

**EPHRATA BOROUGH COUNCIL  
REGULAR MEETING MINUTES  
SEPTEMBER 12, 2016**

The regular Ephrata Borough Council meeting was called to order by President Pro Tem Melvin Weiler at 7:00 PM on September 12, 2016 in the Council Chambers of the Borough Office, 124 South State Street.

Pastor Ellen Dooley with Evangelical Church Alliance offered the invocation, which was followed by the Pledge of Allegiance.

In attendance in addition to the President Pro Tem were Council Members Timothy Barr, Linda Martin, Ricky Ressler, Victor Richard, Gregory Zimmerman, and Mayor Ralph Mowen. Council President Susan Rowe and Vice President Thomas Reinhold were 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  
Jean Lausch, 950 Hammon Avenue, Ephrata  
Nate Merkel, Arro  
Paul Swangren, 411 Edgehill Drive, Akron  
Tina Thompson, 872 Fairview Avenue, Ephrata  
Senator Ryan Aument

#### **APPROVAL OF MINUTES**

President Pro Temp Weiler said there is an amendment to the Work Session Minutes. There was a person listed in attendance who was not and that has been amended. Mr. Weiler said we will be approving the amended minutes.

It was moved by Mr. Barr, seconded by Mrs. Martin, and unanimously passed that Borough Council approve the August 1 Work Session Minutes as amended and the August 8, 2016 Regular Meeting Minutes.

#### **SENATOR RYAN AUMENT – RECOGNITION OF BOROUGH'S 125<sup>TH</sup> ANNIVERSARY**

Senator Aument said it's good to be in Ephrata and to have this opportunity to celebrate with the Borough their recent 125<sup>th</sup> Anniversary. Senator Aument noted that Tina Thompson, who was in attendance, is a member of his staff. If either of them can be of any service to the borough or the residents of the borough, please note that they are a phone call or email or visit away.

Senator Aument thanked the Chief and Borough Council for allowing him to do a visit with the Police Department. It is scheduled in the weeks ahead as well as a ride along with the department. Senator Aument is looking forward to spending some time with the Chief and his Officers riding through the streets of Ephrata.

Senator Aument is pleased to present the citation from the Senate of Pennsylvania. Senator Aument read the citation.

“Whereas, the Senate of Pennsylvania is always pleased to recognize those esteemed communities which through the observance of significant events in their history contribute to preserving the continuity of Pennsylvania's great heritage, and

Whereas, the Borough of Ephrata is celebrating a momentous occasion of its 125<sup>th</sup> anniversary and whereas, located in a northeastern section of Lancaster County, Ephrata is the outgrowth of the Cloister's, a religious community founded in the early 1700's by historian Conrad Beissel. Following rapid growth in the late 1800's the community was incorporated as a borough on August 22, 1981. The Borough's first bank Ephrata National Bank continues to serve residents today, and the Railroad Station has been preserved and currently serves as a Visitors Center.

Ephrata further offers several recreations facilities, including two movie theatres, a playhouse, and community pool, public and private schools, the Ephrata Community Hospital, and several public and municipal services.

Throughout its history Ephrata Borough has been blessed with dedicated civic leaders who have helped it grow and flourish as well as diligent and productive citizens who have helped it become an inspiring presence in the Commonwealth.

Now, Therefore, the Senate of the Commonwealth of Pennsylvania heartily congratulates the Borough of Ephrata as it celebrates the joyous occasion, offers best wishes for continued growth and prosperity in the years to come and directs of copy of this document sponsored by Senator Ryan P. Aument be transmitted to the Borough of Ephrata.

Senator Aument extended his gratitude and thanks to all for their service and congratulations on this momentous occasion. Senator Aument said it is worth noting that the citation is an official act of the Senate of Pennsylvania. Ephrata Borough, your achievements have been entered into the public record of the Senate of Pennsylvania which dates itself back 200-300 years.

Congratulations.

## **MUNICIPAL MOMENT**

Director of Operations Tom Natarian and Superintendent of Public Works and Water Paul Swangren

### **Stormwater Requirements**

Mr. Natarian said they very much appreciate the opportunity to present the Municipal Moment and talk about the Stormwater Management Plans and the stormwater requirements we have in the Borough of Ephrata.

Mr. Natarian said your first question you probably want to have is what's the goal of our stormwater management plan. The goal is to reduce the discharge of pollutants. Every time that it rain there are materials that are caught up in the rain water and up in the creek. We need a balanced and coordinated program. We want to have a plan that meets the needs of our regulator, the needs of our community, and meets the needs of our budget as well. We need to focus on problem areas and results. You have to simply stop performing tasks that are perceived as compliant. Mr. Natarian said in some instances there seemed to have been this check mark approach where if you check off a list and done all these things you met your requirements. Remember the goal is to reduce the discharge. We need to stop performing tasks that we perceived as compliant and develop a common sense approach.

Mr. Swangren gave a brief history on some of the stormwater in Ephrata. The Cocalico Creek has always been there. The water when it rains has always drained into Cocalico Creek.

Mr. Swangren said over a hundred years they have been building a collection system throughout the borough. As it expanded and development came along they had pipes and inlets and forced the water down to the creek. About the 70s they started some regulations. Clean Water Act was one of the big ones that regulated some of the stormwater. One of the big things are forefathers did was they developed a separate stormwater system. They didn't combine it with the sanitary sewer; they had a separate system. That is called an MS4. Separate municipal storm sewer system. Mr. Swangren said around 2000 came some permits. We were permitted to discharge the stormwater into the Cocalico Creek. We have been through three rounds of permitting. Those permits have specific things you are to do. Have a discharge inspection program, a stormwater ordinance. Those things were done. Now in 2016 going into 2017 new regulations are out. They want a stormwater management plan. The stormwater management plan is part of the regulation, and staff has been working on it, and Mr. Swangren presented a large manual.

Mr. Swangren said there is a federal regulation agency, EPA, makes the regulations and enforces them. They legislate the regulations and they enforce is down on the states to enforce. EPA is not the enforcement agency. DEP gives us permits. We have been through three cycles of permits and will be going through another cycle of permits. They are the group that keeps us in compliance with regulations through the permit.

Mr. Swangren said what are the new requirements? To reduce the pollutants into the creek, manage your stormwater system, and your conveyance system to eliminate those pollutants. Develop a stormwater management plan. That is what staff has done. Now we are going to implement it. The new permit is due in 2018. We have to have a notice of intent to due May 2017. We have to tell them what we're doing in that plan for that permit.

Mr. Swangren said a pollution reduction plan; we are reducing the pollutants in the creek we're discharging. That is due in September 2017. This permit will focus on waters of the U.S., reducing pollutants entering the water and every point of discharging into the water. That's what the permit focuses on.

Waters of the U.S. are defined by national data base. Mr. Swangren had a map showing these waters. Gross Run is a water body of the U.S. that is regulated by these permits. Mr. Swangren highlighted on this map with red stars what were the discharging points from the borough's conveyance system into the water bodies of the U.S. There are several on the Cocalico and many going up Gross Run. Eighty-six outfalls we are responsible to monitor and reduce the pollutants.

Mr. Swangren had a slide showing the extensive conveyance system with the stormwater system. The outfalls are noted and the pipes. All the conveyances come in to those discharge points and into the creek.

Mr. Swangren had several slides from Tropical Storm Lee when there was a lot of rain in a short period of time and the creek couldn't handle it showing a lot of sediment and pollutants going into the creek.

Mr. Swangren said the stormwater management program is going to focus on reducing those pollutants into the Cocalico, accurate mapping of the system, and priority classification of those areas. You will take that point source, the one that is discharging, and look back at the conveyance system and classify that as high, medium priority and then inspect it. See what you can reduce. The goal is to reduce the pollutants. High priority ones will be screened, tested and documented building a database, historic so we know what is going in there so we know how much to use. The staff will do both dry and wet weather flow and countering. Someone has to go out when it's raining to see where that water is coming and how much is coming in and if there is any contaminants coming in.

Staff will collect and analyze sample data. Monitor and inspect DNPs. DNPs are best management practices in your storm sewer system. That could be a rain garden. It could be impervious pavement where it allows the water to go through and soak back into the ground. Those need to be inspected and maintained. Borough owned and private ones we need to make sure that they are all working the way they were designed, because we want that water to percolate back into the ground and not go to the creek or water bodies.

Mr. Swangren said illicit discharge detection and elimination. Focus hard on making sure it's only rain in the drain. There was a display out front. Staff is focusing on only rain in the drain.

There were several articles, and Blue Ridge did some interviews in order for staff to get that out to the public. Staff is currently working with the Fair since they will be in town to keep the theme of only rain in the drain.

Mr. Swangren said they have to train the contractor and employees. That means the contractors that do tree trimming or grass cutting for the borough need to be trained so they are now throwing grass out into the street. When it rains it goes into the drain. We are responsible for their actions also. Mr. Swangren said we also have to train our employees, public education and outreach. Staff has been trying to work with the school.

Mr. Natarian said this is not your grandfather's stormwater management plan. You can't imagine the amount of time that went into developing all the information that is now in our Stormwater Management Plan. This is not something we are choosing to do; this is something we are required to do in order to meet both DEP and EPA regulations, in addition to the fact that it's the right thing to do.

It's the common sense approach; we're getting away from putting checkmarks next to boxes and doing things that actually make sense. It's a balanced program that meets the needs of both the regulators and the community. It's an unfunded mandate. It still is something that we are required to do; it's something we want to do; and it's the right thing to do. It's going to increase our general fund expenditures, and it is anticipated in order to meet the requirements of this program we are going to need one additional staff person in 2017 to gather the data, get us the information that we will need in order to establish the program, and then long-term be able to meet the requirements of this program. It's going to require extensive testing in order to meet all the requirements.

Chief Harvey said when he was at the Hazardous Materials Conference he listened to a gentleman who did his dissertation on legacy sediment. A lot of the legacy sediment in some of the dams of the older years actually have heavy metals – a lot of things we don't want going downstream so they are looking at some areas now like New Jersey testing the legacy sediment to determine if you're downstream should the dam breach what are you going to be having coming down.

Mr. Natarian said in an ideal world you would be able to capture the first inch of rain. If you have a one inch rain storm that water would stay on your property and filter into your ground.

Mrs. Martin asked about the additional staff person – would that be a full-time person.

Mr. Natarian said the position would be a full-time equivalent. Mr. Natarian said he could see that we would have multiple people who may have a portion of this as a responsibility so it's not like Mr. Natarian would imagine having just one person who is just for stormwater. Mr. Natarian can easily imagine that there are multiple people who each have a piece of this and as a result when you add it all up it becomes a person.

Mrs. Martin asked what other general fund expenditures you see as part of this.

Mr. Swangren said in the stormwater operation budget you will see some small increases with testing equipment, sending things out to the lab, contract services. Things like that. Mr. Swangren said they don't do such extensive testing.

Mr. Thompson said proposed in the budget will be one additional person but when you look at the activities one person might be six people that have a certain amount of their time allocated stormwater. When you go across the public works budget that you'll see this year equipment operators might have a certain percentage associated with snow removal then they'll have a certain percentage associated with distribution line maintenance, sewer maintenance. They'll be some existing positions that will get an increase in their allocation for stormwater and there will be a new hire but that person might not be 100% stormwater; it'll pick up some of the other duties that because someone else took on more stormwater they'll be other duties that need to be done like distribution system flushing. When you look at total number of employees we expect that there will be one additional full-time employee added to the net number of employees.

Mr. Thompson said street sweeping is an element of stormwater management because when you sweeping the streets you're taking all the things on the surface of the street and getting them off of there before they get into the catch basins.

Mr. Ressler asked if each municipality is going to have a program like this, a book like that individually. Mr. Natarian said yes; the question is how soon they will realize they have this mountain of requirements to satisfy. Mr. Natarian said they feel very confident looking at the surrounding area we are trying to get ahead of the curve before we are forced into that turn. We took a proactive position. In order to get our permit approved for the next cycle we don't have any other choice.

Mr. Natarian said EPA guidelines have been clear; it's the interpretation of those guidelines that is always subject to change. Mr. Natarian said that document is a living, breathing document that will change every year. In fact as part of the program we view the document every year.

Mr. Natarian said what you measure, what the results were, how the name changes and improvements, and what are your results now. Those will always be the same.

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

Mr. Gary Klinger, President of the Historic Preservation Trust, reminded Council and those present that the Historic Preservation Trust Tour and Celebrate Ephrata 2016 Tour is about 40 days away. Mr. Klinger has one thing exciting and one thing of concern. Mr. Klinger said on Friday they found a second C. Emlen Urban artifact. This is the holy grail of C. Emlen Urban artifacts. He is a famous architect from about a hundred years ago who designed The Ephrata National Bank, Highland School, Milton Hershey's mansion, Hotel Hershey, etc., and many buildings throughout Lancaster City.

Mr. Klinger said they are honored to have three buildings designed by him, and they found another artifact tied to him that will be revealed on the tour. They have two artifacts that will be revealed on the tour. Mr. Klinger said a really key concern is they need some good volunteers even for an hour or two the day of the tour to be stationed at the various thirty stops. If anyone is available please talk to Gary, email or call him. The tour is from 10:00 AM until 3:00 PM with thirty stops. Mr. Klinger said it is now up on the website, hptrust.org, as well as the Historical Society, the Chamber of Commerce.

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

### **BUDGET AND FINANCE COMMITTEE REPORT – 9/12/2016**

The Budget & Finance Committee met on August 22, 2016 and discussed the following:

1. The Committee reviewed the 2<sup>nd</sup> Quarter Financials for all Committees. No major issues or concerns were noted by the Committee.
2. The Committee discussed the consent calendar and the difficulty of obtaining all quarterly information by the voting session following the end of the quarter. Therefore, the Committee decided to delay the consent calendar quarterly reports to the second voting session following the end of the quarter.
3. The Committee reviewed the current 50+ page check register to determine if they preferred the long report or if they would like a report similar to that used by EAJA. They chose to keep the current report.
4. The Committee discussed the request from the Library Executive Director to release the 3<sup>rd</sup> quarter contribution early. Previously, the Library Board requested that we issue the contribution in four equal quarterly installments. If they need to receive the 3<sup>rd</sup> quarter contribution early, then we would need a request signed by the Chairman of the Library Board.
5. The Committee reviewed the agreement the Borough has with the EEDC. There was some conversation regarding potential future investments of the EEDC and how that would impact our agreement with them. The only restrictions of our agreement revolve around the property of the former Mountain Springs Hotel site. Chairman Richard agreed to serve on the board of the EEDC, and the Committee will recommend that they appoint Chairman Richard to the Board.
6. The Committee was notified that the auditors were on site on August 11<sup>th</sup> for the audit of the Borough books since Gail's retirement 6/16/16. All requested documentation has been provided to the auditors, and they are working on completing the audit and will notify staff of any additional documentation needs. The audit covers the time period of 1/1/2016 to 6/30/2016.
7. The Committee reviewed old business of the Free Electric Report from 2015. A spreadsheet had been created to show the last 5 years of free electric. The Committee requested that Mrs. Moore create scenarios which would incent the recipients of the free electric to conserve. The incentives would potentially provide additional monetary contributions to the recipient if they meet or exceed the requested cuts.

### **DEVELOPMENT ACTIVITIES COMMITTEE REPORT – 9/12/2016**

The Development Activities Committee met on August 22, 2016 and discussed the following:

1. The Committee reviewed financial information provided by the Ephrata Area Repeaters Society. No representatives from the Repeaters were present. The Repeaters are asking for the Borough's annual lease fee to be waived. The Committee will recommend that Borough Council renew the lease with the Ephrata Area Repeaters Society with an annual lease fee of \$700 for the term of the lease at the September Council meeting.

2. The Committee reviewed a request from Charles Mathias, 156 Windsor Drive to place a retaining wall within a 10' electric easement at the front of the property. The Electric Department reviewed the request and wants a minimum separation of 2 feet between the wall and the underground transmission line. The Committee will recommend that Borough Council grant the request at the September Council meeting subject to executing a hold harmless agreement in a form acceptable to the solicitor, and the applicant will be responsible for the cost of preparation and recording of the agreement.
3. The staff presented a sketch plan for WellSpan Ephrata Community Hospital. The applicant is proposing to demolish the existing structure on a hospital owned lot at Lancaster Avenue and Martin Avenue and construct a 40 space parking lot. The applicant will have to apply for two variances from the Zoning Hearing Board. The Committee will recommend that Borough Council authorize the staff to issue the sketch plan comments from the staff, HRG, and the Planning Commission to the applicant at the September Council meeting.
4. Mr. Bob Good from the library board expressed concern regarding the costs the library has incurred in regard to the HVAC system that was installed in the summer of 2012. The library presented an invoice for the cost to reduce the humidity levels from 70% to 55%. The cost is \$7,005.00 per week and the dehumidifiers may need to be there 2 – 3 weeks. Also the Committee requested that the staff provide a history of payments for HVAC costs for review by the Committee and possible reimbursement for non-routine maintenance items as they relate to the HVAC system installed in 2012. The Committee is recommending that Borough Council authorize at the September 6<sup>th</sup> Work Session an unbudgeted expenditure from the unallocated balance of the General Fund up to a maximum of \$21,015.00 to pay for temporary dehumidification at the Public Library.
5. The Library presented information regarding the Keystone Grant Application for Public Library Facilities. They are applying for a \$55,000 matching grant from the state and need the sponsorship of the municipality where they are located. The Library is not asking for any financial support from the Borough. The signed application must be submitted to the state no later than October 7, 2016. The library will prepare the application and have it available for the Committee to review at their September 26, 2016 meeting with anticipated Council action at the October 3<sup>rd</sup> work session.
6. The Committee reviewed a request from Diehm and Son surveyors to defer review of a proposed lot add-on plan to Ephrata Township. Olde Lincoln Properties is proposing to purchase a 2.2 acre piece of land from neighboring Martins Market and add it to their lot. A small portion of the tract is in Ephrata Borough. No land development is proposed at this time. The Committee will recommend that Borough Council, at their September meeting, defer review of the lot add-on only to Ephrata Township with the condition that this deferral will not apply to any future land development plans.
7. The staff presented a proposed Memorandum of Understanding (MOU) from the Lancaster County Planning Commission (LCPC) dealing with expedited reviews for certain plans. Expedited reviews are reviewed administratively by LCPC staff and the MOU identifies which plans are eligible to take advantage of the faster review process. The staff reviewed the differences from the previous MOU. This MOU is voluntary. The Committee will recommend that Borough Council authorize the Council President to execute the Memorandum of Understanding with the Lancaster County Planning Commission at the September Council meeting.
8. The staff reviewed a request from the Lancaster County Preservation Trust to access the Haller Mill property as part of an Architectural History Tour on October 22, 2016. The staff will sign and return the document. No action is required by Borough Council.
9. The Committee reviewed the second quarter budget report for activities under their purview. There were no concerns regarding the budget report.
10. Recently murals have appeared along the trail and downtown. Currently mural content is not regulated. The Committee would like to look into draft guidelines for murals. The staff will research sample guidelines for murals and bring those to the September Committee meeting.
11. David Boland presented the Committee with a draft brochure for the holiday banners. The Committee discussed the time limits for the banners. Mr. Thompson reported that every banner change-out costs around \$1,200 in staff time. He also reported that the solicitor advises against any reference to a holiday. The Committee will recommend that Borough

Council agree to absorb the cost of an additional banner change-out for a new set of holiday banners at the September Council meeting.

12. The staff provided information regarding a Recreation Plan. DCNR has a matching grant program but has some rigorous requirements. HRG is reviewing the Parks and Rec information in the Comprehensive Plan to see if that may meet the MPC requirements. A formal Recreational Plan will cost \$25,000 to \$30,000. The staff will determine what fee in lieu fees have been paid for the last ten years and provide that information to the Committee at next month's meeting.
13. The Zoning Hearing Board did not meet in August so there are no decisions.
14. There were no new applications for the September Zoning Hearing Board meeting.

### **HIGHWAY COMMITTEE REPORT – 9/12/2016**

The Highway Committee met on Monday, August 22, 2016 and discussed the following:

1. The Committee reviewed the results of Bid #16-10 Provide and Install Thermoplastic Pavement Markings and will recommend that Borough Council award the bid to apparent low bidder: Lincoln Pavement Services, Inc. from Denver, PA in the total bid amount of \$15,655.00 as part of the consent agenda at their September 12, 2016 meeting. The budget estimate for this project is \$20,000.
2. The Committee reviewed a request from Deanna Paparo, Boy Scout Troop 363 Committee Chairperson, dated August 9, 2016 to use the Public Works building parking lot during the 2016 Ephrata Fair Parade to park cars as a fundraiser. The Committee will recommend that Council conditionally approve the request subject to Borough receipt of a satisfactory certificate of insurance naming the Borough as additional insured at their September 12, 2016 meeting.
3. The Committee reviewed the 2<sup>nd</sup> Quarter 2016 budget report relative to street and storm water maintenance activities, applicable capital funds, highway aid fund, and mobile equipment fund noting that Snow and Ice Control within the General Fund is over budget in the overtime and materials & supplies accounts due to harsh winter conditions. Transfers from other activities will be made later in the year to cover these overages as necessary. The Committee reviewed a letter received by the Borough on August 19, 2016 from George Hammaker of 173 Church Avenue detailing his concerns regarding the Church Avenue & West Locust Street and Church Avenue & West Chestnut Street intersections and his request that multi-way stop signs be installed at all four (4) approaches to each of those intersections due to pedestrian safety concerns. The Committee instructed staff to contact Mr. Hammaker to advise him that certain data will be collected regarding those intersections and that information will be shared with and discussed by the Committee at their September 26, 2016 meeting.
4. The Committee was informed that the Garden Spot Auto Auction has complied with recent requests by the Ephrata Police to place temporary no parking signage at the Robert Road & Apple Street intersection prior to and during Tuesday auction events to improve clear sight distance concerns at that intersection. No further action required.
5. The Committee was updated on the status of the South Oak Street Bridge structure mounted barrier replacement project. Staff will contact the bridge inspection company advising them of our recent bid results and inquire about an appropriate PennDOT contact to discuss our situation with and report back to Committee at the September 26, 2016 meeting.
6. The Committee was updated on the status of the Park Avenue & West Locust Street intersection regarding previous citizen request to install a 4-way stop at that intersection. Staff has contacted the two citizens who attended the May 2016 Committee meeting and informed them about the Borough's plans for this intersection which include continuing to monitor the situation at this intersection and gather citizen and crossing guard input and collect school walker crossing data when the new school year begins August 29, 2016.
7. The Committee continued discussions regarding potential 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. The Committee was also made aware that a proposed development

adjacent to and southwest of this intersection in Ephrata Township is currently being planned for approximately 120 units. Staff will determine how many school students currently walk on Meadow Valley Road between Old Mill Road and the Borough line just west of SR 0272 and report back to Committee at their September 26, 2016 meeting.

8. A citizen concern was presented to the Committee on the subject of parking at the Whistle Stop Plaza parking lot. The concern regarded vehicles parking in the lot all day considering the entire parking area is signed for 2-hour time limited parking from 9 AM – 6 PM. This issue was forwarded to the Ephrata Police who will increase their enforcement efforts in this area. No further action required at this time.

### **MUNICIPAL ENTERPRISES COMMITTEE REPORT - 9/12/2016**

The Municipal Enterprises Committee met on August 15, 2016 and discussed the following:

1. Director of Operations, Thomas Natarian reviewed a proposed waterline easement to the Ephrata Area Joint Authority (EAJA) for a parcel of land near Penn Avenue. The easement is necessary to facilitate the construction of a water main that will be installed as part of the Mission Pump Station project. The Committee will recommend that Council approve the waterline easement to EAJA when they meet on September 12, 2016.
2. The Committee reviewed a proposed sanitary sewer easement to the Ephrata Borough Authority for a parcel of land near Penn Avenue. The easement is necessary to facilitate the construction of a sanitary sewer main that will be installed as part of the Mission Pump Station project. The Committee will recommend that Council approve the sanitary sewer easement to the Ephrata Borough Authority when they meet on September 12, 2016.
3. The Committee reviewed a proposed construction easement to the Ephrata Area Joint Authority (EAJA) for a parcel of land near Old Mill Road. The easement is necessary to facilitate the replacement of a water main that will be installed under Cocalico Creek near the Old Mill Road bridge. The Committee will recommend that Council approve the easement to EAJA when they meet on September 12, 2016.
4. Mr. Natarian and Borough Manager, D. Robert Thompson reviewed a proposal from Hanover Engineering Associates for an update to the Regional Act 537 Sewage Facilities Plan. The last time that the Act 537 Plan was updated was 1995. The cost of the professional services from Hanover Engineering Associates is not to exceed \$64,300. The Act 537 Plan update was a budgeted item in the 2016 Budget and Program of Services. The proposed cost is within the budgeted amount. Accordingly, Staff recommends approval of the proposal. The Committee will recommend that Council approve the proposal from Hanover Engineering Associates in the amount of not to exceed \$64,300 to update the Regional Act 537 Sewage Facilities Plan when they meet on September 12, 2016.
5. The Committee reviewed the 2<sup>nd</sup> Quarter Financial reports prepared by Director of Finance and Administration, Christine Moore for the Water Fund, Electric Fund, Sewer Fund, Sanitation Fund, and Sewer Permit Fund. Water Fund revenues were above budget due to timing of payments from EAJA. Water Fund expenses were within the expected range. The Electric Fund revenues were on par with electricity charges while overall expenses were slightly above budget due to timing of transfers and capital projects. The Sewer Fund revenues and expenditures were both below budget but within expected ranges. The Sanitation Fund revenues and expenses were within expected ranges. Sewer Permit Funds, dependent upon when connection permits are issued were below budget.
6. Mr. Natarian and Mr. Thompson reviewed the status of the American Municipal Power (AMP) Advanced Meter System. Staff is working with AMP to develop final costs. Staff has engaged the services of McNeese, Wallace to review the Schedule to the Master Services Agreement. Staff is prepared to make a recommendation to the Committee to approve participation in the project. The Committee decided to defer action to a special meeting of the Committee which was scheduled for August 29, 2016. The special meeting will be in Council Chambers and all Council Members will be invited to attend. Staff will work with AMP to prepare a presentation regarding the details of the project. Staff will arrange for AMP representatives to be present at the special meeting in order to answer all Council Member's questions regarding the program details.
7. Mr. Natarian and Mr. Thompson provided an update on the proposed solar project. Staff continues to work with the proposed solar power provider to develop an acceptable Power Purchase Agreement. In other matters, Staff has made progress dealing with issues related to

the distribution line as well as the interconnection with PPL. No action is required of the Committee at this time.

8. Mr. Natarian reviewed stormwater regulatory requirements with the Committee. In order to meet both DEP and EPA requirements a Stormwater Management Plan (SWMP) has been developed as part of the work authorized by the Council in February 2016. Staff is reviewing the recommendations from the SWMP; however, given the extensive testing and verification requirements, it is likely that additional expenditures will be necessary in order to remain compliant with all stormwater regulations. As Staff is preparing the 2017 Budget and Program of Services those additional expenditures will be quantified and reviewed with the Committee. No action is required by the Committee at this time.

### **MUNICIPAL ENTERPRISES SPECIAL MEETING COMMITTEE REPORT – 9/12/2016**

A Special Meeting of the Municipal Enterprises Committee was held on August 29, 2016 to discuss the American Municipal Power (AMP) Advanced Meter Infrastructure (AMI) Project. The following points were discussed:

- Director of Operations, Thomas Natarian began the discussion with an introduction of the AMP representatives:
  - Brandon Kelley – Chief Information Officer
  - Jared Price – Chief Technology Officer
  - Harry Phillips – Member Relations Director
  - George Bjelovuk – AMI Program Manager
  - Chris Deeter – Assist. Vice-President Finance
- Mr. Natarian discussed the impact of the proposed AMP AMI Project and how it relates to each of the Ephrata Borough performance drivers: Customer Service, Public Safety, Continuous Improvement, and Service Value (Efficiency). In each instance the AMI system was shown to be consistent with the performance drivers of the Borough.
- Mr. George Bjelovuk of AMP discussed Advanced Metering and the Smart Grid. Mr. Bjelovuk stressed that the AMI project is about infrastructure and grid modernization – not just new meters. He addressed common concerns regarding privacy and RF health issues and concluded with a discussion of the possibilities available for future expansion once the infrastructure is in place.
- Mr. Jared Price of AMP discussed the technical details of the AMP AMI project including system components and software integration. He contrasted commercially hosted systems with the AMP proposal and discussed the approach that AMP took in developing the program. Mr. Price said that AMP has committed \$2.5 million in technology capital improvements, over \$1 million in R&D, and an additional \$5 million to support the project over the next 10 years. AMP's plan is to offer the program to all AMP members with an initial target of 200,000 meters enrolled in the program. All members would receive aggregated pricing regardless of the number of meters. In order to manage the program AMP will provide a dedicated Program Manager and AMI operator. Vendors will provide 24x7x365 network support.
- Mr. Natarian reviewed the cost of the AMI Project. The Borough's portion of the system costs is \$1,436,017 which will be funded over 10 years by utilizing AMP's line of credit. Total monthly costs for meters, support modules and debt service are expected to be approximately \$21,208. Recovered system losses are estimated to be \$27,833 per month. Not counting any other efficiency gains the project is cash flow positive. With the Power Cost Adjustment in effect at the Borough, cost savings will be passed along to customers.
- Mr. Chris Deeter of AMP discussed the details associated with utilization of AMP's line of credit. AMP's current line of credit facility is \$750 million, and the current variable interest rate is 1.4375%. In order to access the line of credit the Borough will have to sign a promissory note and execute a loan agreement with AMP.
- Mr. Natarian concluded with a discussion of actions necessary for the Borough to enroll in the program AMI Project:
  1. The Committee reviewed Resolution 2016-24 authorizing the execution of a Schedule to the Master Service Agreement with American Municipal Power for participation in the Advanced Metering Infrastructure Program. The Committee will recommend that

Council adopt Resolution 2016-24 when Council meets at the WORK SESSION\* on September 6, 2016.

2. Mr. Natarian reviewed with the Committee a request to issue a Purchase Order in the amount not to exceed \$150,000 for project expenditures in 2016. The purchase order would commit the Borough to the AMI project and allow AMP to order long lead time items for the system. The Committee will recommend that Council authorize Staff to issue a Purchase Order to American Municipal Power in the amount of not to exceed \$150,000 as an unbudgeted expenditure from unallocated balances of the electric fund, committing the Borough to the American Municipal Power Advanced Metering Infrastructure Program and providing funds for expenditures expected in 2016 when Council meets at the WORK SESSION\* on September 6, 2016.

(\*Note – Permission to place the Committee actions related to the AMI Project on the agenda for the Work Session was granted by Chairman Reinhold via email on August 31, 2016)

### **COMMUNITY SERVICES COMMITTEE REPORT – 9/12/2016**

The Community Services Committee met on August 22, 2016 and discussed the following:

1. Jim Summers presented a request made by DEI, Ephrata Public Library, and Ephrata Recreation Center to hold Ephrata Brewfest, a beer tasting and entertainment event, at Whistle Stop Plaza on Saturday, June 24, 2017 between 7 AM and 7 PM (the actual event will be held between 1-4 PM). The only changes from last year's event are that there will be 600 (was 500) tickets sold and there will be 15 (was 12) brewers. The Committee will recommend that Borough Council approve the use of the plaza and event subject to receipt of written approval from the PLCB, a certificate of insurance naming the Borough as additional insured, and approval by the Chief of Police of an incident support plan, at their September meeting.
2. DEI requested to reserve September 9, 2017 for the Arts & Crafts Festival. This is a "save the date" request only. The Committee will recommend that Borough Council approve the request at their September meeting. The specific request will be made at a later date.
3. Andrea Glass and David Boland from the Chamber presented several ideas to utilize Whistle Stop Plaza on a more regular basis to bring citizens together for a safe place to participate in activities. Their movement is based on Tactical Urbanism, a temporary solution to address problems. Some of the ideas discussed were vendor kiosks, pop-up parks & cafes (seen in cities), a weekly market, and food trucks. Prince Street Park (in Lancaster) was presented as an example. The Committee had no objections to the Chamber putting together a formal plan/proposal to present at future meeting.
4. The Committee reviewed the second quarter budget report for those activities under their authority. It was noted that revenue was down due to concession stand receipts for July and August have not been submitted. There were no other issues or concerns identified by the Committee.
5. Mr. Joe Crockett was not in attendance to discuss the Arts Festival Proposal that was submitted to the Committee. The item was tabled until next month. Mr. Crockett will be contacted and will be asked to attend the September 26, 2016 committee meeting.
6. Borough Manager, Bob Thompson, provided background information about the Rail Trail and explained how the acquisition of quick claim deeds (for the ROW's) for the properties along the Rail Trail were handled by the Borough back in the 90's. Solicitor McManus explained that the Borough acquired most of the Railroad ROW from Conrail back in the 80's. There are seven properties that still hold the ROW's that need to be acquired by the Borough to continue with the Rail Trail Project to make the trail a better experience. Solicitor McManus explained the options that are available to acquire the ROW's. The first option is to obtain a property by property appraisal and negotiate with the property owners. If any of the property owners are uncooperative, the Borough has the power of Municipal Eminent Domain, the power to take private property for public use or economic development, following the payment of just compensation to the owner of that property. There is a lengthy and costly process to exercise the Eminent Domain option. In an effort to avoid that option, the Borough is going to move forward in getting an appraisal on one of the properties to get an idea of the value so the decision can be made on how to proceed. No further action is required by the Committee.

August General Ledger Report  
 Lincoln Fire Company August 2016 Report  
 Pioneer Fire Company August 2016 Report  
 Ephrata Community Ambulance Association – August 2016  
 Emergency Management Coordinator August 2016 Report  
 Emergency Management 3<sup>rd</sup> Quarter Report  
 August Shade Tree Commission Report

## **NEW BUSINESS ITEMS**

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

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

1. That Borough Council award Bid No. 16-10 Provide and Install Thermoplastic Pavement Markings to Lincoln Pavement Services, Inc. of Denver, PA in the total bid amount of \$15,655.00. (Highway Committee)

## **STANDING COMMITTEE RECOMMENDATIONS**

### **Budget and Finance Committee**

It was moved by Mr. Richard, seconded by Mr. Ressler, and unanimously passed that Borough Council appoint Chairman Richard to the EEDC Board.

### **Development Activities Committee**

It was moved by Mrs. Martin, seconded by Mr. Richard, and unanimously passed that Borough Council renew the lease with the Ephrata Area Repeaters Society with an annual lease fee of \$1.00 for the term of the lease.

It was moved by Mrs. Martin, seconded by Mr. Richard, and unanimously passed that Borough Council grant the request of Charles Mathias, 156 Windsor Drive, to place a retaining wall within a 10' electric easement subject to the preparation and recording of a hold harmless agreement by the Borough solicitor and the cost of the preparation is to be paid for by the owner.

It was moved by Mrs. Martin, seconded by Mr. Richard, and unanimously passed that Borough Council authorize the staff to issue the WellSpan Ephrata Community Hospital sketch plan comments from the staff, HRG, and the Planning Commission.

It was moved by Mrs. Martin, seconded by Mr. Richard, and unanimously passed that Borough Council defer review of the lot add-on for Olde Lincoln Properties to Ephrata Township with the condition that this deferral will not apply to any future land development plans.

It was moved by Mrs. Martin, seconded by Mr. Richard, and unanimously passed that Borough Council authorize the Council President to execute the Memorandum of Understanding with the Lancaster County Planning Commission.

It was moved by Mrs. Martin, seconded by Mr. Richard, and unanimously passed that Borough Council agree to absorb the cost of an additional banner change-out for a new set of holiday banners.

It was moved by Mrs. Martin, seconded by Mr. Richard, and unanimously passed that Borough Council approve the request from the Ephrata Performing Arts Center to serve not for sale alcohol at their October 2, 2016 Subscriber Party/Season Launch per their September 1, 2016 electronic mail correspondence to Borough Manager Thompson, subject to the receipt of written approval from the Pennsylvania Liquor control Board and receipt of a certificate of insurance naming the Borough as an additional insured.

### **Highway Committee**

It was moved by Mr. Ressler, seconded by Mr. Barr, and unanimously passed that Borough Council conditionally approves the request from Boy Scout Troop 363 per their letter dated August 9, 2016 to use the Public Works building parking lot during the 2016 Ephrata Fair Parade

to park cars as a fundraiser subject to Borough receipt of a satisfactory certificate of insurance naming the Borough as additional insured.

### **Municipal Enterprises Committee**

It was moved by Mr. Richard, seconded by Mr. Ressler, and unanimously passed unanimously passed that Borough Council approve a waterline easement to the Ephrata Area Joint Authority for a parcel of land near Penn Avenue in order to facilitate the construction of a water main that will be installed as part of the Mission Pump Station project.

It was moved by Mr. Richard, seconded by Mr. Ressler, and unanimously passed unanimously passed that Borough Council approve a sanitary sewer easement to the Ephrata Borough Authority for a parcel of land near Penn Avenue in order to facilitate the construction of a sanitary sewer main that will be installed as part of the Mission Pump Station project.

It was moved by Mr. Richard, seconded by Mr. Ressler, and unanimously passed unanimously passed that Borough Council approve a waterline easement to the Ephrata Area Joint Authority for a parcel of land near Old Mill Road in order to facilitate the replacement of a water main that will be installed under Cocalico Creek near the Old Mill Road bridge.

It was moved by Mr. Richard, seconded by Mr. Ressler, and unanimously passed unanimously passed that Borough Council award a professional services contract to Hanover Engineering Associates in the amount of not to exceed \$64,300 to update the Regional Act 537 Sewage Facilities Plan.

### **Community Services Committee**

It was moved by Mr. Barr, seconded by Mrs. Martin, and unanimously passed that Borough Council conditionally approve the request from DEI, Ephrata Public Library and the Ephrata Recreation Center to hold Ephrata Brewfest, a beer tasting and entertainment event, at Whistle Stop Plaza on Saturday, June 24, 2017 between 7:00 AM and 7:00 PM (the actual event will be conducted between 1:00-4:00 PM) subject to review and approval by the Chief of Police of the security and safety plan, receipt of written approval from the PLCB, and a certificate of insurance naming the Borough as additional insured.

It was moved by Mr. Barr, seconded by Mr. Zimmerman, and unanimously passed that Borough Council approve the request from DEI to save the date of Saturday, September 9, 2017 to hold the Arts & Crafts Festival. The specific request will be submitted at later date.

### **APPROVAL OF CHECKS 27392 THROUGH 27752 AND THE ACH REGISTER DATED SEPTEMBER 8, 2016**

It was moved by Mr. Richard, 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 \$1,876,457.96.

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

There were no comments or questions from attendees.

### **DISCUSSION/ANNOUNCEMENTS**

Mr. Ressler said they had a very successful Doggy Swim on Sunday. They had a record number of dogs, and the weather was excellent. All the dogs had a great time.

Mr. Richard said the World's Fair commonly known as the Ephrata Fair comes to the town next week. Hope to have nice weather with set up Monday evening.

Mr. Zimmerman thanked Council for the opportunity to attend The Make-A-Wish celebration held this past Saturday in Lancaster. It was a very nice event; they raised over \$400,000 and obviously very thankful that the Ephrata Borough allowed them to use the streets to have the event go through the borough.

Mr. Zimmerman said it was a very nice event; the top thirty drivers raised almost \$200,000.

Mrs. Martin said she attended the Arts & Crafts Fair on Saturday; it was quite warm.

Mrs. Martin said she was at the hospitality desk. So many people came by and said how much they loved the music. The Nomads were playing at that point. The women and men were dancing. Mrs. Martin believes there would have been more if there was some shade. It was a lovely sight to see to see everyone enjoying themselves. Kudos to everyone who planned it.

Mr. Mowen said he was there from 9:00 to 11:00. Stuck around until 12:00 because they said they were going to fire up the alcohol fuel dragster that was there. Mr. Mowen said they moved it to the middle of the square and fired it up. Mr. Mowen didn't get his fingers to his ears fast enough. They were revving it up and down. It was a great Craft Fair, and everything went well.

Chief Harvey reminded Council that next Monday night due to the Fair moving in the normal meetings will be hosted in P.D.

**ADJOURNMENT**

It was moved by Mr. Barr, seconded by Mr. Ressler, and unanimously passed that Borough Council adjourn. The meeting was adjourned at 7:55 PM.

Respectfully submitted,

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D. Robert Thompson, Secretary