

**EPHRATA BOROUGH COUNCIL  
WORK SESSION MINUTES  
AUGUST 2, 2021**

The Ephrata Borough Council Work Session was called to order by President Susan Rowe at 7:00 PM on August 2, 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, Wes Dudley, Linda Martin, Ricky Ressler, Victor Richard, Greg Zimmerman and Mayor Ralph Mowen.

Also in attendance were Borough Manager D. Robert Thompson, Assistant Borough Manager Debra Bartow, and Borough Solicitor James R. McManus, III, Esq.

The following visitors were present within Council Chambers:

- Larry Alexander, The Ephrata Review
- Tim Auker, 542 N. State Street, Ephrata
- Rebecca Beres, 44 Brookfield Drive, Ephrata
- Teresa Caruthers, 229 Railroad Avenue, Ephrata
- Brian Chalk, Republic Services
- Mark Pergolese, Eagle Disposal
- Chandler Pope, 136 Washington Avenue, Ephrata
- Heidi Pope, 136 Washington Avenue, Ephrata
- Dorothy Ressler, 130 Washington Avenue, Ephrata
- Galen Sauder, 132 Washington Avenue, Ephrata

The following visitor was present via Zoom:

- Suzanne Wurtz, 33 Akron Road, Ephrata

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

**First Opportunity for Citizens to be Heard**

Dorothy Ressler, 130 Washington Avenue, Ephrata, advised she attended the recent Zoning Hearing Board meeting which discussed the proposed construction on Cherry Street where she had inquired as to if it would impact the parking on Washington Avenue; in which, she was advised parking would not be impacted. Ms. Ressler advised during a recent discussion with her neighbor, she was informed that statement was incorrect. Ms. Ressler then read a portion of the deed to her property that references the area in question. President Rowe informed Ms. Ressler that her concerns need to be addressed by the Codes Department as Borough Council does not get involved in zoning decisions. Ms. Ressler thanked President Rowe for the guidance.

Teresa Caruthers, 229 Railroad Avenue, Ephrata, inquired as to where the dog park will be located; in which, President Rowe advised it will be at the Haller Property (Old Mill Road). Ms. Caruthers then advised she conducted a search of the Borough's website; however, she was not able to locate the information she was seeking. President Rowe advised that is due to the dog park still being in the planning stage, not finalized.

Next, Ms. Caruthers, referencing the Boy Scouts' parking request during Ephrata Fair week, advised she feels it would be beneficial to place "No Parking" signs on the grassy area along Railroad Avenue so that the Scouts do not allow parking there; in which, President Rowe advised it is common that during fair week, even with "No Parking" signs in place, that people are going to park where they want to.

Next, Ms. Caruthers inquired if there is a special procedure in place to request a speed bump within the Borough; in which, President Rowe advised the request can be brought forward to the Highway Committee but noted that speed bumps are not recommended as a traffic calming deterrent. In responding to Mr. Richard's inquiry of if there are any speed bumps within Ephrata, Mr. Thompson advised that currently there are none in place. Mr. Richard advised he thought that was the case and that in the past other options have been looked into to resolve speeding issues. Mr. Thompson advised that if it is a speeding issue, typically a timing device would be placed in the area to determine what the level of concern is and then from there a decision would be made regarding if any additional action is necessary. Ms. Caruthers advised her concern relates to the area of Steinmetz Road between Parkview Heights Avenue and Route 272; in which, Mr. Thompson advised the topic will be placed on the August Highway Committee's meeting agenda.

Next, Ms. Caruthers inquired as to placing "Children at Play" signs in that area as well; in which, Mr. Thompson advised that Borough Council, in the past, has not authorized "Children at Play" signs within the Borough. Ms. Caruthers advised she would request this matter to be looked into further.

Next, Ms. Caruthers inquired as to how crosswalks are established and painted; in which, Mr. Thompson advised the first step is to ensure a crosswalk is warranted which would be brought forward to the Highway Committee.

Next, Ms. Caruthers inquired as to what happened to Mr. Softee (ice cream truck) as there is "... really nowhere to get ice cream if you don't have a car." In which, President Rowe advised that is not a Borough Council issue and was unable to provide an answer to Ms. Caruthers' inquiry.

Next, Ms. Caruthers, in referencing public restrooms, suggested purchasing automatic locks to resolve the issue of an individual having to physically lock and unlock these public buildings.

Lastly, Ms. Caruthers suggested placing additional signage to notifying visitors of the parking available at Borough Hall.

Suzanne Wurtz, 33 Akron Road, Ephrata, advised she wished to propose to include in next year's budget that Borough Council members to be compensated for their role and service they provide. Ms. Wurtz advised that the Borough Code allows for Council members to be paid up to \$3,250 per year. Ms. Wurtz advised she is aware of Council's reasoning(s) for not receiving compensation in the past; however, she has three reasons to share as to why Council members should be compensated:

1. It would give working-class, as well as low-income residents, a chance to participate in

- local government without putting their personal finances too much at risk;
2. It would diversify our Borough Council to include more young people; and,
  3. It would demonstrate to the community how much Council is valued.

Ms. Wurtz concluded her comments by stating, "... it's not a small task ... it's a lot of work and a lot of hours ... and it is worth doing well ... and I think it's worth investing in to pay whoever is on Council for their time."

President Rowe advised she will request the matter be brought forward to the Personnel Committee noting if they recommend moving the matter forward, it will be taken to the Budget and Finance Committee. President Rowe clarified if Ms. Wurtz's suggestion would pass, it would not go into effect until the next election cycle.

Rebecca Beres, 44 Brookfield Drive, Ephrata, advised she wished to follow up on Ms. Ressler's comments regarding the issues on Washington Avenue. Ms. Beres advised Ms. Ressler contacted her after attending the Zoning Hearing Board and after multiple discussions with the Codes Department. Ms. Beres advised multiple neighbors are in attendance at tonight's meeting "... because they have been given the runaround." Ms. Beres further stated, "... they have come to the meeting tonight because tonight you are deciding whether or not you are going to be moving forward on the Horst Plumbing plan development." In response to Ms. Beres' inquiry of the topic not being on the meeting agenda, Mr. Thompson clarified the developer requested the plan be deferred for vote until the September meeting; therefore, no action will be taken at next week's Voting Session. Ms. Beres advised she wished the following to be on the record, "... that the residents from 128 to 140 Washington Avenue have requested specifically that Borough Council vote "No" and do not approve the Horst Plumbing plan as it stands as they would lose access to their parking and as they would lose access to the alley to access their parking as the plan currently stands." In response to Ms. Beres' comments, President Rowe recommended those citizens attend the August Development Activities meeting for further discussion of their concerns.

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

### **Discussion of Committee Actions**

#### Budget and Finance Committee

Mr. Ressler advised the Budget & Finance Committee met on July 26, 2021, and has one Action Item:

1. The Committee reviewed a request from Mainspring of Ephrata for \$86,347 of budgeted funds. It was noted that Mainspring's fiscal year ends 6/30; accordingly, for them it is the first request of their year, but for the Borough it represents the final transfer of the 2021 calendar year. Chairman Ressler inquired as to the financial position of the Economic Development Fund expenditures on the Second Quarter Budget review being at 84.21% prior to this distribution and Staff will investigate prior to the Work Session of Council. President Rowe inquired from her review of the Economic Development minutes, which referenced market gaps in Township, to verify utilization of the funds. Ms. Martin reported

that it was a mere reporting of information from EDC Lancaster. The Committee will recommend that Borough Council approve the payment as budgeted at their August 9, 2021 meeting.

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

Mr. Richard, in referencing the matter of credit card fees, stated, "... hopefully,, we have that done sooner than later ... it has been many years in the working as far as reviewing the fees the Borough pays ... see if we can take another look at that as a source of income to not have the expense to take a Visa/MasterCard (payment)."

#### Development Activities Committee

Mr. Zimmerman advised the Committee met on July 26, 2021, and has three Action Items:

1. The Committee reviewed one new HVAC repair invoice for the Ephrata Public Library. This invoice will be paid out of the Borough Building Maintenance Fund. The Committee is recommending that Borough Council authorize a payment of \$5,535.00 directly to Trago Mechanical, Inc., at the August Council meeting.
2. The Committee reviewed a request from Mainspring of Ephrata to serve alcohol at an additional "Wednesday at the Whistle Stop" event on September 15, 2021. They have requested to close the driveway from Main Street to the rear of the Railroad Station and prohibit parking along the driveway. The Committee will recommend that Borough Council approve the request at the August meeting subject to the receipt of a certificate of insurance naming the Borough as an additional insured, an incident support plan approved by Emergency Management and receipt of a copy of the PLCB special occasion permit.
3. Ms. Harris presented information on the existing fire alarm system at Borough Hall. It is original to the building. Recently there have been multiple false alarms. The problem was traced to the main control panel. The panel is obsolete and can't be replaced. A new system needs to be installed. The cost for engineering the system to comply with current codes is \$4,550 and the installation cost is \$14,120. The total cost of the project is \$18,670. Ms. Harris suggested delaying the Capital Project for the demolition of 833 Spring Garden Street until next year. The budgeted funds of \$25,000 could be used for the alarm panel replacement. The Committee will recommend that Borough Council authorize the use of the Capital Project funds allocated for 833 Spring Garden Street for the fire alarm system replacement at Borough Hall at their August meeting.

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

#### Highway Committee

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

1. The Committee reviewed a Resolution providing for price adjustment of bituminous materials in small quantities associated with Bid #21-4 2021 Street Improvements. The Committee will recommend that Borough Council adopt Resolution No. 2021-31 at their August meeting.
2. The Committee reviewed a request from Lori Weaver, Boy Scout Troop 38 Parking Lot Coordinator, per her letter dated July 15, 2021, to use the Major Winters Memorial Trail parking lot adjacent to Railroad Avenue and Ephrata Borough Hall parking lot during the 2021 Ephrata Fair to park cars as a fundraiser. Troop 38 will be reminded that they are to park cars on asphalt surfaces only. The Committee will recommend, as part of the Consent Agenda, that Borough Council conditionally approve the request subject to Borough receipt of a satisfactory certificate of insurance naming the Borough of Ephrata as additional insured at their August meeting.
3. The Committee reviewed UGI's plans to install approximately 1,550 linear feet of 2" PE3408 gas main in West Franklin Street, a portion of South Oak Street and a portion of Hunter Alley. Staff has reviewed and recommends for approval UGI's plans. The Committee will recommend that Borough Council conditionally approve UGI's plans known as WR #915177, Sheets 1-10 dated May 5, 2020 subject to a fully executed Agreement in a form acceptable to the Borough Solicitor, Borough receipt of a satisfactory performance bond, certificate of insurance naming the Borough of Ephrata as additional insured, and payment in lieu of pavement restoration in the amount of \$53,624.42 at their August meeting.
4. The Committee reviewed a Municipal Winter Maintenance Services Agreement by and between the Commonwealth of Pennsylvania, acting through the Department of Transportation (PennDOT) and the Borough. This agreement requires the Borough, as Service Provider, to remove snow and ice and provide and apply de-icing and anti-skid materials for designated snow lane miles along SR 0322 between Market Street and Bethany Road as calculated by PennDOT and compensates the Borough at a rate of \$1,222.67 per snow lane mile for snow and ice removal during the 2021/2022 winter season. The total anticipated reimbursement to the Borough for the 2021/2022 winter season is \$14,794.31 plus any applicable adjustment to offset costs associated with severe winters. The Committee will recommend that Borough Council approve this Agreement at their August meeting.
5. The Committee reviewed a Resolution authorizing the President of Borough Council and Borough Secretary to execute a Winter Maintenance Services Agreement with the Commonwealth of Pennsylvania, Department of Transportation. The Committee will recommend that Borough Council adopt Resolution No. 2021-32 at their August meeting.
6. The Committee reviewed the July 21, 2021 letter of requests from Mainspring of Ephrata's Christmas in Ephrata Committee regarding the Christmas in Ephrata 2021 event. Council Member Linda Martin provided event details. The Committee will recommend that Borough Council conditionally approve the requests associated with the Annual Christmas Tree Lighting and Santa's Arrival planned for Friday, November 26, 2021 at their August meeting subject to EMC Randy Gockley's approval and establishment of an Incident

Support Plan, Borough receipt of a certificate of insurance naming the Borough of Ephrata as additional insured, and receipt of a PennDOT issued Special Events Permit to close a numbered state route with Mainspring of Ephrata as permit applicant.

7. The Committee reviewed a Borough of Ephrata Parking Space Lease Agreement for proposed leasing of parking spaces at the West Franklin Street parking lot. Following discussion the Committee directed staff to add snow removal language to Section VI. Maintenance and add the Lease Agreement as an Action Item. September 1, 2021 is the planned start date for leasing parking spaces at the West Franklin Street parking lot. The Committee will recommend that Borough Council approve the Borough of Ephrata Parking Space Lease Agreement at their August meeting.

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

#### Municipal Enterprises Committee

Ms. Martin advised the Committee met on July 26, 2021, and has three Action Items:

#### **Action Items:**

1. The Committee reviewed and discussed the results of Bid #21-5 Contract Waste & Recyclable Materials Collection. The Committee will recommend that Borough Council award the bid to the apparent low bidder: Republic Services of PA, LLC from Marietta, PA in the bid amount of \$705,389.76 for the first year of the contract at their August 9, 2021 meeting.
2. The Committee reviewed and discussed a resolution to authorize the execution of the Sewer Service Agreement between Ephrata Borough, Clay Township, and Ephrata Borough Authority. The Committee will recommend that Borough Council adopt Resolution No. 2021-29 at their August 2, 2021 Work Session.
3. The Committee reviewed and discussed a resolution to approve the Consent Agreement between Ephrata Borough and Clay Township. The Committee will recommend that Borough Council adopt No. Resolution 2021-30 at their August 2, 2021 Work Session.

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

Mark Pergolese, District Manager for Eagle Disposal, stated, "... after reviewing the bid tabulation, we found what we feel is a material defect in the way the bids are evaluated ... by that, I mean the bids are not evaluated on a per unit price per resident ... when you look at it on a per unit price per resident, our price, Eagle Disposal's price, is \$15.92 per resident and Republic's price is \$16.62 ... over 60% of the community that has both trash and recycling services, that's what applies ... in our opinion, it isn't in the best interest of the majority of the residents in the Borough ... it's for that reason that we feel that we (Eagle Disposal) should be awarded the contract as the low bidder ... and if that's not the direction that Council chooses to take, we also will make a recommendation that the bids be thrown out to try and resolve this conflict ..."

Ms. Martin, addressing Mr. Thompson, requested clarification as to how Republic Services was selected as the low bidder; in which, Mr. Thompson advised each of the prospective bidders were asked to provide a base bid for the collection of both refuse and recyclable materials. Mr. Thompson advised the number of current customers for each were provided to all bidders. Mr. Thompson, referencing the bid document, explained what pricing information was requested from each bidder. Mr. Thompson, referencing the bid tabulation sheet provided by Mr. Burkholder, shows the bid for Republic's services totals \$705,389.76 and the bid for Eagle's services totals \$723,181.92 which is an approximate \$18,000 difference resulting in Staff's recommendation to award the bid to Republic Services of Pennsylvania, LLC. The Committee was in agreement to bring the matter forward for vote at the August 8, 2021, Voting Session.

Community Services Committee

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

1. Mainspring of Ephrata requested the use of Whistle Stop Plaza from November 1, 2021 – January 7, 2022. This is the same request as previous years with the addition of the Holiday Christmas Market to be held Saturday November 27<sup>th</sup> from 10 am – 2 pm. Concerns were raised by Councilperson Rowe about taking parking away from the downtown area during Small Business Saturday. The consensus was that this event will bring more people into the downtown, which will result in more people shopping downtown. The Committee will recommend that Borough Council grant Mainspring of Ephrata's request to use Whistle Stop Plaza for the Holiday Season events at their August meeting.

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

Personnel Committee

Vice President Reinhold advised the Committee met on July 12, 2021, and has three Action Items:

1. The Committee discussed the revised job description for the Assistant Borough Manager position. There were no additional changes to the job description since the Committee last approved the draft; however, Ms. Rowe agreed to share concerns that were emailed to her. The Committee appreciated the comments of the employee but agreed on all matters that the concerns were best addressed by the employee's supervisor; they are not under the purview of the Committee or Council. Ms. Martin did suggest that the position title be changed to Assistant Borough Manager/Chief Financial Officer to ensure consistency with other job descriptions. The Committee was in agreement. It was also decided to change the position title in the Borough Manager Job Description to Borough Manager/Chief Executive Officer. Ms. Rowe will amend both documents and both will be brought to Council for a vote on August 9, 2021.
2. The Committee discussed the job description for the position of Finance Manager. No changes were suggested. This document will be brought forward to Council for a vote of approval on August 9, 2021.

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

President Rowe then stated, "... this will serve as the required notification that the following documents may be revised and brought before Council for approval in September: Borough Manager Evaluation and Self-Evaluation; Chief of Police Evaluation and Self-Evaluation; Performance Management Process Form; and Guidelines for Employee Evaluations." President Rowe informed Council Members if they have any changes for these documents, to please notify either her or Vice President Reinhold for discussion at the August 9, 2021, Personnel Committee meeting.

### **Discussion of Committee Reports – No Actions**

#### Public Safety Committee

Vice President Reinhold advised the Committee met on July 19, 2021, and has no Action Items to bring forward at the August Voting Session.

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

#### Special Projects Committee

Mr. Barr advised the Committee met on July 19, 2021, and has no Action Items to bring forward at the August Voting Session.

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

### **Committee Recommendations**

#### **Municipal Enterprises Committee**

It was moved by Ms. Martin, seconded by Mr. Richard, and unanimously passed that Borough Council adopt Resolution 2021-29, authorizing the President of Borough Council and the Borough Secretary to execute an intergovernmental cooperation agreement, consisting of a sewer services agreement between the Ephrata Borough Authority, the Township of Clay, and the Borough of Ephrata, as a contingent party thereto.

It was moved by Ms. Martin, seconded by Mr. Ressler, and unanimously passed that Borough Council adopt Resolution 2021-30, authorizing the President of Borough Council and Borough Secretary to execute a Consent Agreement between the Borough of Ephrata and the Township of Clay, in connection with a Sewer Services Agreement between the Ephrata Borough Authority, the Township of Clay, and the Borough of Ephrata.

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

Teresa Caruthers, 229 Railroad Avenue, Ephrata, advised it is her understating the Police Department has received a grant for community policing; however, she is aware of several individuals who indicated to her that they do not feel confident they would need to call the police in certain situations and have taken it upon themselves to handle the matter(s). Mayor Mowen clarified that while the Department has applied for a grant, they have not been notified of being



awarded the grant, for community policing. Mayor Mowen advised he is not aware of anybody who would be hesitant in calling the police department for their assistance. Mayor Mowen further advised even with some officers being unable to work (i.e., maternity leave, surgery, and/or illness), the Department has not had any issues with responding to calls as well as having no issues whatsoever in responding to emergency situations. Ms. Caruthers then referenced a “murder on the street” in which, Mayor Mowen clarified there has been no murder on any street in Ephrata. Mayor Mowen further advised if an individual is in a situation where police assistance is necessary, they need to call 911 and request an officer. Mayor Mowen concluded his comments by advising the police do patrol the area with 6-8 officers out at any one time; however, “... they cannot be every single place all the time.” Ms. Caruthers stated now that the police have bicycles, there would be an obvious presence in some of these questionable areas; in which, Mayor Mowen advised that is the hope with the bicycles as they will allow officers to get around a lot quicker. Vice President Reinhold reiterated Mayor Mowen’s comments advising individuals should not be afraid to call 911 for emergency assistance.

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

#### **Discussion/Announcements**

Ms. Martin inquired if Council would be interested in drafting a policy (or a temporary policy) allowing Council members to participate in meetings via Zoom. Ms. Martin referenced the adopted Telecommunications Policy advising permission needs to be received by the President a month prior; in which, President Rowe clarified the timing is either a half hour or an hour prior to the meeting. President Rowe, addressing Vice President Reinhold, inquired if he would like to have this matter be discussed at the upcoming Personnel Committee meeting; in which, Vice President Reinhold requested it to be added.

Mr. Barr, in referencing comments made regarding younger Council members, advised there are at least three Council members in the 40-49 age range. Mr. Barr was corrected that only Councilman Dudley is in his forty’s.

Vice President Reinhold advised he received an email from a resident who advised of a profane flag being displayed at a property on E. Pine Street. Vice President Reinhold inquired if the email should be forwarded to Staff for resolution; in which, Mr. Thompson advised to forward the email to him and he will have a conversation with the Solicitor to prepare a response. Mayor Mowen then stated this matter was checked into previously with the District Attorney’s office who advised there is nothing that can be done about it.

Mayor Mowen advised he recently attended the State Mayor’s Conference in Pittsburgh. Mayor Mowen further stated it was a very good conference and he appreciated the ability to attend.

Mr. Thompson advised that the annual Budget Workshop will be held on October 7, 2021, at 5:30 PM.

President Rowe advised that the Municipal Moment for the August 9, 2021, meeting will be presented by Mainspring of Ephrata.

**Adjournment**

It was moved by Ms. Martin and seconded by Mr. Barr to adjourn. The meeting was adjourned at 8:31 PM.

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D. Robert Thompson, Secretary