

**EPHRATA BOROUGH COUNCIL
REGULAR MEETING MINUTES
MARCH 13, 2017**

The regular Ephrata Borough Council meeting was called to order by President Susan Rowe at 7:00 PM on March 13, 2017 in the Council Chambers of the Borough Office, 124 South State Street.

Reverend Walter Carter, Ephrata First United Methodist Church offered the invocation, which was followed by the Pledge of Allegiance.

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

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

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

Dennis Rowe, 214 East Main Street, Ephrata
Lola Mowen, 221 Irene Avenue, Ephrata
Angela Keen

PROCLAMATION

Irish-American Heritage Month 2017

Mayor Mowen read a proclamation proclaiming March 2017 as Irish-American Heritage month and called upon all to observe this month by celebrating the contributions of Irish-Americans to our Nation.

APPROVAL OF MINUTES

It was moved by Mrs. Martin, seconded by Mr. Weiler, and unanimously passed that Borough Council approve the February 6, 2017 Work Session Minutes and the February 13, 2017 Regular Meeting Minutes.

MUNICIPAL MOMENT

Ephrata Borough Planning Commission

Mrs. Nancy Harris, Secretary

Mrs. Harris is here this evening representing the Ephrata Borough Planning Commission; four of the members were in attendance this evening. They are Lola Mowen; Bill Rohrbach, Chairman; David Hunt; and Roger Leed, Vice Chairman. Not in attendance is Mr. Joel Callihan.

Mrs. Harris said the board has a combined total of 134 years of experience on the Planning Commission. The Planning Commission is developing a vision of future growth.

Ephrata Borough established a five member planning commission in 1947. For 70 years development in Ephrata Borough has been guided by volunteers on the Planning Commission.

The subdivision and land development ordinance was first enacted in 1959 was twenty pages and the cost was \$0.50. The Borough's current ordinance was adopted in 2000 contains 111 pages and costs \$20.

Mrs. Harris said the authority to establish a planning commission comes from the Municipality's Planning Code (MPC) and the Planning Commission is the advisor to Council and their leadership is crucial.

Mrs. Harris had in her Power Point presentation some of the official definitions taken directly from the MPC regarding subdivision and land development, which is what the Planning Commission is responsible for.

Mrs. Harris said in layman's terms subdivision is the creation of new lots or property lines. Land development involves construction of buildings and improvements.

The land is a valuable natural resource. Development defines the character of communities.

Mrs. Harris said subdivision and land development, also called SALDO. The SALDO regs. help achieve objectives. They offset municipal costs by having developers pay for improvements; they protect the municipality from unplanned and poorly designed development; and ensure a decent quality of life for citizens.

Mrs. Harris had slides showing examples of a subdivision and a land development.

Mrs. Harris said the Planning Commission controls growth, promotes economic health, improves the quality of life for its citizens, develops plans for the future, implements policies that provide foundations for the community, oversees the growth and development of the community, ensures that all growth and developments are considered and coordinated, develops sound policy recommendations for implementing positive change, advises the governing body on matters relating to planning and community needs, and also advises the governing body on subdivision and land development plans.

Planners promote efficient transportation, quality housing, vibrant places, a growing economy, healthy communities, preserved landscapes, and protect natural resources.

Planning Commission responsibilities based on what is found in the MPC they can prepare comprehensive plans, a zoning ordinance and recommend amendments, subdivision land development regulations and administer them, building and housing code, studies regarding using renewable energy sources, and they can recommend adopting an official map.

Mrs. Harris said Planning Commission assist governing bodies with how to best balance property rights of land owners with those of the general public, planning should provide a long range perspective, and it shouldn't focus on the issues of today.

When administering the subdivision land development ordinance it's important for the Planning Commission to be proactive and provide clarity, read and know the ordinance and amend as needed, know and stick to the process and timelines, help identify solutions, coordinate subdivision and land development review with other reviews, leave political bias and personal opinions out of the process, and be honest and forthright.

Mrs. Harris said occasionally it is necessary to get relief from the subdivision and land development requirements. Those are called modifications or waivers. When a subdivision land development requirement causes an undue hardship or those requirements are unreasonable to apply a modification may be requested. A modification seeks an adjustment from a requirement and a waiver seeks release from a requirement. The Planning Commission reviews those and provides advisory comments to Council for the request.

Mrs. Harris said in granting a waiver or modification the items to review are will literal enforcement exact undue hardship because of conditions relating to the land. A modification will not be contrary to public interest. The purpose and intent of the ordinance is observed. And in granting it must be the minimum request necessary to give relief.

It should be a written request stating the grounds and facts of the unreasonableness or hardship, assure that any modification or waiver is necessary, represents the minimum possible modification, and will not jeopardize public safety.

Mrs. Harris said the Planning Commission takes on a variety of activities. Their responsibilities are considerable. The consequences are important. Our Planning Commissions are willing to serve their community. It's not easy but Ephrata is rewarded.

Mr. Hunt of the Planning Commission said he has a growing concern over which they have no control as a Planning Commission and that's the loss of taxable properties. Mr. Hunt has watched it happen more and more and it's disconcerting. Mr. Hunt said a building he paid taxes on for 50 years just got bought and is being torn down to build another building, and Mr. Hunt is assuming there will be no taxes from this point forward. Mr. Hunt said he knows for a fact that the business may have been sold to the business that was in it but didn't have 50% more than its appraised value to pay for it and another small business gets pinched out.

Mr. Hunt said it's very concerning, and he would venture to say that if we backed out the contribution of our electric department to the borough our taxes would be scary.

Mr. Hunt said he knows for a fact that in York WellSpan pays money to York in lieu of taxes. He has no idea what the set up is in Ephrata, but he watched a pharmacy in the hospital competing with pharmacies that are paying taxes on their properties. Mr. Hunt said he watched a used furniture store compete with other used furniture stores who are paying taxes. What bothers Mr. Hunt is non-profits doing retail, regular profitable business; but aren't paying any taxes to the borough. They are just as much and in some cases more of a hardship on our resources here taking care of the roads and the streets and sewers and water. They use all of that.

Mr. Hunt said it doesn't seem to him like the homeowners should be the only people paying.

Mr. Hunt said in their position the Planning Commission has no authority to do anything. Mr. Hunt said he has always with his time on Planning Commission when they got a small business in he went over backwards to try to help them and get them established because that's jobs, that's businesses, and that's growth. Mr. Hunt said he hopes Council would consider it and think about it.

Mr. Richard said the Budget and Finance Committee has just recently started thinking about the PILOT (payment in lieu of taxes) program. Mr. Richard said he thinks the particular situation he is addressing he knows they are a non-profit, but in looking at the whole picture they do more than just non-profit. They give back to the community in many ways. They are the only organization when they were downtown looking to relocate; they are the only people in the entire town who gave us money several years in a row in lieu of taxes. Nobody else in town did that. In fact they paid us more than their tax would have been.

Mr. Richard said he hears Mr. Hunt's comments but doesn't agree with a lot of them. It's a complex problem. Mr. Richard said they employ people also; they give a lot of their money to people who don't have money. Mr. Richard said the Budget and Finance Committee just recently put this on their agenda to look at that and how the borough can take a look at PILOT for those non-profits. Mr. Richard said they are using our facilities, our public works, our police; there should be a tradeoff. Mr. Richard said they are going to take it on and see what they come up with.

Mrs. Rowe thanked the Planning Commission members for volunteering. As a member of Council, Mrs. Rowe does appreciate the work and effort they put into the land development plans.

Mrs. Rowe said one of her questions is with form based codes. Is that under the purview of the Planning Commission to look into possibly instituting form based codes in town or is this something you want to steer away from. Mrs. Harris said they talked about it with the zoning ordinance.

Mrs. Rowe also asked about operating and maintenance agreements with land development plans. Mrs. Rowe asked Mrs. Harris to explain the importance of that operation and maintenance agreement to the borough.

Mrs. Harris said the Operations and Maintenance Agreements that we are currently seeing before Borough Council are actually for stormwater management plans. They are important because most of those stormwater facilities are being installed as private facilities. Most people build it and then walk away. With the operation and maintenance agreement in place it does put the responsibilities back on the property owner. It outlines what their responsibilities are if a property owner neglects their facility, and the borough needs to step in and take care of it, it establishes that right for us to do that and gives us the right for access, the easements, and what have you that we can go in there and maintain it possibly even restore it. It defines clearly the responsibilities of the property owners as well as what the borough has the option of doing should the property owner default.

Mrs. Rowe said since there are two members of Council absent Mrs. Rowe asked Mrs. Harris to put her Power Point presentation in the dropbox so they can take a look at it.

Opportunity for Citizens to be Heard

There were no comments or questions from attendees.

It was moved by Mr. Reinhold, seconded by Mr. Ressler, 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. Ressler, seconded by Mr. Weiler, and unanimously passed to approve Acceptance of Reports consisting of the following documents:

Mr. Mowen said he has been talking about the possibility of a fire tax because people don't understand or realize how much involvement the fire companies have. Mr. Mowen said on the fire calls they expended a total of 298 hours of time at the calls that they responded to in February. 298 hours away from their families; that doesn't include training time.

BUDGET AND FINANCE COMMITTEE REPORT – 3/13/2017

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

1. The Committee discussed proposed Resolution 2017-3 concerning the disposition of Borough records. All records will be disposed of according to guidelines established by the PA Historic and Museum Commission Bureau of Archives & History approved December 16, 2008. The Committee will recommend adoption of this resolution as part of the consent agenda at the March Council meeting.
2. The Committee discussed the possibility of the Borough initiating a PILOT program, which is payment in lieu of taxes from non-profits who are exempt from paying taxes. Staff is interested in creating a PILOT program. Staff will contact other municipalities to determine if they have such a program and if they have any documentation they can share with us. Staff will work on this project with the goal of launching in 3rd Quarter.
3. Chairman Richard requested that staff provide statistics on the Borough's credit card program as he would like to eliminate the fees associated with the program. President Rowe provided 2 responses from individuals in support of the credit card payment program. The staff discussed with the Committee the potential impact of the elimination of credit card payments and will report back to the Committee with recommendations.
4. Sue Rowe brought in a copy of a letter received from a landlord complaining about the landlord responsibility for tenants' non-payment of utilities. They are requesting that Council take another look at this policy and find a more favorable solution for landlords. It was suggested that this item should move to the Municipal Enterprise Committee.

DEVELOPMENT ACTIVITIES COMMITTEE REPORT – 3/13/2017

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

1. The Committee discussed the rental fee charges for the Chamber of Commerce in the railroad station building. The Chamber currently pays \$586/month for a portion of the railroad station. Through the current economic development process, a successor organization may need to occupy more space in the railroad station and Council may wish to look at the rental fees for a future entity. Mrs. Rowe asked what would happen to the community room? It was decided that this should be a discussion item instead of an action item. This will be tabled until the next Committee meeting.
2. The Committee reviewed an Improvement Agreement for proposed stormwater improvements associated with the stormwater management plan for 52 East Fulton Street. The amount of the agreement is \$13,377.10. The Committee recommends that Council authorize the Council President and Secretary to execute the Improvement Agreement with the owner, Vito Mannino, subject to it being in a form acceptable to the borough solicitor at the March meeting. This item will appear on the March Consent Agenda.
3. The Committee reviewed an Operation and Maintenance Agreement for the stormwater management plan for 52 East Fulton Street. The Committee recommends that Council authorize the Council President and Secretary to execute an Operation and Maintenance Agreement with the owner, Vito Mannino, subject to it being in a form acceptable to the borough solicitor at their March meeting. This item will appear on the March Consent Agenda.

4. The Committee reviewed the fourth quarter budget report for activities under their purview. There were no concerns regarding the budget report.
5. The Committee discussed a document the staff provided regarding a recent Supreme Court decision. The decision states that “Content-based restrictions on speech are presumptively unconstitutional”. The Committee was concerned how this could affect mural regulations and they decided to not pursue mural regulations at this time. The staff will look into mural regulations during the zoning ordinance update and see if anything has changed. This item will be removed from the agenda.
6. Martin Gilchrist of Urban Research and Development (URDC) provided information on the Economic Development (ED) initiative. The four volunteer groups have been asked to provide an initial commitment to tentatively pursue mergers by adopting a resolution and schedule A that lists their conditions to continue to pursue. The schedule A’s are due by March 15th. The Committee discussed how financial approvals would be handled for the borough funds. It was agreed that borough oversight is appropriate. URDC will provide a white paper to Council to outline the financial administration. With all this information URDC will draft a resolution that will go before Council at the April voting session to confirm the Borough’s support of the program and their financial contribution. The Committee discussed a date when a presentation could be made to all of Council. The presentation will include URDC’s draft report, the white paper outlining the financial administration and the draft resolution. It was decided the presentation will be made at the March 27th Committee meeting. The staff was instructed to keep the agenda light and table anything that was not time sensitive. The scope of services provided by URDC will need to be revisited in the near future. The time and detail needed to complete the merger portion is taking longer than anticipated. In order to complete the remaining portions of the original scope, additional funds will be needed. An exact figure will be provided at a future meeting.
7. There wasn’t a February Zoning Hearing Board meeting.
8. There are two new applications for the March Zoning Hearing Board meeting. The Committee did not feel it was necessary to send the solicitor for the new applications.

HIGHWAY COMMITTEE REPORT – 3/13/2017

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

1. The Committee reviewed a February 17, 2017 request via e-mail from the Ephrata Recreation Center to conduct a series of 5K races to be held Sunday, April 2; Sunday, May 7; and Sunday, June 4, 2017 at 5:00 PM each day utilizing various streets in the Lincoln Heights section of the Borough. Maria Harnish, Program Assistant with the Rec Center was present to briefly discuss the race series and answer questions. Notification letters will be distributed to residents of the affected portions of the Lincoln Heights area making them aware of the events. No streets will be closed during these events. Rec Center employees and volunteers will be on the streets assisting with traffic control as necessary. The Committee will recommend that Borough Council conditionally approve the request at their March 13, 2017 meeting subject to Police Chief Harvey’s approval (provided via e-mail on February 17, 2017), notification to the affected residents within the Lincoln Heights area and Borough receipt of a satisfactory certificate of insurance naming the Borough as additional insured. This item will appear on the Consent Agenda.
2. The Committee reviewed a letter dated February 2017 from Ben Lee, Regional Director for the Make-A-Wish Foundation requesting to travel through the Borough of Ephrata with their 28th Annual Mother’s Day Convoy on Sunday, May 14, 2017. The Committee will recommend that Borough Council conditionally approve the request at their March 13, 2017 meeting subject to Borough receipt of a satisfactory certificate of insurance naming the Borough of Ephrata as additional insured and the Borough Solicitor’s review and approval of the organizer’s Event Permit and Indemnification Agreement. This item will appear on the Consent Agenda.
3. The Committee reviewed a letter dated February 2, 2017 from the Ephrata War Memorial Association by Michael Lillis, Co-Director of the Firecracker Run requesting to use the streets of the Borough for the 40th Annual Firecracker Run event on Tuesday, July 4th, 2017. The Committee will recommend that Borough Council conditionally approve the request at their March 13, 2017 meeting subject to Chief Harvey’s review and approval and Borough

receipt of a satisfactory certificate of insurance naming the Borough as additional insured. This item will appear on the Consent Agenda.

4. The Committee reviewed a request from Deanna Paparo, Boy Scout Troop 363 Committee Chairperson, dated January 17, 2017 to use the Public Works building parking lot during the 2017 Ephrata Fair Parade to park cars as a fundraiser. Three spaces are to be reserved in the event of a Borough emergency. The Committee will recommend that Council conditionally approve the request at their March 13, 2017 meeting subject to Borough receipt of a satisfactory certificate of insurance naming the Borough as additional insured. This item will appear on the Consent Agenda.
5. The Committee reviewed the results of Bid #17-4 Purchase of Bituminous Materials and will recommend that Borough Council award the bid to sole bidder New Enterprise Stone & Lime Co., Inc. from East Earl, PA as follows:
 - Superpave Asphalt Binder Course Material, 19 mm (FOB) - Unit Price: \$41.50/Ton
 - Superpave Asphalt Base Course Material, 25 mm (FOB) - Unit Price: \$39.80/Ton
 - Superpave Asphalt Wearing Course Material, 9.5 mm (FOB) - Unit Price: \$44.40/Ton

The unit prices are within budget estimates based on estimated quantities and will be subject to price adjustment provisions (escalator) as applicable and identified in the contract documents. The recommendation for award will appear as part of the Consent Agenda at the March 13, 2017 meeting.

6. The Committee reviewed the results of Bid #17-5 Purchase and Delivery of PennDOT #2A Stone and will recommend that Borough Council award the bid to sole bidder New Enterprise Stone & Lime Co., Inc. from East Earl, PA as follows:
 - PennDOT #2A Stone (Delivered) - Unit Price: \$9.68/Ton

The unit price is within budget estimate based on estimated quantity. The recommendation for award will appear as part of the Consent Agenda at the March 13, 2017 meeting.

7. The Committee reviewed the results of Bid #17-7 Sale of 1988 Dresser 520 Front End Loader VIN #40954791001BO. The Committee will recommend that Borough Council award the bid at their March 13, 2017 meeting to lone bidder Jerre Martin Repair of Ephrata, PA in the amount of \$6,000. This item will appear on the Consent Agenda.
8. The Committee reviewed the results of Bid #17-8 Sale of 1994 Case 580SK Backhoe VIN #47416566401BO. The Committee will recommend that Borough Council award the bid at their March 13, 2017 meeting to lone bidder Jerre Martin Repair of Ephrata, PA in the amount of \$5,000. This item will appear on the Consent Agenda.
9. The Committee at their January 23, 2017 meeting previously discussed a request from Mr. Lee H. Lintner of Lee's Camera Center dated January 11, 2017 to establish a no parking zone in front of 508-514 East Main Street between the complex entrances/exits to improve clear sight distance for his customers as they exit his complex. The Committee at their January 23, 2017 meeting directed staff to invite Mr. Lintner to their February 27, 2017 Committee meeting to hear his concerns regarding this issue. Despite the invitation Mr. Lintner failed to attend the meeting. It was again noted that parked vehicles have rarely been observed in this area between the driveways and that no 5-year crash data exists for this area. No further action required at this time.
10. The Committee reviewed a letter from David Palm dated February 2, 2017 regarding safety concerns associated with sidewalk the Borough previously required him to install at his property fronting along Parkview Heights Road in the Borough. Mr. Palm was present at the meeting and discussed his concerns with the Committee. Mr. Palm's primary concern was the existing drainage basin which was re-graded as part of the trail extension construction project and how sidewalk can be constructed at this location, how to provide safe pedestrian passage through this location, and who is paying for it. The Committee directed staff to take a look at this issue and provide a recommendation to Committee at their March 27, 2017 meeting.
11. The Committee reviewed the 4th quarter 2016 budget report for those activities under their purview. Committee Chairperson Ressler inquired about the Public Works Complex Improvements listed in the Capital Projects and was informed that the salt storage construction component of the Public Works Complex Improvements was not completed in

2016 and has been re-budgeted in 2017. No issues or concerns were identified by the Committee.

12. The Committee reviewed PennDOT's Bridge Inspection Notification letter dated February 15, 2017 advising the Borough that the South Oak Street Bridge will be inspected in accordance with National Bridge Inspection Standards (NBIS) on or around November 21, 2017 based on past practice and inspection frequency. The last inspection of this bridge occurred November 11, 2015. Bridge inspections are completed as part of the Lancaster County Local Bridge Inspection Program administered by PennDOT. No further action is required at this time.
13. The Committee was advised that the Lincoln Avenue / Marshall Street storm water improvements project will be out for bids by no later than mid-March 2017 and that bid award is tentatively scheduled for May 8, 2017.
14. Council President Rowe shared her concerns that vehicles may be parking illegally along the east side of Spring Garden Street near the East Walnut Street intersection. Staff will confirm that any existing signage is defining an ordained no parking area and if so the Ephrata Police will be notified to enforce as necessary.
15. Council President Rowe expressed her interest regarding enforceability of a vehicle partially parked within a defined parking space reserved for handicap parking only. The location of concern is adjacent to 213 East Main Street and the offending vehicle is permitted to park in handicap parking spaces. Staff will notify the Ephrata Police and request they look into this issue.

MUNICIPAL ENTERPRISES COMMITTEE REPORT – 3/13/2017

The Municipal Enterprises Committee met on February 21, 2017 and discussed the following:

1. Director of Operations, Thomas Natarian reviewed with the Committee a proposal to replace the pre ATAD mixer at Wastewater Plant 2. The mixer failed unexpectedly in December 2016. The cost of repairs is excessive for the nearly 20-year-old mixer. Staff is recommending that a new mixer be purchased and installed at a cost of \$13,489 from RAM Industrial Services, a Costars vendor. Staff indicated that the Ephrata Borough Authority concurred with the Staff recommendation when they met on February 13, 2017. The Committee will recommend that Borough Council approve an unbudgeted expenditure of \$13,489 from the unallocated balance of the Sewer Fund to replace the pre ATAD mixer at Wastewater Plant 2 when they meet on March 13, 2017.
2. Mr. Natarian and Borough Manager, D. Robert Thompson reviewed the 4th Quarter Financial reports prepared by Director of Finance and Administration, Christine Moore for the Water Fund, Electric Fund, Sewer Fund, Sanitation Fund, and Sewer Permit Fund. Water Fund revenues and expenses were within the expected range. In the Electric Fund both revenues and expenses were below budget by roughly equivalent amounts. Sewer Fund revenues and expenditures were within expected ranges. The Sanitation Fund revenues were slightly above budget and expenses were below budget. Sewer Permit Funds, dependent upon when connection permits are issued were below budget.
3. Mr. Natarian provided an update on the status of the Advanced Meter Infrastructure (AMI) Project. The network for the AMI system is installed and operational and all the new electric meters are on site. Staff is working with American Municipal Power (AMP) and the system providers (Silver Spring Networks, Electsolve, and NexGen) to prepare for installation of the electric meters. Staff has developed a 3-week communication plan that will be implemented once the system providers have met the Borough's requirements. Staff expects meter installation to begin in March and conclude in June. No action is required by the Committee.
4. The Committee reviewed a 2016 Wholesale Power Summary prepared by AMP. Energy usage and costs in 2016 were almost unchanged from 2015. Price stability was the result of lower Congestion costs offsetting higher Capacity and Transmission costs. The lower Congestion costs are directly related to the FTRs purchased by the Borough.
5. Mr. Natarian reviewed the status of the Power Cost Adjustment (PCA). The Base Power Supply Cost (BPSC) for the PCA was established by the 2014 Cost of Service Study. The Cost of Service Study assumed that power costs would increase along with transmission and capacity prices. However, entering 2017, energy costs are lower due to purchasing gains. Prices for capacity and transmission are expected to decline due to lower Coincident Peak loads experienced by the Borough during 2016. Accordingly, the BPSC is no longer

representative of true cost. The impact upon PCA, if BPSC is not aligned with true costs is significant. Staff will review options for aligning BPSC with true power costs and prepare a recommendation for the Committee to consider at the March 20 meeting.

6. Mr. Natarian reported on the results of the FTR auction for off peak power from Fremont to Ephrata authorized by Council in December 2016. The Borough's bids for the month of February did not clear the auction.

COMMUNITY SERVICES COMMITTEE REPORT – 3/13/2017

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

1. The Committee reviewed the results of Bid #17-6 for Turf Maintenance Services and will recommend that Borough Council award the bid, at their March meeting, to the apparent low bidder: E.W. Reiff Lawn Care from Ephrata, PA in the amount of \$38,000 for Year 1; \$39,000 for Year 2; and \$40,000 for Year 3 totaling \$117,000.00. The approximate mowing acreage is 46 acres over 29 properties. The budget estimate for 2017 (Year 1) is \$32,000. The additional funds will be paid from another account within the Parks Operations & Maintenance budget.
2. The Committee reviewed a request received via email dated February 7, 2017 from Knead It Massage and Bodyworks to use the Dick Winters Trail for a 5K/10K run to be held on June 10, 2017 at 9:00 AM. Proceeds from this event will be donated to the Ephrata Public Library. The Committee will recommend that Borough Council approve the request as part of the Consent Agenda at their March 13, 2017 meeting subject to the receipt of a certificate of insurance naming the Borough as additional insured and the approval of an Incident Support Plan by the Chief of Police.
3. Prior to attending the Community Services Committee meeting, Joy Ashley corresponded with Borough staff member, Tracy Roseberry, regarding the proposed changes that were going to be presented to the Committee with regard to the International Day in the Park event being held on October 14, 2017. Based on the planned changes, Joy will be placed on the March agendas of the Highway Committee and the Development Activities Committee.
4. As a follow up to Chandra Mast's Municipal Moment, the Committee was given a brief update on the proposed changes to the Shade Tree Ordinance. Borough staff met to review the proposed changes that were submitted by the Shade Tree Committee. Enforcement and authority issues were identified as a priority and "must haves" for the revised Ordinance. Staff is also investigating the concepts of Urban Forestry and Tree Banks. Nancy Harris gave a brief explanation of those concepts. More information will be presented at the March Committee meeting.
5. The Committee reviewed the 2016 fourth quarter budget report for those areas under the Committee's purview. The Committee had no budget concerns. No further action is required by the Committee.
6. A thank you acknowledgement was received from the Ephrata Area School District for allowing Fulton students and staff to place flags around the Dick Winters Memorial as part of their Veteran's Day activities.

February General Ledger Report

Pioneer Fire Company February 2017 Report

Ephrata Community Ambulance Association February 2017

Ephrata Emergency Management February 2017 Report

February Shade Tree Commission Report

NEW BUSINESS ITEMS

Consent Agenda (includes the following approvals)

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

It was moved by Mr. Ressler, seconded by Mr. Weiler, and unanimously passed that Borough Council approve the Consent Agenda consisting of the following:

1. That Borough Council adopt Resolution 2017-3 concerning the disposition of records. (Budget and Finance Committee)
2. That Borough Council authorize the Council President and Secretary to execute an Improvement Agreement in the amount of \$13,377.10 for the stormwater management plan for 52 East Fulton Street with the owner, Vito Mannino, subject to it being in a form acceptable to the borough solicitor. (Development Activities Committee)
3. That Borough Council authorize the Council President and Secretary to execute an Operation and Maintenance Agreement for the stormwater management plan for 52 East Fulton with the owner, Vito Mannino, subject to it being in a form acceptable to the borough solicitor. (Development Activities Committee)
4. That Borough Council conditionally approve the February 17, 2017 e-mail request from the Ephrata Recreation Center to conduct a series of 5K races to be held Sunday, April 2, 2017; Sunday, May 7, 2017; and Sunday, June 4, 2017 at 5:00 PM each day in the Lincoln Heights section of the Borough subject to Police Chief Harvey's approval and Borough receipt of a satisfactory certificate of insurance naming the Borough as additional insured. (Highway Committee)
5. That Borough Council conditionally approve the February 2017 request from the Make-A-Wish Foundation for their 28th Annual Mother's Day Convoy to travel through the Borough of Ephrata on Sunday, May 14, 2017 subject to Borough receipt of a satisfactory certificate of insurance naming the Borough as additional insured and the Borough Solicitor's review and approval of the organizer's Event Permit and Indemnification Agreement. (Highway Committee)
6. That Borough Council conditionally approve the February 2, 2017 request from the Ephrata War Memorial Association to use the streets of the Borough for the 40th Annual Firecracker Run event on Tuesday, July 4, 2017 subject to Chief Harvey's review and approval and Borough receipt of a satisfactory certificate of insurance naming the Borough as additional insured. (Highway Committee)
7. That Borough Council conditionally approve the January 17, 2017 request from Boy Scout Troop 363 to use the Public Works building parking lot during the 2017 Ephrata Fair Parade to park cars as a fundraiser subject to Borough receipt of a satisfactory certificate of insurance naming the Borough as additional insured. (Highway Committee)
8. That Borough Council award Bid No. 17-4 for Purchase of Bituminous Materials to New Enterprise Stone & Lime Co. Inc. of East Earl, PA for purchase of Superpave 19 mm Asphalt Binder Course Material at the unit price of \$41.50 per ton FOB; Superpave 25 mm Asphalt Base Course Material at the unit price of \$39.80 per ton FOB; and Superpave 9.5 mm Asphalt Wearing Course Material at the unit price of \$44.40 per ton FOB. (Highway Committee)
9. That Borough Council award Bid No. 17-5 for Purchase and Delivery of PennDOT #2A Stone to New Enterprise Stone & Lime Co., Inc. of East Earl, PA for the unit price of \$9.68 per ton. (Highway Committee)
10. That Borough Council award Bid No. 17-7 for the Sale of 1988 Dresser 520 Front End Loader VIN #40954791001BO to lone bidder, Jerre Martin Repair of Ephrata, PA in the amount of \$6,000.00. (Highway Committee)
11. That Borough Council award Bid No. 17-8 for the Sale of 1994 Case 580SK Backhoe VIN #47416566401BO to lone bidder, Jerre Martin Repair of Ephrata, PA in the amount of \$5,000.00. (Highway Committee)
12. That Borough Council conditionally approve the February 7, 2017 e-mail request from Knead It Massage and Bodyworks to use the Dick Winters Trail to conduct a 5K/10K run on Saturday, June 10, 2017 subject to Borough receipt of a satisfactory certificate of insurance naming the Borough as additional insured and the approval of an Incident Support Plan by the Chief of Police. (Community Services Committee)

Chief Harvey said he talked to Jeremy last Thursday about the Knead it Massage 5K, and they are good to go. Everything has been fulfilled on the Chief's end.

RESOLUTION 2017-3

**A RESOLUTION OF THE BOROUGH OF EPHRATA
FOR THE DISPOSITION OF RECORDS**

WHEREAS, through Resolution No. 2001-13, adopted August 13, 2001, the Borough of Ephrata declared its intent to follow the procedures for the disposition of records as set forth in the Retention and Disposition Schedule for Records of Pennsylvania Municipalities issued on May 17, 1982, and,

WHEREAS, in accordance with Act 428 of 1968, each individual act of disposition shall be approved by resolution of the governing body of the municipality;

NOW, THEREFORE, BE IT RESOLVED that the Council of Ephrata Borough, in accordance with the above cited schedule, hereby authorizes the disposition of the following public records:

<u>Record Title</u>	<u>Dates Through</u>
Paid Accounts Payable Invoices	2009
Daily Cash Recap/Reports	2009
Payroll Time Sheets	2013
Security Deposit Refunds	2009
Utility Bill Reports	2009
Bill Stubs	2013
Past Due Disconnection Reports	2009
Cash Receipts	2009
Collections	2009
Banking Activity	2006
Recurring Credit Cards	2013
Rental Permits	2009
Journal Entries	2009
Miscellaneous Accounts Receivable Invoices	2009
Movings	2013
Web Payments	2013
Accounts Payable Reports	2009
Customer Correspondence	2013
Bank Drafts	2009
Penalties	2009
Utility Bill Refunds	2009
Tax Interim/Current Transfer	2009
Utility Billing Proof List	2009
Statement of Financial Interests Forms	2009-2011
Pension Statements	2009
Abandoned Vehicles (Borough & Township)	2014
Accident Receipts (Borough & Township)	2013
Accident Reports (Borough & Township)	2011
Adult Detention Reports	2013
AED Reports	2013
Alarm Invoices (Borough & Township)	2013
Bike License Registration Cards	2011
Calibration Records	2011
Daily Field Activity Reports	2013
Death Investigation Forms	1997
Disposed Evidence Tickets	2010
False Alarm Cards (Borough & Township)	2013
False Alarm Letters (Borough & Township)	2015
Negative Background Checks	2014
Parking Tickets (Borough & Township)	2015
Penn DOT Driver's License Seizure Forms	2013
Preliminary Investigative Reports (Borough & Township)	2013
Recommendations for Special Driving Exams	2015
Temporary No Parking Applications	2013

Traffic Citations (Borough & Township)	2013
Transient Retail Applications (Borough & Township)	2013
Trespass Records	2013
UCR Worksheets & Printouts (Borough & Township)	2014
Validation Reports	2015
Vehicle Tow Reports	2014
Work Schedules	2013

STANDING COMMITTEE RECOMMENDATIONS

Budget and Finance Committee

It was moved by Mr. Richard, seconded by Mr. Weiler, and unanimously passed that Borough Council approve the reappointment of Dennis Rowe to the Zoning Hearing Board with a term expiring December 31, 2021.

Mr. Richard said apparently this was an oversight of the appointments earlier this year, and we’re just catching up of that.

Development Activities Committee

Mrs. Martin said just a little bit of background for Council. Mrs. Martin sits of the board of DEI and last year DEI held the Brewfest during June, and it was an incredibly hot day. There were a lot of attendees and one thing they noticed in Whistle Stop Plaza was they had all these tables set up and a band was playing. Because of the heat and sun five hundred attendees were all crowded around underneath three trees in the back parking lot. Part of their debriefing session after the Brewfest was a discussion about possibly bringing some shade to the Plaza for events because it’s such a great gathering place for the community but when it’s hot people aren’t going to come.

DEI found four umbrellas they are interested in purchasing. DEI will be purchasing them. Mrs. Martin is asking for permission to be able to put them at Whistle Stop Plaza when there are events to create some shade for a better environment for people to gather.

It was moved by Mrs. Martin, seconded by Mr. Richard that Borough Council grant permission to place umbrellas at different events during the year.

Mr. Thompson asked for clarification; we ought to have it subject to review and approval of the locations and if there’s an understanding about who is removing them and who is replacing them.

Mr. Mowen said he was going to add that the umbrellas will be placed by Bowman. The base holds 400 lbs. of sand so they can’t be picked up. They will be in place for the summer and possibly getting the borough to store them somewhere over the winter. Mr. Mowen said DEI will take care of opening and then closing them. We are not going to leave them up all the time. They will be closed and secured with chain and lock.

It was moved by Mrs. Martin, seconded by Mr. Richard, and unanimously passed by roll call vote that Borough Council approve the placement of four umbrellas at the Whistle Stop Plaza subject to locations approved by borough staff and borough staff placing and removing umbrellas once a year.

Mrs. Rowe said another item not on the agenda tonight is a resolution from the Public Safety Committee.

Public Safety Committee

It was moved by Mr. Weiler, seconded by Mr. Reinhold, and unanimously passed by roll call vote that Borough Council adopt Resolution 2017-4 a Declaration of Snow Emergency taking effect at 9:00 PM March 13, 2017.

RESOLUTION 2017-4

DECLARATION OF SNOW EMERGENCY

WHEREAS, on or about March 13, 2017 a potentially serious snow storm threatens to cause injury, damage, and suffering to the persons and property of Ephrata Borough; and

WHEREAS, the storm may endanger the health, safety and welfare of a substantial number of persons residing in Ephrata Borough, and threatens to create problems greater in scope than Ephrata Borough, may be able to resolve; and

WHEREAS, emergency management measures are required to reduce the severity of this disaster and to protect the health, safety and welfare of affected residents in Ephrata Borough;

NOW, THEREFORE, we, the undersigned Ephrata Borough Council Members, pursuant to the provisions of Section 7501 of the Pennsylvania Emergency Management Services Code, (35 PA C.S., Section 7501), as amended, do hereby declare the existence of a snow emergency in Ephrata Borough, in Lancaster County, Pennsylvania;

FURTHER, we direct the Ephrata Borough Emergency Management Coordinator to coordinate the activities of the emergency response, to take all appropriate action needed to alleviate the effects of this storm, to aid in the restoration of essential public services, and to take any other emergency response action deemed necessary to respond to this emergency.

STILL FURTHER, we authorize officials of Ephrata Borough to act as necessary to meet the current exigencies of this emergency, namely: by the employment of temporary workers, by the rental of equipment, by the purchase of supplies and materials, and by entering into such contracts and agreements for the performance of public work as may be required to meet the emergency, all without regard to those time-consuming procedures and formalities normally prescribed by law, mandatory constitutional requirements excepted.

This Declaration shall take effect at 9:00PM, March 13, 2017.

Municipal Enterprises Committee

It was moved by Mr. Reinhold, seconded by Mr. Richard, and unanimously passed by roll call vote that Borough Council approve an unbudgeted expenditure of \$13,489 from the unallocated balance in the Sewer Fund to replace the pre ATAD mixer at Wastewater Plant 2.

Community Services Committee

It was moved by Mrs. Martin, seconded by Mr. Weiler, and passed by a roll call vote of five yeas by Messrs. Reinhold, Ressler, Richard, Weiler, and Mrs. Martin and one nay by Mrs. Rowe that Borough Council award Bid #17-6 for Turf Maintenance Services to the apparent low bidder: E.W. Reiff Lawn Care from Ephrata, PA in the amount of \$38,000 for Year 1; \$39,000 for Year 2; and \$40,000 for Year 3 totaling \$117,000.00. The approximate mowing acreage is 46 acres over 29 properties.

It was moved by Mrs. Martin, seconded by Mr. Reinhold, and unanimously passed that Borough Council authorize the Borough Manager to submit a letter of support for the DCNR Community Conservation Partnership Program Grant application being submitted by Warwick Township and Ephrata Township for retrofit repairs and new decking on the former Reading and Columbia Railroad Bridge over the Cocalico Creek.

APPROVAL OF CHECKS 29332 THROUGH 29666 AND THE ACH REGISTERS DATED MARCH 3, AND 9, 2017

***Checks 29577-29582 were voided due to printer error**

It was moved by Mr. Richard, seconded by Mrs. Martin, and unanimously passed that Borough Council ratify the payment of bills performed by the staff since the last regular Council meeting in the aggregate amount of \$2,105,019.97.

OPPORTUNITY FOR CITIZENS TO BE HEARD

There were no comments or remarks from attendees.

DISCUSSION/ANNOUNCEMENTS

Mr. Reinhold said let's be thinking about those guys tonight because they are probably going to be out, and he is sure that's why Councilman Barr is not here right now. They do a great job of clearing that stuff and this is going to be a big one. Keep them in your thoughts and prayers as they are out driving around in this stuff.

Mrs. Martin dittoed that and everyone be safe tomorrow.

Mayor Mowen said on top of what was said about the snow. If you don't have to go out don't – stay at home. Both fire companies will be manning their stations. They will start tonight at 2300 hours and will be there all night tonight and probably most of the day tomorrow. Mr. Mowen said he did mention in February just Pioneer had 298 hours of service to fire calls. Mr. Mowen said he wanted to say something about the fire tax; he knows that was given to the Budget and Finance Committee.

Mr. Mowen said some people got ahead of the curve on this, and they think it's ready to be instituted. Mr. Mowen said he would like it to be said that we are studying it, looking at it to see if it makes sense, and it could be a year or longer before anything happens. It's something that we're looking at. If a whole bunch of more people would started donating to the fire companies and that 16% went up to 50% we wouldn't have to even think about it.

Mr. Mowen said staff is going to be looking at other areas that have it and see how they instituted it. We would most probably have some public hearings on it and then look at depending of the outcome there would have to be an ordinance and go through the ordinance procedure which takes months to go through. Mr. Richard said this hasn't even gone to a committee meeting yet.

Mr. Mowen said he did get a call from the fire company; they are concerned that people think that this is so imminent that 16% could be impacted. Mr. Mowen said we need to make people understand that is something we want to look at. It may not happen.

Mr. Thompson said he and the solicitor have yet to sit down and discuss this. There is a section 1302 of the Borough Code of the Commonwealth that explains how to implement such a tax. It goes on to talk about that the Borough can institute a real estate tax up to a maximum of 30 mills and if you would like to have additional millage as it relates to fire tax you can have an additional 3 mills. It has some discussion about what that can be used for and how you can implement that. Mr. Thompson said some of the concerns that have yet to be discussed by Borough Council is the fact that both fire departments serve more than just the Borough of Ephrata so we don't want to find ourselves in the midst of conversation as we have historically had with the Public Library. That the Borough contributes so much but the other municipalities served by fire departments are not contributing. That's an issue. The other issues discussed here is that if residents believe they are paying for fire services through a fire tax there is a chance that they may determine that they should not or do not have to continue to contribute the voluntary contributions they are currently giving. We might talk about the ramifications of taking from one hand and giving to the other. There is a whole host of things that need to be flushed out in discussions before any decision is made to implement such a tax.

Mr. Mowen said the crux is that it's not imminent. Mr. Thompson said there is concern that it may impact the current contribution and funding requests by the fire departments which is coming up. It is unlikely that there will be something before the 2018 tax year so that those that do contribute to fire departments should feel free to contribute in 2017 without the fear of contributing more than once.

Mr. Ressler said that the point that is trying to be made and the unfortunate part of it is that so few residents of this community do give to the fire company. A fire company is not an optional service; they are volunteers but we could not survive without them.

Chief Harvey said this afternoon Emergency Management had a meeting with all the emergency management partners. All assets critical (infrastructure, key resources) are in place. This was a meeting between both fire companies, EMS, hospital representation and of course borough and police department. We are sitting on ready.

Mr. Thompson said we have the intention to keep Borough Hall open tomorrow during the day and be able to field calls from whatever needs the community has.

Mr. Thompson said he will be on vacation next week and Christine Moore will be designated as the Borough Manager.

Mrs. Rowe said she want to piggyback on what Vice President Reinhold and Mayor Mowen said tonight. Public Works, the fire departments and the Police Department. What the emergency management or first responders have to do in the next few days through this storm is going to be tremendous and her heart goes out to them and their families and Mrs. Rowe is very grateful for them.

ADJOURNMENT

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

Respectfully submitted,

D. Robert Thompson, Secretary