

**EPHRATA BOROUGH COUNCIL
REGULAR MEETING MINUTES
JUNE 13, 2016**

The regular Ephrata Borough Council meeting was called to order by President Susan Rowe at 7:00 PM on June 13, 2016 in the Council Chambers of the Borough Office, 124 South State Street.

Reverend Walter Carter, Fire United Method Church offered the invocation, which was followed by the Pledge of Allegiance.

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

Gregson's, 885 North Maple Street, Ephrata
Ted Bare, 843 Fairview Avenue, Ephrata
Todd Shoff, Pioneer
Penny Talbert, Ephrata Public Library
Jim Summers, Ephrata Recreation Center
Joy Ashley, Ephrata Public Library
Katti Nixon, 14 Lynda Drive, Denver
Wade Nixon, 14 Lynda Drive, Denver
Kyle Nixon
Corey Nixon
Bryce & Kara Davis, 1288 Red Run Road
Joanne Ressler, 245 Mason Drive, Ephrata
Faith Samuel, 212 North Academy Drive, Ephrata

APPROVAL OF MINUTES

It was moved by Mr. Hertzog, seconded by Mr. Barr, and unanimously passed that Borough Council approve the May 2, 2016 Work Session Minutes and the May 9, 2016 Regular Meeting Minutes.

OPPORTUNITY FOR CITIZENS TO BE HEARD

There were no comments or questions from attendees.

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

BUDGET AND FINANCE COMMITTEE REPORT – 6/13/2016

The Budget & Finance Committee met on May 23, 2016 and discussed the following:

1. Scott Kramer from RBC joined us for the meeting and discussed the following:

The RBC document focused on the refinance of the remaining 2010 Sewer debt of \$1.5 million plus funds for capital projects of approximately \$3.25 million. The term is 15 years and can be repaid without any penalty. The Committee will recommend that Borough Council approve the Ordinance at the June 13, 2016 meeting.

DEVELOPMENT ACTIVITIES COMMITTEE REPORT – 6/13/2016

The Development Activities Committee met on May 23, 2016 and discussed the following:

1. The Committee reviewed a lot add-on plan for Lincoln Christian Homes, 1307 Apple Street. A 3.558 acre tract of land will be removed from the Liberty Baptist Church, 47 Cindia Lane and added onto the Lincoln Christian Homes tract. The Committee will recommend that Borough Council approve the lot add-on plan dated November 13, 2015, containing 2 sheets prepared by Diehm and Sons, Lititz, PA subject to the inclusion of staff comments dated May 2, 2016. This will appear on the June Consent Agenda.
2. The Committee reviewed a proposed land development plan for the Robert Road Tract. The plan is proposing to demolish 3 existing buildings and construct 2 new multi-family buildings that would contain 8 units in each building for a total of 16 apartments on the site. There is also a 33 space parking lot and bio-retention area for stormwater management. The applicant has requested seven waiver/modifications. The Committee will recommend that Borough Council approve the seven waivers/modifications and approve the plan as a final land development plan subject to inclusion of staff comments dated May 5, 2016, HRG comments dated May 9, 2016 and an approved stormwater management plan. This item will appear on the June Consent Agenda.
3. The Committee reviewed a Subdivision and Land Development Agreement for the Robert Road Tract, West Main Street and Robert Road. The amount of the agreement is \$173,155.40. The Committee will recommend that Borough Council authorize the Council President and Secretary to execute the Subdivision and Land Development Agreement with the developer, Cocalico Investments, LTD, subject to it being in a form acceptable to the borough solicitor. This will appear on the June Consent Agenda.
4. The Committee reviewed a stormwater Operation and Maintenance Agreement for the proposed stormwater improvements associated with the subdivision and land development plan for the Robert Road Tract, West Main Street and Robert Road. The Committee will recommend that Borough Council authorize the Council President and Secretary to execute an Operation and Maintenance Agreement with the developer, Cocalico Investments, LTD, subject to it being in a form acceptable to the borough solicitor. This will appear on the June Consent Agenda.
5. The Committee reviewed Bid #16-5, Fulton Maintenance Garage Renovations. The Committee discussed the two add-alternates for the heating work and it was decided to accept both add-alternates. The bid cost with both alternates will be less than the budgeted amount. The Committee will recommend that Borough Council award Bid #16-5 and the two add-alternates to Purcell Construction Company, Denver PA for a total of \$300,200.00 at their June meeting. Note: the bid recommendation has been updated to include both add-alternates.
6. The Committee reviewed a proposed lease for 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 new 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 first five years and increase the fee to \$800/year for the second five years of the lease. Mr. Thompson was told the Repeaters would like to eliminate the rental fee since they provide a public service during emergencies; however no one from the Repeaters was in attendance at the meeting to confirm that information. The Committee discussed the rental fee and felt that it was a reasonable amount and will leave it in the lease. The Committee will recommend that Borough Council execute a new ten year lease with the Ephrata Area Repeaters Society at their June meeting.
7. The Committee reviewed a request from Keystone Villa at Ephrata to release the remaining amounts of financial security for the land development improvements that were completed in 2014. The Committee will recommend that Borough Council release the remaining balance of \$28,607.00 at their June meeting.
8. The staff reported that only one set of comments was received from Council on the proposed rental ordinance. The staff will meet with the representatives from the landlord group and provide them with copies of the draft Noise, Nuisance and Rental Requirements. Once the landlords have reviewed the drafts, it will come back to council to consider enactment of all three ordinances.
9. The Committee reviewed a recent library HVAC invoice for \$2,538 incurred for maintenance to the HVAC units that were installed in the fall of 2012. Including this invoice, the Library has incurred over \$13,000 in operation and maintenance (O&M) costs on new HVAC

equipment. The Committee agreed to review future invoices for non-routine typical HVAC O&M costs on a case by case basis to determine if the Borough will assist in paying the costs. No further action is required at this time.

10. There wasn't a May Zoning Hearing Board meeting.
11. There is one new application for the June Zoning Hearing Board meeting. The Committee did not feel it was necessary to send the solicitor to the hearing.

PUBLIC SAFETY COMMITTEE REPORT – 6/13/2016

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

1. Pioneer Fire Company Fleet Plan- Assistant Chief M. Keifer presented the report from the Long Range Planning Committee – Fleet Plan. Goal is to budget money properly and best utilize its current resources (fleet, personnel, investments and equipment) and make future forecast. President Keifer reviewed the use, care and updating of the building (1970) as well. Chief Pettyjohn briefed on manpower and recruiting efforts. - *Received For Informational Purposes Only*
2. Comp-stat (April 2016) – Chief Harvey briefed on last month's comp stat -*Received For Informational Purposes Only*
3. EMC Report (April 2016) – Chief Harvey briefed on last month's Emergency Management activities. *Received For Informational Purposes Only*
4. WERT – Chief Harvey briefed on recent updates and testing - *Received For Informational Purposes Only*
5. Drones – Chief Harvey briefed on recommendations from DVIT for all member municipalities to wait on ordinances until the FAA rules on drones and licensing. - *Received For Informational Purposes Only*

There being no other business set before it, the meeting was adjourned at approximately 7:15 PM.

Executive Session: Police Personnel Issues

The Public Safety Committee reconvened from executive session at approximately 7:22 PM.

6. Authorization to Begin Hiring Process- Chief Harvey presented the need to restart a hiring process and requested authorization to begin to fill two (2) new vacancies created by resignations - *Unanimously approved by Committee- Action by Borough Council.*

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, June 20, 2016 at 6:30 PM.

PUBLIC SAFETY COMMITTEE SPECIAL MEETING REPORT – 6/13/2016

The Public Safety Committee met on June 6, 2016 at 6:00 PM during and discussed the following:

Public Comments: None

ACTION ITEMS:

Notification to Civil Service with a Police Personnel Timeline-

Feb 1 2016 – Four (4) officers were sworn-in work session (2 on Feb 8 and 2 on March 7)

- Feb 8 – Rivera and Schutte started
- March 7 – Allen and Sletta started

- April 18 – Officer Sletta resigned – creating vacancy #1 of 1 (resigned after PSC meeting)

May 9 – Voting session to request to fill vacancy #1 of 1

- May 13 – Officer Schutte resigned – creating vacancy #2 of 2 existing vacancies
- May 23 – Officer Zaun resigned creating vacancy #3 of 3 existing vacancies
- May 23 – Civil Service Commission provides the certified list of three applicants per the May authorization.

June 6 (Special Meeting) - Request to hire one officer (Nixon) to fill vacancy #1 of 3 existing vacancies.

June 6 (Special Meeting) – Request authorization and Civil Service action to fill vacancy #2 of 3 existing vacancies

June 6 Work Session action - Hire one officer (Nixon) and request authorization to fill vacancy 2 of 3

June 13 (Special Meeting) – Expected action for Committee to select candidate and recommend to fill vacancy #2 of 3

June 13 Voting Session action- Expected recommendation to fill vacancy #2 of 3

At 6:06 PM motion was made and approved to enter into executive session to discuss the appointment of a police officer.

Executive Session: Police Personnel Issue

At 6:15 PM motion was made and approved to return to the regular Public Safety Committee meeting.

ACTION ITEMS:

1. The Public Safety Committee recommends that Borough Council approve 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- *Action by Borough Council*

DISCUSSION ITEMS: None

OLD BUSINESS: None

There being no other business set before it, the meeting was adjourned at approximately 6:21PM.

There will be a Special Public Safety Meeting on June 13, 2016 (Monday) at 6:00 PM in the Police Department Conference Room (2nd floor).

The next regularly scheduled Public Safety Committee Meeting will be June 20, 2016 (Tuesday) at 6:30 PM.

HIGHWAY COMMITTEE REPORT – 6/13/2016

The Highway Committee met on Monday, May 23, 2016 and discussed the following:

1. The Committee reviewed a disposition of asset request regarding a vehicle disposal. The vehicle is a 2004 Ford Ranger pickup truck, 4X4, VIN #1FTZR45E54TA09449, approximately 110,900 miles, estimated value of \$3,000. This vehicle is not currently used due to a failing transmission which would cost approximately \$2,200 to rebuild. This vehicle is planned for immediate sale at the Garden Spot Auto Auction. This vehicle is scheduled for replacement in the 1st quarter of 2017. The Committee will recommend that Borough Council approve this asset disposal at their June 13, 2016 meeting.

2. The Committee reviewed a disposition of asset request regarding a vehicle disposal. The vehicle is a 2009 Ford Escape Hybrid Sport Utility Vehicle, 4WD, VIN #1FMCU59379KC38405, approximately 50,572 miles, estimated value of \$9,989. This vehicle did not meet economic expectations, and the battery is due for replacement in approximately 1-2 years at an estimated cost of \$10,000. This vehicle will be used as a temporary replacement vehicle for the 2004 Ford Ranger mentioned above and is planned for sale at the Garden Spot Auto Auction after we receive a new replacement vehicle for the 2004 Ford Ranger in the 1st quarter of 2017. The Committee will recommend that Borough Council approve this asset disposal at their June 13, 2016 meeting.
3. The Committee reviewed a request from Patti Hummel, Boy Scout Troop 73 Committee Chairperson, dated April 28, 2016 to use the East Locust Street parking lot during the 2016 Ephrata Fair to park cars as a fundraiser. The Committee will recommend that Council approve the request as part of the Consent Agenda at their June 13, 2016 meeting.
4. The Committee reviewed a letter from Amy E. MacKenzie, Boy Scout Troop 38 Parking Lot Coordinator, dated May 20, 2016 requesting to use the Ephrata Borough Office parking lot and the Rail Trail parking lot adjacent to East Fulton Street and Railroad Avenue during the 2016 Ephrata Fair to park cars as a fundraiser. The Committee will recommend that Borough Council approve the request as part of the Consent Agenda at their June 13, 2016 meeting.
5. The Committee discussed additional information regarding the proposed removal of an existing Loading/Unloading Zone along the east side of Cloister Avenue between Cloister Alley and Moyer Alley as part of a previous request from S.R. Cover Properties, property owner of 29 Cloister Avenue. Kevin Weaver, representing KADA Group LLC, property owner of 21-27 Cloister Avenue, was present to convey his concerns to the Committee. The Committee directed staff to create a resolution to adopt 90-day experimental traffic and parking regulations permitting 2-hour parking along the east side of Cloister Avenue between Cloister Alley and Moyer Alley including what is necessary to repeal the existing Ordinance establishing the Loading/Unloading Zone in this area for review at their June 27, 2016 meeting.
6. The Committee discussed clear sight distance concerns at the Park Avenue and West Locust Street intersection aired by two Park Avenue residents attending the meeting. In an effort to avoid restricting parking in an area already overloaded by parked vehicles the Committee directed staff to review current PennDOT criteria for establishing a 4-way stop at this intersection, which if feasible would greatly reduce any parking restriction areas and report back to the Committee at their June 27, 2016 meeting.
7. The Committee discussed clear sight distance concerns due to citizen complaint at the Robert Road and Apple Street intersection. The citizen complaint was forwarded to Borough staff by the Ephrata Police Department (EPD). Since clear sight distance is currently obstructed on Tuesdays only due to operations of the Garden Spot Auto Auction (GSAA) the Committee directed staff to discuss the matter with the EPD and request that they coordinate with GSAA staff in establishing temporary no parking zones within the clear sight obstruction areas on those days that the GSAA is in operation. No further action required at this time.
8. The Committee was updated on PennDOT's delayed "Green Light-Go" grant award status for various planned traffic signal upgrades in the Borough. PennDOT's Central Office informed staff that the Borough's application for Pennsylvania's Year 2 (SFY 2015/2016) Green Light-Go Funding Program was approved. There will be a public announcement soon released that will summarize and describe all of the projects that were awarded for this particular funding year. The Borough anticipates approximately \$33,000 in funding from this program. No further action required at this time.
9. The Committee discussed future sidewalk installation along Meadow Valley Road between SR 0272 and Old Mill Road and was informed that PennDOT is currently installing ADA ramps at the SR 0272 and Meadow Valley Road intersection which will dictate where any planned sidewalk could be located, and Borough Manager Thompson also advised the Committee that there is future development planned in Ephrata Township along Meadow Valley Road just west of SR 0272 which will likely impact any planned sidewalk installation in this area. No further action required at this time.

10. Committee Chairperson Richard inquired about Borough vehicle identification status, and Borough Manager Thompson informed the Committee that staff is still waiting on budget estimates to complete that work. No further action required at this time.
11. Councilperson Hertzog discussed with the Committee his concerns about clear sight distance at the intersection of West Main Street (SR 0322) and North Oak Street. The Committee directed staff to investigate Councilperson Hertzog's concerns and report findings at a future Committee meeting.

MUNICIPAL ENTERPRISES COMMITTEE REPORT - 6/13/2016

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

1. Director of Operations, Thomas Natarian reviewed a recommendation from American Municipal Power, Inc. (AMP) regarding Financial Transmission Rights (FTRs). The AMP recommendation is to participate in the monthly auctions for FTRs along the PJM West to Ephrata path for the power year 2016/2017 with variable strike prices throughout the year. Staff has reviewed the AMP FTR proposal and agrees with their recommendation. Accordingly, it is 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 Council adopt Resolution 2016-15 when they meet on June 13, 2016.
2. The Committee reviewed a request to reduce financial security from Countryside Enterprises (Tents for Rent). The request is to reduce all remaining escrow currently held by the Borough upon completion of sanitary sewer facilities improvements. Upon review of work successfully completed, Staff is recommending that \$12,738.50 currently being held as financial security be reduced to zero. The Committee will recommend that Council approve the request to reduce financial security for Countryside Enterprises (Tents for Rent) when they meet on June 13, 2016.
3. Mr. Natarian and Borough Manager, D. Robert Thompson provided the Committee an update on the status of the AMP Advance Meter Project. Staff is working with AMP to define the details of the program including financing options, purchasing issues, planning and scheduling. A legal review prepared by McNees Wallace & Nurick, LLC (MWN) was shared with the Committee. MWN reviewed the purchasing plan for the AMP project and concluded that the project is exempt from general bidding and procurement requirements of the Borough Code. Staff will continue to work with AMP and will prepare a recommendation for the Committee to consider at a future meeting. No action is required by the Committee at this time.
4. Mr. Natarian and Mr. Thompson provided an update on the proposed Solar Project. Negotiations continue to finalize the Power Purchase Agreement. Staff reported that a Letter of Accommodation has been received from PPL that requests changes to the Borough's substation to allow for connection of behind the meter power. Staff will prepare a response to the PPL letter. No action is required by the Committee at this time.
5. Mr. Natarian provided an update on the live purchasing that is authorized by Resolution 2016-14. The Borough is coordinating the live purchasing in conjunction with Perkasio Borough. The combined purchasing effort is intended to attract additional bidders. Staff will report on the results of the live purchasing at the next Committee meeting.
6. The Committee reviewed a list of non-residential sewer customers who must purchase additional capacity based upon their 2015 usage. No further action is required by the Committee.
7. Mr. Natarian reviewed a new program being offered by AMP in conjunction with IGS Energy Home Services. The new program is private utility insurance between homeowners and IGS. If the Borough chooses to participate in the program it would be offered to customers of the Borough and would be co-branded through AMP, IGS, and the Borough. After much discussion the Committee requested that Staff get clarification on the pricing and coverage options. The Committee will consider participation in the program at the next Committee meeting.
8. Mr. Thompson reviewed with the Committee the results of Bid #16-6 for the Mission Pump Station replacement and Utility Line Replacement. This project will be considered by the Ephrata Borough Authority and awarded at their next meeting. No action is required by the Committee.

COMMUNITY SERVICES COMMITTEE REPORT – 6/13/2016

The Community Services Committee met on May 23, 2016 and discussed the following:

1. Jim Summers reviewed computer upgrades that are needed at the Community Pool and itemized the estimated cost to the Borough. The breakdown is as follows:

New SonicWALL Router/Firewall	\$579.95
Core Server Upgrade (36.5%)	\$1,839.56
System Backup Fees	\$528.00
New Credit Card Machine	\$675.00
Monthly Charge for Machine	\$19.95

In addition, there will be monthly credit card fees that average approximately 3.02% of each sale. Based on 2015 sales, the annual cost to the Borough will be approximately \$2,800.00 to \$3,000.00. The credit card fees will be deducted from the revenue before it is submitted to the Borough. Custom Computer will be implementing the upgrades. Expenses will be made through the existing budget; therefore, no action is required by the committee.

2. Jim Summers provided the Committee with a pool update. Plaster repairs were completed in the upper pool. There is some tile and grouting work needed in the lower pool. The restrooms/locker rooms were painted and are ready to go.
3. Susan Rowe reported that DEI will be submitting a request to host a 125th birthday party for the Borough at the Whistle Stop Plaza on August 19, 2016.
4. Jim Summers and Susan Rowe provided an update on the upcoming Brewfest Event. Eleven vendors have been confirmed. There have been approximately 220 tickets sold to date. Hometown Furnishings, Black Forest Brewery, and The Smithton will be offering incentives to all Brewfest participants.

SPECIAL PROJECTS COMMITTEE REPORT – 6/13/2016

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

1. The staff circulated the draft resolution to establish guidelines for the placement of plaques on the Borough gateway signs to all members of Borough Council and the Mayor requesting comments to be considered at the May 16 committee meeting. No comments were received by the Committee. Staff will share the proposed resolution with those organizations that currently have plaques on the existing gateway signs for comments to be reviewed by the Committee at their June 20 meeting.
2. The Solicitor reviewed with the Committee revisions made to the proposed ordinance to revise the requirements for not-for-sale alcohol use on Borough owned properties. The Committee discussed if the not for sale alcohol should be limited to beer and wine or expanded to include all alcoholic beverages. The Committee favors limiting the alcohol to beer and wine. The Committee discussed that BYOB is considered not-for-sale. It was recommended that the phrase “supply and consumption” of alcohol be amended to say “supply and/or consumption” of alcohol. Finally Section F will be amended to require the conditional approval by the Borough before making any request for a letter or opinion from the PLCB. The Solicitor will make the recommend changes for the Committee’s review at their June meeting.
3. The Solicitor discussed the contents of the proposed draft ordinance regulating mobile food vending with the Committee members. The Committee commented on the proposed draft, and the Solicitor will revise the draft for the Committee to review at their June meeting.

- May General Ledger Report
- Lincoln Fire Company – May 2016
- Pioneer Fire Company – May 2016
- Ephrata Fire Company Long Range Fleet Plan
- Ephrata Community Ambulance Association – May 2016
- Emergency Management Coordinator May 2016 Report
- May Shade Tree Commission Report

NEW BUSINESS ITEMS**Consent Agenda (includes the following approvals)**

Mr. Barr asked for the withdrawal of items 2 through 11, the Robert Road Tract. Mrs. Rowe said these will then go back to the Committee as part of their regular Committee recommendations.

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

1. That Borough Council approve the lot add-on plan for Lincoln Christian Homes, 1307 Apple Street dated November 13, 2015, containing 2 sheets prepared by Diehm and Sons, Lititz, PA subject to the inclusion of staff comments dated May 2, 2016. (Development Activities Committee)
12. That Borough Council approve the request from Boy Scout Troop 73 per their letter dated April 28, 2016 to use the East Locust Street parking lot during the 2016 Ephrata Fair to park cars as a fundraiser. (Highway Committee)
13. That Borough Council approve the request from Boy Scout Troop 38 per their letter dated May 20, 2016 to use the Ephrata Borough Office parking lot and the Major Dick Winters Memorial Trail parking lot at East Fulton Street and Railroad Avenue intersection during the 2016 Ephrata Fair to park cars as a fundraiser. (Highway Committee)

STANDING COMMITTEE RECOMMENDATIONS**Budget and Finance Committee**

It was moved by Mr. Hertzog, seconded by Mr. Weiler, and passed by a vote of five yeas by Messrs. Barr, Hertzog, Ressler, Weiler, and Mrs. Martin with an abstention by Mrs. Rowe that Borough Council enact Ordinance 1524 to approve the refunding of the outstanding Sewer indebtedness and the financing of new capital projects by the Ephrata Borough Authority.

Development Activities Committee

It was moved by Mrs. Martin, seconded by Mr. Hertzog, and passed by a vote of five yeas by Messrs. Hertzog, Ressler, Weiler, Mrs. Martin and Mrs. Rowe and one nay by Mr. Barr that Borough Council approve a waiver/modification of submission of Preliminary Plan, Section 281-14 of the Code of the Borough of Ephrata for the Preliminary/Final Land Development Plan for the Robert Road Tract.

It was moved by Mrs. Martin, seconded by Mr. Weiler, and passed by a vote of five yeas by Messrs. Hertzog, Ressler, Weiler, Mrs. Martin and Mrs. Rowe and one nay by Mr. Barr that Borough Council approve a waiver/modification of Zoning Information within 200 feet, Section 281-26.B.2.d of the Code of the Borough of Ephrata for the Preliminary/Final Land Development Plan for the Robert Road Tract.

It was moved by Mrs. Martin, seconded by Mr. Hertzog, and passed by a vote of five yeas by Messrs. Hertzog, Ressler, Weiler, Mrs. Martin and Mrs. Rowe and one nay by Mr. Barr that Borough Council approve a waiver/modification of submission of Existing Features, Section 281-26.B.2.j of the Code of the Borough of Ephrata for the Preliminary/Final Land Development Plan for the Robert Road Tract.

It was moved by Mrs. Martin, seconded by Mr. Hertzog, and passed by a vote of five yeas by Messrs. Hertzog, Ressler, Weiler, Mrs. Martin and Mrs. Rowe and one nay by Mr. Barr that Borough Council That Borough Council approve a waiver/modification of Straight Length of Driveway, Section 281-14 of the Code of the Borough of Ephrata for the Preliminary/Final Land Development Plan for the Robert Road Tract.

It was moved by Mrs. Martin, seconded by Mr. Hertzog, and passed by a vote of five yeas by Messrs. Hertzog, Ressler, Weiler, Mrs. Martin and Mrs. Rowe and one nay by Mr. Barr that Borough Council That Borough Council approve a waiver/modification of Depth of Limiting Zone, Section 275-301.L.1 of the Code of the Borough of Ephrata for the Preliminary/Final Land Development Plan for the Robert Road Tract.

It was moved by Mrs. Martin, seconded by Mr. Hertzog, and passed by a vote of five yeas by

Messrs. Hertzog, Ressler, Weiler, Mrs. Martin and Mrs. Rowe and one nay by Mr. Barr that Borough Council That Borough Council approve a waiver/modification of submission of Subsurface Storage Depth of Limiting Zone, Section 275-307B.1.a.1 of the Code of the Borough of Ephrata for the Preliminary/Final Land Development Plan for the Robert Road Tract.

It was moved by Mrs. Martin, seconded by Mr. Hertzog, and passed by a vote of five yeas by Messrs. Hertzog, Ressler, Weiler, Mrs. Martin and Mrs. Rowe and one nay by Mr. Barr that Borough Council That Borough Council approve a waiver/modification of Showing Existing Man-made Features within 200 feet, Section 275-403.I.6 of the Code of the Borough of Ephrata for the Preliminary/Final Land Development Plan for the Robert Road Tract.

It was moved by Mrs. Martin, seconded by Mr. Hertzog, and passed by a vote of five yeas by Messrs. Hertzog, Ressler, Weiler, Mrs. Martin and Mrs. Rowe and one nay by Mr. Barr that Borough Council approve the land development plan for the Robert Road Tract, West Main Street and Robert Road, dated March 22, 2016, containing 14 sheets prepared by Pioneer Management LLC, Inc., Lancaster, PA as a final plan subject to the following:

- A. The applicant must address the comments from the May 5, 2016 memorandum of Nancy Harris, Planning and Engineering Manager.
- B. The applicant must address all comments contained in the HRG letter dated May 9, 2016.
- C. The approval of a stormwater management plan.

It was moved by Mrs. Martin, seconded by Mr. Hertzog, and passed by a vote of five yeas by Messrs. Hertzog, Ressler, Weiler, Mrs. Martin and Mrs. Rowe and one nay by Mr. Barr that Borough Council authorize the Council President and Secretary to execute a Subdivision and Land Development Agreement for the Robert Road Tract, West Main Street and Robert Road with the developer, Cocalico Investments, LTD, in the amount of \$173,155.40 subject to it being in a form acceptable to the borough solicitor.

It was moved by Mrs. Martin, seconded by Mr. Weiler, and passed by a vote of five yeas by Messrs. Hertzog, Ressler, Weiler, Mrs. Martin and Rowe and one nay by Mr. Barr that Borough Council authorize the Council President and Secretary to execute an Operation and Maintenance Agreement for the Robert Road Tract, West Main Street and Robert Road with the developer, Cocalico Investments, LTD, 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 by roll call vote that Borough Council award Bid #16-5, Fulton Maintenance Garage Renovations, and the two add-alternates to Purcell Construction Company, Denver PA for a total of \$300,200.00.

It was moved by Mrs. Martin, seconded by Mr. Weiler, and unanimously passed that Borough Council extend the terms and condition of the current lease agreement with the Ephrata Area Repeaters Society Incorporated which expires on June 30, 2016 by ninety days and defer the annual lease payment until a new lease agreement can be executed.

It was moved by Mrs. Martin, seconded by Mr. Hertzog, and unanimously passed that Borough Council release the remaining financial security of \$28,607.00 for Keystone Villa at Ephrata land development improvements.

Highway Committee

It was moved by Mr. Barr, seconded by Mr. Ressler, and unanimously passed that Borough Council authorize a disposition of assets regarding a 2004 Ford Ranger pickup truck, 4X4, VIN #1FTZR45E54TA09449. This vehicle is planned for immediate sale at the Garden Spot Auto Auction.

It was moved by Mr. Barr, seconded by Mr. Ressler, and unanimously passed that Borough Council authorize a disposition of assets regarding a 2009 Ford Escape Hybrid Sport Utility Vehicle, 4WD, VIN #1FMCU59379KC38405. This vehicle will be used as a temporary replacement vehicle for the 2004 Ford Ranger mentioned above and is planned for sale at the Garden Spot Auto Auction after we receive a new replacement vehicle for the above-mentioned 2004 Ford Ranger pickup truck in the 1st quarter of 2017.

Municipal Enterprises Committee

It was moved by Mr. Hertzog, seconded by Mr. Weiler, and unanimously passed that Borough Council adopt Resolution 2016-15 to authorize the participation in the monthly Financial Transmission Rights auction for the 2016/2017 energy year.

RESOLUTION 2016-15

A RESOLUTION OF THE BOROUGH OF EPHRATA, LANCASTER COUNTY, PENNSYLVANIA AUTHORIZING PARTICIPATION IN THE MONTHLY FINANCIAL TRANSMISSION RIGHTS (FTR) AUCTION FOR THE 2016 / 2017 ENERGY YEAR

WHEREAS, the Borough of Ephrata (Borough), a political subdivision organized and existing pursuant to the laws of the Commonwealth of Pennsylvania, owns and operates an electric utility system for the sale of electric power and associated energy for the benefit of its citizens and customers; and

WHEREAS, in order to satisfy the electric power and energy requirements of its electric utility system, the Borough has heretofore purchased economical and reliable power and energy from American Municipal Power (AMP), an Ohio non-profit corporation, of which Ephrata Borough is a member, or has heretofore purchased power arranged by AMP; and

WHEREAS, the purchase of Financial Transmission Rights (FTRs) is a tool available to the Borough intended to stabilize the rate paid by the Borough for transmission and congestion losses associated with the delivery of electricity to the Borough; and

WHEREAS, the purchase of an FTR fixes the cost of transmission and congestion while eliminating the spikes in cost for the duration of the FTR; and

WHEREAS, an analysis of the cost of FTRs compared to the actual cost of transmission and congestion for various products in the Borough's power supply portfolio has been performed; and

WHEREAS, the analysis indicates that participation in the Monthly Auction can provide complimentary price stability for key elements of the Borough's power supply portfolio at reasonable cost to the Borough; and

WHEREAS, Borough Council has determined that it is appropriate and desirable to stabilize the cost of transmission and congestion losses for the 2016/2017 Energy Year,

NOW THEREFORE, BE IT RESOLVED by the Council of the Borough of Ephrata, Lancaster County, Pennsylvania that:

SECTION 1. The Ephrata Borough Secretary is hereby authorized to sign such documents as necessary to enable AMP to act as the Borough's agent for purposes of entering into the FTR Auction subject to the limitations set forth in Section 2 hereinbelow.

SECTION 2. The maximum authorized bid prices for the Monthly FTR Auction are established as follows:

- a) 5.7 MW 7x24 Western Hub to Ephrata LMP FTR for a term from June 1, 2016 through August 31, 2016 at a maximum price of -\$5.50 / MWh
- b) 5.7 MW 7x24 Western Hub to Ephrata LMP FTR for a term from September 1, 2016 through November 30, 2016 at a maximum price of -\$7.00 / MWh
- c) 5.7 MW 7x24 Western Hub to Ephrata LMP FTR for a term from December 1, 2016 through February 28, 2017 at a maximum price of -\$2.50 / MWh
- d) 5.7 MW 7x24 Western Hub to Ephrata LMP FTR for a term from March 1, 2017 through May 31, 2017 at a maximum price of -\$7.00 / MWh

SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of a

quorum of the Council, and that all deliberations of this Council and of any its committees that resulted in such formal action, were held in meetings open to the public, in compliance with all legal requirements.

SECTION 4. If any section, subsection, paragraph, clause or provision or any part thereof of this Resolution shall be finally adjudicated by a court of competent jurisdiction to be invalid, the remainder of this Resolution shall be unaffected by such adjudication and all the remaining provisions of this Resolution shall remain in full force and effect as though such section, subsection, paragraph, clause or provision or any part thereof so adjudicated to be invalid had not, to the extent of such invalidity, been included herein.

SECTION 5. That this Resolution shall take effect at the earliest date allowed by law.

RESOLVED this 13th day of June 2016.

It was moved by Mr. Hertzog, seconded by Mrs. Martin, and unanimously passed that Borough Council approve the request from Countryside Enterprises (Tents for Rent) to reduce all remaining escrow (\$12,738.50) currently held by the Borough upon completion of sanitary sewer facilities improvements.

Community Services Committee

It was moved by Mr. Barr, seconded by Mr. Ressler, and unanimously passed that Borough Council approve the request from downtown Ephrata Incorporated to use Whistlestop Plaza on Friday, August 19, 2016 to host a community event to celebrate the Borough's 125th anniversary of its incorporation per their letter dated June 1, 2016 subject to the approval of the Chief of Police for all public safety and logistics concerns.

Mr. Thompson said he received the request from the Ephrata Rec Center for the Annual 4th of July Fireworks display.

It was moved by Mr. Barr, seconded by Mr. Ressler, and unanimously passed that Borough Council approve the request from the Ephrata Recreation Center for the 4th of July Fireworks display contingent upon approval by the Chief of Police of an incident management plan.

Public Safety Committee

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

Ratification for Letter of Intent for Pennsylvania Department of Education Keystone Grant

Mrs. Rowe said Mr. Thompson received a Letter of Intent from Ephrata Public Library for a Pennsylvania Department of Education Keystone Grant. She and Mr. Thompson discussed it at length. This grant is through the Department of Education. This is non-binding and doesn't commit the Library or Borough.

Mr. Hertzog said the application was to be postmarked on or before May 31 yet the signatures are June 8 and June 9. Mrs. Talbert said they received permission to submit it late.

The Borough of Ephrata becomes a sponsor.

Mr. Hertzog also questioned in the proposed project that seventy-one percent of Ephrata area residents qualify for VITA's services. Ephrata area are the municipalities in the Ephrata School District.

Mrs. Talbert said this information came from the United Way, and Mr. Hertzog asked to have that information sent to him.

The grant document was delivered to Harrisburg Friday.

It was moved by Mr. Barr, seconded by Mr. Ressler that Borough Council ratify the approval of submission of the letter of intent from Ephrata Public Library for the Keystone Recreation, Park and Conservation Fund Grant Program.

Mrs. Rowe said the Keystone Grant for the Public Library Facilities will discussed and reviewed at the next Development Activities Committee Meeting scheduled August 22 at 7:30 PM.

**APPROVAL OF CHECKS 26424 THROUGH 26789 AND THE ACH REGISTER
DATED JUNE 2, 2016**

It was moved by Mr. Hertzog, 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 \$1,680,889.37.

OPPORTUNITY FOR CITIZENS TO BE HEARD

Mr. Steve Brown, owner of the Ephrata Theatre said the Theatre will be closing this year.

Mr. Brown did a digital conversion, which was a very costly upgrade of the projector.

Lilly's covered the cost this past year, but he can't do that again.

Mr. Brown said if the Ephrata Main doesn't get \$30,000 in admissions a year it will close.

DISCUSSION/ANNOUNCEMENTS

Mrs. Martin said she will make a pledge to go to the movies.

Mr. Hertzog said he understands Mr. Brown's issue and appreciates the heads up.

Mr. Hertzog made a statement regarding the article on the cover of The Ephrata Review regarding last week's Council Session.

Mr. Hertzog said he will not interfere with the work of the press. Mr. Hertzog questioned the Borough Solicitor who owns the Rec. Never mentioned anything about profits; these kinds of writings.

In April 2015 Mr. Hertzog identified the issue. Research was driven by one simple question – how does the Borough lease a property they don't own. Mr. Hertzog mentioned this to have things noted accurately.

Mr. Thompson reminded Council that Wednesday is the employee picnic.

Chief Harvey said there was a Special Public Safety Committee Meeting this evening that was advertised.

Chief Harvey introduced the two new Police Officer hires who could meet with Council after the meeting then were having a tour of the department upstairs.

Chief Harvey also said the first Concerts by the Creek is June 21 at 6:30 PM – the American Rogues.

President Rowe said there will be an Executive Session at 8:00 PM after the adjournment of this meeting.

ADJOURNMENT

The meeting was adjourned at 7:55 PM.

Respectfully submitted,

D. Robert Thompson, Secretary