

**EPHRATA BOROUGH COUNCIL
WORK SESSION MINUTES
JUNE 6, 2016**

The Ephrata Borough Council Work Session was called to order by President Susan Rowe at 7:00 PM on June 6, 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, and Borough Solicitor James R. McManus, III, Esq.

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

Tidd Shoaf, Pioneer Management
Elvin Martin, 633 Stricklerstown Road, Newmanstown, LCH Weaverland Mennonite Home

Opportunity for Citizens to be Heard

There were no questions or comments from attendees.

Discussion of Committee Actions

The Committee Chairs reviewed and discussed their work session items.

Budget and Finance Committee

Mr. Hertzog said the only item coming before Council next week is an item where Council is going to be asked to guarantee a bond that has been authorized by the Borough Authority. It's called a refinance, but it's not completely all refinance - \$1.5 million of refinance and \$3.25 million of new money for a sewer project.

Council's action will be to guarantee the financing. The Borough Authority authorizes the debt, and the Borough guarantees the debt, which ends up providing more favorable rates and thereby saves our taxpayers money.

President Rowe noted that she will have to abstain from voting on this even though she is no longer employed by the firm that rates municipal guarantee debt. She is still prohibited from voting on the action by her company.

Development Activities Committee

Mrs. Martin said there is a lot add on plan for Lincoln Christian Homes located at 1307 Apple Street. A 3.558 area of land will be removed from the Liberty Baptist Church who currently owns it at 47 Cindia Lane and added to the Lincoln Christin Homes tract.

The Committee also reviewed a proposed land development plant for the Robert Road tract. The plan is proposing to demolish three existing buildings and construct two new multi-family buildings. They are apartments that contain eight units each in each building for a total of sixteen apartments on the site. There will be a 33 space parking lot and a bio retention area for stormwater management. The Applicant requested seven waiver modifications that the Committee reviewed and will recommend that Borough Council approve the seven waivers and approve the plan as a final land development plan subject to inclusion of staff comments and the HRG comments and an approved stormwater management plan.

The Committee also reviewed Bid #16-5 Fulton Maintenance Garage Renovations. They discussed the two add-on alternates for the heating word and decided to accept the both add-ons. The bid cost with both alternates is will be less than budgeted so the Committee will recommend that Council award Bid #16-5 and the two add alternates to Purcell Construction Company in Denver for a total of \$300,200.

The Committee also reviewed a lease for the Ephrata Area Repeaters Society. The Repeaters lease land on the Ephrata Mountain for two radio towers. Their current lease will expire at the end of June, and they would like to execute a lease for a ten-year period. They currently pay a rental fee of \$700/year. The proposed lease will keep the rental fee at \$700/year for the first five years and increase the fee to \$800/year for the second five years of the lease.

Mrs. Martin said Mr. Thompson was told that the Repeaters would like to eliminate the rental fee since they provide a public service during emergencies. There was no representation from them at the Committee meeting. Mrs. Martin said the Committee discussed this and thought it was reasonable to leave the lease as it was with the additional \$100 for the second five years.

Mrs. Martin said she would like to send the Repeaters issue back to Committee. More information has come to light, and they would like it brought back to Committee for reconsideration. Until then Mrs. Martin would like to recommend that Council extend the lease for 90 days and defer the \$700/year fee until they can reconsider.

Mr. Hertzog questioned what's been proposed - so there will be no fee for 90 days?

Mr. Thompson said since it's an annual fee we have not invoiced yet for the 2016/2017 annual amount. Once the lease is resolved and comes back to Council then at that point in time the annual amount will be invoiced.

Public Safety Committee

Mr. Weiler said the Committee will be notifying the Civil Service Commission of a vacancy in the Police Department and request a certified list of three names from the list of eligible applicants for the purpose of filling said vacancy. The Committee will have some action items at the end of the meeting.

Highway Committee

Mr. Richard reviewed the Highway Committee items.

The Committee is recommending disposal of a 2004 Ford Ranger and also a 2009 Ford Escape.

The 2004 Ford has a failing transmission and will be sold at Garden Spot Auto Auction and is scheduled for replacement the first quarter of 2017.

The 2009 Ford Escape Hybrid will be disposed of at a later date. The hybrid type vehicle for Borough use is not really the best selection with the amount of miles we put on with short drives. The battery is due for replacement in the next few years at a cost of about \$10,000. The vehicle will be used as a temporary replacement of the 2004 Ford Ranger.

The Committee's last two items are related to the Ephrata Fair. Letters were received from the Boy Scout Troops requesting to use the parking lots during the Ephrata Fair to park cars as fund raisers.

Municipal Enterprises Committee

Mr. Reinhold said the Director of Operations reviewed a recommendation from AMP regarding FTRs (financial transmission rights). AMP's recommendation is to participate in the monthly auctions for the FTRs along the PJM West to Ephrata path for the power year 2016/2017 with variable strike prices throughout the year. Staff reviewed the FTR proposal from AMP and agree with the recommendation. Staff's recommendation to stabilize congestion costs by participating in the monthly FTR auction for energy year 2016/2017 as outlined in Resolution 2016-15. The Committee will recommend that the resolution be adopted.

The Committee also reviewed the request to reduce the financial security from Countryside Enterprises (Tents for Rent). The request is to reduce all remaining escrow being held by the Borough upon completion of the sanitary sewer facilities improvements. The Committee will recommend that Council approve their request.

Community Services Committee

Mr. Thompson said the 125th Birthday Celebration was discussed at the Committee level but the submission of the request had not been submitted. The Committee understood that if the request came in prior to the Work Session that we would insert it into the packet. You don't have a report on it because we didn't have an action item at that time. The request was placed in the packet for discussion this evening.

Mr. Barr read the letter submitted by DEI stating that they came before the Community Services Committee with notification that they would request the Committee take before Borough Council for a vote a request to use the Whistle Stop Plaza on Friday, August 19, 2016 to host a 125th Birthday Celebration for Ephrata Borough. This will be a family oriented event.

The Committee members had no concerns about the event.

Opportunity for Citizens to be Heard

There were no comments from attendees.

Recommendations

Public Safety Committee

It was moved by Mr. Weiler, seconded by Mr. Reinhold, and unanimously passed that Borough Council, per Section 5.2 of the Civil Service Rules, notify the Civil Service Commission of a vacancy in the police department and request a certified list of (3) names from the list of eligible applicants for the purpose of filling said vacancy.

It was moved by Mr. Weiler, seconded by Mr. Reinhold, and unanimously passed that Borough Council approves the hiring of Corey E. Nixon for the position of Police Officer effective July 6, 2016. This will be a conditional offer of employment pending Mr. Nixon's successful passing of a physical and psychological examination and drug screening. Mr. Nixon will be subject to a one year probationary period beginning July 6, 2016 and ending July 6, 2017.

Discussion/Announcements

Mr. Ressler said a few weeks back he had the opportunity to go on a ride along with a Police Officer that Chief Harvey made available. Mr. Ressler said he was very much impressed with both the Police Officer and the operation of the department. We do have the finest here.

Mr. Ressler said last week he did a tour of the facilities, which helps him as a Council person better understand the things he is up here voting on. Mr. Ressler appreciated the staff that was involved in those operations.

Mr. Barr said he enjoyed the tour as well this past week; it was very insightful.

Mr. Richard was also on the tour. In eleven years it's amazing how we have upgraded and changed things.

Mr. Reinhold said he has had time to cool off since last Tuesday night. In regards to the pool and in regards to the behavior on the weekends some times. Mr. Reinhold thanked the Chief and the department for listening to his rant and having a meeting two days later in the morning. This all stemmed from the incident on Memorial Day around 4:30 PM. There was an altercation with a number of individuals.

Mr. Reinhold said he could care less where anyone comes from to use our pool; it's a nice feature we have in town. Behavior has to fall within the guidelines that we should set forth. People are going to a pool in summertime to enjoy themselves, to relax before they have a week of work. There are plenty of kids there and stuff like that occurs, Mr. Reinhold doesn't want to tolerate it as a citizen, as a member, and Councilperson.

The Police Department is going to offer some high visibility patrol of the pool and park areas. They will be working hand in hand with the Rec Center.

Mr. Reinhold said he doesn't feel anyone should feel concerned about being at the pool after a certain time on a Saturday or Sunday. Obnoxious behavior, whether it's at the pool or rail trail, we will address it.

Mr. Reinhold was glad to see the Ephrata High School Boys Baseball team win the district title. Unfortunately their season ended today; they lost 4-2 this afternoon.

Mrs. Martin dittoed her colleague's comments. The tour was wonderful; Mrs. Martin learned that she has a lot more to learn.

Mr. Hertzog said he would be remiss to not mention that today is D-Day, 72 years later. Mr. Hertzog said he couldn't help but think of how those young G.I.s had to face courage in spite of looking right down at death. Mr. Hertzog said before he came this evening he was watching Channel 6 News who had a 91 year old man on there who served at D-Day. He said that Patton gave them a pep talk and told them – you're a replacement. If you go down and die we have others to replace you. Mr. Hertzog said when he heard that he thought holy smokes. How would that go over today? You're just not saying the right thing to me. That's what Patton said to them. Can you imagine? Don't worry you get killed we've got somebody to replace you. A lot of courage and heroism 72 years ago.

In watching the news Mr. Hertzog said there is an exhibit in Gettysburg where some of Major Dick Winter's artifacts are on display.

Mr. Hertzog said at this time he would like to engage in a discussion with the solicitor about the Rec lease.

Mr. Hertzog said since approximately 1977 there has been a lease agreement in place between the Borough and the Rec. Mr. McManus said that is correct.

Mr. Hertzog said per an agreement at the same time the lease was to be changed to be between the Ephrata Borough Authority and the Rec after construction of said construction. Mr. McManus said that is correct; that was a resolution of Council that said that.

Mr. Hertzog said is it correct that the title or deed to the Rec is in the Ephrata Borough Authority's name. Mr. McManus said yes, it was transferred to the Authority, and that's not uncommon with the purposes of financing. Mr. McManus said he believes this occurred in 1978.

Mr. Hertzog since the Ephrata Borough Authority has title to the Rec is a lease between the Borough and the Rec binding or appropriate.

Mr. McManus said he thinks it's appropriate to have the lease as originally intended, which is between, pursuant to the resolution and act of 1976 that the lease occurred between the Authority and Rec Center. That apparently has never actually taken place.

Mr. Hertzog said is it fair to say that in almost 40 years we have not executed a document pursuant to the wishes of Council. Mr. McManus said pursuant to the resolution of 76 he believes that is accurate to say.

Mr. Hertzog said he has heard the Borough Authority and the Borough are the same. You're a solicitor for both entities. Could you please explain to Council how the two entities are the same; but also what makes them different?

Mr. McManus said they are not the same. They are separate legal entities. The Borough Authority is a creature of the Authorities Act. The Borough of course is a creature of a charter that created Pennsylvania Municipalities. The Authorities were created for the specific purposes and general purposes, primarily Authorities are utilized for purposes of financing. There is a distinction between municipal financing and Authority financing. The rules and regulations affecting debt limits are different. It's much easier and flexible for an Authority to borrow than it is for a Borough; because a borough has something called debt limits and if they exceed it then it can only be exceeded by a referendum or some public action. That in a nutshell is the distinction. The number of projects that can be funded by way of a Municipal Authority in Pennsylvania far exceeds the number of projects that are specified in the Borough Code.

Mr. Hertzog said in light of all this information would it be your recommendation to proceed and get the lease cleaned up and get it in the proper terms that the resolution called for back in 78.

Mr. McManus said it would. It's a technical obligation. What happened to the lease that exists? You can make an argument that when property is transferred the lease that exists doesn't go away. There's an implication involved that takes subject of that lease. Mr. McManus said you are absolutely right. For technical compliance the owner of the property should be the lessor. Our Authority doesn't have the staff that actively participates and so the staff of the Borough has filled that role. So in a way to allow ownership to occur as the Authority as lessor and owner and the Borough to be involved there are different mechanisms. A lease could specify that the Borough would administrate it or they could sign the lease for purposes of administrative purposes. Those are technical things that could be incorporated but fundamentally the owner or lessor would be the Authority and the lessee would be the Rec Center.

Mr. Hertzog asked President Rowe in light of this information he would ask that this be moved to a Committee for action as per the Solicitor's recommendation.

President Rowe said she agrees and will let the Borough Manager determine which Committee.

Mr. Hertzog said he has one other statement. Yesterday Mr. Hertzog watched his news shows, and he was watching where they discussed at the state department level. The State Department had some actions. This is at the federal level where they deleted eight minutes worth of video. All four panelists agreed that the actions were reprehensible. I feel that even at the local municipal level that if there were to be any deletions of any electronic record – if that would take place – that would be reprehensible as well. Those kind of actions not only are violations of the Sunshine Act but violate the trust bestowed upon us by the public.

Mayor Mowen said several of you Council persons attended the Heroin Community meeting last week. Mr. Mowen appreciates the support and your attendance. Hopefully you got out as much of it as Mr. Mowen did. Mr. Mowen thought it was a very informative meeting. We did have the highest attendance of the meetings held around the County. We had three municipalities and two school districts covered; the presentation was timely and informative.

Mayor Mowen did get a letter in the mail last week that he would like to read. It was addressed to Mayor Mowen.

Dear Mayor Mowen,

I am writing this letter both in my official position with the County and as a resident of the Borough. On numerous occasions I attended Council meetings to present various certifications to Chief Harvey. I can truly say that Bill is the most highly trained municipal emergency management coordinator in Lancaster County. With his experience and with respect within the community Ephrata has one of the most progressive and well prepared EMA programs within the county. There is no doubt in my mind that with other emergency service organizations the borough is properly prepared for almost any potential incident. Bill's commitment to training and planning far exceeds what most other municipal coordinators achieve. The time he spends on top of his responsibilities as Police Chief is not for the betterment of himself but because of his love for community and its residents. I have often spoken about Bill's commitment to his position but with his recent achievement felt a written commendation for his tireless efforts was in order. It is my pleasure and honor to know Bill as a dedicated community leader and someone I can trust to provide support and advice at a higher level when needed. Thank you for allowing Bill to be our Police Chief and EMA Coordinator. The citizens of our community are indeed fortunate. Sincerely, Randy S. Gockley, Emergency Management Coordinator, County of Lancaster.

Mayor Mowen said the Chief has again shown that he does have a great commitment and desire to serve the people of the borough.

Chief Harvey noted that they did have a special meeting tonight of Public Safety, which included an Executive Session for a police officer hiring.

Thursday night at 7:00 PM there is a 2nd quarter emergency management meeting.

Mrs. Rowe said about two weeks ago in this room the Lancaster Economic Development Company met with leaders of several municipalities. It was very educational and informative. They came up with a lot of ideas that would not just help Ephrata Borough but also surrounding communities.

Mr. Thompson is on the committee. Mr. Thompson said the group consists of boroughs in Lancaster County and an area that the EDC wanted to focus on were opportunities for projects and as a result put together four municipalities along with the redevelopment authority and the EDC staff. We meet on a monthly basis to discuss like issues and one of the things we are focusing on is the use of data. In your local economic development marketing things such as median income, age, and the like. One of the things discussed is creating a county-wide inventory of the properties so when there is a call for businesses that want to relocate to the county then we have information current.

Mr. Thompson said it was an effort for him to educate himself further since economic development is not his core of education. It has proven to be very informative.

ADJOURNMENT

The meeting was duly adjourned at 7:50 PM.

Respectfully submitted,

D. Robert Thompson, Secretary