

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

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

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

Also in attendance were Borough Manager Nancy Harris, Sergeant Matthew Randolph 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
V. Burkholder, 345 Speedwell Forge Road, Lititz
Sue Fisher, Ephrata Cloister

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. Ms. Harris advised she has two additions to the meeting agenda: (1) Budget & Finance Committee – Unbudgeted Expenditure of \$15,000 for Recruitment of Personnel and (2) Municipal Enterprises Committee – Addendum to Landowner Agreement for 170 E. Fulton Street. President Reinhold asked for a motion to accept the meeting agenda as revised. Mr. Barr moved and Vice President Martin seconded to approve the meeting agenda as revised. 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

Budget and Finance Committee

The Budget and Finance Committee met on August 28, 2023 at 6:30 PM at Ephrata Borough Hall, 124 South State Street.

Action Items:

1. The Committee reviewed a request to certify the Borough of Ephrata 2024 Pension in accordance with Act 205. The Committee will recommend that Council authorize the Borough Manager/Secretary to certify the 2024 Pension Certification Report at their September 11, 2023 meeting.

Mr. Ressler advised the following Action Item was brought forward by Ms. Harris on September 5, 2023:

2. Staff is requesting the approval of an unbudgeted expenditure of \$15,000 for the professional services of Irwin, Inc., in recruitment efforts to fill the vacancies of a Director of Engineering and Public Works and a Codes Compliance Representative.

Mr. Ressler, addressing the members of the Budget and Finance Committee, inquired if they are in favor of the additional Action Item; in which, both Mr. Zimmerman and Mr. Musser advised they are in favor of the request moving forward for approval by Borough Council at their September 11, 2023, meeting.

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

Ms. Martin, referencing Discussion Item #3, Ephrata Recreation Center, advised while the memo refers to a cost analysis, she did not see that information included in the meeting packet; in which, Ms. Harris clarified that a summary was included in the memo provided to Council members.

Development Activities Committee

The Development Activities Committee met on August 28, 2023, at 7:30 PM at Ephrata Borough Hall, 124 South State Street.

Action Items:

1. The Committee heard a presentation from Rick Jackson, ELA Group, about the Historic Cloisters' Stormwater Project. The Committee will recommend that Borough Council approve four waiver/modification requests (waivers of planning, financial security, easements, and application fees) and approve the final plan subject to the inclusion of HRG's comments.
2. Joy Ashley presented a request to the Committee to paint a mural on the retaining wall of the Franklin Street parking lot. This is part of a Mainspring initiative to introduce art into the community. The Committee will recommend that Borough Council approve Mainspring's request to paint a mural on the Franklin Street parking lot wall subject to an Agreement prepared by the Solicitor.

3. The Committee reviewed a Subdivision and Land Development Agreement for the Ephrata Intermediate School Athletic Field Improvements Land Development Plan. The Committee will recommend that Borough Council authorize the President of Borough Council and Borough Secretary to execute a Subdivision and Land Development Agreement with the developer, Ephrata Area School District, subject to it being in a form acceptable to the Solicitor. This will appear on the Consent Agenda.
4. The Committee reviewed a Stormwater Operation and Maintenance Agreement for the Ephrata Intermediate School Athletic Field Improvements Land Development Plan. The Committee will recommend that Borough Council authorize the President of Borough Council to execute the agreement with Ephrata Area School District. This item will appear on the Consent Agenda.

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

Ms. Harris advised that the following Discussion Item has been moved to an Action Item for Borough Council to vote on at their September 11, 2023, meeting:

5. Ms. Harris informed the Committee that there will be a bid award for Exterior Painting and Siding Renovations for EPAC for the Work Session review. Ms. Harris advised that Staff is recommending Bid 23-7 be awarded to Eby Exteriors for \$144,929.00.

Mr. Richard advised he has observed activity (moving dirt) at the Ephrata Middle School for the past month or so and inquired if they received approval to do so; in which, Ms. Harris advised they are allowed to begin construction once the plans have been approved but they do so at their own risk.

Mr. Richard requested the representatives from the Ephrata Cloister in attendance to provide an update/overview of the Amphitheatre Project; in which, they briefly discussed the various waivers and modifications being requested as well as provided a projected start date of Spring of 2024.

Public Safety Committee

The Public Safety Committee met on August 21, 2023, at 6:30 PM at Ephrata Borough Hall, 124 South State Street.

Action Items:

1. Quick Ticket Ordinance No. 1576: Ms. Harris presented a recommendation for a Quick Ticket Ordinance to improve efficient and effective code enforcement. The Committee expressed a desire to educate the public on the new procedure. The Committee elected to move it forward.
2. 2021 International Property Maintenance Code Adoption Ordinance No. 1577: Ms. Harris presented a recommendation for an ordinance to adopt appropriate updates in the code to address temporary structures, snow and ice removal, quick tickets and other necessities. The Committee elected to move it forward.

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

Highway Committee

The Highway Committee met on August 28, 2023, at 5:30 PM at Ephrata Borough Hall, 124 South State Street.

Action Items:

1. The Committee reviewed and discussed the results of Bid #23-4 for Intersection Safety & Signal Improvements. Mr. Burkholder advised the Committee that most of the work associated with this project will be re-budgeted in 2024 due to expected long-lead times for signal poles and mast arms. Burkholder reminded the Committee that the Borough has secured a \$222,400 ARLE Grant to offset Borough costs in completing this project. The Committee will recommend that Borough Council award the bid to the apparent low bidder: C.M. High, Inc. in their total bid amount of \$390,000 at their September 11, 2023, meeting.
2. The Committee discussed a request by an EAJA contractor replacing a water main along East Main Street to modify road closure and detour time parameters to improve efficiencies in their planned work. The Committee will recommend conditional approval of modified work hours to 6:00 PM to 6:00 AM, Monday evening through Thursday morning subject to eastbound 322 detour performance and Ephrata Police review at their September 11, 2023, meeting.

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

Vice President Martin, referencing Discussion Item #3, a 90-day experimental parking restriction on the south side of W. Fulton Street and just east of S. Oak Street, inquired as to what happens after the 90 days; in which, Mr. Richard advised at that time either Council will vote on it to make it permanent or it expires. Vice President Martin advised if that decision will be based on crash data; in which, Mr. Richard stated, "... we didn't get there yet ... that was an option ... once we have the information, we can go forward."

Vice President Martin, referencing the left-hand turn coming down the ramp at the eastbound SR 322 exit ramp, inquired if there was ever a "No Left Turn" sign in place at that location; in which, Sgt. Randolph advised he cannot confirm if there was. Mr. Richard advised he believes, "... there was a sign there in the day, but it is not there now and it's up to PennDOT to put one there."

Mr. Ressler, referencing Action Item #2, inquired as to what is the projected timeframe of the road closure and detour; in which, Ms. Harris advised work will not be completed during the week of the Ephrata Fair. Ms. Harris further advised her best guess would be in 6-8 weeks. Mr. Ressler commented, "... even though it's evening and overnight hours, six o'clock in the evening can be significant traffic up there on Main Street ... so it is definitely going to tie up traffic ... it will be interesting to see how the detour works."

Municipal Enterprises Committee

The Municipal Enterprises Committee met on August 21, 2023, at 5:30 PM at Ephrata Borough Hall, 124 South State Street.

Action Items:

1. The Committee reviewed a Staff request to authorize entering into a professional services contract with Schrader Group for design and bidding of the new electric building. The Committee will recommend Council authorize entering into the contract at their September 11, 2023, meeting.
2. The Committee reviewed a Staff request to dispose of used materials from the Electric Department. The Committee will recommend Council authorize the disposition of these assets at their September 11, 2023, meeting.

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

Vice President Martin advised the following Action Item was brought forward by Ms. Harris on September 5, 2023:

3. Staff is requesting that Borough Council execute an Addendum to the Landowner Agreement for 170 E. Fulton Street.

Vice President Martin, addressing the members of the Municipal Enterprises Committee, inquired if they are in favor of the additional Action Item; in which, both Mr. Richard and Mr. Zimmerman advised they are in favor of the request moving forward for approval by Borough Council at their September 11, 2023, meeting.

Mr. Burkholder briefly explained his reasons for the Addendum noting that most of the work will be completed on his property and he has concerns regarding the lack of access as well as future maintenance of the property. Solicitor Wakefield sought clarifying information from Mr. Burkholder regarding his request and advised an Addendum will be prepared for action by Borough Council at their September 11, 2023, meeting.

Discussion of Committee Reports (No Action Items)

Personnel Committee

Vice President Martin advised that the Personnel Committee met on August 15, 2023. Prior to providing an overview of the Discussion Items as listed on the Committee Report, Vice President Martin advised the Committee met in an Executive Session for approximately 20 minutes to discuss a personnel matter.

Committees (No Meetings Held in August 2023)

- Community Services Committee
- Special Projects Committee

Community Services Committee

Mr. Barr advised the Committee will be voting on the Cultural Arts Grants at a future Council meeting.

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. Musser advised he attended Mainspring of Ephrata's final Party on the Plaza event commenting, "... it turned out to be a really beautiful evening ... another good event ... always have a good time down there." Mr. Musser further advised he believed the event was very well attended.

Mr. Ressler advised he also attended the Party on the Plaza event commenting, "... the food was very good ... I always love food truck food." Mr. Ressler, referencing the Locust Street parking lot, commented that "... he was a bit surprised that the lot was full ... " resulting in him looking for alternative parking. In concluding his comments, Mr. Ressler stated, "... the event was very well attended ... very successful."

Mr. Barr, addressing Sgt. Randolph, referenced the three police officers that saved a man's life recently; in which, Sgt. Randolph noted that the officers quickly responded to the scene and performed CPR on the victim.

Ms. Harris advised that Borough Council will be having a Public Hearing on September 11, 2023, at 6:00 PM regarding Ordinance No. 1577 to adopt appropriate updates in the Borough Code to address temporary structures, snow and ice removal, quick tickets and other necessities.

Ms. Harris referenced an email she sent to Borough Council regarding her attendance at the PMEA Conference from Wednesday, September 6, 2023 to Friday, September 8, 2023.

Vice President Martin commented, "... when people say there's no parking downtown and there's no event ... yet there's an event there with about 500 people there ... and everybody found a parking space ... so there is parking if you look for it ... if you can have an event with 400 people downtown, there is parking available ... you just got to be creative."

President Reinhold advised he was unable to attend the Party on the Plaza event as he was running the concession stand for the Youth Football program. President Reinhold inquired as to who is responsible for locking and unlocking the public restroom facilities downtown; in which, Ms. Harris advised the restrooms at Whistlestop Plaza are on automatic locks and the restrooms at the Ephrata Park are opened and closed by the Parks and Rec personnel (seasonal). President Reinhold then advised he heard from an individual who was opening up the restroom next to the softball field in the park discovered a male inside in his "birthday suit." President Reinhold commented, "... I just want to make sure we have that handled ... if it is the Rec Center, that we're making sure we are keeping those restricted once dusk hits."

President Reinhold advised he read a Letter to the Editor published in "The Ephrata Review" referencing Mayor Mowen's recent comments at a public meeting. President Reinhold stated the writer stated, "... the President of Council should have recognized this fact and ruled the Mayor as being out of order ..." noting that the Mayor's comments should have been stricken from the record.. President Reinhold, addressing Solicitor Wakefield, inquired if the writer was correct and action should have been taken; in which, Solicitor Wakefield advised no action is needed.

Vice President Martin, addressing Solicitor Wakefield, inquired if someone speaks about something and obliviates about something that is not on the agenda, does the President of Council have the right to say, "... I'm going to stop you know ... it is not appropriate ... it is not on the agenda." Solicitor Wakefield advised it is allowed; however, he noted that he would discourage such action unless the person is seriously disrupting the meeting.

Mr. Richard advised while he was not in attendance at the meeting, he feels "... the Mayor's comments had absolutely nothing to do with this Council whatsoever ... it was all his personal opinion ... his personal interest and stuff about politics ... to me it was not appropriate to bring here ... we don't usually talk politics here ... and I felt it could have certainly been called." President Reinhold stated, "... you're right ... it could've been ... I guess my take could be different from your take if you were presiding over the meetings ... I see your point." Mr. Richard further commented, "... I think it was out of line because it had nothing to do with the business of the Borough ... nothing ... it all had to do with the Mayor's personal decision to change political parties ... which had nothing to do with this Borough whatsoever ... in my opinion."

Vice President Martin commented, "... well it's a slippery slope because if we all want to promote a personal agenda, then we do it at the end of the meeting when there's press here and everything here gives us carte blanche to do that." Mr. Ressler commented, "... it's under the process of Discussion and Announcements ... it falls under the category of Announcements ... we are all talking about things that don't have really anything to do with our agenda."

Solicitor Wakefield advised his view is for Council to have a section of the meeting that is made available for members of Council to speak on matters that need warranted. Solicitor Wakefield further advised at this time, he is not aware of any limitations listed in the Bylaws.

Mr. Ressler commented that, "... my being at the event on Saturday really had nothing to do with the agenda in my opinion." Vice President Martin then commented, "... we approve those events."

President Reinhold stated, "...with that comment and you saying it's our opportunity to propose our own personal agendas, I was going to conclude by saying the Ephrata football team is 2-0 ... we're going for 3-0 this Friday against Lebanon which they should win ... and if they do, it will probably be their first start at 3-0 in 20 years ... I would encourage all of you to visit the Ephrata War Memorial field (concession stand) for our meals." President Reinhold then stated, "... I was at Warwick last Friday ... you talk about a mess right now ... they built that beautiful new grandstand over there ... they contracted out their snack bar to a private organization where people were waiting in line for 45

minutes and then being told they're running out of the soda ... none of the Booster Clubs are getting any of that money over there ... I think the people in that community are a little upset ... you know Lititz ... it's not all rosy all of the time ... I'm just making that clear right now ... I took a little bit of pride in that because we run the best snack bar in the entire eastern part of the State ... if not the entire State."

Adjournment

Mr. Barr moved and Mr. Buohl seconded to adjourn the meeting. The meeting was adjourned at 7:59 PM.

Nancy E. Harris, P.E.
Secretary

SJF