

**EPHRATA BOROUGH COUNCIL  
REGULAR MEETING MINUTES  
FEBRUARY 12, 2018**

The regular Ephrata Borough Council meeting was called to order by President Susan Rowe at 7:00 PM on February 12, 2018, in the Council Chambers of the Borough Office, 124 South State Street.

A moment of silence was held which was followed by the Pledge of Allegiance.

In attendance in addition to the President were President Pro Tem Melvin Weiler, and Council Members Timothy Barr, Linda Martin, Ricky Ressler, Victor Richard, Gregory Zimmerman, and Mayor Ralph Mowen. Vice President Thomas Reinhold was not in attendance.

Also in attendance were Director of Finance and Administration Christine Moore, Police Lieutenant Thomas Shumaker, Recording Secretary Stephanie Fasnacht, and Borough Solicitor James R. McManus, III, Esq.

Attending for the press were Marylouise Sholly of The Ephrata Review. The following visitors were present:

Bob Harter, 301 W. Main Street, Ephrata  
Anthony Kilkuskie, 303 S. State Street, Ephrata  
Greg Martin, 1304 Marilyn Avenue, Ephrata  
Penn Ketchum, 516 E. Woods Drive, Lititz, PA

**APPROVAL OF MINUTES**

There were no comments or remarks from attendees.

It was moved by Mr. Barr, seconded by Mr. Richard, and unanimously passed that Borough Council approve the January 2, 2018, Reorganization Meeting Minutes, the January 2, 2018, Work Session Meeting Minutes, and the January 8, 2018, Regular Meeting Minutes.

**MUNICIPAL MOMENT – ECONOMIC DEVELOPMENT UPDATE**

Mr. Bob Harter provided an overview of where the team is currently at in terms of organization. Mr. Harter advised as a result of the April 2017 initial report, the key recommendation was to merge the EEDC, the Alliance, DEI and the Chamber of Commerce into one organization. Mr. Harter advised at that time a temporary board was put into place to accomplish those tasks. Mr. Harter advised the Chamber of Commerce has opted to withdraw and will remain a separate entity; however, it should be noted that the Economic Development Organization will partner closely with the Chamber of Commerce.

Mr. Harter advised subcommittees have been formed and are currently working. Mr. Harter advised Articles of Incorporation and Bylaws have been created as well as banking, insurance and financial service are being put in place and will be reviewing those tasks this week to make decisions to push forward. Mr. Harter advised the tax ID paperwork and the 501.C.3 applications have been complete.

Mr. Harter advised two of the organizations, the EEDC and the Alliance, has adopted resolutions to formally merge and begin transferring assets over to the EDO. Mr. Harter advised DEI is “pretty much there” but due to weather issues on established meeting dates has caused them to be a bit delayed with the anticipated sign-off by February 21, 2018.

Mr. Harter stated four committees have been established:

- Executive and Finance Committee: Advise EDO Board of various things such as finances, human resources, general policies, etc.
- Community Events: Organize and implement community events.
- Business Development: Liaison to the Ephrata businesses.
- Physical Development: Influence commercial real estate in Ephrata.

Mr. Harter advised one of the reasons he is here tonight is the request to fund the EDO for 2018. The total amount being asked for is \$158,236 which is comprised primarily of the salary component (\$71,000) which has been prorated for the nine months of the year for the Director and Administrative Assistant. Additionally, Mr. Harter advised the total amount would include a percentage (\$30,000) for marketing purposes as well as a detailed parking study (\$25,000) and for the initial startup costs (\$32,000). Mr. Harter requested the use of the Whistlestop Station rent free as well as no electric fees to be the office for the Director and Administrative Assistant of the EDO.

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

It was moved by Mr. Richard, seconded by Mr. Zimmerman, 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:

### **Budget & Finance Committee**

The Budget & Finance Committee met on January 22, 2018 and discussed the following:

1. The Committee discussed proposed 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.
2. Staff discussed with the Committee the two Library Board vacancies which the Library is working on filling. Council officially appoints all library board members and then the Library appoints them. The Committee expressed an interest in having a Borough Representative on the library board. It is difficult to get volunteers. It was suggested that we add the volunteer form to a more prominent location on our website; also it was suggested we should add a message on social media or an ad in the newspaper. Concern was also expressed that the \$4,000 dollar increase to the library donation this year was understood to be a one-time donation by the library. No action is required.
3. Staff discussed with the Committee, the EPAC audit requirement that is required by the Borough since we guarantee their loan. The remaining balance on the loan as of 12/31/17 is \$318,000. The loan will be paid in full by December 2022. EPAC will be unable to meet the Borough audit requirement for 2016 and 2017 due to missing cash and checks, as well as the corresponding records. The Committee will recommend that an agreement be prepared requiring EPAC to provide a policy that contains a detailed explanation of what steps have been taken to ensure that this cannot happen again. There should be duplicate copies of all sales as well as segregation of duties of all tasks regarding sales or donations, etc. EPAC will be required to provide monthly reconciliations of all accounts, including a review by a CPA.

The Committee will recommend approval of waiving the 2016 and 2017 audit requirement, conditioned on the execution of the agreement with EPAC.

4. The Committee reviewed the 2017 year end Budget and Program of Services summary of revenue and expenditures. In the Electric Fund, General Fund, and Economic Development Fund, we carried over a total of \$153,173.30 from 2017 to 2018. No action is required.
5. A purchase order for Economic Development was carried over from 2017 to 2018 in the amount of \$84,252.5 for Urban Research & Development Corp. An update on Economic Development was provided by Mr. Thompson. Economic Development will request free rent for their office at the Railroad Station. The Committee also suggested free electric since we provided it previously to the Chamber of Commerce. In 2016, the free electric provided to the Chamber was valued at \$6,395. No action is required.
6. Staff provided the Check and ACH registers to the Committee for January to date. There were no questions. No action is required.

### **Development Activities Committee**

The Development Activities Committee met on January 22, 2018 and discussed the following:

1. 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.
2. 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.
3. 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.

4. 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.
5. 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.
6. 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.
7. 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.
8. 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.

9. There was one decision from the January Zoning Hearing Board meeting. Pourman's Brewery was granted a special exception for a brewery at 284 South Reading Road.
10. There were no new applications for the February Zoning Hearing Board meeting.

### **Public Safety Committee**

The Public Safety Committee met on January 15, 2018 at 5:30 PM and discussed the following:

#### Action Items:

1. Penryn Fire Co – Letter from Penn Township manager requesting Pioneer FC Fire Police volunteer support for Penryn Fire Co Mud Sale in March. There are no Fire Police volunteering, therefore no action required. – No action at this time

#### Discussion Items:

1. Downtown Crosswalk – A citizen's email was shared from Highway Committee, along with Mr. Thompson's insights over downtown, midblock crossings visibility and pedestrian safety issues. After discussion, the Committee unanimously agreed to encourage staff to explore new methods to improve pedestrian visibility and safety. Chairman Ressler will share with Highway Committee next week. - Received For Informational Purposes Only
2. 2017 Annual Report & Compstat PowerPoint handout- Chief Harvey presented the 2017 Annual Report with PPT handout. Committee approved dissemination- Received For Informational Purposes Only
3. Comp-stat (Dec 2017) – Chief Harvey presented December's Compstat report – Received For Informational Purposes Only
4. EMC Report (Dec 2017) – Chief Harvey presented December's emergency management report – Received For Informational Purposes Only

### **Highway Committee**

The Highway Committee met on Monday, January 22, 2018 and discussed the following:

1. 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.
2. 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.

3. 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.
4. The Committee discussed a previous citizen concern aired at their December 2017 meeting regarding improving pedestrian visibility at the Railroad Avenue mid-block crossing adjacent to the Major Winters Memorial Trail. The Committee agreed with staff's recommendation to install pedestrian crossing signage at both approaches to the existing crosswalk including SCHOOL signage to better attract motorist attention to the crossing. Staff will continue to monitor this pedestrian crossing. No further action required at this time.
5. The Committee discussed a recent citizen concern via email dated January 14, 2018 regarding Main Street mid-block crosswalks and pedestrians within those crosswalks that motorists may find difficult to see. Committee directed staff to look at options to improve visibility of the crosswalks and pedestrians within the crosswalks and report back to Committee at a future meeting. No further action required at this time.

### **Municipal Enterprises Committee**

The Municipal Enterprises Committee met on January 15, 2018 and discussed the following:

1. 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.
2. 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.

3. 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.
4. The Committee received an update on the status of the Solar Project. Turning Point Energy (TPE), the Borough's solar partner, will be providing a monthly written report. The January report was reviewed by the Committee. In a related matter, Council had authorized the execution of a Quitclaim Deed and an easement to East Penn Railroad, LLC for a tract of land encompassing a rail line at the solar site on July 10, 2017 "in a format acceptable to the Solicitor". The executed agreement acceptable to the Solicitor was reviewed. No action is required by the Committee.
5. Mr. Natarian reviewed a proposed behind the meter peaking power project that is being offered by American Municipal Power, Inc. (AMP). AMP is soliciting potential sites for peaking power at member communities. With no objections from the Committee, Staff will prepare applications for three potential sites: Wastewater Treatment Plant 2 (Solar Site), the Borough Substation, and Wastewater Treatment Plant 1.
6. Mr. Natarian reviewed the impact of the recent cold weather on energy prices. During the period from January 1 through January 8, the day-ahead and real-time market prices in the Northeastern US have been as high as \$262/MWh. With normal January weather expected for the remainder of the month the exact impact of the cold spell is yet to be determined. However, January is starting off with unusually high prices. No action is required of the Committee.
7. The Committee reviewed a letter of support from the Borough for the Ephrata Area Joint Authority (EAJA) in their efforts to apply for a grant under the PA Department of Community and Economic Development Small Water & Sewer Program. The EAJA request would fund approximately 2600 new water meters in an effort to reduce unaccounted for water. With no objections from the Committee, Mr. Thompson will sign the letter of support and send it to EAJA.
8. Mr. Natarian and Mr. Thompson discussed a recent meeting between Staff and UGI Corporation regarding the UGI Get Gas Program. Under the program UGI is planning to install a new gas line along State Street from Pine Street to Queen Street with service to the central business district. UGI plans to have facilities installed by the summer of 2018. No action is required of the Committee.

9. Mr. Natarian and Mr. Thompson reviewed potential opportunities for cost savings with the Committee. One cost saving opportunity that was discussed is the outsourcing of water and wastewater staffing. With the support of the Committee, Staff will investigate outsourcing and will report to the Committee with findings and any future Staff recommendations.

### **Community Services Committee**

The Community Services Committee met on January 22, 2018 and discussed the following:

1. The Committee reviewed the recommendations made by the Ad Hoc Pool Committee regarding rates and day pass options. Jim Summers first reviewed the traditional (what we do currently do) rate structure. We have an in Ephrata Borough and an outside Ephrata Borough rate. A 5% increase was recommended and approved across the board in 2012, 2014, and 2016. As part of the budget process, a rate increase for 2018 was recommended. Some of the Ad Hoc Pool Committee members requested that a three-tier rate structure be established – Borough resident, EASD resident, and non-resident. Jim Summers explained the difficulties in administering a three-tier structure. In addition, Ephrata Borough residents are the only patrons of the pool that pay taxes toward the upgrades and operation. Jim Summers continued by explaining day pass rates. Currently, day pass rates are set for Pre-School, Student, Adult, and Senior and are increased in combination with pool pass rates. There is no distinction of residency made with day passes. Everyone pays the same rate. Some members of the Ad Hoc Pool Committee requested a significant price increase in day pass rates surmising that higher rates will help in keeping the noncompliant patrons away. There were several issues with that request. Jim Summers stated that prices should not be used to control behavior. Additionally, raising the day pass rates penalizes the compliant patrons and Borough residents. Jim Summers presented three options; keep the day pass structure as is, go to a two-tier (resident/non-resident) structure, or go to a two-tier (member guest/all others) structure. Recommendations for the 2018 rates will be presented at the February 26<sup>th</sup> Community Services Committee meeting to be voted on at the March 12<sup>th</sup> Council meeting.
2. An additional item that the Ad Hoc Pool Committee members desired was additional member perks. Jim Summers presented several options for the Committee to consider; add members only hours on holidays (no guests – strictly members only), add additional members only hours on Saturdays and Sundays, offer members day pass discounts for their guests, and hold an adult members only social at the beginning of the season to meet other members. Recommendations will be presented at the February 26<sup>th</sup> Community Services meeting to be voted on at the March 12<sup>th</sup> Council meeting.

### **Special Projects Committee**

The Special projects Committee met on January 15, 2018 at 7:35 pm and discussed the following:

1. Solicitor McManus reviewed with the committee the status of the proposed Special Events ordinance and the two major outstanding issues which are the timeline for submitting an application, any subsequent appeal and the rendering of a decision prior to the date for the special event. The second issue is to comply with the various code references provided in the comments by Chief Harvey.

Regarding the second issue Solicitor McManus proposed adding language to the proposed ordinance stating that the application must be compliant with the Emergency Medical Services Act. The committee was satisfied that will adequately address Chief Harvey's concern.

Regarding the appeal process Solicitor McManus cited the provision of the current appeals ordinance enacted by the Borough and provided examples that demonstrate how long the submission of an application through the appeal process can be. Mr. McManus reminded the committee that holding a Special Event is not a right but a privilege. The Solicitor also pointed out that an appeal to Commonwealth Court can take 12-18 months. The emphasis is that applicants should submit applications as far in advance as possible to assure that they know the status of their request before the event date.

The staff will propose new timelines for applications and appeals to make the application process as efficient as possible and review the proposed changes with the committee at their February 20, 2018 meeting.

January 2018 General Ledger Report  
 Ephrata Pioneer Fire Company January 2018 Report  
 Lincoln Fire Company January 2018 Report  
 Ephrata Community Ambulance Association January 2018 Report  
 Ephrata Emergency Management January 2018 Report  
 Ephrata Police Department 2017 Annual Report  
 Shade Tree Commission January 2018 Meeting Minutes

4<sup>th</sup> Quarter Financial, Police, Electric Division, Inspection/Codes, Wastewater Treatment Division, Public Works Division, Water Division, Sanitation, Ephrata Public Library, Ephrata Recreation Center

DEI Quarterly Report  
 EEDC October 2017 Meeting Minutes  
 EPAC Quarterly Report  
 Historical Society of the Cocalico Valley Quarterly Report  
 Ephrata Development Organization September 2017-January 2018 Meeting Minutes  
 Mayor's Revenue Report

## **NEW BUSINESS ITEMS**

### **Consent Agenda**

Mr. Weiler advised 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.

### **Budget and Finance Committee**

1. That Borough Council adopt Resolution 2018-3, exonerating the Borough from paying real estate taxes on various Borough properties.

It was moved by Mr. Weiler, seconded by Mr. Barr, and unanimously passed to adopt Resolution 2018-3, exonerating the Borough from paying real estate taxes on various Borough properties.

**BOROUGH OF EPHRATA  
Lancaster County, Pennsylvania**

**RESOLUTION 2018-3**

**A RESOLUTION OF THE BOROUGH OF EPHRATA  
EXONERATING THE BOROUGH OF EPHRATA  
FROM PAYING 2018 REAL ESTATE TAXES  
ON PARCELS OWNED BY THE BOROUGH**

**WHEREAS**, the Borough of Ephrata received 2018 county and municipal real estate tax bills for a number of parcels owned by the Borough within Ephrata Borough; and

**WHEREAS**, the parcels are used entirely for municipal purposes and the Borough should be exonerated from paying 2018 real estate tax on the subject parcels.

**NOW, THEREFORE, BE IT RESOLVED** that Ephrata Borough Council hereby exonerates from 2018 municipal real estate taxes all properties owned by the Borough of Ephrata within Ephrata Borough.

**Development Activities Committee**

2. That Borough Council authorize the release of \$149,618.40 escrowed to Cocalico Investments for the land development improvements associated with the construction of two new apartment buildings located at West Main Street and Robert Road.

It was moved by Mr. Weiler, seconded by Mr. Barr, and unanimously passed to authorize the release of \$149,618.40 escrowed to Cocalico Investments for the land development improvements associated with the construction of two new apartment buildings located at West Main Street and Robert Road.

**STANDING COMMITTEE RECOMMENDATIONS**

**Development Activities Committee**

It was moved by Mr. Weiler, seconded by Mr. Barr, and unanimously passed that Borough Council grant the request to hold the Brewfest on June 23, 2018, subject to the receipt of a copy of a PLCB special occasion permit and the receipt of a certificate of insurance naming the Borough as an additional insured.

It was moved by Mr. Weiler, seconded by Mr. Zimmerman, and unanimously passed via roll call vote that Borough Council grant the EDO's funding request of \$158,256.00, authorizing 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 subject to receipt of three executed binding resolutions from the volunteer groups.

It was moved by Mr. Weiler, seconded by Mr. Barr, and unanimously passed that Borough Council grant a request for an extension of time to record the land development plan for the Ephrata Re-Uzit Stores to April 9, 2018.

It was moved by Mr. Weiler, seconded by Mr. Zimmerman, and unanimously passed that Borough Council authorize the President of Borough Council and the Borough Secretary to execute the annual agreement with HRG for Professional Services for 2018.

It was moved by Mr. Weiler, seconded by Mr. Ressler, and unanimously passed via roll call vote that Borough Council enact Ordinance 1541 amending Ordinance 1534, Appeals Board.

**BOROUGH OF EPHRATA**  
**Lancaster County, Pennsylvania**

**ORDINANCE NO. 1541**

**AN ORDINANCE OF THE BOROUGH OF EPHRATA, LANCASTER COUNTY PENNSYLVANIA, AMENDING PART I OF THE CODE OF THE BOROUGH OF EPHRATA, LANCASTER COUNTY, PENNSYLVANIA, ADMINISTRATIVE LEGISLATION, CHAPTER 4, APPEALS BOARD, BY CHANGING THE TIME PERIOD WITHIN WHICH THE BOARD SHALL MEET TO HEAR AN APPEAL**

BE IT ORDAINED AND ENACTED and it is hereby ordained and enacted by the Council of the Borough of Ephrata, Lancaster County, Pennsylvania, as follows:

Section 1. The Code of the Borough of Ephrata, Part I, Administrative Legislation, Chapter 4, Appeals Board, Section 4-9, is hereby amended in its entirety and adopted to read as follows:

**§4-9 Notice of meeting.** The Board shall meet upon notice from the chairman within 60 days of the filing of an appeal, or at stated periodic meetings not more than 60 days from the filing of an appeal.

Section 2. All ordinances or resolutions or parts of ordinances or resolutions insofar as they are inconsistent herewith are hereby repealed and rescinded.

Section 3. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Council of the Borough of Ephrata that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 4. This Ordinance shall take effect and be in force after its enactment by the Council of the Borough of Ephrata at the earliest date permitted by law.

It was moved by Mr. Weiler, seconded by Mr. Zimmerman, and unanimously passed via roll call vote that Borough Council enact Ordinance 1542 amending Ordinance 1537, Residential Rental Properties.

**BOROUGH OF EPHRATA**  
**Lancaster County, Pennsylvania**

**ORDINANCE NO. 1542****AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF EPHRATA, LANCASTER COUNTY, PENNSYLVANIA, PART II, GENERAL LEGISLATION, CHAPTER 253, RENTAL PROPERTY, SECTION 253-8.A., BY PERMITTING THE RESPONSE BY TELEPHONE TO A REQUEST TO RESPOND BY A CODE ENFORCEMENT OFFICER**

BE IT ORDAINED AND ENACTED and it is hereby ordained and enacted by the Council of the Borough of Ephrata, Lancaster County, Pennsylvania, as follows:

Section 1. The Code of the Borough of Ephrata, Chapter 253, Rental Property, § 253-8.A., Designation of Manager or Responsible Agent, is hereby amended in its entirety and adopted to read as follows:

§ 253-8. Designation of Manager or Responsible Agent.

A. No residential rental permit shall be issued to any owner who cannot demonstrate that he, she or their manager or responsible agent can at all times either respond by telephone or arrive at the residential rental unit for which the permit is sought within a time period of not more than 45 minutes from the time of an initial request to respond is made by a Code Enforcement Officer to the phone number(s) provided by the owner for such purpose.

Section 2. All ordinances or resolutions or parts of ordinances or resolutions insofar as they are inconsistent herewith are hereby repealed and rescinded.

Section 3. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Council of the Borough of Ephrata that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 4. This Ordinance shall take effect and be in force after its enactment by the Council of the Borough of Ephrata at the earliest date permitted by law.

**Highway Committee**

It was moved by Mr. Barr, seconded by Mr. Richard, and unanimously passed via roll call vote that Borough Council approve the purchase of one new 2018 Ford F-150 Super Cab XL 4WD Pickup Truck with up-fitting from Whitmoyer Ford, Inc. of Mount Joy, PA through PDOGS COSTARS Contract #25-162 for \$29,250.

It was moved by Mr. Barr, seconded by Mr. Richard, and unanimously passed via roll call vote that Borough Council approve the purchase of one new 2018 Ford F-350 Regular Cab XL 4WD Truck with Utility Bed and Snow Plow with up-fitting from Whitmoyer Ford, Inc. of Mount Joy, PA through PDOGS COSTARS Contract #25-162 for \$46,657.

It was moved by Mr. Barr, seconded by Mr. Richard, and unanimously passed that Borough Council conditionally approve the January 9, 2018 e-mail request from Kim Malmer to conduct a 5K race and fun run of one mile or less on Saturday, March 24, 2018, in the Lincoln Heights section of the Borough subject to Borough receipt of a satisfactory certificate of insurance naming the Borough as additional insured.

**Municipal Enterprises Committee**

It was moved by Mr. Richard, seconded by Ms. Martin, and unanimously passed that Borough Council adopt Resolution 2018-4 authorizing the execution of a grant agreement for a Growing Greener Watershed Protection Grant with the Pennsylvania Department of Environmental Protection (DEP) 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.

**BOROUGH OF EPHRATA  
Lancaster County, Pennsylvania  
RESOLUTION 2018-4**

**A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF EPHRATA,  
LANCASTER COUNTY, PENNSYLVANIA AUTHORIZING THE EXECUTION  
OF A DEP GRANT AGREEMENT WITH THE COMMONWEALTH OF  
PENNSYLVANIA, DEPARTMENT OF ENVIRONMENTAL PROTECTION  
THROUGH ITS ENVIRONMENTAL STEWARDSHIP AND WATERSHED  
PROTECTION GRANT PROGRAM**

WHEREAS, the Borough of Ephrata has submitted a grant application to the Commonwealth of Pennsylvania, Department of Environmental Protection ("DEP") for certain Ephrata Waste Water Treatment Plant stormwater management improvements; and

WHEREAS, DEP has approved the application; and

WHEREAS, DEP is authorized to enter into the grant agreement with Ephrata Borough pursuant to Section 6105(b) of the Environmental Stewardship and Watershed Protection Act (27 Pa.C.S. 6101 et seq.); and

WHEREAS the Council of the Borough desires to enter into the grant agreement with DEP.

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Ephrata, Lancaster County, and it is hereby resolved by authority of the same:

SECTION 1. that the President and Secretary of the Borough of Ephrata be authorized and directed to sign on its behalf the DEP Grant Agreement - Environmental Stewardship and Watershed Protection Grant Program, attached hereto as Exhibit "A" and incorporated herein, between the Commonwealth of Pennsylvania, Department of Environmental Protection and the Borough of Ephrata as Grantee.

SECTION 2. that it is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were taken in conformance with applicable open meetings laws and that all deliberations of this Council and of any committees that resulted in those formal actions were in compliance with all legal requirements including any applicable open meetings requirements.

SECTION 3. that this Resolution shall take effect at the earliest date allowed by law.

RESOLVED by the Borough Council of the Borough of Ephrata this 12<sup>th</sup> day of February, 2018.

It was moved by Mr. Richard, seconded by Ms. Martin, and unanimously passed via roll call vote that Borough 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.

It was moved by Mr. Richard, seconded by Ms. Martin, and unanimously passed that Borough Council adopt Resolution 2018-5 in opposition to PA House Bill 1620 regarding Wireless Infrastructure.

**BOROUGH OF EPHRATA  
Lancaster County, Pennsylvania  
RESOLUTION 2018-5**

**A RESOLUTION OF THE BOROUGH OF EPHRATA,  
LANCASTER COUNTY, PENNSYLVANIA  
IN OPPOSITION TO HOUSE BILL 1620, ENTITLED THE  
“WIRELESS INFRASTRUCTURE DEPLOYMENT BILL”**

WHEREAS, broadband service is a critical catalyst for economic development, student achievement, quality healthcare, and the efficiency of local governments. As such, the Ephrata Borough Council supports the deployment of broadband services—both wired and wireless—in our community and throughout the Commonwealth; and

WHEREAS, a relatively new wireless technology, known as distributed antenna systems or DAS, includes the placement of wireless towers and antennae in the public rights-of-way; and

WHEREAS, Pennsylvania municipalities are charged by state law with the management of the public rights-of-way, including not only vehicular and pedestrian traffic, but also the numerous facilities installed by public utilities and related companies. Municipalities must manage these facilities to maintain public safety and preserve the character of our communities; and

WHEREAS, pursuant to federal law, municipalities have the right to regulate the “placement, construction, and modification” of wireless facilities through their local zoning authority so that the deployment of these facilities is achieved in an orderly fashion. The FCC has also issued multiple orders stating in detail how municipalities may regulate these facilities; and

WHEREAS, specifically House Bill 1620, entitled the “Wireless Infrastructure Deployment” bill would abolish municipal zoning authority over wireless antennae in the rights-of-way and nearly abolish their authority over wireless towers in the rights-of-way, thereby placing public safety at risk and excluding the public from the approval process for these facilities; and

WHEREAS, HB 1620 would severely limit the assessment of fees for wireless facilities in the rights-of-way such that municipalities could only charge minimal fees that are less than actual municipal costs, thereby forcing taxpayers to subsidize wireless companies for the management of their facilities; and

WHEREAS, HB 1620 would prohibit municipalities from requiring standard legal protections from companies with wireless facilities in the public rights-of-way, including full indemnification, bonding, and insurance coverage; and

WHEREAS, HB 1620 would allow wireless contractors to submit up to 50 permit requests in one application and would curtail the time frame for initial review of wireless

applications from 30 days to 10 days such that municipalities would be unable to perform these reviews in time; and

WHEREAS, HB 1620 would allow wireless companies to reverse a denial of a wireless application simply by resubmitting a revised application without having to obtain zoning approval; and

WHEREAS, HB 1620 would expose outside municipal Solicitors and other municipal law firms to financial liability of up to \$10,000 per occurrence simply for drafting a wireless ordinance that is deemed to be in violation of HB 1620; and

WHEREAS, if the Pennsylvania General Assembly is permitted to abolish municipal right-of-way authority over wireless facilities today, then it could abolish all municipal authority over the public rights-of-way tomorrow.

NOW THEREFORE, BE IT RESOLVED by the Council of the Borough of Ephrata, Lancaster County, Pennsylvania that:

SECTION 1. The Council of the Borough of Ephrata does hereby express its opposition to HB 1620 because it is not in the best interests of Pennsylvania.

SECTION 2. That this Resolution shall be sent to our State Representative, State Senator, Governor, and all Members of the House Consumer Affairs Committee, which is the Committee to which HB 1620 has been assigned.

SECTION 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of a quorum of the Council, and that all deliberations of this Council and of any its committees that resulted in such formal action, were held in meetings open to the public, in compliance with all legal requirements.

SECTION 4. If any section, subsection, paragraph, clause or provision or any part thereof of this Resolution shall be finally adjudicated by a court of competent jurisdiction to be invalid, the remainder of this Resolution shall be unaffected by such adjudication and all the remaining provisions of this Resolution shall remain in full force and effect as though such section, subsection, paragraph, clause or provision or any part thereof so adjudicated to be invalid had not, to the extent of such invalidity, been included herein.

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

#### **APPROVAL OF CHECKS 32782 THROUGH 33074 AND THE ACH REGISTER DATED FEBRUARY 1, 2018**

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 \$1,882,849.77.

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

There were no comments or remarks from attendees.

#### **DISCUSSION/ANNOUNCEMENTS**

Ms. Rowe extended her thanks to the Ephrata Pioneer Fire Company for their invitation to their annual awards banquet. Ms. Rowe stated it is always a pleasure to meet the members and their families.

**ADJOURNMENT**

It was moved by Ms. Martin, seconded by Mr. Barr, and unanimously passed that Borough Council adjourn. The meeting was adjourned at 7:30 PM.

Respectfully submitted,

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D. Robert Thompson, Secretary