

**EPHRATA BOROUGH COUNCIL
WORK SESSION MINUTES
APRIL 2, 2018**

The Ephrata Borough Council Work Session was called to order by President Susan Rowe on April 2, 2018, at 7:00 p.m., in the Council Chambers of the Borough Office, 124 South State Street.

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

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

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

Visitors included:

- Tim Auker, 542 N. State Street, Ephrata
- Marylouise Sholly, Ephrata Review

Opportunity for Citizens to be Heard

There were no comments or remarks from attendees.

Discussion of Committee Actions

Budget and Finance Committee

Mr. Reinhold advised the Committee will recommend that Borough Council authorize the President of Council and the Secretary of the Borough to execute the EPAC agreement. This agreement waives the EPAC audit requirement for 2016 and 2017. It includes detailed internal controls that must be implemented and continue in effect until the guaranteed debt has been paid in full. The current balance is \$317,000 and the debt will be paid in full December 2022.

Development Activities Committee

Mr. Weiler advised the Committee reviewed a request from the Ephrata Alliance to use Whistle Stop Plaza for the Whistle Stop Night Market every third Saturday from May to October. The request includes using the entire property from East Main Street to Rose Alley and providing electric for the event. The request includes selling beer and wine during the event. The Committee will recommend that Borough Council approve the request to use the plaza and to sell beer and wine only at the April meeting subject to the receipt of a certificate of insurance naming the Borough as an additional insured, an incident action plan approved by the Police Chief and receipt of a copy of the VFW's PLCB special occasion permit.

Mr. Weiler advised the Committee reviewed a request from Julie Hocking to release financial security for the land development improvements associated with the construction of the Hocking Apartments along Tom Avenue. A few of the improvements still have to be completed. The Borough will continue to hold funds equaling the cost of the remaining improvements until the request for final drawdown is received. The Committee will recommend that Borough Council release \$217,327.00 at the March meeting. This will appear on the consent agenda.

Mr. Weiler advised the Committee reviewed a request from the Ephrata Re-Uzit Stores to release financial security for a land development from 2008 that was never done. The plan from 2008 will be replaced by a recently approved land development plan. The applicant needs to have this

letter of credit released before they can secure a new letter of credit for the new plan. The Committee will recommend that Borough Council release the entire amount of \$14,178.45 at the April work session.

Mr. Weiler advised the Committee reviewed a request from Pioneer Management, LLC to extend the time to record the land development plan for the Ephrata Re-Uzit Stores. In February, Borough Council granted an extension to record until April 9, 2018. Due to financing issues they are asking for another extension to record to May 15, 2018. The Committee will recommend that Borough Council grant the recording extension to May 15, 2018 at the April meeting.

Mr. Weiler advised Mr. Thompson reviewed the proposed lease between the Borough and the EDO for the train station. The lease provides for tenant and landlord obligations. The term of the lease is 5 years and then goes onto 1 year renewals. The rent is \$1 a year and defines what utilities and maintenance they are responsible for. The Committee will recommend authorizing the President of Borough Council and the Secretary of the Borough to execute the lease with the EDO at the April meeting subject to the lease being in a form acceptable to the Borough solicitor.

Mr. Weiler advised recently the developer of the Ephrata Crossings/Lakeside Villas subdivision land development plan in Ephrata Township applied for a grant for transportation improvements associated with this plan. If the grant is awarded the developer has committed to making improvements to the Bethany Road and West Main Street intersection. The staff feels that it is important that even if the developer does not get the grant, but moves forward with the plan, the improvements should be done at the intersection in the Borough. It may be beneficial to have the Solicitor attend any Ephrata Township meetings to encourage the township to conditionally approve the plan to assure the Borough's concerns are met. The Committee will recommend that Borough Council authorize sending the solicitor to attend any Ephrata Township meetings for the Ephrata Crossings/Lakeside Villas subdivision land development plan.

Mr. Weiler advised there were three new applications for the April Zoning Hearing Board meeting. The Committee is recommending that Borough Council authorize sending the solicitor to any Zoning Hearing Board meetings for 138 East Chestnut Street to oppose the application. The Committee does not feel it's necessary to send the solicitor to the other two hearings.

Mr. Richard inquired how the train station is heated and Mr. Thompson advised it was heated by an electric heat pump.

Mr. Mowen sought clarification on the action item stating, "The Committee will recommend that Borough Council release \$217,327.00 at the March meeting" asking if it should read "... the April meeting." Mr. Thompson advised it should read "April."

Mr. Thompson provided clarification on the action item stating, "The Committee will recommend that Borough Council release the entire amount of \$14,178.45 at the April work session" advising the action will be proposed at the voting session and not the work session.

Mr. Ressler questioned how far along the proposal for Ephrata Crossings/Lakeside Villas is with Ephrata Township. Mr. Thompson advised there still is plenty of time and that he has been advised that the meeting with the developer and the Township was for a subdivision plan that they reviewed which is to create the lots. Mr. Thompson stated they still have to submit and approve the land development plan which includes storm water management. Mr. Thompson advised we will stay in touch with the township and the committee believes that it would be in the Borough's best interest to have the Solicitor make an appearance and ask for them to conditionally approve the plan including the improvements.

Mrs. Rowe stated from what Mr. Weiler read regarding the Whistlestop Market, they are going to sell beer and wine only at the April meeting; but according to the Committee Report, they are selling beer and wine during all events. Mrs. Rowe sought clarification if the sale of beer and wine will occur at every month's event. Mr. Thompson advised that beer and wine is anticipated to be sold at all of the Market events, but it's "beer and wine only," so it's no bar stock other than beer and wine.

Mrs. Rowe inquired as to what times the Markets are going to be operating as the times were not mentioned in their request letter or committee report. Mrs. Martin advised she believes the times of operation are 4:30 p.m. to 8:00 p.m. Mr. Thompson advised the times can be added to the recommendation. Chief Harvey inquired as to who is the point of contact so he knows who to reach out to and was advised the Alliance would be the contact.

Mrs. Martin clarified that the Market is expanding; however, as far as the actual event, it is about the same that it was last year other than asking for the additional space (parking lot). Mrs. Rowe advised this will involve the Chief getting a new Incident Action Plan. Chief Harvey advised this event does not require an Incident Support Plan, but it does require a meeting with Public Works, Mr. Paul Swangren, to get the footprint delivery of all deliverables that we've got to put to them. Chief Harvey advised as far as interoperability of their plans, last year they were self-sufficient. Chief Harvey advised the biggest thing is that it has to be made very clear to them that the VFW's license through the PLCB and they're the ones that have to "toe the line" as this is not our venue. Chief Harvey further related the VFW has done an exquisite job of doing this at past events. Chief Harvey advised they are not going to require any police, fire or EMS support as the event is self-standing.

Highway Committee

Mr. Barr advised the Committee reviewed a proposed 2018 vehicle purchase. The vehicle is a new 2019 4300 SBA 4X2 International Truck with Hydraulic Digger/Derrick and will be purchased through the Pennsylvania Department of General Services COSTARS cooperative purchasing program from Altec Industries, Inc. of Birmingham, AL in the total amount of \$236,946.00 which includes up fitting with an emergency radio and laptop PC support. The budgeted amount for this purchase is \$250,000. This vehicle will be purchased in 2018 with delivery anticipated in early 2019. This vehicle replaces Truck #22 which will be sold at auction or via public bid following delivery of the new vehicle. The Committee will recommend that Borough Council approve the purchase of the new 2019 4300 SBA 4X2 International Truck with Hydraulic Digger/Derrick for \$236,946.00 at their April 9, 2018 meeting.

Mr. Barr advised The Committee reviewed a disposition of assets request regarding a vehicle disposal. The vehicle is a 2002 Chevrolet Digger/Derrick Truck #22, VIN #1GBP7H1C12J512160, with approximately 12,750 miles and an estimated value of \$15,000 (Auctioneer estimate). Within one year, the aerial equipment on this vehicle is no longer able to be inspected and certified for use prompting the need to dispose of the vehicle. This vehicle is planned for sale at auction or via public bid and will be disposed of following delivery of the replacement vehicle in early 2019. The Committee will recommend that Borough Council approve this asset disposal at their April 9, 2018 meeting.

Mr. Barr advised the Committee reviewed a February 28, 2018 request via email from Ephrata Police Chief Harvey for the Ephrata Farmers Day Association, Inc. to use the entire parking lot adjacent to the Winters Leadership Memorial and a section of Railroad Avenue directly adjacent to the Winters Leadership Memorial and adjacent parking lot for VIP and emergency vehicle parking to conduct a Military Appreciation Ceremony in conjunction with the 100th anniversary of the Ephrata Fair on Sunday, September 23, 2018 beginning at 2:00 PM. Parking restrictions will be implemented as necessary in advance of the event. The Committee will recommend that Borough Council conditionally approve the request subject to Borough receipt of a satisfactory certificate of insurance naming the Borough as additional insured at their April 9, 2018 meeting.

Municipal Enterprises Committee

Mr. Richard advised the Director of Operations, Thomas Natarian reviewed Bid #18-3 for construction of the CARA and Basin Retrofit Project near the proposed Solar site. This project satisfies the commitment made by the Borough in its Chesapeake Bay Pollution Reduction Plan. The 2018 Budget and Program of Services cost estimate for construction of the project was \$130,000. Staff is recommending that the low bid of \$87,600 by Flyway Excavating, Inc. of Lititz, PA be accepted. The Committee will recommend that Council award Bid #18-3 for construction of the CARA and Basin Retrofit Project to Flyway Excavating, Inc. of Lititz, PA in the amount of \$87,600 when they meet on April 9, 2018.

The Committee reviewed a proposed change order #1 in the amount of \$8,000 from Land Studies of Lititz, PA for construction management services related to the CARA and Basin Retrofit project. Council had previously awarded a construction management services agreement to Land Studies in the amount of \$20,000. With this change order the total cost of construction management services would be \$28,000. The 2018 Budget and Program of Services had allotted \$25,000 for this work. The change order was requested for additional work involving site plan submittals to Ephrata Township and for staking out berm elevations for the project. Staff is recommending that change order #1 with Land Studies be accepted. The Committee will recommend that Council approve change order #1 in the amount of \$8,000 for construction management services related to the CARA and Basin Retrofit Project to Land Studies of Lititz, PA when they meet on April 9, 2018.

Mr. Thompson reminded Mr. Richard to discuss the subject matter of the Committee meeting held just prior to tonight's Work Session. Mr. Richard advised the Municipal Enterprises Committee held a Special Meeting this evening to bring forward Resolution 2018-7 Authorizing Participation in the Monthly, Annual and Long-Term Financial Transmission Rights (FTR) Auctions.

Community Services Committee

Mrs. Martin advised the Committee reviewed and discussed RFP #EB-18-2 Operation of Food Concession for the Ephrata Community Pool. The Borough received one (1) proposal from Kimberly & William Porter d/b/a Happy Dog Kettle & Grill, Denver, PA. A proposed menu was provided by the Concessionaire. Upon review and discussion, the Committee will recommend that Borough Council conditionally award RFP #EB-18-2 to Kimberly & William Porter at their April meeting, subject to entering into an Agreement with the Borough, executing the required Indemnification Agreement, providing the required \$500.00 security deposit, and providing the required certificate of insurance naming the Borough of Ephrata as additional insured.

Mr. Ressler advised he read in the newspaper that this same food vendor has been awarded the concession services for the Denver and Reamstown pools.

Committee Recommendations

Municipal Enterprises Committee

It was moved by Mr. Richard, seconded by Mrs. Martin, and unanimously passed via roll call vote that Borough Council adopt Resolution 2018-7 authorizing participation in the Monthly, Annual, and Long-Term Financial Transmission Rights Auctions.

**BOROUGH OF EPHRATA
Lancaster County, Pennsylvania
RESOLUTION 2018-7**

**A RESOLUTION OF THE BOROUGH OF EPHRATA,
LANCASTER COUNTY, PENNSYLVANIA
AUTHORIZING PARTICIPATION IN THE MONTHLY, ANNUAL, AND
LONG-TERM FINANCIAL TRANSMISSION RIGHTS (FTR) AUCTIONS**

WHEREAS, the Borough of Ephrata (Borough), a political subdivision organized and existing pursuant to the laws of the Commonwealth of Pennsylvania, owns and operates an electric utility system for the sale of electric power and associated energy for the benefit of its citizens and customers; and

WHEREAS, in order to satisfy the electric power and energy requirements of its electric utility system, the Borough has heretofore purchased economical and reliable power and energy from American Municipal Power (AMP), an Ohio non-profit corporation, of which the Borough is a member, or has heretofore purchased power arranged by AMP; and

WHEREAS, the purchase of Financial Transmission Rights (FTRs) is a tool available to the Borough intended to stabilize the rate paid by the Borough for transmission and congestion losses associated with the delivery of electricity to the Borough; and

WHEREAS, the purchase of an FTR fixes the cost of transmission and congestion while minimizing spikes in cost for the duration of the FTR; and

WHEREAS, an analysis of the cost of FTRs compared to the actual cost of transmission and congestion for various products in the Borough's power supply portfolio has been performed; and

WHEREAS, AMP has developed a multi-year strategy for employing FTRs in Monthly, Annual, and Long-Term FTR auctions; and

WHEREAS, the analysis indicates that participation in the Monthly, Annual, and Long-Term Auctions can provide complimentary price stability for key elements of the Borough's power supply portfolio at reasonable cost to the Borough; and

WHEREAS, Borough Council has determined that it is appropriate and desirable to stabilize the cost of transmission and congestion losses,

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

SECTION 1. The Ephrata Borough Secretary is hereby authorized to sign such documents as necessary to enable AMP to act as the Borough's agent for purposes of entering into the Monthly, Annual, and Long-Term FTR Auctions subject to the limitations set forth in Section 2 herein below.

SECTION 2. The maximum authorized quantities and bid prices for the Monthly, Annual, and Long-Term FTR Auctions are established as shown in Attachment A affixed to this resolution

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.

Mrs. Rowe advised we did not hear from the Special Projects Committee since they had no action items, but inquired if Mr. Zimmerman had anything to report for the Committee this evening. Mr. Thompson stated the committee reviewed one minor change to the Special Events Ordinance and then reviewed the Mobile Food Vendor Ordinance with references to special events and that staff will be making some edits for their consideration at their next meeting; after which, the ordinances will be brought forward to Borough Council for vote.

Mrs. Rowe advised the Public Safety Committee did not meet this month because there were no action or discussion items. Mr. Ressler advised the only discussion items that the Committee has had for the last two months were basically informational reports and any questions about those reports to contact Chief Harvey. Chief Harvey advised last month, Mr. Paul Swangren and he have become certified as Spotted Lantern Fly Instructors and they will be conducting staff training in the near future as well as a presentation at an upcoming Public Safety Committee meeting and possibly a Borough Council meeting.

Opportunity for Citizens to be Heard

There were no comments or remarks from attendees.

Discussion/Announcements

Mr. Ressler stated he is hopeful that spring weather will start and we're finished with the snow.

Mr. Weiler stated he enjoyed the snow this morning and that it was very pretty.

Mr. Barr stated this was his first snow to look at without having to go outside to work as he retired from PennDOT last Friday. Mr. Barr further stated his full retirement lasted about a week as he will be driving for Elite Coach which will affect his attendance at some upcoming meetings during his training period.

Mr. Reinhold stated he is happy to see Mrs. Rowe feeling better and is also looking forward to warmer weather.

Chief Harvey advised that the April 3, 2018, 5:30 p.m., Police Civil Service Commission meeting has been cancelled via an E-vote.

Mrs. Rowe advised she received a letter from the Farmer's Day Association Fair Committee Chairmen Betsy and Randy Leinbach thanking Borough Council for the \$10,000 donation to enhance the 2018 Ephrata Fair Parade. Mrs. Rowe stated they went onto say they will try their best to make this year's parade very special.

Adjournment

It was moved by Mr. Barr and seconded by Mrs. Martin to adjourn. The meeting was adjourned.

D. Robert Thompson, Secretary