

EPHRATA BOROUGH COUNCIL
WORK SESSION MINUTES
APRIL 4, 2016
“Amended”

The Ephrata Borough Council Work Session was called to order by President Susan Rowe at 7:00 PM on April 4, 2016 in the Council Chambers of the Borough Office, 124 South State Street.

The meeting began with a moment of silence 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 Timothy Barr, Dale Hertzog, Linda Martin, Ricky Ressler, Victor Richard and Mayor Ralph Mowen.

Also in attendance were Borough Manager D. Robert Thompson, Police Chief William Harvey, Lt. Tom Shumaker, and Borough Solicitor James R. McManus, III, Esq.

Attending for the press was Gary Klinger of The Ephrata Review. The following visitors were present:

Dennis Rowe, 214 East Main Street, Ephrata
Shaun Hogarth, Ephrata
Mary & Tom Kuch, Ephrata
Jamie & Jeanne Shearer, Ephrata
Howard Lyberman, Whitehall, PA
Martin Gilerest, Bethlehem, PA
Brian Hoffman, Ephrata
Dave Moose, Diehm & Sons
Molly & John Harple, Ephrata
Angela & Richard Moses, Ephrata
Bob Harter, 301 West Main Street, Ephrata
Jodi Mohler, Ephrata
John A. Luciani, Ephrata
Larry Oberly, Ephrata
Rae Bromirski, 139 Mason Drive, Ephrata
Mary Haesche, Ephrata
Alan Luong, 193 Brickyard Circle, Ephrata
Lynn Barnes, 114 Brickyard Circle, Ephrata
Don King, 159 Mason Drive, Ephrata
Joanne Ressler, 245 Mason Drive, Ephrata
Andrea Glass, 410 Chelsea Drive, Lancaster
Alex Mast, 148 Mason Drive, Ephrata

Opportunity for Citizens to be Heard

Ms. Rae Bromirski, 139 Mason Drive, said she is here tonight with several of her neighbors that live close to the Rail-Trail. They are in attendance tonight to express some concerns over the significant increase in activities from youths on the trail. They have noticed a large increase in the amount of teens that are hanging out on the trail. Most of this happens during the hours as early as 4:00 PM to as late as 11:00 PM. The most challenging time is 6:00 PM until dark. On weekends it tends to be later. Their primary concerns are the significant increase in noise; they have screaming, yelling, really strong extreme profanity. It's not one word here or there; they also hear loud music, fighting. There is also a lot of verbal fighting. Obviously there is smoking which it clearly states on the trail is not permitted. Significant amounts of trash left behind.

Ms. Bromirski said vandalism – obviously the graffiti issue was addressed and taken care of for the time being. There is still a lot of graffiti seen on the trail. At the basketball court area the picnic bench has graffiti all over. The trees have been ripped and torn down. Mr. Bromirski actually witnessed some students or teenager pulling at some of the trees plant there.

The trespassing – some of the neighbors that live right along the trail actually have kids coming into their yards. The residents see parents actually dropping their kids off along the trail. The problem areas are the basketball court and the benches placed at the basketball court. They also have problems along the back of the trail near the Brickyard neighborhood. There are also steps that lead off of the trail, a nature trail behind the neighborhood. It's basically that area where we have the most issues.

Ms. Bromirski said she has seen kids playing at the Winters statue sitting on his head. Just little respect for property. This is a poor representation of our community. It's concerning to the citizens, because they're finding it more difficult to walk on the trail and use the trail.

The neighbors would like to talk about some suggestions and ways to make this better.

President Rowe said because this is a public safety issue she recommends that the residents talk to the Chief and/or the Mayor and come to the next Public Safety Committee Meeting. Chairman Weiler said the Public Safety Committee meets on April 18th at 6:30 PM in the Conference Room. If it's a large group they could meet in the Chamber.

Molly Harple, 173 Brickyard Circle. Her house backs up to the trail. Ms. Harple asked for a privacy fence, and Mr. Thompson felt that was not necessary even though we have problems with trespassing and loose dogs. A couple weeks ago her neighbor observed a man a man walk through his front yard into our yard crouching down behind their bushes. Ms. Harple said as recent as Saturday night a juvenile was trying to get away from the police, hopped the railing and ran between her and the neighbor's yard.

The trail is impeding their quite enjoyment of their homes. Their suggestion is that you remove the benches along the trail and the picnic table needs to go. Install cameras in areas and plant shrubs where there a holes so they can have a barrier and separation from the trail and their yards.

Angie Schuler, lives at 177 Brickyard Circle and is Molly's neighbor, said in an incident on Saturday when the juvenile jumped the fence and going in between he had a gun. He had an HC training pistol, but this pistol is identical to a real gun, it was loaded, it had pellets, and if it was shot it could have shot her husband in the eye. When her husband confronted him he did drop to the ground, because he thought my husband was a cop. He could have shot him.

Ms. Schuler said this isn't nuisance, this isn't noise any more, this isn't trash – this is a kid with a gun. Now we're dealing with weapons.

Chandra Mast also lives in the Brickyard development and wanted to speak on behalf of being a mom with two teenagers. The Main Street has been closed off to teenagers; the skate park is not something all teenagers want to do. Yes they have the trail. Chandra said her understanding as she has two teenagers and has talked to them about Saturday's incident and the friends they have is there was also an adult male on the trail. His name appears to be Jim. He rides a black bike with a hat, and the cops are aware of it. He has been harassing the teenagers. Chandra said she feels there is too much negativity on the teenagers here. From what Chandra has heard this adult man came to the trail and has been harassing teenagers for months and on Saturday night harassed them to the point that he said he was going to go back and he brought his gun to the scene and then he fled the scene.

Chandra said she can image that the teens that were running looked most guilty but she thinks there are more sides to this story. The trail needs to be patrolled more often – late at night there are too many teenagers out late at night past 11:00 PM. Too late and there's hardly ever cops going down that path. The benches are sat on by a lot more than teenagers. There are a lot of adults and elderly that sit on them.

You are totally right about the trespassing that shouldn't be happening. Chandra said the path should be patrolled more frequently, but they do need a place to hang out.

Jamie Schearer, 209 Moser Drive, in the Brickyard said as a proud owner of a very young puppy he spends a lot of time on the trail. He walks the trail at least three or four times a week sometimes late at night. Mr. Schearer said the other night he witnessed a gentleman steal a board out of the lumber yard, walked 20 yards down the trail and threw it over the embankment. He didn't know Mr. Schearer was there and he walked up behind him and had some nice words for him. He also took a couple puffs of his cigarette and threw it down in the woods where all the leaves are. Everyone knows what's going to happen next. How many times have we read about cigarette butts and people should put them in plastic buckets to put them out.

Mr. Scheerer said the other day walking past the benches there's a ten year old kid there. The words that came out of his mouth! It was just appalling. The trail is very, very nice it's a great thing to have. These kids need to find something better to do or learn how to respect other people and their property.

It's frustrating for all the citizens. Mr. Scherer said he picks up trash along that trail when he's walking.

Mr. Scherer said patrolling is a great idea but doesn't think you're going to catch anyone in the act. He would like to see cameras put up. Mr. Scheerer said he would be more than happy to make a contribution towards cameras.

John Harple, Jr. also lives at 173 Brickyard Circle said he doesn't know about a gentleman that was on the trail but he saw kids throwing punches at each other. Mr. Harple has seen kids walking on the trail with bloody faces. Last year he called the police and ambulance because a kid OD'd on the trail. Mr. Harple is at a point now where he doesn't care what the kids do as long as they're on the trail. He isn't going to help any of them. Last year when the kid OD'd the first thing the parents did was search his backpack. The parents were hollering at Mr. & Mrs. Harple that they shouldn't have called the cops but the kid was screaming for help. There is no accountability. Yes, the kids do need a place to hang out. Mr. Harple has a teenage son but he's involved in sports. He does other things with his friends at the high school. He works out. The kids can find other things to do other than smoke, fight, and destroy property.

Mr. Harple said something has to happen because something bad is going to happen one of these days. We need something to be done. Please help us before something bad happens.

President Rowe thanked everyone for coming and expressing their concerns with the problem on the trail. Mrs. Rowe said it is a public safety matter and will have to go before the Public Safety Committee. Mrs. Rowe said the Chief has said many times to call 911.

Mr. Harple said the response Saturday was great; the three Officers did a wonderful job.

Chief Harvey said when you deal with juveniles you cannot release juvenile information. It's still an active investigation. There are still some more interviews to be conducted with children and young adults. Chief Harvey said that approximately seventeen children/young adults are going to be cited. Yes there were bb guns.

Chief Harvey said we have had three incidents in the last two weeks and in all three instances charges have been brought forth to all perpetrators.

Chief Harvey said it's not that we don't hear; we do hear you, we are responding. Some of the issues that were brought up tonight are the first time I've ever heard of these so we do need timely, accurate information. When you say 911 doesn't matter it does matter because we need accurate information rather than hear about it three days later. Chief Harvey said if you look on the poles on the trail you'll see a numerical number these are GPS. If you say I'm at pole # whichever the radio operator can bring it down to within 50 feet of that pole. It helps the police tremendously as to which way to approach. Give us accurate timely information as you get it don't wait and tell us about it days later, because it's pointless then.

Chief Harvey stepped out of the Chamber to the lobby to discuss the matter further with the residents so the meeting could continue.

There were no other comments or remarks from attendees.

Discussion of Committee Actions

Budget and Finance Committee

Mr. Hertzog said the only item on the committee's agenda for a vote next week will be bond refinancing. There are three bonds that we currently have – a 2010 sewer bond, a 2014 sewer bond, a 2014 rec bond. The 2010 sewer bond has a balance of \$3.13 million, the 2014 has a

balance of \$8.145 million, and the rec bond has a balance of \$1.675 million. The plan is to take ½ of the 2010 sewer bond approximately \$1.585 million and couple it with the remaining balance in the 2014 sewer bond. Put them together for an approximately amount of \$10 million. It's important to stay at the \$10 million because then it keeps it bank qualified. It keeps the options open.

Preliminary the savings on that refinancing would yield \$369,000 which % wise is 3.69%. Anything around 3% or greater is good. The rec bond would yield a savings of \$79,000 which is 4.55% which is outstanding. The terms would stay the same. Half of the 2010 sewer bond would be combined with the 2014 and the term would go through 2027 which is the existing term on the 2014 sewer bond. The rec bond which is currently through December 28 would stay at December 2028.

Mr. Richard said it is a great opportunity for us to do this. It's a fairly decent savings.

Mr. Hertzog said the current rate on the rec bond is 3.5%; preliminarily we are looking at a rate anywhere between .63 and 3.03%. It's just about the same for the sewer bond when combined. It's .63 through 2.87%. Those are all preliminary.

The terms are staying the same so this will result in reduced payments.

Mr. Hertzog said the Borough Authority authorizes the bond; the Borough guarantees the bond.

President Rowe said she will have to abstain from this because she is currently employed by a firm that rates municipal guarantee and sewer bonds.

Development Activities Committee

Mrs. Martin reviewed the actions associated with a stormwater management plan for Horst Partnership for construction of a two-family dwelling at 833 Academy Heights Avenue.

Mrs. Martin said the Committee reviewed a proposal for a strategic economic development plan from Urban Research & Development Corporation. The intent of this is to involve all the organizations and provide a sustainable program for economic development throughout the Borough. Staff prepared an RFP and interviewed three firms. After two interviews the reviewing team, which consisted of members of the various organizations chose the Urban Research & Development Corporation to prepare the plan.

Mrs. Martin said the Committee discussed a request that came in to refund the 2015 rental permit fees paid by Bed and Breakfast owners in the area. Rebecca Gallagher of the Historic Smithton Inn requested the refund since Borough Council amended the rental ordinance in 2015 to exempt B&B's and the Borough exempted the Hampton Inn from paying rental permit fees in 2015.

Prior to this time, Mr. Thompson said the Borough has not done anything in at least 10-15 years. With all the dynamics of the volunteer organizations recently it's a good time for us plus there is no true Executive Director working for DEI, for EEDC. There is an Executive Director for the Chamber, and the Chamber has been actively participating. Each of the groups has a different service area. It is a good time to get together and look at things such as organizational structure and put together a strategic plan that can then be followed to economic development.

Mr. Gilerest from Urban Research said they specialize in community planning, community upgrading, economic development, assistance with grant programs, and help to administer those.

Mr. Gilerest said in their proposal, if desired, at the end of completing the economic strategy program is working as needed to help Ephrata in the implementation, guidance and coordination. The Ephrata Economic development plan takes many characteristics and facets and their challenge is great because it is endeavoring to coordinate all the efforts of the different groups and to endeavor to coordinate their activities so that everyone is working together and not at cross purposes and so they can be the most effective.

Mr. Gilerest said they are also concerned and need to look at sustainability; they are hopeful that the economic strategy plan will help the community get organized and to implement

opportunities that may be out there but are now being missed.

Mr. Gilerest said they are in the learning mode, and they don't have all the answers. It's an effort of working together to create a plan that works for the Borough. Mr. Gilerest said they are open for any input. They are looking at themselves as the technical staff to help the Borough to try to develop the best plan and organization. It requires leadership from the community. A lot of times the burden falls on a few people. Mr. Gilerest congratulated all of Council and every local municipal official for serving the community, because it's hard to get good people.

Mr. Gilerest said the initial meeting ought to have borough representatives, Ephrata Economic Development Corporation, Chamber of Commerce, and The Downtown. Mr. Gilerest said they understand that the Main Street group has sort of merged back with the Chamber.

Mr. Gilerest said it is sad to hear about the Trail issues. In a lot of communities the trail has been an economic driver. Mr. Gilerest said they would like to start the kick-off meeting in May if possible.

Mr. Hoffman asked where the money was coming from. Mr. Thompson said the Borough developed a restricted economic development revenue account. It's been funded at the level right now of \$141,000 and that was due to some sale of real estate assets and some economic development moneys that were given back to the Borough as a result of our participation in American Municipal Power.

Public Safety Committee

Mr. Weiler reviewed the Public Safety Committee action items. Those being a lamb project by a high school student and police vehicle purchases that will complete Phase 2 for the department.

Resolution 2015-12 appoints Borough Manager Thompson as the authorized agent for the Borough to submit for snow emergency reimbursements from FEMA/PEMA for Winter Storm Jonas.

Highway Committee

Mr. Richard reviewed the Highway Committee items. The first being a purchase of a 2017 International 4300 Altec Double Bucket truck through COSTARS. The bucket truck includes with a 6 year extended warranty. The vehicle cost is more than budgeted; however, the mobile equipment fund is under budget.

The existing 1993 GMC Altec Double Bucket truck with approximately 25,000 miles on it will be disposed. Altec estimated the value of the unit to be \$75,000. The aerial boom needs to be inspected and certified and because of the age it is no longer able to be inspected and certified for the Borough use. The vehicle will be sold once the new vehicle is received.

Mr. Richard said the Committee reviewed the results of Bid 16-3, Spring Garden Street Storm Water Improvements. The Committee will recommend awarding the bid to low bidder, Bottom Line Contracting, Inc. for \$119,000.36. The project estimate was \$200,000. Ten bids were received for the project. All the bids do not cover potential additional costs for the trench excavation and coarse aggregate act bill.

The Committee reviewed a letter from Ben Lee, Regional Director of Make-A-Wish Foundation requesting the Convoy to go through Ephrata on May 8.

Mr. Richard said the Committee reviewed a request via email from Plenary Walsh Keystone Partners representing PennDOT permitting PennDOT to utilize Robert Road West, Main Street to Apple Street and Apple Street from Robert Road to the Borough boundary line for the purpose of establishing and maintaining a detour route while they replace the Springville Road Bridge over Indian Run. This is the summer of 2017.

The Committee also discussed PennDOT's new special event permit. It's quite lengthy. It will take more time to complete it and more time to process the application. The criteria requirements include closure of state routes which would include the Ephrata Fair, Ephrata Arts & Craft & Restaurant Fair. The Committee will recommend that the private sponsor actually be

the person who puts the request together, and we will have staff help the applicant complete the form, but the applicant will be submitting the document to the state for approval.

Municipal Enterprises Committee

Mr. Reinhold said Mr. Natarian reviewed with the Committee the results of an RFP for surveying and engineering services for the distribution line from the solar site to our substation. Five proposals were received, and Staff is recommending accepting the low bidder, Diehm & Sons, Inc. of Lititz in the amount of \$22,500.

The Committee reviewed a proposal from GDS Associates of Georgia for power supply planning and market services. We have engaged the services of GDS in the past for several years on an as needed basis. Examples of their work include the development of the Master Power Supply Plan. In addition, they are involved with almost all power supply issues faced by the Borough. This proposal would establish an annual contract with a flat monthly fee of \$4,000 to provide a range of existing new services including a monthly portfolio review and two power supply procurements each year. Staff has reviewed the proposal and recommends that the proposal be accepted.

Mr. Reinhold said the Committee was address by Jeannie Shearer who is the Regional V.P. of State Government Affairs for Windstream. Ms. Shearer discussed a bill that’s currently sitting before the PA House of Representatives – House Bill 1417 – in relation to the Pennsylvania Universal Service Fund. The PA USF provides funding for rural telephone services throughout the Commonwealth. Windstream supports this bill that would direct the PA Public Utility Commission to determine the fate of that fund. The Pennsylvania State Association of Boroughs (PSAB) has indicated if their members express interest in their desire to have this house bill move forward that they would in turn consider their approval as well. Ms. Shearer requested that our Committee express support for consideration of the bill at tonight’s meeting. Mr. Reinhold said Council will be voting on this later tonight because PSAB needs to have their recommendation in by the 6th which is Wednesday.

Mr. Hertzog said GDS has been a valuable resource for the Borough in providing third part unbiased opinion and giving us a level of oversite to assure us that we are doing the right thing and making the right decision. Mr. Hertzog said it is a very wise decision to have somebody who knows our model and know what we’re doing but also provides the resources as we move into new territories like the solar project.

Community Services Committee

Mr. Barr said the lease agreement between the Borough of Ephrata and Ephrata Youth Football Program, Inc. was reviewed for a 20 x 20 shed to be placed in the Lincoln Heights Outdoor Recreation Area. The term of the lease is five years with one additional five year term which automatically renews. After ten years the lease goes year to year. The annual lease amount will be \$1.00.

Mr. Barr said Chandra Mast from the Shade Tree Commission reviewed a request to hold Arbor Day activities along Winters Trail adjacent to Veterans Plaza on April 29.

Lorraine Kofroth reviewed a request from New Covenant Church of God, 111 East Chestnut St., to organize and hold a prayer vigil on May 6th from 12:00 Midnight to 1:00 AM on public sidewalks at the intersection of Main Street and State Streets.

Mr. Ressler said the Special Projects Committee is working on an ordinance but it still needs a good deal of work before it’s ready to bring forward.

Opportunity for Citizens to be Heard

There were no comments from attendees.

Recommendations

Public Safety Committee

It was moved by Mr. Weiler, seconded by Mrs. Martin, and unanimously passed that Borough Council approve the request from the Miss Lauren Kachel, a Sophomore student of Ephrata Area School District to waive Ephrata Borough Code §123.1 Livestock: hives of bees. *No person, firm or corporation shall keep any hog, cattle, goat or sheep or any hive of bees at any place within the Borough of Ephrata*, in order to conduct a lamb project at the Ephrata High School. This project will begin in April 2016 and end June 2016. This project is under the direction of Mrs. Sarah Stauffer- Agriculture Teacher. This approval is subject to the receipt of a certificate of insurance naming the Borough as an additional insured.

Municipal Enterprises Committee

It was moved by Mr. Reinhold, seconded by Mr. Richard, and passed by a vote of seven yeas by Messrs. Barr, Reinhold, Ressler, Richard, Weiler, Mrs. Martin and Mrs. Rowe and one nay by Mr. Hertzog that Borough Council adopt Resolution 2016-13 to support review and consideration of PA HB 1417 by the Pennsylvania State Association of Boroughs when they meet on April 6, 2016.

Discussion/Announcements

Mr. Barr thanked Chief Harvey for meeting with the residents of the Brickyard this evening.

Mr. Richard said he was coming into the Borough from the east and he went past the new tire shop and saw our entrance sign propped against the trailer. Is that something we are going to get before something happens to it? Mr. Thompson said it is his understanding that it will be reinstalled.

Mr. Richard asked if we are still working on the entrance sign as a Committee. Mr. Thompson said that will be part of the economic development effort discussion.

Mayor Mowen said there is a conduit out by Musselman's, and they had agreed to let us put a sign there.

Mr. Reinhold said he took notes and appreciates the Chief and Mayor out there to speak with all those citizens a majority is not all of them from the Brickyard. Mr. Reinhold said being on Public Safety now he is anxious to see what we'll talk about in a couple weeks and is sure a lot of those people will be back again. Mr. Reinhold said he hopes that we as a Borough are going to take seriously what is going on on this Rail Trail. Mr. Reinhold said his biggest concern is people are getting frustrated. When you get frustrated your emotions start to run high. With those two ingredients mixed together bad things happen. Mr. Reinhold said he said we have to nip this in the bud before somebody takes the law into their own hands. We need to remember everyone in this town is our neighbor. You wouldn't like it if it was in your back yard. Mr. Reinhold said we talk about quality of life in the Borough then we need to live a quality of life.

Mr. Reinhold said these kids are out of control. Mr. Reinhold said he walks on the trail with his family and is disgusted when there are kids that have the most profane language around. There is no respect anywhere.

Chief Harvey gave a briefing on the South Maple Street fire. Chief Harvey said once again the emergency services of the Borough worked collectively and were unified.

ADJOURNMENT

It was moved by Mr. Barr, seconded by Mr. Ressler to adjourn. The meeting was adjourned at 8:30 PM.

Respectfully submitted,

D. Robert Thompson, Secretary