Highway Committee met on April 26, 2021 and discussed the following:

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 102nd 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.

Discussion Items:

1. The Committee heard from Darryl Gibbs, a Borough citizen residing at 241 Railroad Avenue, regarding vehicles parking along the west side of Railroad Avenue encroaching into and partially obstructing access to his driveway. Staff will talk over the issue and provide options for discussion at the May 2021 Highway Committee meeting.
2. The Committee followed up with Lakresha Zimmerman, a Borough citizen residing at 122 West Franklin Street for the past 11 years, regarding her recent experiences with parking tickets received while parked in the West Franklin Street parking lot and parking issues in general for seven vehicles used by Lakresha and her family. The Committee also heard from Lt. McKim with the Ephrata Police. Committee directed Staff to provide any information available associated with leased parking spaces at the Locust Street parking lot and report back to Committee at their May 2021 meeting.
3. 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 the GSAA General Manager and report to Committee for additional discussion at their May 2021 meeting.
4. Due to meeting time limitations the South State Street traffic concerns regarding vehicle speeds were not discussed and will be placed on the May 2021 Highway Committee meeting agenda.

5. The Committee reviewed the 1st Quarter 2021 budget report for those activities under their purview and noted no concerns at this time.

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.

Miscellaneous Items:

1. Staff updated the Committee on the SR 0222 and SR 0322 PennDOT diverging diamond project in Ephrata Township advising that a weekend detour is planned for May 14, 2021 at 9:00 pm through May 17, 2021 at 6:00 am to accommodate paving operations along SR 0322. The weekend of May 21-24, 2021 is the planned secondary date. Committee directed Staff to confirm the SR 0322 westbound and eastbound detour routes and report back to Committee via e-mail prior to Council Work Session on May 3, 2021.

Municipal Enterprises Committee

The Municipal Enterprises Committee met on April 19, 2021, and discussed the following:

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 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.

Discussion Items:

None

Old Business:

1. Mr. Scot Sherbine, 202 S. State Street, made comments and references regarding various Borough and state documents including Borough Resolution 2019-15, Ordinance 1464 and the Borough Council Handbook. He also made reference to the Borough charging a meter tax. Chairwoman Martin continued to press Mr. Sherbine to identify specific changes to the Borough's requirements that he wished the Committee to consider, however, Mr. Sherbine did not provide any specificity on the changes he is requesting. No action is required by the Committee.

Community Services Committee

The Community Services Committee met on April 26, 2021 and discussed the following:

Action Items:

1. The Committee reviewed the proposal submitted by Hanover Engineering to prepare two grants 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 the trail is \$535,000.00. 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.

Discussion Items:

1. Director of Recreation Summers reported that the electric work for the grounding issue at the Ephrata Community Pool is complete and has passed inspection. The Contractor (McCarty) informed Summers that he could not make a determination on the cause of the issue, so there is no way to know if it is a liability issue. Summers also reported that the

parts are in for the repair of the slide, the bathroom non-slip floors will be done in the next couple of weeks, and there will be a new Tulip water feature this year. Membership sales are slow but are expected to pick up. The last day for pre-season costs is May 21, 2021. Summers reported that 60% of membership sales are done the last week of pre-season sales. The members-only hours will remain the same as in 2019. The 4th of July, the entire day, was added for members only.

2. The Committee reviewed the first quarter of the 2021 budget. Borough Manager Thompson explained that the first quarter is a little soon for projects to be completed. He expects the second and third quarters to show more activity. There were no questions. No further action is needed.

Miscellaneous:

1. Staff Secretary Roseberry gave an update on the dog park. The Haller Property has been surveyed. The next step is to design the infrastructure of the park, decide where to put the driveway, the parking lot design and layout, stormwater management plan, and a fencing location and buffering for the existing homes. The process will be initiated by the next meeting.

Special Projects Committee

The Special Projects Committee met on April 19, 2021 and discussed the following:

Action Items:

None

Discussion Items:

1. Borough Manager Thompson informed the Committee that the Staff met with the Solicitor to discuss utility balances and who is responsible for their payment. The Solicitor advised that utilities are a service to the property and therefore all balances should be the responsibility of the property owner to satisfy.

Mr. Thompson reviewed the Staff's determination with regard to the issued identified from their March 16, 2021 Committee meeting as follows:

- Can the Borough staff provide information to landlords regarding whether or not a tenant or potential tenant has outstanding utility arrearages? **The Solicitor does not believe this to be a privacy issue; however, before providing a final opinion he will conduct additional research.**
- 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? **No; as long as the tenant is listed on the application then the notification requirements if the Utility Services Tenants Rights Act (USTRA) apply.**
- Change requirements such that the indebtedness stays with the property where it was created versus following the tenant. **Agree.**

- Should both landlord and tenant be signatures on the application for electric service? **Yes.**
 - What form of identification should be required when applying for service? **Photo ID.**
 - What protections (if any) can the landlord get if they “do the right thing”? **None.**
2. Mr. Thompson reported that he has reached out to Mr. Upham for some dates and times to schedule a meeting. No further action to report.

Personnel Committee

The Personnel Committee met on April 12 and discussed the following:

Action Items:

1. There were no Action Items on the agenda.

Discussion Items:

1. The Committee discussed the suggestion from President Rowe to include a confidentiality clause in the job description for the Borough Manager. 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 Bob Thomson suggested to also include language regarding the ability to be bonded. The Committee instructed Rowe to update the job description using the first and third confidentiality clause suggestions as well as to add bonded language. The draft job description will be presented at the work session on May 3rd for further discussion. If there are no objections, the job description will be voted on by council May 10th.
2. Borough Manager Bob Thompson addressed the Committee regarding the search for his successor. His retirement date is January 2022; the goal is to have a replacement in place no later than August 2021. The Committee agreed to use the Meyner Center to facilitate the search. They also wish to begin the process within the next few weeks to ensure placement by the goal date.
3. Borough Manager Bob Thompson also shared with the Committee his plan to fill vacancies in the Public Works department, including a new organizational structure. The Committee agreed with the plan as shared.
4. The Committee went into Executive Session from 9:06 PM to 9:40 PM to discuss a personnel matter.
5. Borough Manager Bob Thompson shared a concern with the description of the Personnel Committee before it is placed on the Borough website. The Committee agreed the language agreed upon could be misleading in the future and asked the Borough Manager to revise the language prior to placing it on the website.
6. Rowe requested the Committee share items they would like prioritized from “Old Business” to “Discussion.” They agreed upon discussing the Salaried Employee Handbook

to offer suggestions to Staff to update. This Handbook has not been revised since December of 2015. Also, to be included is ratifying the Assistant Borough Manager Job Description and to begin offering Workshops. Rowe will prepare the May 10th Agenda according to the Committee's wishes.

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:

- ◆ April 2021 General Ledger Report
- ◆ Ephrata Pioneer Fire Company April 2021 Report
- ◆ Lincoln Fire Company April 2021 Report
- ◆ Ephrata Community Ambulance Association April 2021 Report
- ◆ Ephrata Emergency Management April 2021 Report
- ◆ Mainspring of Ephrata April 2021 Meeting Minutes
- ◆ 1st Quarter 2021 Financial, Police, Electric Division, Inspection/Codes, Wastewater Treatment Division, Public Works Division, Water Division and Sanitation Reports
- ◆ 1st Quarter 2021 Ephrata Public Library, Ephrata Performing Arts Center, Ephrata Recreation Center, Historical Society of the Cocalico Valley and Mayor's Revenue Reports

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.

It was moved by Mr. Zimmerman, seconded by Mr. Barr, and unanimously passed to approve the following:

1. That Borough Council authorize the President of Borough Council and Borough Secretary to execute the Subdivision and Land Development Agreement with Brian and Audrey McCarty for the Brian McCarty land development plan subject to it being in a form acceptable to the Solicitor. (Development Activities)
2. That Borough Council authorize the President of Borough Council and Borough Secretary to execute an Operation and Maintenance Agreement with Brian and Audrey McCarty for the Brian McCarty land development plan subject to it being in a form acceptable to the Solicitor. (Development Activities)

STANDING COMMITTEE RECOMMENDATIONS

Budget and Finance Committee

It was moved by Mr. Ressler, seconded by Mr. Weiler, and unanimously passed that Borough Council adopt Resolution 2021-9 to extend the terms of the Civil Service Commissioners from three (3) years to six (6) years each to be consistent with the Civil Service Regulations.

It was moved by Mr. Ressler, seconded by Mr. Weiler, and unanimously passed via roll call vote that Borough Council adopt Resolution 2021-10 to amending the Schedule of Fees and Charges by reducing the cost of yard sale permits and adding an electric fault current study.

It was moved by Mr. Ressler, seconded by Mr. Barr, and unanimously passed that Borough Council adopt Resolution 2021-11 appointing Debra M. Bartow as the Borough Treasurer and Assistant Secretary.

It was moved by Mr. Ressler, seconded by Mr. Weiler, and unanimously passed that Borough Council adopt Resolution 2021-12 updating contact information, signers and online access authorizations for a checking account with Ephrata National Bank.

It was moved by Mr. Ressler, seconded by Mr. Zimmerman, and unanimously passed that Borough Council adopt Resolution 2021-13 updating contact information, signers and online access authorizations for a checking account with Ephrata National Bank.

It was moved by Mr. Ressler, seconded by Mr. Weiler, and unanimously passed that Borough Council adopt Resolution 2021-14 updating contact information, signers and online access authorizations for a checking account with Ephrata National Bank.

It was moved by Mr. Ressler, seconded by Mr. Weiler, and unanimously passed that Borough Council adopt Resolution 2021-15 updating contact information, signers and online access authorizations for a Classic Business Interest account with Ephrata National Bank.

It was moved by Mr. Ressler, seconded by Mr. Barr, and unanimously passed that Borough Council adopt Resolution 2021-16 updating contact information, signers and online access authorizations for a savings account with Ephrata National Bank.

It was moved by Mr. Ressler, seconded by Mr. Weiler, and unanimously passed that Borough Council adopt Resolution 2021-17 updating contact information, signers and online access authorizations for a savings account with Ephrata National Bank.

It was moved by Mr. Ressler, seconded by Mr. Weiler, and unanimously passed that Borough Council adopt Resolution 2021-18 updating contact information, signers and online access authorizations for a savings account with Ephrata National Bank.

It was moved by Mr. Ressler, seconded by Mr. Zimmerman, and unanimously passed that Borough Council adopt Resolution 2021-19 updating contact information, signers and online access authorizations for a savings account with Ephrata National Bank.

It was moved by Mr. Ressler, seconded by Mr. Weiler, and unanimously passed that Borough Council adopt Resolution 2021-20 updating contact information, signers and online access authorizations for a savings account with Ephrata National Bank.

It was moved by Mr. Ressler, seconded by Mr. Weiler, and unanimously passed that Borough Council adopt Resolution 2021-21 updating contact information, signers and online access authorizations for investment accounts with Ephrata National Bank Money Management Group.

It was moved by Mr. Ressler, seconded by Mr. Weiler, and unanimously passed that Borough Council adopt Resolution 2021-22 updating contact information, signers and online access authorizations for a checking account with BB&T.

Development Activities Committee

It was moved by Mr. Zimmerman, seconded by Vice President Reinhold, and unanimously passed that Borough Council approve the Ephrata Borough Authority land development waiver request.

Highway Committee

It was moved by Mr. Richard, seconded by Mr. Weiler, and unanimously passed that Borough Council conditionally approve the letter requests revised April 28, 2021 from The Ephrata Farmers Day Association, Inc. to conduct activities associated with the 102nd annual Ephrata Fair from September 21, 2021 through September 25, 2021 subject to Borough receipt of a PennDOT issued Special Events Permit with The Ephrata Farmers Day Association, Inc. as applicant, and Borough receipt of a satisfactory certificate of insurance naming the Borough of Ephrata as additional insured.

It was moved by Mr. Richard, seconded by Ms. Martin, and unanimously passed that Borough Council approve Traffic Signal Maintenance Agreement No. TSMA-36408 by and between the Commonwealth of Pennsylvania Department of Transportation and the Borough of Ephrata.

It was moved by Mr. Richard, seconded by Mr. Weiler, and unanimously passed that Borough Council adopt Resolution #2021-23 authorizing the President of Borough Council and the Borough Secretary to execute Traffic Signal Maintenance Agreement No. TSMA-36408.

It was moved by Mr. Richard, seconded by Ms. Martin, and unanimously passed via roll call vote that Borough Council conditionally award a professional services contract to Rettew Associates, Inc. for \$11,450 for traffic engineering services to install emergency vehicle preemption at three signalized intersections in the Borough subject to the agreement being in a form acceptable to the Borough Solicitor.

Municipal Enterprises Committee

It was moved by Ms. Martin, seconded by Vice President Reinhold, and unanimously passed that Borough Council approve the Management Agreement between the Borough of Ephrata and the Ephrata Borough Authority.

It was moved by Ms. Martin, seconded by Mr. Richard, and unanimously passed that Borough Council approve a Common Interest Agreement between the Borough of Ephrata and the Ephrata Borough Authority.

It was moved by Ms. Martin, seconded by Mr. Ressler, and unanimously passed that Borough Council conditionally approve a pole license attachment agreement between the Borough of Ephrata and Level 3 Communication, LLC d/b/a CenturyLink subject to it being in a form satisfactory to the Borough Solicitor. The conditions of this approval are that CenturyLink shall submit applications and receive approval for all existing and proposed attachments to Borough utility poles, pay all related fees, including make ready work, for all existing and proposed attachments and make any corrections to existing attachments as directed by the Borough.*

It was moved by Ms. Martin, seconded by Mr. Richard, and unanimously passed that Borough Council approve Change Order #2 to the Municipal Solid Waste Collection contract between the Borough and Eagle Disposal of PA, Inc. dated September 6, 2016.

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

Community Services Committee

It was moved by Mr. Weiler, seconded by Ms. Martin, and unanimously passed via roll call vote that Borough Council approve the execution of the proposal with Hanover Engineering to prepare two grants that will assist with the costs of the design and construction for the remaining section of the Rail Trail, not to exceed \$7,000 and subject to the proposal being in a form acceptable to the Solicitor.

Personnel Committee

It was moved by Vice President Reinhold, seconded by Mr. Richard, and unanimously passed that Borough Council approve the Borough Manager Job Description as revised by the Personnel Committee.

APPROVAL OF CHECKS 44869 THROUGH 45148 AND THE ACH REGISTER DATED APRIL 29, 2021

It was moved by Mr. Richard, 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 \$958,986.12.

OPPORTUNITY FOR CITIZENS TO BE HEARD

Scot Sherbine, 202 S. State Street, Ephrata, informed Council that he obtained the following information from a Right-to-Know Request: Resolution 2019-15, Revised Technical Requirements for Customer-Owned Generation, was unanimously passed by all members of Council on August 12, 2019. Mr. Sherbine inquired as to who designs the ordinances and/or resolutions brought before Council; in which, Mr. Thompson advised that typically ordinances and/or resolutions are a collaboration between Staff and the Solicitor; however, other resources are utilized when appropriate (i.e., PMEA, AMP, etc.). Mr. Sherbine then inquired as to who PMEA is to the average resident; in which, Mr. Thompson advised that the Borough is a member

of the PMEA and the average resident, in general, would typically not be directly involved with the organization.

Rebecca Beres, 44 Brookfield Drive, Ephrata, inquired as to what is the wholesale rate which the Borough purchases solar from Monarch; in which, Mr. Thompson advised the rate is currently \$55.19/kWh. Ms. Beres then inquired as to how much does it cost the public; in which, Mr. Thompson advised the customers have purchase options including the EcoChoice Program. Ms. Beres stated, "... we've heard time and time again if someone wanted to go solar, they are talked out of it." Mr. Thompson clarified that Ms. Beres' comment was not a true statement and provided a brief overview of the application process and reiterated that the customer has purchase options to choose from. Ms. Beres inquired if solar customers are still paying the distribution rate; in which, Mr. Thompson confirmed they do.

Ms. Beres stated she had submitted several Right-to-Know requests and she feels that if specific questions are asked, a denial is received; however, if you ask a general question, you receive an answer. President Rowe advised Ms. Beres her issues and/or concerns need to be addressed by the Office of Open Records and not in this forum.

Vice President Reinhold advised Ms. Beres that the charges she was referring to in her earlier comments are, in fact, included on the Borough's website as well as the Resolution outlining the technical requirements.

Teresa Caruthers, 229 Railroad Avenue, Ephrata, inquired, (1) if there were any plans moving forward to having more behind-the-grid distribution as well as creating resources of electric generation that will help lower the residential rates; and, (2) if there were any thoughts on making the process more user-friendly to own solar panels.

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

DISCUSSION/ANNOUNCEMENTS

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

Vice President Reinhold informed Council that a Memorial Day service will be held on Monday, May 31, 2021, at 9:00 AM at the War Memorial Field weather permitting.

Vice President Reinhold, referencing the EV charging stations, advised station locations are listed on the PlugShare and Chargepoint website/apps.

Mr. Richard inquired as to if the 4th of July fireworks will be happening this year; in which, Mr. Thompson responded it is his understanding the plan is to have them which resulting in him reaching out to Mr. Summers, Ephrata Recreation Center, to receive details of the event which he has not yet received.

Ms. Martin, referencing Ms. Caruther's request for signage along the trail, advised she believes

that would be a great idea to provide information regarding available parking, restrooms, etc. Ms. Martin advised she believes Ephrata has very good parking areas in place, but a problem she sees is how that information is communicated to the public. Ms. Martin requested this matter be further discussed at an upcoming Highway Committee meeting.

Mr. Barr expressed his growing concerns of the happenings of Asian hate crimes throughout the United States.

Mr. Zimmerman advised he wishes to receive a status update regarding the wayfinding signage at the upcoming Development Activities and Special Projects Committees meetings.

Mayor Mowen, in referencing the Gateway Signage Program, advised he has made an effort to contact all of the organizations and has not received many responses. Mayor Mowen stated at this point he feels the Borough should display the signage received with the hope that the other organizations see the signage updates and will want to take part.

Mayor Mowen, in referencing the 4th of July fireworks display, advised the run is scheduled for Saturday, July 3rd and it is his understanding the fireworks will be held later on the same date.

Mayor Mowen advised the planters to be placed in downtown Ephrata will be delivered on May 17th, followed by them being filled on the 22nd.

Chief Petrick, referencing school bus violations, reminded all that these violations result in severe penalties and to be cautious when approaching a school bus on the roadway.

Mayor Mowen reminded Council of the upcoming Routes 322/222 road closure from May 14-17, 2021, advising all to stay away from the area if possible.

Mr. Thompson, in referencing the EV Charging Station, advised location information can be found on the Warwick Ephrata Rail Trail (WERT) website as well as brochures which are placed along the trail that also show the location of public restrooms as well as public parking areas.

ADJOURNMENT

It was moved by Mr. Barr, seconded by Ms. Martin, and unanimously passed that Borough Council adjourn. The meeting was adjourned at 8:18 PM.

Respectfully submitted,

D. Robert Thompson, Secretary