

**EPHRATA BOROUGH COUNCIL
REGULAR MEETING MINUTES
JANUARY 9, 2017**

The regular Ephrata Borough Council meeting was called to order by President Susan Rowe at 7:00 PM on January 9, 2017 in the Council Chambers of the Borough Office, 124 South State Street.

Reverend Deryl Hurst, DOVE Westgate 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, and Council Members Timothy Barr, Linda Martin, Ricky Ressler, Victor Richard, Gregory Zimmerman, and Mayor Ralph Mowen.

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

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

Elsie Compton, 29 Ridge Road, Lititz
Kelly & Jay Newswanger, 1904 Penna Ave, Lititz
Kelly Tshudy, 19 Coolidge Drive, Ephrata
Cindy Tshudy, 305 Durlach Road, Ephrata
Jeff Tshudy, 305 Durlach Road, Ephrata
The Gregson's 885 North Maple Street, Ephrata
Kevin Tshudy, 187 Agape Drive, Ephrata
Lindsay Smith, 187 Agape Drive, Ephrata
Richard Tryon, 1024 Dawn Avenue, Ephrata
Paul Swangren, 411 Edgehill, Akron
Tim Auker, 542 North State Street, Ephrata
Julie Hocking, 615 East Main Street, Ephrata
Scott Cover, 300 West Chestnut Street, Ephrata
Andrew Orwig
Angela Keen, 53 North Duke Street, Lancaster – Center for Community Peacemaking

APPROVAL OF MINUTES

It was moved by Mr. Barr, seconded by Mr. Ressler, and unanimously passed that Borough Council approve the December 5, 2016 Work Session Minutes and the December 12, 2016 Regular Meeting Minutes.

SPECIAL ACTION OF COUNCIL

Public Safety Committee Recommendations

It was moved by Mr. Weiler, seconded by Mr. Reinhold, and unanimously passed that Borough Council ratifies the Agreement to Provide and Fund Law Enforcement Resources within the Ephrata Area School District through a School Resource Officer (SRO) for 2017 through 2019.

It was moved by Mr. Weiler, seconded by Mrs. Martin, and unanimously passed by roll call vote that Borough Council authorize the purchase of one (1) 2017 Ford Interceptor SUV for the fleet through the COSTARS cooperative purchasing program from Whitmoyer Ford in an amount not to exceed \$39,739.48.

It was moved by Mr. Weiler, seconded by Mr. Reinhold, and unanimously passed by roll call vote that Borough Council authorizes a three year leasing agreement with Santander in the amount of \$39,739.48 plus leasing costs for the purchase of one (1) 2017 Ford Interceptor SUV. The lease shall be in a form acceptable to the Borough Solicitor.

It was moved by Mr. Weiler, seconded by Mrs. Martin, and unanimously passed that Borough Council approve the hiring of Marcos Rodriguez-Muriel for the position of Police Officer effective January 16, 2017. Marcos Rodriguez-Muriel will be subject to a one year probationary period beginning January 16, 2017 and ending January 16, 2018.

It was moved by Mr. Weiler, seconded by Mr. Reinhold, and unanimously passed that Borough Council approve the hiring of Cody Newswanger for the position of Police Officer effective

January 16, 2017. Cody Newswanger will be subject to a one year probationary period beginning January 16, 2017 and ending January 16, 2018.

Police Officers' Oath of Office

Mayor Mowen administered the Oaths of Office to Marcos Rodriguez-Muriel and Cody Newswanger.

Mayor Mowen said there is something else that happens today. Today is "Police Appreciation Day", and Mayor Mowen asked the attendees to give all the men and women standing back against the glass a huge round of applause for the safety that they provide for us.

Council recessed at 7:13 PM to meet and greet the new Officers.

Council reconvened at 7:20 PM.

Opportunity for Citizens to be Heard

Angela Keen, the Program Coordinator for the Center for Community Peacemaking, which is a community based agency. They are located in Lancaster at 53 North Duke Street. They provide services to all of Lancaster County. Their mission is to work with young people to resolve conflict in the community. They do that through face-to-face dialogue. Part of that is working with youth who cause harm in their communities to come to dialogue, to a conversation with people who they have harmed. Many times this could involve some sort of criminal offense and terms like offenders and victims are often incorporated into that. They receive most of their referrals from the juvenile court and from local youth aid panels. They receive up to 200 referrals a year. Along with Ms. Keen is a young woman who caused harm here in the Ephrata community, and she would like to publicly take responsibility for what she's done. She met last week with three of the four people who were impacted by what she did and they have offered some sense of forgiveness and encouragement to her and believe that she will be a potential positive community member moving forward.

Summer is with the Community Peacemaking and is one of the girls who spray painted on the Ephrata trail about a year ago and is sorry for the people who had to see that and their kids had to see that and she apologized. Summer said she is now in a stable home and is learning from her mistake and is doing better now.

Ms. Keen also acknowledged that in attendance with them is Don Sensenig who is a volunteer facilitator for the agency. Most of the cases that dialogue are run by specially trained facilitators like Don. He is from the Akron area, and Ms. Keen actually grew up in the Ephrata area.

Mr. Sensenig thanked Mr. Swangren of the Public Works Department for hosting the meetings with Summer and for the good work they did in responding to an act and encouraging the young girl.

President Rowe said thank you and appreciates that; that took a lot of courage for you to come and say what you did today. Mrs. Rowe thanked her for that.

Richard Tryon said he was alerted by a couple of neighbors over this IGS thing that was sent out that you partnered with. Mr. Tryon looked into it. Something you failed to tell us was this IGS has 131 complaints against them with the Better Business. Mr. Tryon spent three days an hour each time to try to get a hold of these people for information. No one answers the phones. Mr. Tryon spent another three days trying then to put a case against them. Nobody answers the phone. If this is such a good idea how do you get a hold of these people?

Mr. Thompson said we became affiliated with this firm through our relationship with American Municipal Power, and we have executed some documents. Just to reiterate it is a purely voluntary program. Mr. Thompson will pursue this through American Municipal Power and follow up with you.

Mr. Tryon said what he would really like to know is how to get off this list to get out of this borough outside of the borough with his name and address. If it would have come addressed to resident that would have been one thing, but why were our names given out on these account.

Mr. Thompson said the names and addresses that are given for any resident in the borough are not subject to any exemptions on the right to know so if anyone were to make a request of the

borough and ask for the names and addresses of any resident, property address in the borough; they would be something we would be required through the right-to-know to provide. Your name and address is not exempt from any.

Mr. Thompson said he can go through the exemptions with Mr. Tryon. Mr. Tryon said it wasn't very trustworthy of the borough to allow those addresses outside of this borough.

Mr. Thompson said the addresses were provided through a legal agreement which said that the sole purpose for using the names was to provide information as related to the utility insurance program.

Mr. Tryon asked Mr. Thompson if he could guarantee him that someone won't take that database.

Mr. Thompson said we have a commitment from IGS and if it's determined that they are negligent there are sections within those agreements which deals with negligence. Mr. Tryon asked how he gets off the list.

Mr. Thompson said to provide him with his name and address, and he will have it removed.

There were no other comments or questions 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. Zimmerman, and unanimously passed to approve Acceptance of Reports consisting of the following documents:

DEVELOPMENT ACTIVITIES COMMITTEE REPORT – 1/9/2017

The Development Activities Committee met on January 3, 2017 and discussed the following:

1. The Committee reviewed a sketch plan for Ephrata Re-Uzit Stores, Inc. located at 1054 South State Street. The plan is proposing to demolish all the existing structures, combine the lots and construct one new 36,000 square foot structure and accessory parking lot that would consolidate the furniture sales and the sales from their downtown location. The Committee will recommend that Borough Council authorize the staff to issue Planning Commission review comments to the applicant at their January meeting.
2. The Committee reviewed the final land development plan for the Hocking Apartments located along Tom Avenue. The plan is proposing to construct two multi-family buildings with 10 units in each building and two accessory parking lots. There will be stormwater improvements on a neighboring developed property owned by the applicant. The Committee will recommend that Borough Council approve the plan as a final land development plan subject to inclusion of staff comments dated December 13, 2016 and HRG comments dated December 9, 2016. This item will appear on the January Consent Agenda.
3. The Committee reviewed a Subdivision and Land Development Agreement for the Hocking Apartments. The amount of the agreement is \$263,459.90. The Committee will recommend that Borough Council authorize the Council President and Secretary to execute the Subdivision and Land Development Agreement with the developer, Julie A. Hocking, subject to it being in a form acceptable to the borough solicitor. This will appear on the January Consent Agenda.
4. The Committee reviewed a stormwater Operation and Maintenance Agreement for the proposed stormwater improvements associated with the land development plan for the Hocking Apartments. The Committee will recommend that Borough Council authorize the Council President and Secretary to execute an Operation and Maintenance Agreement with the developer, Julie A. Hocking, subject to it being in a form acceptable to the borough solicitor. This will appear on the January Consent Agenda.
5. Visitor Dale Hertzog asked if there have been any changes to the west end of Third Street – specifically the hospital access. The staff reported that WECH has submitted a request to

continue to use the stub of Third Street for vehicular access. The request will be placed on the January 23, 2017 Highway Committee agenda. No further action is required.

6. There were two decisions from the December Zoning Hearing Board meeting. Dale High was granted a special exception to enclose a porch at 154 East Main Street and WellSpan Ephrata Community Hospital was granted a use variance for a parking lot at 166 Martin Avenue.

PUBLIC SAFETY COMMITTEE REPORT – 1/9/2017

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

1. School Resource Officer Contract – Lt. Shumaker presented the proposed “*Agreement to Provide and Fund Law Enforcement Resources within the Ephrata Area School District through a School Resource Officer (SRO)*”. This agreement is for 2017 through 2019. The agreement is unchanged from prior years except for costs, which have been revised and are attached. The borough solicitor has approved the agreement, along with the Ephrata Area School District and all three (3) municipal partners. – Unanimously approved by Committee.
2. Vehicle Replacement – Lt. Shumaker proposed the purchase of one (1) 2017 Ford Interceptor SUV for the fleet through the COSTARS cooperative purchasing program from Whitmoyer Ford. The amount is not to exceed \$39,739.48. This is a replacement vehicle for the one that was taken out of service on November 14, 2016. – Unanimously approved by Committee.
3. Leasing Agreement – Lt. Shumaker presented the option of a three-year leasing agreement with Santander in the amount of \$39,739.48 plus leasing costs for the purchase of one (1) 2017 Ford Interceptor SUV. The lease shall be in a form acceptable to the Borough Solicitor. – Unanimously approved by Committee.
4. Comp-stat (Nov 2016) – Chief Harvey presented November’s Compstat report – Received For Informational Purposes Only
5. EMC Report (Nov 2016) – Chief Harvey presented November’s emergency management report – Received For Informational Purposes Only

Executive Session -Police Officer Hiring - Personnel matter of hiring of two (2) officers and a Police Officer discipline issue.

There being no other business set before it, the meeting adjourned at approximately 7:00 PM.

The next regularly scheduled PSC meeting will be January 16, 2017 at 6:30 PM.

HIGHWAY COMMITTEE REPORT – 1/9/2017

The Highway Committee met on Tuesday, January 3, 2017 and discussed the following:

1. The Committee reviewed the results of Bid #17-1 to provide and deliver one 2003 or newer Case 521 D Front End Loader with 5,000 hours or less and will recommend that Borough Council award the bid to: Jerre Martin Repair, Sales, Service & Rentals from Ephrata, PA for a 2005 Volvo L60E Front End Loader with 4,050 hours in the total bid amount of \$60,000 at their January 9, 2017 meeting. The Committee was advised that the equipment offered for sale was examined by Public Works Superintendent Paul Swangren and Borough Mechanic Steve Hull and is in good condition and declared an approved equal of the specified equipment requirements as allowed in the bid documents. The budget amount for this purchase is \$60,000.
2. The Committee reviewed the results of Bid #17-2 to provide and deliver one 2006 or newer Case 21 E Front End Loader with 3,000 hours or less and will recommend that Borough Council award the bid to: Jerre Martin Repair, Sales, Service & Rentals from Ephrata, PA for a 2006 Case 21 E Front End Loader with 2,704 hours in the total bid amount of \$37,500 at their January 9, 2017 meeting. The Committee was advised that the equipment offered for sale was examined by Public Works Superintendent Paul Swangren and Borough Mechanic Steve Hull and is in good condition and that the vendor will also provide and install new tires and a new seat prior to delivery. The budget amount for this purchase is \$40,000.

December General Ledger Report
 Lincoln Fire Company December 2016 Report
 Pioneer Fire Company December 2016 Report
 Ephrata Community Ambulance Association – December 2016
 Emergency Management Coordinator December 2016 Report
 Police Civil Service Commission Minutes

NEW BUSINESS ITEMS

Consent Agenda (includes the following approvals)

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

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

1. That Borough Council approve the final land development plan for Hocking Apartments, dated November 22, 2016, containing 12 sheets prepared by Harbor Engineering, Inc., Manheim, PA, subject to the following:
 - A. The applicant must address the comments from the December 13, 2016 memorandum of Nancy Harris, Planning and Engineering Manager.
 - B. The applicant must address the comments contained in the HRG letter dated December 9, 2016. (Development Activities Committee)
2. That Borough Council authorize the Council President and Secretary to execute a Subdivision and Land Development Agreement for the Hocking Apartments land development plan with the developer, Julie A. Hocking, in the amount of \$263,459.90 subject to it being in a form acceptable to the borough solicitor. (Development Activities Committee)
3. That Borough Council authorize the Council President and Secretary to execute an Operation and Maintenance Agreement for the Hocking Apartments land development plan with the developer, Julie A. Hocking, subject to it being in a form acceptable to the borough solicitor. (Development Activities Committee)

STANDING COMMITTEE RECOMMENDATIONS

Budget and Finance Committee

1. It was moved by Mr. Richard, seconded by Mr. Reinhold, and unanimously passed by roll call vote that Borough Council conditionally approve the collective bargaining agreement between the Borough of Ephrata and Local 1600 International Brotherhood of Electrical Workers, AFL-CIO subject to the ratification of the tentative agreement by the IBEW membership for the period January 1, 2017 through December 31, 2021.

Development Activities Committee

1. It was moved by Mrs. Martin, seconded by Mr. Richard, and unanimously passed that Borough Council authorize the staff to issue Planning Commission review comments for the Ephrata Re-Uzit Stores, Inc. Sketch Plan. The comments include:
 - A. The applicant should address the comments from the December 13, 2016 memorandum of Nancy Harris, Planning and Engineering Manager.
 - B. The applicant should address the comments contained in the HRG review letter dated December 2, 2016.
 - C. The applicant will need to prepare and submit a traffic study based on the requirements contained in Chapter 281, Subdivision and Land Development with the next submission.

Highway Committee

It was moved by Mr. Ressler, seconded by Mr. Barr, and unanimously passed by roll call vote that Borough Council approve the purchase of a 2005 Volvo L60E Front End Loader with 4,050 hours from Jerre Martin Repair, Sales, Service & Rentals from Ephrata, PA for \$60,000 via Bid #17-1.

It was moved by Mr. Ressler, seconded by Mr. Zimmerman, and unanimously passed by roll call vote that Borough Council approve the purchase of a 2006 Case 21 E Front End Loader with 2,704 hours from Jerre Martin Repair, Sales, Service & Rentals from Ephrata, PA for \$37,500 via Bid #17-2.

APPROVAL OF CHECKS 28670 THROUGH 28984 AND THE ACH REGISTER DATED DECEMBER 29, 2016

It was moved by Mr. Richard, seconded by Mr. Barr, and unanimously passed that Borough Council ratify the payment of bills performed by the staff since the last regular Council meeting in the aggregate amount of \$2,153,929.09.

OPPORTUNITY FOR CITIZENS TO BE HEARD

There were no comments or remarks from attendees.

DISCUSSION/ANNOUNCEMENTS

Mr. Reinhold said he thinks it's always nice when we swear in new Officers. Mr. Reinhold said he always jokes about being the youngest one at the table, but those kids probably had him beat by 20 years at least. In today's world with police officers – it's quite a job to do nowadays with the way this society has become. It's also nice to see a good bit of the department come support them when they are sworn in.

Mayor Mowen thanked Mr. Reinhold for his comments. Mr. Mowen said that is one of the happier things he gets to do – swearing in new officers. Mr. Mowen said we have an absolutely fantastic group of men and women, and the Borough should be very proud of the force we have right now.

Lt. Shumaker said on behalf of the Department he would like to thank Council for their support; it is beyond question, and they greatly appreciate it.

Mr. Thompson said as we completed the street collapse and the restoration the one outstanding thing that's left is how much it has cost us. Mr. Thompson said we have 99% of the invoices and we are at \$755,000.

Mr. Zimmerman asked Mr. Thompson if there was another layer of black top that needed to be put on in the Spring. Mr. Thompson said they will be looking at it in the spring. There may be some adjustments required on Park Avenue.

ADJOURNMENT

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

Respectfully submitted,

D. Robert Thompson, Secretary