

**EPHRATA BOROUGH COUNCIL  
WORK SESSION MINUTES  
OCTOBER 4, 2021**

The Ephrata Borough Council Work Session was called to order by President Susan Rowe at 7:00 PM on October 4, 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, President Pro Tem Ricky Ressler, Council Members Timothy Barr, Wes Dudley, Linda Martin, Victor Richard and Greg Zimmerman. Absent was 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	Jessie Pierce, 235 Duke Street, Ephrata
Alan Armstrong, 106 Hummer Road, Ephrata	J. Phillips, 65 Snyder Lane, Ephrata
Kelly Armstrong, 106 Hummer Road, Ephrata	Phoebe Rabold, 204 Julia Road, Ephrata
Ted Bare, 935 Lincoln Heights Avenue, Ephrata	Patrick Reed, 1314 Marie Avenue, Ephrata
Rebecca Beres, 44 Brookfield Drive, Ephrata	Sarah Reed, 1314 Marie Avenue, Ephrata
Barry Bonner, 1355 Lincoln Heights Avenue, Ephrata	Debra Sanders, 1125 Lincoln Heights Avenue, Ephrata
Monica D., Unknown Address	Lee Sanders, 1125 Lincoln Heights Avenue, Ephrata
Darleen Deegan, 1321 Marie Avenue, Ephrata	Cookie Sandoe, 1181 Joann Avenue, Ephrata
Jim Deegan, 1321 Marie Avenue, Ephrata	Jon Sellenberger, 1214 Marilyn Avenue, Ephrata
Wanda Deininger, 208 Hummer Road, Ephrata	Robert Shaeffer, 1329 Marie Avenue, Ephrata
Carol Devine, 219 Hummer Road, Ephrata	Chris Shellhammer, 120 Julia Road, Ephrata
Jeff Donahue, 205 Julia Road, Ephrata	Erica Shellhammer, 120 Julia Road, Ephrata
Kristen Eberly, 1259 Marilyn Avenue, Ephrata	Scot Sherbine, 202 S. State Street, Ephrata
Carolyn Fegley, 206 Hummer Rd., Ephrata	Ed Stauffer, 1231 Marilyn Avenue, Ephrata
Gail Glatfelter, 1220 Marilyn Avenue, Ephrata	Jeff Steele, 1356 Lincoln Heights Avenue, Ephrata
Emily Epler Hackman, 237 Ammon Avenue, Elizabethtown	Michelle Steele, 1356 Lincoln Heights Avenue, Ephrata
Scott Hackman, 237 Ammon Avenue, Elizabethtown	Aimee Todd, 1163 Lincoln Heights Avenue, Ephrata
Haldeman, 215 Julia Road, Ephrata	Kevin Varner, Diehm
Deborah Hartz, 1247 Marie Avenue, Ephrata	Joseph Walden, 1163 Lincoln Heights Avenue, Ephrata
Laura Haupt, 1256 Marilyn Avenue, Ephrata	Chad Weaver, 1357 Marie Avenue, Ephrata
Josh Haupt, 1256 Marilyn Avenue, Ephrata	Jolene Weaver, 1357 Marie Avenue, Ephrata
Grace Hoefner, 219 Julia Road, Ephrata	Jane Weber, 1330 Marilyn Avenue, Ephrata
Nevin Horst, 1020 W. Main Street, Ephrata	Michael Weber, 1330 Marilyn Avenue, Ephrata
Frank K., 1208 Marilyn Avenue, Ephrata	Tony Weinhold, 121 Julia Road, Ephrata
Beth Kimmel, 945 Lincoln Heights Avenue, Ephrata	Dennis Wiest, 1125 Marilyn Avenue, Ephrata
Michelle Kline, 1126 Marilyn Avenue, Ephrata	Kirk Willwerth, 1250 Marie Avenue, Ephrata
John Landis, 1232 Lincoln Heights Avenue, Ephrata	Steven Wissler, 1322 Marie Avenue, Ephrata
Barry Lausch, 1117 Marilyn Avenue, Ephrata	Veida Wissler, 1322 Marie Avenue, Ephrata
Jean Lausch, 950 Hammon Avenue, Ephrata	Gail Witwer, 121 Julia Road, Ephrata
Todd Loose, 1332 Marilyn Avenue, Ephrata	Tony Zbrzezity, 219 Julia Road, Ephrata
Greg Martin, 1304 Marilyn Avenue, Ephrata	
Kris McKinney, 1214 Marilyn Avenue, Ephrata	
Joseph Michalka, 1321 Marilyn Avenue, Ephrata	
Kory Musser, 340 Washington Avenue, Ephrata	
Janet Oberholtzer, 1314 Lincoln Heights Avenue, Ephrata	
Ryan Oberholtzer, 1314 Marilyn Avenue, Ephrata	
Jane Pfautz, 104 Julia Road, Ephrata	
Jeff Pfautz, 104 Julia Road, Ephrata	

The following visitor participated in the meeting via Zoom:  
Michael McKenna

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

### **Approval of Agenda**

It was moved by Mr. Ressler, seconded by Ms. Martin, 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.

At this time, President Rowe announced the following:

1. The majority of Borough Council met on September 15, 2021, in an Executive Session for a personnel matter regarding applicants for the position of Borough Manager;
2. Also, on September 15, 2021, Borough Council met in Executive Session for a personnel matter relating to the Police Department;
3. On October 7, 2021, Borough Council will meet in an informational closed meeting;
4. On October 12, 2021, the Personnel Committee will meet in an Executive Session to discuss an employee evaluation.

### **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. If you are addressing Borough Council, you must be a resident or a tax payer of the Borough of Ephrata or represent an organization of the Borough of Ephrata. Please wait to be recognized before stepping to the podium. If you failed to sign in, the sheet will be available for you to do so following the adjournment. We request you keep your comments to approximately 3 to 3-1/2 minutes.

The Sunshine Act does allow for video recording of the meeting; however, there are rules associated with this. Out of respect for attendees that may not wish to appear on video, you are asked to announce that you are recording or taking pictures after notifying the individual presiding of the meeting of your intent to do so."

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

Tony Zbrzezity, 219 Julia Road, Ephrata, opened his comments by thanking Council for the job that they do. Mr. Zbrzezity advised his family, when discussing something important, "'yellow pads' ... you throw a yellow pad in the middle of a table and you list the pros and cons of the topic at hand." Mr. Zbrzezity advised he "yellow padded" this matter and while focusing on the positives asked, "How is this going to make our community better?" Mr. Zbrzezity then stated, "I couldn't find any ... I couldn't find any." Mr. Zbrzezity requested when Borough Council is making their final decision to "... find me the positives ... spend 15 minutes and find the positives for the Lincoln Heights residents." Mr. Zbrzezity, in referencing the attendees of the meeting, requested Council Members to "... look at the people who are going to be detrimentally harmed ... and I do mean harmed by this project ... so we've got all of this and let's compare ...

who is going to make out from this project ... who benefits from this project ... I can only think of one entity ... please tell me more ... I challenge Borough Council to tell us more.” Mr. Zbrzezity concluded his comments by extending his appreciation to Borough Council for their time and consideration of his request.

Gail Witwer, 121 Julia Road, Ephrata, advised she chose to speak because she has lived in the development longer than anyone else in attendance. Ms. Witwer stated, “... that development is the most wonderful place in the world ... the character of the development is terrific ... it has young families ... it has retirees ... it has young professionals.” Ms. Witwer further stated, “... now some of the faces have come and gone ... they’ve changed ... but the integrity, the character of that neighborhood has remained the same.” Ms. Witwer advised approximately 35 years ago, residents went through a similar situation where Sensenig petitioned Council to allow them to put in apartments which was not granted. Ms. Witwer advised at a later time, Sensenig requested permission to expand their parking area; in which, their request was approved. Ms. Witwer further advised Sensenig then constructed some pole buildings on their property; however, due a small tornado going through the neighborhood, those pole buildings were lifted from their foundations causing damage within the neighborhood. In referencing Sensenig’s plans, stated, “... come on folks ... they want to do it again ... I mean it appears from the sketch that they want permission to again build some kind of garage or building that would provide them some area for their trucks and given the history – and there are pictures that someone would show you – indicating the damage that was done.”

Ms. Witwer referred to another concern of hers in where one of the residents (Julia Road), in building their home, found out it was going to be situated on a mound of rocks which resulted in blasting needing to be done in order to give that property a basement. Ms. Witwer advised, as a result of the blasting, several homes were left with cracks and damage. Ms. Witwer then inquired – due to the plan being proposed by Sensenig being directly next to the property she referenced – if blasting was going to be permitted resulting in residences possibly occurring additional damage.

Ms. Witwer, in concluding her comments, advised when this idea was evidentially afoot, an unknown person made contact with her 90-year-old mother – without identifying their intent – and asked if they could have permission to walk through her property “... to survey.” Ms. Witwer advised another resident approached the surveyor and inquired as what they were doing on the property; in which, the resident received “... the brush off.” Ms. Witwer advised her mother’s property butts right up to where the proposed townhouses are going to be located. Ms. Witwer then stated, “... I have to think when a company can conceal evidence or conceal their intent, it does nothing to bolster my confidence in this project.”

Jolene Weaver, 1357 Marie Avenue, Ephrata, advised her family’s home is the last parcel on Marie Avenue bordering the Sensenig property that is being discussed. Ms. Weaver advised for the last 14 years, her family has lived approximately 55 yards from the light industrial and commercial property of Sensenig Roofing. Ms. Weaver stated, “... each day since we purchased that property, our first and only home, I have been thankful for the 55-yard buffered area between my bedroom window and their commercial property.” Ms. Weaver further stated, “... it is not unusual on a hot summer day to be woken up at 4:30 in the morning by Sensenig’s

overhead page system saying, “Rick ... line 2 ... Rick ... line 2.” Ms. Weaver then provided a list of additional noise annoyances heard from various pieces of equipment as well as highlighted areas within the Ephrata Borough Code Book referring to noise levels within the Borough.

Ms. Weaver then stated, “... I am greatly concerned with the noise impact of an already existing noisy neighbor in Sensenig’s Roofing ... let alone to any individual in the boundaries of the sketch plan that is proposed at all hours of the day that we have endured for 14 years while living there ... just that alone would be unbearable noise to any of my future neighbors that would occupy that property.” Ms. Weaver, in concluding her comments, stated, “... I respectfully ask that you send this sketch plan back to the Development Activities Committee for further investigation and review which includes a noise study, traffic study and numerous other concerns that you’re going to hear about from my valued neighbors.”

Michael Weber, 1330 Marilyn Avenue, Ephrata, referenced Section 105 of the Pennsylvania Municipalities Planning Code of 1968 as amended. Mr. Weber then provided the following key points including: (1) retain the land that is the buffered zone consistent with Richard Sensenig’s commitment to the local residents and Ephrata Borough Council 45 years ago; (2) this approved construction of the three garages would be an encroachment of industrial use on land that is zoned residential; and, (3) question the suitability of the land for the proposed redevelopment because of the carbonic nature of the bedrock.

Mr. Weber then provided additional information obtained from the Borough Planning Commission’s meeting minutes dated November 5, 1975, including, “... a distance of 165 feet should remain zoned R1 along the boundary of the Lincoln Heights community along with a buffer planting zone.” Mr. Weber advised the buffer was intended to protect the rights of the adjoining property owners. Mr. Weber, referencing minutes dated March 29, 1976, stated Borough Council approved rezoning of portions of the property along Market Street provided that nothing changed in the status of the buffer zone adjacent to the land of the Lincoln Heights development. Mr. Weber further advised that the same conditions in 1976 that supported the buffer zone between Sensenig’s and Lincoln Heights continue to this day; therefore, he is encouraging Council to maintain the buffer zone in its current agricultural land status to protect and promote safety and health.

Mr. Weber, in referencing Sensenig’s proposed sketch plan, advised it includes construction of three garages for industrial use on land that is zoned residential. Mr. Weber further advised Sensenig’s current plan will “break” the buffer zone to construct a driveway and then park company trucks in the proposed garages. Further, Mr. Weber stated, “... this industrial use of the land is clearly inconsistent with the residential zoning of the property.” Mr. Weber again encouraged Borough Council to decline the proposal to construct the three new garages on residential land.

Mr. Weber advised he also questions the suitability of the strip of land under consideration especially the stormwater retention basin. Mr. Weber advised the land is underlined by the formation of thick rock units consisting of alternating layers of limestone and expressed his concern of a possible formation of a sinkhole. Mr. Weber further advised a sinkhole formed on the property near the proposed stormwater retention basin in 1970. Mr. Weber advised a

sinkhole could endanger nearby structures and pollute the shallow groundwater. Mr. Weber further advised that any proposed redevelopment of this land should be supported by a comprehensive subsurface characterization including ground penetrating radar.

Lee Sanders, 1125 Lincoln Heights Avenue, Ephrata, advised he recently learned of the project and have since reviewed the sketch plan. Mr. Sanders advised he and his wife had lived in the development for 43 years – Marie Avenue for 28 years and Lincoln Heights Avenue for the past 15 years. Mr. Sanders advised he is concerned about the negative impact and implications of this project including property values. Mr. Sanders advised this request effects all within the community. Mr. Sanders advised that the project will only increase the volume of cars as well as commercial construction vehicle traffic. Mr. Sanders then stated, "... in turn, I suspect that this will be a logistical nightmare ... a traffic jam of vehicles entering from Main Street or exiting to Main Street ... the traffic light at Hummer and Main Street will contribute to the backlog leading to increased traffic on Lincoln Heights, Marie and Marilyn Avenues." Mr. Sanders further stated, "... these are quiet residential streets ... the traffic will create noise, pollution and safety issues ... the traffic there is limited to 25 MPH, but I can tell you we all have traffic that is much faster than that ... we have children on bicycles ... we have people crossing the street ... we have our neighbors that we walk over to and yet there are these vehicles that fly by ... that is a safety issue."

Mr. Sanders concluded his comments by stating, "... to the best of my knowledge, there is no valid reason to exclude access points from Market Street to the proposed building project ... in fact, it is reasonable to suggest that the proposed stormwater retention basin at the very least be moved ... I request that this proposal be tabled and taken off of the Consent Agenda."

Tony Weinhold, 121 Julia Road, Ephrata, advised the proposed retention pond is designed to reduce pollution and erosion and manage stormwater runoff, "... which is a very good thing; however, this may have detrimental effect to the inhabitation of the community." Mr. Weinhold then referenced various health issues resulting from the possible migration of mosquitos near the retention pond. Mr. Weinhold concluded his comments by advising he believes all areas concerning this project need to be discussed and debated prior to a decision being made.

Jeff Donahue, 205 Julia Road, Ephrata, advised he has lived at his residence for 43 years. Mr. Donahue inquired if Borough Council can advise when the rezoning occurred as he (as well as others) does not remember being notified of such. Additionally, Mr. Donahue, in referencing the sketch plan, advised it currently notes that Marie Avenue will not be extended and questioned as to why there is a space on the plan. Mr. Donahue further requested if the residents can get a commitment that Marie Avenue will not be extended.

Ryan Oberholtzer, 1314 Marilyn Avenue, Ephrata, provided a handout to Borough Council showing the properties owned by the Richard Sensenig Company along Market Street – five (5) single-family homes and six individual properties with what appears to be a right-of-way. Mr. Oberholtzer advised the property closest to the roofing company is owned by Cocalico Investments, Ltd. Mr. Oberholtzer advised the handout also shows the 16 new apartments located across from Charlies Fuel and Deli which is also owned by Cocalico Investments, Ltd. (Owner, Kirby Sensenig). Mr. Oberholtzer shared some of his thoughts regarding the proposed

plan and requested Council to deny or “take it [the request] off of the table” due to the concerns being expressed to them at this meeting. Mr. Oberholtzer then stated, “... there is no additional need to penalize new homeowners with what we currently deal with in that neighborhood ... if they want to reap the rewards of what our community has to offer, cement a walking path ... I get it ... people already come outside of Ephrata to park in our community and walk and that’s why we’re all here tonight.”

Jon Sellenberger, 1214 Marilyn Avenue, Ephrata, advised when he received copies of the proposed sketch plans from his neighbors, he was a bit confused as it did not really align itself with the Borough’s community development objectives that is listed in their Code where it states, “... to promote traditional project development in strong neighborhoods ... and to design guidelines which are to protect and preserve neighborhood architectural character and enhance the pedestrian safety and the quality of the pedestrian experience.” Mr. Sellenberger advised zoning is only one small hurdle in getting a project through development and built and it does not address the Borough’s concerns about strengthening their neighborhoods and growing their communities together. Mr. Sellenberger then stated, “... the proposed plan does not relate to its context ... it does not relate to its residents ... none of that is congruent ... and I think if you will look at that, you will see that is true.”

Mr. Sellenberger advised he reviewed the Borough’s Comprehensive Plan completed in 2014 and even then, there is a map about future growth and that track of land is designated commercial, not medium density residential, “... it keeps the Lincoln Heights neighborhood as it is.” Mr. Sellenberger, in concluding his comments, stated, “... I think it’s worth noting that we are not opposed to growth ... we believe strongly in growing our community and bringing in more people ... growing together to make Ephrata better ... we just don’t think that what is proposed is going to do that.”

Grace Hoefner, 219 Julia Road, Ephrata, in attendance along with her mother, advised her parents, after retirement, moved to the area and built their home on land they purchased from her uncle 41 years ago. Ms. Hoefner advised her parents did so because the quiet, friendly and beautiful neighborhood appealed very much to them and, subsequently, they became very active in the community. Ms. Hoefner further advised her parents were very well aware of the discussions with the Sensenig Company when it was agreed that Sensenig could expand their business along Market Street with the understanding they would maintain a buffer zone for the neighborhood including a row of arborvitae trees along the backside of the commercial site. Ms. Hoefner advised when her mother first heard about the redevelopment of the Sensenig property, she stated, “... they can’t ... that’s the buffer zone.” Ms. Hoefner further stated, “... that has been a long-standing, well-known understanding by many in the neighborhood.”

Ms. Hoefner advised if the buffer zone is not honored, she has a few concerns including:

1. Traffic – 50 to 100 more cars traveling through a residential neighborhood is not in the best interest of anybody’s health and safety;
2. Parking – Giving that most families have more than one vehicle, there will not be enough parking for everyone living in this proposed development;
3. Garages – The construction of the three proposed garages do not belong on land zoned residential and they will simply increase the level of noise that already affects the

surrounding homes;

4. Stormwater Retention Basin – The community does not want a body of still water in the neighborhood for health reasons and that the expert testimony would suggest that much more study needs to be done on that matter.
5. Staging – Should any construction be approved, Ms. Hoefner requests to have answers to the following:
  - a. Where will the contractor trailers be located?
  - b. Where would equipment and building materials be stored?
  - c. How will large equipment gain access to the site?
  - d. Where will the construction workers park?

Ms. Hoefner further advised that before this project goes any further, she urges Council to insist on studying a detailed map – to scale – the project and the adjacent single-family homes to get a sense of how close these duplexes would be to the existing, primarily one-story, ranch-style homes.

Ms. Hoefner, in referencing the Hummer intersection and the increase in traffic - including traffic from a rumored apartment complex at the former bank located at the corner of Hummer and Route 322 - inquired as to how much more traffic can the neighborhood and intersection handle. Ms. Hoefner then stated, "... it cannot be overstated how much this type of high-density housing compared to the surrounding neighborhood with entry only through our existing neighborhood rather than Market Street will negatively affect us." Ms. Hoefner further stated, "... with the current design, the Sensenig Company seeks to gain all of the benefits from development, while pushing all of the negatives on Ephrata residents." Ms. Hoefner concluded her comments by stating, "... I urge you to respect and protect the local community."

Laura Haupt, 1256 Marilyn Avenue, Ephrata, advised she also recently found about the apartment building to be located at the corner of Route 322 and Hummer. Ms. Haupt stated, "... if this duplex goes through as well as the apartment building we are surrounded by much higher density housing than what our unique neighborhood is accustomed to and I really think that the Borough needs to protect that."

Ms. Haupt highlighted that the crime rate in her neighborhood is exceedingly low and with the addition of duplexes, as well as a proposed rental building, that could definitely change. Ms. Haupt inquired as to when the last time a single-family detached home neighborhood was developed in the Borough as she is not familiar with one; further stating, "... so we really need to protect the existing ones."

Ms. Haupt, in referencing Ephrata's Comprehensive Plan previously discussed, advised of the ten main goals, there is four of them that this proposal does not accomplish including: (1) to foster Ephrata's regional attractiveness; (2) boost Ephrata's economic development; (3) provide an opportunity of high-quality housing opportunities; and, (4) cultivate Ephrata's appeal to all ages.

Ms. Haupt advised, it is her understanding that 30 years ago, Sensenig Roofing was not inclined to allow growth onto the school property or in our immediate area. Ms. Haupt stated, "... at that

time, they had family living nearby ... so, I feel at this time we all have become insignificant now that their family has moved on and are not in the immediate area.” Ms. Haupt further stated, “... so if we have become insignificant, then, to me, their business is insignificant ...” referencing the increased level of noise. Ms. Haupt advised she reviewed the noise ordinance and has concerns of the possibility of the increase level of noise within the neighborhood.

Ms. Haupt expressed the concern of the residents in where the property value of their residences will decrease. Ms. Haupt then stated, “... if their plan becomes reality and we become less significant to the Sensenig’s – in my feeling – then I would say, let’s start to complain or discuss the noise level because if we’re insignificant and we eventually all move out because it’s not appealing, then I would say it should not be appealing to the Sensenig family and their roofing company with their vast noise that has disrupted us for years that we haven’t said a word about ... then they can move out of our area ... if they don’t care about us, then we don’t have an investment in them because they don’t have an investment in the community in return.”

At this time, President Rowe, addressing Scot Sherbine, advised he is not allowed to videotape the meeting unless he makes an announcement he is doing so. Upon clarification from President Rowe repeating he needs to announce that he is videotaping, Mr. Sherbine then stated, “I am going to videotape at a Council meeting as per Sunshine Act Law.”

Chad Weaver, 1357 Marie Avenue, Ephrata, advised his property borders the proposed development. Mr. Weaver expressed his appreciation to Council as, “... you are our elected advocates, not the opposition ... so we appreciate the fact that you are serving in a volunteer capacity and listening to our concerns.” Mr. Weaver stated, “... we all have many general and specific concerns about the project ... although I certainly am not in favor of this development as it would change the atmosphere and scope, safety and property values of our existing homes ... however, we are not unreasonable ... if there are adaptations or improvements to the plan that is proposed tonight, I believe we can come to potentially some resolutions to many of our concerns if we have that dialog.”

Mr. Weaver further stated, “... as proposed, this development is like trying to pound a square peg in a round hole ... it just doesn’t fit.” Mr. Weaver encouraged all members of Council to make sure they physically go to see the site and observe how small it actually is and what the proposal is to do with that site.

Mr. Weaver advised he is unsure as to why the Borough would allow homes to be so close to an industrial site. Mr. Weaver, in referencing the current noise levels, commented how important it is to keep the space as a buffer.

Mr. Weaver, in referencing Ms. Haupt’s statements about the lack of complaining from the residents, stated, “... I haven’t complained ... I could probably call the Borough every day, but I don’t do that because I’m a good neighbor ... I understand that Sensenig’s is there to provide jobs for our local people ... we want to be good neighbors .. but right now I feel like they’re not really being good neighbors to us ... from the way that this was handled ... from the way that this is being proposed.”

Mr. Weaver then inquired as to the following:

1. Who will actually own these properties? Will there be an HOA or will they be renters?
2. Why can't access be made from Market Street?
3. Why are the houses facing the way that they are facing? Could they be turned?
4. Could they put arborvitae along the backside of the property to shield our neighborhood just as they are shielding their industrial site?

Mr. Weaver stated, "... our neighborhood and our homes are going to be drastically affected by this proposal ... safety, aesthetics, lower property values ..." and requested Council to take another look at the proposed plans and to possibly provide another opportunity that allows for additional conversations to have these questions answered.

Mr. Weaver then stated, "... I think one of the crucial questions and it was touched upon several times ... I don't know why or when this was ever changed in the Zoning ... and why we would be putting a new neighborhood right against an industrial site that is incredibly noisy ... I believe that you will have many more new neighbors, if this proposal goes through, who will be coming to Council members like we are tonight to complain quite frequently."

Mr. Weaver advised he is unsure if the request can be removed from the Consent Agenda and/or if it can be revisited by the Development Activities Committee stating, "... all of us here are looking for guidance from you as the meeting continues on exactly what is the next process because we want ... I believe everyone in this room will want to be involved in the next process ... and the next process."

Gail Glatfelter, 1220 Marilyn Avenue, Ephrata, referenced Covenants that were drawn up in 1949 when the Kurtz's gave the land referred to as Lincoln Heights to the Hummer's. Ms. Glatfelter advised she would believe the Covenants would still be valid including: (1) 29-acres plus deeded to the Hummers; (2) no lot shall be used except for a residential purpose; and (3) no building shall be permitted other than one detached single-family dwelling. Ms. Glatfelter inquired if the land in question is part of the 29-acres; and if so, according to this Covenant, the request is forbidden to be granted.

Ms. Glatfelter, in referencing the increased traffic, stated, "... it will be dangerous for all of us really because you take 24 homes – get at least 50 cars – and they may have 2-car driveway ... and it also includes the trucks which I hate." Ms. Glatfelter advised the increase in noise levels "... doesn't seem desirable."

Ms. Glatfelter, in referencing the retention pond, inquired if any Council member has lived near one. Additionally, Ms. Glatfelter inquired if any Council member has smelled the odor from the Ephrata Wastewater Plants when traveling by them. Ms. Glatfelter then stated, "... when those retention ponds get low, they smell bad ... if it rains a lot and they keep moving, it's pretty good ... they're pretty to look at ... but when it's drying up and mosquitoes breed there, it's not very nice."

Ms. Glatfelter stated, "... children are very talented in getting into things that they shouldn't and so you can say to a child, "Stay away from that ..." ... and it can be fenced, but some children

can find a way and that would be a disaster.”

Ms. Glatfelter concluded her comments by stating, “... when we bought there, it was quiet and it is still relatively small ... and we just want it to stay that way ... and I don’t think it’s fair to all of us to have to live with increased noise, increased disturbance, increased unpleasantness.”

Steven Wissler, 1322 Marie Avenue, Ephrata, stated, “... for 30 years, I’ve seen that neighborhood develop in modest ways ...” Mr. Wissler further stated, “... and what’s going to happen here ... our good friends, the Sensenig’s, are investing millions and they expect a substantial award ... I don’t blame them for taking that questionable parcel and trying to do something with it.”

Mr. Wissler inquired, from a marketing and business perspective, as to why Sensenig would want the infrastructure burden to be borne by the neighborhood. Mr. Wissler then stated, “... as a businessman, I make the investment, I reap the rewards ... I make the investment ... not shoving it off on the neighbors.”

Mr. Wissler advised this will result in a ricochet effect placing additional burden on the neighborhood which is not structured to be a thoroughfare. Mr. Wissler then stated, “... it’s going to open Pandora’s box ... and already we’re seeing once the news it out that the infrastructure is going to be rattled and changed, it’s going to be even a bigger issue.”

Mr. Wissler, in referencing the legacy tradition with the buffer, the noise factor, the terrain factor as well as the infrastructure stated, “... let’s have Sensenig look at that infrastructure and say, ‘You want to do something ... come up with a solution, not just a marketing proposal to try to force something the people don’t want and doesn’t really fit the community.’”

Aimee Todd, 1163 Lincoln Heights Avenue, Ephrata, advised one of her main concerns that have not previously been addressed specifically is the safety of the children within the community. Ms. Todd advised she has young children who are active outside and is worried about their health and safety with the increased traffic as well as extra pollution they will be exposed to. Ms. Todd then stated, “... I moved to the Lincoln Heights from another neighborhood in Ephrata because there isn’t another neighborhood like this in Ephrata.” Ms. Todd concluded her comments by stating, “... I hope that you would consider their (the children’s) safety that it is not compromised.”

Robert Shaeffer, 1329 Marie Avenue, Ephrata, advised he has lived in his residence for 40 years as the home was purchased as a retirement home for his family and “... we are enjoying it very, very much.” Mr. Shaeffer advised he recently noticed an individual completing some engineering work around the neighborhood that he approached and inquired as to why he was in the neighborhood; in which, the male stated, “... I don’t know ... they just told me to get these roads mapped out and things ... things of that sort ... for a driveway.” Mr. Shaeffer then stated he has a question for Council, “... when we have problems like this in developments or zoning changes, is the School Board advised?” Mr. Shaeffer advised in a recent discussion with an individual who is very active with the School Board, he was told that they had no idea. Mr. Shaeffer advised this plan will bring more children to the area and inquired if the two groups

coincide with each other and how it will affect the school district and how it will affect the community. Mr. Shaeffer completed his comments by stating, "... I appreciate everything everyone said tonight and I'm in favor of 99.9% of it."

Veida Wissler, 1322 Marie Avenue, Ephrata, in referencing the potential traffic issue, advised it is already an issue as people "stack up" to turn left onto Blossom or Crescent forcing a workaround for others especially during certain times of the day. Ms. Wissler advised if traffic would be able to exit onto Market Street, it would allow increased exit points to get around. Ms. Wissler concluded her comments by questioning if the incoming dwellings would meet the Lincoln Heights Covenants as referenced by Ms. Glatfelter.

Jane Weber, 1330 Marilyn Avenue, Ephrata, advised her family moved the area in 1971 which, at that time, her residence was the last home on the corner surrounded by fields on two sides. Ms. Weber advised her parents developed the corner so that her grandparents, her aunt and uncle and other could come and live there. Ms. Weber further advised at the time the Sensenig Company wanted to expand their manufacturing operations, the local residents were very concerned and opposed the expansion because "... manufacturing already seemed too close to the development." Ms. Weber then advised of some instances in where roofing materials ended up in neighboring yards. Ms. Weber advised Borough Council, upon reviewing the Sensenig Company's proposal, allowing them to expand along Market Street with the understanding that they would maintain a buffer zone and a row of arborvitae trees along the backside of the light industrial area. Ms. Weber concluded her comments by stating, "... this buffer zone has succeeded in protecting the Lincoln Heights community from blowing debris for 45 years ... I would like to see this buffer zone be maintained in agricultural use to continue to protect the local community and to honor the legacy and spirit of the cooperation established in the mid-1970's."

Barry Lausch, 1117 Marilyn Avenue, Ephrata, advised he walked the site numerous times and "... it's a difficult site ... especially to the east ... for duplexes ... and a tight build like that, it's not going to be a pretty picture ... zoning does allow for a single family ... although single-family homes up against Sensenig's might be a tough sell." Mr. Lausch advised there are 195 single-family homes in Lincoln Heights built at various times, but very modulate, very consistent as far as the design. Mr. Lausch further advised the price point is easily \$250,000 up to over a half a million with an average sales price around \$350,000. Mr. Lausch then stated, "... a transition from 195 homes in that price point in that design style to go to duplexes is not consistent ... it's not part of your zoning philosophy ... I submit to you that it's a bad choice."

Scot Sherbine, 202 S. State Street, Ephrata, advised while looking for Council's picture on the website, he came across the Borough's Community Goals. Mr. Sherbine, addressing Ms. Martin, inquired if the neighborhood being addressed at the meeting is part of her community; in which, Ms. Martin advised that it is her neighborhood. Mr. Sherbine, referencing the Borough's website where the Community Goals are listed, advised it states, "... Ephrata Borough Council endorses the adoption of Borough of Ephrata Community Goals." Mr. Sherbine then stated, "... in the first part, where it says, 'Promote Economic Vitality Increase the Number of Owner-Occupied Homes ... I'd like you to explain that and how you can increase the number of homes in this town without infringing upon all of our rights ... and I do understand ... I grew up ... I used to

ride my 3-wheeler by Oregon Dairy on back roads ... times change, but I'd like you to explain how this goal is possible when you don't want to bring homes into this town." Ms. Martin replied, "... we're just taking comments tonight." Mr. Sherbine then stated, "... I just wanted your opinion on that ..."; in which, Ms. Martin re-stated, "... we're just taking comments tonight ... I'm not going to answer your question ... we're just taking resident comments."

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

### **Discussion of Committee Actions**

#### Development Activities Committee

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

1. The Committee reviewed a sketch plan for a proposed residential subdivision in Lincoln Heights for the Richard L. Sensenig Co. The developer is planning to construct a street to connect the west stub of Lincoln Heights Avenue to the west stub of Marilyn Avenue. The plan would create lots for 24 semi-detached homes and construct 3 garages to park the roofing company trucks. A number of residents were in attendance to voice concerns over this proposed subdivision. They were concerned about the density, traffic and parking. Harris reminded the Committee that this is a sketch plan and Council will provide comments on the conceptual plan and does not need to approve or disapprove the plan at this time. The applicant needs to take the comments into account before submitting the plan for formal review and approval. The Committee will recommend that Borough Council authorize the staff to issue the sketch plan comments from HRG to the applicant at the October Council meeting. This item will appear on the October Consent Agenda.

Mr. Zimmerman thanked all in attendance regarding this matter stating, "... we definitely hear what you have to say ... but keep in mind what our duty here tonight is ... to take those comments from the conceptual plan ... and our duty is to basically approve them moving forward so that they go back to the developer ... we are not here tonight to approve a plan, deny a plan or anything ... our only duty tonight is to take the comments and vote yes or no to move them forward."

2. The Committee reviewed the land development plan for Horst Plumbing. The developer has been speaking with neighbors regarding the private easement. The developer would like to move forward with his plan. He has submitted a request to add an additional curb cut at the private easement/alley and is requesting approval from Council as part of the land development plan. This easement curb cut would be the third one on the property, but would be permitted under section 319-46.D(7) of the Zoning Ordinance with Council's approval. Councilman Dudley asked about the 90-degree corner where the private easement turns. The proposed retaining wall would not go back that far and won't obstruct the corner. The Committee will recommend that Borough Council approve four (4) waivers/modifications, approve the third curb cut at the private easement, 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 October Consent Agenda.

3. The Committee reviewed a sketch plan for a proposed residential subdivision at 219 East Fulton Street. The developer is planning to subdivide the lot located at the intersection of East Fulton Street and Tricia Lane into 4 lots. The Planning Commission had sight distance concerns about the location of one of the driveways and advised the applicant to review all options to improve the sight distance. The Committee will recommend that Borough Council authorize the Staff to issue the sketch plan comments from HRG and the Planning Commission to the applicant at the October Council meeting. This item will appear on the October Consent Agenda.
4. The Committee reviewed a letter regarding 1522 Lincoln Heights Avenue. This plan is in Ephrata Township and plans to create 4 residential lots on the stub of the 1500 block of Lincoln Heights Avenue near South Charles Street. Ephrata Township asked the applicant to get comments from Ephrata Borough regarding traffic. The Planning Commission has no comments; however, since the time of the meeting a letter was received from Attorney Richard Young indicating that improvements were supposed to be made to the stub and haven't been done. The Staff would like to research the files from 1991 to see what was agreed to. This item will be tabled until next month.
5. The Committee reviewed a Memorandum of Understanding (MOU) with Millersville University. This MOU is to have the Millersville student interns catalogue properties in the CBD and Lincoln Village area. The data will be used as an economic development tool. The Committee will recommend that Borough Council authorize the President of Borough Council and Borough Secretary to execute the Memorandum of Understanding with Millersville University at the October Council meeting subject to it being in a form acceptable to the solicitor.

Vice President Reinhold, in referencing the Richard L. Sensenig Co. sketch plan, reiterated the Report states, "... this is a sketch plan and Council will provide comments on the conceptual plan and does not need to approve or disapprove the plan at this time." Vice President Reinhold sought clarification if the proposed plan to be included on the October 11, 2021, Consent Agenda is the final plan; in which, Mr. Zimmerman replied, "... this is only a sketch plan ... they still have to do a preliminary plan and, at some point, a final plan for approval."

Vice President Reinhold then inquired if at that point, the Committee will get more into "the meat" of it. Solicitor McManus advised that Council has dealt with many plans, including sketch plans, preliminary plans and final plans. Solicitor McManus further advised of the following:

- A sketch plan is optional; the developer does not have to submit a sketch plan. It is typically a plan that is prepared to solicit comments. It often is used to consider the comments of the various entities that have an interest in it (the comments of Council, the comments of any engineering reviews) and it is always subject to revision and change. At any given time, the developer will take a look at all of the ordinances, rules and regulations and direct its engineer to prepare a plan that follows all of the requirements of various Borough Codes. They will prepare sequentially a preliminary plan or depending upon the development, they may ask Council to waive the preliminary plan and proceed to a final plan. Most of the time, Council has taken a look at this process and has waived preliminary plans. Preliminary plans are significant because if the development is

prepared in accordance with the objective standards of zoning, subdivision land development and every other ordinance that relates to land development issues, Council would have to clear a very high bar to deny approval. They would have to show that those standards do not apply for some reason advising it is unlikely for somebody to come in and comply with all of the standards that Council could successfully deny it. If Council would deny the plan for a reason not based on objective criteria, it is subject to appeal resulting in the Common Pleas Court making the final decision. The preliminary plan has a significant effect because if the final plan is submitted and it complies with the revisions of the preliminary plan, then the plan must be approved.

Solicitor McManus stated what is at issue at this time, with respect to the process, is that within the last five years or so, there was a revision of the Comprehensive Plan and a complete rewrite of the Zoning Ordinance. Solicitor McManus advised there were Steering Committee meetings to review with the planning consultant of the Borough what should be placed where, what zone should be created and where they should occur which were done over the course of at least a year. Solicitor McManus advised these meetings were attended by Staff as well as some members of the public. Solicitor McManus further advised after the Comprehensive Plan was prepared, the Zoning Ordinance was created to reflect the policies and the recommended land uses in the Comprehensive Plan resulting in certain zones being created, amended or remained the same. Solicitor McManus advised once those land use provisions are in place, the landowner has certain rights to develop in accordance to those regulations. In closing his comments, Solicitor McManus stated, "... what is before Council is not an approval ... it's an initial review of a sketch plan that has no legal effect ... when the developer decides that they know what they want to do and they submit a preliminary plan, then the clock starts because Council must render some kind of decision within 90 days ... and if they don't, then it's an approval ... that's an important timescale ... we're not there yet."

Vice President Reinhold, addressing Solicitor McManus and referencing the zoning map adopted August 12<sup>th</sup>, inquired if "... that slid in ... maybe none of us paid attention ... I'm seeing Sensenig's light industrial commercial, but that little swath ... that cornfield ... whatever it is ... that's residential medium density which, I guess, qualifies throwing 12 duplexes or whatever ... can that ... once a plan is started, can that ... can we look at this and make that an extension of the residential low density district which is all Lincoln Heights for that plot of land?" To which, Solicitor McManus replied, "... you're asking can we now change the zoning ... I don't think you're going to be able to do that successfully ... there's probably a vested right that is attached based upon the sketch plans." Vice President Reinhold then stated, "... so what I'm hearing at this point is hopefully that Richard Sensenig Roofing takes into consideration all of the concerns ... all of the comments from Council members, from the residents of Lincoln Heights ... if they modify that ... maybe put single-family homes that were talked about ... that's great if they do all of that ... but if they don't, then there could be recourse."

Ms. Martin, in referencing Zoning Chapter 319-3 Purposes and Community Objectives, it says, "... to promote traditional styles of development and strong neighborhoods to provide compatibility between various types of uses," inquired as to who interprets that. Ms. Martin advised she could interpret that as saying that as this is a completely offset of this; in which, Solicitor McManus advised she has already interpreted as this is a part of the process of

preparing a Comprehensive Plan and stating goals and objectives. Solicitor McManus further advised once you have stated the goals and objectives, you translate all of your goals and objectives into zoning legislation and create the districts. Solicitor McManus stated, "... the courts have said it's implicit when you zone a track of land for a particular use that there are going to be certain ramifications – increased population in a school, increased traffic – so you can't go back and say, "... well, you know, our goals and objectives don't reflect that" ... you had the chance to do that when you created the zoning district and it is not, in my estimation, a basis to turn down the plan ... that's a loser."

Ms. Martin, referencing Zoning Chapter 319-8, advised it states, "... the medium density residential district – which is what this is – it's to provide for medium density neighborhoods in a manner that respects and continues the traditional forms of development." Ms. Martin stated, "... again, that, to me ... and maybe I'm interpreting it incorrectly ... to me, that's interpretation of it does not ... by doing this development, it doesn't respect and continue traditional forms of development." Solicitor McManus then stated, "... but you keep going back to generic language that has now been translated into design criteria that is objective and that everybody can read and know how to follow ... you can't then go back and say, "... well, it's contrary to the Community Objectives ... that may, in fact, be true ... but when it was translated into the actual land use regulations, it's the land use regulations that has legal effect."

Ms. Martin, referencing meeting notes from 1971 where Council approved the Sensenig expansion provided they provide a buffer, inquired if that is stated in the meeting notes. Solicitor McManus clarified it would be have to plan of record such as an easement or legal document that showed the nature of that covenant; however, he has not seen any such record.

Ms. Martin sought clarification that what Council is voting on at their October 11, 2021, meeting is to release the comments of our engineer and if that would include all of the comments heard by Council at this meeting. President Rowe confirmed the comments are part of the record; however, she is unsure if they would be released to the developer. Ms. Martin advised, as she understands, sketch plans are to solicitor comments from entities that may be affected and since these individuals are directly affected, their comments should be provided to Pioneer Management and/or the applicant. President Rowe suggested the motion as listed on the Consent Agenda could include releasing public comments from both the September 27, 2021, Development Activities Committee Meeting and the October 4, 2021, Borough Council Work Session; in which, Solicitor McManus, as well as Mr. Zimmerman, was in agreement with President Rowe's suggestion.

An unidentified male inquired as to if it is known as to when exactly the zoning was switched from industrial to the residential zoning that it is now; in which, President Rowe advised the Zoning Ordinance was approved in August 2019. Additional, the individual inquired if this is a unique situation; in which, President Rowe stated, "... I would say it's unique, but I've only been on Council for 12 years ... it could've happened before I was serving on Council, but as far as I know, this is the first situation like this that I have experienced." Mr. Zimmerman then stated, "I believe Sycamore Acres ... there is a development there that is primarily single-family homes going off of Academy Drive ... and you go in past Dawn Avenue (because Dawn Avenue wraps around) ... you go beyond that to the back end where the cornfield is, there's all kind of duplexes

back there.” The individual then inquired if that is the area Landmark had built; in which, Mr. Zimmerman confirmed Landmark did, in fact, develop that development. An unidentified female then stated, “... but they do have a lot of access to other streets back there too ... they can all go out by the road that goes out by Ephrata Community Church.” Mr. Zimmerman confirmed she is correct and there are other accesses. Vice President Reinhold clarified the current area being discussed is part of Ephrata Township and is not in the Borough.

Nevin Horst, 1020 W. Main Street, Ephrata, in referencing the Committee’s recommendation regarding Cherry Street, wanted to confirm that it is consistent with what was discussed during the Development Activities Committee meeting. Mr. Zimmerman then read the following which will be included on the October 11, 2021, Consent Agenda, “... The Committee will recommend that Borough Council approve four (4) waivers/modifications, approve the third curb cut at the private easement, and approve the plan as a final land development plan subject to inclusion of HRG comments dated August 6, 2021.” Solicitor McManus clarified the action requested was to allow for a third curb cut, but that came about because of a private easement; however, that does not qualify it enough as it needs to align with the easement that exits onto Cherry Street. Solicitor McManus provided further clarification and President Rowe requested Mr. Thompson to revise the recommendation on the Consent Agenda as stated. Mr. Dudley advised he appreciated Mr. Horst’s willingness to work with the residents regarding this matter.

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

Budget and Finance Committee

Mr. Ressler advised the Budget & Finance Committee met on September 28, 2021, and has two Action Items:

1. The Committee reviewed Resolution 2021- 35 Appointing Salzman Hughes, P.C. as Assistant Solicitor and Terminating all Prior Appointments to that Office. The Committee will recommend that Borough Council adopt the resolution at their October 11, 2021 meeting.
2. The Committee discussed the 2022 Sanitation Budget and Recommended Pricing Adjustments for Refuse and Recycling. The hauler contract, which was rebid and effective 10/1/2021, resulted in increased costs. Additionally, increases in tipping fees and recycling supplies necessitate a price increase. Rates of \$20.75 for Refuse and \$10.75 for Recycling were recommended. A resolution for these prices will be prepared to be effective January 1, 2022, and the Committee will recommend that Borough Council adopt the resolution at their October 11, 2021 meeting. Communication of the rate changes will be issued to all Residents of the Borough this fall.

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

Vice President Reinhold, in referencing Action Item #2, inquired due to the hauler not meeting their obligations if there is a service level agreement or if reimbursements are issued due to

delays in pickups; in which, Mr. Thompson advised there are provisions included in the agreement for defaults and lack of performance. Mr. Thompson advised Staff worked vigilantly with the previous hauler and once they were not awarded the successor contact, the service became unbelievably inconsistent. Mr. Thompson further advised after meeting with the new hauler, Republic Services, he believes the Borough will see a significantly improved level of service as they have completed a lot of preparation work.

Ms. Martin advised she appreciates Solicitor McManus' recommendation of bringing Salzman Hughes, P.C. onboard as the Borough's Alternate Solicitor commenting, "... I think the value that we're going to get at the same pricing is going to be incredible ... I'm really happy about that ... you did a really good service to us so thank you."

Ms. Martin, in referencing the American Rescue Plan, inquired if there is a timeline when Council will be reviewing Staff recommendations for use of the funds; in which, Mr. Thompson advised that Ms. Bartow reported at the last Budget and Finance Committee meeting that final guidance has not yet been provided and, "... there are still a lot of unknowns out there."

Mr. Barr, in referencing the Borough's new hauler, Republic Services, inquired even though they were the apparent low bidder, did the Borough, in fact, receive their best price due to them being the 2<sup>nd</sup> largest hauler in the United States. Mr. Thompson responded that he is not sure how that information could be obtained as they need to remain competitive within the immediate area.

#### Highway Committee

Mr. Richard advised the Committee met on September 20, 2021, and has four Action Items:

1. The Committee reviewed an Ordinance to amend the Code of the Borough of Ephrata, Chapter 305, Vehicles and Traffic, Section 305-100, Schedule XVII: Parking Prohibited at all Times by adding thereto a certain section of the west side of Railroad Avenue. The Committee will recommend that Borough Council enact Ordinance No. 1563 at their October 11, 2021 meeting.
2. The Committee reviewed an unbudgeted expenditure request to fast-track the purchase of a new dump truck to replace existing truck #69 which is a smaller 2012 Ford F-350 with dump bed and snow plow suitable for navigating narrow alleys but not adequately equipped to handle full loads of salt needed to de-ice the alleys. Truck #69 was slated for replacement with a heavier-duty truck in the 2023 mobile equipment fund 5-year plan but is being moved up so existing truck #69 can replace an existing Parks and Rec dump truck which will not pass state inspection due to a badly rusted frame. The plan is to transfer title to existing truck #69 to the Ephrata Borough Authority who may then choose to donate the vehicle to the Ephrata Recreation Center. A disposition of assets form for existing truck #69 will be provided in the future for Committee review. Whitmoyer Auto Group has provided a COSTARS quote for a 2022 Ford F-350, 4X4, with a standard cab and aluminum dump truck bed, increased engine horsepower, and improved load and towing capacity for \$75,150 including \$3,000 in up-fitting costs by Borough staff. The mobile equipment fund in 2021 included purchasing an electric vehicle which will not be purchased this year. Remaining mobile equipment funds in 2021 are \$49,492. The Committee will recommend that Borough

Council authorize an unbudgeted expenditure of \$28,658 from the unallocated balance of the mobile equipment fund (#40-47-440-7420) and approve the purchase of a new 2022 Ford F-350, 4X4, with standard cab and aluminum dump truck bed with up-fitting for \$78,150 at their October 11, 2021 meeting.

3. The Committee further reviewed signage and parking space availability simplification at the Locust Street parking lot. Borough staff will provide two (2) sign mockups, one for reserved parking Monday – Friday 8 AM – 5 PM and one for public parking (blue sign with a blue “P” in a white circle) for review at the October 4, 2021 Council Work Session. The Committee was advised that the Borough Solicitor recommends we don’t modify the existing agreement but wait for the current easement agreement with Ephrata National Bank and Laundromat owner to expire and, if so desired, look at entering into another agreement. Committee Vice Chair Martin also inquired about the Fulton Street at Railroad Avenue parking lot overflow parking directional signage and was advised by Municipal Services Manager Harris that Public Works is working on that signage and it should be installed in the near future. The Committee will recommend that Borough Council approve the additional signage for installation at the Locust Street parking lot at their October 11, 2021 meeting.
4. The Committee reviewed a September 8, 2021 letter request from Kelly Withum, Executive Director for Mainspring of Ephrata to close Railroad Avenue on Thursday, November 11, 2021 from 3:00 PM to 9:00 PM to hang a flag, aurally, across the Major Winters Memorial Trail and to accommodate no more than two (2) food trucks to park and serve during the Veteran’s Day event. The requisite certificate of insurance has been provided and an incident plan will be completed with Borough EMC Randy Gockley. The Committee will recommend that Borough Council approve this request as part of the consent agenda at their October 11, 2021 meeting.

Mr. Richard, due to the late time, encouraged Council Members to review the Discussion Items as listed on the Committee Report.

Ms. Martin, in referencing the Locust Street parking lot, advised that “reserved” verbiage is currently on the pavement giving a mixed message and asked if anything will be done about its removal; in which, Mr. Thompson advised the verbiage will be removed.

#### Municipal Enterprises Committee

Ms. Martin advised the Committee met on September 27, 2021, and has four Action Items:

#### **Action Items:**

1. The Committee reviewed and discussed the appointment of Stephen Morrison, Technical Support Manager, as the Borough’s representative on the Pennsylvania Municipal Electric Association Board of Directors. The Committee will recommend that Borough Council appoint Mr. Morrison at their October 11, 2021 meeting.
2. The Committee reviewed and discussed the appointment of Stephen Morrison as the primary member, and D. Robert Thompson, Borough Manager, as the alternate member to the American Municipal Power Board of Trustees. The Committee will recommend that

Borough Council appoint Mr. Morrison and Mr. Thompson at their October 11, 2021 meeting.

3. The Committee reviewed and discussed authorizing the Borough Secretary to execute Wholesale Energy Purchasing, based on recommendations of Staff and indicative pricing provided by outside consultants. The Committee will recommend that Borough Council authorize the Borough Secretary to execute purchasing, within a range to be determined by Borough Council, at their October 11, 2021 meeting.
4. Staff presented the Committee with information, and a model ordinance, pertaining to 2021 Act 50 of the PA General Assembly. The Act establishes standards to deploying small cell infrastructure, while preserving local authority over rights-of-way. The Committee indicated that it would be beneficial to act with haste with regard to this act. Staff was instructed to make the necessary arrangements in order to bring a recommendation before the Borough Council as soon as possible. The Committee will recommend that Borough Council enact Ordinance No. 1564 Establishing Procedures and Requirements Pertaining to the Implementation of Act 50 of 2021 and Regulating Small Wireless Facilities to be placed within the Public Right-of-Way.

Mr. Thompson, in referencing Ordinance No. 1564, advised due to a technical issue experienced by Lancaster Newspapers, the advertising of the Ordinance did not occur on today's date as it was scheduled which would have met the 7-day requirement; therefore, Staff was advised the Ordinance will now be printed on October 6, 2021, after which, Council will be able to take action. Mr. Thompson recommended that Borough Council meet prior to Committee Meetings being held on October 18, 2021 at 5:00 PM, to take action on the item in order to meet the October 28, 2021, deadline; in which, Council was in agreement to do so.

Mr. Thompson then provided a brief overview of the indicative pricing handout he distributed to Council members. Mr. Thompson advised we could choose to defer making any purchases in the fall to the spring when some of the unknown anxiety on the markets may cause the pricing to come down or we could go out in the fall for just one year for the 2023 purchase at a conservative dollar figure that would actually be more than what we are paying now, but conservative enough that if we don't need it, then we will just defer to the spring for a second round of real-time pricing. Mr. Thompson advised Staff is recommending purchase of energy blocks for 2023 as listed on Resolution 2021-37. Mr. Richard commented that he believes the pricing to be a bit conservative; in which, Mr. Thompson advised Staff met with two GDS representatives who advised, "... it's not too far away from where the indicative pricing is and that our chances are pretty reasonable."

Ms. Martin then advised, due to the time, encouraged Council Members to review the Discussion Items as listed on the Committee Report.

#### Community Services Committee

Mr. Ressler advised the Committee met on September 27, 2021, and has two Action Items:

#### **Action Items:**

1. Mainspring of Ephrata requested to use the WERT and Winters Memorial to place luminaries on November 11<sup>th</sup> for Veterans Day. The Luminary tribute will begin at 5 PM and conclude at 8 PM, with setup and cleanup of the luminary trail being done by community volunteers and members of local Boy Scout troops. The Committee will recommend that Borough Council approve the request at their October meeting subject to receipt of a certificate of insurance naming the Borough as an additional insured.
2. Cocalico Valley VFW Auxiliary requested to use the Borough Hall parking lot on October 27<sup>th</sup> to host a Trunk or Treat event. The event would take place immediately after the Jack Frost parade, and would consist of 6-8 members from the VFW handing out candy to children from the trunk/hatch of their vehicle which would be decorated for Halloween. The event would last no longer than an hour. The Committee will recommend that Borough Council approve the request at their October meeting subject to receipt of a certificate of insurance naming the Borough as an additional insured.

Mr. Ressler advised Jim Summers, Ephrata Recreation Center, provided information to the Committee regarding the staffing shortages experienced at the Ephrata Community Pool. Mr. Ressler advised he received complaints regarding early closings and limited access; however, due to the labor shortage of lifeguards experienced, things were handled in the best manner possible.

Mr. Ressler advised Ms. Martin brought up the topic of the possibility of starting a program to raise Christmas trees for sale at the tree lighting ceremony; in which, the Committee agreed to pursue the matter further.

Mr. Ressler advised the Dog Park is still a work in progress as it has been delayed due to the labor shortage.

President Rowe, in referencing the Christmas tree program, inquired if it is accurate that the Christmas trees are going to be sold at the Christmas tree lighting event; in which, Ms. Martin clarified that her thought is to start planting Christmas trees in various areas throughout the Borough so that in 20-30 years, a tree would be available to use at the Christmas tree lighting. Ms. Martin further clarified that these trees would not be for sale and that they would only be harvested for the Christmas tree lighting event. Both President Rowe and Mr. Ressler thanked Ms. Martin for providing clarification of the proposed program.

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

#### Public Safety Committee

Vice President Reinhold advised the Committee met on September 13, 2021, and has no Action Items to bring forward at the October Voting Session.

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

#### Special Projects Committee

Mr. Barr advised the Committee met on September 20, 2021, and has no Action Items to bring forward at the October Voting Session.

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

#### Personnel Committee

Vice President Reinhold advised the Committee met on September 13, 2021, opening the meeting in an Executive Session to discuss parameters for negotiating salary/benefits for a possible hire deliberation. Vice President Reinhold further advised the Committee has no Action Items to bring forward at the October Voting Session.

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

Mr. Richard, in referencing the addition of guest names to all Committee Reports, advised he believes it is important to list the names on the reports for future reference.

### **Committee Recommendations**

#### **Personnel Committee**

It was moved by Vice President Reinhold, seconded by Mr. Richard, and unanimously passed via roll call vote that Borough Council appoint Michael R. McKenna of Hummelstown, Pennsylvania, Borough Manager effective midnight January 15, 2022.

President Rowe congratulated Mr. McKenna who expressed his appreciation for the opportunity and is looking forward joining the team.

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

An unidentified male, addressing Solicitor McManus and referencing the Sensenig Company matter, inquired if there is any recourse to alter their proposed plans; in which, Solicitor McManus replied that the request could certainly be asked for modification of the plan. The male then inquired if the Borough can require studies (i.e., Feasibility Study, DEP Study) be done prior to final approval; in which, Solicitor McManus advised he believes the Borough can require them to be completed and encouraged him to speak with a Council member who can assist in guiding through the process. The male further stated, "... this process is moving very fast ... we're not going to be able to get before Council before next week before the Borough has a chance to vote on this ... from what I'm hearing you say, the Borough may have no recourse but to vote ... legally without the Borough putting itself into legal jeopardy ... my point is after this has been approved, is it too late to do the studies and put an injunction on them to stop construction?" Solicitor McManus advised he is not able to provide that legal advice; in which, the male concluded his comments by thanking Solicitor McManus for the services he provides to the Borough.

An unidentified male inquired if the sign-in sheets listing the names of meeting attendees are made available to the public; in which, President Rowe advised attendee names are included in the meeting minutes to be approved at November's Borough Council Meeting and posted as part

of a public record. President Rowe further advised if the information is needed prior to that meeting date, a Right-to-Know request would need to be submitted.

Scot Sherbine, 202 S. State Street, Ephrata, opened his comments by stating, "... a squirrel that gathers nuts or a squirrel that doesn't ... a crystal ball that doesn't exist ..." Mr. Sherbine further stated, "... an uncertainty in an electric bill ... future purchases ... all of these things could be maintained ... if you ran solar yourself." Mr. Sherbine continued, "... you will not be susceptible to governments and me trusting you people to buy my future in electric - as even Mr. Reinhold says is uncertain ... nothing ever goes down ... and that crystal ball does exist as Bob Thompson says it doesn't exist ... but it does ... it's on my roof." Mr. Sherbine further stated, "... if you want to maintain your own electric bills and you want to maintain the environment, then you have to be for solar ... if you want to maintain this monopoly of Ephrata, then you have to vote that way as well ... you are the electric company ... you people sitting right there ... but you have to be for the environment as well ... and if you were, you wouldn't have to worry about things like this ... you could be a squirrel that saves it's food for winter ... be a smart person."

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 the last Party in the Plaza event held by Mainspring, advised there were approximately 100 children in attendance who participated in various events including pumpkin painting, pumpkin bowling, and a one-man band which the kids really enjoyed. Ms. Martin concluded her comments by stating, "... we had an amazing night and I am just really grateful to be on that Committee and I'm grateful for the Borough's support because it was a really wonderful thing to see them come together and see children scream in delight."

Mr. Barr stated, "... it certainly was an interesting evening ... is really trying to absorb all of the comments ... a nice neighborhood and the construction ... over the years, people have a very strong opinion of destroying farm land or preserving open space ... and this is a little bit of everything ... it's open space in the middle ... I don't envy you ... your position ... though as far their noise, I certainly hope you are able to figure something out ... I believe part of Elite Coach may be in the Township, but the part that is closest to the Borough, or at least the back of their property, borders a development and neighbors have complained before about excessive idling ... and they were able to work something out with their neighbors as well as limiting idling time ... and the fence ... so however the development turns out ... if it does, I certainly hope you'll be able to work things out as far as still preserving a good bit of your quality of life."

Mr. Richard, in referencing the concerns regarding Sensenig Roofing's plans, as well as referencing that both he and Ms. Martin are representatives of the 4<sup>th</sup> Ward, stated, "... we're both glad everybody showed up tonight to voice their concerns and thoughts on this process ... I hope, as our Solicitor said tonight, that people understand that we will follow what we can follow legally and hopefully people will get the information to have this work out to the best it can possibly be ... if it gets voted on next week, it's not going to happen like yesterday, but it will be the beginning of the process with the other stuff happening in the forthcoming weeks or months."

Vice President Reinhold stated, “I was really thinking I was fortunate over the last couple of weeks that we’re on Borough Council, not the school board ... and beyond that, I just really appreciate everybody being here tonight.”

Mr. Dudley advised he is thankful to be part of a community who is able to have a healthy, spirited debate. Additionally, he extended a welcome to Mr. McKenna to the community stating, “... I think we’re in good hands.”

Mr. Zimmerman, in referencing the concerns regarding Sensenig Roofing’s Plans, advised he wished to provide additional clarification that at the October 11, 2021, Voting Session, the action being taken “... is just the start of the process.” Mr. Zimmerman concluded his comments by stating, “... we are just releasing the information that you guys have said last week, tonight to the developer all to help you guys to try to get the developer to see “What else can I do?” ... so we’re going to help wherever we can, but we are restricted in what we can and can’t do.”

Mr. Ressler, in referencing the concerns regarding Sensenig Roofing’s Plans, advised he is in agreement with Mr. Zimmerman’s comments, stating, “... we’re not taking a position on this development cause is isn’t really a development presented to us at this point, it’s just a sketch plan ... but we want to make sure that the comments get into that ... the real battle starts when the preliminary plan comes through ... that’s the start of the process ... this really isn’t something that’s going that fast ... this process hasn’t started yet actually.”

Ms. Martin, in referencing the concerns regarding Sensenig Roofing’s Plans, then stated, “... what I really should to say to you is I was really impressed with not only the number we had from our neighborhood ... which we have an awesome neighborhood ... as you can see, everybody loves it ... but, what I think I love the most about tonight is everyone was very respectful ... cause we’ve had people that haven’t been respectful and we haven’t been thanked for the hard work we do ... so I appreciate that ... and I think our neighbors ... you were rock stars tonight in so many ways so I thank you guys for being here tonight ... I really do.”

Chief Petrick advised that October is Cyber Security Awareness Month and helpful tips will be provided to keep your computers and other personal devices secure.

President Rowe stated, “I do appreciate your comments and I hope you can express that to the people that left tonight ... I understand it’s a long meeting ... but I appreciate everybody that came out and we heard from 21 different residents and most of those comments, although they were kind of similar, everybody had different opinions to express to Council ... and, again, as Ms. Martin said, everyone was very respectful ... you followed the Rules of Order ... and I do appreciate that ... thank you so much.”

President Rowe advised that the Municipal Moment for the October 11, 2021, meeting will be presented by Jim Summers, Ephrata Recreation Center.

### **Adjournment**

The meeting was adjourned at 10:03 PM.

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D. Robert Thompson, Secretary