

**EPHRATA BOROUGH COUNCIL
WORK SESSION MINUTES
AUGUST 7, 2023**

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

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

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

The following visitors were present within Council Chambers:

Larry Alexander, The Ephrata Review
Nancy Aronson, 424 Lake Street, Ephrata
Tim Auker, 542 N. State Street, Ephrata
Torrey Landis, 436 Ridge Avenue, Ephrata

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

Approval of Agenda

Ms. Harris provided confirmation of the following:

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

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

First Opportunity for Citizens to be Heard

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

Discussion of Committee Actions

Development Activities Committee

The Development Activities Committee met on July 24, 2023, at 7:30 PM at Ephrata Borough Hall, 124 South State Street.

Action Items:

1. The Committee reviewed Bid 23-5 to repair the façade at the Public Works garage. The Committee will recommend that Borough Council award the bid to Old Philadelphia Associates, Inc., for \$119,905.50.
2. The Committee reviewed a request to serve alcohol at the 2024 FoodStock Event on June 9, 2024. The Committee felt comfortable with the proposed safety measures and will recommend that Borough Council approve the request subject to receipt of a PLCB Special Occasion Permit.

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

Municipal Enterprises Committee

The Municipal Enterprises Committee met on July 17, 2023, at 5:30 PM at Ephrata Borough Hall, 124 South State Street.

Action Items:

1. The Committee reviewed a recommendation to provide written support for the County Watershed Act 167 Plan. The Committee will recommend Council approve the support letter at their August 14, 2023 meeting.

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

Highway Committee

The Highway Committee met on July 24, 2023, at 5:30 PM at Ephrata Borough Hall, 124 South State Street.

Action Items:

1. The Committee reviewed a July 19, 2023, letter from UGI Utilities, Inc. requesting a temporary closure to Rose Alley between Washington Avenue and North State Street to install a natural gas service to the rear of 34 East Main Street between 7:00 am and 4:00 pm on August 22 and 23, 2023. Borough staff will notify Mainspring of Ephrata staff regarding this alley closure. The Committee will recommend that Borough Council conditionally approve the temporary alley closure subject to maintaining access to the Railroad Station and Locust Street parking lots, providing access to emergency vehicles responding to an emergency, and re-opening of Rose Alley to all traffic by no later than 3:00 pm on August 23, 2023, at their August 14, 2023, meeting.

2. The Committee reviewed a July 6, 2023, letter from UGI Utilities, Inc. requesting a temporary closure to Sugar Alley between Lake Street and Adams Alley to install a natural gas service line to the rear of 47 East Main Street between 7:00 am and 4:00 pm on August 17, 2023. The Committee will recommend that Borough Council conditionally approve the temporary alley closure subject to providing access to emergency vehicles responding to an emergency at their August 14, 2023, meeting.
3. The Committee reviewed a PennDOT Municipal Winter Maintenance Services Agreement Renewal Letter and Exhibit A for SR 0322 between Bethany Road and Market Street for the 23-24 winter maintenance season which is the 3rd year of a 5-year agreement. The total anticipated reimbursement to the Borough for the 23-24 winter season is \$15,392.05. The Committee will recommend that Borough Council reactivate the agreement for the 23-24 winter season and authorize the Borough Secretary to execute the Renewal Letter and Exhibit A at their August 14, 2023, meeting.

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

Community Services Committee

The Community Services Committee met on July 24, 2023, at 5:30 PM at Ephrata Borough Hall, 124 South State Street.

Action Items:

1. Tom Hayden, President of FoodStock, a small non-profit located in Lancaster County, is requesting to use Grater Park to host a fundraising event on June 9, 2024. Mr. Hayden gave a brief overview of what the event would entail. The Committee suggested having additional portable restrooms to supplement the facilities at the park. The Committee was in favor of moving the request forward to Council for a vote contingent on Development Activities Committee allowing alcohol at the event, having 4 additional portable restrooms available for the event and a certificate of insurance naming the Borough additionally insured.
2. Melissa Zook is requesting to create walking trails in the wooded area on the Haller Homestead property. She would also like to clean up existing flower beds and possibly create more flower beds. Volunteers would do all of the improvements. The Committee will recommend that Borough Council grant the request subject to advice from the Borough Solicitor for the liability of the Borough.
3. The Committee reviewed a License Agreement to use land owned by Ephrata Borough Authority for a tree bank to be maintained by the Borough's Shade Tree Commission. The tree bank would be used to grow trees for the downtown tree lighting ceremony as well as trees to replace dead or dying trees owned by the Borough. The Committee will recommend that Borough Council enter into the License Agreement with Ephrata Borough Authority to create a tree bank at Trout Run Road, Tax Account Number 270-5674900000.

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

Discussion of Committee Reports (No Action Items)

Public Safety Committee

Mr. Buohl advised that the Public Safety Committee met on July 17, 2023, and provided an overview of the Discussion and Miscellaneous Items as listed on the Committee Report.

Committees (No Meetings Held in July 2023)

- Budget and Finance Committee
- Special Projects Committee
- Personnel Committee

Budget and Finance Committee

Mr. Ressler advised that July 2023 Check and ACH Register are included in the meeting packet for review. Mr. Ressler additionally advised that the Solicitor fee breakdown is in the Dropbox for Council to review.

Personnel Committee

Vice President Martin advised that the Personnel Committee will be having a meeting on Tuesday, August 15, 2023, at 4:00 PM.

Second Opportunity for Citizens to be Heard

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

Discussion/Announcements

Mr. Buohl advised he attended his first Mainspring of Ephrata’s Party on the Plaza event commenting, “... it was very nice ... we had a good time ... band was really good ... well attended ... it was a nice event.”

Mr. Zimmerman, addressing Chief McKim, inquired if he can share any information regarding what appeared to be an explosion on the Ephrata Mountain on Saturday, August 5, 2023. Chief McKim advised he was not familiar with the incident. Mayor Mowen advised the fire company responded, drove around the area for approximately half an hour and found nothing. Chief McKim advised based on the information he is hearing that it sounds like Tannerite – a combination of oxidizers and a fuel that when mixed together by the user causes an explosive reaction; to which, Mayor Mowen advised that is his conclusion as well.

Chief McKim advised that the Department made their public proposal/presentation to Ephrata Township to continue providing police services in 2025 when the current Agreement expires. Chief McKim further advised that at least 20 individuals from the Township – residents, businesses and

such – attended and spoke in support of the Department. Chief McKim commented that a press release was also completed as well as he is speaking to various media outlets.

Mr. Zimmerman commented that he has observed a large number of yard signs (supporting the Ephrata Police Department) placed throughout the Township. Chief McKim commended the Ephrata Law Enforcement Association (ELEA) for their efforts and providing yard signs to the public. Ms. Harris commented, “... they’re (yard signs) working because I have been asked about them ...” resulting in additional Council members advising they too have received inquiries from the public.

Vice President Martin advised that Mainspring of Ephrata recently held their first ever donor event in the second-floor event space at Pourman’s which was “absolutely incredible ... it was just so incredible ... I heard there is a wedding being held there.” Vice President Martin further commented that she was told they (Pourman’s) are hiring an event planner and are already receiving bookings stating, “... it was just so neat to hear this.”

Vice President Martin stated that Joy Ashley put together a slideshow and presentation about Mainspring of Ephrata’s 5-year strategic plan, goals, etc. Vice President Martin advised there were approximately 35-40 people in attendance commenting, “... we were hoping for a little bit of a bigger crowd, but I think it was great for our first time out ... they gave out giftbags ... and all of the Board Members sat at different tables so they were scattered around to answer questions.” Vice President Martin advised the attendees were given a tour around town which included a visit to the Klinefelter Insurance building. Vice President Martin concluded her comments by stating, “... hopefully next year we’ll have double the size of crowds ... it was a very nice event ... very well put together by the staff.”

Vice President Martin, referencing the Party on the Plaza event, commented, “... it was a great crowd ... great night ... and the police showed up in the full force ... they were there twice walking among the crowd ... it was really nice to see them there.”

Vice President Martin advised she received a text as well as a phone call on Sunday, August 6, 2023, in the late afternoon, about an individual who was observed sleeping on a stoop of a building with all of their stuff around them. Vice President Martin further advised that one of the individuals she heard from was very concerned about the individual and wanted guidance on what to do. Vice President Martin commented she texted Chief McKim and was advised to have the individual place a call to 911 if they believe there is a matter needing emergency service’s attention.

Vice President Martin further commented as she thought about this incident further, she remembered there had been previous discussions at a Public Safety Committee meeting about the Police Department reaching out to the downtown business owners to get either a verbal acknowledgement or a written agreement that they do not wish to have individuals sleeping on their stoops or property. Vice President Martin stated she believes many individuals who observe similar incidents do not feel the matter rises to a level of an emergency and do not wish to place a call to 911. Vice President Martin further commented that she would like to see this discussion be

ongoing at upcoming Public Safety Committee meetings stating, "... if we don't have a policy, we need to talk about a policy and see where we go from there ... that's all I am asking ... it's been bantered around ... fragmented conversation ... can we just all put the conversation together and figure out a path forward?"

Mr. Buohl advised the Public Safety Committee will continue to discuss her concerns and seek solutions to resolve the matter noting it is not a simple problem to resolve. Solicitor Wakefield commented "... it is a very difficult issue from a regulatory perspective because the Courts have said you can't really criminalize homelessness – it's an involuntary issue." Vice President Martin inquired if the business owner displays a sign, "No loitering on my stoop" or "No sitting on my stoop," if that is enforceable? In which, Solicitor Wakefield advised due to it being a trespassing matter, it may be enforceable. Chief McKim clarified that the decision will not be made by the Officers who drive by to decide whether the individual is trespassing or not and that a complaint needs to be reported by the business owner.

Vice President Martin advised that Representative Keith Greiner will be hosting a "Pizza and Policy" luncheon for constituents on Thursday, August 24, 2023, from 12:00 PM to 1:30 PM in Borough Hall.

Mayor Mowen advised he received an invitation from Tyson Foods, New Holland, to attend a Dignity Day event in September. Mayor Mowen further advised he worked at Weaver Poultry – now Tyson Foods - in 1962 commenting, "... I think I'm going to go and see how different it is from 1962 ... it's going to be interesting."

Mayor Mowen then read the following statement he prepared:

"I have been a Republican my entire voting life, a total of 60 years. I have not always voted for the Republican candidates. I have always voted for whom I thought would do the best job and was in line with my thinking. I did support Shapiro in the last election. Mastriano scared the "H" out of me and I was happy with AG Shapiro's actions when he was in office.

You may already know that I am not now and never have been a supporter of Donald Trump. My dislike and lack of respect for him dates to when I was employed at the bank. Annually, I attended a symposium sponsored by the security company that supplied the bank with alarms and camera equipment.

At one of those symposiums, Donald Trump was the guest speaker at a luncheon meeting. The room was filled with bank security personnel – men and women – from around the world. Trump's speech was about how he has ripped off more banks than anyone alive. It was laced with f-bombs and foul language. The worst was when he used the "MF" word. Remember, I said there men and women in attendance. At that moment, I developed a great amount of dislike and disrespect for him.

I did not vote for him when he ran for President. I actually didn't vote for a President in those years. I was becoming very disenchanted with the Republican party. I was not happy with the far-right direction they were heading. First nail in the coffin.

Then when the riots in the Capital happened and the majority of the Republicans spoke out against it, but changed their tune when Trump failed to attempt to stop it. I really was totally disappointed in the entire Republican Congress. This was a definite insurrection against our government and Trump and the Republicans were soft pedaling it. Second nail in the coffin.

The third nail in the coffin was when Trump insinuated that the insurrectionists were heroes and that if were elected, he would pardon them. Sorry, they are criminals and should get every charge allowed by law.

Then we come to the May election this year and the final nail in the coffin. The local Republican Committee endorsed Torrey Landis over – in my opinion – a far better qualified Eric Schmitt. I came out against their choice both verbally and in a flyer I had produced and sent out to over 3,000 registered Republicans in Ephrata Borough, Ephrata Township, Akron Borough and Clay Township. When members of the Republican Committee saw the flyer, they were extremely angry.

At a Chamber of Commerce function before the election and before I sent out the flyer, a high-ranking member of the Committee was glaring at me. I asked what his problem was. His face got very red with anger and he asked how I could do this (send out the flyer) to the Committee. He asked how I could ignore all that the Committee has done for me over the years and not back them. For the record, in my 44 years in local government, the Committee has given me not one red cent. They have included me on a party flyer a couple of times, but not a penny in funding. In fact, they cost me money when I had an opponent and they refused to endorse me. I beat the opponent using my own money. He then said the Committee was going to, " ... come after me ... we're going to discredit you." At that point, I said I was going to send the flyer and they could take their best shot in discrediting me. I left the building. To date, I am not aware of any attempts to discredit me.

For your information, here is an example of my community service: 44 years in local government; 54 years as an active member of the Pioneer Fire Company; 25-years as a member of the AMVETS, VFW and American Legion and a member of the Ephrata-Denver Rotary Club – a total of over 180 years. I'll wager that if you add the community service of the entire Republican Committee, they could not come close to my involvement. So, I say to them - discredit me ... take your best shot!

I made my decision right then that after the election, I was going to change my party affiliation from the Republican to Independent. On the Wednesday after the election, I went online and changed my affiliation. I am now registered Independent.

Now for those of you who are thinking I should resign because I was elected as a Republican - ain't gonna happen. I've never looked at myself as a Republican Mayor. I've always considered myself

everyone's Mayor – I don't care if you're a Republican, Democrat or Independent or whatever. I am your Mayor and will work for you.

I am proud of my service to the community. I do not regret my decision. I have two years left in office and I do not plan to run again.

Thank you for listening.

Ralph Mayor, Mayor
Ephrata Borough"

In concluding the Discussion/Announcements portion of the meeting, President Reinhold advised he did a quick search of Tannerite on YouTube and the first video that came up involved a man losing his leg after shooting a lawnmower filled with Tannerite.

Adjournment

Vice President Martin moved and Mr. Zimmerman seconded to adjourn the meeting. The meeting was adjourned at 7:53 PM.

Nancy E. Harris, P.E.
Secretary

SJF