

**EPHRATA BOROUGH COUNCIL
REGULAR MEETING MINUTES
OCTOBER 10, 2016**

The regular Ephrata Borough Council meeting was called to order by President Susan Rowe at 7:00 PM on October 10, 2016 in the Council Chambers of the Borough Office, 124 South State Street.

The meeting began with a Moment of Silence followed by the Pledge of Allegiance.

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

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

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

Jean Lausch, 950 Hammon Avenue, Ephrata
Gregson's, 885 North Maple Street, Ephrata
Tim Auker, 542 N. State Street, Ephrata
Richard Gehman, 1191 Marilyn Avenue, Ephrata
Matt Showalter, Buchanan Drive
Kiersten Rountree, 172 Buchanan Drive, Ephrata
Rick Pomeroy, III, 125 East Pine Street
Logan Weaver, 57 Truman Drive, Ephrata
Matt Shirker, 37 Clover Court, Ephrata
Brian Carpenter, 137 Washington Avenue, Ephrata
Brett Fahnestock, 215 Philip Lane
Amanda Nixdorf, 490 Mountain Top Drive, Denver
Rich Ritter, 38 South Market Street
Alan Armstrong, 106 Hummer Road
Daniel Hogan, 224 Lincoln Avenue

APPROVAL OF MINUTES

It was moved by Mr. Barr, seconded by Mrs. Martin to approve the September 6, 2016 Work Session Minutes and the September 12, 2016 Regular Meeting Minutes.

Mr. Richard said in the Work Session Minutes it reads Mr. Richard reported that the Committee met and discussed several things but had only one item, which was the appointment of himself as Chairman of the Budget and Finance Committee to the Economic Development Corporation Board of Directors. Previously we have according to the understanding with the EEDC two Council people to be on their board. Mr. Richard was on the board before and withdrew as is Mr. Ressler. Mr. Richard said he had withdrawn earlier when Mr. Hertzog became Chairman of Budget and Finance. Since Mr. Hertzog is no longer on Mr. Richard wanted to get back on, but Mr. Ressler will continue to serve as a board member of the EEDC as he had in the past. Mr. Richard would like to change as is to Mr. Ressler will continue to serve, and Mr. Richard will serve as a new board member.

Motion by Mr. Barr, seconded by Mr. Ressler to withdraw the motion to approve the minutes. Motion passed unanimously.

It was moved by Mr. Barr, seconded by Mr. Ressler, and unanimously passed that Borough Council approve the minutes as revised by Mr. Richard.

MUNICIPAL MOMENT

Mr. Mike Showalter, Museum Educator, Ephrata Cloister Associates

Mr. Showalter thanked Council for inviting him to represent the Ephrata Cloister. Mr. Showalter said back in 1736 that there were a bunch of travelers who wound up at a curious village. It got a brand new name that year called Ephrata. They didn't quite know what to make of the place. Celibate people following schedules and wearing robes. What did it all mean? It sure seemed like a Cloister so those visitors gave it the name Cloister and that has stuck. Mr. Showalter said the Ephrata Cloister today welcomes more than 15,000 visitors from around the world coming to just see that curious community that started more than 200 years ago. At the Ephrata Cloister they hold some of the country's most significant architecture from the colonial period. They are the place where the largest book was published in America before the Revolutionary War. The first American folk art is created there and more than 1,000 songs written. All of that happened before George Washington was 20 year old.

Mr. Showalter strongly invited everyone to come and explore the community that is there. Mr. Showalter said in 1941 the Commonwealth of Pennsylvania purchased the remaining property with the goal of saving it as a monument for William Penn, the founder of Pennsylvania, and his ideas for religious toleration. Yes the Commonwealth does own the property and provides some maintenance, but the 28 acres and 20 structures are maintained by two employees. Additionally there is one person who cares for the more than 3,000 historic objects in their collection.

Mr. Showalter said it's really another group of people that keep the Ephrata Cloister alive, and that is the Ephrata Cloister Associates. The Associates were formed in 1958 from local community leaders with the idea of helping to keep Ephrata and its history and its precious gifts alive. Today the Ephrata Cloister functions as the non-profit support group; they operate the museum store, they support all of the educational programs, support the Ephrata Cloister Chorus, and in fact without the Associates the only thing that would be there is empty buildings.

The Ephrata Cloister Associates is their community that helps to keep the historic site alive. Mr. Showalter said they have more than a hundred volunteers and last calendar year they came close 1,200 volunteer hours to support the work of the site. The Cloister sees nearly 1,200 school students every year including all the fourth grade students from the Ephrata School District. All of this is possible thanks to the work of the volunteers, the Ephrata Cloister Associates.

Mr. Showalter said coming up in the next few months, the Cloister is in its busiest season ever. They will have some special events coming up. The Saturday after Thanksgiving is the Candlelight Open House. Please join them and stroll the grounds by candlelight and visit with some of the craftsman friends. The buildings will be open to explore. The ever popular program Christmas at the Cloister will be occurring in December. That program has now been going on for more than 40 years. A chance for the Ephrata Cloister Chorus and Ministers from local churches to share the Christmas celebration right in the historic meeting house. You can be part of that as well.

At the end of the month the Cloister will have their Lantern Tours. Those are all Junior and Senior High School students from local schools who volunteer their time. That's a hard thing to accomplish getting high school kids there after school to spend some time to bring history to life.

Mr. Showalter truly invited all to see the Cloister again. Mr. Showalter distributed brochures about the site, the Candlelight and Christmas program information is there. There is also a telephone tour. Pick up a phone, call the number and punch in a stop and you will get stories about the history of the Ephrata Cloister.

Mr. Showalter said included in the brochure is a page that outlines who they are, what they have as far as facilities and staff, and some of their major programs. The Cloister has been honored by the American Alliance of Museums, the national museum professional organization with accreditation. That is an amazing hurdle to achieve, because they look at every corner of the property. They turn over every stone – finances, artifacts, buildings. The Cloister is one of nearly four hundred museums in this entire country that has been awarded that accreditation for a third time. That's an extremely rare honor and a very significant one.

Mr. Showalter said they appreciate the support that Council continues to extend to the Cloister. Some of the Christmas programs coming up are largely supported by the Cultural Arts Grant that the Borough grants to them each year. They are grateful for that financial support to keep the programs alive for our community.

Mr. Showalter said this is sort of an Anniversary Year of all kinds. Conrad Beissel, the founder of Ephrata, would be 325 years old this year March 1st. The actual purchase of the site by the Commonwealth occurred in June of 1941 so that's 75 years ago. The most significant of the buildings, the Meeting House, is a five-story building. A skyscraper of the colonial periods is celebrating its 275th birthday this year. People come from around the world to explore, and Mr. Showalter encourages all to come in and explore them as well.

OPPORTUNITY FOR CITIZENS TO BE HEARD

There were no comments from attendees.

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

BUDGET AND FINANCE COMMITTEE REPORT – 10/10/2016

The Budget & Finance Committee met on October 3, 2016 and discussed the following:

1. The Committee discussed the 2017 Pension Certification Report identifying the Borough's minimum municipal obligation to each pension plan. The 2017 defined benefit Police Pension Plan amount will be \$542,398. The 2017 defined benefit Borough Plan Pension amount will be \$370,459. The 2017 defined contribution Retirement Plan amount will be \$18,794. The Certification will appear on the October consent agenda.
2. The Library 4th Quarter disbursement was discussed. It was determined that a letter will be provided asking for the payment within 30 days of the beginning of each quarter. The letter will be signed by the Executive Director and Library Board President. The Committee will recommend disbursement of the 4th Quarter at the Work Session meeting October 3, 2016.
3. The Committee reviewed the Library Presentation by Penny Talbert detailing the Library's 2017 request for funding. This request will be included in the 2017 Borough Budget presentation.
4. The Committee will recommend the appointment of Richard Stewart to the Zoning Hearing Board.
5. The Committee discussed the Ephrata Area Repeater Society electric usage from 2011-present. This will potentially be added to the Free Electric that the Borough provides for certain non-profits. This will be discussed at a future meeting along with the Free Electric Report.

DEVELOPMENT ACTIVITIES COMMITTEE REPORT – 10/10/2016

The Development Activities Committee met on September 26, 2016 and discussed the following:

1. The Committee reviewed a request from the Ephrata Performing Arts Center (EPAC) to serve alcohol at a sponsor event premiering *Oliver!* on December 6, 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 at their October meeting grant the request to serve alcohol at EPAC's December 6th event.
2. The staff reviewed with the Committee a proposal to upgrade the controls for the three larger HVAC units installed in 2012 at the Ephrata Public Library. The new controls are anticipated to run the units more efficiently and reduce operating and maintenance costs. The Committee will recommend that Borough Council accept Option 2 on the August 3, 2016 proposal from H. C. Nye Service Company for all three units at the October meeting. The cost is \$6,900.00 per unit for a total of \$20,700.00 and will be an unbudgeted expenditure from the building maintenance fund.
3. The Committee discussed reimbursing the library for the past HVAC invoices. The staff has a copy of the invoices through May of 2016 and will ask the library for any recent invoices.

The staff also reported that the library has requested reimbursement for these expenses in their 2017 budget request. No further action is required at this time.

4. The Library presented additional information regarding the Keystone Grant Application for Public Library Facilities. They are applying for a matching grant from the state and need the sponsorship of the Borough. The Committee will recommend that Borough Council at the October Work Session authorize the President of Borough Council to sign the Keystone Grant Application in support of the library.
5. The Committee reviewed a request to use Whistlestop Plaza for the Extraordinary Give event on November 18, 2016. This is a combined effort between DEI and The Chamber of Commerce. They would like to use the plaza and close the parking area between Main Street the rear of the railroad station for use by the Extraordinary Give truck and Ephrata non-profit organizations. They will provide an updated letter once all details are finalized. The Committee will recommend that Borough Council grant the request to use Whistle Stop Plaza on November 18, 2016 for the Extraordinary Give event subject to the receipt of a certificate of insurance naming the Borough and an updated request letter at the October meeting.
6. The staff provided sample guidelines for murals from other municipalities. Manheim Borough had an extensive set of regulations. Chairperson Martin will speak with Manheim Borough officials to get more background on their regulations. Staff will research where proposed regulations should go; in the zoning ordinance or a standalone ordinance.
7. The staff reported that they met with representatives from the landlord group to go over the draft rental, noise and nuisance ordinances. The representatives had some comments but were generally supportive. Once the staff reviews their comments and makes changes, the representatives will provide the revised document to the landlord group for comment and provide those comments to us. This would eliminate the need for a public review meeting.
8. The staff provided information regarding fee in-lieu of payments made in the last 10 years. The loss of fees would pay for a recreation plan. The Committee would like to pursue a plan and is recommending that the staff budget for a Recreation Plan in the 2018 budget. No further action is required at this time.
9. The Zoning Hearing Board did not meet in September so there are no decisions.
10. There were two new applications for the October Zoning Hearing Board meeting. The Committee did not feel it was necessary to send the solicitor to the hearings.

PUBLIC SAFETY COMMITTEE REPORT – 10/10/2016

The Public Safety Committee met on September 19, 2016 at 6:30 PM and discussed the following:

1. **School Resource Officer Contract renewal** – Lt. Shumaker presented the new SRO contract extension for the years 2017-19. No requests for changes in service have been made and revised costs have been sent to all partners. The final contract will be in place before the end of 2016. – *Received For Informational Purposes Only*
2. **Drug Task Force Assignment**- Lt. Shumaker presented on FY2017 budget proposal to fill the authorized but vacant position to the DTF in the 2017 budget year. There are currently existing vacant positions within the DTF. We will need to approve this with revised estimated costs for our three (3) municipal partners to approve. There was discussion to the benefits. – *Received For Informational Purposes Only*
3. **Pig/Rooster Chase discussion**- Chief Harvey presented the updates regarding the Fair and animal verses human contests. There was no public input. - *Received For Informational Purposes Only*
4. **Mr. John Berkes presentation**- Mr. John Berkes presented his concerns regarding the Ephrata Motel (535 South State Street), the issues with the ownership, criminality and questions to staff. His questions were why no fines were imposed, decisions made not to impose and why no official notifications of violations issued? Lt. Shumaker gave a verbal response. There was discussion on the matter for beneficial solution.

Second matter was the American Legion/ Grater Park parking lot issues; in regards the lease between the Borough and American Legion. His question was over the Borough recent actions and upgraded signage. His feelings were that the Borough incurred an unnecessary expense by installing the new signage. Mr. Thompson answered with the staff response on how the parking issues were addressed between all parties and future suggestions for coordination. Mr. Berkes did question if there is a long-term plan for park improvements, especially addressing egress (stone pillars). Mr. Berkes was appreciative for the time and support. The Committee was satisfied with the actions by the staff and that no further response to Mr. Berkes is required - *Received For Informational Purposes Only*

5. **Comp-stat (Aug 2016)** – Chief Harvey presented August’s Compstat report – *Received For Informational Purposes Only*
6. **EMC Report (Aug 2016)** – Chief Harvey presented August’s emergency management report – *Received For Informational Purposes Only*
7. **3rd quarter EMC meeting report-** Chief Harvey presented the 3rd quarter’s EMC report – *Received For Informational Purposes Only*

There being no other business set before it, the meeting was adjourned at approximately 7:42 PM.

The next regularly scheduled PSC meeting will be Monday, October 17, 2016 at 6:30PM.

HIGHWAY COMMITTEE REPORT – 10/10/2016

The Highway Committee met on Monday, September 26, 2016 and discussed the following:

1. The Committee reviewed a proposed ordinance adding certain time limited parking and repealing certain authorized purpose parking on a portion of Cloister Avenue. This proposed ordinance replaces the 90-day experimental traffic and parking regulations implemented by Resolution Nos. 2016-18 and 2016-19 on July 11th, 2016. The Committee also discussed concerns provided via letter received by the Borough on September 16, 2016 from the owners of The Style Studio at 21 Cloister Avenue and the property owner of 21 Cloister Avenue regarding the time limited parking area. The Committee recommends that Borough Council enact Ordinance No. 1526 at their October 10, 2016 meeting.
2. The Committee reviewed a proposal from JMT, Inc. for engineering and design services for Lincoln Avenue Storm Water Improvements. JMT, Inc. previously completed a Concept Drainage Report for this area in August 2015. The cost of the professional services from JMT, Inc. is \$39,500. These professional services are a budgeted item in the 2016 Budget and Program of Services. The proposed cost is within the budgeted amount and staff recommends approval of the proposal. The Committee will recommend that Council approve the proposal from JMT, Inc. in the amount of \$39,500 for engineering and design services for Lincoln Avenue Storm Water Improvements at their October 10, 2016 meeting.
3. 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 gathered citizen and crossing guard input, crash data and counted approximately 20-25 students crossing at this intersection to and from Highland Elementary School each school day. Committee was also advised that this intersection does not currently meet warrants for installation of a 4-way stop. Staff will continue to monitor this intersection and evaluate ways to improve clear sight distance without implementing parking restrictions.
4. The Committee was updated on the status of 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 was advised that staff contacted Mr. Hammaker and left a voice message but received no return call. Staff assembled crash data and evaluated existing conditions including student pedestrians at both intersections and determined that neither intersection currently meets warrants for installation of a 4-way stop and that any requests for crossing guards should be directed to the Ephrata Area School District. Staff will continue to monitor these intersections and evaluate ways to improve pedestrian safety at these intersections.

5. The Committee was updated on potential future sidewalk installation along Meadow Valley Road between SR 0272 and Old Mill Road due to a recent Ephrata Township resident complaint. Six (6) student pedestrians currently utilize this area to and from the Ephrata High School during a normal school day. The Committee was advised that the Borough anticipates discussing with Ephrata Township the impacts of a new apartment development proposed on the west side of SR 0272 adjacent to Meadow Valley Road and that pedestrian walkway improvements will be part of that discussion. No further action required at this time.
6. The Committee was updated on the status of the South Oak Street Bridge structure mounted barrier replacement project. Staff contacted the bridge inspection consultant and a PennDOT Municipal Services representative advising them of our recent bid results. Both parties provided advice on how to proceed regarding our situation. Currently, staff is waiting to hear from the Borough's liability insurer before discussing future direction regarding this issue with Highway Committee.

MUNICIPAL ENTERPRISES COMMITTEE REPORT - 10/10/2016

The Municipal Enterprises Committee met on September 19, 2016 and discussed the following:

1. Director of Operations, Thomas Natarian reviewed a proposed resolution to authorize the signing of a loan agreement and promissory note with American Municipal Power, Inc. (AMP) for the AMP Advanced Metering Infrastructure (AMI) Project. The total cost of the AMI Project will be \$1,436,017. The 10-year loan agreement allows the Borough to utilize AMP's line of credit at a variable interest rate that is currently 1.4375%. Staff has engaged McNeese Wallace to conduct a legal review of the loan and promissory note. The Committee will recommend that Council adopt Resolution 2016-XX to authorize the signing of a loan agreement and promissory note, in a format acceptable to our legal counsel, for the AMP AMI Project when they meet on October 10, 2016.
2. The Committee reviewed a proposed resolution to designate authorized representatives to serve on the AMP Board of Trustees and various AMP Committees. The resolution authorizes the Borough Secretary and President of Council to designate, in writing, the representative and alternate. Draft letters to AMP, designating Mr. Natarian as the representative and Borough Manager D. Robert Thompson as the alternate representative, were also reviewed with the Committee. The Committee will recommend that Council adopt Resolution 2016-XX to designate authorized representatives to serve on the AMP Board of Trustees and various AMP Committees when they meet on October 10, 2016.
3. The Committee reviewed two disposition of asset requests for obsolete electrical transformers. The first disposition of assets request involves four large transformers and several smaller transformers that have all passed environmental testing. The Borough would receive \$4,100 from Jerry's Electric, Inc. of Colman, SD for those transformers. The second request involves environmental testing and disposal of several obsolete transformers. A proposal from Clean Harbors Environmental Services of Philadelphia, PA was reviewed with the Committee. The proposal includes a fee for transportation and environmental testing. A transformer that passes the environmental tests would result in a payment to the Borough for the transformer. Transformers that are PCB contaminated would result in a charge to the Borough for proper disposal. Prior to environmental testing it is impossible to know the exact expense or credit to the Borough. Staff estimates that the total cost or expense will be minimal. Staff prepared the disposition of assets request in the event that the disposal results in a credit above the \$1,000 threshold for disposition of assets that can be authorized by the Borough Manager. The Committee will recommend that both disposition of asset requests be approved by Council when they meet on October 10, 2016.
4. Mr. Natarian and Mr. Thompson provided the Committee with an update on the proposed Solar Project. Work continues on the distribution line and substation modifications to accommodate the solar energy. The solar site is fully permitted. However, negotiations with a prospective Power Purchase Agreement (PPA) provider have reached an impasse. Given that the federal Investment Tax Credit for solar energy has been extended to the end of 2019, Staff is confident that a new PPA provider will be interested in building on our fully permitted site. Staff will prepare a Borough specific PPA to offer to prospective partners. Staff expects to have the PPA completed in the 1st Quarter of 2017 and to select a prospective partner in the 2nd Quarter of 2017.
5. Mr. Natarian reviewed a new camera that was installed by the Susquehanna River Basin Commission (SRBC). The camera will give SRBC information regarding the level of water

in the Cocalico Creek. This information will be made available for use by Ephrata Police, Public Works, and the Water Group. Given the public safety value of the camera, plus the very low power requirements, Staff is recommending that the SRBC camera be provided with electricity at no charge. There were no objections from the Committee.

6. Mr. Natarian reported on the final results of work by Land Studies, Inc. to create a Storm Water Management Plan (SWMP). The SWMP was the topic of the Municipal Moment presented to Council on September 12. Mr. Natarian provided the Committee with excerpts from the SWMP to detail the minimum control measures, the pollutants of concern, SWMP goals, and a typical activity check sheet. The testing and documentation requirements of the SWMP will result in increased labor requirements. Staff will be addressing those needs in the 2017 Budget.
7. Mr. Natarian provided the Committee with a copy of the fully executed agreement for the AMP IGS Home Services project. Staff will be working with IGS to initiate an exchange of information, and to begin the roll out of the program to Borough Customers.
8. Mr. Natarian reported on the recent meeting of the Pennsylvania Municipal Electric Association (PMEA). PMEA solicited all members to compare electricity costs. Electric costs in Ephrata are below the average of all regions reported. Ephrata's electric costs are also below those of PPL. In another matter, the AMP members of PMEA voted to reelect Ephrata as the Pennsylvania representative to the AMP Board of Trustees.

COMMUNITY SERVICES COMMITTEE REPORT – 10/10/2016

The Community Services Committee met on September 26, 2016 and discussed the following:

1. The Committee reviewed a request made by DEI on behalf of the Veterans Plaza Committee to place luminaries along the Winter's Memorial Trail to honor Veterans on Veterans Day. The event will closely mirror the programs held in previous years. All necessary documentation has been received ensuring their non-profit status and a copy of their certificate of insurance naming the Borough as an additional insured. The Incident Support Plan will remain the same as previous years; however, a representative will be in contact with Chief Harvey to make sure that revisions are not necessary. The Committee will recommend that Borough Council approve the request at their October meeting. This item will appear on the consent agenda.
2. In addition to the previous request made by DEI to reserve September 9, 2017 for the Arts & Crafts Festival, they would also like to reserve Saturday, October 14, 2017 for the existing area utilized as well as Grater Park. This is a "save the date" request only. The Committee will recommend that Borough Council approve the request at their October meeting. (See next discussion item)
3. The Committee heard from Joe Crockett and David Boland on a concept for an Arts Festival to be held on October 14, 2017. The planning and design of the event is in the early stages. Logistics and feasibility need to be determined. Some of the ideas that were presented that may be included in the event are live musical performances, fine art and craft vendors, food vendors, a beer garden, and dramatic readings. The event may eventually be combined with the Arts & Crafts Festival that is currently held in September. The idea needs to be presented to the DEI Board. The Committee had no objections with the concept and with them moving forward. A formal plan/proposal will have to be presented at future meeting.
4. Jim Summers reviewed with the Committee a Revenue and Attendance Comparisons Report with data from 2012 to 2016. In addition, he presented a Lancaster County Public Pools Day Pass Comparison. Ephrata Community Pool rates increased in 2012, 2014, and 2016. Jim noted that 2016 final expenditures were not calculated yet.

Discussion continued on various topics related to the Community Pool, including the issues that were experienced this year. Jim Summers explained that Ephrata Community Pool is a public pool and we cannot deny access to anyone, unlike private pools. The fee structure was discussed and many different suggestions were made. It was suggested that a breakdown of membership by municipality be looked at as part of the fee structuring. Jim Summers stated that ultimately Council needs to decide on some key issues – the fee structure (do we want the pool to be a revenue source or do we want to provide an amenity for the community?) and their philosophy on pool operations. Because there is so much to discuss and resolve, it was suggested that a special meeting be scheduled and advertised for Monday, October 31, 2016 at 5:00 pm. It was noted that October 31st is Halloween and trick-or-treat night.

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

President Rowe called a fifteen minute recess at 7:20 PM. Mrs. Rowe said the Lincoln Fire Company was gracious enough to bring their new engine; it's in the parking lot for everyone to view and tour.

The meeting was reconvened at 7:35 PM, and President Rowe thanked the representatives from Lincoln Fire Company for bringing the truck and giving Council the opportunity to view it and ask questions. Mrs. Rowe said it was very informative. Thank you.

NEW BUSINESS ITEMS

Consent Agenda (includes the following approvals)

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

1. That Borough Council acknowledge receipt of the 2017 Pension Certification dated October 10, 2016, identifying the Borough's 2017 Minimum Municipal Obligation to the three pension plans. The 2017 Police Pension Plan Minimum Municipal Obligation is \$542,398, the Ephrata Borough Pension Plan Minimum Municipal Obligation is \$370,459, and the Ephrata Borough Retirement Plan Minimum Municipal Obligation is \$18,794. (Budget and Finance Committee)

STANDING COMMITTEE RECOMMENDATIONS

Budget and Finance Committee

It was moved by Mr. Richard, seconded by Mr. Seiler, and unanimously passed that Borough Council appoint Richard Stewart to the Zoning Hearing Board for a term ending December 31, 2020.

Development Activities Committee

It was moved by Mrs. Martin, seconded by Mr. Richard, and unanimously passed that Borough Council grant a request from the Ephrata Performing Arts Center (EPAC) to serve not for sale beer and wine at a sponsor event premiering *Oliver!* on December 6, 2016.

It was moved by Mrs. Martin, seconded by Mr. Weiler, and unanimously passed by roll call vote that Borough Council accept Option 2 on the August 3, 2016 proposal from H. C. Nye Service Company for three sets of controls for the Ephrata Public Library's HVAC system for a total of \$20,700.00 to be paid from the Borough Building Maintenance account.

Mayor Mowen asked "Will this fix things now?" President Rowe said it should fix things now. They are still monitoring the humidity levels in the Library until the controls are in place and until they know they are working.

Mr. Zimmerman asked if there is a warranty associated with it that we know of. Mrs. Moore said she is not aware of any, but will definitely ask the question.

It was moved by Mrs. Martin, seconded by Mr. Richard, and unanimously passed that Borough Council grant the request to use Whistle Stop Plaza on November 18, 2016 for the Extraordinary Give event subject to the receipt of a certificate of insurance naming the Borough and an updated request letter.

President Rowe said as stated by Mrs. Martin we did receive an updated request letter. This information was put in the Additions folder. Mrs. Rowe said she believes the Borough does have a certificate of insurance from the Chamber for this event.

Highway Committee

It was moved by Mr. Ressler, seconded by Mr. Barr, and unanimously passed that Borough Council enact Ordinance No. 1526 adding certain time limited parking and repealing certain authorized purpose parking on a portion of Cloister Avenue amending the Code of the Borough of Ephrata, Section 305 – Vehicles and Traffic.

It was moved by Mr. Ressler, seconded by Mr. Zimmerman, and unanimously passed by roll call vote that Borough Council award a professional services contract to JMT, Inc. in the amount of \$39,500 to provide engineering and design services for proposed Lincoln Avenue Storm Water Improvements.

Mr. Ressler said the Highway Committee recently received a letter, actually just today, that the Committee wants to discuss and also bring forward as an action item.

Mr. Ressler said the Cocalico Valley VFW Post No. 3376 would like to host the Annual Jack Frost Children's Parade on Wednesday, October 26. The parade will begin at 7:00 PM. They have a rain date of Thursday, October 27 at 7:00 PM. They would like to hold the parade on South State Street between Fulton and Franklin Street and request that the street be closed from 6:30 PM to 8:00 PM. They would provide a certificate of insurance for the event, and they will also contact the police in Ephrata Borough and the Police Department and work with them on security for the evening. The other Committee members and Council had no questions. It's an annual event in Ephrata for over 65 years.

Mayor Mowen said he and the Chief are standard judges. Every year it gets harder to pick. It's fun and the kids love it.

It was moved by Mr. Ressler, seconded by Mr. Barr, and unanimously passed that Borough Council authorize the closing of South State Street from Fulton to Franklin Street on the evening of Wednesday, October 26 from 6:30 PM to 8:00 PM contingent on receipt of a certificate of insurance naming the Borough as an additional insured from the Cocalico Valley VFW Post. The rain date is Thursday, October 27 with the same time.

Municipal Enterprises Committee

It was moved by Mr. Reinhold, seconded by Mr. Richard, and unanimously that Borough Council adopt Resolution 2016-25 to authorize the signing of a loan agreement and promissory note, in a format acceptable to our legal counsel, for the AMP AMI Project.

RESOLUTION 2016-25

A RESOLUTION OF THE BOROUGH OF EPHRATA, LANCASTER COUNTY, PENNSYLVANIA AUTHORIZING A LOAN AGREEMENT AND PROMISSORY NOTE WITH AMERICAN MUNICIPAL POWER FOR FUNDING OF THE ADVANCED METERING INFRASTRUCTURE PROGRAM.

WHEREAS, the Borough of Ephrata, PA ("Ephrata") 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, American Municipal Power, Inc. ("AMP"), is a not for profit corporation that provides various services to its members, directly or indirectly through various affiliated entities; and

WHEREAS, Ephrata is a member of AMP and has executed a Master Services Agreement with AMP, designated as Contract No. C-6-2007-6092 (the "Master Services Agreement"); and

WHEREAS, Borough Council has adopted Resolution 2016-24 to authorize entering into a Schedule to the Members Services Agreement in order to facilitate participation in the AMP Advanced Metering Infrastructure ("AMI") services under its hosted solutions strategy (the "AMI Program"); and

WHEREAS, AMP has offered funding for the AMI Program pursuant to terms of a loan agreement and promissory note; and

WHEREAS, Borough Council has determined that it is in the best interest of Borough electric customers to seek funding from AMP for the AMI Program

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

SECTION 1. That the Ephrata Borough Secretary and the President of the Ephrata Borough Council are hereby authorized to enter into a loan agreement and promissory note, substantially in the form attached hereto as Attachment A, between American Municipal Power, Inc. and the Borough of Ephrata in order to enable the Borough of Ephrata to fund the AMP AMI Program.

SECTION 2. 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.

It was moved by Mr. Reinhold, seconded by Mr. Ressler, and unanimously passed that Borough Council adopt Resolution 2016-26 to designate authorized representatives to serve on the AMP Board of Trustees and various AMP Committees.

RESOLUTION 2016-26

A RESOLUTION OF THE BOROUGH OF EPHRATA, LANCASTER COUNTY, PENNSYLVANIA TO DESIGNATE THE AUTHORIZED REPRESENTATIVE AND AN AUTHORIZED ALTERNATE REPRESENTATIVE TO SERVE AS THE BOROUGH OF EPHRATA, PENNSYLVANIA'S REPRESENTATIVE ON VARIOUS COMMITTEES OF, AND ON THE BOARD OF TRUSTEES OF, AMERICAN MUNICIPAL POWER, INC.

WHEREAS, the Borough of Ephrata, PA ("Ephrata") 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, American Municipal Power, Inc. ("AMP"), is a not for profit corporation that provides various services to its members, directly or indirectly through various affiliated entities; and

WHEREAS, Ephrata is a member of AMP and has executed a Master Services Agreement with AMP, designated as Contract No. C-6-2007-6092 (the "Master Services Agreement") and, under that authority entered into one or more schedules thereunder; and

WHEREAS, Ephrata participates in one or more AMP projects and/or joint ventures (each a "JV") of AMP's members managed by AMP, including, the AMP Fremont Energy Center, Blue Creek Wind, ECO Smart Choice, AMP Enerwise Demand Response and ICP Program, and AMP AMI Project under each of which a Ephrata representative must be designated; and

WHEREAS, the affairs of AMP are managed by the AMP Board of Trustees (the "Board"), with twenty voting members elected by, and from among, the membership, who meet from time to time in Columbus, Ohio at the headquarters of AMP or at other locations designated by AMP's Board for such meetings; and

WHEREAS, the JVs and AMP projects are governed by participants in those respective JVs and projects; and

WHEREAS, Ephrata has been elected as a Trustee of the Board (a “Trustee”); and

WHEREAS, Ephrata is required to designate formally a person to represent it on the Board and to exercise the duties of Trustee of AMP; and

WHEREAS, Ephrata now desires to designate its authorized representatives to AMP for all such purposes and to provide for such appointments in the future

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

SECTION 1. That the Ephrata Borough Secretary and the President of the Ephrata Borough Council are hereby authorized to designate in writing from time to time the representative of the Ephrata on the AMP Board to act on behalf of the Ephrata in the discharge of its duties as a Trustee, as well as to designate the same or other representatives of the Ephrata for other purposes to AMP, and that the Ephrata Borough Secretary and the President of the Ephrata Borough Council are authorized to designate an alternate to such representative(s) to serve in his or her stead during such period as such representative may be unable to represent the Municipality.

SECTION 2. That the representatives of Ephrata so designated be, and hereby are, authorized and empowered, acting for, in the name of and on behalf of Ephrata, and as Ephrata’s agent, to exercise all the functions, powers, rights and privileges, and to fulfill the obligations, (i) that Ephrata may have as a Trustee of the Board or (ii) as Ephrata’s representative for all other purposes before AMP or any JV, in either case including, without limitation, to attend and take part in meetings of the Board, committees of the Board, project committees or project, AMP or JV membership meetings, to vote on and otherwise act with respect to all matters that may properly come before the Board, committee of the Board or any project committee or project, JV, AMP or membership meeting, and to do or cause to be done all acts, and to take all steps as may in each case be, in the opinion of such representative, necessary or desirable in order to represent Ephrata and exercise its functions, powers, rights and privileges, and to fulfill its obligations, as a Trustee of AMP or Ephrata representative.

SECTION 3. That any representative named in accordance with Section 1 will be entitled to receive reimbursement from AMP for reasonable out-of-pocket expenses associated with his/her service as representative for the Ephrata on the AMP Board.

SECTION 4. That any inconsistent appointments or provisions for such appointments for Ephrata representatives to AMP in prior ordinances or resolutions are hereby superseded by the provisions of this Resolution.

SECTION 5. 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 6. 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 7. That this Resolution shall take effect at the earliest date allowed by law.

It was moved by Mr. Reinhold, seconded by Mr. Richard, and unanimously passed that Borough Council approve a disposition of assets request for obsolete transformers selling the transformers to Jerry’s Electric, Inc. of Colman, SD for \$4,100.

It was moved by Mr. Reinhold, seconded by Mr. Ressler, and unanimously passed that Borough Council approve a disposition of assets request for disposing of transformers with Clean Harbors Environmental Services of Philadelphia, PA.

Community Services Committee

It was moved by Mr. Barr, seconded by Mr. Zimmerman, and unanimously passed that Borough Council approve the request from DEI on behalf of the Veterans Plaza Committee to use the Veterans Plaza and the Winter's Memorial Trail to place luminaries honoring veterans and allowing students from Fulton Elementary School to place small flags along the trail in between the luminaires on Veterans Day, Friday, November 11, 2016. In addition, they are requesting to close Railroad Avenue for the Fire Department to hang a flag from the aerial across the trail during the ceremony.

Mrs. Rowe said this was removed from the consent agenda because we were waiting for a certificate of insurance from the Fulton Elementary School. That certificate of insurance was received and is on file at the borough. Mrs. Holzinger will place the certificate of insurance in the Additions folder.

It was moved by Mr. Barr, seconded by Mrs. Martin, and unanimously passed that Borough Council approve the request from DEI to save the date of Saturday, October 14, 2017 to use Whistle Stop Plaza, the Central Business District, and Grater Park in the event that there is a one-day Arts Festival approved. A formal request will be submitted at a later date.

Mr. Barr said the DEI is experimenting with something. They do want to expand what they are offering, but haven't nailed down all the details.

Mrs. Martin said they are trying to keep the Arts and Crafts part in downtown and then add an enhancement like more finer arts in the park and maybe even provide transportation back and forth like they do during the farm show. Mrs. Martin said they are trying to add a little bit more and have something for everyone. The finer arts, maybe a juried craft, would be in the park that might even have an admission but then still have the downtown.

Mrs. Rowe said they are also planning music; the formal request is in the Community Services packet.

Mrs. Martin said the Arts and Crafts festival attendance has been dropping. They are trying to do something different.

APPROVAL OF CHECKS 27752 THROUGH 28021 AND THE ACH REGISTERS DATED SEPTEMBER 29, 2016 AND OCTOBER 6, 2016

It was moved by Mr. Barr, seconded by Mr. Richard, 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 \$1,805,928.30.

OPPORTUNITY FOR CITIZENS TO BE HEARD

Mr. Richard Gehman, Fire Chief from the Lincoln Fire Company, thanked Borough Council for taking time out of their meeting to go out and look at their new apparatus. Lincoln Fire Company appreciates the support Council has always given to the fire company. Mr. Gehman said this Saturday is Lincoln Fire Company's open house from 10:00 AM to 2:00 PM. Council is welcome to stop by, and there will also be food and refreshments.

DISCUSSION/ANNOUNCEMENTS

Mr. Ressler said having had the Cloister Municipal Moment. Mrs. Martin last week had discussed the entertainment that they performed with the play that they did, the Murder Mystery play with the Chamber of Commerce. Mr. Ressler said his particular part happened to be at the Cloister where they actually reenacted some history. It was a very nice tie in, and they enjoyed it very much.

Mr. Richard thanked Mr. Showalter for coming tonight on behalf of the Cloister to give Council a reality check to where the funds are coming from with the cutbacks in the government and with the volunteers. Volunteerism, as in the fire companies and rescue squads, is very important, and it's no exception at the Ephrata Cloister.

Mr. Richard challenged everyone to go to the Cloister.

Mr. Reinhold said he appreciates Mr. Showalter and the history lesson that he gave tonight. Mr. Reinhold said he thoroughly enjoyed being in that play. There was a lot of fact in that play, which was interesting.

Mr. Reinhold said in relations to the Major Winters trail and the statue. Do we have signage throughout town to direct people to where it is. Mr. Reinhold said to add onto that he still drives past and sees that porta-pot sitting there to block it. We have to do something about that.

Mr. Mowen said the discreetness is the fence that was put around it. The idea, and hopefully this is still in the works, was the Shupp building the Borough bought behind Winters house. Rest rooms were going to be put in there with a path from the trail and then the porta-pot was going to go. That was the plan.

Mr. Mowen said he has had a lot of people make comments about that all the time – not only what it looks like but there is a certain odor that comes with it that is not the most pleasant.

Mr. Mowen said as far as signage he would like to talk to Rebecca. They have talked about paying for some signs. One on Fulton Street or on the square to give some direction.

Mr. Mowen asked President Rowe what committee would handle signage. Mrs. Rowe said that would be Special Projects.

Mr. Mowen said let him talk to the Winters Committee, and they will discuss signage and get back with a request to the Council.

Mr. Reinhold said he knows how much work went into it, and Mr. Reinhold said the last thing he wants anyone to see is when they're looking up from Fulton Street across the parking lot you kind of see the porta-pot before you see the statue.

Mr. Mowen said when they initially discussed the plaza and the monument the porta-pot was in the back corner. We didn't want people taking pictures and have it in the corner.

Mr. Reinhold said eventually it would be great if we could use the Shupp property but who knows when that will happen.

Mr. Mowen said maybe we can revisit trying to move it some place.

Mrs. Rowe asked Mrs. Moore to add a notation for the Borough Manager. Special Projects Committee and Development Activities Committee to discuss the project.

Mrs. Rowe said there are two posters in the kiosk at the Whistlestop Plaza that DEI put up with the memorial to Major Winters, and there is a map there, and Mrs. Rowe believes the map points to certain areas of interest in town.

Mayor Mowen said he spent the last week in Myrtle Beach, South Carolina. If you have ever lives through a hurricane you probably feel like I do that you don't want to do it again. Mr. Mowen said he has not seen destruction like that in his life. A major portion of South and North Carolina won't have electricity for weeks. Mr. Mowen hasn't seen that much destruction and flooding. What would have normally taken them 8-8 ½ hour drive to get home took 15 hours because they had to skirt week to get away from the carnage. It was just horrible. Think of those people; they are really living it hard right now.

Chief Harvey said this month is Fire Prevention Month. Don't forget to look at your fire prevention plan and change your batteries. The homework assignment for this year is the question "Have you ever had a fire drill in your house" and the answer will be no because no one ever practices that. Have a practice fire drill this weekend.

Chief Harvey said he has talked to some of his colleagues in Savannah. This is far worse than 1979. They are weeks out until they see electricity.

Mrs. Rowe said the Borough Manager last week sent out an announcement that this Wednesday at 7:00 PM Senator Aument will be here at the Borough Council Chambers for a Town Hall Meeting. Everyone in the 36th Senatorial District is invited to attend. Mrs. Rowe hopes to see all of you here.

Mrs. Rowe reminded everyone that the Community Services Committee decided because there

were a lot of topics to discuss regarding the pool they wanted all of Council to be part of the discussion. There is a special meeting of Community Services for the entire Borough Council on Monday, October 31 at 5:00 PM. We will be discussing various topics regarding the pool. Mr. Summers will be here. It is open to the public and advertised.

Chief Harvey said also that night is Trick or Treating from 6:00 to 8:00 PM.

ADJOURNMENT

It was moved by Mr. Weiler, seconded by Mrs. Martin, and unanimously passed that Borough Council adjourn. The meeting was adjourned at 8:05 PM.

Respectfully submitted,

D. Robert Thompson, Secretary