

**BOROUGH OF EPHRATA
COUNCIL MEETING AGENDA
MARCH 13, 2017**

INVOCATION Reverend Walter Carter, Ephrata First United Methodist Church

PLEDGE OF ALLEGIANCE

ATTENDANCE/ROLL CALL

PROCLAMATION - Irish-American Heritage Month 2016

APPROVAL OF MINUTES

Borough Council Work Session Minutes – February 6, 2017
Borough Council Regular Meeting Minutes – February 13, 2017

MUNICIPAL MOMENT

Ephrata Borough Planning Commission

Mrs. Nancy Harris, Secretary

OPPORTUNITY FOR CITIZENS TO BE HEARD

ACCEPTANCE OF REPORTS

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

February General Ledger Report
Pioneer Fire Company February 2017 Report
Ephrata Community Ambulance Association February 2017
Ephrata Emergency Management February 2017 Report
February Shade Tree Commission Report

NEW BUSINESS ITEMS

Consent Agenda (includes the following approvals)

1. That Borough Council adopt Resolution 2017-3 concerning the disposition of records.
(Budget and Finance Committee)
2. That Borough Council authorize the Council President and Secretary to execute an Improvement Agreement in the amount of \$13,377.10 for the stormwater management plan for 52 East Fulton Street with the owner, Vito Mannino, 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 the stormwater management plan for 52 East Fulton with the owner, Vito Mannino, subject to it being in a form acceptable to the borough solicitor. (Development Activities Committee)

4. That Borough Council conditionally approve the February 17, 2017 e-mail request from the Ephrata Recreation Center to conduct a series of 5K races to be held Sunday, April 2, 2017; Sunday, May 7, 2017; and Sunday, June 4, 2017 at 5:00 PM each day in the Lincoln Heights section of the Borough subject to Police Chief Harvey's approval and Borough receipt of a satisfactory certificate of insurance naming the Borough as additional insured. (Highway Committee)
5. That Borough Council conditionally approve the February 2017 request from the Make-A-Wish Foundation for their 28th Annual Mother's Day Convoy to travel through the Borough of Ephrata on Sunday, May 14, 2017 subject to Borough receipt of a satisfactory certificate of insurance naming the Borough as additional insured and the Borough Solicitor's review and approval of the organizer's Event Permit and Indemnification Agreement. (Highway Committee)
6. That Borough Council conditionally approve the February 2, 2017 request from the Ephrata War Memorial Association to use the streets of the Borough for the 40th Annual Firecracker Run event on Tuesday, July 4, 2017 subject to Chief Harvey's review and approval and Borough receipt of a satisfactory certificate of insurance naming the Borough as additional insured. (Highway Committee)
7. That Borough Council conditionally approve the January 17, 2017 request from Boy Scout Troop 363 to use the Public Works building parking lot during the 2017 Ephrata Fair Parade to park cars as a fundraiser subject to Borough receipt of a satisfactory certificate of insurance naming the Borough as additional insured. (Highway Committee)
8. That Borough Council award Bid No. 17-4 for Purchase of Bituminous Materials to New Enterprise Stone & Lime Co. Inc. of East Earl, PA for purchase of Superpave 19 mm Asphalt Binder Course Material at the unit price of \$41.50 per ton FOB; Superpave 25 mm Asphalt Base Course Material at the unit price of \$39.80 per ton FOB; and Superpave 9.5 mm Asphalt Wearing Course Material at the unit price of \$44.40 per ton FOB. (Highway Committee)
9. That Borough Council award Bid No. 17-5 for Purchase and Delivery of PennDOT #2A Stone to New Enterprise Stone & Lime Co., Inc. of East Earl, PA for the unit price of \$9.68 per ton. (Highway Committee)
10. That Borough Council award Bid No. 17-7 for the Sale of 1988 Dresser 520 Front End Loader VIN #40954791001BO to lone bidder, Jerre Martin Repair of Ephrata, PA in the amount of \$6,000.00. (Highway Committee)
11. That Borough Council award Bid No. 17-8 for the Sale of 1994 Case 580SK Backhoe VIN #47416566401BO to lone bidder, Jerre Martin Repair of Ephrata, PA in the amount of \$5,000.00. (Highway Committee)
12. That Borough Council conditionally approve the February 7, 2017 e-mail request from Knead It Massage and Bodyworks to use the Dick Winters Trail to conduct a 5K/10K run on Saturday, June 10, 2017 subject to Borough receipt of a satisfactory certificate of insurance naming the Borough as additional insured and the approval of an Incident Support Plan by the Chief of Police. (Community Services Committee)

Standing Committee Recommendations

Budget and Finance Committee
Municipal Enterprises Committee
Community Services Committee

Approval of Checks 29332 through 29666 and the ACH Register dated March 3, and 9, 2017

***Checks 29577-29582 were voided due to printer error.**

OPPORTUNITY FOR CITIZENS TO BE HEARD

DISCUSSION/ANNOUNCEMENTS

ADJOURNMENT

BUDGET AND FINANCE COMMITTEE REPORT – 3/13/2017

The Budget & Finance Committee met on February 27, 2017 and discussed the following:

1. The Committee discussed proposed Resolution 2017-3 concerning the disposition of Borough records. All records will be disposed of according to guidelines established by the PA Historic and Museum Commission Bureau of Archives & History approved December 16, 2008. The Committee will recommend adoption of this resolution as part of the consent agenda at the March Council meeting.
2. The Committee discussed the possibility of the Borough initiating a PILOT program, which is payment in lieu of taxes from non-profits who are exempt from paying taxes. Staff is interested in creating a PILOT program. Staff will contact other municipalities to determine if they have such a program and if they have any documentation they can share with us. Staff will work on this project with the goal of launching in 3rd Quarter.
3. Chairman Richard requested that staff provide statistics on the Borough's credit card program as he would like to eliminate the fees associated with the program. President Rowe provided 2 responses from individuals in support of the credit card payment program. The staff discussed with the Committee the potential impact of the elimination of credit card payments and will report back to the Committee with recommendations.
4. Sue Rowe brought in a copy of a letter received from a landlord complaining about the landlord responsibility for tenants' non-payment of utilities. They are requesting that Council take another look at this policy and find a more favorable solution for landlords. It was suggested that this item should move to the Municipal Enterprise Committee.

DEVELOPMENT ACTIVITIES COMMITTEE REPORT–3/13/2017

The Development Activities Committee met on February 27, 2017 and discussed the following:

1. The Committee discussed the rental fee charges for the Chamber of Commerce in the railroad station building. The Chamber currently pays \$586/month for a portion of the railroad station. Through the current economic development process, a successor organization may need to occupy more space in the railroad station, and Council may wish to look at the rental fees for a future entity. Mrs. Rowe asked what would happen to the community room? It

was decided that this should be a discussion item instead of an action item. This will be tabled until the next Committee meeting.

2. The Committee reviewed an Improvement Agreement for proposed stormwater improvements associated with the stormwater management plan for 52 East Fulton Street. The amount of the agreement is \$13,377.10. The Committee recommends that Council authorize the Council President and Secretary to execute the Improvement Agreement with the owner, Vito Mannino, subject to it being in a form acceptable to the borough solicitor at the March meeting. This item will appear on the March Consent Agenda.
3. The Committee reviewed an Operation and Maintenance Agreement for the stormwater management plan for 52 East Fulton Street. The Committee recommends that Council authorize the Council President and Secretary to execute an Operation and Maintenance Agreement with the owner, Vito Mannino, subject to it being in a form acceptable to the borough solicitor at their March meeting. This item will appear on the March Consent Agenda.
4. The Committee reviewed the fourth quarter budget report for activities under their purview. There were no concerns regarding the budget report.
5. The Committee discussed a document the staff provided regarding a recent Supreme Court decision. The decision states that “Content-based restrictions on speech are presumptively unconstitutional”. The Committee was concerned how this could affect mural regulations and they decided to not pursue mural regulations at this time. The staff will look into mural regulations during the zoning ordinance update and see if anything has changed. This item will be removed from the agenda.
6. Martin Gilchrist of Urban Research and Development (URDC) provided information on the Economic Development (ED) initiative. The four volunteer groups have been asked to provide an initial commitment to tentatively pursue mergers by adopting a resolution and schedule A that lists their conditions to continue to pursue. The schedule A’s are due by March 15th. The Committee discussed how financial approvals would be handled for the borough funds. It was agreed that borough oversight is appropriate. URDC will provide a white paper to Council to outline the financial administration. With all this information URDC will draft a resolution that will go before Council at the April voting session to confirm the Borough’s support of the program and their financial contribution. The Committee discussed a date when a presentation could be made to all of Council. The presentation will include URDC’s draft report, the white paper outlining the financial administration and the draft resolution. It was decided the presentation will be made at the March 27th Committee meeting. The staff was instructed to keep the agenda light and table anything that was not time sensitive. The scope of services provided by URDC will need to be revisited in the near future. The time and detail needed to complete the merger portion is taking longer than anticipated. In order to complete the remaining portions of the original scope, additional funds will be needed. An exact figure will be provided at a future meeting.
7. There wasn’t a February Zoning Hearing Board meeting.
8. There are two new applications for the March Zoning Hearing Board meeting. The Committee did not feel it was necessary to send the solicitor for the new applications.

HIGHWAY COMMITTEE REPORT – 3/13/2017

The Highway Committee met on Monday, February 27, 2017 and discussed the following:

1. The Committee reviewed a February 17, 2017 request via e-mail from the Ephrata Recreation Center to conduct a series of 5K races to be held Sunday, April 2; Sunday, May 7; and Sunday, June 4, 2017 at 5:00 PM each day utilizing various streets in the Lincoln Heights section of the Borough. Maria Harnish, Program Assistant with the Rec Center was present to briefly discuss the race series and answer questions. Notification letters will be distributed to residents of the affected portions of the Lincoln Heights area making them aware of the events. No streets will be closed during these events. Rec Center employees and volunteers will be on the streets assisting with traffic control as necessary. The Committee will recommend that Borough Council conditionally approve the request at their March 13, 2017 meeting subject to Police Chief Harvey's approval (provided via e-mail on February 17, 2017), notification to the affected residents within the Lincoln Heights area and Borough receipt of a satisfactory certificate of insurance naming the Borough as additional insured. This item will appear on the Consent Agenda.
2. The Committee reviewed a letter dated February 2017 from Ben Lee, Regional Director for the Make-A-Wish Foundation requesting to travel through the Borough of Ephrata with their 28th Annual Mother's Day Convoy on Sunday, May 14, 2017. The Committee will recommend that Borough Council conditionally approve the request at their March 13, 2017 meeting subject to Borough receipt of a satisfactory certificate of insurance naming the Borough of Ephrata as additional insured and the Borough Solicitor's review and approval of the organizer's Event Permit and Indemnification Agreement. This item will appear on the Consent Agenda.
3. The Committee reviewed a letter dated February 2, 2017 from the Ephrata War Memorial Association by Michael Lillis, Co-Director of the Firecracker Run requesting to use the streets of the Borough for the 40th Annual Firecracker Run event on Tuesday, July 4th, 2017. The Committee will recommend that Borough Council conditionally approve the request at their March 13, 2017 meeting subject to Chief Harvey's review and approval and Borough receipt of a satisfactory certificate of insurance naming the Borough as additional insured. This item will appear on the Consent Agenda.
4. The Committee reviewed a request from Deanna Paparo, Boy Scout Troop 363 Committee Chairperson, dated January 17, 2017 to use the Public Works building parking lot during the 2017 Ephrata Fair Parade to park cars as a fundraiser. Three spaces are to be reserved in the event of a Borough emergency. The Committee will recommend that Council conditionally approve the request at their March 13, 2017 meeting subject to Borough receipt of a satisfactory certificate of insurance naming the Borough as additional insured. This item will appear on the Consent Agenda.
5. The Committee reviewed the results of Bid #17-4 Purchase of Bituminous Materials and will recommend that Borough Council award the bid to sole bidder New Enterprise Stone & Lime Co., Inc. from East Earl, PA as follows:
 - Superpave Asphalt Binder Course Material, 19 mm (FOB) - Unit Price: \$41.50/Ton
 - Superpave Asphalt Base Course Material, 25 mm (FOB) - Unit Price: \$39.80/Ton
 - Superpave Asphalt Wearing Course Material, 9.5 mm (FOB) - Unit Price: \$44.40/Ton

The unit prices are within budget estimates based on estimated quantities and will be subject to price adjustment provisions (escalator) as applicable and identified in the contract documents. The recommendation for award will appear as part of the Consent Agenda at the March 13, 2017 meeting.

6. The Committee reviewed the results of Bid #17-5 Purchase and Delivery of PennDOT #2A Stone and will recommend that Borough Council award the bid to sole bidder New Enterprise Stone & Lime Co., Inc. from East Earl, PA as follows:

- PennDOT #2A Stone (Delivered) - Unit Price: \$9.68/Ton

The unit price is within budget estimate based on estimated quantity. The recommendation for award will appear as part of the Consent Agenda at the March 13, 2017 meeting.

7. The Committee reviewed the results of Bid #17-7 Sale of 1988 Dresser 520 Front End Loader VIN #40954791001BO. The Committee will recommend that Borough Council award the bid at their March 13, 2017 meeting to lone bidder Jerre Martin Repair of Ephrata, PA in the amount of \$6,000. This item will appear on the Consent Agenda.
8. The Committee reviewed the results of Bid #17-8 Sale of 1994 Case 580SK Backhoe VIN #47416566401BO. The Committee will recommend that Borough Council award the bid at their March 13, 2017 meeting to lone bidder Jerre Martin Repair of Ephrata, PA in the amount of \$5,000. This item will appear on the Consent Agenda.
9. The Committee at their January 23, 2017 meeting previously discussed a request from Mr. Lee H. Lintner of Lee's Camera Center dated January 11, 2017 to establish a no parking zone in front of 508-514 East Main Street between the complex entrances/exits to improve clear sight distance for his customers as they exit his complex. The Committee at their January 23, 2017 meeting directed staff to invite Mr. Lintner to their February 27, 2017 Committee meeting to hear his concerns regarding this issue. Despite the invitation Mr. Lintner failed to attend the meeting. It was again noted that parked vehicles have rarely been observed in this area between the driveways and that no 5-year crash data exists for this area. No further action required at this time.
10. The Committee reviewed a letter from David Palm dated February 2, 2017 regarding safety concerns associated with sidewalk the Borough previously required him to install at his property fronting along Parkview Heights Road in the Borough. Mr. Palm was present at the meeting and discussed his concerns with the Committee. Mr. Palm's primary concern was the existing drainage basin which was re-graded as part of the trail extension construction project and how sidewalk can be constructed at this location, how to provide safe pedestrian passage through this location, and who is paying for it. The Committee directed staff to take a look at this issue and provide a recommendation to Committee at their March 27, 2017 meeting.
11. The Committee reviewed the 4th quarter 2016 budget report for those activities under their purview. Committee Chairperson Ressler inquired about the Public Works Complex Improvements listed in the Capital Projects and was informed that the salt storage construction component of the Public Works Complex Improvements was not completed in 2016 and has been re-budgeted in 2017. No issues or concerns were identified by the Committee.
12. The Committee reviewed PennDOT's Bridge Inspection Notification letter dated February 15, 2017 advising the Borough that the South Oak Street Bridge will be inspected in accordance with National Bridge Inspection Standards (NBIS) on or around November 21, 2017 based on past practice and inspection frequency. The last inspection of this bridge occurred November 11, 2015. Bridge inspections are completed as part of the Lancaster County Local Bridge Inspection Program administered by PennDOT. No further action is required at this time.
13. The Committee was advised that the Lincoln Avenue / Marshall Street storm water improvements project will be out for bids by no later than mid-March 2017 and that bid award is tentatively scheduled for May 8, 2017.

14. Council President Rowe shared her concerns that vehicles may be parking illegally along the east side of Spring Garden Street near the East Walnut Street intersection. Staff will confirm that any existing signage is defining an ordained no parking area and if so the Ephrata Police will be notified to enforce as necessary.
15. Council President Rowe expressed her interest regarding enforceability of a vehicle partially parked within a defined parking space reserved for handicap parking only. The location of concern is adjacent to 213 East Main Street and the offending vehicle is permitted to park in handicap parking spaces. Staff will notify the Ephrata Police and request they look into this issue.

MUNICIPAL ENTERPRISES COMMITTEE REPORT – 3/13/2017

The Municipal Enterprises Committee met on February 21, 2017 and discussed the following:

1. Director of Operations, Thomas Natarian reviewed with the Committee a proposal to replace the pre ATAD mixer at Wastewater Plant 2. The mixer failed unexpectedly in December 2016. The cost of repairs is excessive for the nearly 20-year-old mixer. Staff is recommending that a new mixer be purchased and installed at a cost of \$13,489 from RAM Industrial Services, a Costars vendor. Staff indicated that the Ephrata Borough Authority concurred with the Staff recommendation when they met on February 13, 2017. The Committee will recommend that Borough Council approve an unbudgeted expenditure of \$13,489 from the unallocated balance of the Sewer Fund to replace the pre ATAD mixer at Wastewater Plant 2 when they meet on March 13, 2017.
2. Mr. Natarian and Borough Manager, D. Robert Thompson reviewed the 4th Quarter Financial reports prepared by Director of Finance and Administration, Christine Moore for the Water Fund, Electric Fund, Sewer Fund, Sanitation Fund, and Sewer Permit Fund. Water Fund revenues and expenses were within the expected range. In the Electric Fund both revenues and expenses were below budget by roughly equivalent amounts. Sewer Fund revenues and expenditures were within expected ranges. The Sanitation Fund revenues were slightly above budget and expenses were below budget. Sewer Permit Funds, dependent upon when connection permits are issued were below budget.
3. Mr. Natarian provided an update on the status of the Advanced Meter Infrastructure (AMI) Project. The network for the AMI system is installed and operational and all the new electric meters are on site. Staff is working with American Municipal Power (AMP) and the system providers (Silver Spring Networks, Electsolve, and NexGen) to prepare for installation of the electric meters. Staff has developed a 3-week communication plan that will be implemented once the system providers have met the Borough's requirements. Staff expects meter installation to begin in March and conclude in June. No action is required by the Committee.
4. The Committee reviewed a 2016 Wholesale Power Summary prepared by AMP. Energy usage and costs in 2016 were almost unchanged from 2015. Price stability was the result of lower Congestion costs offsetting higher Capacity and Transmission costs. The lower Congestion costs are directly related to the FTRs purchased by the Borough.
5. Mr. Natarian reviewed the status of the Power Cost Adjustment (PCA). The Base Power Supply Cost (BPSC) for the PCA was established by the 2014 Cost of Service Study. The Cost of Service Study assumed that power costs would increase along with transmission and capacity prices. However, entering 2017, energy costs are lower due to purchasing gains. Prices for capacity and transmission are expected to decline due to lower Coincident Peak loads experienced by the Borough during 2016. Accordingly, the BPSC is no longer representative of true cost. The impact upon PCA, if BPSC is not aligned with true costs is significant. Staff will review options for aligning BPSC with true power costs and prepare a recommendation for the Committee to consider at the March 20 meeting.

6. Mr. Natarian reported on the results of the FTR auction for off peak power from Fremont to Ephrata authorized by Council in December 2016. The Borough's bids for the month of February did not clear the auction.

COMMUNITY SERVICES COMMITTEE REPORT – 3/13/2017

The Community Services Committee met on February 27, 2017 and discussed the following:

1. The Committee reviewed the results of Bid #17-6 for Turf Maintenance Services and will recommend that Borough Council award the bid, at their March meeting, to the apparent low bidder: E.W. Reiff Lawn Care from Ephrata, PA in the amount of \$38,000 for Year 1; \$39,000 for Year 2; and \$40,000 for Year 3 totaling \$117,000.00. The approximate mowing acreage is 46 acres over 29 properties. The budget estimate for 2017 (Year 1) is \$32,000. The additional funds will be paid from another account within the Parks Operations & Maintenance budget.
2. The Committee reviewed a request received via email dated February 7, 2017 from Knead It Massage and Bodyworks to use the Dick Winters Trail for a 5K/10K run to be held on June 10, 2017 at 9:00 AM. Proceeds from this event will be donated to the Ephrata Public Library. The Committee will recommend that Borough Council approve the request as part of the Consent Agenda at their March 13, 2017 meeting subject to the receipt of a certificate of insurance naming the Borough as additional insured and the approval of an Incident Support Plan by the Chief of Police.
3. Prior to attending the Community Services Committee meeting, Joy Ashley corresponded with Borough staff member, Tracy Roseberry, regarding the proposed changes that were going to be presented to the Committee with regard to the International Day in the Park event being held on October 14, 2017. Based on the planned changes, Joy will be placed on the March agendas of the Highway Committee and the Development Activities Committee.
4. As a follow up to Chandra Mast's Municipal Moment, the Committee was given a brief update on the proposed changes to the Shade Tree Ordinance. Borough staff met to review the proposed changes that were submitted by the Shade Tree Committee. Enforcement and authority issues were identified as a priority and "must haves" for the revised Ordinance. Staff is also investigating the concepts of Urban Forestry and Tree Banks. Nancy Harris gave a brief explanation of those concepts. More information will be presented at the March Committee meeting.
5. The Committee reviewed the 2016 fourth quarter budget report for those areas under the Committee's purview. The Committee had no budget concerns. No further action is required by the Committee.
6. A thank you acknowledgement was received from the Ephrata Area School District for allowing Fulton students and staff to place flags around the Dick Winters Memorial as part of their Veteran's Day activities.

BUDGET AND FINANCE COMMITTEE RECOMMENDATION – 3/13/2017

The Budget and Finance Committee recommends the following:

1. That Borough Council approve the reappointment of Dennis Rowe to the Zoning Hearing Board with a term expiring December 31, 2021.

MUNICIPAL ENTERPRISES COMMITTEE RECOMMENDATION – 3/13/2017

The Municipal Enterprises Committee recommends the following:

1. That Borough Council approve an unbudgeted expenditure of \$13,489 from the unallocated balance in the Sewer Fund to replace the pre ATAD mixer at Wastewater Plant 2.

COMMUNITY SERVICES COMMITTEE RECOMMENDATIONS – 3/13/2017

The Community Services Committee recommends the following:

1. That Borough Council award Bid #17-6 for Turf Maintenance Services to the apparent low bidder: E.W. Reiff Lawn Care from Ephrata, PA in the amount of \$38,000 for Year 1; \$39,000 for Year 2; and \$40,000 for Year 3 totaling \$117,000.00. The approximate mowing acreage is 46 acres over 29 properties.
2. That Borough Council authorize the Borough Manager to submit a letter of support for the DCNR Community Conservation Partnership Program Grant application being submitted by Warwick Township and Ephrata Township for retrofit repairs and new decking on the former Reading and Columbia Railroad Bridge over the Cocalico Creek.