

**EPHRATA BOROUGH COUNCIL  
WORK SESSION MINUTES  
JUNE 5, 2023**

The Ephrata Borough Council Work Session was called to order by President Thomas Reinhold at 7:00 PM on Monday, June 5, 2023, in the Council Chambers of the Borough Office, 124 South State Street.

In attendance in addition to the President were Vice President Linda Martin and Council Members Timothy Barr, Alan Buohl, Kory Musser and Ricky Ressler as well as Mayor Ralph Mowen. Council Member Gregory Zimmerman viewed the meeting via audio conference. Absent was President Pro Tem Victor Richard.

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

The following visitors were present within Council Chambers:

Larry Alexander, The Ephrata Review  
Mark Fuhrer, 261 Windsor Drive, Ephrata  
William A. Hagy, 77 Ridge Avenue, Ephrata  
Linda Kegerreis, 279 Windsor Dr., Ephrata  
Elissa Petersheim, 105 W. Maple Street, Ephrata  
Wil Petersheim, 105 W. Maple Street, Ephrata  
Andy Rohrer, 279 Windsor Dr., Ephrata  
Jennifer Sappington, 1368 Apple Street, Ephrata  
Kirby Sensenig, Denver  
Todd Shoaf, Ephrata Pioneer Fire Company  
Brittany Smith, 104 N. Maple Street, Ephrata

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

### **Approval of Agenda**

Ms. Harris provided confirmation of the following:

1. The meeting agenda was posted on the Borough's website and at Borough Hall no later than 24 hours in advance of the time of the meeting.
2. The meeting agenda included a listing of each matter of Borough business that will be or may be the subject of deliberation or official action at the meeting.
3. There were no changes made to the meeting agenda after it was posted.
4. The meeting agenda was made available to individuals in attendance at the meeting.

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

### **Rules of Order Announcement**

Prior to beginning the meeting, President Reinhold announced the following:

"Ephrata Borough Council follows Rules of Order and By-Laws. We have adopted Roberts Rules of Order as our parliamentary authority. Anyone wishing to speak must wait to be recognized before speaking. This applies to elected officials as well as any member of the public in attendance. This will be enforced.

If you are addressing Borough Council, you must be a resident or taxpayer of the Borough of Ephrata or represent an organization of the Borough of Ephrata. Please wait to be recognized. You must sign in to speak; if you have not signed in, please do so following the adjournment."

### First Opportunity for Citizens to be Heard

Andy Rohrer, 279 Windsor Dr., Ephrata, advised he is in attendance to follow up on the drainage issues in the Brickyard Development he spoke about at Council's May 1, 2023, meeting. Mr. Rohrer inquired if any progress has been made on the Borough's side regarding the matter and advised he has photographs he is willing to share with Council.

Mark Fuhrer, 261 Windsor Drive, Ephrata, President of the Brickyard Homeowner's Association, stated, "... this is a 30-year-old problem ..." and "... that 271 to 281 should never have been allowed to be built ... there's no outlet for stormwater ... many older residents told me countless times that when the buildings were built, they actually had to blast to put the basements in." Mr. Fuhrer further stated, "... before they could actually pour the concrete basements, they had to pump the water out ... so you know there's water there." Mr. Fuhrer noted the downspouts of three of the buildings collect in that area. Mr. Fuhrer then commented, "so, basically, 30 years ago, the Borough approved the plans for this building ... it was the last building that was built ... I think the builder wanted to fit it in there ... the Borough monitored and approved construction and the Borough signed off to finalize it."

Mr. Fuhrer advised the HOA's purview is maintenance – primarily of lawns, snow, roofs and windows. Mr. Fuhrer stated, "... we don't fix original construction problems." Mr. Fuhrer further advised that every year he has served as President of the HOA, he has been confronted by an individual on this specific issue. Mr. Fuhrer stated, "... the HOA does not know how to fix the problem and is looking to the Borough to fix it."

Ms. Harris advised that Staff did take a look at the area; however, the issue involves private property (private stormwater) and not public stormwater pipes, no water coming off of the streets, no basin, etc. After a brief discussion, President Reinhold advised, "... in certain ways, our hands are tied." Solicitor Wakefield provided information pertaining to future maintenance issues and financial responsibilities as the Borough currently maintains financial security for stormwater matters.

Mr. Fuhrer reiterated his comments regarding the HOA's responsibility being maintenance only. Ms. Harris commented, "... we don't know if it was a design flaw ... if it was a building flaw ... or if it's just something that occurred over time due to settlement ... any unusual conditions ... we don't know the root cause." Ms. Harris further commented, "... we (Staff) can certainly come out and offer suggestions, but we can't design your system."

President Reinhold expressed his concern that while he understands it is on private property and that is what is causing the problems, but once it hits the street or the sidewalks, is the Borough responsible; in which, Ms. Harris replied, "... one thing I can absolutely 100% do is make sure that all that storm sewer pipes in the street and the inlets are all open and not clogged or full of debris so that if any water does get there, it can get away ... we'll look at the public system."

Jennifer Sappington, 1368 Apple Street, Ephrata, advised she submitted a Right-to-Know request and received a Certificate of Coverage from Delaware Valley & Trust Insurance. Ms. Sappington stated she placed a call to DVIT and was advised she is to work with Ms. Harris on her requests. Ms. Sappington then requested a business card from Ms. Harris; in which, Ms. Harris advised she will provide her with one.

Elisa Petersheim, 105 N. Maple Street, Ephrata, advised she and her husband are in attendance to inform Council that over the last few weeks, they have observed homeless people camping out at the property (water retention basin) across the street from their residence. Ms. Petersheim commented that she is very concerned about the situation. Ms. Martin inquired if these individuals are sleeping on the property; in which, Ms. Petersheim confirmed they are. Ms. Martin advised the Borough has an ordinance which does not allow them to camp overnight; in which, Mayor Mowen clarified the land in question is not Borough-owned property; therefore, he has requested Chief McKim to look into who owns the property, to contact the owner and to have the property posted.

Brittany Smith, 104 N. Maple Street, Ephrata, advised while she has compassion for the homeless

population, she does have concerns as she has observed these individuals being "... on edge and acting aggressively." Ms. Smith commented, "... it's really scary when you know that they're right outside your kitchen window ... you don't know what they're doing ... people walk their dogs over there ... people play with their children over there ... you don't know what is left behind." Ms. Smith further advised, "... one morning I was making my coffee ... and I saw a woman over there who was a regular ... she had not moved for hours ... and I didn't know if she was dead and that's very scary." Ms. Smith commented the one time she called the police for assistance, "... you could just hear the frustration in his voice to the point where I sounded like the problem for him and that's really disheartening ... I will keep calling." Mayor Mowen advised Ms. Smith to continue to contact the police department in reference to her concerns.

President Reinhold, in response to Ms. Smith's comments, stated, "... I think that's the biggest issue too because my understanding is there are places for these individuals to go ... it's just a matter if they're willing to abide by the rules ... some of them are not ... then, again, we're all kind of throwing our arms up in the air and saying, "What do we do then?" ... if you're not going to get help, I'm sorry ... I don't know what the answer is ... but that's the frustrating part for myself."

Vice President Martin commented, "... that one of the biggest issues is we know what we can do on Borough property ... we have posted a lot of signs ... so they're getting very smart in knowing where they're going because they're going where they are not being bothered ... if we can get landlords and property owners to buy into what we're all trying to do ... we have a lot of absentee landlords downtown especially that don't live here ... they don't care that much ... we're trying to do some outreach to them ... we're trying to explain to them that this is our community and they do own property in our community and they need to care more than they do for the sake of our town ... we are not not listening ... I just want to make sure you know ... we need the buy-in of the property owners ... we need the buy-in of all the community to try and offer as much assistance as we can ... but when they're resisting assistance and causing nuisances or displaying nuisance behavior in our community, something needs to be done ... but we need the assistance of the property owners ... that's what we really need right now ... we need the cooperation of the property owners."

Mr. Barr commented, "... for those that are trespassing on your property at night ... it's not a solution, it's just a possible way of moving them on ... can you put up auto-sensored flood lights?" Ms. Smith clarified the occurrence she referred to in her comments happened in the daylight and not during the night, but that his suggestion is an option.

Chief McKim, in addressing Ms. Smith, stated, "... you should never be made to feel that should not call us ... if you have a concern ... making you uncomfortable ... please call us ... and I apologize if you were made to feel that way." Chief McKim confirmed that the Department is frustrated, "... but it should not have been taken out on you."

Vice President Martin inquired if video recordings would be helpful to identify the perpetrator; in which, Chief McKim advised it would be helpful. President Reinhold commented, "... by being partners and letting the Department know ... I think we'll eventually get that message through a little bit better."

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

### **Discussion of Committee Actions**

#### Budget and Finance Committee

The Budget and Finance Committee met on May 22, 2023, at 6:30 PM at Ephrata Borough Hall, 124 South State Street.

#### **Action Items:**

1. The Committee discussed funding from the American Rescue Plan Act. All of the Borough's funds are designated as lost revenue under the Act's provisions. The Committee will recommend that Borough Council authorize 2023 American Rescue Plan Expenditures of \$322,197 as allowable under the Revenue Loss provisions (\$294,452 for Public Safety

Compensation, \$27,690 for technology expenditures and \$55 for legal fees) at their June 12, 2023, meeting.

2. The Committee reviewed Resolution 2023-16 Appointment of Boards and Commissions. Mr. Ressler noted that Resolution 2023-16 amended the resolution passed earlier in 2023, as shown on Exhibit B, for the appointment of Mr. Alex Mast to the Shade Tree Commission. The Committee will recommend that Borough Council adopt the Resolution at their June 12, 2023, meeting.

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

#### Development Activities Committee

The Development Activities Committee met on May 22, 2023, at 7:30 PM at Ephrata Borough Hall, 124 South State Street.

#### **Action Items:**

1. The Committee reviewed a land development plan for the Gables at Richard Avenue. After discussions the Committee will recommend that Borough Council approve three waiver/modification requests, three deferral requests, approval of using slant curb and approve the final plan subject to the inclusion of HRG's comments and Lancaster County Planning comments. This will appear on the June Consent Agenda. Ms. Martin wanted to know if a condition can be added to the approval that the applicant cannot connect to existing streets and must access the site from South Market Street. Ms. Harris will reach out to the Solicitor to see what conditions can be placed on a plan approval.
2. The Committee reviewed a plan for the Ephrata Intermediate School Athletic Field Improvements land development plan. The Committee will recommend that Borough Council approve two waiver/modification requests and approve the final plan subject to the inclusion of HRG's comments and Lancaster County Planning comments. This will appear on the June Consent Agenda.
3. The Committee reviewed a Subdivision and Land Development Agreement for Good Samaritan Services land development plan. The amount of the agreement is \$19,581.65. The Committee will recommend that Borough Council authorize the President of Borough Council and Borough Secretary to execute a Subdivision and Land Development Agreement with the developer, Good Samaritan Services, subject to it being in a form acceptable to the Solicitor. This will appear on the Consent Agenda.

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

Mr. Buehl, addressing Solicitor Wakefield, referencing the Gables at Richard Avenue Action Item, inquired if he can summarize what conditions can be placed on a plan approval; in which, Solicitor Wakefield expressed concerns with placing a condition barring proposed access to Marilyn Avenue and Lincoln Heights Road and requiring connection to a signal point of access at S. Market Street which would likely be viewed as unreasonable. Solicitor Wakefield commented, "... it looks to me that there is an intent there ... it's not stated in the plan ... but it did look to me that those roads were left as stubs in anticipation of likely future development." Solicitor Wakefield further advised he recommends against imposing any traffic-related conditions in this instance as conditions have to be reasonable, they need to be feasible and they do need to be grounded in the controlling statutes and ordinances (SALDO, Zoning, etc.) and he struggles in this instance to suggest that is true.

Vice President Martin thanked Solicitor Wakefield for his summary and commented she has one additional matter to talk about regarding the plans. Vice President Martin then referenced a row of trees to act as a buffer between the neighborhood that exists now and the new neighborhood which is shown on the diagram included in the meeting packet; however, she noted that she was unable to locate the row of trees on the original plan document. Vice President Martin, addressing Todd Shoaf, Pioneer Management, inquired if the tree line is included in the original plan; in which, Mr. Shoaf advised it is. Vice President Martin requested Mr. Shoaf to show her where that information is listed on the plan. Mr. Shoaf then showed Vice President Martin where the locations

of the trees will be as well as the number and species of the trees to be planted. Vice President Martin extended her appreciation to Mr. Shoaf for the clarification and details.

#### Highway Committee

The Highway Committee met on May 15, 2023, at 5:30 PM at Ephrata Borough Hall, 124 South State Street.

#### **Action Items:**

1. The Committee reviewed a request from Boy Scout Troop 73 to use the Locust Street parking lot and could staff the Franklin Street parking lot during the 2023 Ephrata Fair to park cars as a fundraiser. The Committee will recommend that Borough Council conditionally approve the request subject to Borough receipt of a satisfactory certificate of insurance naming the Borough as additional insured at their June 12, 2023, meeting.
2. The Committee reviewed a request from Fidelity Contracting, LLC seeking permission to use designated Borough streets within a planned detour route around a work area planned for West Mohler Church Road and North State Street. The Committee is concerned about traffic backlogs on Green Dragon Fridays. The Committee will recommend that Borough Council conditionally approve the request subject to satisfactory performance of the detour route on Green Dragon Fridays at their June 12, 2023, meeting.
3. The Committee reviewed a request from DOLI Construction Corporation seeking permission to use designated Borough streets within a planned detour route around an EAJA water system upgrade work area in the 1<sup>st</sup> block of Ridge Avenue in Ephrata Township. The Committee will recommend that Borough Council approve the request at their June 12, 2023, meeting.

Vice President Martin then provided an overview of the Discussion, Old Business and Miscellaneous Items as listed on the Committee Report.

Mayor Mowen, referencing Discussion Item #3 - HRG Hummer Road / Apple Street & West Main Street Traffic Signal Evaluation, sought clarification that the study was done for the proposed apartments; however, Vice President Martin advised a traffic study was done for the Gables at Richard Avenue. Ms. Harris clarified that the studies were completed by the same engineering firm.

Vice President Martin commented, "... this is what their traffic study concluded ... the proposed development will generate approximately 132 daily trips ... of that total, approximately seven trips will occur during the AM peak – two entering and five exiting ... and approximately 11 trips will be occurring during the PM peak hour – six entering and five exiting." Vice President Martin further commented, "... you're telling me that two are going to enter during the AM peak hour and five are going to exit ... so that must mean only five people there are going to be working." Vice President stated, "... that number is insane ... they're telling me that five people, five vehicles are going to be leaving that development in the morning ... that's insane ... that's what is frustrating to my neighbors ... that is not true ... those numbers are not true ... I'll prove it ... you wait ... I'll be back."

#### Municipal Enterprises Committee

The Municipal Enterprises Committee met on May 15, 2023, at 5:30 PM at Ephrata Borough Hall, 124 South State Street.

#### **Action Items:**

1. The Committee reviewed a recommendation from Staff regarding PJM Reconciliation Charges due to Winter Storm Elliott. The Committee will recommend that Council authorize Staff to cover these charges utilizing fund balance, rather than passing them on to the PCA, at their June 12, 2023, meeting.
2. The Committee reviewed a request from Staff pertaining to easements as part of the Gross Run Streambank Restoration Project. The Committee will recommend that Council authorize a \$4,000 expense to cover the cost of a construction easement at their June 12, 2023, meeting.

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

Mr. Ressler, in reference to Discussion Item #3 – Proposed Rulemaking for Generators from the Environmental Protection Agency, advised there was discussion for federal regulation possibly cutting down about requiring renewable generation to a different, newer level. Mr. Ressler further advised while this, "... is in the early stage, it does bear watching."

#### Special Projects Committee

The Special Projects Committee met on May 15, 2023, at 7:30 PM at Ephrata Borough Hall, 124 South State Street.

1. The Committee reviewed the Communications Strategy Proposal from QNTM. The initial term of the proposal was one year and it expired in April 2023. The Committee is concerned about the cost. They would like to try and bring it in-house. In the interim we will continue to use QNTM. The Committee will recommend that Borough Council authorize the staff to enter into a contract with QNTM for a 4- to 6-month period.
2. The Committee reviewed the Vision and Mission statements QNTM prepared and placed in the Branding guidelines. The Committee felt they were cliché and generic. The Committee suggested that the Borough employees might want to create statements since they know the inner workings of the Borough. This item will be tabled until next month.

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

Vice President Martin advised she saw a social media posting on May 16, 2023, of a photograph of three police officers as well as former Police Chief Petrick. Vice President Martin commented there is "... a little disconnect here ... it should have been Chief McKim ... and I'm really not happy about that because it's not that hard to find out who the Chief of Police is ... so that was disturbing."

Vice President Martin additionally advised on May 22, 2023, there was a social media posting of all of the Committee meetings; however, the Community Services Committee Meeting had already been cancelled the week prior which was not indicated in the post. Vice President Martin commented, "... they (QNTM) were posting a post that inaccurate and did not include the cancellation of a meeting ... I'm just making these observations that I think ... I want to know is somebody overseeing them or are they just posting things ... and I know you guys can't be everywhere to everyone and I understand that, but I think a conversation could be had that we're noticing these things and they're not accurate ... I think when you have social media postings with a professional organization that we're paying money to a month ... it's not a little money, it's a lot of money and it is taxpayer money ... it needs to be more accurate."

Mr. Musser agreed with Vice President Martin's comments stating, "... which this is one of the reasons we want to bring it in-house." Vice President Martin further commented, "... until we are ending our contract with them, I think they need to be a little bit more up to date with the happenings and be more accurate in their postings." Ms. Harris advised she will pass along Vice President Martin's concerns to QNTM.

#### **Discussion of Committee Reports (No Action Items)**

##### Public Safety Committee

Mr. Buehl advised that the Community Services Committee met on May 15, 2023, and provided an overview of the Discussion, Old Business Items and Miscellaneous Items as listed on the Committee Report.

Mr. Buehl additionally advised that the Public Safety Committee met on June 5, 2023, at 6:00 PM at Ephrata Borough Hall, 124 South State Street, and will have Recommendations for action at the Work Session.

#### **Committees (No Meetings Held in May 2023)**

- Community Services Committee

- Personnel Committee

Community Services Committee

Mr. Barr updated Council that the Dog Park has reopened to the public.

Personnel Committee

Vice President Martin advised the Personnel Committee will be meeting on June 13, 2023, at 4:00 PM.

**Approval of Committee Recommendations**

Public Safety Committee

Mr. Buohl moved and Mr. Ressler seconded that Borough Council approve the acceptance of a certified list of eligible police applicants as provided in the letter from the Ephrata Borough Civil Service Commission dated May 30, 2023. Motion carried unanimously.

Mr. Buohl moved and Mr. Ressler seconded that Borough Council extend conditional offers of employment to Bronne Bruzgo, Eric Cudnohufsky and Brady Bixler pending each candidate's successful passing of a physical, psychological and drug screening examination for the position of police officer effective July 10, 2023. Additionally, all three must attend and graduate the Reading Police Academy and successfully complete all necessary Municipal Police Officer Education and Training Commission certification requirements. They will be subject to a one-year probation period commencing upon the date they graduate from police academy. Motion carried unanimously via roll call vote.

**Second Opportunity for Citizens to be Heard**

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

**Discussion/Announcements**

Chief McKim thanked Council for the responsiveness during the hiring process as it is good for morale as we were up against a time limit for the policy academy.

Vice President Martin, referencing Mainspring of Ephrata's Party on the Plaza, commented in an effort to make the event even more successful was the addition of a wine walk. Vice President Martin advised that individuals were provided maps of five wineries to visit. Vice President Martin noted upon her arrival to the event, she observed approximately 100 people walking up and down Main Street. Vice President Martin stated, "... it was phenomenal ... it was so successful ... so that's exactly what we want to do is to get people downtown." Vice President Martin further stated, "... it was a win-win for everybody ... it was a win for Ephrata ... it was a win for the wineries ... it was a win for the businesses."

Vice President Martin encouraged individuals to attend the upcoming Wednesday at the Whistlestop event being held on June 28, 2023, from 5:00 PM to 7:00 PM.

Mayor Mowen advised this past weekend, he received a telephone call regarding the playground at Grater Park reporting damage to the caterpillar slide and the climbing wall structure. Mayor Mowen advised he immediately contacted Jim Summers, Executive Director, Ephrata Recreation Center, who had personnel place caution tape around both pieces of equipment. Mayor Mowen commented that conversations have occurred in the past regarding placing cameras in that area and "... I think it's something that we really need to revisit ... there are areas that we need to get covered ... the park, the pavilion, railroad station, trail and the plaza ... I really think we need to prioritize and get some security cameras around ... I know it's not cheap, but things are happening more often ... camera systems that have a central monitoring station are what's happening now ... I'm not saying we would have somebody sitting and watching, but at least we would have the record to go back and look and see and find out what happened ... I really think we need to move that up." Mr. Buohl requested the topic be added to the next Public Safety Committee meeting agenda for additional discussion.

President Reinhold advised he attended his first Party in the Plaza event which was very well attended. President Reinhold commented, "... I really like that event because it brings a lot of the community together."

In concluding his comments, President Reinhold extended his congratulations to the 2023 graduating class of Ephrata High School.

**Adjournment**

Mr. Barr moved to adjourn the meeting. The meeting was adjourned at 8:27 PM.

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Nancy E. Harris, P.E.  
Secretary

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