

**EPHRATA BOROUGH COUNCIL
WORK SESSION MINUTES
SEPTEMBER 7, 2021**

The Ephrata Borough Council Work Session was called to order by President Susan Rowe at 7:00 PM on September 7, 2021, in the Council Chambers of the Borough Office, 124 South State Street. Due to a Borough Council Informational Workshop presented by members of the Ephrata Police Department overlapping the starting time of the Work Session, President Rowe immediately recessed the meeting to allow the completion of their presentation. At 7:23 PM, President Rowe reconvened the Ephrata Borough Work Session.

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

Also in attendance were Borough Manager D. Robert Thompson, 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
Celeste Gangaway, 731 S. State Street, Ephrata
Phil Gangaway, 731 S. State Street, Ephrata
Jason Halberstadt, 242 Spring Garden Street, Ephrata

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

At this time, President Rowe announced that Borough Council had met in four executive sessions and provided the following descriptions of those sessions:

1. On August 24, 2021, a quorum of Council met in an informational session regarding applicants for the Borough Manager position;
2. On August 25, 2021, Borough Council met in an informational session regarding the position of Assistant Solicitor;
3. On August 30, 2021, a quorum of Council met in a personnel session regarding the hiring of a successor to the Borough Manager; and,
4. On September 7, 2021, Borough Council met for an informational workshop led by Chief Petrick.

Approval of Agenda

It was moved by Mr. Ressler, seconded by Mr. Barr, and unanimously passed to approve the meeting agenda as publicly posted on the Borough's website, Council's meeting location as well as distributed to meeting attendees.

Statement from President Rowe Regarding Public Meetings

"Ephrata Borough Council follows Rules of Order and Bylaws. We have adopted Robert's Rules of Order as a parliamentary authority. If you are addressing Borough Council, you must

be a resident or taxpayer of the Borough or represent an organization of the Borough. Any individual wishing to address Council must wait to be recognized before speaking. This applies to elected officials as well as any member of the public in attendance. Interruption of any individual who has the floor is not acceptable.”

First Opportunity for Citizens to be Heard

Celeste Gangaway, 731 S. State Street, Ephrata, approached the podium and advised she has safety concerns regarding speeding vehicles along S. State Street. Ms. Gangaway provided a summary of the following accidents/incidents: (1) In 2017, two of her family’s vehicles were totaled by an individual who was speeding on the roadway; (2) On June 7, 2021, her daughter was involved in an incident while inside her vehicle, parked in front of the residence, which was pushed into their neighbor’s driveway; (3) On August 16, 2021, an accident occurred in front of her residence involving her neighbor as she was attempting to turn into her driveway; and (4) On September 4, 2021, a vehicle accident occurred down the street a short distance from her residence. Ms. Gangaway stated, “... with each accident, things are getting worse and I just wanted to bring this to you ... this problem with the speeding.” Ms. Gangaway additionally advised her disabled daughter is picked up in front of her residence by a school bus and the rate of speed by motorists and lack of caution is a definite safety concern for her.

President Rowe, addressing Chief Petrick, inquired if the Police Department is aware of the situation; in which, Chief Petrick advised he had received information previously and will request a speed box be put in the area to collect data, as well as he will make Patrol Officers aware of Ms. Gangaway’s concerns. President Rowe, addressing Mayor Mowen, asked if this matter warrants additional discussion at the Public Safety Committee; in which, Mayor Mowen advised he is in agreement to place speed boxes in the area to obtain additional information as a starting point. Mayor Mowen then commented, “... in case you are not aware, Pennsylvania is the only state in this country that does not permit local police departments to use radar ... radar is the best speed timing device available for law enforcement ... all other devices are manpower intensive ... we are imploring people to get a hold of your State Representative and State Senator and implore them to get radar out of the Appropriations Committee and onto the floor for a vote ... that will be the biggest thing that anybody can do to help us control speeding.”

Vice President Reinhold, in referencing Mayor Mowen’s comments, inquired if there was another means available for the police to ticket speeders; in which, Mayor Mowen advised the officers can utilize VASCAR (Visual Average Speed Computer and Recorder) and stopwatch timing and reiterated these methods are extremely labor intensive. Mr. Barr advised he had brought this issue forward previously which resulted in a traffic study being completed; however, he feels it would be beneficial to complete another study to further assess the situation.

Teresa Caruthers, 229 Railroad Avenue, Ephrata, advised she had seen photos of the accidents Ms. Gangaway referred to which she believes are “... very indicative of speed.” Ms. Caruthers further advised she has spoken with another individual who has expressed similar concerns along State Street because “... not only are children crossing, but it is also a rail trail crossing.” Ms. Caruthers, in referencing the rail trail, specifically the parking area on Sycamore, advised there is no signage advising of available parking resulting in the lot continuously being empty. Prior to concluding her comments, Ms. Caruthers inquired as to who a resident would contact regarding a

dead tree which is hitting their house (northwest corner of Franklin Street); in which, President Rowe advised she can report the issue to the Codes Department as a starting point.

Vice President Reinhold, in referencing the Sycamore parking lot Ms. Caruther's referred to during her comments, clarified it is a private parking lot and not a dedicated Borough parking lot. Ms. Caruthers reiterated her concerns of the lack of crosswalks at State Street and Sunset Avenue. President Rowe, addressing Mr. Richard, inquired if the discussion of crosswalks could be added to the next Highway Committee Meeting agenda; in which, Mr. Richard confirmed the topic will be added for further discussion.

Jason Halbertstadt, 242 Spring Garden Street, Ephrata, opened his comments by suggesting the addition of recyclable materials disposal cans being added along Main Street and placed alongside the trash cans already in place. Mr. Halberstadt then advised that the anniversary of September 11th is quickly approaching and he would like to suggest an addition of an "Ephrata September 11th Memorial Park." Mr. Halbertstadt advised he owns a piece of land (155 E. Main Street) that he would be interested in selling to the Borough only for the purpose of establishing this park. Mr. Halbertstadt further advised he would be willing to work with the Borough to obtain available grants to complete the project. Mr. Halbertstadt concluded his comments by stating, "... I just think in this day and age, we need to get back to remembering the times when it wasn't divided ... and defensive ... and angry."

President Rowe thanked Mr. Halberstadt for his offer and advised she will have the Borough Manager follow-up with him to discuss it further. In responding to Mr. Halbertstadt's suggestion of the addition of recyclable materials disposal cans being placed along Main Street, President Rowe stated, "... that is an excellent idea" and requested the topic be added to the next Community Service Committee Meeting agenda for discussion.

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 August 23, 2021, and has two Action Items:

1. The Committee reviewed Resolution 2021-33 enabling the Borough to add authorized persons to the Morgan Stanley pension/retirement investment account statements. The Committee will recommend that Borough Council adopt the resolution at their September 13, 2021 meeting.
2. The Committee reviewed Resolution 2021-34 authorizing the acceptance of Federal Funding from the American Rescue Plan Act and establishing the American Rescue Plan Fund, which shall be maintained separately to account for the revenue and eligible expenditures. The Committee will recommend that Borough Council adopt the resolution at their September 13, 2021 meeting.

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

Mr. Richard, in referencing the American Rescue Plan Funds, stated, "... we have a couple years to use those funds ... so the pressure is off ... we can take the time ... do the due diligence to see where we're going to spend the money."

Development Activities Committee

Mr. Zimmerman advised the Committee met on August 23, 2021, and has five Action Items:

1. The Committee reviewed a land development plan for Horst Plumbing. The developer is planning on adding onto the existing building and reconfiguring the parking lot. There is a private easement that needs to be kept open per the deeds. Concern was raised by a resident and the Mayor regarding accessing this easement. At the applicant's request, the Committee will table this until the developer notifies the Borough to proceed with processing the plan for approval.
2. The Committee reviewed a land development plan for Garden Spot Auto Auction. The developer is planning on adding onto the existing building and reconfiguring traffic patterns. The Committee will recommend that Borough Council approve four (4) waivers/modifications, three (3) deferral requests and approve the plan as a final land development plan subject to inclusion of HRG comments dated August 6, 2021. This item will appear on the August Consent Agenda.
3. The Committee reviewed a Subdivision and Land Development Agreement for the Garden Spot Auto Auction land development plan. The amount of the agreement is \$74,261.55. The Committee will recommend that Borough Council authorize the President of Borough Council and Borough Secretary to execute the Subdivision and Land Development Agreement with the developer, Garden Spot Auto Auction, subject to it being in a form acceptable to the Solicitor at the September Borough Council meeting. This will appear on the Consent Agenda.
4. The Committee reviewed a Stormwater Operation and Maintenance Agreement for the proposed stormwater improvements associated with the land development plan for Garden Spot Auto Auction. The Committee will recommend that Borough Council authorize the President of Borough Council and Borough Secretary to execute an Operation and Maintenance Agreement with the developer, Garden Spot Auto Auction, subject to it being in a form acceptable to the Solicitor at the September Borough Council meeting. This will appear on the Consent Agenda.

5. The Committee reviewed the Ephrata Mennonite School waterline easement. In December of 2019 the Committee agreed to allow a water easement on the Borough owned property along Springhouse Road (solar site). The school is planning to build a new school on a tract along 272 across from the intersection of Springhouse Road and 272. They will need public water and plan to extend a water main from the current dead end to their property. After dedicating the new main to EAJA, the easement will be transferred to EAJA. The Committee will recommend that Borough Council authorize the President of Borough Council and Borough Secretary to execute the easement with Ephrata Mennonite School at the September Council meeting subject to it being in a form acceptable to the Solicitor.

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

A representative from the Garden Spot Auto Auction was in attendance and provided a brief overview of Land Development Plan to provide additional clarification of the request and answered numerous inquiries received from Borough Council members.

Mr. Dudley, in referencing the tabled Horst Plumbing's Land Development Plan, advised he has spoken with several affected residents as well as representatives from Horst Plumbing and stated that attempts are being made to "work things out" which will take some additional discussions.

Public Safety Committee

Vice President Reinhold advised the Committee met on August 16, 2021, and has one Action Item:

1. **Sergeant Promotion:** Chief Petrick informed the Committee that the Promotion Selection Committee recommended that Officer Daniel Albaugh and Detective Kenneth Lockhart be promoted to the rank of Sergeant effective October 11, 2021. Both will be subject to a one-year probationary period beginning October 11, 2021 and ending October 11, 2022. Public Safety Committee unanimously approved the promotion and will forward to Borough Council for vote.

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

Mr. Ressler, in referencing the Workshop provided by members of the Ephrata Police Department, stated, "... as impressed as I've always been with our police department, it gets to be even more impressive when we see just the level of professionalism and expertise that they have." Mr. Ressler further stated, "... with the multiple weather events that we have had recently, the Emergency Management and Police Facebook posts are just "spot on" for information and what to do and how to handle it ... I've been impressed with that too."

Highway Committee

Mr. Richard advised the Committee met on August 23, 2021, and has three Action Items:

1. The Committee reviewed a UGI Utilities, Inc. Permit Application & Street Opening and Gas Service Extension Agreement for installation of a gas service line to 31 East Franklin Street, the Ephrata National Bank Technology Center. The Borough is in receipt of the required performance guarantee escrow in the amount of \$1,487.64 and certificate of insurance naming the Borough as additional insured. The Committee will recommend that Borough Council approve UGI's request to install gas service to 31 East Franklin Street at their September meeting.
2. The Committee reviewed a UGI Utilities, Inc. Permit Application & Street Opening and Gas Service Extension Agreement for installation of a gas service line to 320 Church Avenue (OMPH). The Borough is in receipt of the required performance guarantee escrow in the amount of \$3,152.60 and certificate of insurance naming the Borough as additional insured. The Committee will recommend that Borough Council approve UGI's request to install gas service to 320 Church Avenue at their September meeting.
3. The Committee reviewed a letter dated August 20, 2021 from Cocalico Valley VFW Post 3376 requesting to close South State Street between Fulton Street and West Franklin Street from 6:30 PM to 8:00 PM on Wednesday, October 27, 2021 (Rain Date: Thursday, October 28, 2021) for the annual Jack Frost parade scheduled to begin at 7:00 PM. The Committee will recommend that Borough Council conditionally approve this request subject to Borough receipt of a satisfactory certificate of insurance naming the Borough as additional insured as part of the Consent Agenda at their September meeting.

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

Ms. Martin expressed her appreciation to Mr. Richard for his work in finding ways to resolve the ongoing parking issues. Ms. Martin stated, "... good parking for our event attendees is really crucial ... and parking is crucial for economic development as a whole ... I appreciate your due diligence on this and I look forward to a good resolution coming up soon."

Mr. Dudley advised he has spoken with several residents regarding parking matters and "... there is a lot of misinformation out there ..." and feels it would be beneficial for both residents and visitors to know the facts.

Mayor Mowen, in reference to the annual Jack Frost parade, advised that both he and Chief Petrick will be acting as judges for the event.

Mayor Mowen, in reference to the Oak Street Bridge discussion item, advised he is in agreement with Mr. Richard's thoughts regarding the bridge.

Mr. Thompson advised that the September Highway Committee meeting date is Monday, September 20, 2021, at 5:30 PM.

Municipal Enterprises Committee

Ms. Martin advised the Committee met on August 16, 2021, and has two Action Items:

Action Items:

1. The Committee reviewed and discussed Ordinance 1562 Approving Borough Authority Articles of Incorporation Amendment. The Committee will recommend that Borough Council enact Ordinance 1562 at their September 13, 2021 meeting.
2. The Committee reviewed and discussed authorization to execute Gross Run Landowner-Grantee Agreements. The Committee will recommend that Borough Council authorize execution of said agreements at their September 13, 2021 meeting.

Ms. Martin then provided an overview of the Discussion Items as listed on the Committee Report. In response to Ms. Martin's request, Mr. Thompson provided an update regarding the solar field. Both Ms. Martin and Mr. Thompson highlighted updates being made to the Borough's telephone system to provide emergency (i.e., outages,) information to the residents as well as the information being shared via the Borough's website to improve communications.

Mr. Thompson advised that the September Municipal Enterprises Committee meeting date is Monday, September 27, 2021, at 5:30 PM. Ms. Martin advised Stephen Morrison, Technical Services Manager, will be presenting on smart meters and feels it would be beneficial for Council Members to attend.

Mr. Richard, in referencing the solar field, inquired if there would be any costs associated to the Borough due to equipment issues being non-Borough direct issues stating, "... we do not own the farm ... we own the dirt." Mr. Thompson advised that the contract in place has a 24-month rolling performance objective which has not yet been satisfied; and after completion of that timeframe, performance numbers will be reviewed. Mr. Thompson advised if those numbers are deemed unsatisfactory, contact will be made with the provider for resolution. Mr. Thompson further advised it is important to remember that the field's primary use is to be for net metering and that Mr. Morrison reported the Borough has saved over \$300,000 via peak shaving. Mr. Thompson concluded his comments by stating, "... they are working, but they're not maximized and we want to see that."

Mr. Thompson, referencing Action Item #2, advised the grant application does require the signature of a Borough official. Mr. Thompson advised that the Borough has 40+ property owner-executed agreements; however, there are still four outstanding. Mr. Thompson clarified that Staff is recommending that Borough Council authorize the Borough Secretary as the authorized signatory for the outstanding agreements; in which, the Committee members agreed the request is acceptable.

Mayor Mowen, in referencing the recent power outage throughout town, stated, "... I wanted to throw out major kudos to the Electric Department ... our Electric Department continues their record performance ... you couldn't pay me enough being out in that kind of weather doing what they do."

Personnel Committee

Vice President Reinhold advised the Committee met on August 9, 2021, and due to the late hour of the Voting Session last month, the meeting was recessed and reconvened on August 10, 2021, at 4:00 PM.

Action Items:

1. Prior to discussing the agenda items, President Rowe requested a few minutes of the Committee's time to discuss the upcoming IBEW negotiations. Borough Council customarily has a representative observe the negotiations. The negotiating team plans to meet prior to the initial negotiation session on September 8, 2021. Mr. Richard volunteered to represent Borough Council at the negotiations with Vice President Reinhold being the alternate.

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

Discussion of Committee Reports – No Actions

Special Projects Committee

Mr. Barr advised the Committee met on August 16, 2021, and has no Action Items to bring forward at the September Voting Session.

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

Committee Update

Community Services Committee

President Rowe advised the Committee did not have a meeting in August and asked Mr. Ressler if he had any topics to discuss. Mr. Ressler advised he recently met with Jim Summers, Ephrata Recreation Center, to discuss the status of pool operations. Mr. Ressler advised Mr. Summers had laid out a plan that he was hopeful to operate the pool with limited hours during the week prior to the Labor Day weekend; however, he was experiencing staffing issues due to personnel returning to school and/or sports. Mr. Ressler further advised as he was unable to resolve staffing issues, Mr. Summers informed him he was not able to open the pool as he originally planned. Mr. Ressler stated, "... that's an issue they're going to have to work out ... it's kind of a sign of the times ... if there are no lifeguards available ... you can't pull them out of a hat in order to legally operate the pool." Mr. Ressler concluded his comments by stating, "... it's still going to be up in the air where we go from here ... hopefully things are going to continue to get better with the economy ... people are going to go back to work."

Vice President Reinhold requested this matter be added to the Community Services Meeting Agenda for further discussion at their upcoming meeting. Vice President Reinhold advised he has received complaints from both in-Borough and out-of-Borough residents regarding the operating hours/closure of the pool. Vice President Reinhold further advised based on what he has heard, the issue may not only be related to the wages, but rather something else (i.e., possibly management issues and inconsistencies). Vice President Reinhold then stated, "... we don't want to be put in a spot where it looks like we're discriminating (members versus non-members) as far as when we do and do not allow people in the pool." Vice President Reinhold referenced that the Ephrata Recreation Center also manages the Denver and Adamstown Pools and would

like to know if they experienced similar issues and/or closures. Vice President Reinhold added, "... do we have to consider giving a refund to these people who paid for season passes ... they didn't get three months of summer ... either that or give them a head start for next year ... if you can't use the facility, then the membership is kind of useless at that point."

Mr. Ressler clarified that during their conversation, Mr. Summers did lay out his plan where basically he was leaning very heavily to opening to members only as he was only able to staff one of the pools. Mr. Ressler agreed with Vice President Reinhold that the Committee needs to discuss this issue further and will do so at their September meeting.

Committee Recommendations

Public Safety Committee

It was moved by Vice President Reinhold, seconded by Mr. Richard, and unanimously passed that Borough Council approve to ratify the acceptance of grant funding from the U.S. Department of Justice Federal Fiscal Year 2020 Emergency Federal Law Enforcement Assistance Grant Program Agreement. The grant funding was used for purposes of emergency overtime costs incurred by law enforcement response to civil disturbance and unrest contemplated by the Governor's Proclamation of Disaster Emergency Relief published at 50 Pa.B. 2834 (June 6, 2020). The amount totals \$6,069.14.

Personnel Committee

It was moved by Vice President Reinhold, seconded by Mr. Richard, and unanimously passed that Borough Council approve the Ephrata Borough Council Employee Evaluation Guidelines as revised by the Personnel Committee.

It was moved by Vice President Reinhold, seconded by Mr. Ressler, and unanimously passed that Borough Council approve the Ephrata Borough Council Performance Evaluation Process as Overvised by the Personnel Committee.

Second Opportunity for Citizens to be Heard

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, in referencing Committee Reports, advised in an effort for consistency, she would like to suggest the addition of guest names to them; in which, Mr. Thompson advised Council had previously adopted practices/policies on that matter and inquired if Ms. Martin would like to see that readdressed by the Personnel Committee. Ms. Martin confirmed she would appreciate it being re-visited as she feels there needs to be consistency between the reports.

Ms. Martin, in referencing the Ephrata Community Pool, advised she had concerns regarding the Annual Dog Swim being cancelled which resulted in her having a conversation with Mr. Summers to request he reconsider his decision and hold the event. Ms. Martin then stated, "... quite frankly, I'm really tired of "cancel culture" ... I think we cancel things way too quickly these days." Ms. Martin concluded her comments by stating, "... I'm very happy to report that

the Dog Swim is back on ... and will be held on Saturday, September 11, 2021, from 12:00 PM to 3:00 PM.”

Mayor Mowen advised that various community organizations will also be holding 9/11 Memorial events on Saturday, September 11, 2021, including the VFW, Elks, and AMVETS.

Mr. Barr, in referencing the recent bad weather events, advised he only experienced a “flicker” in his electric and expressed his appreciation to the Electric Department for their hard work. Mr. Barr stated, “... it truly amazes me as to the number of people who see water on the roadway and attempt to drive through it ... sometimes pushing the barriers aside to do so ... they’re asking for trouble ... I just don’t understand ... they’re putting the rescue people in danger.” Mr. Barr inquired as to if the respective rescue agencies bill these individuals for their services; in which, Mayor Mowen clarified if someone drives around a barricade and they are caught, they are issued a \$250 fine. Mayor Mowen further clarified if the individual require rescue services, the amount of the fine doubles.

Mr. Richard, in referencing Ms. Martin’s comments regarding consistency within Committee Reports, advised he is in agreement that it would be beneficial to list the names of the guests, rather than only the number, in attendance at those meetings.

Mr. Richard also expressed his appreciation to the Electric Department as well as all of the people who work in public service stating, “...they are great people ... we have no idea how good we have it.”

Vice President Reinhold expressed his appreciation to Ms. Martin for her making contact with Mr. Summers to discuss the Dog Swim event and he “... is glad to see they are going to allow it to occur because that’s a nice turnout ... a nice event.”

Vice President Reinhold reiterated this Saturday marks the 20th anniversary of 9/11 with various events being held throughout the community and encouraged all to attend at least one of those events.

Vice President Reinhold commented about the large amount of rainfall received which resulted in hazardous roadways throughout the state and how motorists still attempted to travel on those roadways resulting in numerous water rescues stating, “... it just boggles my mind.”

Vice President Reinhold congratulated the Ephrata High School’s football team on their 2-0 record. Vice President Reinhold advised Ephrata has a huge game this Friday night against Warwick and he is expecting a large turnout of both Ephrata and Lititz residents.

Mr. Dudley expressed his appreciation to the Ephrata Police Department for their overall professionalism. Mr. Dudley commented he is glad to see their positive image within the community and he is “... thankful for where he lives.”

Mr. Zimmerman reiterated Mr. Dudley’s comments and concluded by stating, “... great work!”

Mr. Ressler advised that Chief Petrick forwarded an email to him from Pioneer's Chief Kiefer who advised members were in Station for 12+ hours during the bad weather event. Mr. Ressler stated, "... these individuals are all volunteers and he is grateful for their services."

Mr. Ressler, in referencing the Dog Swim event, advised that Mr. Summers had told him about the event cancellation which resulted in him discouraging that decision; however, he did not push the matter this year. Mr. Ressler thanked Ms. Martin for her reaching out to Mr. Summers to reconsider his decision stating, "... he is glad to see it back on the calendar."

Mayor Mowen stated, "... I am so proud of our police department ... I wouldn't hesitate to say how proud I am to be involved with them."

Mayor Mowen, in referencing Pioneer Fire Company, advised they received multiple emergency calls during the major weather event resulting in it being a "... busy, busy day and a half" for them. Mayor Mowen expressed his disappointment that only 19% of the Borough's residents seem it fit to give them donations for the services they provide.

President Rowe advised that the Municipal Moment for the September 13, 2021, meeting will be presented by Ephrata Public Library.

Adjournment

The meeting was adjourned at 8:54 PM.

D. Robert Thompson, Secretary