

**EPHRATA BOROUGH COUNCIL
REGULAR MEETING MINUTES
JUNE 11, 2018**

The regular Ephrata Borough Council meeting was called to order by President Susan Rowe at 7:00 PM on June 11, 2018, in the Council Chambers of the Borough Office, 124 South State Street.

Pastor Kevin Eshleman, Ephrata Community Church, offered the invocation, which was followed by the Pledge of Allegiance.

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

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

The following visitors were present:

Patricia Muth, Lexington, Nebraska
The Gregson's, 885 N. Maple St., Ephrata
Tim Auker, 542 N. State St., Ephrata
Tina Thompson, 872 Fairview Ave., Ephrata
Kevin Eshleman, Ephrata Community Church, Ephrata

APPROVAL OF MINUTES

President Rowe advised of two revisions to the draft copy of the May 7, 2018, Work Session Minutes.

It was moved by Mr. Barr, seconded by Ms. Martin, and unanimously passed that Borough Council approve the amended May 7, 2018, Work Session Minutes, and the May 14, 2018, Regular Meeting Minutes.

OPPORTUNITY FOR CITIZENS TO BE HEARD

It was moved by Mr. Ressler, seconded by Mr. Weiler, and unanimously passed that the public comment section of the meeting be closed until the end of tonight's agenda.

ACCEPTANCE OF REPORTS

President Rowe advised she observed on the Pioneer Fire Company's May 2018 Report there were calls for mulch fires in where the cause was due to tossed cigarette butts. President Rowe inquired since the Borough has a litter ordinance in place, could that ordinance be enforced in these types of instances; in which, Police Chief Harvey advised charges could be filed if it can be proven the fire was started due to a discarded cigarette butt.

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

Development Activities Committee

The Development Activities Committee met on May 29, 2018 and discussed the following:

1. The Committee reviewed a request from the Ephrata Performing Arts Center (EPAC) to serve not for sale beer or wine at six (6) sponsor events throughout 2018. EPAC will provide a copy of a Special Occasion Permit issued by the Pennsylvania Liquor Control Board for the events. The Committee will recommend that Borough Council grant the request to serve not for sale beer or wine at EPAC's sponsor events as noted on the request dated April 23, 2018 at the June meeting subject to receipt of a copy of the PLCB Special Occasion Permit and a certificate of insurance naming the Borough as an additional insured.
2. The Committee reviewed a request from Dove Westgate Church to use Whistle Stop Plaza on July 27, 2018. They would like to use the front half of the property for a community outreach program. They would like to close the driveway and have electric available. The Committee will recommend that Borough Council grant the request at the June meeting subject to receipt of a certificate of insurance naming the Borough as an additional insured and an approved incident support plan from the Police Chief.
3. The staff provided an Economic Development update. The EDO received an IRS designation in significantly less time than anticipated. The documents are being prepared for the Orphans Court hearing. There is a slight complication with the EEDC's Mountain Springs partnership, but that is being evaluated.
4. The Committee reviewed the first quarter budget report for activities under their purview. There were no concerns regarding the budget report.
5. There was one decision from the April Zoning Hearing Board meeting. The lot width variance request for 138 East Chestnut Street was denied. The other two hearings have been continued.
6. There are no new applications for the June Zoning Hearing Board meeting.

Public Safety Committee

The Public Safety Committee met on May 21, 2018 and discussed the following:

1. **Speeding 800 blk of Martin Ave** – Chief Harvey presented on a complaint with accident data, past complaints and police response. Speed data is currently being gathered. There were questions on status of radar bill in Harrisburg- ***Received for Informational Purposes Only***
2. **1st Quarter FY2018 PS Budget** – Chief Harvey presented on the 1st quarter budget - ***Received for Informational Purposes Only***
3. **Comp-stat (April 2018)** – Chairman Ressler complimented the clearance rates- ***Received for Informational Purposes Only***
4. **EMC Report (April 2018)** – ***Received for Informational Purposes Only***
5. **Police Memorial Week 2018 Literature**-- ***Received for Informational Purposes Only***
6. **Pioneer Fire Company (new engine tour)** – At the conclusion of the meeting all were invited by a presentation from Pioneer Fire Company Command Staff on their new 2018 Pierce Engine at the Fire Company - ***Received for Informational Purposes Only***

Highway Committee

The Highway Committee met on Tuesday, May 29, 2018 and discussed the following:

1. The Committee reviewed the results of Bid #18-7 Lincoln Avenue and Marshall Street Improvements and will recommend that Borough Council award the bid to apparent low bidder: New Enterprise Stone & Lime Co., Inc. from Ephrata, PA in the total bid amount of \$279,040.30 as part of the Consent Agenda at their June 11, 2018 meeting.
2. The Committee reviewed a request from the Ephrata Pioneer Fire Company, per their letter dated May 8, 2018, to close South State Street from West Franklin Street to Fulton Street on Tuesday, June 26, 2018 from 5:45 PM to 9:15 PM to conduct demonstrations and educational activities associated with their annual fund drive kick-off open house. 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, as part of the consent agenda at their June 11, 2018 meeting.
3. The Committee reviewed a request from Patti Hummel, Boy Scout Troop 73 Committee Chairperson, per her letter dated May 15, 2018, to use the East Locust Street parking lot during the 2018 Ephrata Fair to park cars as a fundraiser. 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, as part of the consent agenda at their June 11, 2018 meeting.
4. The Committee heard from a concerned citizen regarding parking on West Pine Street during OMPH sponsored food giveaways each Wednesday afternoon. The concern is that parked vehicles along the south side of West Pine Street between Terrace Avenue and North Oak Street prevent passage of two-way traffic along West Pine Street. West Pine Street through this area is 24 feet wide, curb to curb. Borough staff will discuss this issue along with similar events conducted in the Borough with the Ephrata Police to determine if the West Pine Street parking concern is unique and confirm that the ability to legally enforce no parking in this area will benefit the situation. If appropriate, Borough staff will draft a Resolution permitting experimental 90-day no parking restrictions as necessary, through narrow areas of West Pine Street and North Oak Street, for review by the Committee at their upcoming June 25, 2018 meeting.
5. The Committee reviewed the 1st Quarter 2018 budget report for those activities under their influence. No concerns identified by the Committee. No further action required.
6. Engineering Project Manager David Burkholder updated the Committee on progress to improve pedestrian visibility at the three mid-block crossings in the CBD. Pavement markings replacement and improved lighting installations are anticipated to be completed sometime in July 2018. No further action at this time.

Municipal Enterprises Committee

The Municipal Enterprises Committee met on May 21, 2018 and discussed the following:

1. Borough Manager, D. Robert Thompson reviewed a potential cable franchise agreement with Comcast. (Note: Mr. Reinhold, an employee of Comcast, recused himself from discussion as well as voting on this matter.) Comcast proposes to offer internet, cable,

and telephone service to businesses and residents near a 40-47 mile path along Routes 272 and 322 and a second path centered in Lititz. Ephrata Borough, Ephrata Township, Lititz Borough, and Warwick Township have joined forces to form the Lancaster County Cable Consortium to jointly negotiate the terms of an agreement with Comcast. The Cohen Law Group has provided a proposal to represent the Consortium for a flat fee of \$3900 per municipality. If an agreement is achieved that agreement would be subject to final approval by Council. The Committee will recommend that Council authorize the Borough Secretary to engage the services of the Cohen Law Group at a cost of \$3900 to negotiate a potential cable franchise agreement with Comcast when they meet on June 11, 2018.

2. Director of Operations, Thomas Natarian reviewed a proposed First Amendment to the Power Purchase Agreement (PPA) and Lease, as well as a Memorandum of Lease with Turning Point Energy (TPE), the Borough's solar partner. The amendment was requested in order to redefine the boundaries of the leased solar site to exclude areas in the 100-year flood plain. The Committee will recommend that Council authorize the Borough Secretary to execute the First Amendment to the PPA, First Amendment to the Lease, and the Memorandum of Lease with Turning Point Energy when they meet on June 11, 2018.
3. The Committee reviewed the 1st 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 expected ranges. In the Electric Fund, revenues and expenses were both higher due to the cold winter weather. Sewer Fund revenues and expenditures were both slightly below the expected ranges. The Sanitation Fund revenues and expenses were within expected ranges. Sewer Permit Fund revenue, dependent upon when connection permits are issued, were significantly below budget while expenditures were zero.
4. Mr. Natarian reviewed the monthly report from the Borough's solar partner, TPE. Significant progress has been made on the land development issues (see item #1 above). TPE has selected DEPCOM as their Engineering, Procurement, and Construction (EPC) Contractor. The EPC contractor will be involved with the remaining site design work as well as installation and startup of the solar site. The interconnection request to PPL, submitted on March 23, remains under consideration by PPL. Pending outcome of the interconnection request, the project is on schedule.
5. Mr. Natarian reported that initial work has begun on the CARA and Basin Retrofit project near the solar site. Recent wet weather has been an obstacle. However, it is expected that the project will be completed by the end of June.
6. Mr. Natarian reviewed the results of the recent annual FTR auction. The Borough was successful with seven of nine bids submitted to PJM. The remaining two pathways will be available to the Borough in the monthly auctions. No action is required by the Committee.
7. Mr. Thompson and Mr. Natarian updated the Committee on the status of PA House Bill 2030. HB 2030 passed the state House and has been assigned to the senate Consumer Protection & Professional Licensure Committee. PMEA continues to work with lobbyists, AMP, PMEA members, and Ellwood City to oppose the bill. Given the makeup of the senate Committee our Lobbyist believes it is unlikely that the bill will be

voted out of Committee in the current legislative session. PMEA will continue to focus on the bill and will remain alert for alternative pathways to the House/Senate floor.

8. The Committee reviewed a request from Pioneer Fire Company for waiver of the minimum sewer fees on a property owned by the Fire Company at 117 South State Street. The Fire Company is investigating whether the property is considered tax exempt by Lancaster County. Once a tax exempt determination is received, the Fire Company will make a formal request for waiver of the minimum fees for sewer. No action is required by the Committee at this time.
9. The Committee discussed the date for the next scheduled Committee meeting – June 18, 2018. Due to a lack of a quorum, the Committee requested that the June 18 meeting be canceled and that the next meeting of the Municipal Enterprises Committee be scheduled and advertised for 6:00 PM on July 2, 2018 prior to the Work Session of Council.

Community Services Committee

The Community Services Committee met on May 29, 2018 and discussed the following:

1. The Committee reviewed a written request, dated May 14, 2018, from Josh McCracken, Principal of Fulton Elementary School, to place flags at the Winters Leadership Plaza for Veterans Day. The flags were donated by the Ephrata VFW. Flags will be removed following Veterans Day. The Committee will recommend that Borough Council approve the request as part of the Consent Agenda at their June 11, 2018 meeting. The Borough is in receipt of a certificate of insurance naming the Borough as additional insured.
2. The Committee was given a draft copy of the revised Shade Tree Ordinance. Comments were received and reviewed by the Committee. Shade Tree Commission comments and/or recommendations were not available for review by the Committee. The Committee requested that discussions be tabled until next meeting so staff can re-convene and update the Ordinance with the comments received, Committee members will have more time to review, and Shade Tree Commission comments will be submitted.
3. Jim Hackett, Parks & Facilities Manager, discussed the necessity for two major projects that have to be completed at the Rec Center. The Rec pool filter needs to be replaced and the HVAC in the assembly room needs to be repaired/replaced. Both projects will cost approximately \$170,000. The Rec Center is requesting financial support from the Borough. The Committee will discuss at their June meeting when additional information can be presented and questions answered by Jim Summers. Jim was unable to attend this month's meeting. Revised quotes will also be available by the June meeting. In addition, the Committee has requested that staff prepare a financial outlook on any funding provided and identify any budget impacts.
4. The Committee reviewed the 2018 first quarter budget report for those areas under the Committee's purview. The Committee requested an explanation for the Ephrata Public Library account. Borough Manager, Robert Thompson, explained that the account is negative because of the Exploratorium Project. The Borough received grant money but has not yet paid out all invoices for the Project. No further action is required by the Committee.

Special Projects Committee

The Special Projects Committee met on May 21, 2018 and discussed the following:

1. The Committee discussed the proposed application and checklist for the Special Events Ordinance. The application was revised to require that the applicant provide a description of the activities included in the event. The Special Events Permit Application Checklist was revised by deleting the Public Health Plan and the Collection and Removal Plan and captured these items in the Public Utility and Public Health Plan. In addition various grammatical edits were identified.
2. The Committee discussed the proposed application and checklist for the Mobile Food Facility Ordinance. Various typographical and grammatical changes were identified on the permit application and one correction on the checklist changing 3 days to 30 days.
3. The Committee discussed the proposed draft Special Events Ordinance. Along with grammatical changes the three main items of concern are that the ordinance is too restrictive to allow for block parties, the impact of the transient retail requirements; since many vendors do sell wares under a tent at events and the cost of the permit. The staff will discuss these concerns with the solicitor and report back to the committee in June.
4. The Committee discussed the proposed draft Mobile Food Facility Ordinance. Staff received comments and will address them in the ordinance and review the changes with the Committee at their June meeting.

NEW BUSINESS ITEMS

Consent Agenda

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

Highway Committee

1. That Borough Council award Bid No. 18-7 Lincoln Avenue and Marshall Street Improvements to apparent low bidder: New Enterprise Stone & Lime Co., Inc. from Ephrata, PA in the total bid amount of \$279,040.30.
2. That Borough Council conditionally approve the request from the Ephrata Pioneer Fire Company, per their letter dated May 8, 2018, to close South State Street from West Franklin Street to Fulton Street on Tuesday, June 26, 2018 from 5:45 PM to 9:15 PM to conduct demonstrations and educational activities associated with their annual fund drive kick-off open house, subject to Borough receipt of a satisfactory certificate of insurance naming the Borough as additional insured.
3. That Borough Council conditionally approve the request from Boy Scout Troop 73 per their letter dated May 15, 2018 to use the East Locust Street parking lot during the 2018 Ephrata Fair to park cars as a fundraiser subject to Borough receipt of a satisfactory certificate of insurance naming the Borough as additional insured.

Community Services Committee

4. That Borough Council approves the May 14, 2018 written request from Josh McCracken, Principal of Fulton Elementary School, to place flags at the Winters Leadership Plaza for Veterans Day. The Borough is in receipt of a satisfactory certificate of insurance naming the Borough as additional insured.

It was moved by Mr. Ressler, seconded by Ms. Martin, and unanimously passed to adopt and/or conditionally approve the items listed on the Consent Agenda.

STANDING COMMITTEE RECOMMENDATIONS

Development Activities Committee

It was moved by Mr. Weiler, seconded by Mr. Ressler, and unanimously passed via roll call vote that Borough Council grant EPAC's request to serve not for sale beer or wine at sponsor events as noted on the request dated April 23, 2018 subject to receipt of a copy of the PLCB Special Occasion Permit and a certificate of insurance naming the Borough as an additional insured.

It was moved by Mr. Weiler, seconded by Mr. Ressler, and unanimously passed that Borough Council grant the Dove Westgate Church request to use Whistle Stop Plaza on July 27, 2018 subject to receipt of a certificate of insurance naming the Borough as an additional insured and an approved incident support plan from the Police Chief.

Municipal Enterprises Committee

It was moved by Ms. Martin, seconded by Mr. Weiler, and unanimously passed via roll call vote that Borough Council authorize the Borough Secretary to engage the services of the Cohen Law Group at a cost of \$3,900 to negotiate a potential cable franchise agreement with Comcast.

It was moved by Ms. Martin, seconded by Mr. Weiler, and unanimously passed that Borough Council authorize the Borough Secretary to execute the First Amendment to the PPA, First Amendment to the Lease, and the Memorandum of Lease with Turning Point Energy.

APPROVAL OF CHECKS 33980 THROUGH 34342 AND THE ACH REGISTER DATED JUNE 1, 2018

It was moved by Mr. Barr, seconded by Mr. Ressler, 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 \$852,780.92.

OPPORTUNITY FOR CITIZENS TO BE HEARD

There were no comments or remarks from attendees.

DISCUSSION/ANNOUNCEMENTS

Ms. Martin reminded Council members the first Concerts by the Creek series will be held on Tuesday, June 12, 2018, starting at 5:30 p.m.

Mr. Barr provided an update on the Guatemala service trip advising the group returned home safely.

Mr. Thompson reminded Council members of the upcoming employee picnic being held on Tuesday, June 26, 2018, between 11:30 a.m. and 1:00 p.m. at the Grater Park.

ADJOURNMENT

It was moved by Mr. Ressler, seconded by Ms. Martin, and unanimously passed that Borough Council adjourn. The meeting was adjourned at 7:18 PM.

Respectfully submitted,

D. Robert Thompson, Secretary