

**EPHRATA BOROUGH COUNCIL
REGULAR MEETING MINUTES
JUNE 12, 2023**

The regular Ephrata Borough Council meeting was called to order by President Thomas Reinhold at 7:00 PM on June 12, 2023, in the Council Chambers of the Borough Office, 124 South State Street.

In attendance in addition to the President were Vice President Linda Martin, President Pro Tem Victor Richard, Council Members Timothy Barr, Alan Buohl, Kory Musser, Ricky Ressler, Greg Zimmerman as well as Mayor Ralph Mowen.

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

The following visitors were present within Council Chambers:

Larry Alexander, The Ephrata Review
Steve Aronson, 424 Lake St., Ephrata
Tim Auker, 542 N. State St., Ephrata
Tina Citro, WellSpan-Ephrata Community Hospital
Kim Graybill, Pioneer Management, LLC
Kirby Sensenig, Denver
Kim Stonebraker, WellSpan- Ephrata Community Hospital
Jim Summers, Ephrata Recreation Center

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 Mr. Richard seconded to approve the meeting agenda as posted. The motion carried unanimously.

APPROVAL OF MINUTES

Vice President Martin moved and Mr. Barr seconded that Borough Council approve the May 1, 2023, Work Session Meeting Minutes and the May 8, 2023, Regular Meeting Minutes. Motion carried unanimously.

WELLSPAN-EPHRATA COMMUNITY HOSPITAL CHECK PRESENTATION

Tina Citro, President, WellSpan-ECH, presented a check to President Reinhold in the amount of \$50,000 to support the community and assist in purchasing additional AED units, upgrading various recreational facilities and complete the purchase of the remaining body cameras needed for the Ephrata Police Department. President Reinhold extended his appreciation to Ms. Citro for WellSpan's generosity.

MUNICIPAL MOMENT – JIM SUMMERS, EPHRATA RECREATION CENTER

Jim Summers, Executive Director, Ephrata Recreation Center, began his presentation by extending his appreciation to Council for their support over the years. Mr. Summers highlighted the following areas under his purview:

Ephrata Community Pool:

- 645 Memberships To Date
- Pool opened a full day on Friday, June 9th
- Season is off to a good start

Rec Center Building:

- Purchased new ultraviolet light system for the indoor pool
- Purchased new steam unit for steam rooms

- Miscellaneous building upgrades being completed
- Money is being put "back into" the building

Footprint in the Community:

- Civic Clubs, Non-Profits and Government organizations have free use of the building to hold their meetings, events and training opportunities
- Grater Scholarships are given to any child who meets the qualifier of receiving assisted lunches at school
- Provide a place for students to go before and after school which, in turn, is assisting in keeping children "off of the streets"
- Golden Years Club host their meetings and activities in the building
- Keeping services affordable is part of the Rec Center's footprint

Mr. Summers concluded his presentation by informing Borough Council that he has given the Rec Center's Board his intention to retire on December 15, 2023.

Mayor Mowen expressed his appreciation to Mr. Summers for his 40+ years of service to the community.

Mr. Zimmerman stated that Mr. Summers has been a huge asset to the Rec Center and thanked him for his hard work and dedication to the community.

OPPORTUNITY FOR CITIZENS TO BE HEARD

After time allotted for citizen comments and with no one in attendance wishing to speak, President Reinhold called for a motion to close the public comments section of the meeting until the end of the meeting agenda. Vice President Martin moved and Mr. Barr seconded to close public comments until the end of the meeting agenda. Motion carried unanimously.

ACCEPTANCE OF REPORTS

Mr. Barr moved and Mr. Zimmerman seconded to approve the Acceptance of Reports. Motion carried unanimously.

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.

Approval of Agenda:

Ms. Gerhart 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.

Committee Chair Ressler asked if there were any requests to add a matter of Borough business to the meeting agenda. Seeing none, Mr. Ressler asked for a motion to accept the meeting agenda as posted. Mr. Zimmerman moved and Mr. Musser seconded to approve the meeting agenda as posted. The motion carried unanimously.

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.

Discussion Items:

1. The Committee reviewed the 1st Quarter 2023 Budget Review. Ms. Gerhart expressed that revenues and expenditures are on track through the first three months of the year. No further action is required.
2. Ms. Harris informed the Committee that she is still preparing a comprehensive spreadsheet of all Ephrata Borough property lease details. This will aid the Committee as they continue to discuss various entities and utility billing. The Committee reviewed a draft of criteria for possible inclusion in a policy for free electric accounts.
3. Staff provided a report of 2023 unbudgeted expenditures approved by Council to date. No further action is required.
4. Staff provided a copy of the solicitor's invoice for April and May. No further action is required.
5. Check and ACH Registers for April and May were provided. The Committee experienced errors accessing the May register. Ms. Gerhart will upload a new file to the Dropbox folder for the Committee's review following the meeting.

Old Business Items:

1. Ms. Gerhart reported that the new payment terminal for the front counter has been received. Once the Springbrook migration to the cloud is complete, we will be able to utilize this new terminal and discuss assessing credit card fees for utility payments.

Development Activities Committee

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

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.

Committee Chair Zimmerman asked if there were any requests to add a matter of Borough business to the meeting agenda. Seeing none, Mr. Zimmerman asked for a motion to accept the meeting agenda as posted. Mr. Buohl moved and Mr. Richard seconded to approve the meeting agenda as posted. The motion carried unanimously.

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. 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.

Discussion Items:

1. The Zoning Hearing Board did not meet in May so there are no decisions.
2. There were no new applications for the June Zoning Hearing Board meeting.

Old Business Items:

1. Ms. Harris reached out to the Solicitor regarding notifications to neighboring residents when a shelter goes in. There could be issues with the fair housing act. He advised against it.
2. Ms. Harris reminded those present that there is a workshop tomorrow, May 23rd for the Staff to provide strategies for addressing issues downtown.

Public Safety Committee

The Public Safety Committee met on May 15, 2023, at 6:30 PM at Ephrata Borough Hall, 124 South State Street.

Approval of Agenda:

Chief McKim 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.
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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.

Committee Chair Buohl asked if there were any requests to add a matter of Borough business to the meeting agenda. Seeing none, Mr. Buohl asked for a motion to accept the meeting agenda as posted. Mr. Richard moved, and Mr. Ressler seconded to approve the meeting agenda as posted. The motion carried unanimously.

Action Items:

None.

Discussion Items:

1. EMA April 2023 report - Written report only.
2. Building Code Discussion – Borough Manager Harris explained the 2021 International Property Maintenance Code updates and recommendations, including a quick-ticket option. The committee agreed the item should move forward in discussions.
3. Police Report – Chief McKim reviewed the April 2023 police report including Excellence in Policing and Areas of Concern.
4. 1st Quarter Budget Review – Chief McKim reviewed the 1st Quarter Budget report. Chairman Buohl inquired about the status of negotiations with Ephrata Township regarding the police services contract. Mayor Mowen explained there have been no additional meetings. Manager Harris explained that the borough is working on financial calculations. Ms. Martin inquired about the training range. Chief McKim reported that an agreement was not reached, and the project was no longer being pursued.
5. Church and Main Pedestrian Accidents – Chief McKim reviewed 7 years' history of pedestrian accidents at Church and Main. There are similarities in the cases. The Highway Committee is also aware. Chairman Buohl requested that this item remain in discussion.

Old Business Items:

1. Fire Call Annual Comparison – Chief Gehman reported that Lincoln Fire Company responded to 43 calls in April. The written report for April and May will be sent to Ms. Fasnacht for the July Council. He also reported on a "clinical save" in April, where the Lincoln Fire Company was present. Chief Kiefer reported the 3rd "clinical save" of the year where Pioneer Fire Company was present.

Miscellaneous Items:

1. Internal Complaint Update – Chief McKim updated the committee on a complaint made by a resident in open council. No intentional misconduct is indicated thus far.
2. Hiring Process Update - Chief McKim updated the committee on the status of the current hiring process. The Committee has a special meeting scheduled for June 5, 2023, before the Work Session.
3. Homeless Activity – Chief McKim briefed the Committee on police events involving homeless citizens. Mayor Mowen provided information regarding changes in City Gate’s operating model. Additional options for park violations are being discussed with the local Judge.

Public Safety Committee

The Public Safety Committee held a special meeting on June 5, 2023, at 6:30 PM at Ephrata Borough Hall, 124 South State Street.

Approval of Agenda:

Chief McKim 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.

Committee Chair Buohl asked if there were any requests to add a matter of Borough business to the meeting agenda. Seeing none, Buohl asked for a motion to accept the meeting agenda as posted. Mr. Ressler moved and MR. Buohl seconded to approve the meeting agenda as posted. The motion carried unanimously.

Action Items:

1. Chief McKim presented the Committee with a certified eligibility list for police officer candidates, which was provided by the Ephrata Borough Civil Service Commission dated May 30, 2023.

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

2. Chief McKim, on behalf of the Police Candidate Final Selection Committee, presented three (3) recommended candidates to be extended a conditional offer of employment: Bronne Bruzgo, Eric Cudnohufsky and Brady Bixler.

Mr. Ressler moved and Mr. Buohl seconded a recommendation that Borough Council approves the hiring of Bronne Bruzgo, Eric Cudnohufsky, and Brady Bixler for the position of Police Officer effective July 10, 2023. This will be a conditional offer of employment pending each candidate’s successful passing of a physical, psychological and drug screening examination. 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 the police academy. The motion carried unanimously.

Highway Committee

The Highway Committee met on May 22, 2023, at 5:30 PM at Ephrata Borough Hall, 124 South State Street.

Approval of Agenda:

Mr. Burkholder 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.

Committee Chair Richard asked if there were any requests to add a matter of Borough business to the meeting agenda. Seeing none, Mr. Richard asked for a motion to accept the meeting agenda as posted. Ms. Martin moved, and Mr. Musser seconded to approve the meeting agenda as posted. The motion carried unanimously.

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 1st block of Ridge Avenue in Ephrata Township. The Committee will recommend that Borough Council approve the request at their June 12, 2023, meeting.

Discussion Items:

1. The Committee discussed pedestrian safety at the signalized intersection of Church Street and West Main Street. Staff will plan to trim or remove a tree and shrubbery adjacent to the northeast corner of that intersection which will increase clear sight distance and improve pedestrian visibility. Staff will continue to monitor this intersection.
2. The Committee discussed a request from Julie Hocking asking the Borough to provide 3 temporary on-street parking spaces for residents of an apartment building on Julie Ann Court owned by Hocking during construction activities associated with the Gross Run Stream Restoration project which requires access through a portion of Hocking's apartment building parking lot. Staff will determine the location of the 3 parking spaces and report back at a future Committee meeting.
3. The Committee reviewed an HRG Proposal dated May 19, 2023, for a Hummer Road / Apple Street & West Main Street Traffic Signal Evaluation. Staff will monitor Council action for the Gables at Richard Avenue land development approval and plan to maintain this item in Old Business every 3 months until further notice.

Old Business Items:

1. Staff is formulating a parking kiosk plan which will be included for review in the draft capital project budget for 2024.

Miscellaneous Items:

1. Committee Alternate Buohl discussed his concerns regarding big pine trees near the East Chestnut Street & North Maple Street intersection obstructing clear sight distance. This issue will be referred to Zach Rineer, Zoning & Codes Administrator, for his review and action to enforce.
2. Council Member Zimmerman discussed recent citizen safety concerns at the Church Avenue & West Chestnut Street intersection. Burkholder will contact the citizen to discuss her concerns.
3. Committee Member Musser conveyed his concerns regarding the existing conditions to SR 0322 West Main Street in the Lincoln section of Ephrata. Burkholder will contact PennDOT and inquire about upgraded status for a proposed street mill and overlay project by PennDOT in this area and report back to Committee next month.

Municipal Enterprises Committee

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

Approval of Agenda:

Mr. Morrison 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.

Committee Chair Martin asked if there were any requests to add a matter of Borough business to the meeting agenda. Seeing none, Ms. Martin asked for a motion to accept the meeting agenda as posted. Mr. Richard moved and Mr. Zimmerman seconded to approve the meeting agenda as posted. The motion carried unanimously.

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.

Discussion Items:

1. Staff presented a budget update for the 2023 1st Quarter. Mr. Morrison expressed that revenues and expenditures are on track through the first three months of the year.
2. Mr. Morrison explained to the Committee that a survey is currently underway on the Borough's website pertaining to the Electric Vehicle charges. Staff is hoping to gain some insight as to the potential adoption rate of EV chargers in the Borough, as this will likely require some upgrades to the infrastructure going forward. Staff hopes that as many residents as possible respond to the survey.
3. Mr. Morrison presented the recently released Proposed Rulemaking for Generators from the Environmental Protection Agency. A lengthy discussion was had pertaining to the potential outcomes should the rule become finalized next year. Staff will continue to monitor and provide updates as necessary.

Special Projects Committee

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

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.

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

Action Items:

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.

Discussion Items:

1. The Committee reviewed the Public Relation Report. Chairman Musser mentioned that he would prefer to compare it to previous months. Ms. Harris will provide another document that will show each month in 2023.

May 2023 Borough of Ephrata Management Report
May 2023 Borough of Ephrata Operations Report
May 2023 General Ledger Report
Ephrata Pioneer Fire Company May 2023 Report
Lincoln Fire Company May 2023 Report
Ephrata Community Ambulance Association May 2023 Report
Shade Tree Commission May 2023 Meeting Minutes
Mainspring of Ephrata April 2023 Meeting Minutes

NEW BUSINESS ITEMS

Vice President Martin advised the items on tonight's Consent Agenda have been discussed in detail at their respective Committee meetings and were brought forward for additional discussion at last week's Work Session. These items are considered routine in nature and voted upon under one umbrella. These items are not open for discussion unless an individual or Council Member wishes to have the item removed from the Consent Agenda. If an item is removed it will be handed over to the Committee under which it was originally discussed during the Standing Committee Recommendations.

1. That Borough Council approve a waiver/modification of submission of Preliminary Plan, Section 281-14 of the Code of the Borough of Ephrata for the Preliminary/Final Land Development Plan for Gables at Richard Avenue located along Hammon Avenue. (Development Activities)
2. That Borough Council approve a waiver/modification of Loading Ratios, Section 275-302.A (2)(c) of the Code of the Borough of Ephrata for the Preliminary/Final Land Development Plan for Gables at Richard Avenue. (Development Activities)
3. That Borough Council approve a waiver/modification of Gutter Spread, Section 275-307.B (4)(b) of the Code of the Borough of Ephrata for the Preliminary/Final Land Development Plan for Gables at Richard Avenue. (Development Activities)
4. That Borough Council approve a deferral of cartway and right-of-way width along South Market Street, Section 281-34.A of the Code of the Borough of Ephrata for the Preliminary/Final Land Development Plan for Gables at Richard Avenue. (Development Activities)
5. That Borough Council approve a deferral of sidewalk installation along South Market Street, Section 281-45 of the Code of the Borough of Ephrata for the Preliminary/Final Land Development Plan for Gables at Richard Avenue. (Development Activities)
6. That Borough Council approve a deferral of curb installation along South Market Street, Section 275-307.B (4)(b) of the Code of the Borough of Ephrata for the Preliminary/Final Land Development Plan for Gables at Richard Avenue. (Development Activities)
7. That Borough Council approve the request to use slant curb per section A333-13 of the Code of the Borough of Ephrata for the Preliminary/Final Land Development Plan for Gables at Richard Avenue. (Development Activities)

8. That Borough Council approve the Final Subdivision and Land Development Plan for the Gables at Richard Avenue, dated October 7, 2022, and last revised March 6, 2023, containing 38 sheets prepared by Pioneer Management, LLC, Lancaster, PA, subject to the following:
 - a. The applicant must address the comments contained in the HRG letter dated April 14, 2023.
 - b. The applicant must address the comments contained in the Lancaster County Planning Department letter dated November 22, 2022.

(Development Activities)

9. That Borough Council approve a waiver/modification of submission of Preliminary Plan, Section 281-14 of the Code of the Borough of Ephrata for the Preliminary/Final Land Development Plan for Ephrata Intermediate School Athletic Field Improvements located along Hammon Avenue.
(Development Activities)
10. That Borough Council approve a waiver/modification of submission of Karst Area Loading Ratio 275-302.A.2.c of the Code of the Borough of Ephrata for the Preliminary/Final Land Development Plan for Ephrata Intermediate School Athletic Field Improvements located along Hammon Avenue.
(Development Activities)
11. That Borough Council approve the Final Land Development Plan for Ephrata Intermediate School Athletic Field Improvements, dated March 10, 2023, containing 46 sheets prepared by JMT, Camp Hill, PA, subject to the following:
 - a. The applicant must address the comments contained in the HRG letter dated April 10, 2023.
 - b. The applicant must address the comments contained in the Lancaster County Planning Department letter dated March 28, 2023.

(Development Activities)

12. That Borough Council authorize the President of Borough Council and Borough Secretary to execute a Subdivision and Land Development Agreement with Good Samaritan Services, subject to it being in a form acceptable to the Solicitor. (Development Activities)

Vice President Martin requested that Item #1 through Item #8 regarding the Gables at Richard Avenue be removed from the Consent Agenda.

Vice President Martin moved to approve Item #9 through Item #12 listed on the Consent Agenda. Motion carried unanimously.

STANDING COMMITTEE RECOMMENDATIONS

Budget and Finance Committee

Mr. Ressler moved and Mr. Musser seconded that Borough Council authorize 2023 American Rescue Plan Expenditures under the Revenue Loss Provision of \$322,197 (\$294,452 for public safety compensation; \$27,690 for technology; and \$55 legal fees). Motion carried unanimously via roll call vote.

Mr. Ressler moved and Mr. Zimmerman seconded that Borough Council adopt Resolution #2023-16 Appointment of Board and Commissions. Motion carried unanimously.

Highway Committee

Mr. Richard moved and Mr. Musser seconded that Borough Council conditionally approve the request from Boy Scout Troop 73 to use designated parking lots to park cars as a fundraiser during the 2023 Ephrata Fair subject to Borough receipt of a satisfactory certificate of insurance naming the Borough as additional insured. Motion carried unanimously.

Mr. Richard moved and Mr. Musser seconded that Borough Council conditionally approve Fidelity Contracting, LLC's request to use designated Borough streets within a planned detour route subject to satisfactory performance of the detour route on Green Dragon Fridays. Motion carried unanimously.

Mr. Richard moved and Vice President Martin seconded that Borough Council approve DOLI Construction Corporation's request to use designated Borough streets within a planned detour route. Motion carried unanimously.

Municipal Enterprises Committee

Vice President Martin moved and Mr. Zimmerman seconded that Borough Council authorize Staff to pay the \$420,000 PJM Reconciliation Charges using fund balance, by removing these charges from the PCA calculation. Motion carried unanimously via roll call vote.

Vice President Martin moved and Mr. Richard seconded that Borough Council authorize an expense of \$4,000 for a construction easement related to the Gross Run Streambank Restoration Project. Motion carried unanimously.

Special Projects Committee

Mr. Musser moved and Mr. Barr seconded that Borough Council authorize Staff to enter into a contract with QNTM for a 4- to 6-month period for ongoing communications. Motion carried unanimously.

Development Activities Committee

Mr. Zimmerman inquired if any of the Committee members wished to discuss Recommendations #1 through #8 in additional detail; in which, they advised they did not and to pursue with the voting of them.

Prior to the vote, Vice President Martin commented, "... as a procedural process, I am voting no as a representative of the 4th Ward which includes the Lincoln Heights development ... residents in the area are concerned about this project (Gables at Richard Avenues) as well as the proposed apartment building to be built ... I am doing this on behalf of my neighbors."

Mr. Zimmerman advised he wanted to note that the plan submitted for the project has met all of the zoning requirements.

Mayor Mowen commented, "... this has been beaten to death ... everything from the beginning met zoning and code requirements ... there has been too much time and community tax dollars wasted on this."

Mr. Zimmerman moved and Mr. Buohl seconded that Borough Council approve a waiver/modification of submission of Preliminary Plan, Section 281-14 of the Code of the Borough of Ephrata for the Preliminary/Final Land Development Plan for Gables at Richard Avenue located along Hammon Avenue. Motion carried via roll call vote.

Mr. Zimmerman moved and Mr. Buohl seconded that Borough Council approve a waiver/modification of Loading Ratios, Section 275-302.A (2)(c) of the Code of the Borough of Ephrata for the Preliminary/Final Land Development Plan for Gables at Richard Avenue. Motion carried via roll call vote.

Mr. Zimmerman moved and Mr. Barr seconded that Borough Council approve a waiver/modification of Gutter Spread, Section 275-307.B (4)(b) of the Code of the Borough of Ephrata for the Preliminary/Final Land Development Plan for Gables at Richard Avenue. Motion carried via roll call vote.

Mr. Zimmerman moved and Mr. Buohl seconded that Borough Council approve a deferral of cartway and right-of-way width along South Market Street, Section 281-34.A of the Code of the Borough of Ephrata for the Preliminary/Final Land Development Plan for Gables at Richard Avenue. Motion carried via roll call vote.

Mr. Zimmerman moved and Mr. Barr seconded that Borough Council approve a deferral of sidewalk installation along South Market Street, Section 281-45 of the Code of the Borough of Ephrata for the Preliminary/Final Land Development Plan for Gables at Richard Avenue. Motion carried via roll call vote.

Mr. Zimmerman moved and Mr. Buohl seconded that Borough Council approve a deferral of curb installation along South Market Street, Section 275-307.B (4)(b) of the Code of the Borough of Ephrata for the Preliminary/Final Land Development Plan for Gables at Richard Avenue. Motion carried via roll call vote.

Mr. Zimmerman moved and Mr. Barr seconded that Borough Council approve the request to use slant curb per section A333-13 of the Code of the Borough of Ephrata for the Preliminary/Final Land Development Plan for Gables at Richard Avenue . Motion carried via roll call vote.

Mr. Zimmerman moved and Mr. Buohl seconded that Borough Council approve the Final Subdivision and Land Development Plan for the Gables at Richard Avenue, dated October 7, 2022, and last revised March 6, 2023, containing 38 sheets prepared by Pioneer Management, LLC, Lancaster, PA, subject to the following:

- a. The applicant must address the comments contained in the HRG letter dated April 14, 2023.
- b. The applicant must address the comments contained in the Lancaster County Planning Department letter dated November 22, 2022.

Motion carried via roll call vote.

APPROVAL OF CHECKS 51074 THROUGH 51341 AND THE ACH REGISTER DATED JUNE 1, 2023

Mr. Ressler moved and Mr. Richard seconded that Borough Council ratify the payment of bills performed by Staff since the last regular Council meeting in the aggregate amount of \$3,336,590.75. Motion carried unanimously.

OPPORTUNITY FOR CITIZENS TO BE HEARD

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

DISCUSSION/ANNOUNCEMENTS

Ms. Harris advised she attended the PSAB Conference and found it to be very informative. Ms. Harris advised additional information is to come regarding upcoming legislation.

Vice President Martin advised of some upcoming community events, including: (1) Brewfest – June 24th; (2) Concerts by the Creek – June 27th; and (3) Wednesday at Whistle Stop – June 28th.

Mayor Mowen, referencing the proposed apartment building at Hummer Avenue and Main Street, inquired as to what is the status of changing the parking ordinance; in which, Ms. Harris advised the next step is to have a public meeting and the matter will be further discussed at an upcoming Development Activities Committee meeting.

Mayor Mowen advised that he was contacted by a concerned resident regarding the poor conditions of the bridges and fishing docks near Grater Park. Mayor Mowen shared photographs of the affected areas commenting that, "... the wood is rotting ... there are broken boards ... boards with screws sticking out ... one of the fishing docks tilts ... this is a safety hazard to the public." Mayor Mowen noted he is aware there is no money in the budget to resolve these issues; however, he believes, "... it needs to be put on somebody's agenda before something happens." President Reinhold suggested some of these improvements could be a possible Eagle Scout Project.

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

President Reinhold inquired as to the status of the work being completed in front of Pour Man's Brewery along Main Street stating that local businesses have been affected by the work not being completed in a timely fashion. Ms. Harris advised that she is aware of the dissatisfaction of a local business owner; however, the restoration project was put on hold due to Staff's prioritization of resolving substantial leaks in various water lines. Ms. Harris further advised that the Public Works Department will begin working on the street restoration; however, the sidewalk restoration will take a bit more time to complete.

A brief discussion occurred regarding whose responsibility it is to maintain the narrow sidewalk near the Ephrata Motel resulting in Mr. Zimmerman requesting that Staff cut the trees back on the main walkway.

President Reinhold wished fellow Council Members Martin, Richard and Zimmerman a safe and enjoyable trip as they will be attending the annual APPA Conference which is being held in Seattle, Washington.

ADJOURNMENT

Vice President Martin moved that Borough Council adjourn the meeting. Motion carried unanimously. The meeting was adjourned at 7:50 PM.

Respectfully submitted,

Nancy E. Harris, P.E.
Secretary

SJF