

**BOROUGH OF EPHRATA  
COUNCIL MEETING AGENDA  
DECEMBER 12, 2016**

**INVOCATION** Pastor Matthew Swords, Ephrata Community Church

**PLEDGE OF ALLEGIANCE**

**ATTENDANCE/ROLL CALL**

**APPROVAL OF MINUTES**

Borough Council Work Session Minutes – November 7, 2016  
Borough Council Regular Meeting Minutes – October 14, 2016

**OPPORTUNITY FOR CITIZENS TO BE HEARD**

**ACCEPTANCE OF REPORTS**

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

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

**NEW BUSINESS ITEMS**

**Consent Agenda (includes the following approvals)**

1. That Borough Council adopt Resolution 2016-29 requiring active members of the Borough Police Pension Plan to contribute five percent (5.0 %) of gross pay for pension purposes to the Police Pension Plan in calendar year 2016. (Budget and Finance Committee)

**Standing Committee Recommendations**

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

**Approval of Checks 28389 through 28669 and the ACH Register dated December 1, 2016**

**OPPORTUNITY FOR CITIZENS TO BE HEARD**

**DISCUSSION/ANNOUNCEMENTS**

**ADJOURNMENT**

## **BUDGET AND FINANCE COMMITTEE REPORT – 12/12/2016**

The Budget & Finance Committee met on November 28, 2016 and discussed the following:

1. The Committee discussed the 2017 Proposed Budget and the following were noted:
  - a. There is \$17,000 in the 2017 proposed budget to reimburse the library for HVAC expenses that they paid. The actual amount due to the library is \$15,897.02. If funds are available in 2016, payment will be issued to the library and the \$17,000 will be removed from the proposed budget
  - b. Civic Contributions were reviewed and exceptions discussed:
    - i. Library = \$44,000 (Operations) + \$4,000 (computers)
      1. No additional funds were approved for the library
    - ii. Eicher roof repairs of \$10,000 – Approved
    - iii. EPAC \$30,000 operations request – Denied
      1. EPAC - \$27,500 HVAC match approved from 2016 will be included in the 2017 budget as well.
2. After all budget items were discussed, Moore recommended a millage increase from 2.07 mills to 2.28 mills in order to balance the General Fund balance. The Committee recommends that Borough Council enact Ordinance # 1527 establishing the real estate tax rate for 2017, at the December 12<sup>th</sup> voting session.
3. The Committee reviewed the budget resolution which will be updated with all requested changes. The Committee recommends that Borough Council adopt resolution 2016-XX approving the 2017 budget and proposed program of services at the voting session on December 12<sup>th</sup>.
4. The Committee reviewed the Police Pension Contribution Resolution 2016-XX establishing the contribution to the Ephrata Borough Police Pension Fund for all active members of the Police Pension Plan to contribute 5% of gross pay for pension purposes in 2017. This resolution will appear on the consent agenda.
5. The Committee discussed the Board & Commission appointments. The Committee will recommend that Borough Council appoint the incumbent's whose terms are expiring December 31, 2016. There are two vacancies on the IMG board. The search will continue for 2 new members.
6. The Committee reviewed the 2017 Borough Council meeting dates. The dates will be advertised as presented.
7. Staff will develop a procedure for pursuit of PILOT (payment in lieu of taxes) from the larger non-profits in the borough.
8. Chairman Richard requested that staff review credit card processing to determine if we should eliminate credit cards as a source of payment for residents. He is concerned about the fees the Borough is paying to accept credit card payments.
9. Mrs. Martin asked if residents can opt out of paper statements. Since all info is available online she personally does not want a statement. Customers can select paper statements, electronic statements, or both. The selection is included in the portal as an option.
10. The Committee decided the December meeting will be cancelled unless something urgent occurs that would require a meeting.

11. The Committee reviewed the 3<sup>rd</sup> quarter financials. No major issues or concerns were noted by the Committee.
12. Chief Harvey reminded the Committee that the law was signed by the Governor granting emergency service volunteers a decrease to their EIT taxes. Staff will wait to receive specific information regarding the formula and annual volunteer requirements before establishing our procedure.

### **DEVELOPMENT ACTIVITIES COMMITTEE REPORT– 12/12/2016**

The Development Activities Committee met on November 28, 2016 and discussed the following:

1. The Committee reviewed the 2017 Budget and Program of Services. The Committee had no objections to the 2017 Budget and Program of Services as presented.
2. The Committee reviewed a request from the Good Samaritan Shelter located at 25 West Locust Street to waive the 2017 rental permit fees. The 2017 rental permit fees are \$500 (\$50 for each of the 10 rooms). The shelter is a non-profit and doesn't charge rent to the occupants. Nate Hoffer, Executive Director of the shelter mentioned that they have multiple facilities in Phoenixville, and they do not pay rental permit fees. The staff will find out how Phoenixville addresses it and report back to the Committee. The Committee will table the request and agreed to defer the rental permit fee payment until the request has been acted on.
3. The Committee reviewed a request from WellSpan Ephrata Community Hospital to release the financial security for the land development improvements that were recently completed on the hospital campus located at 169 Martin Avenue. There are a few outstanding improvements that still need to be completed and monies will be retained for those items. The Committee will recommend that Borough Council release \$199,647.00 of the \$228,614.00 original amount escrowed at their December meeting.
4. The Committee tabled discussions regarding murals until the next regularly scheduled Committee meeting.
5. The Committee reviewed the third quarter budget report for activities under their purview. There were no concerns regarding the budget report.
6. The Committee discussed the need for a December Committee meeting. Staff informed the Committee that there are two Planning Commission submissions that will require action at the January Council meeting. The Committee agreed to move the December Committee meeting to 6:00 PM on Tuesday, January 3, 2017 to discuss the Planning Commission submissions and any other urgent matters. Any tabled items will be discussed at the regularly scheduled January Committee meeting.
7. The November Zoning Hearing Board application was continued until the December meeting. The Committee is recommending that Borough Council authorize sending the solicitor to any Zoning Hearing Board hearings for 154 East Main Street to support the porch enclosure requirements and oppose a non-compliant application.
8. There was one new application for the December Zoning Hearing Board meeting. The Committee did not feel it was necessary to send the solicitor for the new application.

### **PUBLIC SAFETY COMMITTEE REPORT – 12/12/2016**

The Public Safety Committee met on November 21, 2016 at 6:30 PM and discussed the following:

1. **Proposed 2017 Police Budget Review**- Mrs. Moore presented the Public Safety's budget review from the 2017 Budget proposals. This included one officer for the Drug Task Force. There are three (3) capital projects: emergency vehicle pre-emption equipment, Automated License Plate Reader and Fire Companies Truck Fund. There was a request to change Ephrata Township's contribution due to the addition of two new municipal partners in 2016. Ephrata Township's contract percentage for capital projects and the DTF addition was 29.5%. The recommended contribution now would be 25.6%. (Adamstown Borough 3%, West Cocalico Township 12%, and Ephrata Borough 56.4%). There was discussion on the DTF. The Committee will make a unanimous recommendation to the Budget & Finance Committee in favor.
2. **3<sup>rd</sup> Quarter FY 2016 Budget**- Mrs. Moore presented this – *Received For Informational Purposes Only*
3. **Request for December PSC meeting** - Chief Harvey updated on process and requested a PSC meeting for the completion of the hiring process. Agreed upon- *Received for Informational Purposes*
4. **Comp-stat (Oct 2016)** – Chief Harvey presented October's Compstat report – *Received For Informational Purposes Only*
5. **EMC Report (Oct 2016)** – Chief Harvey presented October's emergency management report – *Received For Informational Purposes Only*

There being no other business set before it, the meeting adjourned at approximately 7:29 PM.

The next regularly scheduled PSC meeting December 19, 2016 at 6:30PM

### **HIGHWAY COMMITTEE REPORT – 12/12/2016**

The Highway Committee met on Monday, November 28, 2016 and discussed the following:

1. Director of Administration and Finance - Christine Moore reviewed with the Committee those portions of the proposed 2017 Budget and Program of Services under Committee purview including applicable General, Highway Aid, Mobile Equipment and Capital Project funds. Public Works and Water Superintendent Paul Swangren also discussed storm water activities and planning relevant to MS4 permit requirements. The Committee was advised that storm water improvement projects and MS4 projects have been combined into one category within the capital budget. Staff also discussed delaying the new hire of a designated storm water staff member until the 2<sup>nd</sup> quarter of 2017 benefitting the projected general fund shortfall. The Committee will recommend to the Budget and Finance Committee that they accept the proposed budget relative to the aforementioned funds.
2. The Committee reviewed a disposition of asset request regarding disposal of equipment. The specified equipment is a 1988 Dresser 520 Loader, VIN #40954791001BO, approximately 8,700 hours with an estimated value of \$8,000. This equipment is used in wastewater operations and snow removal when necessary and is past its useful life as required maintenance and repair costs will exceed its current value. The Committee will recommend that Borough Council approve the sale of the 1988 Dresser 520 Loader, VIN #40954791001BO by sealed bid after delivery of replacement equipment at their December 12, 2016 meeting.

3. The Committee reviewed another disposition of asset request regarding disposal of equipment. The specified equipment is a 1994 Case 580SK Backhoe, VIN #47416566401BO, approximately 7,050 hours with an estimated value of \$8,000. This equipment was recently used to load salt and is past its useful life and currently out of service requiring major repairs which would exceed its current value. The Committee will recommend that Borough Council approve the sale of the 1994 Case 580SK Backhoe, VIN #47416566401BO by sealed bid after delivery of replacement equipment at their December 12, 2016 meeting.
4. Superintendent of Public Works and Water – Paul Swangren reviewed with the Committee a planned 2017 budget year new equipment purchase in the form of a new model year 2017 Case 580SN 4WD Tier 4 Backhoe which will replace a 1994 Case 580SK Backhoe. This new equipment is planned for purchase from Groff Tractor in Ephrata, PA through PDOGS COSTARS Contract #2420-02 for \$96,040 which includes up-fitting with safety equipment and a radio. This equipment normally retails for \$173,000 but the vendor is offering a sizeable discount if delivered within the 1<sup>st</sup> quarter of 2017 which requires an order in December 2016. Upon adoption of the 2017 budget, which includes this new equipment purchase, the Committee will recommend that Borough Council approve purchasing this new equipment within the 1<sup>st</sup> quarter of 2017 at their December 12, 2016 meeting.
5. The Committee reviewed several property listings comprising curb and sidewalk improvement requirements to be completed by affected property owners prior to planned street improvements to Penn Avenue, Pointview Avenue and Spring Garden Street in 2017. Property owners will be notified in early January 2017 that they have until July 7, 2017 to complete their improvement requirements. The Committee will recommend that Borough Council authorize staff to notify the listed property owners of their improvement requirements at their December 12, 2016 meeting.
6. Superintendent of Public Works and Water – Paul Swangren reviewed with the Committee planned 2017 budget year pre-owned equipment purchases consisting of a 2003 or newer model year Case 521D Loader in good condition with cab heat, 3<sup>rd</sup> valve ride control, 2¼ CY bucket with less than 5,000 hours for wastewater operations at Wastewater Treatment Facility #2 and snow removal, when necessary; and a 2006 or newer model year Case 21E Loader in good condition with enclosed cab, bucket and forks with less than 3,000 hours for wastewater operations at Wastewater Treatment Facility #1. Due to the urgent need to acquire this equipment the Committee was asked if they had any objections to advertise in the immediate future for sealed bids to purchase the pre-owned equipment. There were no objections by the Committee so the sealed bid solicitation process will begin with December 7<sup>th</sup> and 14<sup>th</sup>, 2016 bid advertisements to receive bids in a timely manner for prospective January 9, 2017 bid award by Borough Council.
7. The Committee was updated on the Park and Pine sinkhole remediation project and advised that current contractor invoices and Borough costs total approximately \$285,000 and Borough Manager Thompson stated that we should anticipate overall costs within the range of \$250,000 - \$500,000.
8. The Committee reviewed the 3<sup>rd</sup> quarter 2016 budget report for those activities under their purview. No issues or concerns were identified by the Committee.
9. The Committee discussed adding certain unmetered public parking lots to the existing parking lots listed in Section 305-107 & 108 in the Code of the Borough of Ephrata enabling the Ephrata Police to enforce any applicable parking violations including having the offending vehicle(s) removed under the applicable provisions of the Vehicle Code. Staff will create an Ordinance for future Committee review adding parking lots adjacent to the Major

Richard D. Winters Memorial Trail at Parkview Heights Road, East Queen Street, East Fulton Street and East Pine Street. Also, the parking lots directly adjacent to the Skate Park and Grater Memorial Park will be included.

10. The Committee agreed to cancel their regularly scheduled December 27, 2016 Committee meeting. A special meeting of Highway Committee will be scheduled for Tuesday, January 3, 2017 at 6:30 PM just prior to the regularly scheduled Council Work Session.
11. The Committee discussed the status of the South Oak Street Bridge pedestrian railing/vehicle barrier replacement. Staff has received feedback from the Borough's liability insurer and will continue to monitor this situation and evaluate alternatives to address these circumstances in a cost-efficient manner and report to Highway Committee with a recommendation at a future meeting.

### **MUNICIPAL ENTERPRISES COMMITTEE REPORT – 12/12/2016**

The Municipal Enterprises Committee met on November 21, 2016 and discussed the following:

1. Director of Operations, Thomas Natarian reviewed Resolution 2016-XX authorizing participation in the off peak power FTR auction for the winter months from January 1, 2017 through February 28, 2017. Staff recommends the FTR in order to stabilize congestion costs along the path from Fremont to Ephrata. The Committee will recommend that Council adopt Resolution 2016-XX authorizing participation in the off peak power FTR auction for the winter months from January 1, 2017 through February 28, 2017 when they meet at their December 12, 2016 meeting.
2. Mr. Natarian discussed with the Committee an issue regarding electric billing for 241 and 247 Park Avenue. Customers at that location have been adversely impacted by the recent sinkhole. Consistent with past practice, most recently Hurricane Lee, Staff is recommending that electric bills for those customers be waived for the period of time impacted by the sinkhole. The Committee will recommend that Council authorize a waiver of electric bills for customers at 241 and 247 Park Avenue for the period of time impacted by the sinkhole when they meet at their December 12, 2016 meeting.
3. Mr. Natarian and Director of Finance and Administration, Christine Moore reviewed the 3rd Quarter Financial reports prepared by Mrs. Moore for the Water Fund, Electric Fund, Sewer Fund, Sanitation Fund, and Sewer Permit Fund. Expenses and revenues were within expected limits for the end of the 3rd Quarter. No action is needed by the Committee.
4. Mrs. Moore reviewed with the Committee those portions of the 2017 Budget and Program of Services under the purview of the Committee (Water, Electric, Sewer, and Sanitation Funds). The Committee is satisfied with the budget as presented and will not recommend any changes to the Budget and Finance Committee.
5. Mr. Natarian summarized a lengthy report prepared by American Municipal Power (AMP) regarding the Borough's power supply. The report lists all the energy resources in the Borough portfolio plus detailed explanations of the cost for capacity, transmission, and congestion. The report indicates that power purchasing costs are expected to remain stable into 2017 and decline for the three-year period from 2018 through 2020. The 2017 Budget includes a Cost of Service Study to determine new electric rates for 2018 through 2020. The full report was presented to the Committee. Any questions by Committee members will be addressed at future meetings.
6. The Committee discussed the date of the next Committee meeting. Unless there is an urgent need to meet in December the Committee scheduled its next meeting for January 2017.

## **COMMUNITY SERVICES COMMITTEE REPORT – 12/12/2016**

The Community Services Committee met on November 28, 2016 and discussed the following:

1. Mr. Matteson from Diehm & Sons reviewed a request made by Harlan and Esther Martin, owners of Martin Energy in Ephrata Township. The Martins are proposing to redevelop their property with a new building for their business. The property is bisected by the former railroad right-of-way which was acquired by the Borough for a rail trail. On the adjoining property, owned by GRH Development (Autumn Hills), the Borough extinguished the former railroad right-of-way in favor of an alternative location in the development. The Martins are requesting that the Borough consider the same extinguishment in lieu of an alternate location. The change was discussed with Ephrata Township. Mr. Sawyer indicated that Ephrata Township would not object to the change. The change better accommodates Ephrata Township's long term plans. The Martins are seeking assurance from the Borough on its willingness to extinguish the existing right-of-way through their property. Any further development would be solely an Ephrata Township project. There will be no improvements made by Ephrata Borough. Ephrata Township needs to take appropriate actions prior to any Ephrata Borough action.
2. The Committee reviewed the 3rd Quarter Budget Report for those activities under their authority. No issues or concerns were identified by the Committee.
3. Director of Finance and Administration, Christine Moore, reviewed with the Committee those portions of the 2017 Budget and Program of Services under their authority (Outdoor Pool, Park Operations, and the Ephrata Public Library). Jim Hackett presented changes to the Capital Budget. In the Playground Improvement Fund for 2017 the budget was changed to \$15,100 which represents a \$1,200 increase. In the Pool Improvement Fund for 2017 the budget was changed to \$48,440 which represents an increase of \$1,815 for the plastering and caulking of the zero depth entry of the recreation pool and decrease of \$2,025 for the powder coating of rusting slide railings. Half of the powder coating will be done in 2017 and the other half will be completed in 2018. The net between the changes is a savings of \$210. The Committee will recommend to the Budget and Finance Committee that they accept the budget including the aforementioned revisions.
4. The Committee discussed the date of the next Committee meeting. Unless there is an urgent need to meet in December the Committee will meet again in January, 2017.
5. Tracy Roseberry reported that Art Grant letters and applications were mailed out on November 18<sup>th</sup> and are due December 21<sup>st</sup> for the 2017 award. Recommendations for award will be presented at the January Committee meeting. Council action will be taken at the February meeting. It is anticipated that award letters and checks will be sent out following the February Council Voting Session.

## **BUDGET AND FINANCE COMMITTEE RECOMMENDATIONS – 12/12/2016**

The Budget and Finance Committee recommends the following:

1. That Borough Council enact Ordinance No. 1527 establishing the real estate tax rate for 2017.
2. That Borough Council adopt Resolution 2016-30 approving the 2017 budget and proposed program of services.
3. That Borough Council approve the following appointments to Boards and Commissions:

<u>Individual</u>	<u>Agency</u>	<u>Term Expires</u>
Ralph Mowen	Ephrata Borough Authority	12/31/2021
David Hunt	Planning Commission	12/31/2020
James Kiefer	Zoning Hearing Board	12/31/2021
Dan Burkholder	Ephrata Area Joint Authority	12/31/2021
Dan Burkholder	Police Civil Service Commission	12/31/2019
Chandra Mast	Shade Tree Commission	12/31/2019
Ann Small	Ephrata Public Library	12/31/2019
Chad Weaver	Vacancy Board Chairman	12/31/2017
Thomas Reinhold	Intermunicipal Group	N.A.
Christine Moore	Intermunicipal Group	N.A.

### **DEVELOPMENT ACTIVITIES COMMITTEE RECOMMENDATIONS – 12/12/2016**

The Development Activities Committee recommends the following:

1. That Borough Council release \$199,647.00 of the \$228,614.00 escrowed for the WellSpan Ephrata Community Hospital land development improvements.
2. That Borough Council authorize sending the solicitor to any Zoning Hearing Board meetings for 154 East Main Street to support the porch enclosure requirements and oppose a non-compliant application.

### **HIGHWAY COMMITTEE RECOMMENDATIONS – 12/12/2016**

The Highway Committee recommends the following:

1. That Borough Council approve the disposition of asset request selling the 1988 Dresser 520 Loader, VIN #40954791001BO by sealed bid after delivery of replacement equipment.
2. That Borough Council approve the disposition of asset request selling the 1994 Case 580SK Backhoe, VIN #47416566401BO by sealed bid after delivery of replacement equipment.
3. That Borough Council approve the purchase of a 2017 Case 580SN 4WD Tier 4 Backhoe with up-fitting from Groff Tractor in Ephrata, PA through PDOGS COSTARS Contract #2420-02 for \$96,040 which includes up-fitting with safety equipment and a radio.
4. That Borough Council authorize staff to notify property owners along Penn Avenue, Pointview Avenue and Spring Garden Street to construct, reconstruct or repair concrete curbs and sidewalks by July 7, 2017 per the inventory listings revised November 9, 2016.

### **MUNICIPAL ENTERPRISES COMMITTEE RECOMMENDATIONS – 12/12/2016**

The Municipal Enterprises Committee recommends the following:

1. That Borough Council adopt Resolution 2016-31 authorizing participation in the off peak power FTR auction for the winter months from January 1, 2017 through February 28, 2017.
2. That Borough Council authorize a waiver of electric bills for customers at 241 and 247 Park Avenue for the period of time impacted by the sinkhole.