

**EPHRATA BOROUGH COUNCIL  
REGULAR MEETING MINUTES  
DECEMBER 11, 2017**

The regular Ephrata Borough Council meeting was called to order by President Susan Rowe at 7:00 PM on December 11, 2017 in the Council Chambers of the Borough Office, 124 South State Street.

Reverend Kevin Eshleman, Ephrata Community Church offered the invocation, which was followed by the Pledge of Allegiance.

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

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

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

Dennis Rowe, 214 East Main Street, Ephrata  
The Gregson's, 885 North Maple Street, Ephrata  
Jean Lausch, 950 Hammon Avenue, Ephrata  
Aliette Suhrbier, 45 Terrace Avenue, Ephrata  
Amy MacKenzie, 311 Jeff Avenue, Ephrata  
George Dillio, 30 Kings Court, Ephrata

**APPROVAL OF MINUTES**

It was moved by Mr. Barr, seconded by Mr. Ressler, and unanimously passed to approve the Borough Council Work Session Minutes of November 6, 2017 and Borough Council Regular Meeting Minutes of November 13, 2017.

**OPPORTUNITY FOR CITIZENS BE HEARD**

Amy MacKenzie resides at Jeff Avenue. Mrs. MacKenzie came tonight to speak on behalf of Cocalico Valley Veterans of Foreign Wars Post 3376; she is the quarter master.

Mrs. MacKenzie said she wanted to give a brief update about their Ephrata Honors Banner Program and more specifically wanted to extend the VFW thanks to the Borough, to the Councilmembers and staff members, particularly Nancy Harris, and the Public Works Department as they have worked so well with Mrs. MacKenzie's committee to make the Ephrata Honors Banner Program happen. Mrs. MacKenzie said they did just retire the first set of banners that they are now referring to as Phase 1. They went up in 2015, and they were lucky enough to have them hang through 2017. Mrs. MacKenzie said it was with much deliberation that they did decide to bring them down. The banners did receive some wear and tear, and the VFW did want to return them to the families in good condition.

Mrs. MacKenzie said that also gave them the opportunity to extend the program into Phase 2, and they now have the opportunity to offer 73 families the opportunity to display their loved ones faces up and down Main Street and State Street. Mrs. MacKenzie said her father's face was displayed in the Phase 1 program, and she was disappointed to see him come down. Mrs. MacKenzie said she takes great joy in knowing that other families will be allowed the opportunity to see their loved ones up there. Mrs. MacKenzie said to those citizens who were concerned by the decision, Mrs. MacKenzie apologizes for that. To all the citizens who purchased a banner in Phase 2 she says thank you for your continued support and to those community members who were not able to get a banner in Phase 2, Mrs. MacKenzie is working with Mrs. Harris to try to expand the program. There are several different options in the works right now, but they are trying to make the program expanded and if nothing else, hopefully there will be a Phase 3 in the future, because community support and interest has been tremendous and overwhelming. Mrs. MacKenzie said Ephrata has the best looking banners around, because they were able to tag team onto the existing banner program from the council. Mrs. MacKenzie said the banners are quite large; they are seven feet tall. Mrs. MacKenzie said our banners are large, eye catching, and very visible. Mrs. MacKenzie said we are now an example for other municipalities to hopefully copy the Ephrata Honors Banner program. Ephrata, thank you very much, Council Members, Mayor, Public Works, and everyone who made this program possible. The VFW thanks everyone for their continued support of this program.

Mrs. Alette Suhrbier said she has been living in Ephrata for nearly 50 years. Since they have been living in the Borough they receive a small social security, because they worked in the old country. Every year they receive a paper from their Country's social security; they want to know if we are still alive. Mrs. Suhrbier fills out the form and then has to go to the Councilor or the police of the Borough to have it stamped, signed, and dated. In Ephrata years ago it used to be free. A few years later they charged \$5.00; now they charge \$25.00, and it takes only five minutes. Mrs. Suhrbier said now they all go to the AAA in Lititz, because they don't charge; but they are all getting old and unable to drive. Mrs. Suhrbier said she thinks that's a little bit too much so she came to complain. Mrs. Suhrbier asked what are they to do with the small batteries or a toxic product that they have in the garage or basement; so they have to drive to Lancaster to get rid of them? Mrs. Suhrbier also said there is a bus in Ephrata, which is free for the senior citizens. They just have to show their Medicare card; many people don't know. So it would be nice for the old folks who stay home to take a little trip to Lancaster free of charge, go to the market, and have a little bit of fun. Mrs. Suhrbier said also something very positive they love to walk the trail of Ephrata; it was the best thing ever done in the community.

Mr. Reinhold asked a question. The fee that she pays; how many others have to take advantage of that? Mr. Thompson said we have a few 2 or 3. Mr. Reinhold said at one point we changed it from \$5.00 to \$25.00? Mr. Thompson said they have a form that needs to be certified that they are a resident for their pensions and the like. Staff was spending some time on that; there was a fee that went from 0 to a fee charge. Mr. Thompson said he doesn't know if it's \$25.00, but he does know that they were increased, and they were costed out based on the amount of staff time that was spent.

Mr. Reinhold said it sounds like its only two or three people, and he's not saying that we shouldn't have a fee. Mr. Reinhold said if it's not a lot of time \$25.00 per does seem somewhat excessive.

Mrs. Moore said it's actually a notary charge; it's not just to them it's to anyone who comes in and needs to have something notarized.

Mr. Thompson said he will verify the cost and contact Council.

Mr. Richard said he is a notary, and they don't charge. If Mrs. Suhrbier wants to come up to his bank he will do it for nothing.

It was moved by Mr. Reinhold, seconded by Mrs. Martin, 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 – 12/11/2017**

The Budget & Finance Committee met on November 27, 2017 and discussed the following:

1. The Borough is required by Act 91 of 2004 to adjust its millage rate in a year following a countywide reassessment. Ordinance 1538 sets the Borough's new tax rate at 1.7625 from 2.28. This is a 29.6% millage decrease and will keep the Borough revenue neutral. The Committee will recommend that Council enact Ordinance 1538 at the December 11, 2017 meeting.
2. Staff reviewed Ordinance 1539 revising charges for sewer treatment for Customers within and outside the Borough. The Ephrata Borough Authority, meeting on December 11, is expected to adopt a resolution to establish the new rates. The new rates will increase the cost of sewage treatment for the average Customer by approximately \$2 per month. The Committee will recommend that Council enact Ordinance 1539 revising sewer rates as established by the Ephrata Borough Authority when they meet on December 11, 2017.
3. The Committee reviewed the Police Pension Contribution Resolution 2017-20 establishing the contribution to the Ephrata Borough Police Pension Fund for all active members of the Police Pension Plan to contribute 5% of gross pay for pension purposed in 2018. This resolution will appear on the consent agenda.

4. The Committee reviewed the 2018 Borough Council meeting dates. The dates will be advertised as presented.
5. Staff reviewed the Municipal Opt Out of Gaming Expansion in the Municipalities. The Borough can select to opt out of having a Category 4 Casino within the Borough. The Committee was unanimous to recommend the Opt Out option. Staff will prepare Resolution 2017-21 to be approved by Council when they meet on December 11, 2017.
6. Staff provided the Free Electric report to the Committee for 2016. No action is required.
7. Staff provided the Check and ACH registers to the Committee for November to date. There were no questions. No action is required.
8. Staff discussed the false fire alarm fee and who should receive it. Chief Harvey mentioned that PD must make an inquiry on each alarm to determine if they must respond. In addition, if the fire companies want staff to invoice for the false fire alarms, they must notify staff promptly. Staff will analyze the information and get back to the Committee with additional information. We will keep this item on the agenda for next month under old business.
9. Staff reviewed the 3<sup>rd</sup> Quarter Financial report with the Committee. Expenses and revenues are within expected limits for the end of the 3<sup>rd</sup> quarter. No action is required.
10. Guests were in attendance to discuss their request for additional contributions from the Borough. The following organizations presented as follows:
  - a. Farmers Day Association - \$10,000 to help with the 100<sup>th</sup> anniversary fair next year.
  - b. EPAC – in addition to HVAC match of \$27,500 they are seeking \$38,475 match for sound system and floor improvements.
  - c. Library – asking for additional \$31,400 above normal request of \$48,000.
  - d. Shade Tree – requested \$4,083 to revitalize plants along Main Street, \$16,530 to fill vacant tree slots and \$5,000 to expand tree canopy thru community plantings.
  - e. Lincoln Fire Co – additional \$5,000 for truck fund and additional \$1,000 for operating fund.
  - f. Pioneer Fire Co – additional \$5,000 for truck fund and additional \$1,000 for operating fund.

Staff provided the option of moving the banners and trail expansion to 2019 in order to have some funds to help the above organizations. The Committee will recommend the following additions to Civic Contributions in the Capital Budget:

- g. Farmers Day Association - \$10,000
- h. EPAC – matching donation \$5,000
- i. Library - \$4,000
- j. Historical Society - \$973

The Committee will recommend the following increase to the Truck Fund in the Capital Budget:

- k. Lincoln Fire Co - \$5,000 for truck fund
- l. Pioneer Fire Co - \$5,000 for truck fund

The Committee will recommend the following increase to the General Fund:

- m. Shade Tree \$4,000 and \$4,000 matching donation

The Committee will recommend the following increase to the Liquid Fuels Fund:

- n. Line Striper for Public Works - \$8,500

11. Staff reviewed Resolution 2017-21 which details the preliminary revenues and expenditures for 2018. The resolution will be updated with all requested changes. The Committee recommends that Borough Council adopt Resolution 2017-22 approving the budget and program of services at the voting session on December 11, 2017.
12. The Committee will not meet in December unless something urgent warrants a meeting.

#### **DEVELOPMENT ACTIVITIES COMMITTEE REPORT – 12/11/2017**

The Development Activities Committee met on November 27, 2017 and discussed the following:

1. The Committee reviewed a request from WellSpan Ephrata Community Hospital to release financial security for the stormwater improvements associated with the construction of a

parking lot located at 166 Martin Avenue. The improvements are installed, inspected and functioning properly. The Borough will continue to hold 15% (\$3,528.45) for 18 months. The Committee will recommend that Borough Council release \$22,676.85 at the December meeting.

2. The Committee reviewed a request from the Ephrata Public Library to waive building permit fees for their upcoming Exploratorium Phase 2 construction project. There was discussion regarding other permit fees that have been waived in the past such as for borough projects or water authority projects. No one could recall any other fee waiver requests that were granted for non-profits. The Committee was concerned about setting a precedent. The Committee will recommend that Borough Council deny the request to waive building permit fees at the December meeting.
3. The Committee reviewed the 2018 Budget and Program of Services. The Committee had no objections to the 2018 Budget and Program of Services as presented.
4. The Committee reviewed the third quarter budget report for activities under their purview. There were no concerns regarding the budget report.
5. The staff and Mrs. Martin provided an update to the Committee on the Economic Development initiative. The EDO adopted by-laws, authorized URDC to file for a 501(c)(3) and elected officers. The sub-committees are meeting and making progress.
6. The Committee discussed options for adding banners in the borough. The VFW recently sold 73 hero banners in 70 minutes, and they have a waiting list. The staff presented three options: adding a second set of banners on the existing banner poles downtown, adding banner poles along the trail and hanging smaller banners, and adding smaller banners on poles along West Main Street, toward and including Lincoln. The Committee preferred the last option. and the staff will look into the feasibility of adding banners along West Main Street and report back at a future meeting.
7. The Committee decided to not hold a meeting in December unless something urgent arises.
8. There was one decision from the November Zoning Hearing Board meeting. Pointview Investments, LLC, was granted a use variance to put a multi-family dwelling at 930 Pointview Avenue.
9. There were two new applications for the December Zoning Hearing Board meeting. The Committee does not feel it's necessary to send the solicitor to the hearings.
10. Mr. Thompson updated the Committee on the bid award for the Ephrata Public Library's Exploratorium project. The project has been temporarily put on hold until the library can secure additional funding to supplement the matching grant. The contractor is willing to wait several weeks to begin work.

### **PUBLIC SAFETY COMMITTEE REPORT – 12/11/2017**

The Public Safety Committee met on November 20, 2017 at 6:30 PM and discussed the following:

1. Proposed 2018 Police Budget Review – Mrs. Moore presented the Public Safety's budget review from the 2018 Budget proposals. The Committee will make a unanimous recommendation to the Budget & Finance Committee in favor.
2. 3<sup>rd</sup> Quarter FY 2017 Budget – Mrs. Moore presented this – *Received For Informational Purposes Only*
3. Comp-stat (Oct 2017) – Chief Harvey presented October's Compstat report – *Received For Informational Purposes Only*
4. EMC Report (Oct 2017) – Chief Harvey presented October's emergency management report – *Received For Informational Purposes Only*

There being no other business set before it, the meeting adjourned at approximately 7:02 PM.

The next regularly scheduled PSC meeting December 18, 2017 at 6:30PM (*if required*)

**HIGHWAY COMMITTEE REPORT – 12/11/2017**

The Highway Committee met on Monday, November 27, 2017 and discussed the following:

1. Director of Administration and Finance Christine Moore reviewed with the Committee those portions of the proposed 2018 Budget and Program of Services under Committee purview. Public Works and Water Superintendent Paul Swangren discussed with Committee planned vehicle purchases in 2018 utilizing Mobile Equipment funds and purchase of line striping equipment for \$8,500 funded from Highway Aid in 2018. Mrs. Moore also shared with Committee her concerns regarding future Mobile Equipment fund revenues. The Committee recommends to the Budget and Finance Committee that they accept the proposed budget relative to those funds under their purview.
2. The Committee reviewed several property listings comprising curb and sidewalk improvement requirements to be completed by affected property owners prior to planned street improvements to Lincoln Avenue, Marshall Street and Old Mill Road in 2018. Property owners will be notified in early January 2018 that they have until July 6, 2018 to complete their improvement requirements. The Committee will recommend that Borough Council authorize staff to notify the listed property owners of their improvement requirements at their December 11, 2017 meeting.
3. The Committee reviewed the 3<sup>rd</sup> Quarter 2017 budget report for those activities under their purview. Mrs. Moore noted that property maintenance is over budget, and she anticipates that other general fund expenditures will remain under budget making up the deficit by end of year 2017. No issues or concerns were identified by Committee.
4. The Committee reviewed a November 2, 2017 email received by Chief Harvey from Jan Minnich regarding the signalized intersection at West Main Street and Market Street. Mr. Minnich's distress is pedestrian safety at this intersection with particular concern when dance students are coming and going to and from the Ace Dance Academy Monday through Thursday evenings at the southwest corner of the aforementioned intersection. Staff will continue to monitor this intersection and contact PennDOT to discuss any solutions to improve pedestrian safety at this intersection. Staff will also follow-up with Mr. Minnich.
5. The Committee discussed the date of their next Committee meeting. Committee members will receive via email a proposed Ordinance making permanent a temporary 90-day experimental resolution permitting a loading zone at 333 North State Street which will be discussed at the January 2018 Council Work Session unless there is an urgent need to meet in December 2017.
6. The Committee discussed a citizen concern regarding vehicle parking along the east side of North State Street north of East Walnut Street. Vehicles recently began parking at this location since the loading zone at 333 North State Street was set up and said vehicles occasionally obstruct clear sight of southbound vehicles while motorists exit the parking lot just north of East Walnut Street. Ephrata Police will be contacted to assist with this issue.

**MUNICIPAL ENTERPRISES COMMITTEE REPORT – 12/11/2017**

The Municipal Enterprises Committee met on November 20, 2017 and discussed the following:

1. Director of Operations, Thomas Natarian reviewed Ordinance 1539 revising charges for sewer treatment for Customers within and outside the Borough. The Ephrata Borough Authority, meeting on December 11, is expected to adopt a resolution to establish the new rates. Director of Finance and Administration, Christine H. Moore, indicated that the new rates will increase the cost of sewage treatment for the average Customer by approximately \$2 per month. The Committee recommends that the Budget and Finance Committee recommend that Borough Council enact Ordinance 1539 revising the sewer rates as established by the Ephrata Borough Authority when they meet on December 11, 2017.
2. The Committee reviewed the 3<sup>rd</sup> Quarter Financial reports prepared by Mrs. Moore for the Water Fund, Electric Fund, Sewer Fund, Sanitation Fund, and Sewer Permit Fund. Expenses and revenues were within expected limits for the end of the 3<sup>rd</sup> Quarter. No action is needed by the Committee.

3. Mrs. Moore reviewed with the Committee those portions of the 2018 Budget and Program of Services under the purview of the Committee (Water, Electric, Sewer, and Sanitation Funds). The Committee agreed with the recommended sewer rate increase and was satisfied with the budget as presented. The Committee recommends no changes to the Budget and Finance Committee.
4. Mr. Natarian and Borough Manager D. Robert Thompson provided an update on the status of the Solar Project. Negotiations with Turning Point Energy (TPE) have been fruitful. Staff is optimistic that all outstanding issues can be resolved and that a PPA with TPE will be ready for signature by the end of November. No action is required by the Committee.
5. Mr. Natarian summarized a lengthy report prepared by American Municipal Power (AMP) regarding the Borough's power supply. The report lists all the energy resources in the Borough portfolio plus detailed explanations of the cost for capacity, transmission, and congestion. The report indicates that power supply costs are expected to remain steady for the period from 2018 through 2022.
6. Mr. Natarian reviewed capacity and transmission costs and their impact on the overall cost of electricity. The Master Power Supply Plan adopted by Council has been successful in reducing energy purchases. Energy costs have declined by more than 30% since 2014. Unfortunately costs for transmission have increased dramatically: up 88% since 2013, and projected to increase an additional 91% between 2017 and 2022. Capacity costs have historically been more expensive than transmission costs. Although capacity costs have not declined, transmission costs have increased to the point where they are now more expensive than capacity. The only practical tool for reducing transmission and capacity costs is to own behind the meter generation, such as the proposed solar project. Fortunately, increased costs in transmission have been offset by decreased cost of energy; so, as stated above, power supply costs are expected to remain steady for the period from 2018 through 2022.
7. Mr. Natarian and Mr. Thompson discussed the status of PA House Bill 1405 that would limit transfers from the Electric Fund to the General Fund. A hearing for the bill was scheduled for November 15. That hearing was cancelled and rescheduled for December and then postponed again until "sometime in January". Staff will continue to follow HB 1405 closely and will update the Committee when new developments arise.
8. The Committee discussed the date of the next Committee meeting. Unless there is an urgent need to meet in December the Committee scheduled its next meeting for January 2018.

### **COMMUNITY SERVICES COMMITTEE REPORT – 12/11/2017**

The Community Services Committee met on November 27, 2017 and discussed the following:

1. Director of Finance and Administration, Christine Moore, reviewed with the Committee those portions of the 2018 Budget and Program of Services under their authority (Outdoor Pool, Park Operations, and the Ephrata Public Library). Ms. Moore explained the increase in Operations & Maintenance is due to the Rec Center moving from the I&I Garage (located at WWTP 1) to the Fulton Maintenance Garage and having increased utility expenses in oil, electric, and water. Increased expenses showing for the Ephrata Public Library are due to an increased cost in auditing fees. The Committee will recommend to the Budget and Finance Committee that they accept the budget as presented.
2. The Committee reviewed the 3rd Quarter Budget Report for those activities under their authority. No issues or concerns were identified by the Committee.
3. Tracy Roseberry reviewed the notes and proposed ideas from the Ad Hoc Pool Committee meeting held on October 16, 2017. The proposed changes suggested by the Committee are a change in the day pass structure by moving to a sponsorship program (any out of Borough/EASD day pass patron would need to be sponsored by a member or a patron attending that is in the Borough of EASD), a change in the current pricing structure by going to a 3-tier rate structure (In Borough, In EASD, Out of Borough/EASD), additional perks for members; for example, added members only time, and lastly, charging higher weekend rates. Community Services Committee members requested that Jim Summers come to the January meeting with samples of the current rate schedule as it is today and what it would look like if 3-tier rate structure is approved, a Members Perks structure (additional perks for members in 2018), and a sample of fees if weekend rates are increased. Jim Summers was not in attendance. Tracy will forward the information to him.

4. The Committee discussed the date of the next Committee meeting. Unless there is an urgent need to meet in December the Committee will meet again in January, 2018.

### **SPECIAL PROJECTS COMMITTEE REPORT – 11/11/2017**

The Special projects Committee met on November 20, 2017 and discussed the following:

1. The staff issued the revised draft Special Events ordinance to the sponsors of recurring events (Ephrata Unexpected, Party in the Plaza, Evening Market, Christmas Celebration, Veterans Day, Brewfest Arts and Crafts and Restaurant Fair and the Ephrata Fair) identified over the last 18 months requesting their comments. In addition the revised draft ordinance was issued to the Police and Codes departments for internal comments. The staff discussed the comments received with the Committee as follows:

- DEI reported they have no comments
- Ephrata Recreation Center had no comments
- No response was received from the Ephrata Alliance
- Ephrata Public Library issued the following:
  - Will this apply to all Borough Properties or just CBD properties? This will apply to all public properties impacted by Special Events.
  - There is no mention of Electric. Section Q refers to the use of utilities.
  - Will there be a fee considering not for profits use events as fundraisers. Permit fees will be charged, they will be based upon estimated staff time to process Special Event requests.

Will this include all Special Events? Yes as defined in the ordinance.

- Codes comments include formatting, requiring only the issued PennDOT to be available versus the application and adding language that permit fees are not refundable even if events are cancelled.
- Police Department comments refer to the triggers for various plan requirements based on the population of event attendees and timelines for submissions. Staff will review for consistency with the other documents referenced by the PD.
- Fair Association comments:
  - The applicable events are too loosely defined that virtually all events can be Special Events. It is expected that staff will have some latitude to guide whether a permit is required or not.
  - The ordinance requires that the mobile phone number of an event representative be provided. Not all people have mobile phones. Committee did not believe this is an onerous requirement and is recommending no change to the ordinance.
  - Ordinance requires a security plan, who will make that determination? The Chief of police or his representative will make that determination.
  - The Ordinance requires that insurance be provided. What individual will be able to get insurance. Committee felt that if the event is on public property open to the public insurance must be provided.
  - Time lines are very tight and the opportunity to appeal will take the appeal past proposed event dates. Staff encourages applicants to submit as early as possible but recognizes that the timelines should be reviewed again by staff.
  - Who grants the permit? Staff will review and make recommendations to Committee regarding events that staff can approve and those that require Borough Council approval.

The staff and the solicitor will review the comments and discuss with the Committee at their January committee meeting.

November General Ledger Report

Ephrata Pioneer Fire Company November 2017 Report

Lincoln Fire Company November 2017 Report

Ephrata Community Ambulance Association November 2017

Ephrata Emergency Management November 2017 Report

Shade Tree Commission November 2017 Report

3<sup>rd</sup> Quarter Sanitation

**NEW BUSINESS ITEMS**

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

Mr. Reinhold said there is only one item on tonight’s consent agenda

The item on tonight’s consent agenda has been discussed in detail at their respective committee meeting and were brought forward for additional discussion at last week’s Work Session. This item is considered routine in nature and voted upon under one umbrella. This item is not open for discussion unless an individual or Council member wishes to have this item removed from the consent agenda. If the item is removed it will be handed over to the Committee under which it was originally discussed during the standing committee recommendations.

1. That Borough Council adopt Resolution 2017-20 establishing Policy Pension Plan contributions by active members.

Mr. Richard asked that the item be removed, because it doesn’t have enough information to just say that.

President Rowe asked that the item be included in the Budget and Finance Committee recommendations as the first item.

Mr. Thompson said there is an edit it should say Police Pension Plan contribution. Mr. Thompson said per the collective bargaining agreement it’s the 5% on gross contribution for each police officer.

**STANDING COMMITTEE RECOMMENDATIONS**

**Budget and Finance Committee**

It was moved by Mr. Richard, seconded by Mr. Reinhold, and unanimously passed that Borough Council adopt the Police Pension Plan contribution Resolution 2017-20 establishing the contribution to the Ephrata Borough Police Pension fund for all active members of the police pension plan to contribute 5% of gross pay for pension purposes for 2018.

**RESOLUTION 2017-20**

**RESOLUTION OF THE BOROUGH OF EPHRATA  
CONTRIBUTION TO THE  
EPHRATA BOROUGH POLICE PENSION FUND**

**WHEREAS**, Ephrata Borough has a collective bargaining agreement with the Ephrata Law Enforcement Association (ELEA); and

**WHEREAS**, that agreement provides for employee contributions to the Police Pension Fund; and

**WHEREAS**, the Pennsylvania Auditor General has advised Ephrata Borough Council that it should annually establish the percentage of gross pay to be contributed by active Police Pension Fund members.

**NOW, THEREFORE, BE IT RESOLVED** that, pursuant to the collective bargaining agreement between the ELEA and the Borough, Borough Council requires that in 2018 all active members of the Borough Police Pension Plan make a contribution of five percent (5.0%) of gross pay for Pension purposes to the Police Pension Plan.

It was moved by Mr. Richard, seconded by Mr. Reinhold, and unanimously passed by roll call vote that Borough Council enact Ordinance 1538 establishing the millage rate for 2018.

Mr. Richard said the Borough is adjusting the millage rate for the following year, because of the County reassessment. The Ordinance will set the new rate at 1.7625 from the existing 2.28 and this 29.6% millage decrease will keep the borough revenue cost neutral.



It was moved by Mr. Richard, seconded by Mr. Weiler, and unanimously passed by roll call vote that Borough Council enact Ordinance 1539 revising the sewer rates as established by the Ephrata Borough Authority.

Mr. Richard said Council was given information that the Authority who just met did adopt a resolution which would increase the cost of sewage treatment for the average customer by approximately \$2.00 per month.

Mr. Thompson said just to point out there was an error identified at the Borough Authority Meeting today, which if you look on the Smart Board 2a was given to you in your packet last Monday as .0571 instead of .00571. At the bottom #2 the next 10,000 gallons was listed as .0494 instead of .00494. Since this ordinance was advertised in The Ephrata Review it was advertised correctly. Mr. Thompson said somewhere between there and getting to here there was a 0 dropped. This is correct, the one in the revised packet is correct and the one advertised is correct; it was the one in the Work Session packet that was inaccurate.

Mayor Mowen pointed out that there has been no sewer increase since 2009. In addition to that we are looking in the next few years of a major upgrade to Plant 1, which will necessitate a bond issue.

It was moved by Mr. Richard, seconded by Mr. Reinhold, and unanimously passed that Borough Council adopt Resolution 2017-21 prohibiting a Category 4 Casino within the Borough.

### **RESOLUTION 2017-21**

#### **A RESOLUTION OF THE BOROUGH COUNCIL OF EPHRATA BOROUGH, LANCASTER, COUNTY, PENNSYLVANIA, PROHIBITING THE LOCATION OF A CATEGORY 4 LICENSED FACILITY WITHIN THE BOROUGH**

WHEREAS, Act 42 of 2017 authorizes the licensing of ten Category 4 licensed facilities within the Commonwealth; and

WHEREAS, such Category 4 licensed facilities will be “mini-casinos” licensed to entities that operate a Category 1, 2, or 3 licensed facility within this Commonwealth; and

WHEREAS, Act 42 of 2017 added new Section 1305.1(a.1)(1) to Title 4, Amusements, of the Pennsylvania Consolidated Statutes which gives all municipalities within the Commonwealth the option to prohibit the location of a Category 4 licensed facility within its municipal boundaries; and

WHEREAS, to exercise such option, a resolution to prohibit the license of a Category 4 slot machine licensed facility within the municipal boundaries must be adopted by the governing body of the municipality and delivered to the Pennsylvania Gaming Control Board no later than December 31, 2017.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by Borough Council of the Borough of Ephrata, Lancaster County, Pennsylvania, as follows:

Section 1. Borough Council of the Borough of Ephrata, Lancaster County, Pennsylvania, adopts this Resolution in accordance with Section 1305.1(a.1)(1) of Title 4, Amusements, of the Pennsylvania Consolidated Statutes, as added by Act 42 of 2017 to prohibit the location and operation of a Category 4 licensed facility within the boundaries of Ephrata Borough, Lancaster County.

Section 2. The proper officers of this Borough are authorized to deliver a certified copy of this Resolution to the Secretary of the Pennsylvania Gaming Control Board no later than December 31, 2017.

Section 3. In the event any provision, section, sentence, clause or part of this Resolution shall be held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of this Resolution, it being the intent of Borough Council that the remainder of the Resolution shall be and shall remain in full force and effect.

Section 4. This Resolution shall take effect and be in force immediately.

It was moved by Mr. Richard, seconded by Mr. Weiler, and passed by a vote of seven yeas by Messrs. Barr, Reinhold, Ressler, Richard, Weiler, Zimmerman, and Mrs. Martin and one nay by President Rowe that Borough Council adopt Resolution 2017-22 approving the 2018 Budget and Program of Services.

**RESOLUTION NO. 2017-22**

**WHEREAS**, the proposed 2018 Budget and Program of Services (herein after "Budget") for the Borough of Ephrata, Lancaster County, Pennsylvania was prepared and submitted to the Borough Council on November 13, 2017; and

**WHEREAS**, notice was published on November 22, 2017 in The Ephrata Review, a weekly newspaper, stating that the proposed 2018 Budget of the Borough of Ephrata was available for inspection at the Borough Offices during regular office hours; and

**WHEREAS**, more than ten days (10) have elapsed since the notice was first published announcing the availability for inspection of the 2018 Budget.

**NOW THEREFORE BE IT RESOLVED**, that the 2018 Budget and Program of Services, as summarized below, is hereby adopted for the Borough of Ephrata to become effective January 1, 2018.

**BE IT FURTHER RESOLVED**, that the appropriations for 2018 are hereby made for the specific amounts set forth below which amounts are fully itemized in the Budget document.

<u>FUND</u>	2018 <u>BUDGETED</u> <u>REVENUE</u>	2018 <u>BUDGETED</u> <u>APPROPRIATIONS</u>
General	\$ 12,223,999	\$12,210,077
Water	\$1,544,000	\$1,539,580
Electric	\$17,208,144	\$17,420,493
Sewer	\$4,748,952	\$4,503,417
Sanitation	\$884,425	\$919,215
Capital	\$1,438,000	\$1,987,776
Highway Aid	\$374,964	\$393,500
Economic Development	\$59,400	\$228,000
Internal Services	\$3,416,873	\$3,491,140
<b>Total</b>	<b>\$41,898,757</b>	<b>\$42,693,198</b>

It was moved by Mr. Richard, seconded Mr. Reinhold, and unanimously passed that Borough Council accept the resignation of Tony Kilkuskie as Tax Collector and appoint the County of Lancaster to collect taxes for the Borough of Ephrata and authorize the Borough Manager to execute the document authorizing the Lancaster County Tax Collection Bureau.

**Development Activities Committee**

It was moved by Mrs. Martin, seconded by Mr. Weiler, and unanimously passed that Borough Council authorize the release of \$22,676.85 of the \$26,205.30 escrowed for the WellSpan Ephrata Community Hospital stormwater improvements located at 166 Martin Avenue.

It was moved by Mrs. Martin, seconded by Mr. Richard, and unanimously passed that Borough Council deny the request from the Ephrata Public Library to waive building permit fees for their Exploratorium Phase 2 construction project.

**Highway Committee**

It was moved by Mr. Ressler, seconded by Mr. Barr, and unanimously passed that Borough Council authorize staff to notify property owners along Lincoln Avenue, Marshall Street and Old Mill Road to construct, reconstruct or repair concrete curbs and sidewalks by July 6, 2017 per the inventory listings revised November 3, 2017, November 14, 2017 and November 10, 2017.

Mr. Reinhold asked were the sidewalks done this past July 6<sup>th</sup> it's not going to be next year?

Mr. Thompson said it should be 2018.

It was moved by Mr. Ressler, seconded by Mr. Barr, to amend the previous motion to reflect the date the sidewalks must be repaired as being July 6, 2018. Motion passed unanimously by Borough Council.

### **APPROVAL OF CHECKS 32156 THROUGH 32444 AND THE ACH REGISTER DATED NOVEMBER 30, 2017**

It was moved by Mr. Richard, seconded by Mr. Ressler, 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 \$2,403,647.28.

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

Mr. George DiIlio, 30 Kings Court said as President of the Ephrata Public Library Board of Directors he said thank you for the Borough's support of what they do at the Library. They would not be where they are today without the Borough's contributions. In addition, they are heading into the final month of their annual fund drive and if you had an opportunity to receive their mailing you will notice that Mr. DiIlio's picture is on it, which from what he understands has helped deter mice and more than one resident. If you have an opportunity to assist them as individuals they would certainly appreciate it.

Mr. DiIlio said and finally she does not want me to embarrass her but this is not intended to embarrass Kathy Holzinger. This is her final Borough Council Meeting, and she is a terrific resource for the Borough. Mr. DiIlio said when he was on Council she got him back on the straight and narrow more than once and he certainly appreciates that. Mr. DiIlio congratulated Kathy and wished her a great retirement.

There were no other comments from attendees.

Mrs. Rowe said before she begins the Discussion she has a brief statement to make.

Mrs. Rowe said this is going to be a tough one for her to get through. Mrs. Rowe said on January 8, 2018 the Borough of Ephrata will say good bye to an integral person within the Borough organization as Kathy Holzinger retires. Kathy spent her entire career with the Borough of Ephrata as Executive Secretary. She has been a loyal and valuable employee to Borough Management and the Executive Team, to Borough Council and the Borough Committees, to the Ephrata Borough Authority, the Ephrata Area Joint Authority and in particular the Borough Manager. Kathy was instrumental in the formation of the Ephrata Economic Development Corporation and worked closely with the group attending meetings, transcribing minutes and coordinating their business dealings. Her organizational, administrative, and interpersonal skills are exceptional, and she will be greatly missed by all.

Mrs. Rowe said please join with her in honoring Kathy and thanking her for more than 18 years of dedicated service to Ephrata Borough. Mrs. Rowe said they truly appreciate her many contributions to the Borough over these past years and wish you the very best and happiest retirement. Thank you.

Mayor Mowen said he just wants to add to what Mrs. Rowe has said. Kathy has helped him so much over the years as Mayor and has again as George said kept him on the straight and narrow, made sure he got things in on time, and really assisted in the work of the Authority. Mayor Mowen said Kathy you are a valuable, valuable asset to this Borough, and they will surely miss you and miss your hard work. Mr. Mowen said as a retiree, enjoy it.

### **DISCUSSION/ANNOUNCEMENTS**

Mr. Ressler said he wants to add his congratulations to Kathy and best wishes. Mr. Ressler met Kathy long before he came on Council. They worked together with organization, and she was an enormous help and liaison with the Borough. Mr. Ressler said he really enjoyed working with Kathy. Mr. Ressler wished everyone a Merry Christmas and Happy Holidays. Looking forward to the New Year.

Mr. Barr echoed everyone's comments. Mr. Barr said Kathy has helped him whenever help was needed. Thank you.

Mr. Barr said within the past couple of months there was a Leena Fasnacht here complaining about a landlord and a black mold and mildew problem. That landlord is now evicting her.

Mr. Richard also thanked Kathy for all her help over the years. You have always been very receptive for his inability to get things done properly.

Mr. Reinhold said he maybe did not utilize Kathy as much as others up here but whenever he did Kathy was always there to help and walk him through. Enjoy it and Kathy will be deeply missed.

Mr. Reinhold addressed Mrs. Suhrbier. Mr. Reinhold said he loves her accent. Mrs. Suhrbier has two sons and a daughter. Mr. Reinhold said he graduated with her oldest son Pierre.

Mr. Reinhold said he can't say he's that thrilled to be sitting up here right now after a week in Jamaica last week. Mr. Reinhold said you have a finer appreciation for all facilities that we have in a community like this one. You have running water that you don't see down there that often.

Mr. Reinhold said coming back; he came back Friday. He didn't have to come back in the first snowfall on Saturday. Mr. Reinhold said think of all the people that are out there this winter. It could be a bad one. With the cruisers that got hit there on Saturday night and guys like Tim, and everybody else and his brother-in-law in another township that is out plowing at all hours of the night to try to keep us safe and the roads safe. Always keep those people in your prayers if you can during this season. Mr. Reinhold wished everyone a Merry Christmas and a Happy New Year.

Mr. Reinhold said he's going to say his prayers that the Eagles can keep moving on with a backup quarterback.

Mr. Zimmerman thanked Kathy. Mrs. Martin said same here and they will miss you. Mr. Weiler said there is nothing harder to replace than a lot of experience

Mayor Mowen said thanks again Kathy. Enjoy. You have been such a benefit and asset to this Borough. Mayor Mowen thanked Council for their work this past year; it's been a good year overall and everything has gone fairly well. It's been a pleasure working with you, and he looks forward to working with you for the next four years.

Mayor Mowen said we will have our swearing in ceremony in January where the District Justice will come swear at Mayor Mowen and then Mayor Mowen gets to swear at you.

Mayor Mowen said Merry Christmas and Happy New Year to everybody and though Lily's is not here so we cannot have our annual Christmas year end function at Lily's. The President and Mayor Mowen are inviting Council and Staff to stop at the Lincoln House for a cocktail after the meeting on them.

Mayor Mowen said he had gotten this letter and since we don't get a lot of pats on the back Mr. Mowen contacted the lady and asked her if he could share it.

Mr. Mowen said it is from a lady by the name of Sparky Grace. She said she started working in Ephrata a little over a year ago. Going through a divorce she moved to Ephrata in December 2016. She decided to move here because of the proximity to her work, lower cost of living, and she absolutely adores her apartment. She lives on East Main Street. She admits that while growing up in downtown Lancaster she developed a bit of negative bias towards Ephrata; however, after living here for a year her feelings of negativity towards Ephrata has significantly changed. Ms. Grace is a very creative and talented artist. Her perfectionist ways are hard to impress. While the annual fair is a fun piece of Americana it was this year's Black Friday celebration that blew her mind. That evening she had her six year old son. Instead of strolling to the movies or a local restaurant they walked the tree lit streets to see Santa Claus. She is a romantic by nature and with overall drawings of nostalgia. Walking the streets of Ephrata she was consumed with a sense of time gone by. The level at which the town has transformed for the holidays is absolutely magical for a child and beyond charming for an adult. Ms. Grace just wanted to boldly commend everyone who was involved with decorating for the holidays and commencing of the Black Friday celebration. This town has changed her overall perspective towards it and for the absolute better. Ms. Grace is truly impressed with the way the town represents itself at all levels. From her balcony she has observed many details from cleaning to policing. Being a night owl she has even interacted with several members of law enforcement. The department alone is an absolute stand out. Please let everyone know who is involved with

making the town a better place that their passion for Ephrata is resonating with impressive effect. Sincerely.

Mr. Mowen said we don't get a whole lot of that, and he thought it would be nice to share that.

Chief Harvey said he wanted to remind everybody, which Mr. Reinhold has already mentioned. Chief Harvey said we averted a near tragedy Saturday night early Sunday morning. Police Officers being killed in the motorway is a problem nationwide. Luckily none of his officers were injured. To the media please remind everybody when you see emergency workers on the side to move over and give her berth. It was close. We can get sheet metal we can get plastic, but he can't replace his officers. Please express to everyone to slow down when you see emergency responders, emergency workers, and highway workers.

Mr. Thompson said as a reminder tomorrow morning is the employee breakfast, and he hopes as many of Council as possible can attend.

Mrs. Rowe said in closing she also has a personal thank you to Kathy. Mrs. Rowe has been on Council for eight years now, but she spent many years prior to that on the other side of the room.

Mrs. Rowe said while it may seem that the transition from that side to this side would be seamless – it's not, and you made it so easy for me to make that transition.

Mrs. Rowe said in addition she is concluding her second year as President of Council and there is some effort that goes into being President and again you have made that as easy as possible for me. Mrs. Rowe appreciates that very much. Thank you Kathy. You will be missed.

#### **ADJOURNMENT**

It was moved by Mrs. Martin, seconded by Mr. Weiler, and unanimously passed that Borough Council adjourn. The meeting was adjourned at 7:40 PM.

Respectfully submitted,

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D. Robert Thompson, Secretary