

**EPHRATA BOROUGH COUNCIL
REGULAR MEETING MINUTES
SEPTEMBER 13, 2021**

The regular Ephrata Borough Council meeting was called to order by President Susan Rowe at 7:00 PM on September 13, 2021, in the Council Chambers of the Borough Office, 124 South State Street.

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

Also in attendance were Borough Manager D. Robert Thompson, Police Chief John Petrick, Borough Solicitor James R. McManus, III, Esq., and Stephanie Fasnacht, Recorder.

The following visitors were present within Council Chambers:

- Larry Alexander, The Ephrata Review
- Tim Auker, 542 N. State Street
- Rebecca Beres, 44 Brookfield Drive, Ephrata
- Mike Eichenlaub, 406 E. Main Street, Ephrata
- Jessie Pierce, 235 Duke Street, Ephrata
- Penny Talbert, Ephrata Public Library

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

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

It was moved by Mr. Barr, seconded by Mr. Zimmerman, and unanimously passed that Borough Council approve the August 2, 2021, Work Session Meeting Minutes and the August 9, 2021, Regular Meeting Minutes.

MUNICIPAL MOMENT – EPHRATA PUBLIC LIBRARY

Penny Talbert, Ephrata Public Library, opened her presentation by reviewing the Library's Mission, "...to provide resources and to promote opportunities for everyone seeking to improve, change, enrich and enjoy their lives." Ms. Talbert advised the Library is back to their original hours of operation which were changed due to the COVID-19 pandemic; further advising that the US Passport Office and Post Office are again open.

Ms. Talbert provided an overview of new materials available including Wonderbooks, hard bound books with an audio player built into the cover of the book, which allows reluctant readers to not only have the book read to them, but also provides reading comprehension questions to help young readers understand what they are reading. Ms. Talbert additionally advised that the Library has added Playaways, pre-loaded audiobooks, to their resources giving patrons the portability and freedom to listen to audiobooks anytime, anywhere.

Ms. Talbert provided a brief overview of various programs available including the 2021 Summer Reading Program, Tails & Tales; numerous STEAM (Science, Technology, Engineering, Art and Mathematics) Programs; Community Garden Programs; as well as the observational beehive. Ms. Talbert advised the Library has been recognized by the Pennsylvania Library Association and was given the status of a PA Forward Gold Star Library for excellence in programming for children, teens and adults using the five literacies: basic, information, health, civic and social, and financial which residents need to succeed as citizens, parents, students, employers, employees and consumers.

Ms. Talbert provided an overview of a new initiative, “1,000 Books before Kindergarten,” where families are encouraged to regularly read to their children. Ms. Talbert explained by reading just one book a night, families can reach the 1,000-book goal in three years and provide their children with early literacy skills.

In concluding her presentation, Ms. Talbert briefly spoke about funding and provided a summary of their resources including State Aid, County and Municipal funds. Ms. Talbert advised that approximately 61% of the Library’s income is based off of library-generated funds with most of that being raised through grants, fundraising and services. Ms. Talbert highlighted the upcoming Book Sale which is being held at the Mennonite Central Committee Dining Room, Akron, PA, on October 22-26, 2021.

Mr. Barr inquired if Library staff is continuing to disinfect materials; in which, Ms. Talbert advised that they are no longer being mandated to do so.

Ms. Martin, in referencing the “1,000 Books before Kindergarten” Program, expressed her excitement for the program as she feels reading to children is extremely important.

Larry Alexander, The Ephrata Review, inquired about if the Book Store is back in operation; in which, Ms. Talbert advised that due to COVID-19 regulations and the need for the use of that particular space for staff to socially distance, it is not currently operational.

President Rowe inquired as to what Ms. Talbert’s goal amount would be for funds to be received by the Borough; in which, Ms. Talbert advised that while she believes funding should be performance driven, she asks for level funding from the Borough. President Rowe inquired if Ms. Talbert believes the revenue lost due to COVID will be able to be recouped; in which, Ms. Talbert advised that is dependent upon what happens in the future.

Mr. Zimmerman inquired as to what is their currently service area; in which, Ms. Talbert advised it is currently Clay Township, Akron Borough, Ephrata Township and Ephrata Borough. Ms. Talbert further advised that the library system is looking into redrawing service areas within Lancaster County.

Vice President Reinhold inquired as to what level of funding is needed to become a corporate sponsor; in which, Ms. Talbert advised there are different levels in place with the starting point being \$5,000.00.

Mr. Richard expressed his frustration in hearing statements such as, “... the Borough does not give enough money ...” to the Library. Mr. Richard advised besides the funds they receive, they also receive free electricity as well as building and property maintenance. Ms. Talbert advised that the State only allows the reporting of cash funding and not in-kind funds. Mr. Richard advised while he understands that, he feels mixed messages are being sent to residents. Ms. Talbert further advised that whenever she gives presentations where funding is discussed, she makes it a point to give Ephrata Borough credit for their additional financial assistance.

Rebecca Beres, 44 Brookfield Drive, Ephrata, addressing Ms. Talbert, inquired as to how much of her day is spent on raising funds; in which, Ms. Talbert advised that on a typical day, she believes she spends 10-15% doing fundraising activities. Ms. Talbert further advised she does have additional staff members who assist with fundraising efforts. Ms. Beres then inquired as to how many hours are spent by staff doing fundraising activities; in which, Ms. Talbert responded she would estimate the amount of hours to be 40 a week.

Ms. Beres then questioned the Library's lease, as well as other leases, with the Borough as to who is charged for electricity and who is not; in which, Mr. Thompson advised the every lease is different. Mr. Thompson stated that the general rule of thumb is if the leasing entity has the ability to charge for services, they will be charged for electricity. Mr. Thompson further advised that due to the Library not charging for services, they do, in fact, receive free electricity.

In closing the Municipal Moment, President Rowe extended her appreciation to Ms. Talbert for the valuable services the Library provides to the community.

OPPORTUNITY FOR CITIZENS TO BE HEARD

Jessie Pierce, 235 Duke Street, Ephrata, advised she is a representative of the Cocalico Valley's VFW Auxiliary, and is requesting permission for them to sponsor a "trunk or treat" event to be held after the Jack Frost Parade in the parking lot of the VFW on Wednesday, October 27, 2021. President Rowe advised Ms. Pierce's request will be discussed at the September 20, 2021, Highway Committee meeting for action at the October 11, 2021, Borough Council Voting Session.

After an additional time allotted for citizen comments and with no one in attendance wishing to speak, President Rowe called for a motion to close the public comments section of the meeting until the end of the meeting agenda; in which, it was moved by Vice President Reinhold, seconded by Mr. Richard, and unanimously passed to close public comments until the end of the meeting agenda.

ACCEPTANCE OF REPORTS

It was moved by Ms. Martin, seconded by Mr. Richard, and unanimously passed to approve the Acceptance of Reports consisting of the following documents:

Budget & Finance Committee

The Budget & Finance Committee met on August 23, 2021, and discussed the following:

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.

Discussion Items:

1. Ms. Bartow reported a Zoning Hearing Board Vacancy as of 12/31/2021, as a current volunteer will not be seeking reappointment. Council directed Staff to recommend possible applicants and refer them to the Volunteer Interest Request Form on the Borough website.

2. Ms. Bartow summarized Staff suggestions for expenditures eligible for American Rescue Plan Act Funding in coordination with the following eligible use categories; responding to the public health emergency and its negative impacts, providing premium pay to essential workers, providing government services to the extent of the eligible government's revenue losses, and making necessary water, sewer, and broadband infrastructure improvements. Also discussed were the GFOA guiding principles of not making ongoing commitments with the temporary funds and taking time and careful consideration. The final ruling has not yet been released. Ms. Bartow also reported that a lost revenue calculation for 2020 has been completed and is currently pending review by the Borough's accounting firm, Maher Duessel. Council asked that the listing of categorized suggestions be placed in the Committee Dropbox for further review. Further discussions about eligible infrastructure projects, including Stormwater/MS4, will be considered with the fiscal year 2022 capital budgeting. Additionally, discussion with Council and guests regarding technology, parks, public service and the interrelationship with other Federal grant funding occurred. Chairman Ressler expressed the need to carefully consider options.
3. Staff provided reports for the 2nd Quarter 2021 Pension Review. It was noted that for a 5th successive quarter, results have improved the funded status of the plans. Mr. Thompson also discussed current pension committee projects. First, the Defined Contribution Plan to allow employees to direct the investments of their Borough contribution similar to their own 457 Plan contributions. Secondly, consideration of a modified vesting schedule to aid in future recruitment efforts.
4. Staff provided a report on a solicitor's invoice. The first was a summary page and then two pages of the detailed invoice. No further action is required.
5. Staff provided the Check and ACH registers to the Committee for August to date. The Committee had also been provided detail on payments to the Ephrata Recreation Center and Transworld Collection Services. The Committee inquired about payments to Christine Moore, Consultant. Staff reported that her services are reduced starting in July and that the open position of Finance Manager has been posted. A Committee member, in regards to payments to the Emergency Management Coordinator, asked if Staff considered performing these duties internally. Mr. Thompson responded that he felt the Borough was well served with the consulting arrangement currently in place.
6. A guest inquired as to concerns over invoices being late. Ms. Bartow reported that for one billing cycle, the machine that folds and stuffs the billing required maintenance which did result in a delayed billing. Staff also extended the penalty date accordingly.

Old Business Items:

1. Ms. Bartow updated the Committee on the status of discussions with Springbrook and its correlation with the ability to assess credit card fees. There has been a great deal of transition with Springbrook team in recent months.
2. Ms. Bartow reported that an updated exemption list has been obtained from the county in order to request payments in lieu of taxes and it will be scheduled on a bi-annual basis as staffing allows.
3. There is no update on the expanded Borough parking.

Development Activities Committee

The Development Activities Committee met on August 23, 2021, and discussed the following:

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.

Discussion Items:

1. The Committee discussed the McDonalds' drive-through traffic. The drive-through traffic is backing up into the access lane for the Cloister Shopping Center and prevents patrons from accessing the shopping center. Harris will speak with the Cloister Shopping Center owners and the McDonalds' owners to see what solutions they can offer to avoid the traffic back-ups.
2. The Committee reviewed a request from Councilman Dudley to improve the path that leads from the parking lot to the skate park. It's currently mulch and he has heard from skate park users that it's difficult to navigate. It would be an unbudgeted expense. Councilwoman Martin said she would like to know how much it will cost before making a decision. The Staff will provide that at next month's meeting.
3. No Zoning Hearing Board meetings were held in August so there are no decisions.
4. There are no new applications for the September Zoning Hearing Board Meeting.

Public Safety Committee

The Public Safety Committee met on August 16, 2021, and discussed the following:

Action Items:

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.

Discussion Items:

1. **Monthly Police Report:** Chief Petrick reviewed the July Patrol Police Report. He highlighted the Excellence in Policing portion of the report. In one incident, officers (Det. Quinn and Off. Cook) arrested an individual for an active arrest warrant and discovered that the person was due to receive medication for an ongoing condition. Prior to completing the warrant service, officers made arrangements for the person in custody to receive the needed medication. Chief Petrick also provided information on an incident that involved Officer Newswanger related to an Automatic License Plate Reader “hit” on a suspended registration plate. It was also determined that the owner of the vehicle was wanted on a robbery warrant. As Officer Newswanger approached the vehicle, it fled with the two occupants. The fleeing vehicle was later located abandoned. The occupants were later located and arrested on drug-related offenses. A third incident was mentioned by Chief Petrick relating to Officer Orwig. Officer Orwig conducted an extensive investigation related to vandalism at Chapel Gate Park (West Cocalico Township). Several juveniles will be issued citations related to the criminal mischief.

Chief Petrick mentioned there has been numerous identity theft issues related to unemployment fraud. He provided the website IdentityTheft.gov as a resource to protect oneself from identity theft. Chief Petrick mentioned that officers will be visible in and around the schools once the school year commences.

Chief Petrick reviewed the Support Services Group Report and discussed the drone team activity which included assisting Ephrata Borough staff with a water leak issue as well as assisting Manheim Borough Police with a missing subject.

Chief Petrick mentioned that a patrol bike presentation was held last week at WellSpan-Ephrata Community Hospital to thank the hospital for their generous donation of the three new electric patrol bikes.

Chairman Reinhold inquired about the Part I and II case assignment and clearance figures on the report. Chief Petrick explained that a crime might not be cleared in the same month but possibly in a following month. The total clearance for all crimes would be reflected in the end of the year report.

Chairman Reinhold expressed concern for Officer Newswanger’s safety related to the excellence in policing incident previously discussed in the meeting. The concern was safety for one officer stopping a vehicle at 2:30 AM with a dangerous felony. Chief Petrick expressed police tactics/training as well as additional units are utilized during traffic stops for officer safety purposes.

Mr. Richard asked that a notation be added to the report when outside agencies assist Ephrata Police. This is in reference to seeing in the report how often our agency assists other police departments. Mr. Richard is all for us assisting other agencies. Chief Petrick stated that we are only one incident away from needing the assistance of other police agencies.

Mr. Ressler commented about the self-checkout retail thefts and how it could be difficult to identify suspects due to video quality. Mr. Ressler also inquired about civic issues related to a tenant issue in the report and if it was an ongoing issue. Chief Petrick explained that police attempt to resolve problem property calls so return is limited.

Chief Petrick followed up on the retail theft videos and the importance of the public providing tips on the identity of suspects. This allows police to follow up and make arrests.

Mr. Barr commented on the terrific job the department is doing.

Adamstown Mayor Schmidt had no comments for the Public Safety Committee.

Chairman Reinhold asked the public for comment. Teresa Caruthers commented that there are several local stores that sell kratom. She stated that employees of these stores told her that they do not sell kratom to anyone under 21 years of age. She stated that the federal government calls it a drug of concern but does not regulate it. She asked about local regulation. She stated that it is habit forming. Rebecca Beres commented that kratom acts like a natural opioid. Ms. Caruthers stated that it is sold in huge bags and capsules and by the time it is processed and arrives in the United States, the concentration is much higher. It comes from Thailand. She was concerned that it is available here. Ms. Beres stated that some use it as an energy booster or testosterone booster, as a natural enhancer of things. Ms. Caruthers stated that large doses can be sedating.

Chairman Reinhold stated at this point it is not illegal; which, Ms. Caruthers replied it is a drug of concern and it is up to states to regulate. Ms. Beres mentioned that this is something to keep an eye on since increase number of places that sell it and children in area and concerned of the next opioid crisis.

Chief Petrick commented that concerned individuals could contact state legislators to pass legislation so that it could be enforced. Chairman Reinhold inquired about this with Solicitor McManus about banning this locally before the State passes legislation. Solicitor McManus mentioned it would need to be pre-empted by State law. Chairman Reinhold recommended that Ms. Caruthers contact Mr. Zimmerman's office regarding this matter and that people can discourage the use of this item by word of mouth.

Mr. Tim Barr asked if this Committee or Council could send a letter to State Representatives to look into this and legislate. Chairman Reinhold commented that anyone could send letters individually.

- Emergency Management Report:** Randy Gockley reported on last week's severe heat wave in the Borough and that proactive measures of setting up a cooling center at the Rec Center took place. He wanted to thank Jim Summers of the Rec Center and Ephrata Area Social Services for snacks, water and bus for transport. The information went out via social media. As of Friday morning, he was not aware of anyone using the center. He also checked with the County Office of Aging regarding senior center use and extending hours to cool. The director of the office informed Randy Gockley that very few people took advantage of the center's hours. Mr. Gockley stated that there does not appear to be a critical need for the cooling stations for future use but will continue to monitor.

Mr. Gockley provided COVID-19 statistics for the area. The three local hospitals (Lancaster County) had 36 COVID patients. He reported that Kim Stonebraker informed him that WellSpan- Ephrata Hospital had 7 COVID patients. Mr. Gockley reported even though there is an uptick in COVID cases, it is not critical at this time. He also stated that WellSpan's pharmacy has COVID vaccines available Monday-Saturday.

Mr. Ressler commented that he is impressed with both the Ephrata Emergency Management and Ephrata Police Facebook pages, and they are very informative.

Pioneer Fire Chief Mike Kiefer provided an update on the construction of the new aerial ladder. Information should be received next week on the start date of the construction. He stated that the loaner apparatus was involved in the recent crash and is being repaired. It might be repaired and returned by Fair Week. He updated the Committee on last week's fire on Washington Avenue in which a firefighter received minor injuries. On Saturday, the fire company went to the area of the fire and distributed approximately 16 smoke detectors to area residents. This was proactive follow-up.

Mayor Mowen inquired about the number of fire calls already this month. Chief Kiefer stated that the information would be in the monthly report. He did state that starting last week, the fire company has been responding to 3-5 calls per day consistently if not every day, but every other day. There has been a significant uptick in the calls this last week. Mayor Mowen stated that he wanted to add to Chief Kiefer's comments that he tracks the fire police call volume (fire police do not respond to every fire company call) and of this morning, the fire police had answered 25 calls so far this month. Chairman Reinhold asked Mayor Mowen what would be a monthly average from his experience. Mayor Mowen responded that his figures would be a total monthly call volume. Randy Gockley commented on Pioneer and Lincoln Companies responding to numerous false alarms and one commercial business in Stevens Fire Company area (first due) in particular has been an issue. It is located in Ephrata Township. He stated that this is a facility that needs to get a handle on regarding false alarms due to the high number. Chairman Reinhold inquired if we could enforce the false alarms in Ephrata Township. Chief Petrick responded that Ephrata Township would need to pass a similar alarm ordinance as the Borough's. Manager Thompson commented that Ephrata Township would be encouraged to consider such a similar ordinance. Randy Gockley stated that the location in question is 621 Stevens Road.

Mayor Mowen stated that a definition of false alarm needs to be worked on for the ordinance. Chief Kiefer commented on a fire manual to assist with it and he could provide such information.

Chairman Reinhold stated that the ladder truck that was recently involved in the accident is being repaired by insurance and that the new truck's construction has not started; therefore, are we behind in the new truck timeline since construction has not started? Chief Kiefer provided an overview on the production/construction timeline. The delay issues are related to being unable to obtain supplies for the truck construction and well as COVID-related issues. He hopes to have more answers on August 23 from the vendor. Chief Kiefer stated that they are currently operating a true loaner truck while repairs are being completed on the accident-related apparatus. The insurance carrier provides coverage on a loaner truck for three months. Hopefully by the time the 3-month period is over, the accident-related truck should be back from repairs. If not, the fire company would rent the truck that the insurance company is providing. Mr. Richard asked Chief Kiefer if the resale value of the accident-related truck would go down due to the accident. Chief Kiefer responded that the resale would not be affected. He also stated that Facebook has been helpful in advertising the sale of fire apparatus. Mr. Ressler stated that the loaner truck is getting a workout due to the recent call volume and was pleased that we got the loaner. Mr. Wes Dudley expressed his appreciation for fire staff coming to Washington Avenue after the fire and meeting the residents.

Chairman Reinhold adjourned Public Safety Committee meeting at 7:20 PM.

Highway Committee

The Highway Committee met on August 23, 2021 and discussed the following:

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.

Discussion Items:

1. The Committee discussed a request from Thomas Leh, property owner of 203 Park Avenue and Shirley Neyhard, property owner of 205 Park Avenue, who both personally appeared before the Committee to ask for reimbursement of their total costs of \$7,527 to remove 2 trees and replace curb and sidewalk which was damaged due to the overgrowth of the trees at sidewalk level. Mr. Leh added that the cost to remove the trees was \$2,400. Both property owners believe the trees were planted by the Borough sometime between 1969 and 1971. Thomas Leh has owned 203 Park Avenue since March 12, 1990 and Shirley Neyhard has owned 205 Park Avenue since December 9, 1964. David Burkholder had contacted Mrs. Neyhard prior to the Highway Committee meeting to inquire if she could recollect what year she believes the trees were planted in front of 203 Park Avenue and she stated, without hesitation, 1969. The Committee was advised by Mr. Burkholder that he researched the Borough Council meeting minutes from 1969 and found no reference or acknowledgement of trees being planted by the Borough in front of 203 Park Avenue. Mr. Leh added that the meeting minutes from 1970 and 1971 should be checked. Borough Manager Thompson added that typically a maintenance agreement would be entered into by both parties describing who is responsible for what regarding similar installations. Mr. Burkholder will research Borough Council meeting minutes from 1970 and 1971 and Staff will confer this issue with the Borough Solicitor for discussion at the next Highway Committee meeting.
2. The Committee continued discussions regarding the Locust Street parking lot space designations. Councilperson Dudley advised that there are numerous vehicles parking in the spaces near 40 Washington Avenue including a large truck that takes up multiple spaces. The Committee directed Staff to check with the owner of the Laundromat and Ephrata National Bank regarding their usage of parking spaces per the Easement Agreement dated January 9, 2001 and consult with the Borough Solicitor about the possibility of modifying the Easement Agreement, while still in effect. The Easement Agreement, in its current form, expires January 9, 2026. Nancy Harris and David

Burkholder will plan to review the parking designations at the parking lot and invite Highway Committee Chair Richard to attend. Staff will provide information for discussion at the next Highway Committee meeting.

3. The Committee reviewed the Steinmetz Road traffic report completed in response to a recent citizen concern shared with the Committee by Teresa Caruthers. The southbound lane of Steinmetz Road saw 2,628 vehicles from August 5 to August 12, 2021 at an average speed of 23.7 MPH. The northbound lane of Steinmetz Road saw 3,158 vehicles from August 12 to August 19, 2021 at an average speed of 31.8 MPH. The posted speed limit on Steinmetz Road is 35 MPH. There was also citizen concern shared with the Committee by Teresa Caruthers regarding pedestrian safety at the mailboxes next to a mobile home park and adjacent to a turn in Steinmetz Road. Committee directed Staff to provide motor vehicle accident reports for the past 10 years for Steinmetz Road for discussion at the next Highway Committee meeting.
4. The Committee heard from Shirley Neyhard, property owner of 205 Park Avenue, regarding clear sight distance at the Spruce Alley and West Chestnut Street intersection and vehicles speeding on the recently reconstructed and paved Spruce Alley. Staff will discuss these concerns with the Ephrata Police and provide information for discussion at the next Highway Committee meeting.

Old Business Items:

1. Borough Staff continues attempts at communicating with PennDOT regarding the South Oak Street bridge pedestrian railing/vehicle barrier with regards to PennDOT's plans for replacing similar barrier on their West Main Street (SR 0322) over Cocalico Creek Bridge. Staff will contact the consultant performing the November bridge inspection to discuss concerns regarding the pedestrian railing/vehicle barrier.

Municipal Enterprises Committee

The Municipal Enterprises Committee met on August 16, 2021, and discussed the following:

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.

Discussion Items:

1. Staff informed the Committee of the completion of commissioning testing of the Peaking Generators at the substation. Mr. Morrison stated that the generators have been operated for Load Management on two (2) occasions since commissioning was completed, totaling approximately seven (7) hours of run-time.
2. Mayor Mowen noted that the solar panels appeared to be in a fixed position, rather than angled toward the sun. Mr. Morrison reported that the facility is offline due to an equipment failure at the substation and that repairs are currently in progress. A return-to-service date is not known at this time.
3. A question was raised about a potential issue with the phone system discovered by residents over the weekend. Staff reported that they are aware of the issue and it appears to be caused when multiple

callers are dialing it simultaneously. They also reported that action is already being taken to repair the issue.

4. A request was made by a resident to consider adopting a change to the Borough's Net Metering Policy. Chairman Martin requested specific information from the resident, as well as from Staff, to be discussed at next month's Committee meeting.

Old Business Items:

1. Borough Staff will continue to communicate with Borough residents in response to questions about electric rates and the general operating practices of Ephrata Borough Electric Dept. Chairman Martin indicated that she had hopes to answer specific questions at next month's Committee meeting.

Special Projects Committee

The Special Projects Committee met on August 16, 2021 and discussed the following:

Action Items:

None

Discussion Items:

1. As a result of the Governor's termination of the Declaration of Emergency, as a matter of law, the ACT 15 provisions for public participation via remote electronic devices terminated. Therefore the Borough's obligations revert back to those in the Borough code. At the July Committee meeting, the Committee determined that they would like to eliminate remote participation at public meetings in lieu of live streaming of the meetings. The Committee reviewed the City of Lancaster's Video Policies and Procedures dated May 2019. The Committee will discuss this item further at their September 20 Committee meeting.
2. Borough Manager Thompson reviewed with the Committee the proposed changes to Chapter 297 Trees and Chapter 165, Electricity (as it relates to tree trimming around wires) of the Code of the Borough of Ephrata. Former Shade Tree Commission Chair Chandra Mast was in attendance and was asked by the Committee if she reviewed the proposed ordinance. Ms. Mast responded that she previously reviewed the ordinance in 2016-2017; however, she is not sure if she has seen the document currently before the Committee. The Committee requested Mr. Thompson to send the proposed ordinance to Ms. Mast for her comments. President Rowe provided comments from her review of the proposed ordinance. The Committee requested additional time to review the ordinance. The proposed ordinance will be reviewed with the Committee at their September 20 Committee meeting.

Personnel Committee

The Personnel Committee met on August 9 and discussed the following:

Due to the number of discussion items and the late hour, following the committee meeting being called to order, the committee discussed and determined to recess and reconvene the meeting at 4:00 PM on August 10. The meeting was recessed.

The Personnel Committee reconvened on August 10 and discussed the following:

Executive Session:

1. There were no Executive Session items.

Action Items:

Prior to discussing the agenda items, Rowe requested a few minutes of the committee 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. Mr. Richard volunteered to represent Borough Council at the negotiations; Mr. Reinhold will be the alternate.

Discussion Items:

1. The Committee discussed changes to the Salaried Employee Handbook. This document was last revised in 2016. The Committee understands any changes to the document would be effective for new hires; those already employed are grandfathered into the current document. The Committee instructed Rowe to do some research for the next Committee meeting. Discussion centered around service awards, wellness benefits and holidays. The discussion will continue at the September meeting when Rowe provides additional information as requested by the committee.
2. The Committee wishes to consolidate the Employee Evaluation documents for ease of completion. They offered several suggestions; however, Rowe will rewrite the documents for review by the Committee. Rowe reminded everyone the evaluations are scheduled to be handed out September 7; therefore, any changes would have to be voted on at the Work Session. The Committee discussed and decided to complete the evaluation for 2021 using the Performance Management Process Form, usually reserved for the Personnel Committee. The Guidelines for Employee Evaluations will be amended to reflect the use of either this or the Performance Evaluation document as determined by the Personnel Committee in August of each year. Rowe suggested also amending the Guidelines to tighten up the completion schedule of which the Committee agreed. The Guidelines, Performance Evaluation, and Performance Management Process forms will all be amended and approval requested at the September 7 Work Session of Council.
3. Rowe advised the Committee everything is on schedule for Job Descriptions to be evaluated by them at the September 13 meeting. The Chief of Police Job Description was recently updated and will be ratified by Borough Council at the September 13 Voting Session. The Committee notified Rowe of the positions they wish to prioritize.
4. Rowe provided the Committee with the tentative Workshop invitation to be presented by Chief John Petrick. The start time will be amended to 5:00 to allow time for Q&A prior to allowing citizens into Council Chambers for the Work Session. Rowe mentioned the Workshop may need to be postponed if CDC mandates additional requirements for indoor capacity due to COVID-19. She will keep everyone apprised. The Committee decided to plan for the November 2021 Workshop; Rowe will request RTK Officer Fasnacht to present on the Right-to-Know Act. The 2022 Workshops will be determined no later than the November 8 Committee meeting.
5. The Committee briefly discussed the Telecommunications Policy. Mrs. Martin is concerned that residents have the opportunity to participate via Zoom and Council members are not afforded the same opportunity. Rowe clarified the position of §1001 of the Commonwealth Borough Code and the Expiration of Act 15. The possible revision of the Telecommunications Policy or adoption of another policy will be discussed in more detail at the September 13 Committee meeting.
6. A resident suggested Borough Council look at compensation for the elected position of Borough Council representative. The Committee discussed their viewpoint of moving the topic to the Budget & Finance Committee for approval and Council vote. No individual in attendance at the meeting favored moving forward with this topic; therefore, compensation for Borough Council was defeated at the Committee level.

Old Business:

1. Time constraints prevented any Old Business items from being discussed; however, Mrs. Martin requested to have Old Business Item #2 – Social Media Intern discussion of job duties moved to a prioritized Discussion Item for the September 13 Committee meeting. This will be reflected on the Agenda for the next meeting.

Miscellaneous Reports:

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

NEW BUSINESS ITEMS**CONSENT AGENDA**

Vice President Reinhold advised the item on tonight's Consent Agenda has been discussed in detail at the respective Committee meetings and was brought forward for additional discussion at last week's Work Session. The item is considered routine in nature and voted upon under one umbrella. This item is not open for discussion unless an individual or Council Member wishes to have the item removed from the Consent Agenda. If an item is removed, it will be handed over to the Committee under which it was originally discussed during the Standing Committee Recommendations.

1. That Borough Council authorize the Borough Manager to execute the 2022 Pension Certification Reports identifying the Borough's minimum municipal obligation to each pension plan. The 2022 defined benefit Police Pension Plan amount will be \$718,705. The 2022 defined benefit Borough Pension Plan amount will be \$590,804. And the 2022 defined contribution Retirement Plan amount will be \$88,515. (Budget and Finance)
2. That Borough Council approve a waiver/modification of submission of Preliminary Plan, Section 281-14 of the Code of the Borough of Ephrata for the Preliminary/Final Land Development Plan for Garden Spot Auto Auction. (Development Activities)
3. That Borough Council approve a waiver/modification of Zoning Boundaries within 200 feet of the site, Section 281-26.B(2)(D) of the Code of the Borough of Ephrata for the Preliminary/Final Land Development Plan for Garden Spot Auto Auction. (Development Activities)
4. That Borough Council approve a waiver/modification of Existing Features, Section 281-26.B(2)(j) of the Code of the Borough of Ephrata for the Preliminary/Final Land Development Plan for Garden Spot Auto Auction. (Development Activities)
5. That Borough Council approve a waiver/modification of Topographic Survey, Section 281-27.A(7) of the Code of the Borough of Ephrata for the Preliminary/Final Land Development Plan for Garden Spot Auto Auction. (Development Activities)
6. That Borough Council approve a deferral of Street Cartway Width, Section 281-34.A of the Code of the Borough of Ephrata for the Preliminary/Final Land Development Plan for Garden Spot Auto Auction. (Development Activities)

7. That Borough Council approve a deferral of Existing Streets Additional Right-of-way Width, Section 281-34.D of the Code of the Borough of Ephrata for the Preliminary/Final Land Development Plan for Garden Spot Auto Auction. (Development Activities)
8. That Borough Council approve a deferral of Sidewalk, Section 281-45.A of the Code of the Borough of Ephrata for the Preliminary/Final Land Development Plan for Garden Spot Auto Auction. (Development Activities)
9. That Borough Council approve the Final Land Development Plan for Garden Spot Auto Auction, dated July 16, 2021, containing 9 sheets prepared by RGS Associates, Lancaster, PA, subject to the following:
 - The applicant must address the comments contained in the HRG letter dated August 6, 2021.(Development Activities)
10. That Borough Council authorize the President of Borough Council and Borough Secretary to execute the Subdivision and Land Development Agreement with Garden Spot Equipment Auction, Inc. for the Garden Spot Auto Auction land development plan subject to it being in a form acceptable to the solicitor. (Development Activities)
11. That Borough Council authorize the President of Borough Council and Borough Secretary to execute an Operation and Maintenance Agreement with Garden Spot Equipment Auction, Inc. for the Garden Spot Auto Auction land development plan subject to it being in a form acceptable to the solicitor. (Development Activities)
12. That Borough Council conditionally approve the August 20, 2021 letter request from Cocalico Valley VFW Post 3376 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 with a rain date of Thursday, October 28, 2021 for the annual Jack Frost parade subject to Borough receipt of a satisfactory certificate of insurance naming the Borough of Ephrata as additional insured. (Highway)

It was moved by Ms. Martin, seconded by Mr. Barr, and unanimously passed that Borough Council adopt, authorize and/or approve/conditionally approve the items listed on the Consent Agenda.

STANDING COMMITTEE RECOMMENDATIONS

Budget and Finance Committee

It was moved by Mr. Richard, seconded by Vice President Reinhold, and unanimously passed that Borough Council adopt Resolution 2021-33 enabling the Borough to add authorized persons to the Morgan Stanley pension/retirement investment account statements.

It was moved by Mr. Richard, seconded by Vice President Reinhold, and unanimously passed that Borough Council adopt 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.

Development Activities Committee

It was moved by Mr. Zimmerman, seconded by Mr. Barr, and unanimously passed that Borough Council authorize the President of Borough Council and Borough Secretary to execute the waterline easement with Ephrata Mennonite School subject to it being in a form acceptable to the Solicitor.

Public Safety Committee

It was moved by Vice President Reinhold, seconded by Mr. Richard, and unanimously passed that Borough Council approve the promotion of Officer Daniel Albaugh and Detective Kenneth Lockhart to the rank of Sergeant of Police effective October 11, 2021. Each will be subject to a one-year probationary period beginning October 11, 2021 and ending October 11, 2022.

Highway Committee

It was moved by Mr. Richard, seconded by Ms. Martin, and unanimously passed that Borough Council approve UGI Utilities' permit application and street opening and gas service extension agreement for installation of a natural gas service line to 31 East Franklin Street, the Ephrata National Bank Technology Center.

It was moved by Mr. Richard, seconded by Ms. Martin, and unanimously passed that Borough Council approve UGI Utilities' permit application and street opening and gas service extension agreement for installation of a natural gas service line to 320 Church Avenue, the OMPH facility.

Municipal Enterprises Committee

It was moved by Ms. Martin, seconded by Mr. Richard, and unanimously passed via roll call vote that Borough Council enact Ordinance No. 1562, Approving Borough Authority Articles of Incorporation Amendment.

It was moved by Ms. Martin, seconded by Vice President Reinhold, and unanimously passed that Borough Council authorize the Borough Secretary to execute the Landowner-Grantee Agreements as part of the Gross Run Project.

Personnel Committee

It was moved by Vice President Reinhold, seconded by Mr. Richard, and unanimously passed that Borough Council approve the Chief of Police Job Description.

APPROVAL OF CHECKS 45909 THROUGH 46160 AND THE ACH REGISTER DATED SEPTEMBER 1, 2021

It was moved by Mr. Richard, seconded by Mr. Zimmerman, and unanimously passed that Borough Council ratify the payment of bills performed by the Staff since the last regular Council meeting in the aggregate amount of \$876,805.19.

OPPORTUNITY FOR CITIZENS TO BE HEARD

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

DISCUSSION/ANNOUNCEMENTS

Ms. Martin reminded all in attendance that Mainspring of Ephrata will be hosting a "Wednesday Happy Hour" event at the Plaza on Wednesday, September 15, 2021.

Ms. Martin 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 advised he attended the Ephrata Pool's Dog Swim event held on Saturday, September 11, 2021, which was "very well attended" by residents.

Vice President Reinhold advised the Personnel Committee will be meeting approximately 15 minutes upon the conclusion of the Voting Session.

Mayor Mowen expressed his sincere appreciation to the local service organizations who held 9/11 Remembrance Ceremonies stating, "... we can't forget that day." Mayor Mowen advised he attended the Ephrata Performing Arts Center's performance of "The Guys" which is based on the events of 9/11 and the days following from the perspective of a Captain who lost some of his crew. Mayor Mowen further advised the story and performance was very emotional, gut-wrenching.

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

President Rowe advised she was in receipt of a thank you note for the services provided by the lifeguards at the Ephrata Community Pool and requested Mr. Thompson to forward that note to Mr. Summers to share with his staff.

ADJOURNMENT

It was moved by Mr. Barr, seconded by Ms. Martin, and unanimously passed that Borough Council adjourn. The meeting was adjourned at 7:51 PM.

Respectfully submitted,

D. Robert Thompson, Secretary