

"Amended"

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

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

Reverend Henry Herbener, Trinity Lutheran 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, Linda Martin, Ricky Ressler, Victor Richard, and Mayor Ralph Mowen. Council member Dale Hertzog was absent.

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

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

Gregson's, 885 North Maple Street, Ephrata  
Joyce & Dave Wilhide, 39 Clover Court, Ephrata  
Jean Lausch, 950 Hammon Avenue, Ephrata  
Penny Talbert, Ephrata Public Library  
Larry Alexander, 621 East Main Street, Ephrata  
Robert Good, 137 Ridgeway Avenue, Ephrata  
Rich Repkoe, P.O. Box 121, Ephrata  
Walter Carter, 68 North Church Street  
Joy Ashley, Ephrata Public Library  
Jim Summers, Ephrata Recreation Center  
Lynn Reinhold, 15 Highland Avenue, Ephrata  
Martie Samuel, 212 North Academy Drive, Ephrata  
Rev. Henry Herbener, 167 East Main Street, Ephrata  
Tim Auker, 542 North State Street, Ephrata  
Joanne Ressler, 245 Mason Drive, Ephrata

**APPROVAL OF MINUTES**

It was moved by Mr. Barr, seconded by Mrs. Martin, and unanimously passed that Borough Council approve the June 6, 2016 Work Session Minutes and the June 13, 2016 Regular Meeting Minutes.

**OPPORTUNITY FOR CITIZENS TO BE HEARD**

Penny Talbert, Ephrata Public Library, reminded Council that the second Concert by the Creek is tomorrow evening at 6:30 PM at Grater Park. The band is the Appalachian Gypsy Tribe, and they are expecting a very good turnout.

Lynn Reinhold, 15 Highland Avenue, said she is here representing a whole bunch of people from the Ephrata Pool who have memberships at the pool. The atmosphere, the patrons at the pool, the safety at the pool escalates and get worse every weekend. Mrs. Reinhold told the pool staff that she was coming to the meeting today and was bombarded by people with issues.

Saturday and Sunday they had to throw people out for having alcohol at the pool. The staff is checking coolers now. Now they are bringing it in bags. Groups are fighting back and forth and taunting each other and drinking alcohol. It is a very uncomfortable situation – who knows what's going to happen.

Mrs. Reinhold said she was sitting at the pool and there were two ladies at the fence pretending they are dry humping the fence. It's becoming a place you don't want to go to on weekends.

On the weekends Mrs. Reinhold will go members at 11:00AM and then you want to leave by 3:30-4:00 because that's when it gets packed and overrun. The patrons that come are totally disrespectful to the lifeguards. The lifeguards tell them what to do and they don't listen. They don't listen to the pool staff. They are not wearing appropriate swim attire.

Mrs. Reinhold said the pool staff said they could give her 20 names of members immediately who won't come on weekends at all, because they fear for their safety. They make you feel uncomfortable. Yesterday, there was a lady at the pool just swearing at the top of her lungs.

Mrs. Reinhold said she's not sure what needs to be done; she is expressing her concerns because it gets worse every weekend. Mrs. Reinhold pays her membership but doesn't want to be there after 3:30 in the afternoon Saturday or Sunday.

Someone was thrown out for inappropriate behavior; taken out by Officers, but then they're allowed back in. Mrs. Reinhold said she thinks once you're thrown out by Officers you shouldn't be allowed back in. Foul language and disrespect. Mrs. Reinhold said those are her concerns.

It's a great facility; we have awesome slides and it's a great place to go but it's going downhill fast. When you have members say they're not going to come or maybe next year I won't even by a membership.

President Rowe said usually they put the pool situations with the Community Services Committee; however, in lieu of what was said tonight Mrs. Rowe asked the Chief to place this on the Public Safety Committee to be discussed because it is a safety concern.

Mr. Robert Good, 137 Ridgeway Avenue, said he also has heard comments coming from the pool; the concerns were well stated.

Mr. Good said he would like to mention the title of the pool is the Ephrata Community Pool; it's not the Ephrata Public Pool and as such we own that facility.

Mr. Good said he knows making a profit and large crowds are part of this and we want to see good attendance and sales at the concession stand.

When you start to have problems like this, you have to start at least thinking that this pool and the intention of the pool was always for the Ephrata community and surrounding area. Mr. Good doesn't have a problem with guests coming but inappropriate behavior is inappropriate behavior. That is a family facility; therefore, it should be run as a family facility. If you draw your parameters within a certain area such as Ephrata Area School District that perhaps could be one thing; you don't have to make it public pool for everybody just because they will pay the admission fee. Inappropriate behavior is exactly that and it needs to be dealt with. Mr. Good said another thing you might consider and he hates to say it – start raising the prices.

Mr. Good asked if most of the problems are coming from visitors outside the Ephrata area.

Mr. Summers said not all of them; they have had some police calls for Ephrata residents.

Mr. Reinhold asked the question was most of the calls – is it a 50/50 split. Mr. Summers said it is probably more than 50% from outside the area.

Mr. Good said his main thought is that if it gets to the point where we're burdening police and everybody else because we have people who just don't know how to behave in public and think they can do whatever they want to do and don't have to follow the rules and so forth we don't need them here at the Ephrata Community Pool.

Mr. Summers, Executive Director Ephrata Recreation Center said the Rec Center manages the pool for the Borough of Ephrata. Since we have upgraded the pool and have more traffic we have had some challenges not just this year but past years. It seems it has gotten a bit worse this year. We discussed this at the last Community Services Committee meeting. Some things we came up with were for the police to come and talk to our staff and how to handle situations with patrons not behaving. Chief Harvey's staff put on a presentation. They also have a more police presence walking through the pool. Mr. Summers said he talked to the Chief and Mr. Thompson this morning about issues over the weekend and how we address some of those. Mr. Summers said what is offensive to one may not be offensive to another. Sitting being loud and using bad language; they're not breaking the law. We can ask them to calm down and respect the people around them. Sometimes they do and sometimes they give staff a hard time. Mr. Summers said they are trying to come up with ways to manage that. Mr. Summers doesn't think raising day pass rates is the way to control behavior. What is to say that the undesirable patrons can't afford the higher rate and are we going to punish patrons that maybe can't afford a higher rate but are behaving when they come to the pool?

Mr. Summers said we did talk about doing something with limiting or making more members' only time. Having times that are set for members and their guests to try to eliminate some of those undesirables. We are searching for options also.

Thomas Reinhold, 15 Highland Avenue, speaking out a citizen. Mr. Reinhold said he is very proud of that facility but is also very concerned about what's been happening especially this summer. The more people that come, the more people that talk about it the more it comes in the public eye. Mr. Reinhold said he is concerned that it's only going to increase until next month. Let's hope we address this properly.

Mr. Reinhold said Mr. Summers you said you try to deal with behavior. Mr. Reinhold was doing research this afternoon looking at the rules on our community pool. Use or abuse of profane language or other improper conduct on pool property should be grounds for expulsion. Mr. Reinhold said he hopes we are expelling those people when they're doing that. Children under the age of ten must be supervised at all times. Mr. Reinhold said he knows that's not happening many times. Typically with our out of town guests.

Patrons are not to participate or engage in unnecessary conversations with lifeguards while they are on duty. Mr. Reinhold said he has been told these lifeguards are say 16 or 17; his wife saying most of these kids are 14 or 15. Mr. Reinhold said he bets they won't be able to get these kids back another summer because they won't want to deal with the headaches and the nonsense from grown adults calling them inappropriate names. Mr. Reinhold is hearing this from pool management.

Mr. Reinhold said people are discouraged. Mr. Reinhold said he's ready to get out of the pool by 3:00; he doesn't like the way it starts to go, the way people don't listen, doesn't like the behavior at all.

Mr. Reinhold called Overlook today. They charge \$19 the very first time. Manheim Township issued ID card must be presented for admission. The first time you go there is a \$6.00 charge for your ID card and \$13.00 for general admission. Overlook has less amenities than Ephrata. Once you pay the first time. When you come back the following day or weekend it's \$13.00, but you have an ID card. You're photo is in the system. You're information is in the system. Mr. Reinhold said he's not convinced that some of these individuals don't want to be known who they are or what they've got going on because there might be warrants out for their arrest.

Mr. Reinhold said is there a way we can have them in the system that then the police can cross reference that system.

Mr. Reinhold said Overlook's management is authorized to put into effect additional rules for the protection and safety of our patrons. Mr. Reinhold said he's sure Ephrata has something similar.

Mr. Reinhold talked about an issue that occurred Saturday where someone was denied access because of pool attire; we have clear rules on what is pool appropriate and what is not. Mr. Reinhold said he was told that this issue seemed to have an air of faith/religious belief and what they are entitled to wear or cover. Mr. Reinhold said we are responsible for enforcing our rules.

Tim Barr, 224 Boomerang Drive, is speaking out as a resident. Mr. Barr said he has some concerns over the years about farm preservation, etc. He is not a big fan of developers.

Mr. Barr said there is a developer here who has a chance to do something very good for our community and doesn't believe apartments are that solution. There are very few opportunities in this borough that if an old property is knocked down that you can put up townhouses so that people will have pride of ownership. Mr. Barr is not concerned about the quality of residents or the quality of landlords; we're going to deal with that in the ordinance. Mr. Barr is concerned about the future of Ephrata. We have people on Council and residents as well that have said we're not going to grow much more in size but we can grow our economy. It's a fine balance between how much is our government going to grow and the cost of operating Ephrata and the amenities we enjoy versus these opportunities that come up.

Mr. Barr said we voted on Robert Road at the last voting session. That was pretty much a one for one exchange of apartments for apartments, and he doesn't have much of a problem with that. Although it could have been four to six townhouses. Again an opportunity for ownership.

Mr. Barr said on Bethany Road there are ten units of rentals proposed on this property. Two apartments stacked on top of each other is about the size of one townhouse. Five townhouses could be built there. Mr. Barr said as far as the future of Ephrata's economy, the more people that you have that are proud to live here that have a stake in the ownership of that property and of their town then we can only go forward and get better. Mr. Barr said he will encourage Council to vote no if at all possible. Mr. Barr doesn't believe that apartments are the answer to that property.

Mayor Mowen suggested Mr. Barr attend Zoning Hearing Board and Planning Commission Meetings and address that before those developers spend thousands of dollars to develop their program and get hear. Express those thoughts early on and possibly change some minds.

Mrs. Rowe suggested that Mr. Barr take the time to read specifically Chapter 5 of the Strategic Comprehensive Plan.

Martie Samuels, 212 North Academy Drive, said hearing people talk tonight even though there is a lot of negative. Ms. Samuels said she looks at it and say there is a lot of positive because people have some fire in their bellies. They have something to say. They love Ephrata; they want Ephrata to be a place where families want to come, buy a home, raise their families, feel safe. This is inspiring that people are coming and speaking out to raise the bar in Ephrata. That is such a good feeling and this is a great town. It's sad to hear what you are all saying.

Reverend Herbener said he was asked to come to make a report about the Ephrata Community meals. Mrs. Rowe said she thought that was postponed. Mrs. Rowe said it is not scheduled for tonight.

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**

Mrs. Rowe said in the Revision-Addition folder you will find the Mayor's Revenue Report and the Lincoln Fire Company report.

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

#### **BUDGET AND FINANCE COMMITTEE REPORT – 7/11/2016**

The Budget & Finance Committee met on June 27, 2016 and discussed the following:

1. The Committee reviewed the 2016B Sewer Bond which paid off the remaining balance of the 2010 Sewer debt of \$1.5 million and provided us with \$3,825,000 in new money for capital projects.
2. The Committee reviewed the refinance of the Rec Bond which saved \$116k and kept the term the same.
3. The Committee discussed the state regulation which requires an audit of the Borough books after Gail's retirement. Gail's last day of employment with the Borough was 6/16/16. We will request a quote from MaherDuessel for the audit and ask them to assign a different manager than previously used to avoid any conflict of interest.
4. The Committee reviewed old business of the Free Electric Report from 2015. A request was made for 5 years of history of free electric for further discussion at the next committee meeting.

#### **DEVELOPMENT ACTIVITIES COMMITTEE REPORT – 7/11/2016**

The Development Activities Committee met on June 27, 2016 and discussed the following:

1. The Committee reviewed a proposed land development plan for 40 and 44 Bethany Road. The plan is proposing to construct one 10-unit multi-family building on each of the two building lots. There will be a shared driveway to serve each parking lot. The Committee will recommend that Borough Council approve five waivers/modifications, one deferral and approve the plan as a final land development plan subject to inclusion of staff comments

dated June 13, 2016, HRG comments dated June 10, 2016 and 2 Planning Commission Conditions. This item will appear on the July Consent Agenda.

2. The request for 220 Duke Street was withdrawn.
3. The Committee reviewed Bid #16-7, Exterior Building Caulking & Waterproofing. The bid was for work to the library and Borough Hall. The bid for both buildings was higher than the budgeted amount. The staff is recommending awarding the bid to Hudak Waterproofing Company for improvements to the library only. Work for Borough Hall will be budgeted in 2017. The Committee will recommend that Borough Council award Bid #16-7 to Hudak Waterproofing Company, Taylor PA for a total of \$35,100.00 at their July meeting.
4. The Committee reviewed a proposed lease for Ephrata Area Repeaters Society. A member of the Repeaters was present and brought up two issues; the 180' tower is not structurally sound and has for-profit antennas on it. The staff will review the lease regarding tower maintenance responsibilities and contact one of the Repeater officers to see if they have any evaluations of the tower and if they will attend next month's meeting to address the issues that were raised. The Committee will table this until the July Committee meeting.
5. The Committee reviewed a request from Josh and Laura Haupt, 1256 Marilyn Avenue to place a fence within an electric easement. There is a 5 foot wide easement at the rear of the property that they would like to encroach into. The fence would be on the property line. The Electric Department reviewed the request and didn't see any issues with it. The Committee will recommend that Borough Council grant the request at the July meeting subject to executing a hold harmless agreement in a form acceptable to the solicitor.
6. The Committee reviewed a request from the Ephrata Performing Arts Center (EPAC) to serve alcohol at the premiere of the show *American Idiot* on July 20, 2016. EPAC has provided a copy of a Special Occasion Permit License issued by the Pennsylvania Liquor Control Board for the event. The Committee will recommend that Borough Council grant the request to serve alcohol at the July 20<sup>th</sup> event at the July Council meeting.
7. The Committee reviewed a request from 1111 State Street, LP to release the financial security for the land development improvements that were recently completed at 1111 South State Street. The Committee will recommend that Borough Council release \$58,757.00 at their July meeting.
8. The staff reported that they have reached out to a representative of landlord group to discuss the proposed ordinances. They are in the process of scheduling a meeting to review the trilogy of ordinances.
9. The Committee reviewed a request from DEI regarding banners for the holiday season and they would be paid for by sponsoring families, individuals or businesses. Currently there are three sets of banners with four rotations by Borough staff. This would add a fifth rotation. Concern was raised regarding separation of church and state. No further action will be taken at this time.
10. The Committee discussed the downtown holiday wreaths. They were purchased by the former Merchants Association and are now being stored in a DEI space. DEI would like to purchase 100 more, but they would like the Borough to take over the maintenance and installation of the wreaths. The Committee would like more information and will revisit this in the future when someone from DEI can be present to answer questions.
11. The staff reviewed the updated fee in lieu of requirements contained within the PA MPC. The fee-in-lieu of requirements in the subdivision and land development ordinance have not been updated. The staff will begin to look into updating the requirements as set forth in the MPC. One of the requirements is to have a formally adopted Recreation Plan. The staff will find a sample plan for review by the Committee and look into possible funding opportunities through the state and bring this back to a future Committee meeting
12. Building murals was tabled until next month.
13. Ebenezer's Grocery was granted a variance to add additional square footage of retail within the existing industrial building at the June Zoning Hearing Board meeting.
14. There were no new applications for the July Zoning Hearing Board meeting.

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

The Public Safety Committee met on June 13, 2016 at 6:00 PM and discussed the following:

Public Comments: None

At 6:02 PM, a motion was made and approved to enter into executive session to discuss the appointment of a police officer.

**Executive Session: Police Personnel Issue**

At 6:18 PM, motion was made and approved to return to the regular Public Safety Committee meeting.

**ACTION ITEM:**

1. 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.

DISCUSSION ITEMS: None

OLD BUSINESS: None

There being no other business set before it, the meeting was adjourned at approximately 6:20 PM.

The next regularly scheduled PSC meeting will be Monday, June 20, 2016 at 6:30PM.

**PUBLIC SAFETY COMMITTEE MEETING REPORT – 7/11/2016**

The Public Safety Committee met on June 20, 2016 at 6:30 PM and discussed the following:

1. Disposition of Assets (Fleet) – Lt. Shumaker presented the disposition of the older police fleet. Eight (8) Dodge Chargers, (2) Ford SUVs, and one (1) Chevrolet impala.
  - 2005 Chevrolet Impala, 4 door sedan, VIN#2G1WF55K059254457, approx. 105,000 miles.
  - 2010 Ford Expedition, 4x4 SUV, VIN#1FMJU1G55AEB56888, approx. 70,000 miles.
  - 2010 Ford Expedition, 4x4 SUV, VIN#1FMJU1G53AEB56887, approx. 70,000 miles.
  - 2012 Dodge Charger, 4 door sedan, VIN#2C3CDXAT1CH260852, approx. 70,000 miles.
  - 2012 Dodge Charger, 4 door sedan, VIN#2C3CDXATXCH260851, approx. 70,000 miles.
  - 2012 Dodge Charger, 4 door sedan, VIN#2C3CDXATXCH260848, approx. 70,000 miles.
  - 2012 Dodge Charger, 4 door sedan, VIN#2C3CDXAT8CH260847, approx. 70,000 miles.
  - 2012 Dodge Charger, 4 door sedan, VIN#2C3CDXAT8CH260850, approx. 70,000 miles.
  - 2012 Dodge Charger, 4 door sedan, VIN#2C3CDXAT6CH260846, approx. 70,000 miles.
  - 2012 Dodge Charger, 4 door sedan, VIN#2C3CDXAT4CH260845, approx. 70,000 miles.
  - 2012 Dodge Charger, 4 door sedan, VIN#2C3CDXAT1CH260849, approx. 70,000 miles.

It is recommended that the Chevrolet Impala go to Garden Spot Auction for sale and the remaining fleet will be sold to other police agencies as per Pennsylvania Borough Code. The NADA values used do not reflect police equipment; all will be included except for weapons and radios. Total goal is a minimum of \$91,450.00 for total fleet sales. There was a motion made to authorize the disposition of the fleet Eight (8) Dodge Chargers, 2 Ford SUVs and one (1) Chevrolet impala. The Impala will go to Garden Spot Auction, and the remaining fleet will be sold to other police agencies per the Pennsylvania Borough Code. Minimum of \$91,450.00 for total fleet sale. – Unanimously approved by Committee- *Action by Borough Council*

2. Civil Service Notification – Lt. Shumaker briefed on the current staffing situation and has one vacancy remaining. Requested that Borough Council notify the Ephrata Borough Police Civil Service Commission to produce a list of three candidates who are PA Act 120 certified. The new list will come forth in late September from upcoming Lancaster Chiefs of Police Association Police Hiring Consortium. Unanimously approved by Committee- *Action by Borough Council*

3. Lincoln Fire Co Strategic Plan- Chief Rich Gehman presented Lincoln Fire Company's strategic plan. Copy will be added to Council reports. – *Received For Informational Purposes Only*
4. Proposed ordinance gas grills – Mr. Carlos Martin of 333 Lincoln Ave. requested the consideration of creating a new ordinance addressing gas grills (“open flame cooking devices”). Lincoln Fire Chief had no records of any fires related to grills. Pioneer Fire Chief had three references since 1995. Staff was directed to research for similar codes for presentation later. - *No Action at this time*
5. DCED Letter- Chief Harvey presented the PA Department of Community and Economic Development's denial of the recent Municipal Assistance Program (MAP) grant application. All partners have been notified – *Received For Informational Purposes Only*
6. Comp-stat (May 2016) – Chief Harvey presented the May crime reports. – *Received For Informational Purposes Only*
7. EMC Report (May 2016) – Chief Harvey presented May's emergency management report – *Received For Informational Purposes Only*

NEW BUSINESS: None

OLD BUSINESS: None

OTHER BUSINESS: None

There being no other business set before it, the meeting was adjourned at approximately 7:29 PM.

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

#### **HIGHWAY COMMITTEE REPORT – 7/11/2016**

The Highway Committee met on Monday, June 27, 2016 and discussed the following:

1. The Committee reviewed a request from staff to add Plum Alley, between Rose Alley and East Main Street, to the 2016 Street and Alley Improvements program. The alley surface has rapidly deteriorated over the past year. Due to its close proximity to Rose Alley which is already in the improvements program there is no better time than now to improve this alley. The estimated cost of \$10,805 based on established contract unit prices is well within the budgeted amount considering that the low bid was approximately \$220,000 under budget estimate. The Committee will recommend that Borough Council approve this request at their July 11, 2016 meeting.
2. The Committee reviewed the results of Bid #16-8 for the South Oak Street Bridge Barrier Replacement. There was one (1) bidder. The only bid submitted by Mar-Allen Concrete Products, Inc. of Ephrata, PA totaling \$331,693 significantly exceeds the budget estimate of \$165,000 for the project. Nineteen (19) prospective bidders downloaded bid packages from PennBid for this project. It is Staff's recommendation that this bid be rejected. Staff and the Bridge Engineer will explore ways to reduce costs and will likely budget for this project in 2017. PennDOT and their bridge inspection consultant will be made aware of the bid results and will be asked to share their thoughts in moving this project forward. The Committee will recommend that Borough Council reject this bid at their July 11, 2016 meeting.
3. The Committee reviewed PennDOT's Green Light-Go Program Grant Agreement #2015GLG112 which awards the Borough \$33,366.24 for completion of certain traffic signal improvements within the Borough. This amount is a 50% match and it is to be understood that any costs associated with the signal improvements over that matching grant amount must be approved and paid for by the Borough. The Committee was advised by staff that since the planned signal improvements are within critical corridors (SR 0322 and SR 0272) PennDOT will be responsible for preparing final design plans, specifications and estimates, bidding, construction and construction inspection. The Committee will recommend that Council conditionally accept the grant and authorize the Borough Council President and Secretary to execute the Agreement by adopting Resolution #2016-16 subject to a form acceptable to the Borough Solicitor at their July 11, 2016 meeting.

4. The Committee reviewed a 5-year Municipal Winter Traffic Services Agreement by and between the Pennsylvania Department of Transportation (PennDOT) and the Borough. This Agreement is for winter seasons 2016-17; 2017-18; 2018-19; 2019-20; and 2020-21. The Agreement area consists of 2.97 linear miles along East and West Main Streets (SR 0322) from Bethany Road to Market Street and compensates the Borough at a rate of \$882.98 per travel lane mile for snow and ice removal during the 2016-17 winter season, a 1% increase over the 2015-16 winter season. The annual rate change is based on the Municipal Cost Index (MCI) which tracks changes in costs of materials, labor and services for municipalities and also factors in the Consumer Price Index (CPI) and Producer Price Index (PPI) from February to February (traditionally the busiest winter month). The total anticipated reimbursement to the Borough for winter season 2016-17 is \$5,244.90 plus any applicable adjustment to offset severe winter conditions. The Committee will recommend that Council conditionally enter into the Agreement with PennDOT and authorize the Borough Council President and Secretary to execute the Agreement by adopting Resolution #2016-17 subject to a form acceptable to the Borough Solicitor at their July 11, 2016 meeting.
5. The Committee reviewed a resolution to adopt experimental traffic and parking regulations under Section 305-5 of the Code of the Borough of Ephrata to allow the removal of special purpose parking (loading and unloading) along the east side of Cloister Avenue between alleys. The Committee will recommend that Borough Council adopt Resolution #2016-18 at their July 11, 2016 meeting.
6. The Committee reviewed a resolution to adopt experimental traffic and parking regulations under Section 305-5 of the Code of the Borough of Ephrata to establish 2-hour time limited parking along the east side of Cloister Avenue between alleys. The Committee will recommend that Borough Council adopt Resolution #2016-19 at their July 11, 2016 meeting.
7. The Committee discussed multiway stop sign installation warrants with respect to recent citizen concern related to clear sight obstruction at the intersection of Park Avenue and West Locust Street. It is obvious that this intersection does not meet criteria necessary to establish a 4-way stop at this location so the Committee has asked staff to contact the two citizens who attended the May 2016 Highway Committee meeting to update them on the Borough's plans for this intersection and continue to monitor the situation at this intersection and gather citizen and crossing guard input when the new school year begins later this year.
8. The Committee reviewed the most recent Borough vehicle identification proposal and approves of the design and has asked staff to move forward with identifying all applicable Borough vehicles in this way by the end of 2016. Material and labor costs to outfit Borough vehicles with the new identification are estimated at \$1,000. This issue is resolved and no further action required at this time.
9. The Committee was updated on the clear sight distance concerns at the Apple Street and Robert Road intersection during auction activities each Tuesday and asked staff to report any progress regarding communications between the Borough, Ephrata Police Department and Garden Spot Auction representatives at the July 25, 2016 Committee meeting.
10. The Committee discussed future sidewalk installation along Meadow Valley Road between SR 0272 and Old Mill Road and was informed that PennDOT's contractor recently installed ADA ramps at the SR 0272 and Meadow Valley Road intersection. Committee directed staff to determine how many school students walk on Meadow Valley Road between Old Mill Road and the Borough line just west of SR 0272 and report back to them. This count will wait until the new school year begins with a report back to Committee at their September 2016 meeting.

#### **MUNICIPAL ENTERPRISES COMMITTEE REPORT - 7/11/2016**

The Municipal Enterprises Committee met on July 5, 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 long term auctions for FTRs along the AEP-Dayton to Ephrata path for 2019/2020 and the PJM West to Ephrata path for 2018/2019 and 2019/2020. 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 long term FTR auction as outlined in Resolution 2016-20. The Committee will recommend that Council adopt Resolution 2016-20 when they meet on July 11, 2016.

2. 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 that would be co-branded with Ephrata Borough. The program has a five year initial term that renews annually unless the Borough opts out of the program. During the term of the program the Borough would agree to exclusively offer the IGS Utility Shield program. The program is purely optional, and there is no obligation on the part of Customers of the Borough to participate in the program nor any restriction that would prohibit Customers from choosing a different insurance provider. Staff has reviewed the AMP IGS program and recommend that Resolution 2016-21 to authorize participation in the Utility Shield program. The Committee will recommend that Council adopt Resolution 2016-21 in a format acceptable to the Solicitor when they meet on July 11, 2016.
3. The Committee reviewed a request to reduce financial security for the Willis R. Lefever & Joanne L. Lefever Subdivision/Land Development in Clay. 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 \$3,349.50 currently being held as financial security be reduced to zero. The Committee will recommend that Council approve the request to reduce financial security for the Willis R. Lefever & Joanne L. Lefever Subdivision/Land Development when they meet on July 11, 2016.
4. The Committee reviewed a request for sanitary sewer capacity from the proposed Hocking Apartments on Tom Avenue. The request is for an additional 12 HVUs or 2,851.2 gallons per day. Staff has reviewed the request and recommends approval. The Committee will recommend that Council approve the request from Hocking Apartments for an additional 12 HVUs of sanitary sewer capacity when they meet on July 11, 2016.
5. The Committee reviewed the signed Power Supply / Market Service Proposal between GDS and the Borough. The execution of the agreement with GDS was authorized by Council on April 11, 2016. No further action is required.
6. Mr. Natarian provided an update on the live power purchasing that was authorized by Resolution 2016-14. Three of the four authorized blocks of power were purchased at prices below the authorization limit. Bids for the 2018 to 2020 monthly blocks came in higher than the authorized limit and were not purchased. Staff will continue to monitor the markets. If pricing becomes favorable, we will go live and seek proposals to fill the block within the authorized price limits. If pricing takes a permanent turn away from the authorized limit then Staff will prepare a recommendation to modify the authorization limit. No action is required from the Committee at this time.
7. Mr. Natarian and Borough Manager, D. Robert Thompson provided the Committee an update on the status of the AMP Advance Meter Project. AMP staff will be visiting the Borough on July 13, 2016 for a project requirements workshop. That workshop will finalize the design and cost of the project. Staff will review the results of the workshop at the next Committee meeting. Once final pricing is determined Staff will prepare a recommendation for the Committee to consider. No action is required by the Committee at this time.
8. Mr. Natarian and Mr. Thompson provided an update on the proposed Solar Project. General agreement on a term sheet has been accomplished. Negotiations continue to finalize the Power Purchase Agreement. No action is required by the Committee at this time.

#### **COMMUNITY SERVICES COMMITTEE REPORT – 6/13/2016**

The Community Services Committee met on June 27, 2016 and discussed the following:

1. Jim Summers reviewed a request to include beer and wine at its second annual Clare Point Derby fundraising event to be held on Saturday, October 22, 2016 in the Rec assembly room. The Committee will recommend that Borough Council approve the request at their July meeting subject to the Rec obtaining a special occasion permit (SOP) from the LCB.
2. Jim Summers reviewed a request to use the Ephrata Community Pool for the fourth annual Dog Days of Summer dog swim to be held on Saturday, September 10, 2016. The Committee will recommend that Borough Council approve the request at their July meeting.
3. Member Reinhold discussed patron safety concerns at the Ephrata Community Pool. There were issues that occurred Memorial Day weekend. Police presence at the pool on weekends has helped. Pool staff is participating in training provided by our police department. Jim

Summers will update on the training at the next Committee meeting. There was discussion about the general admission rate. The Committee agreed to re-visit safety concerns and rates at the end of the pool season.

4. The Committee discussed a Cultural Art Grant concern submitted to staff by Laurel Dance Company. Based on the current guidelines, Laurel Dance Company was not awarded grant funds in 2015 or 2016. The Committee agreed to review the current guidelines to see if any changes need to be made.
5. The Committee acknowledged thank you letters submitted by the Ephrata Public Library and The Historical Society of the Cocalico Valley for the Borough's recent contribution from the Art Grants Program.
6. Solicitor McManus reviewed the proposed new lease for the Ephrata Recreation Center. The original lease is from 1976 and should have been terminated when the Borough deeded the land to the Ephrata Borough Authority. There was never a lease agreement prepared between the Ephrata Recreation Center and the Ephrata Borough Authority. This issue was identified as part of the refinancing of the Rec debt. The Committee determined that the Ephrata Borough Authority needs to approve the proposed new lease agreement. Once a new lease agreement is in place, the Committee will need to take action to terminate the existing lease from 1976.
7. The Committee reviewed a request made by Mr. Ricky Moyer, President of the Ephrata Bowmen, to add a new range at the Archery building on N. Maple Street. Ephrata Borough owns the building and land, the Ephrata Bowmen occupy the building, and the Ephrata Rec Center maintains it (shoveling, mowing, etc.). There is currently no lease on file between the Ephrata Bowmen and the Ephrata Borough. Although there are no objections to the request, the Committee will not take action until there is a lease agreement in place and the Ephrata Bowmen name the Ephrata Borough as an additional insured to their existing policy. Borough staff is authorized to take the necessary action to get a lease agreement between the Ephrata Bowmen and the Ephrata Borough in a form acceptable to the Borough Solicitor.

#### **SPECIAL PROJECTS COMMITTEE REPORT – 7/11/2016**

The Special Projects Committee met on June 20, 2016 and discussed the following:

1. 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 directed the staff to circulate the proposed ordinance to the rest of Borough Council and the Mayor for comments to be received and reviewed by the Committee at their July 18, 2016 committee meeting.
2. The Solicitor discussed the contents of the proposed draft ordinance regulating mobile food vending with the Committee members. The Committee is concerned that if the requirements are too onerous it will dissuade food vendors from considering Ephrata as a place to operate their businesses. The staff will review and revise for the purposes of streamlining the proposed ordinance and discuss with the Committee at their July 18 meeting.
3. Resident Ms. Martie Samuel discussed with the Committee her concern for the downtown in light of the announcement that the Main Theater will likely close its doors in the near future due to poor attendance. The Committee discussed their commitment to economic development and that they are looking forward to working with Urban Research Development Corporation. Ms. Samuel stressed the urgency of creating incentives for developers to come to Ephrata. The Committee provided assurances that the Borough is committed to this effort.

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

2<sup>nd</sup> Quarter Financial, Police, Inspection/Codes, Wastewater Treatment Division, Public works Division

DEI

Historical Society of the Cocalico Valley

The following reports were not received – Electric, Sanitation, Water Division, EEDC, EPAC, Ephrata Public Library, Ephrata Recreation Center, Merchants Association

#### **NEW BUSINESS ITEMS**

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

It was moved by Mr. Richard, seconded by Mr. Weiler, and passed by a vote of six yeas by Messrs. Reinhold, Ressler, Richard, Weiler, Mrs. Martin, and Mrs. Rowe and one nay by Mr. Barr that Borough Council approve the Consent Agenda consisting of the following:

1. 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 40 & 44 Bethany Road Plan. (Development Activities Committee)
2. 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 40 & 44 Bethany Road Plan. (Development Activities Committee)
3. That Borough Council approve a waiver/modification of submission of Edge of the Driveway shall not be closer than 40 Feet, Section 281-42.H of the Code of the Borough of Ephrata for the Preliminary/Final Land Development Plan for the 40 & 44 Bethany Road Plan. (Development Activities Committee)
4. That Borough Council approve a waiver/modification of submission of Spacing of Street Trees, Section 281-56.B of the Code of the Borough of Ephrata for the Preliminary/Final Land Development Plan for the 40 & 44 Bethany Road Plan. (Development Activities Committee)
5. That Borough Council approve a waiver/modification of Minimum of One Foot Cover over Storm Pipes, Section 275-307.C.1.a.3 of the Code of the Borough of Ephrata for the Preliminary/Final Land Development Plan for the 40 & 44 Bethany Road Plan. (Development Activities Committee)
6. That Borough Council approve a deferral of Dedication of Additional Right-of-way, Section 281-34.D of the Code of the Borough of Ephrata for the Preliminary/Final Land Development Plan for the 40 & 44 Bethany Road Plan. (Development Activities Committee)
7. That Borough Council approve the land development plan for 40 and 44 Bethany Road, dated April 20, 2016, containing 14 sheets prepared by Diehm and Sons, Lititz, PA as a final plan subject to the following:
  - A. The applicant must address the comments from the June 13, 2016 memorandum of Nancy Harris, Planning and Engineering Manager.
  - B. The applicant must address all comments contained in the HRG letter dated June 10, 2016.
  - C. The applicant needs to provide wheel stops in the parking spaces to prevent cars from parking on the building sidewalk.
  - D. The applicant needs to reconfigure the dumpster area to prevent the enclosure doors from blocking the sidewalk and the handicap parking space. (Development Activities Committee)

#### **STANDING COMMITTEE RECOMMENDATIONS**

##### **Development Activities Committee**

It was moved by Mrs. Martin, seconded by Mr. Weiler, and unanimously passed by roll call vote that Borough Council award Bid #16-7, Exterior Building Caulking & Waterproofing to Hudak Waterproofing Company, Taylor PA for a total of \$35,100.00 for improvements to the library. This includes line item EPL-1, Exterior Recaulking for \$26,100 and line item EPL-2, Exterior Water Repellant Application for \$9,000.

It was moved by Mrs. Martin, seconded by Mr. Weiler, and unanimously passed that Borough Council grant the request of Josh and Laura Haupt, 1256 Marilyn Avenue to place a fence within

an electric easement subject to the preparation of a hold harmless agreement by the Borough solicitor and the cost of the preparation is to be paid for by the Haults.

It was moved by Mrs. Martin, seconded by Mr. Weiler, and unanimously passed that Borough Council grant EPAC's request to serve alcohol at the July 20<sup>th</sup> premiere of the show *American Idiot*.

Mrs. Rowe asked if this is going to be conditional or have they met all the conditions. Mr. Thompson said we are in receipt of their letter from the LCB. It will be that the receipt of a certificate of insurance.

It was moved by Mrs. Martin, seconded by Mr. Weiler, and unanimously passed that Borough Council release financial security in the amount of \$58,757.00 for the land development improvements at 1111 South State Street.

### **Public Safety Committee**

It was moved by Mr. Weiler, seconded by Mr. Reinhold, and unanimously passed that Borough Council approve the disposition of assets requests regarding vehicle disposal. The vehicles are:

- 2005 Chevrolet Impala, 4 door sedan, VIN#2G1WF55K059254457, approx., 105,000 miles.
- 2010 Ford Expedition, 4x4 SUV, VIN#1FMJU1G55AEB56888, approx. 70,000 miles.
- 2010 Ford Expedition, 4x4 SUV, VIN#1FMJU1G53AEB56887, approx. 70,000 miles.
- 2012 Dodge Charger, 4 door sedan, VIN#2C3CDXAT1CH260852, approx. 70,000 miles.
- 2012 Dodge Charger, 4 door sedan, VIN#2C3CDXATXCH260851, approx. 70,000 miles.
- 2012 Dodge Charger, 4 door sedan, VIN#2C3CDXATXCH260848, approx. 70,000 miles.
- 2012 Dodge Charger, 4 door sedan, VIN#2C3CDXAT8CH260847, approx. 70,000 miles.
- 2012 Dodge Charger, 4 door sedan, VIN#2C3CDXAT8CH260850, approx. 70,000 miles.
- 2012 Dodge Charger, 4 door sedan, VIN#2C3CDXAT6CH260846, approx. 70,000 miles.
- 2012 Dodge Charger, 4 door sedan, VIN#2C3CDXAT4CH260845, approx. 70,000 miles.
- 2012 Dodge Charger, 4 door sedan, VIN#2C3CDXAT1CH260849, approx. 70,000 miles.

It was moved by Mr. Weiler, seconded by Mrs. Martin, 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.

### **Highway Committee**

It was moved by Mr. Richard, seconded by Mr. Ressler, and unanimously passed by roll call vote that Borough Council approve adding Plum Alley, between Rose Alley and East Main Street, to the 2016 Street and Alley Improvements Program at an estimated cost of \$10,805 based on established contract unit prices. Plum Alley would be reconstructed, and the additional expenditure is within the program budget.

It was moved by Mr. Richard, seconded by Mr. Barr, and unanimously passed that Borough Council reject the only bid received for Bid #16-8 for the South Oak Street Bridge barrier replacement.

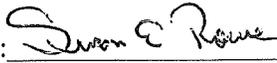
It was moved by Mr. Richard, seconded by Mr. Ressler, and unanimously passed that Borough Council conditionally accept PennDOT's Green Light-Go grant award and adopt Resolution No. 2016-16 authorizing the Borough Council President and Secretary to execute the Agreement subject to a form acceptable to the Borough Solicitor.

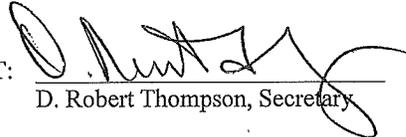
**RESOLUTION 2016-16**

**A RESOLUTION AUTHORIZING EXECUTION OF A GREEN LIGHT-GO PROGRAM GRANT/REIMBURSEMENT AGREEMENT WITH PENNSYLVANIA DEPARTMENT OF TRANSPORTATION**

BE IT RESOLVED, by authority of the Borough Council of the Borough of Ephrata, Lancaster County, and it is hereby resolved by authority of the same, that the President and Secretary of the Borough of Ephrata be authorized and directed to sign the attached Agreement on its behalf.

**BOROUGH OF EPHRATA**

By:   
Susan E. Rowe  
President of Borough Council

ATTEST:   
D. Robert Thompson, Secretary

I, D. Robert Thompson, Secretary of the Borough of Ephrata, do hereby certify that the foregoing is a true and correct copy of the Resolution adopted at a regular meeting of the Borough of Ephrata, held the 11<sup>th</sup> day of July, 2016.

Date: 7/11/2016

  
D. Robert Thompson, Secretary

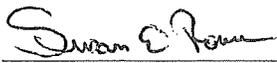
It was moved by Mr. Richard, seconded by Mr. Barr, and unanimously passed that Borough Council conditionally approve entering into a 5-year Municipal Winter Traffic Services Agreement with PennDOT and adopt Resolution No. 2016-17 authorizing the Borough Council President and Secretary to execute the Agreement subject to a form acceptable to the Borough Solicitor.

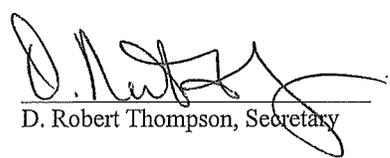
**RESOLUTION 2016-17**

**A RESOLUTION AUTHORIZING EXECUTION OF A MUNICIPAL WINTER TRAFFIC SERVICES AGREEMENT WITH PENNSYLVANIA DEPARTMENT OF TRANSPORTATION**

BE IT RESOLVED, by authority of the Borough Council of the Borough of Ephrata, Lancaster County, and it is hereby resolved by authority of the same, that the President and Secretary of the Borough of Ephrata be authorized and directed to sign the attached Agreement on its behalf.

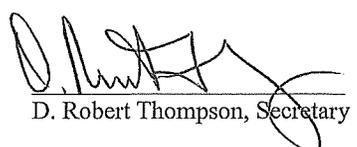
**BOROUGH OF EPHRATA**

By:   
Susan E. Rowe  
President of Borough Council

ATTEST:   
D. Robert Thompson, Secretary

I, D. Robert Thompson, Secretary of the Borough of Ephrata, do hereby certify that the foregoing is a true and correct copy of the Resolution adopted at a regular meeting of the Borough of Ephrata, held the 11<sup>th</sup> day of July, 2016.

Date: 7/11/2016

  
D. Robert Thompson, Secretary

It was moved by Mr. Richard, seconded by Mr. Ressler, and unanimously passed that Borough Council adopt Resolution No. 2016-18 authorizing 90-day experimental removal of special purpose parking along the east side of Cloister Avenue between alleys.

**RESOLUTION 2016-18**

**A RESOLUTION TO ADOPT EXPERIMENTAL TRAFFIC AND PARKING REGULATIONS UNDER SECTION 305-5 OF THE CODE OF THE BOROUGH OF EPHRATA**

WHEREAS, Chapter 305, Article I, Section 305-5 of the Code of the Borough of Ephrata permits Borough Council to adopt by resolution experimental traffic and parking regulations for a period of up to 90 days; and

WHEREAS, the Council of the Borough of Ephrata deems it appropriate and in the public interest to designate certain experimental traffic and parking regulations along a portion of Cloister Avenue.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Ephrata hereby adopts the following experimental traffic and parking regulations pursuant to the provisions of Chapter 305, Article I, Section 305-5 of the Code of the Borough of Ephrata:

- 1. In accordance with the provisions of Section 305-5 of the Code of the Borough of Ephrata, special purpose parking shall be removed at the following location:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>	<u>Special Purpose</u>
Cloister Avenue	East	Between alleys	Loading and unloading

- 2. The removal of official traffic control signs or other official traffic control devices establishing special purpose parking along the east side of Cloister Avenue within the location defined hereinabove is hereby authorized.

BE IT FURTHER RESOLVED these experimental regulations are effective immediately and shall continue for a period not to exceed 90 days.

RESOLVED this 11<sup>th</sup> day of July, 2016.

It was moved by Mr. Richard, seconded by Mr. Barr, and unanimously passed that Borough Council adopt Resolution No. 2016-19 authorizing 90-day experimental 2-hour time limited parking along the east side of Cloister Avenue between alleys.

**RESOLUTION 2016-19**

**A RESOLUTION TO ADOPT EXPERIMENTAL TRAFFIC AND PARKING REGULATIONS UNDER SECTION 305-5 OF THE CODE OF THE BOROUGH OF EPHRATA**

WHEREAS, Chapter 305, Article I, Section 305-5 of the Code of the Borough of Ephrata permits Borough Council to adopt by resolution experimental traffic and parking regulations for a period of up to 90 days; and

WHEREAS, the Council of the Borough of Ephrata deems it appropriate and in the public interest to designate certain experimental traffic and parking regulations along a portion of Cloister Avenue.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Ephrata hereby adopts the following experimental traffic and parking regulations pursuant to the provisions of Chapter 305, Article I, Section 305-5 of the Code of the Borough of Ephrata:

- 1. In accordance with the provisions of Section 305-5 of the Code of the Borough of Ephrata, time limited parking shall be established at all times in the following location:

<u>Name of Street</u>	<u>Side</u>	<u>Time Limit</u>	<u>Location</u>
Cloister Avenue	East	2 hours	Between alleys

2. The erection and maintenance of official traffic control signs or other official traffic control devices establishing time limited parking along the east side of Cloister Avenue within the location defined hereinabove is hereby authorized.

BE IT FURTHER RESOLVED these experimental regulations are effective immediately and shall continue for a period not to exceed 90 days.

RESOLVED this 11<sup>th</sup> day of July, 2016.

### **Municipal Enterprises Committee**

It was moved by Mr. Reinhold, seconded by Mr. Richard, and unanimously passed that Borough Council adopt Resolution 2016-20 to authorize participation in the Long Term Financial Transmission Rights auction for 2017 to 2020.

Mr. Reinhold said we will actually be getting paid to take power from the western part of the state with these FTRs.

### **RESOLUTION 2016-20**

#### **A RESOLUTION OF THE BOROUGH OF EPHRATA, LANCASTER COUNTY, PENNSYLVANIA AUTHORIZING PARTICIPATION IN THE LONG TERM 2017-2020 FINANCIAL TRANSMISSION RIGHTS (FTR) AUCTION**

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 2017-2020 Long Term FTR Auction can provide price stability for a 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 2017-2020 energy years,

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 2017-2020 Long Term FTR Auction subject to the limitations set forth in Section 2 hereinbelow.

SECTION 2. The maximum authorized bid prices for the FTRs in the 2017-2020 Long Term FTR Auction are established as follows:

- a) 0.9 MW on-peak AEP-Dayton Hub to Ephrata LMP FTR for a term from June 1, 2019 through May 31, 2020 at a maximum price of  $-\$0.79 / \text{MWh}$
- b) 1.0 MW 7x24 Western Hub to Ephrata LMP FTR for a term from June 1, 2018 through May 31, 2019 at a maximum price of  $-\$1.60 / \text{MWh}$
- c) 0.5 MW 7x24 Western Hub to Ephrata LMP FTR for a term from June 1, 2019 through May 31, 2020 at a maximum price of  $-\$1.60 / \text{MWh}$

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 11<sup>th</sup> day of July 2016.

It was moved by Mr. Reinhold, seconded by Mr. Richard, and unanimously passed that Borough Council adopt Resolution 2016-21 to authorize participation in the AMP IGS Home Services Program.

#### **RESOLUTION 2016-21**

##### **A RESOLUTION AUTHORIZING THE EXECUTION OF A BRANDING AGREEMENT WITH THE MANCHESTER GROUP, LLC (IGS) TO ENROLL IN THE "UTILITY SHIELD" PROGRAM**

WHEREAS, the Borough of Ephrata, Pennsylvania ("Municipality") is a political subdivision organized and existing pursuant to the laws of the Commonwealth of Pennsylvania which 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, the Manchester Group LLC ("Manchester Group"), is a for profit limited liability company and a subsidiary of IGS Energy, that provides energy products and services pertaining primarily to utility line protection, to residential utility customers; and

WHEREAS, Municipality and the Manchester Group have expressed mutual interest in creating a product that is serviced and provided by the Manchester Group, but is branded under the Municipality's name, logo, and otherwise identified as a Municipality product under the name "Utility Shield"; and

WHEREAS, the Manchester Group and Municipality desire to enter into an agreement for the provision of services from the Manchester Group for the benefit of Municipality's residential utility customers

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

SECTION 1. That the Branding Agreement between the Manchester Group and Municipality for the Manchester Group's utilization of Municipality's intellectual property for the purposes of marketing Utility Shield products and services (the "Agreement"), substantially in the form as per Exhibit A is approved.

SECTION 2. That the Borough Secretary or President of Borough Council are hereby authorized to execute the Branding Agreement and to enroll in the "Utility Shield" Program with Manchester Group, and are further authorized to execute and deliver any and all documents necessary to participate in the "Utility Shield" Program.

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 11<sup>th</sup> day of July 2016.

It was moved by Mr. Reinhold, seconded by Mr. Richard, and unanimously passed that Borough Council approve the request from the Willis R. and Joanne L. Lefever Subdivision/Land Development to reduce all remaining escrow (\$3,349.50) currently held by the Borough upon completion of sanitary sewer facilities improvements.

It was moved by Mr. Reinhold, seconded by Mr. Richard, and unanimously passed that Borough Council approve a sanitary sewer capacity request from Hocking Apartments – Tom Avenue for 12 additional HVUs or 2,851.2 gallons per day.

#### **Community Services Committee**

It was moved by Mr. Barr, seconded by Mr. Reinhold, and unanimously passed that Borough Council approve the request from the Ephrata Rec Center to include beer and wine at its Clare Point Derby fundraising event on October 22<sup>nd</sup> subject to the Rec obtaining a special occasion permit (SOP) from the LCB.

It was moved by Mr. Barr, seconded by Mr. Ressler, and unanimously passed that Borough Council approve the request from the Ephrata Rec Center to use the Ephrata Community Pool for its Dog Days of Summer event on September 10<sup>th</sup>.

#### **APPROVAL OF CHECKS 26790 THROUGH 27076 AND THE ACH REGISTER DATED JULY 1, 2016**

It was moved by Mr. Barr, seconded by Mrs. Martin, 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 \$1,552,364.23.

Mr. Richard questioned two checks payable to Ephrata Ambulance. Chief Harvey said they make the crash bags for the police fleet.

Mr. Richard also questioned the charges for postage; how long a period is that good for. Mr. Thompson said he will get back to him.

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

Joanne Ressler, 245 Mason Drive, said it's a pleasure to walk on Winter's Trail since whatever was done was done. She is there every day. It's mostly families, and she hears no profanity and sees no smoking. The weekends are like the boardwalk. Thank you to the Mayor and the Police Chief. Whatever they did it really worked so she has no doubt that everything will be straightened out at the swimming pool too.

Mr. Good said it is nice to see you all again. Mr. Good had a question about the alcohol ordinance for any group that wants to do not for sale alcohol at their events. When we originally started this Mr. Good was under the impression if these folks put in for permission from the Liquor Control Board that it would be a one-time thing. They might have to do it each year but then it would be one time. Is it a one-time thing? In talking with Mr. Summers he said it now allows them to do six events; however, they have to put in for permission to do each event.

Mrs. Rowe said they have to list all six events the first time they apply for the special occasion permit.

Mr. Thompson said events that are similar in nature such as the Eicher how they do for weddings and the like they can submit their procedure for compliance with LCB regulations as long as they follow the standard procedure and don't deviate from that. That procedure is good and anything that falls under that. If there are independent events (Clare Point, Brewfest) those are different events and considered independent events subject to. The other thing the proposed ordinance has in it is that the sponsor should come to the borough to make sure that the borough approves such subject to the LCB. Just because the LCB approves it doesn't mean the borough is obligated or will approve the event.

Mr. Thompson said there is borough approval of which LCB would be a condition of the borough approval. The process is you come to the borough and ask if the borough would approve the event as laid out subject to LCB. There needs to be LCB approval before each event.

Mr. Gregson said they were at Gettysburg and took in the Winter's Exhibition there. It was very enjoyable and Mr. Gregson highly recommends it. They just opened it up in the last week or so.

Mrs. Rowe said before we get to Council Discussion and Announcements, Mrs. Rowe read the following letter addressed to President Rowe and Mr. Thompson.

President Rowe and Mr. Thompson,

This email shall serve as my resignation from borough council effective immediately. I appreciated the opportunity to have served in this capacity and consistently endeavored to responsibly and ethically represent the citizens of the borough by researching issues, seeking the truth, and from my perspective; doing the right the thing for the community as a whole. I leave with a clear conscience knowing that "I left it all on the field".

Best wishes to you, professionally and personally, in the coming weeks, months, and years. It was a pleasure working with you and all of council.

Professionally yours,

Dale Hertzog

Mrs. Rowe gave each of Council a copy of Section §901 of the Borough Code as follow up.

Referencing that section regardless of the effective date of resignation which was June 17, 2016 the vacancy of the seat is not created until Council either accepts the resignation or until 45 days after the resignation has been tendered.

Mrs. Rowe now asked for a motion to accept this letter of resignation.

It was moved Mr. Reinhold, seconded by Mr. Richard, and passed by a vote of six yeas by Messrs. Reinhold, Ressler, Richard, Weiler, Mrs. Martin and Mrs. Rowe and one nay by Mr. Barr to accept the letter of resignation from Dale Hertzog.

Mrs. Rowe said the letter of resignation was accepted by majority vote. This now serves as notice that effective today, July 11, 2016 there is a vacancy in the Borough Council seat representing the 1<sup>st</sup> Ward for the term expiring December 2019.

Council has 30 days upon this notification to appoint someone from the 1<sup>st</sup> Ward to fill the seat. This appointee will fill the vacated seat until December 31, 2017. The next municipal elections will occur in 2017; therefore, in addition to the 1<sup>st</sup> Ward Council sat expiring December 31, 2017, there will be a special election to fill the two remaining years of the seat expiring December 31, 2019.

The 30 days for Council to appoint an individual to fill the seat will expire August 10, 2016. It is my hope that at our work session on August 1, 2016 we will be able to appoint a representative to fill the vacancy, and Mrs. Rowe will ask the Mayor to give the oath of office to the appointee at that time.

If Council cannot fill the vacancy on August 1, we can make another effort on August 8. If the seat remains unfilled, Mrs. Rowe will call on the chair of the Vacancy Board, as previously appointed by this Council, to convene the Vacancy Board. A special public meeting may need to be advertised to fulfill this obligation, as the Vacancy Board must fill the Vacancy no more than 15 days after Council has failed to satisfy the obligation of filling the vacancy within 30 days. The Vacancy Board consists of the seven remaining members of Borough Council and the Vacancy Board Chair. The Mayor does not sit on or participate on the Vacancy Board.

The requirements to fill this vacancy are specified in Section 901 of the Borough Code of the Commonwealth. The individual must be a registered elector and must have resided within the Ward continuously for at least one year immediately prior to the individual's appointment. Mrs. Rowe will ask anyone interested in the volunteer position of sitting on Borough Council as a 1<sup>st</sup> Ward representative to contact her via her email which is available on the Borough website or to

contact the Borough and/or complete a volunteer form. Mrs. Rowe will be in contact with the Borough to determine if anyone has expressed interest in this manner. Interested individuals may also contact the area committee chair of their party, if applicable.

Council had no questions on the process of filling the vacancy. Mrs. Rowe said she will address committee appointments during the discussion period tonight.

#### DISCUSSION/ANNOUNCEMENTS

Mr. Barr said at first when he saw how detailed oriented Dale Hertzog was in flushing out the facts and wanting to get to know what the truth is. Mr. Barr grew to appreciate it, and he really wanted transparency not only for Council, the Administration. Mr. Hertzog really wanted the transparency and honesty, and Mr. Barr appreciated his hard work and attention to detail.

Mr. Richard said he had the chance to go to the Fireworks Display. It was a beautiful evening and there was a great turnout. He was glad they made the choice to change the night to Tuesday night. Mr. Richard also noted the damage of the stucco on the Rec facility. Mr. Summers said it's been that way for a while and look unsightly. It has to be fixed and is slowly creeping on the list.

Mr. Reinhold said he is disappointed to see Dale go. He learned a lot from him over the last 5 ½ years. He will be missed and was very attentive to the details. Mr. Reinhold referenced Mr. Good's statement that it's an Ephrata Community Pool. It's not a public pool; it's a community pool so we have to keep that in the foreground.

Mr. Reinhold appreciated what Ms. Samuel had to say just being a resident for a year. Mr. Reinhold said he is so proud of this town, and he will fight to keep the things that are the highlights in this town to be wholesome, family, quality of life issues. Mr. Reinhold said the Police Department does a great job addressing the needs. Mr. Reinhold said the intent of that pool was always it's a quality of life piece for the Borough.

Mr. Reinhold said EPAC may welcome *The American Idiot*, the pool doesn't want to welcome any American idiot.

Mayor Mowen said he understands the issue with the pool and have heard people say it's a community pool not a public pool. Unfortunately it is a public pool. We cannot discriminate against people based on their race, color, and creed. It's some place everyone to come and have a good time, which makes it a public pool. Yes we will have to address these issues, but the borough would be in a very tenuous position if we started saying this group isn't allowed and this group isn't allowed. We don't need to get in a position to put the Borough in possibly a discrimination suit. We need to address the issues but keep in mind it is a community pool but it is a public pool for everybody.

Mayor Mowen said there were two more police officers killed today; that's 26 police officers killed in the line of duty this year. Mayor Mowen said it bothers him that we don't have protestors in the streets protesting these officers, these people are there to protect us and give us their lives, protesting their deaths.

Mayor Mowen requested Borough Council draw up a resolution supporting our local police and also requesting our residents that when they see a police officer to thank them for the job they do to protect us. Our officers are some of the best in the state. They protect us and do an outstanding job, and they do not get credit from the public that they should.

Mayor Mowen is requesting Council prepare a resolution thanking our police for the job they do and requesting our residents to thank the police when they see them on the street and talk to them.

Mrs. Rowe asked that the resolution be prepared for the August voting session.

Mr. Reinhold said by no means was I signaling out any single group or racially profiling. We live in a very difficult world now days. There are a lot of tenuous situations that go on. We see it on the national spotlight, and that is not Mr. Reinhold's intent. Mr. Reinhold said if you're going to ask me if I'll be discriminatory against bad behavior I'll be the first one to stand up and say yes I will regardless of the color or your skin, regardless of where your zip code lies.

Mr. Reinhold said we all know there are some bad individuals in this town as well. We just had a bust on Grant Street last Friday. Mr. Reinhold said he is not referring to any one ethnic group.

Mrs. Martin said we hired the Urban Research Development Corporation to come and do a study for our economic development plans in Ephrata. They are going to have their kick off meeting on Wednesday, July 20 at 4:00 PM. Mrs. Martin mentioned this in case anyone would like to come and give their ideas and opinions and visions for Ephrata.

Mrs. Rowe said she thinks the kick off meeting is for the representatives of each of the individual group.

Mr. Thompson said in speaking with the URDC is that the kick off meeting was to bring together the volunteer groups and stakeholders to get it started. Once the committee work is done there will be a series of public meetings to have discussions.

Mr. Thompson said in your check register tonight there is check 26849 to Ream's Disposal. Mr. Thompson said Eagle Disposal is now picking up our refuse and recycling. That began at the beginning of July as a result of Eagle purchasing Ream's. The borough asked if they could continue to have the Ream's truck on the streets and it was their preference not to. They will continue the service through the end of September, and we will award a new refuse and recycling contractor. The new hauler will begin October 1.

Chief Harvey said the department has gotten a couple of calls about the Pokemon Go. Chief Harvey said they are warning them to be respectful of other people's property, do not trespass and do not damage.

Mrs. Rowe said due to the vacancy that was discussed Mrs. Rowe revised the committee lists. The committee times have not changed.

Municipal Enterprises @ 5:30 PM on the Third Monday  
Chair Reinhold, Members Richard & Ressler

Public Safety @ 6:30 PM on the Third Monday  
Chair Weiler, Members Reinhold & Martin

Special Projects @ 7:30 PM on the Third Monday  
Chair Vacant, Members Barr & Ressler

Community Services @ 4:30 PM on the Fourth Monday  
Chair Barr, Members Martin & Vacant

Highway @ 5:30 PM on the Fourth Monday  
Chair Ressler, Members Barr & Vacant

Budget & Finance @ 6:30 PM on the Fourth Monday  
Chair Richard, Members Reinhold & Weiler

Development Activities at 7:30 PM on the Fourth Monday  
Chair Martin, Richard & Weiler

Personnel Committee  
Chair Reinhold, Martin & Richard

Mrs. Rowe said she will also miss the leadership and guidance of Mr. Hertzog on Borough Council. They did not agree on everything; there were quite few things they did disagree on, but she respected his ability to research and look deeply into each and every item that came before Borough Council. He was very passionate about that maybe to a fault. Mrs. Rowe said she did respect his research and leadership.

#### **ADJOURNMENT**

It was moved by Mr. Richard, seconded by Mr. Weiler, and unanimously pass by Borough Council to adjourn. The meeting was adjourned at 8:25 PM.

Respectfully submitted,

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D. Robert Thompson, Secretary