

**EPHRATA BOROUGH COUNCIL  
WORK SESSION MINUTES  
FEBRUARY 5, 2018**

The Ephrata Borough Council Work Session was called to order by President Susan Rowe on February 5, 2018, at 7:00 p.m., in the Council Chambers of the Borough Office, 124 South State Street.

The meeting began with a moment of silence 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, Police Chief William L. Harvey, and Borough Solicitor James R. McManus, III, Esq.

**Opportunity for Citizens to be Heard**

There were no comments or remarks from attendees.

**Municipal Moment**

President Rowe welcomed Penny Talbert, Ephrata Public Library, to provide an update on the Exploratorium.

Ms. Talbert began her presentation listing the following statistics:

- 9.9% of Borough residents currently live in poverty
- 9% of Borough residents are uninsured
- 14.4% of Borough residents do not have a high school diploma
- The median income for the Borough is about \$9,000 lower than the median income of Lancaster County.

Ms. Talbert advised with these statistics, our community is faced with some real problems that need to be dealt with. Ms. Talbert advised there are “hubs” all over Lancaster County which serve as Social Service “hubs.” Ms. Talbert went on to state there are no “hubs” in northern Lancaster County to service the needs of our local residents. Ms. Talbert advised the library has teamed with multiple partners who are planning on offering Social Service services to Borough residents. Ms. Talbert stated they have applied for a United Way grant which would cover most of the expenses for the first three years of the project and provided goals established by United Way for Lancaster County:

- Decrease individuals and families living in poverty by 50%;
- 100% of children will enter Kindergarten ready to learn;
- 100% of students and adults will have post-secondary credentials;
- 100% of individuals, children and families will have a medical plan.

Ms. Talbert introduced Mr. Rod Redcay, Founder and Director of Real Life Community Services, who explained what “collective impact” is advising it is framework to tackle deeply entrenched and conquest social problems. Mr. Redcay advised there are many different organizations within our community who really care about helping those who are in need, but each are doing their own things. Mr. Redcay stated what has been found is that “collective impact” brings all of these organizations together under a shared common agenda.

Mr. Redcay talked about the Lighthouse Youth Center, Denver, a place for youth to come out several nights a week to gather and meet with adults who provide them with encouragement and support. Mr. Redcay also talked about having a transitional home for moms who are coming out of the Good Samaritan Shelter, Ephrata, further explaining that these moms are given a year of care outside of that program. Ms. Talbert advised that they are renovating Phase II which will become a co-working space further stating this space is much needed within our community. Ms. Talbert advised this co-working space would serve as a place where individuals could work or take classes.

Mr. Redcay talked about the “Declaration House” which is being housed in the former Denver House, Denver. Mr. Redcay stated they partnered with Lancaster Housing Opportunity Partnership who assists with the rehab of old buildings update them to be affordable housing. Mr. Redcay advised the plan is to convert the building into ten full apartments, each having their own kitchen and bathroom, with a bedroom or two, that are going to be affordable apartments for families in our communities. Residents have to be under 60% of the median income so it is going to be focused on those who are need. Mr. Redcay advised the building will be managed

with the manager living on the first floor. Additionally, Mr. Redcay advised the offices for Real Life Community Services will also be on the main floor providing necessary resources.

Mr. Redcay stated a partnership with Welsh Mountain Health Centers has been established who will have a small clinic in the building providing medical care, dental care and mental health care.

Mr. Redcay stated they will be a “hub” for social services in Denver and expressed concern regarding transportation needs from Ephrata to Denver. Ms. Talbert further discussed the transportation component and advised they already have a community volunteer who has volunteered to drive a van to/from Ephrata/Denver five hours a week.

Before ending her presentation, Ms. Talbert referred Council to the packet she provided to view additional information, introduced a few community partners and asked for any questions.

Mrs. Martin asked for clarification as to the definition of a “medical home.” Ms. Talbert explained that the term indicates those who do not have a doctor. Ms. Talbert stated with Welsh Mountain going into the Declaration House, it will be an opportunity for children to see dentists and doctors without having to go to the emergency room for treatment.

Mrs. Rowe advised Council members if they have any additional questions as they review the packet to please contact Ms. Talbert.

### **Discussion of Committee Actions**

#### Budget and Finance Committee

Mr. Reinhold advised the Committee discussed Resolution 2018-3 exonerating the Borough from paying real estate taxes on various Borough properties. The Committee will recommend adoption of this resolution as part of the consent agenda at the February Council meeting.

Mrs. Rowe commented on Item #2 listed on the Committee’s meeting agenda regarding Library Board vacancies. Ms. Rowe asked if the vacancies are filled by the Library Board or by Borough Council. Mr. Thompson advised he met with Board President, Ann Small, and the filling of vacancies was discussed; however, he further stated the by-laws of the library are not consistent with the ordinance of the Borough or the library code. As a result, the library board committed to amend the by-laws to be consistent with the Borough and the library code which is the Borough would make recommendations for appointments and then turn them over to the library board to officially appoint. The board is specifically asking for individual(s) from a not for profit, someone with finance background, an attorney or someone with human resources leadership and supervisory skills.

#### Development Activities Committee

Mr. Weiler advised the Committee reviewed a request to hold the third Brewfest at Whistle Stop Plaza on June 23, 2018. The event will have up to 20 breweries from the region. They are expanding the participating breweries to include a larger area since patrons wanted to experience different breweries. The Committee will recommend that Borough Council grant the request to hold the Brewfest at Whistle Stop Plaza subject to the receipt of a copy of a PLCB special occasion permit and subject to the receipt of a certificate of insurance naming the Borough as an additional insured at the February meeting.

Mr. Weiler advised the Committee reviewed a proposed Memorandum of Understanding (MOU) with the Ephrata Public Library for the Exploratorium Phase 2 construction project. The Library received a grant from the state which required the Borough to bid the project and execute the construction contract with the contractor. While the Borough will not be expending any funds, the Borough would like a guarantee that the library will reimburse the Borough after the Borough pays the contractor. The Borough requested to be a signatory on the Library’s dedicated capital account to ensure access to the construction funds should the library default on reimbursing the Borough. This MOU outlines the terms of the Borough’s access to the Library’s account. The Committee will recommend that Borough Council authorize the Borough Manager to sign the MOU subject to it being in a form acceptable to the borough solicitor and authorize the Borough Manager be the signatory on the Library’s capital account at the February meeting.

Mr. Weiler advised the Committee reviewed a second request from the Ephrata Public Library to

waive building permit fees for their upcoming Exploratorium Phase 2 construction project. Joy Ashley presented some new information. She pointed out that the Borough could claim the waived inspection and permit fees on Pennsylvania's green sheet which itemizes the in-kind donations the Borough makes to the library through the Local Funding Effort. She said the actual permit fees are higher than they budgeted. Ms. Ashley mentioned that the library is not a typical non-profit. It is a recognized agent of the Borough in Pennsylvania. The municipality and the library work hand-in-hand and that is different than other non-profits. Mr. Zimmerman asked if the Library is going to other municipalities to request funding and Ms. Ashley said the green sheet is only used for the Borough since the Library is located in the Borough. Mr. Weiler continues to be concerned about setting a precedent. With a 2 to 1 vote the Committee voted to not advance the request to Borough Council. No further action is required.

Mr. Weiler advised Bob Thompson and Bob Harter presented a funding proposal from the Ephrata Development Organization (EDO). Mr. Harter explained that the original effort started by trying to merge the four economic development entities into one. The Chamber decided to withdraw. The EDO has organized, formed committees and needs funding as it solidifies. The EDO is requesting funding from the Borough in the amount of \$158,256.00 for 2018. This will cover staff salaries, startup and operational costs and \$25,000 for a parking study. The funding will come out of one of the Borough's restrictive revenue accounts that currently has over \$400,000.00 in it. A future funding source for this account will come from the solar project. Included in the request is to use the offices in the railroad station rent free as headquarters for the EDO. Mr. Thompson would like to amend the request to include receiving free electric for the rental space to be occupied by the EDO. Once the EDO staffs and occupies the offices, it will reopen the visitor's center. The lease agreement with the EDO will memorialize each group's responsibilities. Each year the EDO will include a work plan with the upcoming years funding request. The Committee will recommend that Borough Council grant the EDO's funding request of \$158,256.00, authorize the President of Borough Council to execute a lease with the EDO for the offices at railroad station at no charge and receive electric at no charge at the February meeting.

The Committee reviewed a request from Pioneer Management, LLC to extend the time to record their land development plan. The Ephrata Re-Uzit Stores land development plan was approved by Borough Council on June 12, 2017. The applicant is required to record the plans within 90 days of approval and they did not. The applicant has requested an extension to record to April 9, 2018. There have not been any ordinance changes that would affect the approval. The Committee will recommend that Borough Council grant the recording extension to April 9, 2018 at the February meeting.

The Committee reviewed a request from Cocalico Investments to release financial security for the land development improvements associated with the construction of two new apartment buildings located at West Main Street and Robert Road. The improvements are installed, inspected and functioning properly. The Borough will continue to hold 15% (\$23,537.00) for 18 months. The Committee will recommend that Borough Council release \$149,618.40 at the February meeting. This will appear on the consent agenda as part of the February meeting.

The Committee reviewed the annual professional services agreement with HRG. HRG provides review services for Subdivision and Land Development and Stormwater Management. The Committee will recommend that Borough Council execute the annual agreement with HRG for 2018 and authorizes the President of Borough Council and the Borough Secretary to execute the agreement at the February meeting.

The staff presented two proposed changes to two recently enacted ordinances. In the rental ordinance, the landlord is required to respond in person to the rental unit within 45 minutes of notification by the Borough. After meeting with the landlord group, the staff agreed to change the response time to include by phone. That change did not occur prior to enactment, so the solicitor prepared an ordinance to include a phone response within 45 minutes.

In the appeals board ordinance, an inconsistency was discovered regarding the time to file an appeal and notice of meeting. The proposed ordinance corrects the inconsistency. The Committee will recommend that Borough Council enact both ordinances at the February meeting.

Mayor Mowen inquired about the cost of the permit fees for the library and was advised they were \$2,000. Mayor Mowen stated he agrees with the library that “they’re not the normal typical non-profit” advising they were a quasi-Borough function and we work with them. Mayor Mowen advised \$2,000 is a lot of money for the library and feels it would be shortsighted not to waive that fee as other far-greater fees for other projects and organizations in the past stating that Council should take another look at their request. Mrs. Rowe asked Mayor Mowen if he is requesting it be sent back to the Committee as they have decided not to bring the item to Council. Mayor Mowen advised the item can be brought to Council’s attention for a vote outside of the Committee. Mrs. Rowe advised since the Committee made a decision, it will not be an action item for next week and asked Mayor Mowen if it should be sent back to the Committee for a third time for a consideration. Mayor Mowen advised it should be and that the Committee needs to realize exactly what the library is to the Borough. Mrs. Rowe asked Mr. Weiler if he’s willing to have the Committee review the matter for a third time. Mr. Weiler responded the Committee can discuss the matter again. Mrs. Rowe asked Committee members if they agreed with Mr. Weiler’s response and received a response that there is no additional, new information being presented to the Committee. Mayor Mowen stated he believes the concern is about a precedent being set, but advised a precedent has already been set due to Council waiving fees for others in the past. Mrs. Rowe advised that she was present at the Committee’s meeting and she doesn’t believe it was brought forward that fees have been waived in the past for other organizations. Mrs. Rowe asked the Committee to look into the matter further and requested it be added to the Development Activities’ February meeting agenda for discussion.

Mr. Ressler inquired about the Brewfest advising he’s aware that Special Projects is getting close to proposing an ordinance that will make these processes more detailed. Mr. Ressler questioned if that ordinance will be enacted before the date of the Brewfest and would that have any effect on Council’s approval of the event. Mr. Thompson advised the assumption made when going through the process is if an approval is already granted by Council that they would not be subject to the new process. Mr. Thompson advised any event(s) that would be approved following the enactment of the ordinance will have to comply with the requirements. Mrs. Rowe stated that staff has agreed to research past events and notify the appropriate contacts advising them of the new ordinance and requirements.

Mr. Ressler inquired about the EDO funding proposal stating that the Borough is basically going to fund the executive director’s salary primarily or management and further asking if that is the ongoing position of the Borough’s support. Mr. Thompson advised that included in the proposal was the budget that the request was to support for this year. Mr. Ressler asked if that would be an ongoing process. Mr. Thompson advised the proposal stipulates each year EDO will present a budget for funding for Council to approve to ensure that the funding meets the requirements of the Borough code.

Mr. Ressler expressed his support to Mayor Mowen’s position regarding the library. Mr. Ressler stated the new information presented was the portion about the Green Sheet stating that information was new to him and makes even more of a difference for the matter to be re-looked at.

Mr. Reinhold inquired about the EDO’s staffing and the dollar amount that is being allocated for this year. Mr. Thompson advised there is an Executive Director position and an Administrative Assistant position listed in the budget and that amount has been prorated for the nine months remaining in the year; therefore, that amount is three quarters of what the annual amount would be. Mr. Reinhold questioned when EDO has their work plan established for the following year that they will include any necessary increases. Mr. Thompson reiterated that a budget will be presented that will be consistent with the work plan presented. Mayor Mowen advised that the amount requested is not the sole funding as there will be fundraisers for additional funding for the EDO. Mr. Reinhold stated he understands there has to be dedicated resources to try to develop the Central Business District among other areas; however, his concern was for the funding of salaries and the possibility of no changes from now to five years from now and hopes the EDO will take that into consideration when presenting their work plan and budget. Mayor Mowen stated if the Executive Director is not meeting the goals, then changes can be made. Mrs. Rowe stated the chairman of the EDO organization will be providing the “Municipal Moment” at the February 12, 2018, meeting. Mrs. Rowe advised the presentation should provide Council members with a better understanding of the organization, the budget and expectations.

Mr. Barr advised he was the vote in favor of waiving the building permit fees for the library and feels they spend an incredible amount of time fundraising in an attempt to meet their budget. Mr. Barr stated he felt “this little bit of a break” was well worth the Borough’s consideration and he is glad the matter is being looked into again.

Highway Committee

Mr. Barr advised the Committee reviewed a proposed 2018 vehicle purchase. The vehicle is a new 2018 Ford F-150 Super Cab XL 4WD Pickup Truck and will be purchased through the Pennsylvania DGS COSTARS cooperative purchasing program from Whitmoyer Ford, Inc. of Mount Joy, PA in the total amount of \$29,250.00 which includes up fitting with an emergency radio, visibility and safety equipment. The budgeted amount for this purchase is \$32,000. The Committee will recommend that Borough Council approve the purchase of the new 2018 Ford F-150 Super Cab XL 4WD Pickup Truck at their February 12, 2018 meeting.

Mr. Barr advised the Committee reviewed another proposed 2018 vehicle purchase. The vehicle is a new 2018 Ford F-350 Super Duty, Regular Cab 4WD Truck with Utility Bed and Snow Plow and will be purchased through the Pennsylvania DGS COSTARS cooperative purchasing program from Whitmoyer Ford, Inc. of Mount Joy, PA in the total amount of \$46,657.00 which includes up fitting with an emergency radio. The budgeted amount for this purchase is \$42,000. Although this particular truck purchase is over budget, it has been determined from the time the Committee meeting was held that the Digger Derrick truck purchase later this year is expected to be \$10,000 under the budgeted amount leaving the mobile equipment fund within its overall budgeted amount. The Committee will recommend that Borough Council approve the purchase of the new 2018 Ford F-350 Super Duty, Regular Cab 4WD Truck with Utility Bed and Snow Plow at their February 12, 2018 meeting.

The Committee reviewed a request from Kim Malmer received January 9, 2018 via e-mail to use various streets in the Lincoln Heights section of the Borough to conduct a Benefit 5K race event and fun run of a mile or less on Saturday, March 24, 2018. The race route is comparable to the route used in 2017. There will be signs and volunteers at each intersection to direct runners and help with traffic control. Police Chief Harvey has previously discussed this event with race organizers and has no issues moving forward with this 4<sup>th</sup> annual event. The Committee will recommend that Borough Council conditionally approve the request subject to Borough receipt of a satisfactory certificate of insurance naming Ephrata Borough as additional insured at their February 12, 2018 meeting.

Mrs. Martin questioned if it is ever considered to purchase pre-owned vehicles rather than new vehicles. Mr. Thompson advised that if the vehicle has not been budgeted for purchase, they have looked into pre-owned vehicles but that is not normal. Mr. Thompson further advised that Borough vehicles are typically run through their life cycle or their maintenance history seems to demonstrate it is more cost effective to retire the vehicle. The retired vehicles normally make their way to the Rec Center for use by them.

Mrs. Martin further inquired if the vehicles being purchase are replacing current vehicles. Mr. Thompson advised the first vehicle will be replacing an existing vehicle. The second vehicle is a new purchase further explaining that a Wastewater Treatment Operator was replaced with a Maintenance Technician last year and that the Maintenance Technician operated a less than ideal temporary vehicle. Mrs. Martin questioned if the current vehicle being used is going to be sold. Mr. Thompson stated the adopted budget shows in the Disposition of Assets which indicates that vehicle would go to the Water Department to support their operations.

Mrs. Rowe commented on Item #5 from the Committee’s Report regarding crosswalks. Mrs. Rowe advised there was another pedestrian hit over the weekend and Mayor Mowen clarified the pedestrian was not in the crosswalk at the time they got injured. Mrs. Rowe stated because of that incident, she saw comments about the crosswalks in downtown Ephrata and advised she is glad the Committee is looking into the issue.

Municipal Enterprises Committee

Mr. Richard advised Director of Operations, Thomas Natarian informed the Committee that the Borough has been awarded a Growing Greener Watershed Protection Grant in the amount of \$85,033 to assist with the construction of a Critical Aquifer Recharge Area (CARA) and Basin Retrofit near Wastewater Treatment Plant #2. The CARA and Basin Retrofit are commitments of

the Borough needed to comply with the Borough's Chesapeake Bay Pollution Reduction Plan. The 2018 Budget and Program of Services had allotted \$130,000 for the CARA and Basin Retrofit project and Staff is recommending that the grant be accepted. The CARA will be completed by the end of July 2018 and the Basin Retrofit shortly thereafter. The Committee will recommend that Council adopt Resolution 2018-4 authorizing execution of a grant agreement with the Pennsylvania Department of Environmental Protection (DEP) when they meet on February 12, 2018.

Mr. Richard advised the Committee reviewed a proposal in the amount of not to exceed \$20,000 from Land Studies of Lititz, PA for construction management of the CARA and Basin Retrofit project. Under the proposal, Land Studies would prepare bid documents, construction drawings, obtain land use permits, work with staff to evaluate bids and recommend the successful bidder, administer construction documents necessary to comply with DEP grant requirements, and manage the installation of the CARA and Basin Retrofit. The 2018 Budget and Program of Services had allotted \$25,000 for this work and Staff is recommending that the professional services agreement with Land Studies be accepted. The Committee will recommend that Council award a professional services agreement to Land Studies of Lititz, PA in the amount of not to exceed \$20,000 for construction management services related to the CARA and Basin Retrofit when they meet on February 12, 2018.

Mr. Richard advised Mr. Natarian and Borough Manager D. Robert Thompson reviewed a resolution in opposition to PA House Bill 1620 regarding Wireless Infrastructure. The proposed legislation would abolish municipal zoning authority over wireless antennae in rights-of-way and impose other onerous conditions upon municipalities to facilitate wireless infrastructure providers. The Committee will recommend that Council adopt Resolution 2018-5 in opposition to PA House Bill 1620 when they meet on February 12, 2018.

Mr. Weiler questioned if the grant's allotment of \$130,000 will be on top of that or will that take us down \$130,000 and was advised it reduces the amount. Mr. Thompson advised we got \$85,000 from DEP and the Cleanwater Consortium has awarded \$10,000 for the project so the construction has been funded at \$95,000 further stating the project originally had allotted \$130,000 for construction, \$25,000 for engineering (\$5,000 less for design flaws), and \$95,000 of the estimated \$130,000 is taken care of by grants leaving the actual construction costs totaling \$35,000 instead of \$130,000. Mr. Weiler questioned will those monies be held and Mr. Thompson replied the monies are part of the Capital Reserve Fund so that will be included in the fund balance out of capital.

Mr. Weiler asked for additional clarification regarding Resolution 2018-5. Mr. Richard stated the bill would allow the carriers antennae on our poles to boost signals at their discretion. Mr. Thompson and Mr. Natarian mentioned the poles are rather large and advised carriers would have free reign to place these antennas anywhere they wanted to. Mr. Richard advised this bill would stop the process in its infancy. Mr. Thompson further stated the bill allows wireless carriers to use public right of ways for the installation of antenna and as part of that it does not require them to comply with zoning. Mr. Thompson provided an example of when they put an antenna up, they have the freedom to put and utilize up to six square feet. If they put one on top of traffic signal, a light pole or a utility pole, one by one, six foot high, they could put an antenna. Mr. Thompson stated the bill also provides for them to place, up to 28 square feet, antennae on the ground within a public right away. Mr. Thompson spoke about where a person was woken up in the morning by a loud noise outside and when they opened their front door they see a pole was placed in their front yard. Mr. Thompson stated the bill opposes the wireless companies having freedom to do that and to comply with zoning.

Mrs. Martin stated for clarification purposes a lot of it is because the Commonwealth has so many municipalities and they each have different ordinances. Mrs. Martin stated the pitch for this comes from the areas where there's not as much population where there is a lot of coverage area and some of the ordinances are prohibiting carriers to boost signals in those areas.

Mrs. Rowe commented on Item #4 from the Committee Report which talks about the solar project. Mrs. Rowe advised Mr. Barr sent an email informing everyone that the Federal Administration has imposed new tariffs on some solar farms. Mrs. Rowe questioned if those tariffs are going to impact our solar farm and Mr. Richard advised it would not as our panels were purchased prior to the implementation of the new tariffs. Mr. Thompson advised the Power

Purchase Agreement we have is silent on the tariffs further stating the tariffs were anticipated and Turning Point Energy has advised they have already pre-purchased panels in advance of the tariff; and as a result, it should have no effect.

Mrs. Rowe advised that three other committees had met who do not have action items coming before Council at the February 12, 2018, meeting; however, each committee provided a brief overview of their meeting to Council.

#### Public Safety

Chairman Ressler advised the Committee is not bringing forward any action items; however, they discussed the visibility issues in crosswalks which was deferred to the Highway Committee for further evaluation.

Chairman Ressler extended “kudos” to the Ephrata Police for the rapid solution of the hit and run driver investigation. A comment was made that information was obtained via Facebook to identify the driver. Chief Harvey advised the Department receives a lot of tips from Facebook which is monitored 24/7 by Lieutenant McKim and the Sergeants. Chief Harvey stated Facebook has provided solutions on several crimes and is a great investigatory tool.

#### Special Projects Committee

Chairman Zimmerman advised the Committee is working on the ongoing completion of a Special Events ordinance.

#### Community Services

Chairman Martin advised the Committee met with Jim Summers, Director, Ephrata Recreation Center at their January meeting. Chairman Martin stated their meeting was centered around making some revisions on the rate structure and memberships for the pool. Chairman Martin stated that Mr. Summers was taking the results of our discussion back and will be bringing forward for the Committee at the next committee meeting.

Mr. Reinhold advised he heard “rumblings” about the snack bar vendor that has been used for the past few years is no longer in business. Mr. Reinhold inquired about the options for the snack bar. Mr. Thompson advised advertising for proposals for a snack bar vendor is in place.

#### **Opportunity for Citizens to be Heard**

There were no comments or remarks from attendees.

#### **Discussion/Announcements**

Mr. Reinhold referenced the Philadelphia Eagles’ Super Bowl LII win and what a team looks like further stating that is truly a team where everyone has to work together in concert. Mr. Reinhold advised we, as a council, staff and police department, all do a pretty good job as working as a team collectively to achieve common goals.

Mr. Barr asked that everyone please slow down and be safe on the roads.

Mayor Mowen requested Mr. Barr add him to his email mailing list as he did not receive the previous email mentioned earlier in the meeting.

Mr. Thompson advised Council that Christine Moore will be sitting in for him at the February 12, 2018, meeting as he will be preparing for testimony regarding House Bill 1405 which is the bill that will prohibit the transfer from electric systems to general funds for the local government.

#### **Adjournment**

It was moved by Mr. Barr, and seconded by Mr. Zimmerman, to adjourn. The meeting was adjourned.

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D. Robert Thompson, Secretary