

**BOROUGH OF EPHRATA
COUNCIL MEETING AGENDA
OCTOBER 10, 2016**

INVOCATION Moment of Silence

PLEDGE OF ALLEGIANCE

ATTENDANCE/ROLL CALL

APPROVAL OF MINUTES

Borough Council Work Session Minutes – September 6, 2016
Borough Council Regular Meeting Minutes – September 12, 2016

MUNICIPAL MOMENT

Mike Showalter, Museum Educator – The Cloister

OPPORTUNITY FOR CITIZENS TO BE HEARD

ACCEPTANCE OF REPORTS

Budget and Finance Committee
Development Activities Committee
Public Safety
Highway Committee
Municipal Enterprises Committee
Community Services Committee

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

NEW BUSINESS ITEMS

Consent Agenda (includes the following approvals)

1. That Borough Council acknowledge receipt of the 2017 Pension Certification dated October 10, 2016, identifying the Borough's 2017 Minimum Municipal Obligation to the three pension plans. The 2017 Police Pension Plan Minimum Municipal Obligation is \$542,398, the Ephrata Borough Pension Plan Minimum Municipal Obligation is \$370,459, and the Ephrata Borough Retirement Plan Minimum Municipal Obligation is \$18,794. (Budget and Finance Committee)

Standing Committee Recommendations

Budget and Finance Committee
Development Activities Committee
Highway Committee
Municipal Enterprises Committee

Approval of Checks 27752 through 28021 and the ACH Registers dated September 29 and October 6, 2016

OPPORTUNITY FOR CITIZENS TO BE HEARD

DISCUSSION/ANNOUNCEMENTS

ADJOURNMENT

BUDGET AND FINANCE COMMITTEE REPORT – 10/10/2016

The Budget & Finance Committee met on October 3, 2016 and discussed the following:

1. The Committee discussed the 2017 Pension Certification Report identifying the Borough's minimum municipal obligation to each pension plan. The 2017 defined benefit Police Pension Plan amount will be \$542,398. The 2017 defined benefit Borough Plan Pension amount will be \$370,459. The 2017 defined contribution Retirement Plan amount will be \$18,794. The Certification will appear on the October consent agenda.
2. The Library 4th Quarter disbursement was discussed. It was determined that a letter will be provided asking for the payment within 30 days of the beginning of each quarter. The letter will be signed by the Executive Director and Library Board President. The Committee will recommend disbursement of the 4th Quarter at the Work Session meeting October 3, 2016.
3. The Committee reviewed the Library Presentation by Penny Talbert detailing the Library's 2017 request for funding. This request will be included in the 2017 Borough Budget presentation.
4. The Committee will recommend the appointment of Richard Stewart to the Zoning Hearing Board.
5. The Committee discussed the Ephrata Area Repeater Society electric usage from 2011-present. This will potentially be added to the Free Electric that the Borough provides for certain non-profits. This will be discussed at a future meeting along with the Free Electric Report.

DEVELOPMENT ACTIVITIES COMMITTEE REPORT – 10/10/2016

The Development Activities Committee met on September 26, 2016 and discussed the following:

1. The Committee reviewed a request from the Ephrata Performing Arts Center (EPAC) to serve alcohol at a sponsor event premiering *Oliver!* on December 6, 2016. EPAC has provided a copy of a Special Occasion Permit License issued by the Pennsylvania Liquor Control Board for the event. The Committee will recommend that Borough Council at their October meeting grant the request to serve alcohol at EPAC's December 6th event.
2. The staff reviewed with the Committee a proposal to upgrade the controls for the three larger HVAC units installed in 2012 at the Ephrata Public Library. The new controls are anticipated to run the units more efficiently and reduce operating and maintenance costs. The Committee will recommend that Borough Council accept Option 2 on the August 3, 2016 proposal from H. C. Nye Service Company for all three units at the October meeting.

The cost is \$6,900.00 per unit for a total of \$20,700.00 and will be an unbudgeted expenditure from the building maintenance fund.

3. The Committee discussed reimbursing the library for the past HVAC invoices. The staff has a copy of the invoices through May of 2016 and will ask the library for any recent invoices. The staff also reported that the library has requested reimbursement for these expenses in their 2017 budget request. No further action is required at this time.
4. The Library presented additional information regarding the Keystone Grant Application for Public Library Facilities. They are applying for a matching grant from the state and need the sponsorship of the Borough. The Committee will recommend that Borough Council at the October Work Session authorize the President of Borough Council to sign the Keystone Grant Application in support of the library.
5. The Committee reviewed a request to use Whistlestop Plaza for the Extraordinary Give event on November 18, 2016. This is a combined effort between DEI and The Chamber of Commerce. They would like to use the plaza and close the parking area between Main Street the rear of the railroad station for use by the Extraordinary Give truck and Ephrata non-profit organizations. They will provide an updated letter once all details are finalized. The Committee will recommend that Borough Council grant the request to use Whistle Stop Plaza on November 18, 2016 for the Extraordinary Give event subject to the receipt of a certificate of insurance naming the Borough and an updated request letter at the October meeting.
6. The staff provided sample guidelines for murals from other municipalities. Manheim Borough had an extensive set of regulations. Chairperson Martin will speak with Manheim Borough officials to get more background on their regulations. Staff will research where proposed regulations should go; in the zoning ordinance or a standalone ordinance.
7. The staff reported that they met with representatives from the landlord group to go over the draft rental, noise and nuisance ordinances. The representatives had some comments but were generally supportive. Once the staff reviews their comments and makes changes, the representatives will provide the revised document to the landlord group for comment and provide those comments to us. This would eliminate the need for a public review meeting.
8. The staff provided information regarding fee in-lieu of payments made in the last 10 years. The loss of fees would pay for a recreation plan. The Committee would like to pursue a plan and is recommending that the staff budget for a Recreation Plan in the 2018 budget. No further action is required at this time.
9. The Zoning Hearing Board did not meet in September so there are no decisions.
10. There were two new applications for the October Zoning Hearing Board meeting. The Committee did not feel it was necessary to send the solicitor to the hearings.

PUBLIC SAFETY COMMITTEE REPORT – 10/10/2016

The Public Safety Committee met on September 19, 2016 at 6:30 PM and discussed the following:

1. **School Resource Officer Contract renewal** – Lt. Shumaker presented the new SRO contract extension for the years 2017-19. No requests for changes in service have been made and revised costs have been sent to all partners. The final contract will be in place before the end of 2016. – *Received For Informational Purposes Only*

2. **Drug Task Force Assignment-** Lt. Shumaker presented on FY2017 budget proposal to fill the authorized but vacant position to the DTF in the 2017 budget year. There are currently existing vacant positions within the DTF. We will need to approve this with revised estimated costs for our three (3) municipal partners to approve. There was discussion to the benefits. – *Received For Informational Purposes Only*
3. **Pig/Rooster Chase discussion-** Chief Harvey presented the updates regarding the Fair and animal verses human contests. There was no public input. - *Received For Informational Purposes Only*
4. **Mr. John Berkes presentation-** Mr. John Berkes presented his concerns regarding the Ephrata Motel (535 South State Street), the issues with the ownership, criminality and questions to staff. His questions were why no fines were imposed, decisions made not to impose and why no official notifications of violations issued? Lt. Shumaker gave a verbal response. There was discussion on the matter for beneficial solution.

Second matter was the American Legion/ Grater Park parking lot issues; in regards the lease between the Borough and American Legion. His question was over the Borough recent actions and upgraded signage. His feelings were that the Borough incurred an unnecessary expense by installing the new signage. Mr. Thompson answered with the staff response on how the parking issues were addressed between all parties and future suggestions for coordination. Mr. Berkes did question if there is a long-term plan for park improvements, especially addressing egress (stone pillars). Mr. Berkes was appreciative for the time and support. The Committee was satisfied with the actions by the staff and that no further response to Mr. Berkes is required - *Received For Informational Purposes Only*

5. **Comp-stat (Aug 2016)** – Chief Harvey presented August’s Compstat report – *Received For Informational Purposes Only*
6. **EMC Report (Aug 2016)** – Chief Harvey presented August’s emergency management report – *Received For Informational Purposes Only*
7. **3rd quarter EMC meeting report-** Chief Harvey presented the 3rd quarter’s EMC report – *Received For Informational Purposes Only*

There being no other business set before it, the meeting was adjourned at approximately 7:42 PM.

The next regularly scheduled PSC meeting will be Monday, October 17, 2016 at 6:30PM.

HIGHWAY COMMITTEE REPORT – 10/10/2016

The Highway Committee met on Monday, September 26, 2016 and discussed the following:

1. The Committee reviewed a proposed ordinance adding certain time limited parking and repealing certain authorized purpose parking on a portion of Cloister Avenue. This proposed ordinance replaces the 90-day experimental traffic and parking regulations implemented by Resolution Nos. 2016-18 and 2016-19 on July 11th, 2016. The Committee also discussed concerns provided via letter received by the Borough on September 16, 2016 from the owners of The Style Studio at 21 Cloister Avenue and the property owner of 21 Cloister Avenue regarding the time limited parking area. The Committee recommends that Borough Council enact Ordinance No. 1526 at their October 10, 2016 meeting.

2. The Committee reviewed a proposal from JMT, Inc. for engineering and design services for Lincoln Avenue Storm Water Improvements. JMT, Inc. previously completed a Concept Drainage Report for this area in August 2015. The cost of the professional services from JMT, Inc. is \$39,500. These professional services are a budgeted item in the 2016 Budget and Program of Services. The proposed cost is within the budgeted amount and staff recommends approval of the proposal. The Committee will recommend that Council approve the proposal from JMT, Inc. in the amount of \$39,500 for engineering and design services for Lincoln Avenue Storm Water Improvements at their October 10, 2016 meeting.
3. The Committee was updated on the status of the Park Avenue & West Locust Street intersection regarding previous citizen request to install a 4-way stop at that intersection. Staff gathered citizen and crossing guard input, crash data and counted approximately 20-25 students crossing at this intersection to and from Highland Elementary School each school day. Committee was also advised that this intersection does not currently meet warrants for installation of a 4-way stop. Staff will continue to monitor this intersection and evaluate ways to improve clear sight distance without implementing parking restrictions.
4. The Committee was updated on the status of a letter received by the Borough on August 19, 2016 from George Hammaker of 173 Church Avenue detailing his concerns regarding the Church Avenue & West Locust Street and Church Avenue & West Chestnut Street intersections and his request that multi-way stop signs be installed at all four (4) approaches to each of those intersections due to pedestrian safety concerns. The Committee was advised that staff contacted Mr. Hammaker and left a voice message but received no return call. Staff assembled crash data and evaluated existing conditions including student pedestrians at both intersections and determined that neither intersection currently meets warrants for installation of a 4-way stop and that any requests for crossing guards should be directed to the Ephrata Area School District. Staff will continue to monitor these intersections and evaluate ways to improve pedestrian safety at these intersections.
5. The Committee was updated on potential future sidewalk installation along Meadow Valley Road between SR 0272 and Old Mill Road due to a recent Ephrata Township resident complaint. Six (6) student pedestrians currently utilize this area to and from the Ephrata High School during a normal school day. The Committee was advised that the Borough anticipates discussing with Ephrata Township the impacts of a new apartment development proposed on the west side of SR 0272 adjacent to Meadow Valley Road and that pedestrian walkway improvements will be part of that discussion. No further action required at this time.
6. The Committee was updated on the status of the South Oak Street Bridge structure mounted barrier replacement project. Staff contacted the bridge inspection consultant and a PennDOT Municipal Services representative advising them of our recent bid results. Both parties provided advice on how to proceed regarding our situation. Currently, staff is waiting to hear from the Borough's liability insurer before discussing future direction regarding this issue with Highway Committee.

MUNICIPAL ENTERPRISES COMMITTEE REPORT – 10/10/2016

The Municipal Enterprises Committee met on September 19, 2016 and discussed the following:

1. Director of Operations, Thomas Natarian reviewed a proposed resolution to authorize the signing of a loan agreement and promissory note with American Municipal Power, Inc. (AMP) for the AMP Advanced Metering Infrastructure (AMI) Project. The total cost of the AMI Project will be \$1,436,017. The 10-year loan agreement allows the Borough to utilize AMP's line of credit at a variable interest rate that is currently 1.4375%. Staff has engaged McNeas Wallace to conduct a legal review of the loan and promissory note. The Committee

will recommend that Council adopt Resolution 2016-XX to authorize the signing of a loan agreement and promissory note, in a format acceptable to our legal counsel, for the AMP AMI Project when they meet on October 10, 2016.

2. The Committee reviewed a proposed resolution to designate authorized representatives to serve on the AMP Board of Trustees and various AMP Committees. The resolution authorizes the Borough Secretary and President of Council to designate, in writing, the representative and alternate. Draft letters to AMP, designating Mr. Natarian as the representative and Borough Manager D. Robert Thompson as the alternate representative, were also reviewed with the Committee. The Committee will recommend that Council adopt Resolution 2016-XX to designate authorized representatives to serve on the AMP Board of Trustees and various AMP Committees when they meet on October 10, 2016.
3. The Committee reviewed two disposition of asset requests for obsolete electrical transformers. The first disposition of assets request involves four large transformers and several smaller transformers that have all passed environmental testing. The Borough would receive \$4,100 from Jerry's Electric, Inc. of Colman, SD for those transformers. The second request involves environmental testing and disposal of several obsolete transformers. A proposal from Clean Harbors Environmental Services of Philadelphia, PA was reviewed with the Committee. The proposal includes a fee for transportation and environmental testing. A transformer that passes the environmental tests would result in a payment to the Borough for the transformer. Transformers that are PCB contaminated would result in a charge to the Borough for proper disposal. Prior to environmental testing it is impossible to know the exact expense or credit to the Borough. Staff estimates that the total cost or expense will be minimal. Staff prepared the disposition of assets request in the event that the disposal results in a credit above the \$1,000 threshold for disposition of assets that can be authorized by the Borough Manager. The Committee will recommend that both disposition of asset requests be approved by Council when they meet on October 10, 2016.
4. Mr. Natarian and Mr. Thompson provided the Committee with an update on the proposed Solar Project. Work continues on the distribution line and substation modifications to accommodate the solar energy. The solar site is fully permitted. However, negotiations with a prospective Power Purchase Agreement (PPA) provider have reached an impasse. Given that the federal Investment Tax Credit for solar energy has been extended to the end of 2019, Staff is confident that a new PPA provider will be interested in building on our fully permitted site. Staff will prepare a Borough specific PPA to offer to prospective partners. Staff expects to have the PPA completed in the 1st Quarter of 2017 and to select a prospective partner in the 2nd Quarter of 2017.
5. Mr. Natarian reviewed a new camera that was installed by the Susquehanna River Basin Commission (SRBC). The camera will give SRBC information regarding the level of water in the Cocalico Creek. This information will be made available for use by Ephrata Police, Public Works, and the Water Group. Given the public safety value of the camera, plus the very low power requirements, Staff is recommending that the SRBC camera be provided with electricity at no charge. There were no objections from the Committee.
6. Mr. Natarian reported on the final results of work by Land Studies, Inc. to create a Storm Water Management Plan (SWMP). The SWMP was the topic of the Municipal Moment presented to Council on September 12. Mr. Natarian provided the Committee with excerpts from the SWMP to detail the minimum control measures, the pollutants of concern, SWMP goals, and a typical activity check sheet. The testing and documentation requirements of the SWMP will result in increased labor requirements. Staff will be addressing those needs in the 2017 Budget.

7. Mr. Natarian provided the Committee with a copy of the fully executed agreement for the AMP IGS Home Services project. Staff will be working with IGS to initiate an exchange of information, and to begin the roll out of the program to Borough Customers.
8. Mr. Natarian reported on the recent meeting of the Pennsylvania Municipal Electric Association (PMEA). PMEA solicited all members to compare electricity costs. Electric costs in Ephrata are below the average of all regions reported. Ephrata's electric costs are also below those of PPL. In another matter, the AMP members of PMEA voted to reelect Ephrata as the Pennsylvania representative to the AMP Board of Trustees.

COMMUNITY SERVICES COMMITTEE REPORT – 10/10/2016

The Community Services Committee met on September 26, 2016 and discussed the following:

1. The Committee reviewed a request made by DEI on behalf of the Veterans Plaza Committee to place luminaries along the Winter's Memorial Trail to honor Veterans on Veterans Day. The event will closely mirror the programs held in previous years. All necessary documentation has been received ensuring their non-profit status and a copy of their certificate of insurance naming the Borough as an additional insured. The Incident Support Plan will remain the same as previous years; however, a representative will be in contact with Chief Harvey to make sure that revisions are not necessary. The Committee will recommend that Borough Council approve the request at their October meeting. This item will appear on the consent agenda.
2. In addition to the previous request made by DEI to reserve September 9, 2017 for the Arts & Crafts Festival, they would also like to reserve Saturday, October 14, 2017 for the existing area utilized as well as Grater Park. This is a "save the date" request only. The Committee will recommend that Borough Council approve the request at their October meeting. (See next discussion item)
3. The Committee heard from Joe Crockett and David Boland on a concept for an Arts Festival to be held on October 14, 2017. The planning and design of the event is in the early stages. Logistics and feasibility need to be determined. Some of the ideas that were presented that may be included in the event are live musical performances, fine art and craft vendors, food vendors, a beer garden, and dramatic readings. The event may eventually be combined with the Arts & Crafts Festival that is currently held in September. The idea needs to be presented to the DEI Board. The Committee had no objections with the concept and with them moving forward. A formal plan/proposal will have to be presented at future meeting.
4. Jim Summers reviewed with the Committee a Revenue and Attendance Comparisons Report with data from 2012 to 2016. In addition, he presented a Lancaster County Public Pools Day Pass Comparison. Ephrata Community Pool rates increased in 2012, 2014, and 2016. Jim noted that 2016 final expenditures were not calculated yet.

Discussion continued on various topics related to the Community Pool, including the issues that were experienced this year. Jim Summers explained that Ephrata Community Pool is a public pool and we cannot deny access to anyone, unlike private pools. The fee structure was discussed and many different suggestions were made. It was suggested that a breakdown of membership by municipality be looked at as part of the fee structuring. Jim Summers stated that ultimately Council needs to decide on some key issues – the fee structure (do we want the pool to be a revenue source or do we want to provide an amenity for the community?) and their philosophy on pool operations. Because there is so much to discuss and resolve, it was suggested that a special meeting be scheduled and advertised for Monday, October 31, 2016 at 5:00 pm. It was noted that October 31st is Halloween and trick-or-treat night.

BUDGET AND FINANCE COMMITTEE RECOMMENATION – 10/10/2016

The Budget and Finance Committee recommends the following:

1. That Borough Council appoint Richard Stewart to the Zoning Hearing Board for a term ending December 31, 2020.

DEVELOPMENT ACTIVITIES COMMITTEE RECOMMENDATIONS – 10/10/2016

The Development Activities Committee recommends the following:

1. That Borough Council grant a request from the Ephrata Performing Arts Center (EPAC) to serve not for sale beer and wine at a sponsor event premiering *Oliver!* on December 6, 2016.
2. That Borough Council accept Option 2 on the August 3, 2016 proposal from H. C. Nye Service Company for three sets of controls for the Ephrata Public Library's HVAC system for a total of \$20,700.00 to be paid from the Borough Building Maintenance account.
3. That Borough Council grant the request to use Whistle Stop Plaza on November 18, 2016 for the Extraordinary Give event subject to the receipt of a certificate of insurance naming the Borough and an updated request letter.

HIGHWAY COMMITTEE RECOMMENDATIONS –10/10/2016

The Highway Committee recommends the following:

1. That Borough Council enact Ordinance No. 1526 adding certain time limited parking and repealing certain authorized purpose parking on a portion of Cloister Avenue amending the Code of the Borough of Ephrata, Section 305 – Vehicles and Traffic.
2. That Borough Council award a professional services contract to JMT, Inc. in the amount of \$39,500 to provide engineering and design services for proposed Lincoln Avenue Storm Water Improvements.

MUNICIPAL ENTERPRISES COMMITTEE RECOMMENDATIONS – 10/10/2016

The Municipal Enterprises Committee recommends the following:

1. That Borough Council adopt Resolution 2016-25 to authorize the signing of a loan agreement and promissory note, in a format acceptable to our legal counsel, for the AMP AMI Project.
2. That Borough Council adopt Resolution 2016-26 to designate authorized representatives to serve on the AMP Board of Trustees and various AMP Committees.
3. That Borough Council approve a disposition of assets request for obsolete transformers selling the transformers to Jerry's Electric, Inc. of Colman, SD for \$4,100.
4. That Borough Council approve a disposition of assets request for disposing of transformers with Clean Harbors Environmental Services of Philadelphia, PA.

COMMUNITY SERVICES COMMITTEE RECOMMENDATIONS –10/10/2016

The Community Services Committee recommends the following:

1. That Borough Council approve the request from DEI on behalf of the Veterans Plaza Committee to use the Veterans Plaza and the Winter's Memorial Trail to place luminaries honoring veterans and allowing students from Fulton Elementary School to place small flags along the trail in between the luminaires on Veterans Day, Friday, November 11, 2016. In addition, they are requesting to close Railroad Avenue for the Fire Department to hang a flag from the aerial across the trail during the ceremony.
2. That Borough Council approve the request from DEI to save the date of Saturday, October 14, 2017 to use Whistle Stop Plaza, the Central Business District, and Grater Park in the event that there is a one-day Arts Festival approved. A formal request will be submitted at a later date.