

**EPHRATA BOROUGH COUNCIL  
WORK SESSION MINUTES  
APRIL 1, 2019**

The Ephrata Borough Council Work Session was called to order by President Susan Rowe on April 1, 2019, at 7:00 p.m., in the Council Chambers of the Borough Office, 124 South State Street.

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

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

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

Visitors included:

- Jim Summers, Ephrata Recreation Center

**First Opportunity for Citizens to be Heard**

A brief time was provided for citizen comments and/or remarks; in which, no one in attendance approached the podium.

**Discussion of Committee Actions**

Budget and Finance Committee

Vice President Reinhold advised Brent Saylor, GDS, reviewed the results of the Electric Cost of Service and Rate Study with the Committee. Mr. Saylor provided a PowerPoint presentation which he reviewed. Mr. Saylor explained that in order to cover all expenses and provide a net of \$250,000, the report recommends a modest 0.5% increase in all rate categories. The increase will be effective will all invoices issued after May 1, 2019. In 2014, the last Cost of Service and Rate Study was performed; and as a result, the rates were decreased by an average of 7.14%. Mr. Saylor also provided a brief explanation of the cash flow of the proposed AMP Peaking Project which will help us to keep our peak usage low which will in turn keep our rates low. The funding needs for years one and two of the peaking project will be covered by the fund balance. The Committee will recommend that Borough Council enact the ordinance to establish the new rates per the study at the April 8<sup>th</sup> voting session.

Vice President Reinhold advised the Committee reviewed the request from the EDO, aka Mainspring of Ephrata, for the release of \$87,028 approved by the Committee at their September 2018 meeting. The Committee will recommend approval of the funding request at the April 8<sup>th</sup> voting session.

Mr. Weiler stated, "... even though we're looking at a modest increase ... it's better to have a modest increase rather than to get to the point where our ... we're falling behind on what we're bringing in to what we're putting out ... and so I think it's a wise thing to do."

Vice President Reinhold stated, "... when looking back, it is still a good 6-1/2% less than what we were paying back in 2013 or 2014." Vice President Reinhold thanked everybody who attended the presentation.

Mr. Ressler stated, "... we have to maintain our balances and the transmission costs are the real culprits and are "sort of out of control" and "out of our hands" as we are required to pay them no matter what we may feel."

President Rowe inquired if the Cost of Service Study was made available to the public; in which, Mr. Thompson advised it has not been made public as it is still considered a draft document. Mr. Thompson further advised Council that we have an obligation to act on the recommendations of the Cost of Service Study within 60 days; otherwise, we take a hit on our credit rating. Mr. Thompson advised after the approval of the Cost of Service Study, it will be made available to the public via the Borough's website.

President Rowe sought further information pertaining to the 2019 Budget referring specifically to the Electric Revenue and the Enterprise Funds, if that figure includes the proposed increases within the study. In which, Mr. Thompson advised those figures do not include the proposed increases.

President Rowe referred to page 6 of the proposed Cost of Service Study, which states, "... the table includes the proposal of increase in revenues by 0.5% or \$85,000 to achieve total revenue of \$16.9 million; however, in the budget book, the revenues are listed at \$17.5 million. President Rowe inquired if those figures listed in the budget book did not include the increase, why is the revenue in the Cost of Service Study lower. Mr. Thompson advised the electric sales have gone up, so the base year that was used there was an assumption made that sales would be pretty stagnant. Mr. Thompson stated, "... that sometimes they put in a 3% increase for sales ... actually, if you look at our sales prior to this, sales have gone down a little bit ... so the assumption made as part of the Cost of Service Study was that the sales would be pretty much level." Mr. Thompson advised that Staff provided the revenue and expenditure information to GPS and were able to provide some of the information about the budget. Mr. Thompson further advised Staff resumed looking at the budget and provided them with the 2019 projected budget numbers; however, the increase could not be included as revenue as that would be presumptuous.

President Rowe referred to Section 1.2 (Page 1 of the Cost of Service Study), the Allocated Cost of Service Analysis, as it mentions that the rate schedules are in Figure 4-5; however, there is no Figure 4-5. Mr. Thompson advised he has made a notation of that error and the correct figure is Figure 4-3 and will request that error be corrected.

President Rowe advised she will send an email to Staff, and copy Council, with her additional questions.

Mr. Thompson advised he will not be in attendance at the April 8, 2019, Council Regular Session and that Ms. Moore will be attending in his place.

President Rowe referred to Discussion Item #8 on the Budget & Finance Committee Report where she had spoken to the Committee about the citizen who made contact with her regarding the missing usage history inquiring if that issue has been resolved. In which, Mr. Thompson advised the issue was looked into and corrected. Mr. Thompson advised "something got

switched” in transition and that issue has been resolved. Mr. Thompson further advised Ms. Moore would be able to provide specifics of the issue if needed.

Development Activities Committee

Mr. Weiler advised the Committee reviewed the request from Mainspring of Ephrata to use Whistle Stop Plaza for the 2019 Night Market every third Saturday from May to October. The first date will not have any vendors. Ms. Rowe recommended that they coordinate the September date with the Fair Association. The request includes using the entire property from East Main Street to Rose Alley, providing electric for the event and selling beer and wine during all the dates. The Committee will recommend that Borough Council approve the request at the April meeting to use the plaza and to sell beer and wine only subject to the receipt of a certificate of insurance naming the Borough as an additional insured, an incident support plan approved by the Police Chief and receipt of a copy of the VFW’s PLCB special occasion permit.

Mr. Weiler advised Kelly Withum provided an update on the proposed usage of Whistle Stop Plaza for small public events throughout the year. None of the events would have alcohol. The small events could include opportunities like: yoga and exercise classes, weekday brown bag lunch with music, board game competitions, storytelling, and outdoor family movies. They would all be Mainspring of Ephrata sponsored events/activities. It was discussed that Mainspring should take over scheduling use of the plaza for private events from the Rec Center. The Committee will recommend that Borough Council approve at the April meeting Mainspring of Ephrata’s request to host small public events at the plaza throughout the year.

Mr. Weiler advised the Committee reviewed a request from WellSpan Ephrata Community Hospital to release financial security for the land development improvements associated with the construction of the Health Pavilion addition and site improvements at the hospital campus located at 169 Martin Avenue. The improvements have been inspected and approved. The Committee will recommend that Borough Council release the remaining amount of \$28,967.00 at the April meeting. This will appear on the Consent Agenda.

Chief Harvey advised on Friday, March 29, 2019, he met with Ms. Martin and other members of Mainspring of Ephrata to discuss their requests. Chief Harvey further advised there were no known conflicts and he gives his approval for the requests.

Ms. Martin provided additional information regarding some of the activities being planned by Mainspring of Ephrata; further advising the Rec Center is providing, at no cost, some of their finest instructors and some event dates have been established. Ms. Martin stated, “... we’re looking forward to making that space a lot more active ... our goal is to get people downtown to see what is going on in the plaza ... so we get more foot traffic down there to help the restaurants and the stores ... to make it more lively and make people want to walk past and see what’s going on.”

Mr. Weiler inquired as to where would individuals find the dates of these activities; in which, Ms. Martin advised activities will be listed on Mainspring of Ephrata’s website ([www.mainspringofephrata.org](http://www.mainspringofephrata.org)). Ms. Martin further advised Ms. Withum and Ms. Willwerth are currently in the process of developing a community calendar including events such as the

Brewfest, etc. Mr. Ressler inquired as to where the general population who do not follow that particular website go to find out about these events. In which, Ms. Martin advised Ms. Willwerth is working very hard to develop a social media presence to “spread the word” about these events. Mr. Richard suggested having a link on the Borough of Ephrata webpage that goes to the Mainspring of Ephrata’s webpage; in which, Ms. Martin advised she will look into that suggestion to see what can be done.

Public Safety Committee

Mr. Ressler advised the Committee discussed the 2019 Ephrata High Agricultural Project (Lamb) – Sarah Stauffer, Agriculture Educator of the Ephrata Area School District requested to waive Ephrata Borough Code §123.1 *Livestock: hives of bees. No person, firm or corporation shall keep any hog, cattle, goat or sheep or any hive of bees at any place within the Borough of Ephrata*, in order to conduct her senior project on lamb Boer goats at the Ephrata High School. This project will begin in March 2019 until the last day of the school year - June 2019. Dates are unknown depending on goats’ availability. This project is under the direction of Mrs. Sarah Stauffer, Agriculture Teacher. This approval is subject to the receipt of a certificate of insurance naming the Borough as an additional insured. This item was unanimously approved by the Committee and is recommended to add to the Consent Agenda for Borough Council.

Ms. Martin addressed the female student in attendance and sought clarification regarding how the program works. The female advised the plan is for her to raise two kid goats throughout the summer. The female further advised at the end of the school year (May 31), the goats will be moved to a farm where she will continue to take care of them. The female concluded at the end of project, she will be selling the goats at the Ephrata Fair. Ms. Martin thanked the female for her explanation.

Mr. Ressler advised the Committee has viewed a presentation and received information from both the Pioneer Fire Company and the Lincoln Fire Company. Mr. Ressler advised there are issues that need to be addressed and the Committee is looking into the possibility of a Feasibility Study. Mr. Ressler advised the Committee is currently waiting for Staff recommendations to move forward.

Highway Committee

Mr. Richard advised the Committee reviewed a request from Mr. Vince Weichert of Penn State Management, representative owner of Cloister Shopping Center at 108-120 North Reading Road, and heard from Mr. Jere Shultz, owner of Ephrata Beverage Mart at 36 North Reading Road, asking for deferrals to complete their required concrete sidewalk installations as part of the 2019 Street and Alley Program at a future date. Both properties, with frontage along Dawn Avenue, currently have an asphalt surface, where concrete sidewalk would be installed, leading to North Reading Road (SR 0272), a divided highway, where no sidewalk exists. Jere Shultz also stated that he would lose 3 parking spaces at his business where parking is already at a premium. The Committee will recommend that Borough Council conditionally approve entering into Deferral Agreements with both property owners subject to both owners agreeing to construct their deferred sidewalk requirements within the timeframe contained in future written notification from Ephrata Borough Council and pay all legal costs associated with establishing the Deferral Agreements at their April 8, 2019 meeting.

Mr. Richard advised the Committee reviewed the results of Bid #19-1 Traffic Signal Detection Upgrades at the intersections of South Reading Road (SR 0272)/Meadow Valley Road and South Reading Road (SR 0272)/Old Mill Road/South Academy Drive and will recommend that Borough Council award the bid to apparent low bidder: C.M. High, Inc., from Myerstown, PA, in the total bid amount of \$116,500 as part of the Consent Agenda at their April 8, 2019 meeting. This project is associated with a PA Green Light-Go grant which funds 80% of the project costs up to \$113,278.22. Based on the bid award amount the Borough's cost share is \$23,300 and PennDOT's cost share is \$93,200.

Mr. Richard advised the Committee reviewed a request from Josh Collins, Regional Director for the Coalition Against Bigger Trucks (CABT) asking that the Borough support their plan to try to stop federal legislation to allow longer and heavier truck mandates on our interstates and local roads nationwide. The Committee will recommend that Borough Council support CABT and authorize Staff to respond appropriately and sign where necessary.

Mr. Richard advised the Committee discussed a proposed revision to the 2019 Street and Alley Program due to recent core test results revealing an unexpected subbase of sufficient ballast stone under the existing pavement at Dawn Avenue and Clearview Avenue. In an effort to preserve that ballast subbase, it is recommended that the rehabilitation method proposed for those streets be changed from full-depth pavement reclamation to a mill and overlay; and with the anticipated savings, it is recommended that Sugar Alley be reconstructed from Lake Street to South Maple Street. The Committee will recommend that Borough Council approve amending the budget detail for the 2019 Street and Alley Program.

Ms. Martin referenced the deferral inquiring if that is effective indefinitely; in which, Mr. Richard clarified that the deferral, since there is no sidewalk in place currently, is for a future point in time when it makes sense to have a sidewalk in place.

Ms. Martin advised she has done research regarding the Coalition Against Bigger Trucks (CABT) as she wanted to obtain additional information. Ms. Martin advised there are two viewpoints with the opposing thought being if you have bigger trucks, there are going to be less of them on the road. Ms. Martin advised there is another coalition, Safer Highway Infrastructure Protection (SHIP), with the opposing viewpoint who is trying to have Congress approve a pilot program to allow the larger trucks (6 axles) on the roads. SHIP's theory is by allowing the larger trucks, they would stay off of the smaller roads and travel only on the interstates which could initiate a decrease of how many trucks are on the road.

Ms. Martin further advised on September 11, 2017, this matter was discussed at the Committee level; and at that time, it was stated the Borough can restrict truck traffic and implement any weight limits if necessary resulting in no further action being taken. With the fact that this matter was brought up in the past, Ms. Martin inquired if something has changed within the request itself which is why it is now being moved out of Committee.

Mayor Mowen stated, "... we were initially asking the Borough to put weight limits on our streets and we were not in a position to do that ... this is merely backing a State and Federal push

against bigger trucks.” Mr. Richard advised the Committee’s thoughts were “kind of transparent for us” to support the campaign. Mr. Richard further advised that the extra weight carried by the trucks cause damage to the roads and the Committee felt it was the right direction to support the CABT.

Mr. Ressler advised he was Chair of the Committee when this topic first came through and that the Committee had a different perspective of the topic at that time; however, what CABT is asking for is only a letter of support. Mr. Ressler stated, “... it would be better to not have bigger trucks going down Main Street or in the event of the Ephrata Fair, going down Locust ... so we did kind of change our viewpoint as far as this is just a signature saying we agree with that decision, but it has no weight to it.”

Ms. Martin further inquired if the ask was the same on September 11, 2017; in which, Mr. Ressler concurred it was pretty much the same. Mr. Ressler clarified, “... we are just adding our signature onto an existing letter.”

Mayor Mowen stated, “... if you read the article in this morning’s paper about the disaster that our roads are in in Pennsylvania ... that we have the highest taxes and some of the worst roads in the country ... we don’t need any bigger trucks on our roads.”

President Rowe added as a point of clarification, “... if we would have weight limits on roads in the Borough, we would have to do a weight analysis ... and Council would have to authorize to pay for a study ... an engineering study to determine the weight limit ... in order to put weight limits on the road.”

Ms. Martin concluded by stating, “...I was just curious because there just seems there could be another argument on the other side that could have merit and that’s why I was wondering ... why are we taking this position if we don’t know what the other side is ... I don’t know that I’m in favor of that.”

Mr. Ressler stated, “... while there would be cost savings of having bigger trucks ... fewer trucks on the road ... our roads are in terrible condition as it is and we really couldn’t sustain that ... even on a statewide level.” Mr. Ressler further stated, “... the ask letter is not different than it was previously ... but at that time, we didn’t consider it important to add our name because we thought we had some control ... but at this point, it’s not that much significantly important to add our name because we’re just another signature across the nation ... but we agree that we agree with that position so we think that our signature would be of help.”

Mr. Richard advised that being a former banker, most of his business was truckers in the county and that there was not one trucker that he dealt with that would drive a bigger truck than what they are driving now. Mr. Richard further advised as he understands this would not affect the local truckers and he does not see an impact on our local businesses.

Vice President Reinhold sought additional clarification regarding the traffic signal detection upgrades. Mr. Thompson clarified that these upgrades are a higher level of technology and are more reliable.

President Rowe advised a new Street and Alley Program Detail has been established and is available in the Dropbox and replaces page 148 in the Budget Book.

Community Services Committee

Ms. Martin advised the Committee reviewed and discussed the Memorandum of Understanding (MOU) between the Susquehanna Area Mountain Bike Association (SAMBA) and the Borough of Ephrata. Mainspring and SAMBA requested to move forward with the Heatherwood Park Project. The Borough has minimal responsibility related to the Project. SAMBA is responsible for providing volunteers, the concept & design of the Project, meeting permit requirements, routine maintenance, providing insurance and other responsibilities as outlined in the MOU. The Borough (Codes) will approve the design and permits. It was unanimously approved by the Committee to allow Mainspring and SAMBA to move forward with the Project. The Committee will recommend that Borough Council approve the request at their April 8, 2019 meeting.

Ms. Martin advised the Committee reviewed a request from Mainspring of Ephrata to participate in the Great America Cleanup. A national event, on Saturday, April 13, 2019 from 8:00 am to 2:00 pm. The rain date will be Saturday, April 27, 2019. Mainspring is interested in the Event to engage community volunteers to clean up Heatherwood Park and the Whistle Stop Plaza. There are other areas of interest as well, as long as there are enough volunteers. The Borough will provide a location for the collected trash to be unloaded. The Committee will recommend that Borough Council approve the request at their April 8, 2019 meeting, subject to Mainspring having all volunteers sign a waiver form (provided by the Borough) absolving the Borough from any and all liability.

Ms. Martin advised the Committee reviewed a request from Kimberly and William Porter, d/b/a Happy Dog Kettle and Grill, to continue operating the Ephrata Community Pool concession stand for the 2019 season. Their required deposit is still being held and the certificate of insurance has been updated and submitted. The Committee will recommend that Borough Council approve the request at their April 8, 2019 meeting.

Ms. Martin advised Jim Summers, Executive Director of the Ephrata Recreation Center, reviewed the 2019 pool rate recommendation with the Committee. Customarily, pool rates go up every other year. This is the year that there would be no rate increase. It is proposed that rates remain the same as 2018. The Committee will recommend that Borough Council approves no rate increase for 2019 at their April 8, 2019 meeting.

President Rowe referred to Discussion Item #2 on the Committee Report which detailed the monetary value that WellSpan has budgeted to donate; further inquiring if those funds are restricted exclusively for the bike share. Mr. Thompson advised that WellSpan budgeted \$30,000 or \$35,000 for community benefit. Mr. Thompson advised representatives from the Police Department, Christine Moore and himself met with WellSpan and discussed various thoughts regarding the distribution of those funds.

Mr. Thompson advised the first recommendation was the replacement/purchase of the Community Service Vehicle; however, the Police Department identified a need they believe will

serve the community better than the vehicle purchase, which would be an additional drone to use for investigative purposes. Mr. Thompson advised that police have been using their current drone equipment more frequently to keep officers safe and out of harm's way. Mr. Thompson advised the cost of a new drone was estimated at approximately \$27,000. Mr. Thompson advised it was discussed to have the remaining funds go toward the bike share program. Mr. Thompson advised Staff has not heard back from WellSpan; however, he shared that both of the proposals were received favorably by WellSpan.

#### Personnel Committee

Vice President Reinhold advised the Committee received and discussed two changes to the By-Laws and Rules of Order for Ephrata Borough Council. President Rowe suggested adding language to both documents to ensure they are ratified annually as recommended by the Pennsylvania State Association of Boroughs (PSAB). President Rowe also recommended adding language to provide any new council member a copy of the documents. Both suggestions were agreed upon unanimously by the committee. The documents will be revised by President Rowe and discussed by the Personnel Committee at the April 1, 2019 Work Session with a motion to approve at the April 8, 2019 Voting Session. Since language appears in both documents to provide a 28-day notice prior to amendment, President Rowe will send written notice to all Council Members and the Mayor on March 12, 2019, which will be exactly 28 days prior to the April vote.

Mayor Mowen advised when new councilpersons came on board in the past, they always went through an orientation process which has faded and he would like to see that process reinstated for any new or current Council Members who would benefit from a reorientation. After a brief discussion, Vice President Reinhold advised this topic has been discussed in the past and will be revisited in future meetings.

President Rowe referenced the By-Laws and Rules of Order documents inquiring if there were any additional changes to be made; in which, no changes were brought forward.

#### Municipal Enterprises Committee

President Rowe advised the Municipal Enterprises Committee did have a meeting in March; however, there were no action items to be brought forward.

Mr. Richard advised that the cabinet needed for the solar project should be delivered in the near future; after which, it will be installed and PPL will be contacted to inspect and give their final approval.

Mr. Thompson advised at the April 15, 2019, meeting, the Committee will be receiving a presentation from GDS regarding the "RICE Peaking Peak Shaving Project." RICE is an acronym for Reciprocating Internal Combustion Engines and what is being proposed is to have two 2.7 megawatt diesel generators installed next to the substation. We will then receive notifications from both PJM and AMP as to when to expect a coincident peak day or the high one-hour period of demand that we would turn on the generators and "peak shave" or reduce our peak load by 5.4 megawatts; and, therefore, one year later, we would receive much lower transmission and capacity charges. The presentation that was issued to the Committee on the

economics of this is that after year two of the project, we would actually be cash flow positive in the project. Mr. Thompson advised this is a good project for us as it will mitigate the transmission and capacity charges. Mr. Thompson advised we would have debt for a 10-year window; but, restated, "... after year two, we would be cash flow positive." Mr. Thompson advised as part of the Cost of Service Study, we are going to pay years one and two with cash so that we are not actually out of pocket or in debt for that piece and we will be generating cash flow positive in year three. Mr. Thompson strongly encouraged all members of Council to attend the meeting as the Committee is hoping to have Council act on that at the May 13, 2019, Council Meeting, which would enable us to be only by December 31, 2019, and available for the first coincident peak event in 2020 which is generally when we have our coldest months.

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

A second opportunity was provided for citizen comments and/or remarks; in which, no one in attendance approached the podium.

### **Discussion/Announcements**

Ms. Martin inquired if anybody still has their bracket going for March Madness; in which, Mr. Weiler stated, "I'm going to get mine started after tonight."

Vice President Reinhold advised he traveled to Boston this past weekend and stated, "... when I think about our roads in Pennsylvania ... roads up there were pretty bad."

Mr. Weiler advised as he was thinking about the truck traffic on highways, he wondered what weights are our highways built to carry. Mr. Thompson responded, "... the short answer is ... it depends." Mr. Thompson advised we have a subdivision of the land development ordinance that has a certain design requirement for the speed. Mr. Thompson further advised not all of the streets are designed the same and there are many factors involved.

Mayor Mowen requested an update regarding the waste burner. Mr. Thompson advised the team met earlier on this date and the expectation is within the next two weeks, we will have completed an analysis as well as a recommendation from Staff. Mayor Mowen advised that what he had last heard was that there was an issue with cold temperatures. Mr. Thompson advised regarding the electricity component, it was indicated that it cannot operate when it is really cold because the material when dumped in the hopper freezes and they can't process it through the gasifier. Mr. Thompson advised they were informed that is how we would mitigate some costs because that is behind-the-meter peak shaving. Mr. Thompson advised with regard to the other component, we have certain needs now regardless of whether we do this project; one of which is at the wastewater plant which is the dewatering process.

President Rowe advised she likes the new format of the Committee Reports which breaks out the Action and Discussion Items making it easier to follow.

President Rowe advised she sent an email regarding the "Ethics Act for Elected Officials" seminar to be held at Delaware Valley Trust, our insurance provider, who are offering scholarships to cover the costs of the seminar. President Rowe advised to anyone interested in attending, the date of the seminar is April 11, 2019, and to email her of your interest.

**Adjournment**

It was moved by Ms. Martin and seconded by Mr. Weiler to adjourn. The meeting was adjourned.

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D. Robert Thompson, Secretary