

**EPHRATA BOROUGH COUNCIL
REGULAR MEETING MINUTES
JULY 12, 2021**

The regular Ephrata Borough Council meeting was called to order by President Susan Rowe at 7:00 PM on July 12, 2021, in the Council Chambers of the Borough Office, 124 South State Street.

In attendance in addition to the President were Vice President Thomas Reinhold, Council Members Timothy Barr, Linda Martin, Ricky Ressler, Victor Richard, Wes Dudley, Greg Zimmerman and Mayor Ralph Mowen.

Also in attendance were Assistant Borough Manager Debra Bartow, Police Chief John Petrick, and Borough Solicitor James R. McManus, III, Esq.

The following visitors were present within Council Chambers:

Larry Alexander, The Ephrata Review
Rebecca Beres, 44 Brookfield Drive, Ephrata
Teresa Caruthers, 229 Railroad Avenue, Ephrata
James Gehman, 1033 Marie Avenue, Ephrata
Susan Stauffer, Middle Creek Search and Rescue

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

STATEMENT FROM PRESIDENT ROWE REGARDING PUBLIC MEETINGS

“Ephrata Borough Council at previous public meetings approved and later ratified Bylaws and Rules of Order. Our Bylaws state that we have adopted Robert’s Rules of Order as a parliamentary authority. As such, our rules state that an individual must wait to be recognized by the Council President before speaking. This rule applies to Council Members as well as any member from the public in attendance. Also stated is that interruption of any individual that has the floor is not acceptable. If I use the gavel to enforce this rule, it’s not because Council disagrees with an opinion being expressed or is not interested in discussing or debating a topic - I am simply exercising my required duty to keep our parliamentary authority.

Ephrata Borough Council does comply with Act 65 also known as the Sunshine Law. As President of this body, I do my best to assure that this is adhered to at all times. Section 710.1 of Act 65 provides clear direction for public participation at public meetings. While some municipalities do require any resident wishing to address the governing body to provide advanced written notice of their comments, Ephrata Borough Council does not. Our agenda always provides two opportunities to address Borough Council. We encourage people to take advantage of these opportunities. We want to hear your opinions. It’s possible there will be disagreement of opinions presented; however, it is important to remain respectful when giving a dissenting opinion. That applies to members of the public in attendance as well as to any Council Members.

Again, as the individual overseeing this public meeting, if I believe that the discussion is becoming disrespectful, I can and will use the gavel. This is not an indication that I am not interested in hearing the discussion – simply that the exchange is becoming disruptive to the agenda.

Any resident may use their time during public comment to ask questions. The public must, however, understand they may not receive an answer to their question immediately. This is acceptable. Governing bodies do have the right to direct a member of Staff to ensure questions are answered. Any question asked at a public meeting may be requested to be answered at a later public meeting. Many times I will

direct the Borough Manager to ensure a topic raised by a citizen comment is placed on a Committee agenda.

Finally, I want to emphasize again this Council does want to hear from Borough residents. Those of us sitting at the dais need to be informed of your opinion. All I'm requesting is that we remain respectful of each other.”

President Rowe then turned the meeting over to Vice President Reinhold to review the guidelines for attendance at public meetings which are provided in the meeting packets distributed to the public:

Guidelines for Attendance at Public Meetings

1. Turn off cell phones;
2. Limit public discussion to 3 minutes and 30 seconds;
3. Recording of meetings is permitted subject to reasonable rules as follows:
 - a. Recording device must be visible
 - b. If mounting on a tripod, it must be in the back of the room
 - c. Borough will not provide electrical outlet
 - d. Recorder must be turned off prior to and after the meeting
 - e. Person taping may not approach table with microphone
 - f. No taping of private conversations between audience and officials
 - g. Person recording must use available light

Please indicate any special accommodations you need to attend this meeting. For hearing impaired persons, a sign language interpreter may be available upon request by contacting the Borough Offices at (717) 738-9232 24 hours prior to the meeting.

APPROVAL OF MINUTES

It was moved by Mr. Barr, seconded by Ms. Martin, and unanimously passed that Borough Council approve the amended June 7, 2021, Work Session Meeting Minutes and the June 14, 2021, Regular Meeting Minutes.

MUNICIPAL MOMENT – MIDDLE CREEK SEARCH AND RESCUE

Susan Stauffer, Middle Creek Search and Rescue, as well as other members, provided an overview of the search and rescue services they provide to the community regarding the locating of “lost” individuals in coordination with emergency services (i.e., fire departments, police departments, etc.). Additionally, Ms. Stauffer highlighted the services provided by their canines and horses to assist in their search and rescue missions.

Chief Petrick expressed the Police Department’s sincere appreciation for their volunteer efforts, as well as their resources, in assisting the Department.

Additionally, President Rowe extended her appreciation to the members of the organization who provide such a valuable service to the community.

OPPORTUNITY FOR CITIZENS TO BE HEARD

Teresa Caruthers, 229 Railroad Avenue, Ephrata, advised she recently visited the downtown mini mart to see what food items were available for purchase. Ms. Caruthers stated, "... she was shocked to see that a third of the store was dedicated to the sale of tobacco products rather than food items." Ms. Caruthers then provided some information she obtained from the FDA's website regarding the selling of tobacco products to the public. Upon conclusion of Ms. Caruthers' comments, Chief Petrick advised the Police Department will look into her concerns and refer the matter to the Department of Agriculture if it does not meet their established rules and regulations regarding the sale of tobacco products. Ms. Caruthers additionally stated that she plans on filing a complaint with the FDA regarding her concerns.

Secondly, Ms. Caruthers stated while she appreciative of the emergency management services provided to the community, she expressed her concerns of a potential disaster (i.e., tornado) displacing residents and if there is a plan in place to provide assistance to those affected; in which, President Rowe advised the Borough's Emergency Management Coordinator would be the keeper of those emergency plans. Ms. Caruthers inquired as to how would someone (in the public) learn of those plans; in which, Mayor Mowen advised while specific emergency plans are not publicly posted, they would be put into operation with proper communications being made to those affected.

Thirdly, Ms. Caruthers, in referencing the diesel generators, inquired as to how the Borough is connected to PPL regarding the delay in their operation; in which, President Rowe clarified PPL controls the transmission lines to the substation and that the backflow prevention has not yet completed and tested.

Chief Petrick, in referencing emergency disasters and plans, advised of a website - Ready.gov – which provides resources to individuals to establish their own emergency plans.

Rebecca Beres, 44 Brookfield Drive, Ephrata, inquired as to the reasoning for not having a live broadcast of Borough Council meetings; in which, President Rowe advised this matter is to be discussed at the upcoming Special Projects Committee meeting.

After an additional time allotted for citizen comments and with no one in attendance 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. Richard, 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 June 28, 2021, and discussed the following:

Action Items:

1. None

Discussion Items:

1. Ms. Bartow updated the Committee on disconnection statistics as of June 24, 2021. There were 53 accounts (an improvement of 98 accounts from the prior month) that are subject to disconnections totaling \$37,482. Of that amount \$17,002 is for 27 units that are tenant occupied and \$20,480 is for 26 owner-occupied units. This balance is primarily for Group 3, which is scheduled for June 29th disconnects. Groups 1 and 2, which had disconnections on June 10th and June 17th, respectively, have 3 customers remaining disconnected. There are 16 Emergency Rental Assistant Program

(ERAP) applications filed as of this date, with 7 being approved and 9 pending. No further action is required.

2. The Committee reviewed the Maher Duessel 2020 audit report, which resulted in an unmodified opinion stating “the financial statements.... present fairly in all material respects... the financial position.” As is customary, with the completion of the 2020 audit, the website has been updated with the 2021 Budget. Work for the 2022 Budget has also commenced; Capital Projects and Personnel Allocations will be worked on in July, followed by Operating Budget requests in August. Management suggestions for American Rescue Plan funds will be reviewed in coordination with the Budget process. No further action is required.
3. The Committee discussed discontinuing customer payments at Ephrata National Bank branches due primarily to low utilization. The Committee was supportive of this suggestion. Timing will be in the Fall and will be announced to customers in a flyer regarding “ways to pay,” which will be coordinated with movement of the Borough office drop-box, etc. No further action is required.
4. The Committee discussed adding “Prime” to its PLGIT portfolio to increase allowable investment options. This is in alignment with the Borough’s Investment Policy that establishes preservation of principal as its primary goal while providing slightly higher yields. Ms. Bartow will follow up with the required authorizations.
5. Staff provided a report on a solicitor’s invoice. 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 June to date. No further action is required.

Old Business Items:

1. Staff provided the Committee with an updated American Rescue Plan Act funding amount of \$1,450,924.62. Initial discussion of Management suggestions is expected at the August meeting, and as aforementioned will also coordinated with the 2022-2024 Budget Processes. Funds need to be spent by December 31, 2024.
2. Staff updated the Committee on the status of the credit card fee matter. Migration to the Cloud version of the Springbrook software is anticipated to occur by calendar year end. Due diligence as to the functional status of the bridge between the software and the AMI electric meters is necessary to ensure a successful transition.
3. Staff reported conversations regarding potential Borough Parking with leadership of the Ephrata Pioneer Fire Company are pending their response.
4. Regarding potential revenue sources, Staff discussed the issues regarding Storm Water Usage Fees, which are not currently plausible unless an Authority is established. However, Staff also relayed that an increase of Grants applications to offset expenditures. The request letters for Payments in Lieu of Taxes had not been issued during the pandemic; Staff will revisit as timing allows.

Development Activities Committee

The Development Activities Committee met on June 28, 2021, and discussed the following:

Action Items:

1. Harris reviewed proposed changes to the Borough Building Maintenance Capital project with the Committee. Several changes have occurred throughout the year. The budgeted FMG rain garden is not needed. The Eicher roof came in less than budgeted. The playhouse was supposed to be repainted and repaired, but it was discovered there was extensive rot to the siding and a larger project will need to be budgeted next year. Harris is recommending to substitute the painting of the playhouse for a video surveillance system at the playhouse. There has been vandalism at the park and the playhouse. This will offer enhanced enforcement options for the police. The Police department is requesting money for carpeting in the training room. The carpeting is damaged and becoming a tripping hazard. The cost of the carpet is \$3,286.93 and when added to the previously approved painting request, it brings that total to \$13,286.93. After a budgeted server project was completed at the Electric garage, it was discovered that Public Works connectivity is at risk. Public Works is tied into Electric and needs to be moved onto its own server and firewall. The proposed changes total approximately \$90,000 and \$100,000 was budgeted. The Committee will recommend that Borough Council authorize the changes to the Borough Building Maintenance Capital project for 2021 at their July meeting.
2. The Committee reviewed a final drawdown request for land development improvements for the new Ephrata Re-Uzit Store at 1054 South State Street. The improvements have been completed and inspected. The applicant is requesting the release of their remaining funds. The Committee will recommend that Borough Council release \$58,452.00 at the July Borough Council meeting. This will appear on the consent agenda.
3. The Committee reviewed a request from the Ephrata Performing Arts Center (EPAC) to install two keyless entry systems and change the locks on the building for enhanced security. The costs of this will be paid for by EPAC, but as a tenant they need the landlord's permission. The Committee is recommending that Borough Council grant EPAC's request at the July Borough Council meeting.
4. The Committee reviewed a request from the Ephrata Performing Arts Center (EPAC) to serve for-sale wine and beer at performances, but not at youth programs. The sales would occur before the performances, during intermission and after the performances. The Committee will recommend that Borough Council grant the request to sell wine and beer at EPAC performances as noted on the request dated June 26, 2021 at the July Borough Council meeting subject to receipt of a copy of the special occasion permit, receipt of a certificate of insurance naming the borough as additional insured and the condition that no one can leave the building at any time with alcoholic beverages.

Discussion Items:

1. Harris provided additional information to the Committee regarding the easement request for 1 East Main Street (former LNP building). The current trail easement along 21 East Main Street (the former Gehret building) is exclusive to the Borough. The trail easement along the Mill (former Wenger property) is not an exclusive easement, but the Borough has a say in any easement assignments. The LNP employees use both easements to access the parking spaces. The Borough can't grant approval for the use of the easements since they don't own them. The staff will need to have further discussions with the new owners.
2. No Zoning Hearing Board meetings were held in June so there are no decisions.
3. There are no new applications for the July Zoning Hearing Board Meeting.

Old Business Items:

1. None.

Miscellaneous Items:

1. Councilperson Barr requested that the staff put together a list of vacant lots where tiny houses and a parking space could be placed. He is hoping to offer some affordable housing opportunities. Manager Thompson advised that this could be a very laborious task for the staff to evaluate the lots and put together a list. Harris suggested that the staff put prepare a fact sheet about tiny houses that includes what interested parties need to consider along with guidelines based on the Borough's requirements. When completed this will be placed on the Borough's website.

Public Safety Committee

The Public Safety Committee met on June 21, 2021, and discussed the following:

Action Items:

1. **Termination of COVID-19 Declaration of Emergency:** Borough Manager Thompson provided an overview of the declaration termination. The Committee agreed that a resolution will be presented for action at the July 12, 2021, Council Voting Session.

Discussion Items:

1. **Police Department Monthly Report:** Chief John Petrick provided an overview of the monthly report. He detailed the "Excellence in Policing" efforts of the department. Officers (Cook/Newswanger) participated in Fulton Elementary School programs: Girls on the Run and Dream Catchers. The officers not only assisted in the facilitation of the program but also serve as role models to these students. Officer Davis visited the Ephrata Area Rehabilitation Services as part of community outreach. The Department showed wonderful teamwork during an incident involving a person in crisis (appeared as though the person had a real gun and wanted to harm himself). The person was located and a mental health referral was made. Other exceptional police work was mentioned as part of the report. Council members discussed issues: loud exhausts (limitations on enforcement due to vehicle inspection); Bethany Road closure and the detour affecting large tractor trailers turning along Akron Road (concern sent to Public Works); and vehicles with tinted windows (Department has tint meter for enforcement use). Council member inquired about traffic signal light delays for accident prevention. Manager Thompson informed the Committee that 1-2 times per year, a traffic signal maintenance contractor resets all traffic signals to Penn DOT permit standards.
2. **Promotional Process:** Chief John Petrick provided an overview of the upcoming Sergeant promotional process. Currently there are two Sergeant position vacancies. Chief Petrick stated that Ephrata Borough Civil Service Commission previously approved the promotional process and Borough Council previously approved a resolution regarding Civil Service Commission Rules and Regulations. Seven Department police officers will be participating in the upcoming process. The process consists of the following: written exam, structured interview, and selection committee final interview. Chief Petrick will provide future updates regarding the process.
3. **Emergency Management Report:** Randy Gockley provided an overview of the Emergency Management monthly report. He stated that emergency plans for the July 3 Firecracker Race and July 4th Ephrata fireworks events are actively being prepared. At report time, the local congregational care facilities had zero confirmed COVID-19 patients. Kim Stonebraker of WellSpan-Ephrata Community Hospital provided a hospital update and reported four COVID-19 patients and that vaccination efforts continue.
4. **Fire Alarm Fees:** Manager Bob Thompson provided an overview of the current alarm ordinance and that the fees are correct. Discussion took place about having two distinct alarm categories, one for fire related and the other category would be non-fire related (such as burglar alarms). Each

category would follow the current fee schedule for false alarm in their respective category. Both the Pioneer and Lincoln Fire Companies would submit false fire alarm documentation to the police department who would handle the administrative false alarm count. Fines collected from false fire-related calls would be forwarded to the respective fire company. The fines received could be used to offset operation costs of responding, etc. The Borough Staff will review the current ordinance and provide suggested wording changes for Council's review.

5. **American Legion Event:** Brian Hoffman of the American Legion Cloister Post 429 provided an overview of a proposed August 21, 2021, event on the Post's property for a full day of activities for the community. Part of the event would be a Patriot Ride (hundreds of motorcycles), family-based activities, as well as military vehicles from Ft. Indiantown Gap would be on display. Also, he spoke about a Vietnam-era Huey helicopter being part of the day's event that included a landing of helicopter for display. The helicopter would remain on site for as long as arranged and fly out later. Mr. Hoffman informed Council that the Lancaster War Birds would assess the area for an appropriate landing zone. Pioneer Fire Chief Mike Kiefer had no concerns with the landing of such a helicopter since medical helicopters land often in the area. Chief Kiefer informed Mr. Hoffman that Pioneer Fire Company would be available and present during the landing. Discussion took place about possible proper landing zone locations. Mr. Hoffman discussed event use of the lower area near the playhouse. Mr. Thompson informed Mr. Hoffman to inquire with EPAC regarding possible shows and their need for event parking. Mr. Thompson informed Council that he will inquire with DVIT (Delaware Valley Trusts...Borough Insurance) regarding insurance-related parameters. Any requirements would be forwarded to the event coordinator. Chairman Reinhold informed Mr. Hoffman that a vote related to the helicopter use could occur at the July 12th Council meeting.
6. **Pioneer Fire Company Update:** Chief Mike Kiefer provided an update on the following: pursuing QRS certification to treat fire personnel, new aerial ladder truck production (possible July 2, 2021, start of production with possible delivery in November-December 2021, grant funding that was received for boats and thermal imaging items, current water rescue equipment has aged out. He also informed Council that they would like to ramp up public education efforts and use apparatus during events (downtown) as a recruitment tool.

Old Business Items:

1. None.

Miscellaneous Items:

1. Council member Linda Martin reminded those present to view the Community Calendar for upcoming events.
2. Tim Barr commended to department's uptick in integrity under Chief John Petrick.

Highway Committee

The Highway Committee met on June 28, 2021 and discussed the following:

Action Items:

1. The Committee reviewed a letter from Kim Stonebraker, Manager of Safety and Emergency Management, representing WellSpan-Ephrata Community Hospital, requesting to close Third Street for an emergency preparedness drill and mass decontamination exercise on Tuesday, July 13, 2021 from 6:00 p.m. to 10:00 p.m. The Committee will recommend that Borough Council conditionally approve the request subject to neighbor notifications by WellSpan-Ephrata Community Hospital at their July 12, 2021 meeting.

2. The Committee reviewed and discussed the results of Bid #21-4 2021 Street Improvements. Burkholder advised the Committee that the Borough received a very good price for the prescribed work associated with this bid. The Committee will recommend that Borough Council award the bid to apparent low bidder: New Enterprise Stone & Lime Co., Inc. from Ephrata, PA in their total bid amount of \$480,610.57 at their July 12, 2021 meeting.
3. The Committee reviewed Comcast's plans to install approximately 9,407 linear feet of underground cable in conduit within the Sycamore Acres, Eden Gardens, Peyton Acres and Cloister Court developments. Staff has reviewed and approved the latest revised plans. The Committee will recommend that Borough Council conditionally approve Comcast's plans known as Drawing No. 0931920019-D last revised March 26, 2021 subject to a fully executed Street Opening and Cable System Construction Agreement being in a form acceptable to the Borough Solicitor, Borough receipt of a satisfactory performance guarantee in the amount of \$210,723.00 and provision of a certificate of insurance naming the Borough of Ephrata as additional insured at their July 12, 2021 meeting.
4. The Committee reviewed a resolution to adopt experimental traffic and parking regulations under Section 305-5 of the Code of the Borough of Ephrata restricting parking along a certain portion of Railroad Avenue. The Committee will recommend that Borough Council adopt Resolution No. 2021-27 at their July 12, 2021 meeting.
5. The Committee reviewed an application for traffic signal approval to PennDOT for planned signal improvements to install emergency vehicle pre-emption and updated retro-reflective signal backplates at the South Reading Road, Rothsville Road and Parkview Heights Road intersection. The Committee will recommend that Borough Council authorize the President of Borough Council to execute the application at their July 12, 2021 meeting.
6. The Committee reviewed an application for traffic signal approval to PennDOT for planned signal improvements to install emergency vehicle pre-emption and updated retro-reflective signal backplates at the South Reading Road and South State Street intersection. The Committee will recommend that Borough Council authorize the President of Borough Council to execute the application at their July 12, 2021 meeting.
7. The Committee reviewed an application for traffic signal approval to PennDOT for planned signal improvements to install emergency vehicle pre-emption at the North State Street and Locust Street intersection. The Committee will recommend that Borough Council authorize the President of Borough Council to execute the application at their July 12, 2021 meeting.
8. The Committee reviewed plans and a cost opinion prepared by ELA Group, Inc. on behalf of Scott Cover the property owner of 300 West Chestnut Street to install, at his cost and subsequently dedicate to the Borough of Ephrata, proposed storm water facilities along the west side of Park Avenue just north of West Chestnut Street. This work will tie-in existing roof drain pipes from the building at 300 West Chestnut Street to a new storm water pipe at a deeper pipe cover preventing future concrete sidewalk damage due to shallow depth pipes. The Committee will recommend that Borough Council conditionally approve an improvement agreement for the installation of storm water management facilities along Park Avenue adjacent to 300 West Chestnut Street subject to the agreement being in a form acceptable to the Borough Solicitor at their July 12, 2021 meeting.

Discussion Items:

1. The Committee reviewed information provided by Staff regarding the Locust Street parking lot easement agreement and municipal parking lot cost comparison. It was noted that the Locust Street

parking lot is difficult to understand what spaces are available for parking and when those parking spaces are available. The Franklin Street parking lot was also discussed concerning leasing of parking spaces. It was noted that leased parking spaces proposed for the Franklin Street parking lot may not be available during the week of the Ephrata Fair which is always the last full week in September. Borough Manager Thompson suggested offering the 16 spaces along the west side of the parking lot for lease at \$50 per space, per month for 24/7 parking. Lease periods should be 6 consecutive months or 12 consecutive months and may be renewable. Committee directed Staff to take a look at the Locust Street parking lot to determine what happens with parking availability outside of 8:00 a.m. to 5:00 p.m. Monday through Friday (is entire lot 2-hour parking?) and draft a parking space lease application form for the Franklin Street parking lot for review and discussion at the next Highway Committee meeting.

Old Business Items:

1. Borough Staff continues attempts at communicating 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 contact the consultant performing the bridge inspection in November to discuss concerns regarding the pedestrian railing/vehicle barrier.

Municipal Enterprises Committee

The Municipal Enterprises Committee met on June 21, 2021, and discussed the following:

Action Items:

1. Borough Manager Thompson reviewed the submissions from a request for quotations to purchase three (3) 15 kV 3,000 amp circuit breakers and one (1) 15 kV 1,200 amp circuit breaker. Two quotations were received and Mr. Thompson informed the Committee that the staff concurs with the recommendation of Utility Engineers (the Borough's consultant) to award the purchase to the low quotation from Siemans Industry in the amount of \$114,907.00. Siemans also quoted the quickest delivery time of 14 weeks versus 28 weeks from the second proposal. The Committee will recommend that Borough Council award the purchase of the circuit breakers to Siemans Industry at their July 12, 2021 meeting.
2. Mr. Thompson informed the Committee that the Borough will be submitting a grant application to the Lancaster County Community Foundation Clean Water Implementation Large Grant for the Gross Run Streambank Restoration Project. The application will request the maximum grant amount of \$500,000 toward a total project cost of \$1,770,000. Mr. Thompson recommended that the Committee issue a letter of commitment for matching funds in the amount of \$690,936. These funds are currently budgeted. The Committee will recommend that Borough Council approve the issuance of the letter of commitment for the Lancaster Community Foundation Clean Water Implementation Large Grant at their July 12, 2021 meeting.
3. Mr. Thompson reviewed a memorandum from Nancy Harris with the Committee requesting to fund additional design services for the Gross Run Streambank Restoration Project in the amount of \$24,200. The additional design services will prepare the construction documents for the improvement along the pond serving Gross Run. The current condition of the pond is worse than anticipated and it is suggested those improvements be made prior to any other downstream improvements to preserve the integrity of those future improvements. The Committee will recommend that Borough Council approve the additional design services per the proposal presented from Land Studies of Lititz PA, at their July 12, 2021 meeting.

Discussion Items:

1. Mr. Thompson shared with the Committee an email from Mr. John Stewart 420 N. Maple Street concerning questions regarding the power cost adjustment (PCA), the peaking generators, cybersecurity and offering an energy efficiency program to residents (like PPL). Mr. Thompson informed the Committee that the Staff would contact Mr. Stewart directly to address his issues and then provide an explanation back to the Committee. Mr. Stewart addressed the Committee about his issues indicated his concern regarding transparency of the PCA which changes monthly. The Committee and Mr. Stewart were satisfied with Mr. Thompson's proposed response and will look forward to hearing the results at their next meeting.
2. Mr. Thompson informed the Committee that the Borough refuse and recycling collection contractor, Eagle Disposal, has provided the Borough with information to justify additional costs beyond those that the Borough agreed to offset with Eagle Disposal related to the Lancaster County Solid Waste Authority's improvement project at their Lancaster transfer station. The Staff is performing their evaluation of the request and will discuss further with the Committee at their July 19, 2021, Committee meeting.

Old Business:

1. None

Community Services Committee

The Community Services Committee met on June 28, 2021, and discussed the following:

Action Items:

1. In 2020 the Borough received a Community Development Block Grant for improvements at Grater Park. A bid was awarded and the work was completed this year. One part of the project was for a new roof on the Eicher Museum. During the installation, the contractor found rotted wood that needed to be replaced. Another part of the project was to replace a mulched playground surface with rubberized material. The mulched area is lined with landscaping timbers. Some of the timbers were rotted and needed to be replaced. These two issues were not part of the original bid and a change order was issued in order to complete the work. Since the amount spent is different than what was bid, Council will need to ratify the change order. The Committee will recommend that Borough Council ratify the Change Order issued April 28, 2021 for the Grater Park Project in the amount of \$9,410.84 at their July meeting.
2. The Committee reviewed a proposal for professional engineering services to design the trailhead restroom facilities located near the Fulton Street parking lot. Hanover Engineering will provide design services for a year-round restroom located near the bike shed for \$28,700. There will be separate facilities for men and women and they will be handicap accessible. The Committee will recommend that Borough Council authorize the President of Borough Council and Borough Secretary to execute the proposal with Hanover Engineering at the July Borough Council meeting subject to it being in a form acceptable to the Borough Solicitor.
3. The Committee reviewed a request from Fulton School to place small US flags by the Winters Memorial prior to Veterans Day and Memorial Day (2022). They will remove the flags after each holiday. The Committee will recommend that Borough Council grant the request at the July meeting subject to receipt of a certificate of insurance naming the Borough as additional insured.

4. The Committee reviewed a proposal for professional engineering services from Hanover Engineering to prepare plans for the infrastructure of the dog park at a cost of \$12,000. The extent of the work the Borough will provide is fencing, parking lot, stormwater management facilities, buffer plantings (if required) and water to the site. The citizen committee will be providing the amenities such as play structures, seating and shade structures. Mrs. Martin suggested that it would be best to get the staff and the citizen groups together in September. Based on the availability of the consultant, the time it takes for the design and approval process, this probably won't get constructed until late spring or early summer of 2022. The Committee will recommend that Borough Council authorize the President of Borough Council and Borough Secretary to execute the proposal with Hanover Engineering at the July Borough Council meeting subject to it being in a form acceptable to the Borough Solicitor.
5. The Committee reviewed a request from the Ephrata Public Library to apply for a Keystone Recreation, Park and Conservation Fund Grant. The library would use the funds to replace the existing lighting with LED fixtures. As part of the grant submission, the library is requesting that the Borough be a sponsor on the application and provide a grant match of \$12,500. The library will prepare and submit the grant application. The library estimates that the lighting costs would drop from \$17,000 annually to \$6,000 annually. The library has received a quote for the cost of the lamps and the fixtures, but they are still waiting on an estimate for the installation costs. After some discussion, it was decided to increase the match amount to a not-to-exceed amount of \$20,000. This will be an unbudgeted expenditure. The higher amount will provide a buffer in the event the installation estimation forces the project cost over \$25,000. The Committee will recommend that Borough Council authorize the President of Borough Council to sign the application as a sponsor for the grant application for LED lighting and offer an unbudgeted match of a not to exceed amount of \$20,000 at the July meeting.

Discussion Items:

1. Rec Center Executive Director Summers updated the Committee on the status of 2021 pool operations. The year-to-date revenues exceed the 2019 year-to-date amounts. They have been experiencing a shortage of lifeguards and had to increase their wages by approximately \$2/hour in order to be competitive with other pools and facilities. The staff closes off sections of the pool based on staffing levels and they have allowed more overtime as needed. The occupancy numbers have fluctuated, but a few days they turned away day-passers because of the high number of people already within the facility. The staff only had to call the Police once to remove a group of youths. The constable began on June 13th. The staff removed 3 groups of people for not following the rules. The Committee suggested that the Rec review the life guard wages next year to make them competitive.

Old Business Items:

1. None

Miscellaneous Items:

1. None

Special Projects Committee

The Special Projects Committee met on June 21, 2021 and discussed the following:

Action Items:

1. None

Discussion Items:

1. Borough Manager Thompson discussed the recommendations from the Staff to change the process for collecting utility arrearages from rental properties with the Committee. The recommendation from Staff is to keep all utility arrearages with the property from which the arrearages were generated and discontinue the practice of attaching the arrearages with tenant at future residences in the Borough. In order to accomplish this change, the application for electric service will require both the signatures of the owner and the tenant/lessee. The signature of the owner will verify that they have authorized the tenant/lessee to request electric service at the rental unit as well as to accept responsibility for the outstanding utility balances generated at their property. The signature of the tenant/lessee will state that they will accept responsibility for the utility balances as well as grant approval for the Borough to share their payment histories with potential future landlords. It is also recommended that the tenant/lessee be required to demonstrate proof of identification when making their application. The proposed changes will go into effect beginning November 1, 2021 consistent with the 2022 rental permit renewal period. No action is required at this time.
2. Mr. Thompson reviewed Chapter 115, Trees, of the Code of the Borough of Ephrata with the Committee. He discussed that since currently there are no appointed members of the Shade Tree Commission, he is reviewing the Chapter and will be recommending to the Committee proposed changes that will grant authority to the Staff to carry out the requirements of the Shade Tree Commission. President Rowe stated that a number of years ago the Shade Tree Commission was involved in a major revision of Chapter 115 and asked about the status of those changes. Mr. Thompson explained that he went back through 2018 and was unable to locate any proposed changes. He stated he would search further and report back to the Committee at their next meeting. No action is required at this time.
3. President Rowe addressed the Committee informing them that Deputy Executive Director of the Pennsylvania State Associations of Boroughs, Ed Knittel, will be retiring. She stated that Mr. Knittel has been a valuable resource to the Borough and has visited the Borough on more than one occasion. She requested that the Committee consider sending a letter of thanks to Mr. Knittel and to wish him well in his retirement. The Committee was fully supportive of this request and the Borough Manager will prepare a letter to Mr. Knittel. No further action is required.

Old Business Items:

1. None

Personnel Committee

The Personnel Committee met on June 10 and discussed the following:

Executive Session:

1. Borough Manager Bob Thompson met with the committee in Executive Session to discuss his retirement date of January 15, 2022.
2. Assistant Borough Manager/Chief Financial Officer Deb Bartow shared with the committee her experience with her first 60 days of employment. She then discussed her ideas for staffing various vacancies going forward.

Action Items:

1. None

Discussion Items:

1. None

Due to the late hour, the chairman adjourned the committee meeting; all agenda items for June 14, with the addition of the Assistant Borough Manager/Chief Financial Officer Job Description will be discussed at the next meeting on July 12th.

Miscellaneous Reports:

- ◆ June 2021 General Ledger Report
- ◆ Pioneer Fire Company June 2021 Report
- ◆ Lincoln Fire Company June 2021 Report
- ◆ Ephrata Community Ambulance Association June 2021 Report
- ◆ Ephrata Emergency Management June 2021 Report
- ◆ Mainspring of Ephrata June 2021 Meeting Minutes and Annual Meeting Minutes

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. Ressler, and unanimously passed to approve the following:

1. That Borough Council release \$58,452.00 for land development improvements for the Ephrata Re-Uzit Store at 1054 South State. (Development Activities)

STANDING COMMITTEE RECOMMENDATIONS

Development Activities Committee

It was moved by Mr. Zimmerman, seconded by Vice President Reinhold, and unanimously passed via roll call vote that Borough Council authorize the changes to the Borough Building Maintenance Capital Project for 2021. It should be noted prior to the vote, Mr. Zimmerman provided a summary of the proposed revised projects totaling \$89,607.97 versus the original amount of \$95,000.00.

It was moved by Mr. Zimmerman, seconded by Mr. Barr, and unanimously passed that Borough Council grant EPAC’s request to install two keyless entry systems and change the locks on the building.

It was moved by Mr. Zimmerman, seconded by Vice President Reinhold, and unanimously passed via roll call vote that Borough Council conditionally grant the request to sell wine and beer at EPAC performances as noted on the request dated June 26, 2021 subject to receipt of a copy of the special occasion permit, receipt of a certificate of insurance naming the Borough as additional insured and the condition that no one can leave the building at any time with alcoholic beverages.

Public Safety Committee

It was moved by Vice President Reinhold, seconded by Mr. Richard, and unanimously passed via roll call vote that Borough Council adopt Resolution 2021-26 to end the COVID-19 Emergency Declaration.

It was moved by Vice President Reinhold, seconded by Mr. Ressler, and passed via roll call vote with seven yeas by Messrs. Barr, Dudley, Reinhold, Ressler, Zimmerman, Ms. Martin and President Rowe and one nay by Mr. Richard that Borough Council conditionally approve the request from the American Legion Cloister Post 429 subject to the following:

- Request a copy of the FAA airworthiness certificate for the aircraft which confirms the restored helicopter is safe to fly;
- The helicopter must be operated by a licensed helicopter pilot;
- The location, size and configuration of the helicopter landing zone (HLZ) should conform to federal, state and local requirements; FAA - (See Section 10-2-3 Landing Zone Safety): https://www.faa.gov/air_traffic/publications/atpubs/aim_html/chap10_section_2.html
- Ideally, those who set up and staff the HLZ should have completed a training course on the subject; (Example: <https://www.montcopa.org/DocumentCenter/View/22936/Helicopter-Landing-Zone-Safety>)
- The permittee must work with the Borough to coordinate the HLZ, crowd control and emergency plans;
- The permittee must provide a certificate of insurance (COI) that names the Borough as an additional insured party for the duration of the special event.

It should be noted prior to the vote, Ms. Martin inquired if the specifications were communicated in their entirety to the American Legion; in which, Chief Petrick confirmed contact was made with Mr. Hoffman who was provided details of the conditions required to proceed with the event. Mr. Richard inquired as to the location of the helicopter landing; in which, Vice President advised the request was to land the helicopter on the grass lot adjacent to the Legion's parking area. Mr. Richard then inquired if the grass area was in fact Legion-owned property or Borough-owned property; in, which, Mayor Mowen advised it was his understanding that the Legion was requesting to land the helicopter on their parking lot and not the grass. After receiving confirmation from Committee members and President Rowe that the request was to land the helicopter on the Legion's parking lot as well as the reiterating the condition that the landing zone is to be approved, a roll call vote was taken by Council members.

Highway Committee

It was moved by Mr. Richard, seconded by Ms. Martin, and unanimously passed that Borough Council conditionally approve a request from Kim Stonebraker, representing WellSpan Ephrata Community Hospital, to close Third Street in its entirety between 6:00 PM and 10:00 PM on Tuesday, July 13, 2021 subject to neighbor notifications.

It was moved by Mr. Richard, seconded by Mr. Zimmerman, and unanimously passed via roll call vote that Borough Council award Bid #21-4 2021 Street Improvements to New Enterprise Stone & Lime Co., Inc. for their bid amount of \$480,610.57.

It was moved by Mr. Richard, seconded by Ms. Martin, and unanimously passed that Borough Council conditionally approve Comcast's Drawing No. 0931920019-D, Sheets 1-20 last revised March 26, 2021 subject to a fully executed Street Opening and Cable System Construction Agreement being in a form acceptable to the Borough Solicitor, Borough receipt of a satisfactory performance guarantee in the amount of \$210,723.00 and provision of a certificate of insurance naming the Borough of Ephrata as additional insured.

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

It was moved by Mr. Richard, seconded by Mr. Zimmerman, and unanimously passed via roll call vote that Borough Council adopt Resolution No. 2021-27 experimentally restricting parking along a certain portion of Railroad Avenue for a period of up to 90 days.

It was moved by Mr. Richard, seconded by Ms. Martin, and unanimously passed that Borough Council authorize the President of Borough Council to execute a PennDOT application for traffic signal approval for planned signal improvements at the South Reading Road, Rothsville Road and Parkview Heights Road intersection.

It was moved by Mr. Richard, seconded by Mr. Zimmerman, and unanimously passed that Borough Council authorize the President of Borough Council to execute a PennDOT application for traffic signal approval for planned signal improvements at the South Reading Road and South State Street intersection.

It was moved by Mr. Richard, seconded by Ms. Martin, and unanimously passed that Borough Council authorize the President of Borough Council to execute a PennDOT application for traffic signal approval for planned signal improvements at the North State Street and Locust Street intersection,

It was moved by Mr. Richard, seconded by Mr. Zimmerman, and unanimously passed that Borough Council conditionally approve an improvement agreement for the installation of storm water management facilities adjacent to 300 West Chestnut Street subject to the agreement being in a form acceptable to the Borough Solicitor.

Municipal Enterprises Committee

It was moved by Ms. Martin, seconded by Mr. Richard, and unanimously passed via roll call vote that Borough Council award the purchase of four 15 kV replacement circuit breakers to Siemens Industry, Wendell, North Carolina in the amount of \$114,907.00.

It was moved by Ms. Martin, seconded by Mr. Ressler, and unanimously passed via roll call vote that Borough Council authorize the President of Borough Council to execute a letter of commitment for the matching funds for the grant application with the Lancaster County Community Foundation's Clean Water Implementation Large Grant program per the June 18, 2021 memorandum prepared by Nancy Harris and Jay Snyder.

It was moved by Ms. Martin, seconded by Mr. Richard, and unanimously passed via roll call vote that Borough Council authorize an unbudgeted expenditure in the amount of \$24,200 for Land Studies to prepare the pond design in 2021 for the Gross Run Restoration project.

It was moved by Ms. Martin, seconded by Mr. Ressler, and unanimously passed that Borough Council adopt the revised Tolling Agreement between Clay Township, Ephrata Borough Authority and the Borough of Ephrata.

Community Services Committee

It was moved by Mr. Ressler, seconded by Mr. Barr, and unanimously passed via roll call vote that Borough Council ratify the Change Order issued April 28, 2021 for the Grater Park Project in the amount of \$9,410.84.

It was moved by Mr. Ressler, seconded by Ms. Martin, and unanimously passed via roll call vote that Borough Council authorize the President of Borough Council and Borough Secretary to execute the proposal with Hanover Engineering for professional engineering services to design the trailhead restroom

facilities for \$28,700 subject to it being in a form acceptable to the Borough Solicitor.

It should be noted prior to the vote, Mr. Richard inquired as to what, if any, security measures are going to be put in place; in which, Mr. Ressler advised the facilities will be within a secured building which will be locked during designated hours.

It was moved by Mr. Ressler, seconded by Mr. Barr, and unanimously passed that Borough Council grant the request for Fulton School students to place flags at the Winters Memorial on Veterans Day and Memorial Day subject to receipt of a certificate of insurance naming the Borough as an additional insured.

It should be noted prior to the vote, Mayor Mowen advised students have been placing flags for the last several years for these holidays and they "... get a thrill out of it." Mayor Mowen additionally advised he makes an attempt to meet at least one of the classes to discuss the importance of the respective holiday with them.

It was moved by Mr. Ressler, seconded by Ms. Martin, and unanimously passed via roll call vote that Borough Council authorize the President of Borough Council and Borough Secretary to execute the proposal with Hanover Engineering for professional engineering services to prepare plans for the infrastructure of the dog park at a cost of \$12,000 subject to it being in a form acceptable to the Borough Solicitor.

It was moved by Mr. Ressler, seconded by Mr. Barr, and unanimously passed via roll call vote that Borough Council authorize the President of Borough Council to sign the Keystone Recreation, Park and Conservation Fund Grant application as a sponsor for the grant application for LED lighting and offer an unbudgeted match not to exceed \$20,000.

It was moved by Mr. Ressler, seconded by Ms. Martin, and unanimously passed via roll call vote that Borough Council authorize the President of Borough Council to sign a Match Commitment Letter for the Multimodal Transportation Fund Grant.

It was moved by Mr. Ressler, seconded by Mr. Barr, and unanimously passed that Borough Council adopt Resolution 2021-28 authorizing the President of Borough Council to sign the Multimodal Transportation Fund Grant application.

APPROVAL OF CHECKS 45388 THROUGH 45690 AND THE ACH REGISTER DATED JULY 1, 2021

It was moved by Mr. Ressler, seconded by Ms. Martin, 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 \$704,648.02.

OPPORTUNITY FOR CITIZENS TO BE HEARD

Teresa Caruthers, 229 Railroad Avenue, Ephrata, shared information she located on the website referred by Chief Petrick - Ready.gov - regarding emergency preparedness. Mayor Mowen thanked Ms. Caruthers for her comments and reiterated while it is the responsibility of individuals to prepare themselves for emergency situations, the Borough does, in fact, have emergency plans in place which are maintained by the Emergency Management Coordinator. Mayor Mowen then stated, "... I am very confident that if we do experience a disaster, it will be handled ... we have had several instances over the years – floods, snow emergencies and things – that have always been handled well and I'm confident that between the fire companies, the police, our Emergency Management Coordinator that if there is a disaster, we will be able to handle it professionally and adequately."

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

DISCUSSION/ANNOUNCEMENTS

Ms. Martin advised as she was walking on the trail this past weekend, she noticed upon her arrival that there was plenty of parking available to the public; however, upon her completion of her walk and returning to the parking lot, her friend observed the lack of parking space stating, "...they arrived at a good time." Ms. Martin advised she explained to her friend, who was from out of the area, of the additional parking available at Borough Hall; in which, her friend responded, "...it would be good to have a sign in place stating such as she would not have known about the additional parking." Ms. Martin inquired as to the status of the request of placing signage advising of the available parking areas. President Rowe advised she had a notation that Ms. Martin has made this same inquiry previously and requested Ms. Bartow to follow-up with Ms. Harris on the status of the signage.

Mr. Barr advised he was happy to see the request from Fulton Elementary to place flags at the Winters Memorial. Mr. Barr further advised he would like to see their efforts being showcased either on the local news or social media. Ms. Martin stated she would pass the information onto Mainspring of Ephrata in an effort to have them highlight this activity in their social media outlets. Mayor Mowen advised when he receives information from Fulton Elementary as to the date and time of the placement of the flags, he will pass that information onto Mainspring.

Mr. Richard advised he wanted to share with Council that Randy Leinbach, longtime Chairman of the Ephrata Fair, passed away the week prior and extended his condolences to his wife, Betsy, and family.

Vice President Reinhold reminded Council of the upcoming Pennsylvania State Legion Tournament being held at the Ephrata War Memorial Field from July 24-July 29, 2021.

Vice President Reinhold expressed his appreciation to Mayor Mowen regarding his efforts in meeting with students as they place flags at Winters Memorial for both Memorial Day and Veteran Day.

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

Mr. Zimmerman, addressing Ms. Martin, inquired if there is an event being held at the Whistlestop Plaza later this week; in which, Ms. Martin thanked Mr. Zimmerman for the reminder and advised Mainspring of Ephrata will be holding a Happy Hour event from 4:30 PM to 6:30 PM on Wednesday, July 14, 2021.

Mr. Zimmerman provided an update regarding the Ephrata Recreation Center including unexpected staffing issues, which since have been resolved, as well as being in receipt of positive feedback regarding their management of the pools within the area. Mr. Zimmerman highlighted the Rec Center's annual golf tournament with profits being used to fund the Thomas Grater Scholarship. Mr. Zimmerman concluded by advising the Rec Center received many positive comments regarding the 4th of July fireworks display.

Mr. Ressler advised on a recent outing to a local restaurant, while making the turn into the Cloister Shopping Center (from Martin Avenue), traffic was at a standstill due to the line that had formed at McDonald's. Mr. Ressler further advised he has concerns of this traffic backup; in which, Chief Petrick advised the matter would fall under Highway Committee resulting in President Rowe requesting the topic to be discussed at their next meeting. Additionally, Mr. Zimmerman advised he had recently taken pictures of the traffic issue and forwarded those pictures to the Codes Department. Mayor Mowen

advised he believes the concerns should be forwarded to the manager of the Cloister Shopping Center as the current lane layout may not meet what was approved by Council in the Land Development Plan.

Chief Petrick advised the Department is in receipt and has deployed three electric bicycles with officer training on the equipment completed. Chief Petrick advised he has receiving nothing but positive feedback from the officers as the bicycles allow access to areas where patrol had limited access to in the past as well as they cut down on officer fatigue. Chief Petrick further advised the use of these electric bikes increases the patrol footprint exponentially within the community.

President Rowe advised the Borough received an email from Ed Knittel, Pennsylvania State Associations of Boroughs, expressing his appreciation for the retirement letter sent to him and appreciated the kind comments.

President Rowe advised she has a statement to read regarding new meeting requirements stipulated by Act 65 of 2021. President Rowe advised there was an amendment to the Sunshine Law, Section 709, and highlighted the following:

- Post the meeting agenda on the Borough website at least 24 hours prior to a meeting and that agenda must list each matter that may be considered at the meeting;
- A copy of the agenda must be posted at the physical location of the meeting as well as copies made available to the public at Borough Hall;
 - o President Rowe to resume her presence in the lobby prior to meetings as COVID-19 restrictions have been lifted to ensure visitors receive a meeting packet which includes the meeting agenda
- There is an exception to those amendments to Section 709 which is for conferences, Work Sessions or Executive Sessions;
- A governmental body may depart from an agenda only under specific circumstances:
 - o If an action relating to a matter of an emergency or urgency that involves a real and present danger to life or property
 - o If the matter arose or was brought to the attention of the governing body within 24 hours of the meeting and if the matter is trivial in nature and does not involve the expenditure of funds
- If by a majority vote of the governing body – which is five (5) votes by Ephrata Borough Council – an amendment to the agenda is approved, the reasons must be announced prior to the meeting and the revised agenda must be posted on the Borough website and physically posted at Borough Hall no later than the first business day following the adjournment of the meeting;
 - o The purpose of this is to increase public awareness of the specific business to be discussed
- Act 65 of 2021 will take effect 60 days after it was signed into law by Governor Wolf (June 30, 2021). President Rowe noted compliance will begin for the August meetings.

Secondly, President Rowe opened the floor to receive nominations for the vacant Council position of President Pro Tempore; in which, Vice President Reinhold nominated Councilman Ressler for the position. With no additional nominations received, President Rowe extended her congratulations to Councilman Ressler on his new role as President Pro Tempore for Ephrata Borough Council.

ADJOURNMENT

It was moved by Mr. Barr, seconded by Ms. Martin, and unanimously passed that Borough Council adjourn. The meeting was adjourned at 8:41 PM.

Respectfully submitted,

D. Robert Thompson, Secretary