

**EPHRATA BOROUGH COUNCIL
REGULAR MEETING MINUTES
OCTOBER 9, 2023**

The regular Ephrata Borough Council meeting was called to order by President Thomas Reinhold at 7:00 PM on October 9, 2023, in the Council Chambers of the Borough Office, 124 South State Street.

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

Also in attendance were Borough Manager Nancy Harris, Police Chief Christopher McKim, Borough Solicitor Isaac P. Wakefield, Esq., Salzmann Hughes and Stephanie Fasnacht, Recorder.

The following visitors were present within Council Chambers:

Larry Alexander, The Ephrata Review
Tim Auker, 542 N. State St., Ephrata
Joy Ashley, Mainspring of Ephrata

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

APPROVAL OF AGENDA

Ms. Harris provided confirmation of the following:

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

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

PROCLAMATION – BREAST CANCER AWARENESS MONTH

Mayor Mowen proclaimed October 2023 as Breast Cancer Awareness Month in recognition that breast cancer is treatable and that routine screening and early detection can save lives.

APPROVAL OF MINUTES

Vice President Martin moved and Mr. Barr seconded that Borough Council approve the September 5, 2023, Work Session Meeting Minutes and the September 11, 2023, Regular Meeting Minutes. Motion carried unanimously.

OPPORTUNITY FOR CITIZENS TO BE HEARD

After offering an opportunity for citizen comments and with no one in attendance wishing to speak, President Reinhold called for a motion to close the public comments section of the meeting until the end of the meeting agenda. Vice President Martin moved and Mr. Barr seconded to close public comments until the end of the meeting agenda. Motion carried unanimously.

ACCEPTANCE OF REPORTS

Mr. Barr moved and Mr. Ressler seconded to approve the Acceptance of Reports. Motion carried unanimously.

Budget and Finance Committee

The Budget and Finance Committee met on September 25, 2023 at 7:30 PM at Ephrata Borough Hall, 124 South State Street.

Approval of Agenda:

Ms. Gerhart provided confirmation of the following:

1. The meeting agenda was posted on the Borough's website and at Borough Hall no later than 24 hours in advance of the time of the meeting.

2. The meeting agenda included a listing of each matter of Borough business that will be or may be the subject of deliberation or official action at the meeting.
3. There were no changes made to the meeting agenda after it was posted.
4. The meeting agenda was made available to individuals in attendance at the meeting.

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

Action Items:

1. The Committee discussed funding from the American Rescue Plan Act. All of the Borough's funds are designated as lost revenue under the Act's provisions. The Committee will recommend that Borough Council authorize 2023 American Rescue Plan Expenditures of \$7,605 as allowable under the Revenue Loss provisions for technology expenditures at their October 9, 2023 meeting.

Discussion Items:

1. The Committee heard presentations for nine (9) Civic Contribution requests. The Committee discussed the requests and made general comments on possible funding levels to assist staff. Those preliminary amounts will be incorporated into the draft 2024 Budget. The Civic groups were thanked for their presentations and for the important role and support that they each provide to Ephrata Borough residents.
2. The Committee reviewed the quarterly grant report provided by GMS. Ms. Martin requested a differentiation on future reports on grants that GMS had applied for and managed versus grants they are just managing. Staff will communicate this request to GMS.
3. Staff provided a copy of the Solicitor's invoice. No further action is required.
4. Staff provided the Check and ACH Register. No further action is required.

Old Business Items:

1. The implementation of credit card fees will be possible when the Springbrook software conversion is completed.

Development Activities Committee

The Development Activities Committee met on September 25, 2023, at 6:30 PM at Ephrata Borough Hall, 124 South State Street.

Approval of Agenda:

Ms. Harris provided confirmation of the following:

1. The meeting agenda was posted on the Borough's website and at Borough Hall no later than 24 hours in advance of the time of the meeting.
2. The meeting agenda included a listing of each matter of Borough business that will be or may be the subject of deliberation or official action at the meeting.
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Committee Chair Zimmerman asked if there were any requests to add a matter of Borough business to the meeting agenda. Mr. Barr asked for a motion to accept the meeting agenda. Mr. Buohl moved and Mr. Barr seconded to approve the meeting agenda as amended. The motion carried unanimously.

Action Items:

1. The Committee reviewed a request from the Ephrata Area School District to waive building permit fees for the improvements at the Intermediate School. The building permit fee would be \$60,006.50. The applicant pays the inspection fees directly to the third-party inspection agency. The Borough's out of pocket costs would be \$4.50. The District has agreed to pay a \$2,500 administrative fee making the District's obligations \$2,504.50. The Committee will recommend that Borough Council approve the school District's request to waive the permit fee except for \$2,504.50.

2. The Committee reviewed the proposed Land Bank Agreement that was originally presented in 2022. The Borough and the School District must both agree to this. The Committee will recommend that Borough Council adopt Resolution 2023-20 authorizing the President of Borough Council and Borough Secretary to execute an agreement with the Lancaster County Land Bank subject to the School District's concurrence.
3. The Lancaster County Land Bank has an admission fee of \$5,000. This would be an unbudgeted expenditure. The Committee will recommend that Borough Council approve the unbudgeted expenditure of \$5,000 from the economic development fund.
4. The Committee reviewed the proposed zoning ordinance amendments reviewed at the Public Hearing on September 11, 2023. The Committee will recommend that Borough Council enact Ordinance 1578 to amend the Zoning Ordinance.
5. The Committee reviewed a Subdivision and Land Development Agreement for the Gables at Richard Avenue subdivision and land development plan. The Committee will recommend that Borough Council authorize the President of Borough Council to execute the agreement with the developer, Richard L. Sensenig Co. This item will appear on the Consent Agenda.
6. The Committee reviewed a Stormwater Operation and Maintenance Agreement for the Gables at Richard Avenue subdivision and land development plan. The Committee will recommend that Borough Council authorize the President of Borough Council to execute the agreement with the developer, Richard L. Sensenig Co. This item will appear on the Consent Agenda.

Discussion Items:

1. The Committee discussed some possible zoning ordinance revisions to address recent issues raised by residents. Harris will discuss the proposed changes with the solicitor with the intent to prepare draft amendments for review at a future meeting.
2. The Zoning Hearing Board did not meet in September so there are no decisions.
3. There were no new applications for the October Zoning Hearing Board meeting.

Old Business Items:

1. The downtown strategy workshop item will be removed from the agenda.

Highway Committee

The Highway Committee met on September 25, 2023, at 5:30 PM at Ephrata Borough Hall, 124 South State Street.

Approval of Agenda:

Mr. Burkholder provided confirmation of the following:

1. The meeting agenda was posted on the Borough's website and at Borough Hall no later than 24 hours in advance of the time of the meeting.
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3. There were no changes made to the meeting agenda after it was posted.
4. The meeting agenda was made available to individuals in attendance at the meeting.

Committee Chair Richard asked if there were any requests to add a matter of Borough business to the meeting agenda. Seeing none, Mr. Richard asked for a motion to accept the meeting agenda as posted. Ms. Martin moved, and Mr. Musser seconded to approve the meeting agenda as posted. The motion carried unanimously.

Action Items:

1. The Committee reviewed a resolution to adopt 90-day experimental parking regulations restricting parking along a designated portion of West Fulton Street. The Committee will recommend that Borough Council adopt Resolution No. 2023-21.
2. The Committee reviewed a request from VFW Post 3376 to close South State Street between Fulton Street and Franklin Street from 6:30 pm to 8:00 pm on October 25, 2023, for the annual Jack Frost parade. The Committee will recommend that Borough Council conditionally approve the

request subject to EMC Randy Gockley's review and approval and Borough receipt of a certificate of insurance naming the Borough as additional insured.

3. The Committee reviewed Comcast's plans to install approximately 2,944 linear feet of underground cable in conduit throughout Edgewater Park development. The Committee will recommend that Borough Council conditionally approve Comcast's plans known as Drawing No. 093192023-EW dated August 3, 2023, subject to a fully executed Street Opening and Cable System Construction Agreement, Borough receipt of a satisfactory performance guarantee in the amount of \$66,318.00, Borough receipt of a certificate of insurance naming the Borough as additional insured and authorize the President of Borough Council and Borough Secretary to execute the agreement.
4. The Committee reviewed PPL's plans to place a new pole in street right-of-way along East Fulton Street near Tricia Lane and bore underneath East Fulton Street relocating PPL's terminal pole and removing PPL's attachment to Ephrata Borough Electric's pole so Ephrata Borough Electric can properly serve a proposed 4-unit residence at 219 East Fulton Street in Ephrata Borough. The Committee will recommend that Borough Council conditionally approve PPL's plans known as Drawing No. 12974458-01 dated September 14, 2023, subject to a fully executed Street Opening and Electric System Construction Agreement, Borough receipt of a performance guarantee in the amount of \$1,610.83, Borough receipt of a certificate of insurance naming the Borough as additional insured and authorize the President of Borough Council and Borough Secretary to execute the agreement.
5. The Committee heard from Scott Cover, owner of 300 West Chestnut Street, requesting three on-street handicap parking spaces. Borough Manager Harris suggested that Mr. Cover provide two off-street spaces on the Park Avenue side of the building and that a loading zone be established on the Terrace Avenue side of the building to accommodate the needs of a tenant's employee. The Committee will recommend that Borough Council authorize the use of a loading zone at a designated area by future Ordinance along the east side of the 200 block of Terrace Avenue.
6. The Committee reviewed the results of Bid #23-8 2023 Street Crack and Joint Sealing. The Committee will recommend that Borough Council award the bid to apparent low bidder: CriLon Corporation from Somerset, PA for a total provide and install price not to exceed \$50,000.00.
7. The Committee reviewed a request from Mainspring of Ephrata to close Railroad Avenue on November 11, 2023, from 3:00 PM to 9:00 PM to facilitate Veteran's Day activities and to accommodate a food stand. The Committee will recommend that Borough Council conditionally approve this request subject to EMC Randy Gockley review and approval and Borough receipt of a certificate of insurance naming the Borough as additional insured.

Discussion Items:

1. The Committee further discussed a previous citizen concern regarding ADA accessibility concern at the intersection of West King Street and Hess Alley. The Borough's liability insurer recommends that the owner of the sidewalk upgrade with ADA curb ramps. West King Street is on the 5-year capital plan for street and alley improvements in 2028. The Committee has asked staff to seek guidance from the Borough solicitor and report back at a future meeting.

Old Business Items:

1. Staff has formulated a parking kiosk plan which will be included for review in the draft capital project budget for 2024. The Committee has requested that staff remove this item from future meeting agendas.

Miscellaneous Items:

1. Mr. Burkholder advised the Committee that the northbound SR 0272 off ramp to its intersection with SR 0322 does not have a no left turn sign to provide alternate legal passage for tractor-trailers, wide loads and oversize loads that can't passably circumnavigate the northbound SR 0272 off ramp to westbound SR 0322 due to a restrictive turning radius. The Committee has requested that staff remove this item from future meeting agendas.

Community Services Committee

The Community Services Committee met on September 25, 2023 at 4:30 PM at Ephrata Borough Hall, 124 South State Street.

Approval of Agenda:

Ms. Martin provided confirmation of the following:

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

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

Action Items:

1. The Committee reviewed the Cocalico Valley VFW Auxiliary request to use the Borough Hall parking lot on October 25, 2023, to host a Trunk or Treat event. The event would take place immediately after the Jack Frost Parade. Members from the VFW Auxiliary will be handing out candy to children. The VFW Auxiliary is requesting to use 12 spaces in the Borough Hall parking lot. The Committee will recommend that Borough Council approve the request.
2. The Committee reviewed a letter from Mainspring requesting the Borough of Ephrata's support to apply for a Local Share Account Grant. The Committee will recommend to Borough Council authorize the President of Borough Council to sign a letter of support.
3. The Committee reviewed Ephrata Unleashed Dog Park Committee's request to hold a fundraising event in the parking lot of the Dog Park. The event would take place on October 21, 2023, from 11:00 AM to 1:00 PM. During the event, the Dog Park would remain open. The Dog Park Committee requested closing the parking lot from 10:00 AM to 2:00 PM for setup and cleanup of the event. They are also requesting "No Parking" signs be placed at the mailboxes along Old Mill Road. The Committee will recommend that Borough Council approve the Ephrata Unleashed Dog Park Committee's event request.

Discussion Items:

1. The Committee reviewed the new guidelines for the application for the Cultural Arts Grant. The Committee was satisfied with the new application and had no changes.
2. The Committee discussed an email from the Borough's Solicitor for amending the Park rules to address unattended property. Staff will work with the Solicitor to draft an ordinance for future consideration.

Personnel Committee

The Personnel Committee met on September 12, 2023, at 4:00 PM, at Ephrata Borough Hall, 124 South State Street.

Action Items:

1. None.

Executive Session:

1. Chairman Martin called for a motion and second to go into Executive Session. Mr. Richard moved and Mr. Zimmerman seconded to enter into an Executive Session. Committee went into Executive Session at 4:00 PM. Committee came out of Executive Session at 5:30 PM.

Discussion Items:

1. None.

August 2023 Borough of Ephrata Management Report

September 2023 Borough of Ephrata Management Report
September 2023 Borough of Ephrata Operations Reports
September 2023 General Ledger Report
Ephrata Pioneer Fire Company September 2023 Report
Ephrata Community Ambulance Association September 2023 Report
Emergency Management September 2023 Activity Report
Shade Tree Commission September 2023 Meeting Minutes

NEW BUSINESS ITEMS

CONSENT AGENDA

Vice President Martin advised the items on tonight's Consent Agenda have been discussed in detail at their respective Committee meetings and were brought forward for additional discussion at last week's Work Session. These items are considered routine in nature and voted upon under one umbrella. These items are 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 President of Borough Council and Borough Secretary to execute a Subdivision and Land Development Agreement with the developer, Ephrata Area School District, subject to it being in a form acceptable to the Solicitor. (Development Activities)
2. That Borough Council authorize the President of Borough Council to execute a Stormwater O&M Agreement with Ephrata Area School District. (Development Activities)

Mr. Barr moved and Mr. Ressler seconded to approve the items listed on the Consent Agenda. Motion carried. NOTE: Vice President Martin wished to have it on record that she cast a no vote to approve the Consent Agenda.

STANDING COMMITTEE RECOMMENDATIONS

Budget and Finance Committee

Mr. Ressler moved and Mr. Musser seconded that Borough Council authorize 2023 American Rescue Plan Expenditures under the Revenue Loss Provision of \$7,605 for audio system upgrades. Motion carried unanimously.

Mr. Ressler moved and Mr. Musser seconded that Borough Council adopt Resolution No. 2023-19 Revised Schedule of Fees and Charges Collected. Motion carried unanimously.

Prior to the vote, Mr. Ressler advised that while the Resolution was not discussed during a Committee meeting, the purpose of including it as an Action Item during the Voting Session is to amend the Schedule of Fees to include a \$0.50 per leaf bag fee for an amount over 50 bags per household as the costs of the leaf bags has increased significantly. Mr. Ressler additionally commented that the first 50 bags per household will be provided at no charge to a Borough resident. Committee Member Musser was in agreement to include the Resolution as an Action Item for full Council.

Development Activities Committee

Mr. Barr moved and Mr. Buohl seconded that Borough Council approve the Ephrata Area School District's request to waive permit fees except for \$2,504.50. Motion carried unanimously.

Mr. Barr moved and Mr. Buohl seconded that Borough Council adopt Resolution No. 2023-20 authorizing the President of Borough Council and Borough Secretary to execute an agreement with the Lancaster County Land Bank subject to the School District's concurrence. Motion carried unanimously.

Mr. Barr moved and Mr. Buohl seconded that Borough Council approve an unbudgeted expenditure of \$5,000 from the Economic Development Fund for the Lancaster County Land Bank. Motion carried unanimously via roll call vote.

Mr. Barr moved and Mr. Buohl seconded that Borough Council enact Ordinance No. 1578 to amend the Zoning Ordinance. Motion carried unanimously via roll call vote.

Highway Committee

Vice President Martin moved and Mr. Musser seconded that Borough Council adopt Resolution No. 2023-21 allowing experimental parking regulations within a designated area of the 100 block of West Fulton Street. Motion carried unanimously.

Vice President Martin moved and Mr. Musser seconded that Borough Council approve the VFW Post 3376 South State Street closure request for October 25, 2023, from 6:30 PM to 8:00 PM to conduct the Jack Frost Parade subject to EMC Randy Gockley's approval and Borough receipt of a certificate of insurance naming the Borough as additional insured. Motion carried unanimously.

Vice President Martin moved and Mr. Musser seconded that Borough Council conditionally approve Comcast's Edgewater Park Drawing No. 093192023-EW dated August 3, 2023, subject to a fully executed agreement, Borough receipt of a \$66,318 performance guarantee, Borough receipt of a certificate of insurance naming the Borough as additional insured and authorize the President of Borough Council and Borough Secretary to execute the agreement. Motion carried unanimously. It should be noted that President Reinhold abstained from participating in the vote as he is a current Comcast employee.

Vice President Martin moved and Mr. Musser seconded that Borough Council conditionally approved PPL's Drawing No. 12974458-01 dated September 4, 2023, subject to a fully executed agreement, Borough receipt of a \$1,610.83 performance guarantee, Borough receipt of a certificate of insurance naming the Borough as additional insured and authorize the President of Borough Council and Borough Secretary to execute the agreement. Motion carried unanimously.

Vice President Martin moved and Mr. Musser seconded that Borough Council authorized the use of a loading zone at a designated area along the east side of the 200 block of Terrace Avenue by future ordinance. Motion carried unanimously.

Vice President Martin moved and Mr. Musser seconded that Borough Council award Bid #23-8 for 2023 Street Crack & Joint Sealing to CriLon Corporation from Somerset, PA for a total provide and install price not to exceed \$50,000. Motion carried unanimously.

Vice President Martin moved and Mr. Musser seconded that Borough Council conditionally approve Mainspring of Ephrata's Railroad Avenue closure request for November 11, 2023, from 3:00 PM to 9:00 PM to facilitate Veteran's Day activities and accommodate a food stand subject to EMC Randy Gockley's approval and Borough receipt of a certificate of insurance naming the Borough as additional insured. Motion carried unanimously.

Community Services Committee

Mr. Barr moved and Vice President Martin seconded that Borough Council grant the Cocalico Valley VFW Auxiliary's request to use 12 spaces of the Borough Hall parking lot on October 25, 2023, to host a Trunk or Treat Event. Motion carried unanimously.

Mr. Barr moved and Mr. Ressler seconded that Borough Council approve the Borough Secretary to issue a letter of support for Mainspring of Ephrata to apply for a Local Share Account Grant. Motion carried unanimously.

Mr. Barr moved and Vice President Martin seconded that Borough Council grant the Ephrata Unleashed Dog Park Committee's request to hold a fundraising event in the parking lot of the Dog Park on October 21, 2023, from 11:00 AM to 1:00 PM. Motion carried unanimously.

APPROVAL OF CHECKS 52072 THROUGH 52282 AND THE ACH REGISTER DATED SEPTEMBER 28, 2023

Mr. Ressler moved and Mr. Barr seconded that Borough Council ratify the payment of bills performed by Staff since the last regular Council meeting in the aggregate amount of \$2,328,518.60. Motion carried unanimously.

OPPORTUNITY FOR CITIZENS TO BE HEARD

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

DISCUSSION/ANNOUNCEMENTS

Mr. Ressler advised his thoughts are with the people of Israel during this difficult time.

Mr. Barr expressed his appreciation to the Ephrata Township Board of Supervisors for voting to approve the police contract and keeping the Ephrata Police Department patrolling their area.

Mr. Buohl echoed Mr. Barr's comments and in speaking to Chief McKim stated, "Congratulations! A job well done!"

Vice President Martin advised the Personnel Committee will be meeting on Tuesday, October 17, 2023, at 4:00 PM.

Mayor Mowen commented, "... a huge burden was lifted when the Township voted to continue the police contract ..." and "... I am very happy and proud of the way the department pulled together." Mayor Mowen noted there are some internal matters which can now be addressed including the promotional process.

President Reinhold commented, "... I am extremely proud and thankful that Ephrata Township kept the Ephrata Police Department as their provider of police services." Additionally, President Reinhold, in referencing the current conflict in Israel, commented, "... I'm hoping people get behind what is evil and what is good." President Reinhold further commented, "... this country has no idea how good we have it" and encouraged prayers for all of the people.

ADJOURNMENT

Mr. Barr moved and Vice President Martin seconded that Borough Council adjourn the meeting. Motion carried unanimously. The meeting was adjourned at 7:28 PM.

Respectfully submitted,

Nancy E. Harris, P.E.
Secretary

SJF