

**EPHRATA BOROUGH COUNCIL
REGULAR MEETING MINUTES
APRIL 11, 2016**

The regular Ephrata Borough Council meeting was called to order by President Susan Rowe at 7:00 PM on April 11, 2016 in the Council Chambers of the Borough Office, 124 South State Street.

Reverend Walter Carter, First United Methodist Church 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 Timothy Barr, Dale Hertzog, Linda Martin, Ricky Ressler, and Mayor Ralph Mowen. Council Member Victor Richard was absent.

Also in attendance were Borough Manager D. Robert Thompson, Police Chief William Harvey, Lt. Thomas Shumaker, 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:

Penny Talbert, Ephrata Library
Dennis Rowe, Ephrata
Gregson's 885 North Maple Street, Ephrata
Lowell Haws, 712 Vinemont Road, Reinholds
George Dillio, Library Board
Jim Summers, Ephrata Rec Center
Joy Ashley, Ephrata Library
Chandra Mast, Ephrata Shade Tree Commission
Tim Auker, 542 North State Street, Ephrata
Barbara McCaffery, Ephrata Library
Faith Samuel, 212 North Academy Drive, Ephrata
Andrea Glass, Ephrata Chamber
Erin Treese, Ephrata Chamber
David Boland, Ephrata Chamber
Timothy Horstmann, McNees, Wallace & Nurick LLC
Donna Kreiser, McNees, Wallace & Nurick LLC
Stephen Flaherty, RBC Capital Markets

PROCLAMATION

Arbor Day Celebration Proclamation

Mayor Mowen read a proclamation proclaiming Friday, April 29, 2016 as Arbor Day in the Borough of Ephrata and urged all citizens to celebrate Arbor Day and support efforts to protect our trees and woodlands.

APPROVAL OF MINUTES

It was moved by Mr. Reinhold, seconded by Mr. Barr, and unanimously passed that Borough Council approve the March 8, 2016 Regular Meeting Minutes.

MUNICIPAL MOMENT

Director Penny Talbert – Ephrata Public Library

Mrs. Talbert wished everyone a Happy National Library Week.

Mrs. Talbert wanted to talk to Council tonight about a new project the library is doing called "The Exploratorium".

Mrs. Talbert is talking about the building between the library and WAWA where Curves used to be.

That building was purchased by the library in 2004 for \$275,000. It was paid off in 2010 with a final payment of just under \$76,000 out of the library's reserves. Curves was a tenant of the library for a very long time. They came into the building in 2010. Then the construction on Route 272 began and the library could not rent the storefront. It was listed with two different brokers at that time. They couldn't find anyone to rent that building with the construction.

The library decided after examining a lot of options that they would embark on this project that they call The Exploratorium. It will serve as both a revenue generator for the library and will be a community commons for the community.

The library is looking at an incubator for education exploration, social enterprise, entrepreneurship, and community services.

The project was divided into five phases, because looking at it as one project is overwhelming.

That building is not in great shape.

Phase 1 is what used to be Curves and does not require a tone of work. Phase 2 and 3 are the garage bays in the back of the building.

The building altogether is a little less than 11,000 square feet; it is a good amount of space.

The upstairs has about six bathrooms and six kitchens. At one point this was used as apartments.

As a quick fix, as a band aid in order to get some money in to support the library, They brought VITA in and were put in the storefront. The library has been hosting VITA for years in the library and they grew too much. Last year they went all over Ephrata trying to find a place.

The library met with VITA this year and presented the storefront to them. VITA provides tax assistance to any family making less than \$52,000/year. In the borough community that's 71% of our population.

Mrs. Talbert said they were the busiest tax preparation location in Lancaster County; they had more cash returns done than any other place that VITA did in Lancaster County. VITA wants a permanent space in this floor plan. They want that to be a permanent office.

VITA would like to start a program in Ephrata so that when people get their tax returns back they just don't spend it all. They want to teach budgeting, what to do with that money, how to invest that money. We are looking at lower income folks and maybe can teach them some economic responsibility.

VITA is looking at Phase 2 as a permanent home and moving into Phase 3 during tax season because they need a lot more space.

To date, VITA filed 1,132 accepted returns at The Exploratorium site. That's nearly 20% of all the forms they filed in Lancaster County. It saved our residents approximately \$226,000 in preparation fees and returned approximately a million dollars in returns in four months. That is our residents.

Mrs. Talbert said Phase 1 will be meeting room space; the Ephrata area is very short in public meeting room space. We are really short on public meeting room space for more than twenty people.

The library room is booked months in advance.

The room will be built with an efficiency kitchen. They are working with a few caterers. That will bring in a little income to the library.

In order to reduce the need for staffing over there the library has purchased a FOB security system so they can program the FOB. If someone has a rental from 12:00 to 2:00 the FOB will let them in at 11:30 and once they leave at 2:30 the FOB will not work anymore on the building until reprogrammed.

The library is hoping to have lots of organization cutting the ribbon in their building for their own little spaces.

Mrs. Talbert said right now they are working with several organizations. Remember they are not open yet and haven't started construction yet.

The library is working with Lancaster County Coalition to end homelessness to do some preliminary numbers to use The Exploratorium maybe once a month to do intake so that people who do not have transportation that can't make it to Lancaster to get services can at least get within the system here and then receive services.

The library is working with World Church Services.

The library is Pennsylvania Career Link library to help with job searching; they can expand that over at The Exploratorium. The Library is also working with the Literacy Council of Reading and Berks. Lancaster Literacy Council does not provide GED tutoring, and the area is in desperate need of GED tutoring. The Literacy Council of Reading and Berks are willing to come out and do GED tutoring on site (semester long classes), and they are willing to do it for free if we have enough people interested. It's a \$10,000 program.

Mrs. Talbert said they are just getting the work out now so as people start to hear about it there are a lot more organizations that are interested in partnering to provide community services out of this phase.

Phase 1 is funded. The High Foundation gave the Library a \$25,000 match. The Library matched it with \$38,100 in cash and \$7,400 in "in kind" donations. All funding has been secured, and construction will begin no later than the end of May.

Mrs. Talbert said 74% of the money that was raised is money that is earmarked for expenses that are only capital. The High Foundation just funds capital campaigns with this money.

The Library is currently working on securing funding for Phases 2 and 3, because VITA would like to move in there and the Library definitely needs to have it done by January of next year for tax season.

Mrs. Talbert said all the costs associated with refurbishing The Exploratorium are coming from money specifically raised for that project. The Library is not taking donations that are coming into the Library and spending that money on The Exploratorium; they are totally separate. No money from the Library's operations can be used on any of the construction.

They are continuing to seek grants out there and trying to get funding when they can. The Library is also making sure they have 100% of the funding before they spend \$1.00 for construction. We are not spending money we don't have.

Mrs. Talbert said they are not asking the Borough for anything, but they want the Borough to be aware of what they are doing so when questions come up the Borough is aware.

Mayor Mowen thanked Mrs. Talbert for the work she does in making and keeping our Library one of the top in the County and one of the top in the State. It's something that we in Ephrata can be proud of.

OPPORTUNITY FOR CITIZENS TO BE HEARD

There were no comments or questions from attendees.

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

BUDGET AND FINANCE COMMITTEE SPECIAL MEETING REPORT - 4/11/2016

The Budget & Finance Committee met on March 22, 2016 for a Special Meeting to discuss the following:

1. Scott Kramer from RBC joined us for the meeting and reviewed his document which was an overview of refunding our current debt and financing new projects through debt.

Section 1 of the RBC document focused on the refinance the first \$10 million of Sewer debt for a savings of approximately \$369,000. The Borough Authority must keep the amount at \$10 million or less in order for the debt to be bank qualified. The term remains the same and can be repaid without any penalty. The Committee will recommend that Borough Council approve the Ordinance at the April 11, 2016 meeting.

Section 2 of the RBC document focused on the refinance of the Recreation Center debt for a savings of approximately \$79,000. The term will remain the same and can be repaid without any penalty. The Committee will recommend that Borough Council approve the Ordinance at the April 11, 2016 meeting.

Section 3 of the RBC document focused on the refinance of the remaining Sewer debt as well as the addition of new borrowing for Sewer projects. The Borough is waiting on bids for the new projects and will provide firm totals for this borrowing as soon as they are available. This item will remain on the agenda until complete.

BUDGET AND FINANCE COMMITTEE REPORT – 4/11/2016

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

1. The Committee asked the Library Board how they would prefer to receive their civic cash contributions. Ann Small confirmed that they prefer to receive their civic cash contributions in quarterly installments. The approximate dates for the payments are February 1st, May 1st, August 1st, and November 1st.

Chairman Hertzog distributed packets containing information on the Library contributions received from the Borough of Ephrata as well as financial information from 2011 – 2014. This led to a discussion concerning library funding as well as reviewing the documents with the committee and the library board regarding sources and amounts of revenues. Chairman Hertzog indicated that one of the committee's objectives is to establish the basis of the Boroughs annual civic cash contribution to the library so that the issue of funding from the Borough did not need to be revisited annually.

Chairman Hertzog posed the concept of formalizing the Borough's civic cash contribution by including it in the lease document between the Borough and the library. In addition, he asked the library board if there was any interest to develop an electric utility usage incentive program which could also be included in the lease between the Borough and the library.

The meeting concluded with the suggestion that the Library Board review all documents, confer with others as needed, and schedule another meeting for a more in depth discussion.

DEVELOPMENT ACTIVITIES COMMITTEE REPORT – 4/11/2016

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

1. The staff presented a stormwater plan for the Horst Partnership, 833 Academy Heights Avenue. The applicant is proposing stormwater management improvements for the construction of a two-family dwelling. The Committee recommends that Council approve the stormwater management plan at their April meeting subject to the inclusion of HRG's comments dated March 22, 2016.
2. The committee reviewed an Improvement Agreement for proposed stormwater improvements associated with the Horst Partnership plan, 833 Academy Heights Avenue. The amount of the agreement is \$10,755.25. The Committee recommends that Council authorize the Council President and Secretary to execute the Improvement Agreement with the developer, Horst Partnership, subject to it being in a form acceptable to the borough solicitor at their April meeting.
3. The Committee reviewed an Operation and Maintenance Agreement for the proposed stormwater improvements associated with the plan for the Horst Partnership, 833 Academy Heights Avenue. The Committee recommends that Council authorize the Council President and Secretary to execute an Operation and Maintenance Agreement with the developer, Horst

Partnership, subject to it being in a form acceptable to the borough solicitor at their April meeting.

4. The Committee reviewed a proposal for a Strategic Economic Development Plan from Urban Research and Development Corporation (URDC). The intent of the plan is to involve all organizations and provide for a sustainable program for economic development throughout the Borough. The staff prepared an RFP and interviewed 3 firms. After 2 interviews the reviewing team, which consisted of members of the various organizations, chose URDC to prepare the plan. The Committee will recommend that Council authorize the President of Borough Council and the Borough Secretary to execute the agreement at their April meeting for a not to exceed sum of \$52,300.00 subject to it being in a form acceptable to the Borough Solicitor.
5. The Committee discussed a request to refund the 2015 rental permit fees paid by Bed and Breakfast (B&B) owners. Rebecca Gallagher of the Historic Smithton Inn requested the refund since we 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. The Committee will recommend that Council refund the 2015 rental permit fees to all four B&B's subject to receipt of a written refund request signed by all B&B owners.
6. The staff provided a draft of the proposed rental ordinance to the Committee for review and comment. This is the last ordinance involved in the rewriting of the initial ordinance. The Committee is to review it and provide comments to the staff by the April Committee meeting.
7. The Committee discussed the procedure for Subdivision and Land Development sketch plan reviews by Council. Currently Council doesn't see the plans or comments until voting session and the applicant doesn't have a chance to review the plan with Council. In the future the staff will list an item on the action report to have Council authorize the staff to release the sketch plan comments to the applicant.
8. The Committee discussed a request from Martie Samuel for a local historic preservation ordinance. The Committee is concerned about the potential economic impact to property owners if this type of ordinance were enacted. The Committee would like to wait and see what efforts owners will undertake on their own and revisit the topic after seeing movement by owners.
9. There wasn't a March Zoning Hearing Board meeting.
10. There were no applications for the April Zoning Hearing Board meeting.

PUBLIC SAFETY COMMITTEE REPORT – 4/11/2016

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

1. 2016 Fleet Lease, Phase 2 – Lt. Shumaker informed the Committee that he had learned today from Hondru Ford of Manheim that they could not fulfill this final phase. The ordering of 2016 SUV's has passed; to order now would create undue delay and price increases. Lt. Shumaker recommended the purchase of two (2) Dodge Chargers (as in Phase 1 with all up fitting) for \$85,685.22. This would create a budget savings. - Unanimously approved by Committee- Action by Borough Council

SPECIAL NOTE: On Tuesday, March 22, 2016, Lt. Shumaker was informed that Whitmoyer Ford (a local Costars vendor) has SUVs to our specifications available, and they will match the price quoted by Hondru Ford so the project will remain within budget. The original goal was to increase the number of SUVs in the fleet from 3 to 5 due to our increased patrol responsibilities in more rural jurisdictions especially during inclement weather. It is recommended to complete Phase II with the final order of two (2) SUV's as planned with complete up fitting for \$101,910.00. Notification of this was sent to all PSC members.

2. 2016 Ephrata High Agricultural Project (Lamb) – Miss Lauren Kachel, a Sophomore student of Ephrata Area School District requested 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 her senior project on lamb husbandry at the Ephrata High School. This project will begin in April 2016

and end June 2016. Dates are unknown depending on lamb availability, and it was requested that Council approve at the Work Session. 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- Unanimously approved by Committee- Action by Borough Council.

3. Appointment of Designee for Snow Emergency Reimbursement – Chief Harvey presented information on the proposed reimbursement from FEMA & PEMA from Winter Storm Jonas snow emergency. It was requested that Council designate Mr. Thompson as the authorized agent to submit and receive what monies that are dispersed - Unanimously approved by Committee- Action by Borough Council.
4. VFW / Pioneer Fire Company Crab-Fest – Received For Informational Purposes Only
5. Committee Procedure Regarding Untimely Agenda Items – Acting Chair Reinhold discussed the recommended policy. President Rowe stated that the Budget & Finance Committee is requesting input from all committee chairs and will make the final policy decision later. The goal is to create a uniform policy for all committees in administrative/budgetary matters.- Unanimously approved by Committee
6. Susquehanna River Basin Commission- Discussion on new flood monitoring initiative – Received For Informational Purposes Only
7. Comp-stat (Feb 2016) – Discussion on increase of frauds (Part II crimes) and drones- Received For Informational Purposes Only
8. EMC Report (Feb 2016) – Received For Informational Purposes Only
9. WERT – There was discussion on the recent graffiti case, and the Chief and Mayor discussed camera systems. Received For Informational Purposes Only

There being no other business set before it, the meeting was adjourned at approximately 7:25 PM.

The next regularly scheduled PSC meeting will be Monday, April 18, 2016 at 6:30PM.

HIGHWAY COMMITTEE REPORT – 4/11/2016

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

1. The Committee reviewed staff's recommendation to purchase a new vehicle to replace an existing vehicle within the Electric Division fleet. The vehicle is a 2017 International 4300 SBA 4X2 Altec AM55 Double Bucket Truck and will be purchased through the Pennsylvania Department of General Services COSTARS cooperative purchasing program (Contract #025-091) through Altec Industries, Inc., Birmingham, AL in the total amount of \$202,015.00 which includes up fitting with a two-way radio, laptop PC support and 5-year extended warranty. Warranty details will be provided by Paul Swangren, Superintendent of Public Works and Water, prior to Council work session. The budgeted amount for this purchase is \$200,000. Although this vehicle purchase is over-budget, the Mobile Equipment Fund from which this vehicle is purchased is under budget. The Committee will recommend that Borough Council approve this vehicle purchase at their April 11, 2016 meeting.
2. The Committee reviewed a disposition of assets request regarding a vehicle disposal. The vehicle is a 1993 GMC Altec 4X2 Double Bucket Truck, VIN #1GDM7H1J7PJ502877, approximately 25,000 miles, estimated value of \$75,000. The aerial boom is no longer able to be inspected and certified for use prompting the need to dispose of the vehicle. This vehicle is planned for sale via public bid and will be disposed of after we take delivery of the replacement vehicle late in 2016. The Committee will recommend that Borough Council approve this asset disposal at their April 11, 2016 meeting.
3. The Committee reviewed the results of Bid #16-3 Spring Garden Street Storm Water Improvements and will recommend that Borough Council award the bid to apparent low bidder: Bottom Line Contracting, Inc. of Lititz, PA in the total bid amount of \$119,000.36 which is within the budget estimate of \$200,000. The Committee was advised that additional costs may increase the contract amount for additional trench excavation and coarse aggregate backfill to correct any soft and yielding subgrade, bituminous paving price adjustment

provisions (escalator clause), and unforeseen conditions. The Committee will recommend that Council award the bid as part of the consent agenda at their April 11, 2016 meeting.

4. The Committee reviewed a letter dated February 25, 2016 from Ben Lee, Regional Director for the Make-A-Wish Foundation requesting to travel through the Borough of Ephrata with their 27th Annual Mother's Day Convoy on Sunday, May 8, 2016. The Committee will recommend that Borough Council conditionally approve the request at their April 11, 2016 meeting subject to Borough receipt of a satisfactory certificate of insurance naming the Borough of Ephrata as additional insured and in the event that the Borough of Ephrata is required to fully indemnify and save harmless the Pennsylvania Department of Transportation regarding this event the Make-A-Wish Foundation will be required to fully indemnify and save harmless the Borough of Ephrata, its officers and employees and assume all liability for damages and injuries occurring to any persons or property through or in consequence of any act or omission of anyone associated with the annual Mother's Day Convoy.
5. The Committee reviewed a request via email dated March 16, 2016 from Plenary Walsh Keystone Partners representing the Pennsylvania Department of Transportation (PennDOT) District 8-0 permitting PennDOT to utilize Robert Road from West Main Street (SR 0322) 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 replacing the Springville Road (SR 1024) bridge over Indian Run in the summer of 2017. The Committee will recommend that Borough Council conditionally approve the request subject to Chief Harvey's approval and Borough receipt of video on approved media showing existing conditions of the streets in the Borough to be used in the detour route at their April 11, 2016 meeting.
6. The Committee discussed the Pennsylvania Department of Transportation's (PennDOT) new Special Event Permit application and its Municipal or Private Sponsor as applicant criteria requirements regarding closure of numbered state routes to accommodate certain special events such as the Ephrata Fair, Arts & Crafts and Restaurant Fair & Car Show, and Santa's Arrival/Christmas Tree Lighting Ceremony. The Committee will recommend that Borough Council require that the Private Sponsor (Downtown Ephrata, Inc., The Ephrata Farmers Day Association, Inc., etc.) for special events requiring closure of a numbered state route complete PennDOT's Special Event Permit application as Applicant and that a designated Borough employee shall assist Private Sponsors with completing their initial application at their April 11, 2016 meeting.
7. The Committee discussed a recent merchant request regarding placing a bench outside their store. The Committee has denied the request for placing outdoor furniture within a street right-of-way unless approved where a curb and sidewalk bump-out exists due to liability concerns. Any approved outdoor furniture should match existing similar furniture. The merchant will be notified regarding her recent request.
8. The Committee discussed Borough vehicle identification and reviewed a sample logo provided for cost purposes. Estimated costs to outfit the Borough's rolling fleet (66 vehicles) with that sample logo would be approximately \$10,000. The Committee directed staff to provide several samples of artwork including the Borough seal to be considered for Borough vehicle identification at a future Highway Committee meeting.
9. The Committee was updated on 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. The state budget has been approved and we will wait approximately one month to be notified if the Borough will be a recipient of a previously applied for grant to complete the project. The Committee will further discuss what action to take regarding that project and potential grant award at their April 25, 2016 meeting.

MUNICIPAL ENTERPRISES COMMITTEE REPORT - 4/11/2016

1. Director of Operations, Thomas Natarian reviewed results of a Request for Proposal for Surveying and Engineering Services for the Distribution Line from the Solar Site to the Borough's substation. Five proposals were received, and Staff recommends acceptance of the low bid from Diehm & Sons, Inc. of Lititz, PA in the amount of \$22,500. The Committee will recommend that Council award the bid to Diehm & Sons when they meet on April 11, 2016.

2. The Committee reviewed a proposal from GDS Associates, Inc. of Marietta, GA (GDS) for Power Supply Planning and Market Services. The Borough has engaged the services of GDS for the past several years on an as needed basis. Examples of GDS's work include the development of the Master Power Supply Plan followed by the Borough. In addition they have been involved with almost all power supply issues faced by the Borough. The proposal establishes an annual contract with a flat monthly fee of \$4,000 to provide a range of existing and 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. The Committee will recommend that Council approve the proposal and authorize the Borough Manager to execute an agreement with GDS Associates upon terms acceptable to the Solicitor when they meet on April 11, 2016.
3. Borough Manager, D. Robert Thompson reviewed with the Committee a draft of an agreement with Clay Township for extension of the sewer system to certain properties along Route 322. Under the agreement the Township would establish a line of credit to be used by the Borough to pay for costs of the proposed extension. The Committee endorsed the draft proposal, and authorized the Borough Manager to send the draft proposal to the Township in order to finalize an agreement that would be subject to final approval by Council.
4. The Committee was addressed by Jeanne Shearer, Regional Vice President of State Government Affairs for Windstream Communications, Inc. Ms. Shearer discussed a bill currently before the PA House of Representatives (HB 1417) in regards to the Pennsylvania Universal Service Fund (PaUSF). The PaUSF provides funding for rural telephone services throughout the Commonwealth. Windstream supports HB 1417 that would direct the Pennsylvania Public Utility Commission to determine the fate of the PaUSF. The Pennsylvania State Association of Boroughs (PSAB) has indicated that if their members express interest, the PSAB will ask their membership to vote on whether the PSAB should support HB 1417. Ms. Shearer requested that the Committee support HB 1417 and express support to PSAB for consideration of HB 1417 at their April 6, 2016 meeting. After much discussion, the majority of the Committee agreed to recommend a resolution to support HB 1417 and express support to PSAB for consideration of HB 1417. Ms. Shearer offered to prepare a draft resolution to be considered at the Work Session on April 4, 2016.
5. The Committee discussed the Advanced Meter Project being developed by American Municipal Power (AMP). The Borough has signed a non-binding letter of intent to participate in the program. AMP is negotiating final contracts with vendors and preparing subscription materials and financing options for participants. Staff has organized a project team to address local implementation issues and to coordinate activities with AMP. Staff will continue to work with AMP to develop a program that meets the Borough's needs. Once details of the program are available, Staff will develop a recommendation for the Committee to consider at a future meeting.
6. Mr. Natarian reviewed a proposal prepared by GDS for the next round of power supply purchasing per the Master Power Supply Plan. Taking into consideration the impact of the Solar Site, the recommendations are to seek monthly blocks for 2017, a 4.3 MW 7X24 Winter seasonal block (Jan, Feb, Dec) and a 2.0 MW 7X24 Summer seasonal block (Jun, Jul, Aug) for 2018-2020. Staff will work with GDS and AMP to obtain indicative pricing and prepare a resolution for the next round of power purchasing in time for the April 18, 2016 Committee meeting.
7. Mr. Natarian updated the Committee on a complaint filed against the Borough with the Public Utility Commission (PUC) by Mr. Robert Wasneuski. The Borough's position is that the Borough is not a Public Utility nor an Electric Generation Supplier as those terms are defined by law. Accordingly, the Borough is not subject to the jurisdiction of the PUC. An Administrative Law Judge has been assigned by the PUC. Staff will continue to monitor the situation closely. Legal fees to date have amounted to \$3,206.24.
8. The Committee discussed an agenda protocol offered by the Budget and Finance Committee. Specifically, any item that is new or requires action in the next month must be on the Committee agenda before proceeding to Work Session, and subsequently, Council Voting meeting. If there is an emergency situation that must be handled without being on the Committee agenda staff must discuss the issue with the Committee Chair prior to the Work or Voting Council meeting to determine the appropriate course of action. The Municipal Enterprises Committee accepted the agenda protocol recommended by the Budget and Finance Committee.
9. Mr. Natarian reported that AMP is once again offering the AMP Public Power Certification Course. Several members of Staff and the Council took the Course when it was offered in

2014. This is a seven session course offered live on March 29, April 12, April 26, May 10, May 24, June 7, and June 21. Each session will be recorded and available to participants who cannot participate in the live session. This course is most appropriate for new Council members.

COMMUNITY SERVICES COMMITTEE REPORT – 4/11/2016

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

1. Borough Manager reviewed the Lease Agreement between the Borough of Ephrata and Ephrata Youth Football Program, Inc. for a 20' x 20' shed in the Lincoln Heights Outdoor Recreation Area. The term of the lease is for 5 years with one additional 5 year term which automatically renews. After the ten years, the lease goes year to year. The annual Lease amount will be \$1.00. The Committee will recommend that Borough Council approve the Lease at their April meeting subject to a form acceptable to the Borough Solicitor.
2. Chandra Mast from the Shade Tree Commission reviewed a request to hold Arbor Day activities along Winters Trail adjacent to Veterans Plaza on April 29th as identified in the March 22, 2016 event proposal. The Committee will recommend that Borough Council approve the request at their April meeting subject to review and approval by the Chief of Police.
3. 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 am to 1:00 am on public sidewalks at the intersection of Main & State Streets. The Committee will recommend that Borough Council approve the request at their April meeting subject to approval by the Chief of Police.
4. Jim Hackett, Ephrata Rec Center, discussed new signage at the community parks. The Committee had no objections. No further action is required.
5. Jim Summers, Executive Director of the Ephrata Recreation Center, reviewed with the Committee the 2016 community pool season ticket sale dates. Tickets go on sale Friday, April 1st. Pre-season pricing is available through Friday, May 20th. Pool pass pricing is available on the Borough's web site. No further action is required.
6. Borough Manager reported that Ephrata Borough is seeking a council and at-large representative for the Regional Rails-to-Trails Committee. The Rail Trail Advisory Group consists of representatives from Ephrata and Warwick Townships and Akron and Ephrata Boroughs. The Committee consists of municipal managers, a council/supervisor rep and an at-large rep. Staff will provide potential applicants for the committee to consider at their April 25th meeting.
7. The Committee discussed a Community Dog Park in the Borough. Joanne Ressler visited the two (2) existing Lancaster County dog parks and shared her comments. The Committee had no objections on gathering additional information and identifying possible locations in order to develop a future capital project for the 2017 budget.

SPECIAL PROJECTS COMMITTEE REPORT – 4/11/2016

The Special Projects Committee met on March 21, 2016 and discussed the following:

1. The Solicitor discussed the proposed draft ordinance regulating mobile food vending with the Committee members. Generally the Committee's opinion was that the proposed ordinance was too restrictive. The Committee's direction is to revise the ordinance to minimize the requirements on vendors while protecting the public health and welfare. The staff will revise the ordinance and return to the Committee for their April 18 meeting.
2. The Solicitor reviewed with the Committee proposed changes to the not-for-sale use of alcohol ordinance. The changes require that any proposed use of not-for-sale alcohol on Borough owned properties receive a written opinion from the PLCB regarding the compliance of the proposed use with PLCB regulations. The intent is for the PLCB to provide an interpretation of their regulations not the Borough. The Committee is satisfied with the proposed changes; however, it also asked the Solicitor to add a section to the ordinance that addresses special events. There was also some discussion concerning the impact of the proposed changes to existing operations of the Eicher House and EPAC.

Borough Manager Thompson will contact each organization and discuss the proposed changes and the impacts on each.

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

1st Quarter Financial, Police, Inspection/Codes, Wastewater Treatment Division, Public Works Division, Water Division, Sanitation, Ephrata Public Library, Ephrata Recreation Center

DEI
 Historical Society of the Cocalico Valley
 Mayor's Revenue Report

The following reports were not received – Electric, EEDC, EPAC, Merchants Association

STANDING COMMITTEE RECOMMENDATIONS

Budget and Finance Committee

It was moved by Mr. Hertzog, seconded by Mr. Weiler, that Borough Council enact Ordinance 1522 to approve the refunding of the outstanding Sewer Bonds of the Borough Authority.

Mr. Flaherty, with RBC, said the refunding of the sewer bonds is the refunding of a portion of the 2010 sewer bonds and the 2014 sewer note, which is a bank note. Both of these are refinancing's because of the low interest rates which is beneficial. The terms and length of the loans are not being changed. It is strictly exchanging high rate debt for lower rate debt. On the sewer bonds there is an estimated savings of \$369,000.

The second loan is for the Rec Center. The Rec Center has an existing debt issuance, a 2014 bank note, as well. The note was issued on behalf of the Rec Center by the Authority. The Authority is not responsible for any of the payments.

In both instances, both the Authority's refunding transaction and the Rec Center's refunding transaction the Borough has guaranteed the existing debt. The total savings on the Rec loan on a present value basis is about \$76,900.

Mr. Flaherty said from a financial side that is the benefit of the impetus for doing the transactions

Mrs. Kreiser said there is an ordinance in front of the Council Members. This ordinance authorizes the authority to issue bonds to undertake the refunding of existing debt of the Authority as it relates to the sewer system project. This ordinance was drafted in compliance with the requirements and authorizes the Borough Council to undertake the guarantee of the debt to be issued by the Authority. The debt for the Borough is self-liquidating so while it will show on the debt statement of the Borough it will be excluded as self-liquidating debt. As a result a certification of this by the Authority Engineer will be made. Those bonds are secured in the first instance by the revenues of the sewer system and then are additionally secured by this Borough's guarantee.

The motion was approved by a vote of six yeas by Messrs. Barr, Hertzog, Reinhold, Ressler, Weiler, and Mrs. Martin and an abstention by President Rowe.

It was moved by Mr. Hertzog, seconded by Mr. Weiler, and passed by a vote of six yeas by Messrs. Barr, Hertzog, Reinhold, Ressler, Weiler, and Mrs. Martin and an abstention by President Rowe that Borough Council enact Ordinance 1523 to approve the refunding of the outstanding Recreation Center Bond of the Borough Authority.

President Rowe explained that she abstained, because she works for a company that rates municipal guarantee bonds.

Development Activities Committee

It was moved by Mrs. Martin, seconded by Mr. Weiler, and unanimously passed that Borough Council approve the stormwater management plan for the Horst Partnership, 833 Academy Heights Avenue subject to the inclusion of HRG’s comments dated March 22, 2016.

It was moved by Mrs. Martin, seconded by Mr. Weiler, and unanimously passed that Borough Council authorize the Council President and Secretary to execute the Improvement Agreement in the amount of \$10,755.25 for the Horst Partnership plan for 833 Academy Heights Avenue with the developer, Horst Partnership, subject to it being in a form acceptable to the borough solicitor.

It was moved by Mrs. Martin, seconded by Mr. Hertzog, and unanimously passed that Borough Council authorize the Council President and Secretary to execute an Operation and Maintenance Agreement for Horst Partnership plan, 833 Academy Heights Avenue with the developer, Horst Partnership, subject to it being in a form acceptable to the borough solicitor at their April meeting.

It was moved by Mrs. Martin, seconded by Mr. Weiler, and unanimously passed by roll call vote that Borough Council authorize the President of Borough Council and the Borough Secretary to execute an agreement for a Strategic Economic Development Plan with Urban Research and Development Corporation for a not to exceed sum of \$52,300.00 subject to it being in a form acceptable to the Borough Solicitor.

It was moved by Mrs. Martin, seconded by Mr. Weiler, and unanimously passed that Borough Council refund the 2015 rental permit fees to all four Bed and Breakfasts subject to receipt of a written refund request signed by all B&B owners.

President Rowe asked if we received the written letter.

Mr. Thompson said he has a request from the 1777 House and expects to receive one from The Smithton tomorrow. It would be conditioned upon receipt.

Public Safety Committee

It was moved by Mr. Weiler, seconded by Mrs. Martin, and unanimously passed by roll call vote that Borough Council authorize a four year leasing agreement with Santander in the amount of \$101,910.00 plus leasing costs for the purchase of police vehicles. The lease shall be in a form acceptable to the borough solicitor.

It was moved by Mr. Weiler, seconded by Mr. Reinhold, and unanimously passed by roll call vote that Borough Council authorize the purchase of (2) Ford Interceptor SUVs for the fleet through the COSTARS cooperative purchasing program from Whitmoyer Ford of Mount Joy in an amount not to exceed \$101,910.00.

It was moved by Mr. Weiler, seconded by Mrs. Martin, and unanimously passed that Borough Council adopt Resolution 2016-12 appointing Borough Manager Thompson as the authorized agent for the Borough to submit for Snow Emergency Reimbursements from FEMA & PEMA from Winter Storm Jonas snow emergency.

RESOLUTION 2016-12

PEMA-DAP -2

DESIGNATION OF AGENT RESOLUTION

FOR: Winter Storm Jonas
(Enter Name of Disaster or Number)

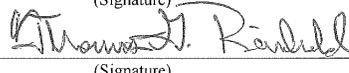
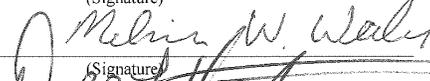
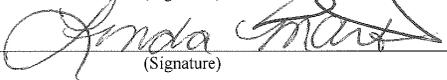
BE IT RESOLVED BY Borough Council **OF** Ephrata Borough
(Governing Body) (Public Entity)

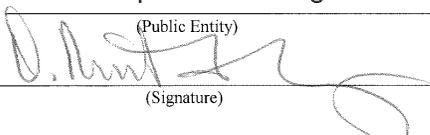
THAT D. Robert Thompson, Secretary
(Name of Applicant Agent) (Title)

IS HEREBY AUTHORIZED TO EXECUTE FOR AND IN BEHALF OF
Ephrata Borough, Lancaster County,
(Public Entity) (County)

a public entity established under the laws of the Commonwealth of Pennsylvania, all required forms and documents for the purpose of obtaining financial assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288 as amended by Public Law 100-707).

Passed and approved this 11th day of April, 2016.

Susan E. Rowe	President	
<small>(Name)</small>	<small>(Title)</small>	<small>(Signature)</small>
Thomas G. Reinhold	Vice President	
<small>(Name)</small>	<small>(Title)</small>	<small>(Signature)</small>
Melvin W. Weiler	Pres. Pro Tem	
<small>(Name)</small>	<small>(Title)</small>	<small>(Signature)</small>
Dale L. Hertzog	Council Member	
<small>(Name)</small>	<small>(Title)</small>	<small>(Signature)</small>
Linda C. Martin	Council Member	
<small>(Name)</small>	<small>(Title)</small>	<small>(Signature)</small>

CERTIFICATION			
I, <u>D. Robert Thompson</u>	duly appointed and	<u>Secretary</u>	
<small>(Name)</small>		<small>(Title)</small>	
of <u>Ephrata Borough</u> , do hereby certify that the above is a true and correct copy of			
<small>(Public Entity)</small>			
a resolution passed and approved by the <u>Borough Council</u>			
<small>(Governing Body)</small>			
of <u>Ephrata Borough</u> on the <u>11th</u> day of <u>April</u> , 20 <u>16</u> .			
<small>(Public Entity)</small>			
	<u>Secretary</u>	<u>4-12-16</u>	
<small>(Signature)</small>	<small>(Official Position)</small>	<small>(Date)</small>	

Highway Committee

It was moved by Mr. Barr, seconded by Mr. Ressler, and unanimously passed by roll call vote that Borough Council authorize the purchase of a 2017 International 4300 SBA 4X2 Altec AM55 Double Bucket Truck through the Pennsylvania Department of General Services COSTARS cooperative purchasing program from Altec Industries, Inc. of Birmingham, AL in the total amount of \$202,015 which includes an emergency radio, laptop PC support and 5-year extended warranty. The budgeted amount for this purchase is \$200,000.

It was moved by Mr. Barr, seconded by Mr. Ressler, and unanimously passed that Borough Council authorize a disposition of assets regarding a 1993 GMC Altec 4X2 Double Bucket Truck, VIN #1GDM7H1J7PJ502877. This vehicle will be sold via public bid following delivery of new replacement vehicle.

It was moved by Mr. Barr, seconded by Mr. Ressler, and unanimously passed that Borough Council conditionally approve the request from the Make-A-Wish Foundation per their letter dated February 25, 2016 for their 27th Annual Mother’s Day Convoy to travel through the Borough of Ephrata on Sunday, May 8, 2016 subject to Borough receipt of a satisfactory certificate of insurance naming the Borough as additional insured and in the event that the Borough of Ephrata is required to fully indemnify and save harmless the Pennsylvania Department of Transportation regarding this event the Make-A-Wish Foundation will be required to fully indemnify and save harmless the Borough of Ephrata, its officers and employees and assume all liability for damages and injuries occurring to any persons or property through or in consequence of any act or omission of anyone associated with their annual Mother’s Day Convoy.

It was moved by Mr. Barr, seconded by Mr. Ressler, and unanimously passed that Borough Council conditionally approve the request from Plenary Walsh Keystone Partners representing PennDOT to establish and maintain a detour route using Robert Road and Apple Street from Robert Road to the Borough Boundary Line while replacing the Springville Road (SR 1024) bridge over Indian Run in the summer of 2017 subject to Chief Harvey’s approval and Borough receipt of a video showing existing street conditions prior to the establishment of the detour route.

It was moved by Mr. Barr, seconded by Mr. Ressler, and unanimously passed that Borough Council require that Private Sponsors for special events, necessitating closure of a numbered state route, complete PennDOT’s Special Event Permit application as Applicant and that a

designated Borough employee shall assist private sponsors with completing their initial application.

Mr. Hertzog asked what was the nexus of this. Mr. Thompson said PennDOT revised their special events permit application and made it significantly more complex than had been previously. As a result, there is a fair amount of staff time that would be involved in preparing it. The discussion was that the event sponsor should be responsible for the submission, getting the approvals in time. They have also extended the time period to review the applications; previously it was within thirty days and now it's a minimum of sixty. The staff will be more than happy to assist but the event sponsor should take responsibility.

Municipal Enterprises Committee

It was moved by Mr. Reinhold, seconded by Mr. Hertzog, and unanimously passed by roll call vote that Borough Council award a contract to Diehm & Sons, Inc. of Lititz, PA in the amount of \$22,500 for Surveying and Engineering Services for the Distribution Line from the Solar Site to the Borough's substation.

It was moved by Mr. Reinhold, seconded by Mr. Hertzog, and unanimously passed by roll call vote that Borough Council authorize the Borough Manager to execute a 36 month agreement with GDS Associates, Inc. of Marietta, GA in the amount of \$4,000 per month for Power Supply Planning and Market Services upon terms acceptable to the Solicitor.

Community Services Committee

It was moved by Mr. Barr, seconded by Mr. Ressler, and unanimously passed that Borough Council authorize the President of Borough Council and the Borough Secretary to execute a lease with Ephrata Youth Football Program, Inc. to lease approximately 400 square feet of land in the Lincoln Heights Outdoor Recreation Area subject to a form acceptable to the Borough Solicitor.

It was moved by Mr. Barr, seconded by Mr. Reinhold, and unanimously passed that Borough Council approve the request from the Ephrata Borough Shade Tree Commission to hold an Arbor Day celebration along the Major Richard "Dick" Winters Trail on April 29, 2016 per their letter dated March 22, 2016. This approval is subject to review and approval by the Chief of Police.

It was moved by Mr. Barr, seconded by Mr. Ressler, that Borough Council approve the request from the New Covenant Church of God to hold a prayer vigil on the public sidewalks at the intersection of Main and State Streets on Friday, May 6, 2016 from Midnight to 1:00 am subject to the receipt by the Borough of a certificate of insurance naming the Borough as an additional insured and approval by the Chief of Police.

Mr. Reinhold said since it's truly starting at midnight should it be Saturday, May 7. Mr. Weiler said the way it is written it sounds like its Friday morning. Mr. Thompson said we probably should amend that to say May 7.

It was moved by Mr. Barr, seconded by Mr. Ressler, and unanimously passed that Borough Council amend item 3, the approval of the New Covenant Church of God to hold a prayer vigil on the public sidewalks at the intersection of Main and State Streets and change the time to Saturday, May 7, 2016 from midnight to 1:00 AM.

Mayor Mowen asked if this is a change because when Mayor Mowen originally received the call the Church wanted to do it in The Plaza. Mr. Thompson said at the Committee Meeting they specially said at the four corners of the intersection.

APPROVAL OF CHECKS 25835 THROUGH 26114 AND THE ACH REGISTERS DATED MARCH 31, 2016 and APRIL 7, 2016

***Checks 25916 and 25918-2924 were destroyed due to printing errors.**

It was moved by Mr. Weiler, seconded by Mr. Barr, 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 \$1,814,411.25.

OPPORTUNITY FOR CITIZENS TO BE HEARD

There were no comments or questions from attendees.

DISCUSSION/ANNOUNCEMENTS

Mr. Barr said over the weekend he did notice a police presence on Queen Street near the basketball courts. The Officers are certainly being observant.

Chief Harvey said just a friendly reminder from the emergency management side of the house; the last week of April is severe weather awareness month.

Mr. Thompson said Council passed a resolution authorizing the PEMA and FEMA reimbursement. There are five signatures of Council members required, please execute this before you leave.

President Rowe said she has one item. A new business downtown ribbon cutting will be held this Friday at 4:00 PM for Sweet Sally Soaps at 7 South State Street.

ADJOURNMENT

It was moved by Mr. Reinhold, seconded by Mr. Weiler to adjourn. The meeting was adjourned at 8:00 PM.

Respectfully submitted,

D. Robert Thompson, Secretary