

**EPHRATA BOROUGH COUNCIL  
WORK SESSION MINUTES  
FEBRUARY 6, 2017**

The Ephrata Borough Council Work Session was called to order by President Susan Rowe at 7:00 PM on February 6, 2017 in the Council Chambers of the Borough Office, 124 South State Street.

The meeting began with a moment of silence followed by the Pledge of Allegiance.

President Rowe said before beginning the meeting she wanted to mention that on January 30, 2017 there was a joint Executive Session between Ephrata Borough Council and the Ephrata Borough Authority to discuss a real estate matter.

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, Greg Zimmerman, and Mayor Ralph Mowen. Councilman Victor Richard was absent.

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

Attending for the press was Gary Klinger of The Ephrata Review. The following visitors were present:

Dennis Rowe, 214 East Main Street, Ephrata  
Jason Trout, Ephrata Community Hospital  
Rob Gabriel  
Amanda Groff, Harbor Engineering  
Tim Auker, 542 North State Street, Ephrata  
Don Haines, 156B West Fulton Street, Ephrata

**Opportunity for Citizens to be Heard**

There were no comments or remarks from attendees.

**Discussion of Committee Actions**

Budget and Finance Committee

Mr. Reinhold said there are just a few items for action at next Monday's meeting.

Mr. Reinhold said the Committee discussed proposed Resolution 2017-1, which exonerates the Borough from paying real estate taxes on various borough properties. Council will recommend adoption of the resolution as part of the consent agenda.

Mr. Reinhold said the Committee also discussed proposed Resolution 2017-2 updating the BB&T bank account signers. Adoption of the resolution will be recommended as part of the consent agenda.

Mr. Reinhold said the last item is in relation to WellSpan Ephrata Community Hospital's RACP Grant application. Mr. Reinhold said the Governor's office recently released RACP (redevelopment assistance capital program funds). They need to submit by close of business this past Friday, February 3 a notice of intent to submit an application. The program requires that the Borough be the applicant and that WellSpan is identified as the sub-applicant. WellSpan has 30 days to complete the application following the submission of the letter of intent. Upon which the Borough will be asked to sign the application. Mr. Reinhold said in 2010 the Borough adopted a resolution regarding an RACP grant received by Ephrata Community Hospital at that point. Basically, we are looking to do the same thing as we did in 2010; a very short time schedule.

Mr. Trout from WellSpan was in attendance tonight in case there were any questions. The resolution passed by Council in 2010 is in the packet as a model for what the new resolution would look like.

Mr. Trout provided Mr. Thompson information this evening about the description of the project.

Jason Trout, Chief Development Officer, for WellSpan works at the East Region of WellSpan, which means he works with the staff and the foundation leadership for Good Samaritan Hospital,

Philhaven, and Ephrata Community Hospital. Mr. Trout said there has been a very tight turnaround with a bit of a surprise from the Governor's Office indicating that additional redevelopment money would be available. WellSpan had to scramble internally to put together a capital project they thought would be relevant and meet those requirements. The project WellSpan would like to ask the Borough's support for is renovation of the Cancer Center. It is required to have the Borough's support as in the past to help WellSpan be the lead grantee for this application.

Mr. Thompson said WellSpan has 30 days to complete and submit the application. Mr. Trout said they have 30 days to secure signatures for what they call the RDA-300 and 301 forms. These are the source of funds; there are certain fund requirements as to how funds will be used. Significantly their cap funds are used for construction and renovation costs. Also there has to be evidence of matching funds either that are raised in a fund raising effort or are contributed by the organization. Mr. Trout said they have prepared those very rough RDA forms. They are ready to be submitted, but they need the signatures of the lead grantee to be able to provide a legitimate application. Mr. Trout said they would be willing to help with the resolution wording whatever is necessary to be able to create a resolution that is satisfactory similar to what the Borough has done in the past.

Mr. Thompson said from a timing perspective if Council has no objections then we can prepare the resolution for next Monday evening. The resolution would be similar to the example provided. It would authorize the execution of the grant application, the entering into a cooperation agreement between the Borough and the Hospital, and then take whatever necessary actions for whatever appropriate matters ongoing are.

Mr. Thompson said as in the past our expectations would be that there would be no out of pocket costs for the Borough. If it requires a Solicitor's opinion as you did the last time you would reimburse for the solicitor's time as well as any other out of pocket costs. Mr. Thompson said it's a reimbursement program so as you submit for the reimbursement of funds the Commonwealth actually distributes the funds to the Borough, and we literally pass them through to the hospital.

Mayor Mowen said there is no liability whatsoever for the Borough. Mr. Trout said they have engaged in these kinds of partnerships before. Mr. Thompson said it's the Commonwealth's process. The Borough has very little input. We are the sponsor or the applicant so we will sit in on the project meetings. At the end when they do the audit they actually have an audit interview or the closing sit down with them as far the project and tell us whether they met all the requirements.

Mr. Trout said that is just the way the program is written; you must partner with an elite agency that has to be an authorized governmental agency or Authority.

Mrs. Rowe said we just did it with the Library for the Exploratorium.

Mr. Thompson said it was not discussed in Committee. It would probably be better served if the Committee is in agreement to send it forth. Messrs. Reinhold and Weiler agreed to move it forward to next Monday's packet.

#### Development Activities Committee

Mrs. Martin said their Committee has several items to bring forward.

The Committee met last week and discussed a few items. The first one is the Committee received a request from the Good Samaritan Shelter to waive the 2017 rental permit fees of \$500. Staff reviewed Phoenixville's ordinance where they have another location and found no exceptions for shelters. Phoenixville was contacted, and they said the Good Samaritan does pay the rental permit fees there in that municipality. Mrs. Martin said Mr. Thompson reminded the Committee that they are a non-profit and they don't pay any taxes to the Borough. Mrs. Martin said in the future they will be provided the final draft of the rental ordinance that they are working on. The Committee will review the ordinance to see if they would like to add anything for the future to exempt housing shelters. Mrs. Martin said at this point the Committee is going to recommend that Borough Council deny the waiver request from the Shelter for the 2017 rental

permit fees.

Mrs. Martin said the Committee reviewed a request from Astro Machine Works to waive the formal planning process for a proposed building addition to their existing building located at 466 Wenger Drive. In 1996 they received a subdivision and land development approval for a new building that was going to be constructed in two phases. The recorded plan only showed Phase 1; however, company sheets showed the future Phase 2. During the approval process a stormwater plan was submitted and approved. The stormwater improvements were designed for the ultimate build-up and were installed in 1997 along with the other site improvements. The building was the only part of the plan that was not constructed. In 2009 Phase 1 of the building was constructed. Astro Machine Works would like to construct Phase 2 of the building addition. While Phase 2 was not shown on the recorded plan all the site improvements took the second phase into account. Other than zoning related items such as setbacks no additional planning review is required since all the site improvements are designed and installed to include the second phase.

Mrs. Martin said the Committee will recommend that Borough Council approve the request for a waiver of planning.

Mrs. Martin said the Committee reviewed a stormwater management plan for 52 East Fulton Street. The applicant is proposing stormwater improvements for the construction of a two-family dwelling and parking lot located at the rear of the lot that borders on Gross Street. There is an existing dwelling along East Fulton Street. This lot is in the Central Business District and it does permit multiple buildings on the lot. The Committee will recommend that Borough Council approve the stormwater management plan next week subject to the inclusion of HRG's comments dated January 10, 2017.

Mrs. Martin said the Committee reviewed a request from the developer of Autumn Hills to have the borough quit claim a small portion of the railroad right-of-way that the Borough owns in Ephrata Township and within the Autumn Hills development. In 2013, the Borough quit claimed the original railroad right-of-way (ROW) to GRH Development, Inc., the developer, of Autumn Hills. In exchange the Borough received \$100,000 and the developer provided an alternate route along the creek for a future trail to be developed by Ephrata Township. Recently the developer realized a small portion of the right-of-way wasn't included with the 2013 quit claim and is now asking the Borough to quit claim a portion to the developer and a portion to a neighboring property owner Harlan and Esther Martin. The Martin's will be doing a lot add on and relinquishing land to Autumn Hills and a portion of the quit claim is part of the lot add on. The Committee will recommend Borough Council authorize the President and Secretary to execute the quit claim documents. The developer will be responsible for all costs to prepare and record the documents and any legal fees the Borough may incur.

Mrs. Martin said 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 the Borough Council execute the annual agreement for 2017. Mrs. Martin said all the fees stayed the same as last year's.

Mrs. Martin said the Committee received a request from McDonald's Corporation to release their financial security for the land development improvements that were recently completed at 140 North Reading Road. The Committee will recommend that Council release the full amount of \$93,338.83.

Mrs. Martin said the Committee reviewed a request from Horst Partnership to release their financial security for their stormwater improvements that were recently completed at 833 Academy Heights Avenue for a two-family dwelling. The Committee will recommend that Council release the full amount of \$10,755.25.

Mr. Weiler mentioned that Shelter request created quite a bit off discussion. Mr. Weiler said many of them were sympathetic to the goals of the Good Samaritan Shelter. Mr. Weiler didn't feel the language was there to go ahead and put in an exemption at this point.

Mr. Thompson said there are representatives in the audience from Astro Machine, from Autumn Hills, as well as from 52 East Fulton Street if there are any questions of the developers.

Mr. Barr asked what the rate is at Phoenixville for the Shelter. Mr. Thompson said that was not identified. They were informed that the Shelter was being charged the full amount.

Mr. Ressler said on the Astro Machine Works request for waiver Mr. Ressler will be abstaining from that vote as a past owner of the company. Although he has no current financial interest in that company he was an owner of that company when this project first started.

#### Highway Committee

Mr. Ressler said the Highway Committee has five items to bring forward for action next week.

The Committee reviewed the request from Kim Malmer requesting the usage of certain streets in the Lincoln Heights section of the Borough to conduct a 5K race event. They have had this race previously benefiting a scholarship program fund in memory of Kim's son. The race would start at 9:00 AM and finish at 10:00 AM. Race participants will begin to arrive at approximately 7:00 AM and will be directed to park in the Ephrata Church of the Brethren parking lot. Permission to use the church's parking lot has been previously granted. The route is comparable to the route used in 2016. There will be signs and volunteers at each intersection to direct runners and help control traffic. Chief Harvey has previously discussed this event with race organizers and has no issues. The Committee will recommend conditional approval.

Mr. Ressler said the Committee reviewed a revised curb and sidewalk evaluation listing for Spring Garden Street which includes an additional property at 349-351 Spring Garden Street. This additional property was purposely left off the original list while staff researched if any waivers of deferrals of curb and sidewalk construction existed for this property, which is located in Ephrata Township and Ephrata Borough. The Committee will recommend that Council approve the listing revised January 18, 2017 and authorize staff to notify the additional property owner.

Mr. Ressler said the Committee reviewed the results of Bid #17-3, Traffic Signal Systems Maintenance. This is a multi-year contract for semi-annual preventative traffic signal maintenance in accordance with current PennDOT requirements. The low bidder is Telco Inc. of Reading, PA. The total bid amount is \$4,760 for each calendar year of a three year contract beginning February 19, 2017. The Committee will recommend that Council award the bid to Telco, Inc.

Mr. Ressler said the Committee reviewed a proposed 2017 vehicle purchase. The vehicle is a new 2017 Ford F-150 Regular Cab XL 4X4 and will be purchased through the Pennsylvania Department of General Services COSTARS cooperative purchasing program from Whitmoyer Ford, Inc. of Mount Joy, PA in the total amount of \$29,401.00 which includes up fitting with an emergency radio, visibility and safety equipment. The budgeted amount for this purchase is \$32,000. This vehicle will replace Truck #11 (PA 1 Call Truck) which will be rotated in the fleet to WWTP #1 to replace the 2009 Ford Escape Hybrid which will be sold at auction per prior Council approval in 2016. The 2009 Ford Escape Hybrid's battery will soon need replaced at an approximate cost of \$10,000 motivating its removal from the fleet. The Committee will recommend that Council approve the purchase of the 2017 Ford F150 Regular Cab XL 4X4.

Mr. Ressler said the Committee reviewed Ordinance 1528 to amend the Code of the Borough of Ephrata, Lancaster County, PA Chapter 305, Vehicles and Traffic, Section 305-107, Unmetered Parking Lots, by adding certain unmetered parking lots and Section 305-108, Tow-Away Zones, by adding certain parking lots. Enactment of this Ordinance will allow Ephrata Police to make the necessary arrangements to tow vehicles after 24 hours from certain parking lots listed within the Ordinance. The Committee will recommend Council adopt this Ordinance amending the Code of the Borough of Ephrata, Section 305 - Vehicles and Traffic.

Mr. Ressler said those certain parking lots have to do with parking at the Rail-Trail and certain parks that were never covered specifically under other parking arrangements so there was no way to enforce people leaving vehicles there at all times so we are going to allow 24 hour parking.

Mrs. Martin asked for clarification of the curb and sidewalk listing. Mr. Ressler said the property was not included previously because it borders Ephrata Township and Borough.

Mr. Thompson said when the house was built; the house was at the top of Walnut Street and it's in Ephrata Township. When the house was built the escrow for the development was held by Ephrata Township. As a result curb and sidewalk were never replaced. They do not have any curb or sidewalk and the driveway is a stone driveway.

Mr. Thompson said what Mr. Burkholder did was recognizing that it still needed curb and sidewalk he wanted to go back and make sure that there were no actions taken by either the Supervisors in Ephrata Township or Borough Council in the past that would have deferred the requirement to place curb and sidewalk. Once that was confirmed that no actions were taken Mr. Burkholder came back to the Committee and revised the list.

Mr. Weiler said he is assuming that it was in the budget. Mr. Ressler said it was budgeted and was discussed last year actually. The Committee was discussing the hybrid vehicle and the replacement cost of the battery.

#### Municipal Enterprises Committee

Mr. Reinhold said the Committee reviewed a sanitary sewer capacity request from Vito Mannino for two new apartments proposed for 52 East Fulton Street. The sewer capacity request is for 475.2 gallons per day or two Household Value Units (HVUs). Staff has reviewed the capacity request and recommends approval. The Committee will recommend that Council approve the sewer capacity request for two HVUs.

Mr. Reinhold said the Committee also has the AMP AMI Project Loan agreement and the third item is the First Amendment to Schedule to the Master Services Agreement which goes hand in hand.

Mr. Reinhold said he received an email on Friday from Mr. Natarian, the Director of Operations. The project is moving along nicely. We are at the point where we are ready to sign the Loan Agreement and the Promissory Note to finance the project on AMP's line of credit. Mr. Reinhold said back in October Council adopted Resolution 2016-25, which was included in the packet, authorizing the Borough Secretary and President of Council to sign the loan agreement and promissory note. No additional authorization is required on our behalf. Mr. Natarian wanted to get it on the record here at the Work Session the total amount of the loan and all the costs associated with the complete project. Mr. Reinhold said Mr. Natarian gave him a complete breakdown of things. Back in August at a Special Meeting of Municipal Enterprises the cost of the project was \$1.436 million and that was based upon the member schedule that was prepared by AMP. All the costs are now finalized. That member schedule price actually declined a small amount – only about \$913. During the normal budgeting process the Borough identified several items that would have normally been part of the electric fund operating expenses but were related to the AMI project. Staff chose during the budgeting process to include those items in the loan from AMP and a complete listing is in the table that was provided. Mr. Reinhold said the estimate is about \$1.525 million.

Mr. Reinhold said AMP only issues loans in even increments of \$100,000 so the Borough is going to round up and take it to \$1.6 million, which is the amount of the loan and the promissory note. Staff will track the actual costs on the project closely. Messrs. Natarian and Thompson will provide the Committee regular updates on how it's working. Any moneys not used on the project will be credited to principal.

Mr. Reinhold said his final item is that the Borough support of tax-free municipal bonds. That will be a recommendation this evening. Mr. Reinhold said through email channels he said he was fine with that as well as Mr. Richard. Mr. Reinhold said in the past few years the Borough has sent several letters to Congressmen and Senators supporting the tax-free status of municipal bonds. With the new Congressman and a new administration in place AMP is requesting that the Borough reiterate our support for those bonds. Mr. Reinhold said tonight he will recommend that Council authorize the Borough Manager to send a letter to Congressman Lloyd Smucker asking him to support the tax-free status of the bonds.

Mr. Ressler said he did concur with the letter being sent.

Mr. Thompson said the purpose for having the discussion about the promissory note and the Resolution is because the amount did go up from \$1.5 to \$1.6 million. Staff wanted to get it on the record that Council had no objections and that you are aware that the President and Secretary are going to execute documents in that amount.

#### Community Services Committee

Mr. Barr said the Committee reviewed a list of grants requested and awarded by the Ad Hoc Cultural Arts Grant Committee for 2017. The Committee will recommend that Council make the awards as listed in the action report for a total of \$10,500.

Mr. Barr said the Committee also reviewed a request from the Ephrata Community Health Foundation to use Grater Memorial Park on Friday and Saturday, June 2 and 3, 2017 to host the 64<sup>th</sup> Annual Day in the Park. The Committee will recommend that Council approve the request subject to the receipt of a certificate of insurance naming the Borough as additional insured.

Mrs. Rowe said she would like to clarify that the Hospital Day in the Park is only Saturday, June 3. They are requesting June 2 for set up. It's not moving to a two-day event; Mrs. Rowe wanted to clarify that.

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

Dennis Rowe, 214 East Main. Mr. Rowe said the property that was discussed that is half in Ephrata Township and half in the Borough that you want to put curb and sidewalk in. Mr. Rowe said that's going to be a short distance there or are you going to run that around.

Mr. Thompson said it will be across the entire frontage of the property. Mr. Rowe asked and go where? Are you going to put sidewalk in front of the water tower?

Mr. Thompson said now that sidewalk will be there we can if Council so desires to issue a notice to the Water Authority to install sidewalk then sidewalk will be installed. Mr. Rowe said how about going south. Mr. Thompson said there is a retaining wall there now. Mr. Thompson said there definitely needs to be curb in. There is no curbing there for stormwater runoff. The Committee has discussed curbing and sidewalk.

Mr. Thompson said this is a comment period; we will take your comments and if the Committee chooses to go back and deliberate further they may do so.

Mrs. Rowe asked if the Highway Committee wants to take that under advisement or proceed with the action.

Mr. Ressler said they are going to proceed with the action. The sidewalk already ends at nowhere. The sidewalk is in the Borough whereas the house is in the Township.

There were no comments from attendees.

#### **Recommendations**

##### **Municipal Enterprises Committee**

It was moved by Mr. Reinhold, seconded by Mr. Ressler, and unanimously passed that Borough Council authorize the Borough Manager to send a letter to Congressman Lloyd Smucker asking him to support the tax-free status of municipal bonds.

#### **Discussion/Announcements**

Mr. Ressler said he had the opportunity to attend the Annual Fire Company Awards Banquet. Mr. Ressler was pleased to see the members there and the work that they do and acknowledge it. There were other dignitaries there include the Fire Commissioner from the State of Pennsylvania who spoke. It was a pleasant evening and the food was good. Mr. Ressler wanted to acknowledge all the work that our fire company does and all their efforts.

Mr. Reinhold mentioned that the boy's high school basketball team has done very well this season, and they have a big game tomorrow night against Manheim Center at home.

Mayor Mowen was also at the Fire Company banquet. They did a great job and had it all decorated for Valentine's.

Mr. Mowen said correct him if he's wrong the Commissioner said that the volunteer fire companies save the state \$10 billion. If they would have to be paid fire companies that's what it would cost the state. Mr. Mowen said he doesn't think the residents really understand and know what they've got because if you've seen the sign across the street only 16% of our residents have given a donation to the fire company. That's poor - absolutely poor. Mr. Mowen said that's why he strongly feels that a fire tax is something that should be considered.

Mr. Mowen said if you haven't given to the fire company get your check out and do it.

Chief Harvey said he received a distinguished service award from the Fire Company for emergency management.

Mr. Thompson said he was remiss in reporting a week or so ago that the IBEW ratified the collective bargaining agreement that Borough Council took conditional action on in January. We now have a new five-year collective bargaining agreement.

**ADJOURNMENT**

It was moved by Mr. Barr, seconded by Mr. Ressler to adjourn. The meeting was adjourned at 7:50 PM.

Respectfully submitted,

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D. Robert Thompson, Secretary