

**BOROUGH OF EPHRATA
COUNCIL MEETING AGENDA
AUGUST 8, 2016**

INVOCATION Reverend Walter Carter, First United Methodist Church

PLEDGE OF ALLEGIANCE

ATTENDANCE/ROLL CALL

APPROVAL OF MINUTES

Borough Council Regular Meeting Minutes – July 11, 2016

MUNICIPAL MOMENT

Assistant Chief Mike Kiefer – Pioneer Fire Company Long Range Fleet Plan

OPPORTUNITY FOR CITIZENS TO BE HEARD

ACCEPTANCE OF REPORTS

Development Activities Committee
Public Safety Committee Meeting
Municipal Enterprises Committee
Community Services Committee
Special Projects Committee

July General Ledger Report
Lincoln Fire Company – July 2016 Report
Pioneer Fire Company - July 2016 Report
Ephrata Community Ambulance Association – July 2016
Emergency Management Coordinator July 2016 Report
July Shade Tree Commission Report

2nd Quarter Electric, Sanitation, Water Division, Ephrata Public Library, Ephrata Recreation Center

EPAC

NEW BUSINESS ITEMS

Consent Agenda (includes the following approvals)

1. That Borough Council authorize the Council President and Secretary to execute a Subdivision and Land Development Agreement for the 40 and 44 Bethany Road land development plan with the developers, Radio Properties LLC and Reid Thomas Myers, in the amount of \$94,304.10 subject to it being in a form acceptable to the borough solicitor. (Development Activities Committee)
2. That Borough Council authorize the Council President and Secretary to execute an Operation and Maintenance Agreement for 40 Bethany Road with the owner, Reid Thomas Myers, subject to it being in a form acceptable to the borough solicitor. (Development Activities

Committee)

3. That Borough Council authorize the Council President and Secretary to execute an Operation and Maintenance Agreement for 44 Bethany Road with the owner, Radio Properties LLC, subject to it being in a form acceptable to the borough solicitor. (Development Activities Committee)

Standing Committee Recommendations

Budget and Finance Committee
Public Safety Committee
Highway Committee
Municipal Enterprises Committee
Community Services Committee
Special Projects Committee

Approval of Checks 27077 through 27391 and the ACH Register dated July 28, 2016

OPPORTUNITY FOR CITIZENS TO BE HEARD

DISCUSSION/ANNOUNCEMENTS

ADJOURNMENT

DEVELOPMENT ACTIVITIES COMMITTEE REPORT– 8/8/2016

The Development Activities Committee met on July 25, 2016 and discussed the following:

1. The Committee reviewed a Subdivision and Land Development Agreement for 40 and 44 Bethany Road. The amount of the agreement is \$94,304.10. The Committee will recommend that Borough Council authorize the Council President and Secretary to execute the Subdivision and Land Development Agreement with the developers, Radio Properties LLC and Reid Thomas Myers, subject to it being in a form acceptable to the borough solicitor. This will appear on the August Consent Agenda.
2. The Committee reviewed a stormwater Operation and Maintenance Agreement for the proposed stormwater improvements associated with the subdivision and land development plan for the 40 Bethany Road. The Committee will recommend that Borough Council authorize the Council President and Secretary to execute an Operation and Maintenance Agreement with the developer, Reid Thomas Myers, subject to it being in a form acceptable to the borough solicitor. This will appear on the August Consent Agenda.
3. The Committee reviewed a stormwater Operation and Maintenance Agreement for the proposed stormwater improvements associated with the subdivision and land development plan for the 44 Bethany Road. The Committee will recommend that Borough Council authorize the Council President and Secretary to execute an Operation and Maintenance Agreement with the developer, Radio Properties LLC, subject to it being in a form acceptable to the borough solicitor. This will appear on the August Consent Agenda.
4. The Committee reviewed a proposed lease for the Ephrata Area Repeaters Society. Two representatives from the Repeaters were present, Randy Maurer and Tom Youngberg, the President. They addressed several issues that were brought up at last month's meeting. One of those was the structural integrity of the tower. The Repeaters recently had the 180' tower

evaluated and provided that documentation to the Committee. They also explained that the lease for the attachment, for which they did receive some income, is with an organization that is bankrupt. The Repeaters are asking for the Borough's annual lease fee to be waived. They explained the various services they provide to the community. The Repeaters will provide a treasurer's report and past electric bills at next month's meeting. The Committee will table this until the August Committee meeting.

5. The staff reported that they are still trying to schedule a meeting with the landlord group to review the draft rental, noise and nuisance ordinances. Vacations are making that difficult.
6. David Boland presented a request from DEI and the Ephrata Area Chamber of Commerce for holiday season banners. The banners would be paid for by sponsoring families or individuals and feature their photos. The photos would be reviewed by a committee using a standard set of criteria. There was discussion regarding what the message can contain and how many seasons the banners should be up. The staff will get an opinion from the solicitor if the message can contain holiday references. The profits from the sale of the banners would be used for community programs and community organizations. They suggested that the banners could be put up when the electric crew is putting up the Christmas lights to save on installation costs by the borough's electric department. Staff will find out what the cost is to put up and take down a set of banners. Mr. Boland will provide a draft set of guidelines that will be used for photo selection by their committee at next month's meeting. This will be tabled until the August Committee meeting.
7. The staff provided an example of a Recreation Plan from Manheim Township. One of the fee-in-lieu requirements in the MPC is to have a formally adopted Recreation Plan. The staff will see what grant opportunities would be available to assist in the preparation of a plan for us. They will also see if they can get an estimate for the cost of a plan and provide that at next month's meeting.
8. The Zoning Hearing Board did not meet in July so there are no decisions.
9. There is one new application for the August Zoning Hearing Board meeting. The Committee did not feel it was necessary to send the solicitor to the hearing. (NOTE: After the Committee meeting the applicant withdrew their request on 7/27/16.)

PUBLIC SAFETY COMMITTEE REPORT – 8/8/2016

The Public Safety Committee met on July 18, 2016 at 6:30 PM and discussed the following:

1. Ephrata Fair request for relief of Ephrata Borough Code §123.1 - That Borough Council approve the request from the Ephrata Farmers Day Association to waive Ephrata Borough Code §123.1 Livestock: hives of bees. *No person, firm or corporation shall keep any hog, cattle, goat or sheep or any hive of bees at any place within the Borough of Ephrata*, in order to conduct livestock judging and a petting zoo for the 2016 Ephrata Fair during the week of September 19 to 24, 2016. Unanimously approved by Committee- *Action by Borough Council*
2. Property Maintenance Appeal Board nomination – Mr. Thompson informed the Committee that Mr. Henry Nolt (property owner of 111 Grant Street) is appealing his notice of a not fit for human habitation property violations. The appeal will be heard by the Property Maintenance Appeal Board formed in 2006 for appeals of this nature and recently the rental ordinance. The board is comprised of three members, of which two remain (Robert A. Hoffman and David M. Albright). The appeal was filed on July 13, 2016 and the hearing

must be scheduled prior to August 10, 2016. The Public Safety Committee discussed and will recommend that Borough Council approve the appointment of Gary G. Krafft, Esq. of Russell, Krafft & Gruber LLP as special counsel to the Property Maintenance Appeals Board. Borough Solicitor James McManus will represent Borough staff. Also requested is that the Committee recommend Council appoint the vacant board member once the person accepts appointment. Currently there are four proposed nominations from staff and none have been officially contacted. Provided there are no objections, the candidates are Dale Latshaw, Nevin Horst, Ted Bare and Brian Hoffman. Priority order from top of list to be approved by the Committee and named at Work Session on August 1, 2016. Unanimously approved by Committee- *Action by Borough Council*

NOTE: Since the PSC meeting, staff has learned that the time requirements are twenty (20) calendar days, not twenty (20) work days.

3. Ephrata Community Pool Discussion - Chief Harvey presented background information on the 2016 Pool Season from a public safety perspective. Chairman Weiler opened the floor for citizen input. The following is an overview of public input:

Bob Good: *Questioned is this the Ephrata Community pool or a public pool and discussion of these concepts and its legal basis and establishment of both sides.*

David Morgan: *A parent of two lifeguards who were threatened by subject to punch the, questioned if this was reported to the police.*

Steven Heffner: *Has noticed palatable change in the community pool, observations coolers over the fence. Significant monies have been invested; there should be expectations of behavior for all. Hire more guards, for they are being challenged for most. Lines drawn and rules need to be enforced.*

Tracey Robinson: *Feels that there are too many outsiders with their own brand of civility. She stepped in when a guard was challenged last year. We do not have to let people in from outside. Plans for fees, if outside need to pay a lot more, the discount is not enough to protect the taxpayers. Higher costs may keep most of them out. Money can be a deterrent and need for security.*

Councilperson Reinhold: *The need to define Ephrata as the Ephrata school district (Twsp, Akron, Clay).*

Tricia Keiser: *Safety of the guards of staff and children, Ephrata area school district should be the definition. She recommended that an annual member should accompany all guests. There is the need for rules in English and Spanish.*

Bob Good: *Definition of unacceptable behavior we do not want to appear discriminatory based on safety and unacceptable behavior.*

Michele Heffner: *Has observed groups of adults not have kids in car seats, lack of parenting.*

Steven Heffner: *I do not care who is there or who they are as long as they follow the rules and leave it as they found it. He noted that trash inside the grass area of the perimeter fence is increasing. During the interim, can the pool operations be amended for more staffing?*

Requested the need for scanning devices for identification cards and encourage implement scanning devices.

Marty Samuel: Questions the guest policy, surcharges, and entrance fees. Discrimination is not the issue; this town wants to get along. We are not discriminating and those who are those who follow the rules are the ones being discriminated against.

Tom Campbell: Questions the safety of teenage lifeguards to Mr. Summers based on the mocking and picking on the lifeguards.

Director Summers: Answered the picking, making fun, threatening violence to the lifeguard questions.

Councilperson Martin: Inquired of current staffing of the pool and the answer was a head guard and lifeguard manager on duty each day with lifeguards. If someone is expelled, are they allowed back in and if so, the names on file? Answer -correct.

Tom Campbell: He requested the hiring of a full-time constable on duty, especially on weekends.

Chief Harvey briefed on research of security/constables.

Director Summers: Spoke on there are a lot of gray verses clear definitions that need to be defined.

Chuck Archibald: (Clay Township) – He witnessed the swimwear call from last Saturday, it is apparent there is now a process, and the training of the staff is improved.

Elisabeth Kilsner: Has noted the decline of behavior recently, people are inconsiderate. She has witnessed drinking of alcohol and had the alcohol removed. Wanting those arrested for the smuggling alcohol into the pool.

Director Summers: Cooler searches and bag searches two weeks ago.

Marylyn Kreider: She is avoiding the weekends due to the profanity. Pays for a membership and feels she cannot go on the weekends due to the crowd.

Michele Heffner: Requested to hire a constable, but if the rates went up she would be upset to pay for security and rate hikes would be unjust for members, the daily rates should go up.

Debbie Mellinger (Twsp): She appreciates the comments, we need to decide which way we go, and she prefers members only to keep those out. A public pool will require extra security; we need to decide community or public.

David Morgan: What is the borough going to do now.

Councilperson Reinhold: Started the discussion of an unbudgeted expenditure question.

Mr. Thompson: Are we going to move to Borough Council procedurally and answer is an interim question (general fund will have to authorize funding to August 8 voting session or could go as early as the August 1st meeting.) We must define what we are asking for.

David Morgan: Questioned where the money going and its capacity.

Director Summers: *Pool Capacity is 1,500.*

Councilperson Martin: *Asked about offering or changing to membership only times, post it and membership only days/times?*

Director Summers: *Will take two weeks away for notification.*

Tracy Robinson: *Asked if the members take shifts, like a neighborhood watch?*

Mr. Thompson: *There is a pay to play program, follow the rules, this will be contiguous and other piece perhaps day pass and surrender an ID and resource requirements. He explained the equipment purchases and changes in communications and the processes within a Borough. The little things will be improved the rest of the year.*

Chief Harvey: *Thanked all, and recommended a "hot wash" or debrief in October on improvements and lessons learned to be shared with staff for next year.*

Catlin Bennyhoff: *Spoke on having life guards telling adults multiple times. Asked about having a one-day only members only verses public to compare results.*

Chairman Weiler thanked all.

NOTE: Due to lack of sufficient time, the Public Safety Committee did not have time to formulate any recommendations for Council.

4. Comp-stat (June 2016) – Chief Harvey presented June’s Compstat report – ***Received For Informational Purposes Only***
5. EMC Report (June 2016) – Chief Harvey presented June’s emergency management report – ***Received For Informational Purposes Only***

OLD BUSINESS:

1. Proposed ordinance grills – *Informational*

There being no other business set before it, the meeting was adjourned at approximately 6:35 PM.

The next regularly scheduled PSC meeting will be Monday, August15, 2016 at 6:30PM.

MUNICIPAL ENTERPRISES COMMITTEE REPORT – 8/8/2016

The Municipal Enterprises Committee met on July 18, 2016 and discussed the following:

1. Director of Operations, Thomas Natarian reviewed Bid #16-9 for Contract Waste and Recyclable Materials Collection. Five bids were received, and Staff is recommending that Bid #16-9 be awarded to the low bidder, Eagle Disposal of PA, Inc. of East Earl, PA. The term of the contract is for three years beginning October 1, 2016 and ending September 30, 2019. The Borough would have an option to renew the contract for up to (2) one-year renewal periods. The bid amount for the first year is \$374,660.16 with Unit Fees for year 2 and year 3 calculated annually on July 25 using the Consumer Price Index as the escalation factor. The bid price is within budgeted amounts and less than the current contract price.

The Committee will recommend that Council award Bid #16-9 to Eagle Disposal of PA, Inc. when they meet on August 8, 2016.

2. The Committee reviewed a request to reduce financial security from the Lincoln Land Group, Inc. for the Home Towne Square Phase 2 Land Development. The request is to reduce all remaining escrow currently held by the Borough upon completion of sanitary sewer facilities improvements. After a review of work successfully completed, Staff is recommending that \$43,117.40 currently being held as financial security be reduced to zero. The Committee will recommend that Council approve the request to reduce financial security for the Home Towne Square Phase 2 Land Development when they meet on August 8, 2016.
3. The Committee reviewed request for sanitary sewer capacity from the proposed 40 & 44 Bethany Road Land Development Plan. The request is for an additional 20 HVUs or 4,752 gallons per day. Staff has reviewed the request and recommends approval. The Committee will recommend that Council approve the request from the proposed 40 & 44 Bethany Road Land Development Plan for an additional 20 HVUs of sanitary sewer capacity when they meet on August 8, 2016.
4. Mr. Natarian and Borough Manager, D. Robert Thompson provided the Committee an update on the status of the American Municipal Power (AMP) Advance Meter Project. Borough Staff members along with AMP Staff and representatives from several vendors supporting the project conducted a project requirements workshop at the Borough on July 13, 2016. That workshop provided the information necessary for final design of the system and cost estimating. Once final pricing and design have been established Staff will prepare a recommendation for the Committee to consider regarding authorization to proceed with the project. Citizens present at the Committee meeting requested information regarding training on the use of the new system, suggested that convenient times be available for new meter installations that require access to people's homes, and requested information regarding Wi-Fi signals that are used by the advance meter system. Staff will address each of these issues as part of the project. No action is required by the Committee at this time.
5. The Committee reviewed the 2015 AMP credit score for the Borough. AMP's credit scoring system follows the guidelines established by Moody's. The Borough's 2015 credit score is 98%. This is an outstanding credit score that will enable the Borough to fully participate in future AMP projects, programs, and AMP financing arrangements. No action is required by the Committee at this time.
6. Mr. Natarian and Mr. Thompson provided an update on the proposed solar project. Staff is reviewing a first draft of a Power Purchase Agreement after general agreement to a term sheet with the proposed solar power provider. Staff is encouraged that progress has been made and will continue to update the Committee as events warrant.
7. Mr. Natarian informed the Committee that the Borough's grant application associated with the green infrastructure plan at the solar site was not funded by the Pennsylvania Department of Environmental Resources. Staff will continue to pursue grant opportunities for the green infrastructure plan. The work at the solar site is part of the Borough's Chesapeake Bay Pollution Reduction Plan Addendum and must be completed by January 2019 to be compliant with our Municipal Separate Storm Sewer System permit. Staff will prepare a plan for meeting the permit requirements and review with the Committee at a future date. No action is required by the Committee at this time.

COMMUNITY SERVICES COMMITTEE REPORT – 8/8/2016

The Community Services Committee met on July 25, 2016 and discussed the following:

1. Jennifer Hippensteel reviewed a request for The Ephrata Alliance to hold a Party in the Plaza event (a free admission “Block Party”) to coincide with Ephrata Borough’s 125th birthday weekend celebrations. The event will be held on Thursday, October 20, 2016 at the Whistle Stop Plaza from 5:30 pm to 8:30 and will be sponsored by The Ephrata VFW. The request does include the sale of beer & wine by using the VFW’s liquor license. The Committee will recommend that Borough Council conditionally approve the request at their August meeting subject to review and approval by the Chief of Police of the logistical operations plan and incident action plan as well as receipt by the Borough of a certificate of insurance naming the Borough as an additional insured. In addition, the VFW must provide an Opinion from the LCB.
2. Jim Summers requested the use of the Whistle Stop Plaza for Brewfest 2017 to be held on Saturday, June 24, 2017. This is a “save the date” request only. The Committee will recommend that Borough Council approve the request at their August meeting.
3. The Committee discussed a concern that was submitted by David Worth, General Manager of the Ephrata Re-Uzit Stores, Inc. Mr. Worth wanted to know if the brick sidewalk leading from the parking lot along the side of the Re-Uzit store to Main Street would be closed to the public during future events held at the Whistle Stop Plaza as it was for the Brewfest held in June. Jim Summers met with Mr. Worth and completed a walk through prior to the Brewfest event. There were no concerns discussed at that time. It was suggested that event coordinators keep mindful of the inconveniences that occur to the Re-Uzit Store. There is no further action required by the Committee.
4. The Committee acknowledged a thank you letter submitted by the Ephrata Cloister for the Borough’s recent contribution from the Art Grants Program.
5. Borough Manager, Bob Thompson, reviewed an update received from Diehm & Sons on behalf of Martin Energy regarding the possibility of relinquishing a railroad right-of-way on the Martin Energy site in order for them to construct a new warehouse building. This item is for informational purposes only. The Borough’s action will depend on the action taken by Ephrata Township regarding a similar request.
6. Jim Summers reviewed year to date pool attendance and revenue numbers. Average pool attendance is up from 2015. Revenue is up approximately \$51,000 from 2015 and expenses are down approximately \$10,000 from last year at this time. There were only two days in June that the pool was closed due to inclement weather, and to date, there are no days in July.
7. Borough Manager, Bob Thompson, reviewed the list of pool issues that were discussed at the July 18th Public Safety meeting. Details are included in the Public Safety Committee Report. Visitors stated that there are still incidents but there has been significant improvement due to police presence and response times. Since pool expenses are down, Jim Summers is exploring the use of a constable or private security company at cost of \$35.00/hr. on a trial basis for a weekend to see if there is any merit in continuing. Other suggestions made include issuing ID badges to all visitors of the pool, increase day pass rates, and additional training for non-lifeguard staff. The Committee recognizes that the pool discussion will need to be re-visited prior to next pool season and any recommendations for change made at that time. No action is required by the Committee.

SPECIAL PROJECTS COMMITTEE REPORT – 8/8/2016

The Special Projects Committee met on July 18, 2016 and discussed the following:

1. The staff issued to all members of Borough Council and the Mayor the proposed ordinance to revise the policy for serving for sale and not for sale alcohol at Borough facilities in order to accept comments. No comments were received. The Committee directed the staff to advertise the ordinance with the intention of recommending that Borough Council enact the ordinance at their August 8, 2016 meeting.
2. The Borough Manager informed the committee that the proposed resolution to establish the process for participating on the Borough's welcome signs was sent to all organizations that are currently represented on the welcome signs requesting comments on the resolution. Comments were received by the Shade Tree Commission and in attendance at the committee meeting was a representative from the Ephrata Cloister. The committee received comments that the specifications for the plaques should be established along with a list of vendors that could make the signs. The staff will create the sign specifications and identify a vendors list. For the committee to review.
3. Chandra Mast of the Shade Tree Commission made a plea to the committee of the urgency for an elected official to obtain their Tree Tender designation in order for the STC to apply for Treevitalization grants.
4. The Borough Manager Thompson informed the committee that he and the solicitor have reviewed the proposed food vendor ordinance to identify areas to streamline the application process. Mr. Thompson identified a few minor areas where the process could be streamlined however he indicated there is not much room for savings. The committee discussed that perhaps a Special Events section could be added whereby the vendors would fall under the responsibility of the event sponsor and permits could be aggregated into a single permit for the event. The Committee also discussed shortening the review process. The staff will add a Special Events section for the Committee's review at their August meeting and evaluate the application review process.

BUDGET AND FINANCE COMMITTEE RECOMMENATION – 8/8/2016

The Budget and Finance Committee recommends the following:

1. That Borough Council accept a letter of resignation from Gregory S. Zimmerman from the Zoning Hearing Board.

PUBLIC SAFETY COMMITTEE RECOMMENDATIONS – 8/8/2016

The Public Safety Committee recommends the following:

1. That Borough Council adopt Resolution 2016-23 a resolution supporting law enforcement within the Borough of Ephrata.
2. That Borough Council approves the request from the Ephrata Farmers Day Association to waive Ephrata Borough Code §123.1 Livestock: hives of bees. *No person, firm or corporation shall keep any hog, cattle, goat or sheep or any hive of bees at any place within the Borough of Ephrata, in order to conduct livestock judging and a petting zoo for the 2016 Ephrata Fair during the week of September 19 to 24, 2016.*

HIGHWAY COMMITTEE RECOMMENDATIONS – 8/8/2016

The Highway Committee recommends the following:

1. That Borough Council approve the July 25, 2016 request from the Veterans of Foreign Wars of the United States of America – Cocalico Valley Post 3376 of 141 South State Street, Ephrata, PA to close Hunter Alley for safety reasons between West Fulton Street and the north property line of the Pioneer Fire Department, 135 South State Street from 12:00 PM to 5:00 PM on Saturday, August 20, 2016 during a planned special event co-hosted by VFW Post 3376 and the Ephrata Pioneer Fire Company.

MUNICIPAL ENTERPRISES COMMITTEE RECOMMENDATIONS – 8/8/2016

The Municipal Enterprises Committee recommends the following:

1. That Borough Council award Bid #16-9 for Contract Waste and Recyclable Materials Collection to the low bidder, Eagle Disposal of PA, Inc. of East Earl, PA, for a three year term with an option for (2) one-year renewal periods at a first year cost of \$374,660.16.
2. That Borough Council approve a request from the Lincoln Land Group, Inc. for the Home Towne Square Phase 2 Land Development to reduce all remaining escrow (\$43,117.40) currently held by the Borough upon completion of sanitary sewer facilities improvements.
3. That Borough Council approve a sanitary sewer capacity request from the proposed 40 & 44 Bethany Road Land Development Plan for 20 additional HVUs or 4,752 gallons per day.

COMMUNITY SERVICES COMMITTEE RECOMMENDATIONS –8/8/2016

The Community Services Committee recommends the following:

1. That Borough Council conditionally approve the request from The Ephrata Alliance to hold a Party in the Plaza on Thursday, October 20th at Whistle Stop Plaza from 5:30 pm to 8:30 pm subject to the review and approval by the Chief of Police of the logistical operations plan and incident action plan as well as receipt by the Borough of a certificate of insurance naming the Borough as an additional insured, and the VFW providing an Opinion letter of compliance with LCB requirements from the LCB for the sale of beer and wine.
2. That Borough Council approve the request from the Ephrata Rec Center, the Public Library, and DEI to save the date of Saturday, June 24, 2017 to hold the Brewfest Event at the Whistle Stop Plaza.

SPECIAL PROJECTS COMMITTEE RECOMMENDATIONS – 8/8/2016

The Special Projects Committee recommends the following:

1. That Borough Council enact Ordinance 1525 amending Part II, General Legislation, Chapter 119, of the Code of the Borough of Ephrata, Alcohol Beverages, by prohibiting and restricting the consumption of alcoholic beverages on public and semipublic property and by providing exceptions for the sale and not for sale supply and consumption of alcoholic beverages.