

**EPHRATA BOROUGH COUNCIL  
REGULAR MEETING MINUTES  
MARCH 14, 2016**

The regular Ephrata Borough Council meeting was called to order by President Susan Rowe at 7:00 PM on March 14, 2016 in the Council Chambers of the Borough Office, 124 South State Street.

Pastor Joe Hyatt, New Beginnings offered the invocation, which was followed by the Pledge of Allegiance.

In attendance in addition to the President were Vice President Thomas Reinhold, President Pro Tem Melvin Weiler, Council Members Dale Hertzog, Linda Martin, Ricky Ressler, Victor Richard, and Mayor Ralph Mowen. Council Member Timothy Barr was absent.

Also in attendance were Borough Manager D. Robert Thompson, Police Chief William Harvey, Recording Secretary Kathy Holzinger, and Borough Solicitor James R. McManus, III, Esq.

Attending for the press were Gary Klinger of The Ephrata Review and Kurtis Covert of the Lancaster Newspaper. The following visitors were present:

Faith Samuel, 212 North Academy Drive, Ephrata  
Gregson's 885 North Maple Street, Ephrata  
Lowell Haws, 712 Vinemont Road, Reinholds  
Chandra Mast, 148 Mason Drive, Ephrata  
Amy MacKenzie, 311 Jeff Avenue, Ephrata  
Julie Hocking, 1302 Diamond Street, Akron  
Scott Cover, 300 West Chestnut Street, Ephrata  
Tim Auker, 542 North State Street, Ephrata

#### **PROCLAMATION**

Irish-American Proclamation

Mayor Mowen read a proclamation proclaiming March 2016 as Irish-American Heritage month and called upon all to observe this month by celebrating the contributions of Irish-Americans to our Nation.

#### **APPROVAL OF MINUTES**

It was moved by Mr. Barr, seconded by Mr. Richard, and unanimously passed that Borough Council approve the February 1, 2016 Work Session Minutes, and the February 8, 2016 Regular Meeting Minutes.

Mrs. Martin asked for a definition of when Mr. Hoffman came to talk to Council about his concern about the gas. In the Municipal Enterprises Committee Report that was addressed and it said the depths reaching below 8-10 feet sometimes. Mrs. Martin asked what separation requirements mean.

Mr. Thompson said there are vertical and horizontal separation requirements so when you have utilities in the ground they can't be within a certain distance above or below the utility or to the left or the right. With a sanitary sewer and a water line for example the horizontal separation is ten feet. The vertical separation is eighteen inches and the sanitary sewer should always be below the water line. With the gas line they use the same separation standards eighteen inches is the separation distance horizontally and vertically. When they did their directional drilling they could navigate the gas line such that it was no closer horizontally or vertically than 18 inches from the borough utility lines and it would be acceptable. The separation distances between water and sewer are generally guidelines from the Department of Environmental Protection.

In initial discussions with the gas company they agreed to keep their gas utility below all of the water, sewer and storm sewer utilities. That's why those depths got unusually deep because of the water and sewer lines.

Mr. Thompson said we were holding them to that standard when we inspected. When they came back to us and asked to renegotiate, we looked at it further, and came to an agreement.

Mr. Thompson is not aware of who UGI served and didn't serve. We worked with the gas company to find a compromise.

Mr. Thompson is not aware of any customers that they refused.

## MUNICIPAL MOMENT

Mr. Lowell Haws – Historical Society of the Cocalico Valley

Mr. Haws thanked Council for the invitation, and said some of you were at their place yesterday.

Mr. Haws said the Historical Society hopes the exhibit expresses the sentiments of the Historical Society to bring forward the commemoration of the 125<sup>th</sup> Anniversary of Ephrata as a Borough.

The exhibit is there and will be there all year long. For those of you who missed it please avail yourself the opportunity to come visit on Saturday from 10:00 AM until 4:00 PM. Mr. Haws said if you would like to come at any other time please let Mr. Haws know and they will open the doors.

Mr. Haws said the exhibit features Evelyn Ay's accoutrements; one of her gowns and crown are on display.

Another item hanging on the exhibit wall is the covered bridge sign that was recently restored. Council donated some money along with other subscribers who helped and the money was used to restore it. That covered bridge was the only covered bridge in the Borough of Ephrata. It was not located in the Borough at that time because it was built in 1847 and it was torn down during the time it was part of the Borough in 1923. Mr. Haws said there are names on the bridge of the County Commissioners. Mr. Haws finally figured out that the sign was located on the bridge between 1906 and 1909. Mr. Haws knows that because Silas Bard was a County Commissioner for only three years and those were the three years.

There are many exhibits that are interesting and relate to the Councils at the time between 1891 and the present time.

Mr. Haws said as part of the commemoration in conjunction with the Historic Preservation Society they are going to sponsor a tour of the historical architecture in Ephrata. Mr. Haws said they are going to try to get other elements of the borough involved including the Cloister, the Chamber, etc. It will be a unified effort.

Mr. Haws said it will occur reportedly on October 22<sup>nd</sup>. Mr. Haws said this year they are going to feature a picture book, noting some of the photos behind Council, will add those picture juxtaposed with pictures of what they look like today. The books will be available toward the end of the year.

Mr. Haws said last year their journal "Ephrata Borough, the Formative Years 1891-1906". This year the Society will continue that story. It will be more complete as far as the manufacturing and industries in Ephrata during those years.

Mr. Haws reported that Council provided \$4,220 for the Society to acquire microfilms of The Ephrata Review from 1998-2009. The Society is having those done right now.

Mr. Haws talked about two acquisitions that the Society recently acquired by unknown artists dated 1810.

Mr. Haws said the last time he was here he expressed an interest in the Society getting more involved in the local school districts. The Society is doing oral history sessions with both the Ephrata and Cocalico High Schools. They have a pilot project at the Cocalico schools where they are taking the elementary schools and asking the art department to allow their children to draw something of interest to them that relates to the area. They'll have their photo on the back of their drawing. The Society will put them in the vault at the Society and when they graduate from High School the Society will present that to them as part of their diploma.

Mr. Haws said they are seeing some interest on the part of the facilities of both schools.

**Presentation of Anniversary Plaque by Pennsylvania State Association of Boroughs Vice President Chuck Mummert**

Mr. Mummert was in attendance tonight honored to be representing the Pennsylvania State Association of Boroughs for President Jack Laver as well as Executive Director Chris Cap. Mr. Mummert presented a Certificate of Recognition to Ephrata Borough on the occasion of the 125<sup>th</sup> Anniversary as a borough in the County of Lancaster, Commonwealth of Pennsylvania. PSAB extends best wishes for continued success and a prosperous future dated March 2016.

Mr. Mummert presented the plaque to Mr. Haws who will keep it with the display for the year.

#### **OPPORTUNITY FOR CITIZENS TO BE HEARD**

Amy MacKenzie currently serves as the Quarter Master and Adjutant from the Veterans of Foreign Wars across the street, Post 3376. The tag line of the VFW is no one does more for veterans but what they also is provide a lot of community service support and recognize outstanding citizens in the community. One of the awards they have is called the "John Radko Award" and this is for outstanding law enforcement officers. Several months ago their post along with the assistance of Lt. Chris McKim nominated Sergeant Eric Schmitt for the John Radko Award. This is a statewide competition and Mrs. MacKenzie is pleased to inform the Borough that Sergeant Schmitt swept the competition and took first place in the State of Pennsylvania. Congratulations to you all, to the Ephrata Police Department and especially to Sergeant Schmitt. The VFW Post will be having an awards banquet to recognize and honor him; it will be coming up in April. Mrs. MacKenzie will also try to arrange for a separate individual presentation here at an upcoming Council Meeting.

Chandra Mast, was in attendance of behalf of the Shade Tree Commission. Ephrata Borough is part of the Shade Tree City USA program, and they are looking to renew the Tree City application this year. The only thing left on their application is they need one Council Member to go through the tree tender training program. The application is due in a few months. Ms. Mast did bring along a schedule of the upcoming trainings. The nearest one is in Elizabethtown in June. The training is one day.

It was moved by Mr. Reinhold, seconded by Mr. Hertzog, and unanimously passed that the public comment section of the meeting be closed until the end of tonight's agenda.

#### **ACCEPTANCE OF REPORTS**

It was moved by Mr. Richard, seconded by Mr. Barr, and unanimously passed to approve Acceptance of Reports consisting of the following documents:

#### **BUDGET AND FINANCE COMMITTEE REPORT - 3/14/2016**

The Budget & Finance Committee met on February 22, 2016 and discussed the following:

1. The Committee discussed repealing Resolutions 2016-5 and 2016-6, which are bank resolutions that need to be modified. We will prepare new resolutions for the next council meeting so the bank signature cards can be updated to return Tracy Roseberry onto two accounts where she was accidently omitted. The Committee will recommend that Borough Council adopt the Resolutions at their March 14, 2016 meeting.
2. The Committee reviewed the Free Electric report for 2015. There were two additions to the report; the Fulton Maintenance Garage and the Parking lot lights at the Skate Park. Concern was expressed regarding the conservation efforts of those who receive free electric. We will keep this item on the agenda for next month under old business.
3. The Committee discussed the consistency of policy regarding the release of civic contributions. All civic contributions are released as lump sum payments except for the library. The library board president told the chair they prefer their civic contribution in quarterly installments. In light of this the chair drafted a letter for their signature as confirmation. Please see letter as footnote AA below.
4. The Committee discussed the possibility of restructuring the library lease in a mutually agreeable fashion. It was decided that we would invite the Library Board President, Vice-President, and Treasurer to the next meeting. The committee also agreed to discuss the civic contribution letter contents with the library board representatives at that time rather than send the letter just yet.

*Footnote AA*

*Ms Ann Small  
Ephrata Public Library Board President  
Pointview Ave  
Ephrata, Pa 17522*

*Madame President Small:*

*In a previous conversation you had with me, you stated the library prefers to receive the borough's civic contribution in quarterly installments. The Budget and Finance committee has had some concern the library receive its contribution in a consistent manner similar to how other organizations receive theirs; simply make a written request (email is acceptable) and once received by the borough the disbursement will be made.*

*What is the desire of the EPL board? Continue with the practice of receiving your civic contribution in quarterly installments, i.e. Feb 1, May 1, August 1, and November 1, OR have access to the borough's civic contribution upon written request? Please provide your written reply identifying your choice.*

*I look forward to your response. The committee's goal is to be consistent in our policy, while taking into account the preferences of the various organizations.*

*Dale Hertzog  
Chairman, Budget and Finance Committee*

### **DEVELOPMENT ACTIVITIES COMMITTEE REPORT – 3/14/2016**

The Development Activities Committee met on February 22, 2016 and discussed the following:

1. The staff presented a sketch plan for Hocking Apartments, Tom Avenue. The applicant is proposing to combine 10 existing vacant lots and build two 10-unit apartment buildings along with two parking lots. There would be a total of 20 units on the site. There will be a small lot add-on from an adjoining lot to align the rear property line. The Committee authorized the staff to issue the comments from the staff and HRG to the applicant.
2. The Committee discussed untimely agenda items. The Committee is in agreement with the proposed procedure based on what was presented at the Budget and Finance Committee meeting.

### **PUBLIC SAFETY COMMITTEE REPORT – 3/14/2016**

The Public Safety Committee met on February 16, 2016 at 6:30 PM and discussed the following:

1. Mrs. Harris discussed the proposed ordinance Chapter 183 Floodplain Protection Prevention. Effective April 5, 2016 FEMA is requiring the Borough to revise its current floodplain regulations to become consistent with the National Flood Insurance Program. The proposed ordinance was created using a model ordinance provided by the State and approved by the Borough Solicitor. The existing floodplain requirements are located in two different ordinances (Chapter 183 Flood Damage Prevention & Chapter 319 Zoning). The new proposed ordinance will replace the existing requirements. This proposed ordinance will be advertised, and Mrs. Harris is requesting approval of the new ordinance. The Committee will recommend that Borough Council adopt the ordinance at their March 14, 2016 Council meeting.
2. Chief Harvey discussed the disposition of twelve (12) Electronic Control Devices (ECDs) by Taser for destruction for a discount of \$1,800.00 on the new purchase program. The Committee will recommend that Borough Council approve the disposition at their March 14, 2016 Council meeting.
3. Chief Harvey presented the Ephrata Borough Emergency Operations Plan (EOP). The Committee will recommend that Borough Council adopt the resolution approving the plan at their March 14, 2016 Council meeting.
4. Review Comp-stat (Jan 2016) - *Received For Informational Purposes Only*
5. EMC Report (Jan 2016) - *Received For Informational Purposes Only*

There being no other business set before it, the meeting was adjourned at approximately 7:11 PM.

The next regularly scheduled PSC meeting will be March 21, 2016 at 6:30 PM.

**HIGHWAY COMMITTEE REPORT – 3/14/2016**

The Highway Committee met on Monday, February 22, 2016 and discussed the following:

1. The Committee reviewed a letter from Downtown Ephrata, Inc. (DEI) dated February 17, 2016 requesting to conduct activities associated with their annual Arts & Crafts and Restaurant Fair and Car Show including several road closure requests from 5:30 AM to 5:30 PM on Saturday, September 10, 2016. A revised letter amending a road closure limit will be provided for the March 7, 2016 Council Work Session. The Committee will recommend that Council conditionally approve the requests subject to Chief Harvey's approval, Borough receipt of a Special Events Permit issued by the Pennsylvania Department of Transportation to close a numbered state route, and Borough receipt of a satisfactory certificate of insurance naming the Borough as an additional insured at their March 14, 2016 Council meeting.
2. The Committee reviewed a letter from Downtown Ephrata, Inc. (DEI) dated February 18, 2016 requesting to conduct activities associated with Santa's arrival including closure of Main Street from State Street to Lake Street on Friday, November 25, 2016 utilizing the "Ephrata Fair" detour routes between 5:30 PM and 9:00 PM. A revised letter amending two (2) times will be provided for the March 7, 2016 Council Work Session. The Committee will recommend that Council conditionally approve the requests subject to Chief Harvey's approval, Borough receipt of a Special Events Permit issued by the Pennsylvania Department of Transportation to close a numbered state route, and Borough receipt of a satisfactory certificate of insurance naming the Borough as an additional insured at their March 14, 2016 Council meeting.
3. The Committee reviewed a letter dated February 2, 2016 from the Ephrata War Memorial Association by Merv Witmer, Co-Director of the Firecracker Run requesting to use the streets of the Borough for the 39<sup>th</sup> Annual Firecracker Run event on Monday, July 4<sup>th</sup>, 2016. The Committee will recommend that Borough Council conditionally approve the request subject to Chief Harvey's review and approval and Borough receipt of a satisfactory certificate of insurance naming the Borough as additional insured at their March 14, 2016 Council meeting.
4. The Committee reviewed the results of Bid #16-1 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: \$39.70 / Ton
  - Superpave Asphalt Base Course Material, 25 mm (FOB) - Unit Price: \$37.20 / Ton
  - Superpave Asphalt Wearing Course Material, 9.5 mm (FOB) - Unit Price: \$42.35 / Ton

These unit prices are within budget estimates based on projected 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 14, 2016 Council meeting.

5. The Committee reviewed the results of Bid #16-2 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: \$9.43/Ton

The unit price is within budget estimate based on projected quantity. The recommendation for award will appear as part of the Consent Agenda at the March 14, 2016 Council meeting.

6. The Committee discussed the recently released Lancaster County Complete Streets Guidebook which describes streets that are designed to be safe and convenient for people using all modes of transportation and defines steps to be taken in the complete streets process. The Guidebook cites several examples within Ephrata Borough where complete streets considerations have been implemented. Staff advised the Committee that the only transportation mode not factored into our streets is designated bicycle lanes. Staff and Committee agree that most streets within the Borough are not wide enough to accommodate separate lanes for motor vehicle traffic, motor vehicle parking and a bicycle lane (recommended 5' - 6' wide) without restricting parking on one side of the street. The Major Dick Winters Trail serves as an outlet for those desiring to ride bicycle in the Borough or share the road promotes multi-use functionality for Borough streets. It was suggested that installing bicycle racks at strategic locations throughout the Borough would be beneficial.

The Guidebook will serve as a reference for future street improvements and development within the Borough. No further action required at this time.

7. The Committee discussed proposed committee meeting protocol and is open to the concept of establishing a policy regarding untimely agenda items. No further action required at this time.
8. The Committee briefly discussed PennDOT's pending "Green Light-Go" grant award for approximately half of the costs (\$33,000) to install emergency vehicle pre-emption and traffic signal head size upgrades through the CBD which is being held hostage due to a lack of a state budget at this time. The Committee will further discuss what action to take regarding that project and potential grant award at their March 28, 2016 meeting.

#### MUNICIPAL ENTERPRISES COMMITTEE REPORT - 3/14/2016

The Municipal Enterprises Committee met on February 16, 2016 and discussed the following:

1. The Committee reviewed an improvement agreement with Blue Lake Builders for one six unit and one eight unit apartment building along Clay School Road in the amount of \$35,467. The Committee will recommend that Borough Council approve the agreement at their March 14, 2016 meeting. This item will appear on the consent agenda.
2. The Committee reviewed two proposals from Land Studies for professional services related to the Borough's Municipal Separate Storm Sewer (MS4) program. The first proposal is to prepare an operation and maintenance plan for the Borough's MS4 program in the amount of \$5,770 and the second is to develop a five year improvement plan to be implemented by the Borough in the amount of \$7,612. Projects will be implemented subject to funding authorizations. Both proposals are within the 2016 budgeted amount. The staff has requested to proceed with the work as soon as possible. The Committee has no objections with staff proceeding since the costs of the proposals are within the staff limits of authorization. No further action is required.
3. Mr. Thompson provided an update on the behind the meter Solar Project. The federal investment tax credit (ITC) for solar projects was extended to the end of 2019. The staff has presented two applications before the Ephrata Township Zoning Hearing Board, and the application for land development plan with the Ephrata Township Planning Commission. The Planning Commission will recommend that the Ephrata Township Supervisors approve the land development plan at their March 1, 2016 supervisors meeting. The decision on the two zoning applications will be issued on Tuesday, February 16, 2016. Staff continues to work on developing our solar site as well as the distribution line from the solar site to the Borough's Substation. Although the requirement to complete a solar project by the end of 2016 in order to take advantage of the ITC has been eliminated, Staff will continue to pursue this project with target completion in 2017.
4. The Committee discussed the AMP Smart Meter Project. While no new information is available it is anticipated that Mr. Natarian will have new information to discuss at the next ME committee meeting.
5. The Committee reviewed a summary of the Borough's 2015 energy usage prepared by American Municipal Power. No action is required by the committee.
6. The Committee reviewed the Borough's current power portfolio and discussed future power purchases. The staff has been working with GDS Associates to develop 2016 power purchases and anticipates having information to share with the committee at their next meeting.
7. The Committee discussed the comments made by Mr. Brian Hoffman at the February 1, 2016 Council working session concerning gas service in the Borough. Mr. Hoffman stated that the Borough's Comprehensive Plan encourages the further development of gas infrastructure. In his comments Mr. Hoffman stated that he heard that the Borough was so difficult to work with to install gas infrastructure that the gas company will not pursue any further gas extensions in the Borough. Staff reported to the committee that during its design meetings with the gas company they agreed to install the gas lines below all Borough/EAJA infrastructures. All drawing prepared by the gas company included a note stating such. When some of the depths reached 8-10 feet and the gas company approached the Borough to discuss the excessive depths the Borough agreed to allow the gas lines to be installed subject

to appropriate separation requirements. Staff reported to the committee that it was only enforcing the agreed upon conditions of installation.

### COMMUNITY SERVICES COMMITTEE REPORT – 3/14/2016

The Community Services Committee met on February 21, 2016 and discussed the following:

1. Joy Ashley from the Ephrata Public Library (EPL) reviewed a request to use various parks in the Borough for the second annual Go Outdoors Ephrata (GO Ephrata) program. The program which is co-sponsored by Wellspan Health places markers in all municipal parks within the Ephrata Area School District and the EPL issues to children a participation packet whereby children find each of the markers and trace the image on the marker and submit the completed packet to the EPL in exchange for prizes. The Committee will recommend that Borough Council approve the request subject to a receipt of a certificate of insurance naming the Borough as additional insured. This item will appear on the Consent Agenda.
2. Jean Wentz from the Ephrata Recreation Center reviewed a request to use the streets in the Lincoln Heights development to conduct the third annual 5K race series. The Committee will recommend that Borough Council approve the request subject to the receipt of a certificate of insurance naming the Borough as additional insured, the approval by the Chief of Police of the race plan as it relates to public health and welfare, and the issuance of letters to the residents of the Lincoln Heights development notifying them of the events. This item will appear on the Consent Agenda.
3. The Committee discussed a lease document with Ephrata Youth Football, Inc. for the construction of a 20' X 20' shed on Borough Property in the Lincoln Heights Outdoor Recreation Area. The Committee will review the lease and comment for the next committee meeting on March 28, 2016.
4. The Committee discussed the procedure for addressing items received for consideration by the Committee after the Committee has already met but prior to either the work or voting sessions of Council. The Committee supports the procedure recommended by the Budget and Finance Committee whereby if an item is received that requests action by Council at their next meeting staff must discuss the issue with the Committee Chair prior to the Work or Voting Council meeting to determine the appropriate action by the Committee. The chair can deny the request as untimely, schedule it to appear on the next committee agenda or direct the staff to include it on either the work or voting agendas. The chair is also responsible for informing the other committee members of the request and the subsequent disposition of the request.

### SPECIAL PROJECTS COMMITTEE REPORT – 3/14/2016

The Special Projects Committee met on February 16, 2016 and discussed the following:

1. The Solicitor discussed the proposed draft ordinance regulating mobile food vending with the Committee members. The Committee will review the ordinance and issue comments at their March 21, 2016 committee meeting.
2. The Committee discussed the procedure for addressing items received for consideration by the Committee after the Committee has already met but prior to either the work or voting sessions of Council. The Committee supports the procedure recommended by the Budget and Finance Committee whereby if an item is received that requests action by Council at their next meeting staff must discuss the issue with the Committee Chair prior to the Work or Voting Council meeting to determine the appropriate action by the Committee. The chair can deny the request as untimely, schedule it to appear on the next committee agenda or direct the staff to include it on either the work or voting agendas. The chair is also responsible for informing the other committee members of the request and the subsequent disposition of the request.

February General Ledger Report  
 Lincoln Fire Company – February 2016  
 Pioneer Fire Company – February 2016  
 Ephrata Community Ambulance Association – February 2016  
 Emergency Management Coordinator January 2016 Report  
 February Shade Tree Commission Report  
 Ephrata Farmers Day Association, Inc. Financial Report

**NEW BUSINESS ITEMS**

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

It was moved by Mr. Hertzog, seconded by Mr. Weiler, and unanimously passed that Borough Council approve the Consent Agenda consisting of the following:

1. That Borough Council award Bid No. 16-1 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 \$39.70 per ton FOB; Superpave 25 mm Asphalt Base Course Material at the unit price of \$37.20 per ton FOB; and Superpave 9.5 mm Asphalt Wearing Course Material at the unit price of \$42.35 per ton FOB. (Highway Committee)
2. That Borough Council award Bid No. 16-2 Purchase and Delivery of PennDOT #2A Stone to New Enterprise Stone & Lime Co., Inc. of East Earl, PA for the unit price of \$9.43 per ton. (Highway Committee)
3. That Borough Council approve an improvement agreement with Blue Lake Builders for one six unit and one eight unit apartment building along Clay School Road in the amount of \$35,467. (Municipal Enterprises Committee)
4. That Borough Council conditionally approve a request from the Ephrata Recreation Center to use the streets in the Lincoln Heights development to conduct the third annual 5K race series subject to a receipt of a certificate of insurance naming the Borough as additional insured. (Community Services Committee)
5. That Borough Council approve the request from the Ephrata Public Library dated January 18, 2016 to use various parks in conjunction with the Library's and WellSpan Health's Go Ephrata program subject to receipt of a certificate of insurance naming the Borough as additional insured. (Community Services Committee)

**STANDING COMMITTEE RECOMMENDATIONS**

**Budget and Finance Committee**

It was moved by Mr. Hertzog, seconded by Mr. Richard, and unanimously passed that Borough Council repeal Resolution 2016-5, a corporate banking resolution designating signatures for banking account 1038586 at Ephrata National Bank.

It was moved by Mr. Hertzog, seconded by Mr. Weiler, and unanimously passed that Borough Council repeal Resolution 2016-6, a corporate banking resolution designating signatures for banking account 4328185 at Ephrata National Bank.

It was moved by Mr. Hertzog, seconded by Mr. Richard, and unanimously passed that Borough Council adopt Resolution 2016-9, a corporate banking resolution designating signatures for banking account 1038586 at Ephrata National Bank.

**BOROUGH OF EPHRATA  
RESOLUTION 2016 -9**



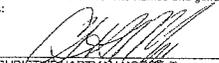
EPHRATA NATIONAL BANK  
MAIN OFFICE, 31 East Main Street, Ephrata, PA 17522-0457

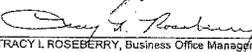
**CORPORATE DEPOSITORY RESOLUTION**

**CORPORATE SECRETARY'S CERTIFICATE.** I certify that I am the corporate secretary of BOROUGH OF EPHRATA ("Corporation"), a corporation in good standing under the laws of Pennsylvania. The following is an accurate copy of resolutions adopted by the Corporation's board of directors at a meeting properly called and held on March 14, 2016, at which a quorum was present. Such resolutions have not been amended or revoked, and they do not conflict with any provision of the Corporation's articles of incorporation, bylaws, or any other document by which the Corporation is bound:

- RESOLVED, that EPHRATA NATIONAL BANK ("Bank") is designated a depository of funds for the Corporation;
- RESOLVED, that any prior resolutions remain in effect except as changed by those adopted today. The Corporation ratifies all transactions purportedly done on its behalf with the Bank before the delivery of this resolution to the Bank. Any change(s) to these resolutions will take effect only after the Bank has received written certification of the change(s) and has had a reasonable time to verify and act on the change(s);
- RESOLVED, that the Corporation agrees to be bound by the Bank's Commercial Deposit Account Agreement for each account permitted by these resolutions;
- RESOLVED, that the Bank is authorized to honor, pay, and charge the Corporation's account(s) for any item purporting to have been signed on behalf of the Corporation with a facsimile signature that resembles a specimen the Corporation has certified to the Bank, no matter by whom or by what means the actual or purported signature may have been made;
- RESOLVED, that the persons named below, whose manual and/or facsimile signatures are provided next to their respective names, are authorized to sign and authorize checks, drafts, withdrawal slips, and any other orders for the payment of money, whether by paper, electronic, or other means, even if payable to the signer or used to discharge or reduce any obligation of the signer. The Bank has no duty to inquire into any such action, even if the action benefits the signer individually. Number of signatures required: 2.
- RESOLVED, that the Secretary of the Corporation is directed to certify and deliver a copy of these resolutions to the Bank, the signature cards bearing the genuine signatures of the persons named below, and any other documents that the Bank requires.

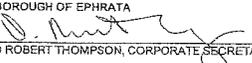
AUTHORIZED PERSONS. The names and genuine signatures, manual or facsimile, of the authorized persons for account 000000001038586 are as follows:

X  \_\_\_\_\_ (Seal) 3/16/2016  
CHRISTINE HARTMAN MOORE, Treasurer Date

X  \_\_\_\_\_ (Seal) 3/21/16  
TRACY L. ROSEBERRY, Business Office Manager Date

X  \_\_\_\_\_ (Seal) 3/16/2016  
D. ROBERT THOMPSON, Secretary/Borough Manager Date

IN WITNESS WHEREOF, I have signed this certification on the date shown by my signature and have affixed the Corporation's seal.

BOROUGH OF EPHRATA  
By  \_\_\_\_\_ (Corporate Seal) 3/21/2016  
D. ROBERT THOMPSON, CORPORATE SECRETARY Date

It was moved by Mr. Hertzog, seconded by Mr. Weiler, and unanimously passed that Borough Council adopt Resolution 2016-10, a corporate banking resolution designating signatures for banking account 4328185 at Ephrata National Bank.

BOROUGH OF EPHRATA  
RESOLUTION 2016 -10



EPHRATA NATIONAL BANK  
MAIN OFFICE, 31 East Main Street, Ephrata, PA 17522-0457

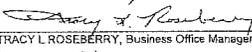
CORPORATE DEPOSITORY RESOLUTION

CORPORATE SECRETARY'S CERTIFICATE. I certify that I am the corporate secretary of BOROUGH OF EPHRATA ("Corporation"), a corporation in good standing under the laws of Pennsylvania. The following is an accurate copy of resolutions adopted by the Corporation's board of directors at a meeting properly called and held on March 14, 2016, at which a quorum was present. Such resolutions have not been amended or revoked, and they do not conflict with any provision of the Corporation's articles of incorporation, bylaws, or any other document by which the Corporation is bound:

- RESOLVED, that EPHRATA NATIONAL BANK ("Bank") is designated a depository of funds for the Corporation;
- RESOLVED, that any prior resolutions remain in effect except as changed by those adopted today. The Corporation ratifies all transactions purportedly done on its behalf with the Bank before the delivery of this resolution to the Bank. Any change(s) to these resolutions will take effect only after the Bank has received written certification of the change(s) and has had a reasonable time to verify and act on the change(s);
- RESOLVED, that the Corporation agrees to be bound by the Bank's Commercial Deposit Account Agreement for each account permitted by these resolutions;
- RESOLVED, that the Bank is authorized to honor, pay, and charge the Corporation's account(s) for any item purporting to have been signed on behalf of the Corporation with a facsimile signature that resembles a specimen the Corporation has certified to the Bank, no matter by whom or by what means the actual or purported signature may have been made;
- RESOLVED, that the persons named below, whose manual and/or facsimile signatures are provided next to their respective names, are authorized to sign and authorize checks, drafts, withdrawal slips, and any other orders for the payment of money, whether by paper, electronic, or other means, even if payable to the signer or used to discharge or reduce any obligation of the signer. The Bank has no duty to inquire into any such action, even if the action benefits the signer individually. Number of signatures required: 2.
- RESOLVED, that the Secretary of the Corporation is directed to certify and deliver a copy of these resolutions to the Bank, the signature cards bearing the genuine signatures of the persons named below, and any other documents that the Bank requires.

AUTHORIZED PERSONS. The names and genuine signatures, manual or facsimile, of the authorized persons for account 000000004328185 are as follows:

X  \_\_\_\_\_ (Seal) 3/16/2016  
CHRISTINE HARTMAN MOORE, Treasurer Date

X  \_\_\_\_\_ (Seal) 3/21/16  
TRACY L. ROSEBERRY, Business Office Manager Date

X  \_\_\_\_\_ (Seal) 3/16/2016  
D. ROBERT THOMPSON, Secretary/Borough Manager Date

IN WITNESS WHEREOF, I have signed this certification on the date shown by my signature and have affixed the Corporation's seal.

BOROUGH OF EPHRATA  
By  \_\_\_\_\_ (Corporate Seal) 3/21/2016  
D. ROBERT THOMPSON, CORPORATE SECRETARY Date

Public Safety Committee

It was moved by Mr. Weiler, seconded by Mr. Reinhold, and unanimously passed that Borough Council enact Ordinance 1521 Chapter 183 Floodplain Protection Prevention.

Mr. McManus said that draft that is before Council for enactment should be amended in a very minor way. There are instances in the ordinance in which the term community is used clearly referring to the Borough of Ephrata. Mr. McManus suggested that in its enactment the Borough authorize the substitution of the term Borough for the term community whenever it appears in the ordinance. This changes neither substantial nor substantive and has no effect on the publication.

It was moved by Mr. Weiler, seconded by Mr. Reinhold, that the word Borough be put in place of community in the Floodplain Protection Prevention ordinance. Motion passed unanimously.

It was moved by Mr. Weiler, seconded by Mrs. Martin, and unanimously passed by roll call vote that Borough Council authorize the disposition of assets of twelve (12) electronic control devices (ECD) by Taser for the discount of \$1,800.00 on the new purchase.

It was moved by Mr. Weiler, seconded by Mrs. Martin, and unanimously passed that Borough Council approve Resolution 2016-11 promulgating the Emergency Operations Plan promulgation statement pursuant of the Pennsylvania Emergency Management Services Code.

#### RESOLUTION 2016-11

#### A RESOLUTION TO ADOPT THE EMERGENCY OPERATIONS PLAN FOR THE BOROUGH OF EPHRATA, LANCASTER COUNTY, PENNSYLVANIA

THIS RESOLUTION, approved and adopted by the Council of the Borough of Ephrata, Lancaster County, Pennsylvania, on the date hereinafter set forth.

**WHEREAS**, Section 7503 of the Pennsylvania Emergency Management Services Code, 35 Pa. C.S. Section 7101 et seq. mandates that Ephrata Borough prepare, maintain and keep current an emergency operations plan for the prevention and minimization of injury and damage caused by a major emergency or disaster within this Borough; and

**WHEREAS**, in response to the mandate stated above, this Borough has prepared an emergency operations plan to provide prompt and effective emergency response procedures to be followed in the event of a major emergency or disaster; and

**WHEREAS**, this Borough has also prepared an emergency operations plan in order to reduce the potential affects of a major emergency or disaster and to protect the health, safety and welfare of the residents of this Borough;

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE BOROUGH OF EPHRATA, PENNSYLVANIA:**

**SECTION 1.** That the undersigned Council of Ephrata Borough do hereby approve, adopt and place into immediate effect the Emergency Operations Plan of Ephrata Borough. This Plan shall be reviewed every two years to make certain that it conforms with the requirements of the Lancaster County Emergency Operations Guideline.

**SECTION 2.** That if any section, subsection, paragraph, clause or provision or any part thereof of this Resolution shall be finally adjudicated by a court of competent jurisdiction to be invalid, the remainder of this Resolution shall be unaffected by such adjudication and all the remaining provisions of this Resolution shall remain in full force and effect as though such section, subsection, paragraph, clause or provision or any part thereof so adjudicated to be invalid had not, to the extent of such invalidity, been included herein.

**SECTION 3.** That this Resolution shall take effect at the earliest date allowed by law.

**SECTION 4.** That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were taken in conformance with applicable open meetings laws and that all deliberations of this Council and of any committees that resulted in those formal actions were in compliance with all legal requirements including any applicable open meetings requirements.

#### Highway Committee

It was moved by Mr. Richard, seconded by Mr. Barr, and unanimously passed that Borough Council conditionally approve the amended requests from Downtown Ephrata, Inc. (DEI) dated February 23, 2016 to conduct activities associated with the annual Arts & Craft and Restaurant Fair and Car Show including several road closure requests from 5:30 AM to 5:30 PM on Saturday, September 10, 2016 subject to Chief Harvey's approval, Borough receipt of a Special Events Permit issued by the Pennsylvania Department of Transportation to close a numbered state route, and Borough receipt of a satisfactory certificate of insurance naming the Borough as additional insured.

It was moved by Mr. Richard, seconded by Mr. Ressler, and unanimously passed that Borough Council conditionally approve the amended requests from Downtown Ephrata, Inc. (DEI) dated February 23, 2016 to conduct activities associated with the annual Christmas Tree Lighting and Santa's Arrival including closure of Main Street between State Street and Lake Street on Friday, November 25, 2016 from 4:00 PM to 9:00 PM subject to Chief Harvey's approval, Borough receipt of a Special Events Permit issued by the Pennsylvania Department of Transportation to close a numbered state route, and Borough receipt of a satisfactory certificate of insurance naming the Borough as additional insured.

It was moved by Mr. Richard, seconded by Mr. Barr, and unanimously passed that Borough Council conditionally approve the request from the Ephrata War Memorial Association by Merv

Witmer, Co-Director of the Firecracker Run per his letter dated February 2, 2016 to use the streets of the Borough for the annual Firecracker Run scheduled for Monday morning, July 4<sup>th</sup>, 2016. This event is subject to Chief Harvey's approval and Borough receipt of a Certificate of Insurance naming the Borough as additional insured.

**APPROVAL OF CHECKS 25432 THROUGH 25834 AND THE ACH REGISTERS DATED MARCH 2 and MARCH 10, 2016**

It was moved by Mr. Hertzog, seconded by Mr. Reinhold, and unanimously passed that Borough Council ratify the payment of bills performed by the staff since the last regular Council meeting in the aggregate amount of \$1,868,979.73.

**OPPORTUNITY FOR CITIZENS TO BE HEARD**

There were no comments or questions from attendees.

**DISCUSSION/ANNOUNCEMENTS**

Mr. Hertzog said he walks quite a bit around town. About two Sundays ago Mr. Hertzog walked the Trail, and the Trail was absolutely full of people. People were enjoying getting out and enjoying the nice weather at that time. Obviously something that we've done people are enjoying.

Mr. Richard attended the Historical Society Event on Sunday. Mr. Richard said it was very nicely put together and shows a nice view of Ephrata, which he hopes a lot of people in town take a chance to go see.

Mr. Reinhold looked up the meaning of promulgating and read it for Council.

Mayor Mowen dittoed Mr. Richard's comments. If you haven't been to the Historical Society to see the exhibit go. It's something to see and is an awesome exhibit.

**ADJOURNMENT**

It was moved by Mr. Hertzog, seconded by Mr. Richard to adjourn. The meeting was adjourned at 7:45 PM.

Respectfully submitted,

\_\_\_\_\_  
D. Robert Thompson, Secretary