

**EPHRATA BOROUGH COUNCIL
REGULAR MEETING MINUTES
AUGUST 13, 2018**

The regular Ephrata Borough Council meeting was called to order by President Susan Rowe at 7:00 PM on August 13, 2018, in the Council Chambers of the Borough Office, 124 South State Street.

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

President Rowe advised those in attendance that the Council members met prior to the meeting in an Executive Session to discuss real estate matters.

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

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:

Kevin Bippus, P. O. Box 297, Ephrata
Matt Smith, 104 Queen Anne's Way, Ephrata
Steph Smith, 104 Queen Anne's Way, Ephrata
Betsy Leinbach, 29 Akron Road, Ephrata
Randy Leinbach, 29 Akron Road, Ephrata
Robert Andrew, 107 Bellevue Avenue, Ephrata
Elaine Sensenig, Netzley Drive, Denver
Brad Stewart, 202 Irene Avenue, Ephrata

APPROVAL OF MINUTES

It was moved by Mr. Richard, seconded by Mr. Weiler, and unanimously passed that Borough Council approve the July 2, 2018, Work Session Minutes, and the amended July 9, 2018, Regular Meeting Minutes.

MUNICIPAL MOMENT – COMMUNITY BASICS, INC.

Ms. Jo Raff, Director of Property Management, provided an overview of the services provided by Community Basics, Inc. (CBI), a non-profit CHODO (Community Housing Development Organization). Ms. Raff stated CBI develops and manages workforce housing for moderate income families and individuals. Ms. Raff advised CBI partners with a variety of state and local organizations to fund, build and manage affordable communities throughout Lancaster County and surrounding areas. Ms. Raff presented a slideshow of the CBI housing units, including Old Market Apartments and Cloister Heights Apartments, as well as a breakdown of qualifications and verification process of applicants.

After a brief question and answer period, President Rowe extended Council's appreciation to Ms. Raff for her presentation and time.

OPPORTUNITY FOR CITIZENS TO BE HEARD

Mr. Matt Smith, Ephrata Farmer's Day Association, appealed to Council to postpone the voting scheduled to occur of Ordinance #1544, Special Events, and Ordinance #1545, Mobile Food Vendors; thus allowing additional time for the Ephrata Farmer's Day Association to share and resolve their concerns regarding the ordinances with the Special Projects Committee.

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

ACCEPTANCE OF REPORTS

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

Development Activities Committee

The Development Activities Committee met on July 23, 2018 and discussed the following:

1. The Committee reviewed a request from the Ephrata Public Library to erect a utility pole on the library property at their cost. The pole will be used to connect fiber optic cable from the Exploratorium to the library. The Committee will recommend that Borough Council approve the request per section 5(f) of their lease at the August meeting with the condition that there will be no cost to the Borough.
2. The Committee reviewed a request from Bob Harter to hold an Oktoberfest event in Grater Park on October 20, 2018 from 1 PM to 4 PM. They plan on having five breweries and around 200 people. The Committee will recommend that Council approve the request at the August meeting subject to receipt of a copy of the PLCB Special Occasion Permit, a certificate of insurance naming the Borough as an additional insured and an incident support plan approved by the Chief of Police.
3. Kelly Withum with the EDO made a presentation regarding usage of Whistle Stop Plaza. She would like to see the plaza used for various activities throughout the week to encourage people to use the space. The Committee had no objections to these activities occurring. No action required.
4. The Committee reviewed a request for a Temporary Construction Access License Agreement with TPE Pennsylvania Solar 1, LLC. This is for the solar site in Ephrata Township. The solar provider is requesting a temporary construction easement through Borough property that is outside of the area the solar provider is leasing. The Committee will recommend that Borough Council authorize the President of Borough Council to execute the agreement at the August meeting subject to it being in a form acceptable to the Borough solicitor and that any legal fees incurred by the Borough are paid for by TPE Pennsylvania Solar 1, LLC.
5. The Committee reviewed a draft concurrence letter that the solar provider is requesting for their investors. The letter confirms that the Borough has no objections to solar panels and/or underground wires encroaching into three easements on the two properties. The Committee will recommend that Borough Council authorize the Borough Manger to sign the letter to DEPCOM Power at the August meeting subject to it being in a form acceptable to the solicitor.

6. The staff provided an Economic Development update. The Business Development Committee will be meeting with Kinectiv on Tuesday for the next stage of the branding/marketing contract. Very little is occurring right now due to the submission to the Orphans Court.
7. There were three decisions from the June Zoning Hearing Board meeting. Daniel King was denied a variance to convert a sewing shop to an apartment at 155 East Main Street. Bonnie Swimline was denied a special exception for candle making at 400 West Main Street. Hi Tech Commerce, LLC was granted one special exception and three variances for various uses at 55 New Street.
8. There was one new application for the July Zoning Hearing Board meeting. The Committee does not feel it's necessary to send the solicitor to the hearing.

Public Safety Committee

The Public Safety Committee met on July 16, 2018 and discussed the following:

1. FY2018 Midyear Report – Chief Harvey presented the midyear progress on program goals and objectives for the police department and emergency management. Copy of overview was in packet and expanded upon.
2. Comp-stat (June 2018) – Chief Harvey presented June's Comp-stat report and midyear stance on criminality.
3. EMC Report (June 2018) – Chief Harvey presented June's emergency management report.
4. Ephrata Township Contract Talks – B. Thompson reported that the Ephrata Township contract expires on December 31, 2019. We are initiating early talks as dictated in the contract.

Highway Committee

The Highway Committee met on Monday, July 23, 2018 and discussed the following:

1. The Committee reviewed a resolution to adopt experimental traffic and parking regulations under Section 305-5 of the Code of the Borough of Ephrata restricting parking along certain portions of West Pine Street and North Oak Street. The Committee will recommend that Borough Council adopt Resolution #2018-8 at their August 13, 2018 meeting.
2. The Committee reviewed a proposal from Rettew Associates, Inc. for engineering and design services for Traffic Signal Upgrades at the intersections of South Reading Road (SR 0272) & Meadow Valley Road (SR 1020) and South Reading Road (SR 0272) & South Academy Drive & Old Mill Road, both projects being part of the 2016GLG078 PennDOT Green Light-Go Grant. The estimated cost of the professional services is \$9,250 and is within budget. The Committee will recommend that Council conditionally approve the proposal from Rettew Associates, Inc. subject to PennDOT approval and the agreement being in a form acceptable to the Borough Solicitor at their August 13, 2018 meeting.

3. The Committee discussed a citizen concern regarding the existing condition of curb and sidewalk at 890 North Maple Street following a recent trip and fall incident. The existing condition is prevalent throughout the Borough. The committee directed staff to send an advisory letter to the property owner and contact the complainant. No further action at this time.
4. The Committee was updated on street improvement projects planned for Old Mill Road, Lincoln Avenue and Marshall Street. Progress is moving forward within established timeframe. No further action at this time.

Municipal Enterprises Committee

The Municipal Enterprises Committee met on July 16, 2018 and discussed the following:

1. The Committee reviewed a letter from EPA Region 3 Acting Director Dominique Luekenhoff. The letter expressed interest in partnering with the Borough of Ephrata to pilot an EPA initiative called the Smart Green Corridor Development Blueprint. Director of Operations, Thomas Natarian reviewed the agenda of a July 11, 2018 meeting with Ms. Luekenhoff, State Representative David Zimmerman, LandStudies, Coaltec Energy, and Borough Staff where the EPA outlined their goals for the Smart Green Corridor initiative and Rep. Zimmerman expressed his support.

LandStudies, Inc. of Lititz has been retained by EPA to manage the Smart Green Corridor Development Blueprint. Three representatives from LandStudies were present at the Committee meeting to provide details of the Smart Green Corridor and the reason for EPA's desire to partner with Ephrata. In addition to the Borough's location relative to farm land, the 3.5 MW solar site, rails to trails, Critical Aquifer Recharge Area (CARA) project, Basin Retrofit project, and MS4 activities were all listed as elements currently existing in the Borough that are consistent with the Smart Green Corridor concept. The EPA would intend to showcase the Borough's environmental attributes and use Ephrata as an example for others to follow.

A key element of the Smart Green Corridor is the processing of manure from farms into an environmentally friendly material called biochar. Diverting manure from farm fields could reduce the runoff of nutrients and have a significant positive impact on the Chesapeake Bay watershed. Manure is converted into biochar utilizing a process known as gasification. The excess heat from the gasification process can be used to produce as much as 1 MW of electricity that the Borough could use as a behind the meter generation resource.

After discussing the request from EPA, the Committee will recommend that Council authorize the Borough Secretary to send a letter to EPA expressing interest in collaborating with EPA to pilot the Smart Green Corridor Development Blueprint with an emphasis on the use of the gasification process to produce behind the meter electrical generation when they meet on August 13, 2018.

2. Mr. Natarian reviewed the monthly activity report from TPE regarding progress at the solar site. The Borough received a Method of Accommodation letter from PPL on July 5 that describes PPL's requirements for connecting the solar site to the substation. Staff is evaluating the Method of Accommodation letter and will be preparing a response to PPL.

3. Mr. Natarian and Borough Manager, D. Robert Thompson updated the Committee on the status of the franchise cable agreement negotiations with Comcast. The Borough received a draft of a pole attachment agreement from Comcast. A meeting to discuss the proposed agreement was delayed at the request of Comcast. Staff expects to have a draft of a proposed pole attachment agreement to review with the Committee at a future meeting.
4. Mr. Dave Beazley addressed the Committee to discuss the net metering policy and specifically the portion of the policy that deals with distribution charges. Due to the length of the meeting there was limited time to discuss the matter. The Committee requested that a discussion of the net metering policy be added to the agenda for the August Committee meeting.

Community Services Committee

The Community Services Committee met on June 26, 2018 and discussed the following:

1. Jim Summers reviewed a request from the Ephrata Rec Center to use the Ephrata Community Pool to hold its sixth annual Dog Days of Summer dog swim. The event will be held on Saturday, September 8th from noon to 3:00 pm. Admission will be \$7.00 per dog. The Committee will recommend that Borough Council approve the request as part of the Consent Agenda at their August 13, 2018 meeting.
2. Kirby Smith and Tom Sheaffer with Christian Endeavors presented a request to use the linear trail for a 5-mile race in November. If there are no conflicts, they would like to have the run on November 10th so it coincides with Veteran's Day weekend. The event purpose is to raise interest in the greater Ephrata-Lititz area to use the linear trail, support a locally based non-profit organization, and emphasize the importance of remembering veterans and their families. They are planning a 5-mile race that would begin at the intersection of Fulton & Maple streets, continue down Fulton Street to the linear trail, then head SW on the trail to a turn-around point, and the return to the finish line at the Dick Winters Memorial/Fulton Street trail parking area. They are expecting between 300 – 500 participants. Because they want to block all vehicle traffic on Fulton Street between Akron Road & and State Street for a portion of the morning, a request will need to be presented to the Highway Committee at their meeting in August. In addition, Mr. Smith and/or Mr. Sheaffer will need to meet with Chief Harvey to review safety concerns and logistics. The Committee is making no recommendation at this time pending Highway Committee approval and Chief Harvey's consent. Christian Endeavor will need an Incident Support Plan approved by Chief Harvey and will also need to submit a Certificate of Insurance naming the Borough as an additional insured.
3. Ephrata Church of the Brethren submitted a request to use the linear trail to hold an Ephrata Area Crop Walk to End Hunger event. The event will be held on Saturday, October 20, 2018 from approximately 8:00 am to 11:00 am. They are planning to walk a 5k loop between Fulton Street in Ephrata and Akron. Exact starting and ending points have not been determined. The Committee will recommend that Borough Council approve the request at their August 13, 2018 meeting subject to the receipt of a Certificate of Insurance naming the Borough as an additional insured, and if required, an Incident Support Plan approved by the Chief of Police.
4. Kevin Bippus, owner of 1030 Pointview Ave., would like to construct a building for his limousine business. Water is available along the front of his property, but there is no sewer available. The nearest public sewer would be to the southeast of his property on

Parkview Heights Road. There were several ways looked at to connect to the sanitary sewer. The preferred way would be to cross the trail. It was recommended by the Engineering Department that he bore a sewer line from his building to the sewer main on Parkview Heights. The boring will occur below the surface and will not affect the trail. Mr. Bippus will need to obtain an easement from the Borough in a form acceptable to the Borough Solicitor. The easement should contain maintenance responsibilities for Mr. Bippus. He will also need to secure an easement from ACI Construction, the owner of the property on the other side of the trail. The Committee will recommend that at their August 13, 2018 meeting, Borough Council approve the request for the site improvement to 1030 Pointview Avenue with the condition that the owner will assume all costs for installation and maintenance of the sewer lateral, preparation, legal review fees, and recording of the easement for the proposed sewer lateral.

5. The Committee reviewed the last revision of the proposed Shade Tree Ordinance and staff answered questions to clarify some of the changes. Staff reiterated that their revisions to the Ordinance were based on shade trees in the street or ally right-of-ways. The Shade Tree Commission's recommended scope of work and responsibility goes beyond shade trees. Borough staff's intention is to update the regulations to align them with current practices and other Borough regulating responsibilities. In addition, the shift to the Codes Department is intended to streamline the process of issuing permits so property owners aren't negatively impacted, especially in cases of an emergency tree removal.

There was some duplicity found in the proposed revision of the Ordinance as well as some clarification issues. These changes will be made by Borough staff. The Ordinance will then be sent to all of Borough Council for review. Comments will be received and any additional changes will be made so that the Ordinance can be approved and voted on at the September meeting.

Special Projects Committee

The Special Projects Committee met on July 16, 2018 and discussed the following:

1. Borough Manager Thompson and Solicitor McManus reviewed with the committee the edits made to the Special Events ordinance, application and checklist. After much discussion it was decided that the ordinance will be amended as follows:
 - Remove any references to block parties
 - To allow applicants to waive the appeal process and thus reducing the application processing time limits
 - Review the penalty provisions that include imprisonment

The committee has directed the staff to make the changes with hope that they can be advertised for action by Borough Council at their August 13, 2018 voting session.

2. Borough Manager Thompson and Solicitor McManus reviewed with the committee the edits made to the Mobile Food Facility ordinance, application and checklist. The staff will review the ordinance to remove any references to block parties. The committee was satisfied with the proposed changes and will recommend that Borough Council enact the ordinance at their August 13, 2018 voting session.

The Special Projects Committee met on August 6, 2018 and discussed the following:

1. Solicitor McManus reviewed with the committee the edits made to the Special Events ordinance based on the July 16, 2018 Special Projects Committee meeting. After much discussion it was decided that the ordinance will be amended as follows:
 - In section 273-5 the words “approved by the Council of the Borough of Ephrata” will be struck.
 - Add “use of Borough property” in 3 places of section 273-7 (requiring Borough Council approval).

The solicitor does not feel the changes are substantive and will not require that the ordinance be re-advertised. The committee will recommend that Borough Council enact the ordinance at their August 13, 2018 voting session.

3. Solicitor McManus reviewed with the committee the edits made to the Mobile Food Facility ordinance. The committee was satisfied with the proposed changes and will recommend that Borough Council enact the ordinance at their August 13, 2018 voting session.

July 2018 General Ledger Report

Ephrata Pioneer Fire Company July 2018 Report

Lincoln Fire Company July 2018 Report

Ephrata Community Ambulance Association July 2018 Report

Ephrata Emergency Management July 2018 Report

Shade Tree Commission July 2018 Meeting Minutes

Ephrata Development Organization July 2018 Meeting Minutes

2nd Quarter Financial, Police, Electric Division, Inspection/Codes, Wastewater Treatment Division, Public Works Division, Water Division, Sanitation, Ephrata Recreation Center

EPAC Quarterly Report

Historical Society of the Cocalico Valley Quarterly Report

Mayor’s Revenue Report

President Rowe expressed her appreciation for all of the volunteers for their rescue flooding effort in the Borough.

NEW BUSINESS ITEMS

Consent Agenda

Vice President Reinhold 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.

1. That Borough Council approve the July 23, 2018 written request from the Ephrata Rec Center to use the Ephrata Community Pool (upper pool) on Saturday, September 8, 2018

from noon to 3:00 pm to hold its sixth annual Dog Days of Summer Dog Swim event.
(Community Services)

It was moved by Mr. Richard, seconded by Mr. Barr, 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. Zimmerman, and unanimously passed that Borough Council grant Ephrata Public Library's request to erect a utility pole per section 5(f) of their lease on the library property at no cost to the Borough now and in the future.

It was moved by Mr. Weiler, seconded by Mr. Zimmerman, and unanimously passed via roll call vote that Borough Council grant the request from Bob Harter to hold an Oktoberfest event in Grater Park on October 20, 2018 subject to receipt of a copy of a PLCB Special Occasion Permit, a certificate of insurance naming the Borough as an additional insured and an incident support plan approved by the Chief of Police.

It was moved by Mr. Weiler, seconded by Mr. Barr, and unanimously passed that Borough Council grant a request for a Temporary Construction Access License Agreement with TPE Pennsylvania Solar 1, LLC, subject to it being in a form acceptable to the Borough solicitor and that any legal fees incurred by the Borough are paid for by TPE Pennsylvania Solar 1, LLC.

It was moved by Mr. Weiler, seconded by Mr. Zimmerman, and unanimously passed that Borough Council authorize the Borough Manger to sign the concurrence letter to DEPCOM Power for the solar site easement encroachments.

Highway Committee

It was moved by Mr. Barr, seconded by Mr. Ressler, and unanimously passed via roll call vote that Borough Council adopt Resolution #2018-8 establishing experimental parking restrictions along certain portions of West Pine Street and North Oak Street for a period not to exceed ninety (90) days.

It was moved by Mr. Barr, seconded by Mr. Richard, and unanimously passed via roll call vote that Borough Council conditionally approve the Rettew Associates, Inc., proposal to provide engineering and design services for traffic signal upgrades at South Reading Road (SR 272) and Meadow Valley Road (SR 1020) and South Reading Road (SR 272) and South Academy Drive and Old Mill Road for an estimated cost of \$9,250 subject to PennDOT approval and the agreement being in a form acceptable to the Borough Solicitor.

Municipal Enterprises Committee

It was moved by Mr. Richard, seconded by Ms. Martin, and unanimously passed that Borough Council authorize the Borough Secretary to send a nonbinding letter to EPA expressing interest in collaborating with EPA to pilot the Smart Green Corridor Development Blueprint with an emphasis on the use of the gasification process to produce behind the meter electrical generation.

Community Services Committee

It was moved by Ms. Martin, seconded by Mr. Ressler, and unanimously passed via roll call vote that Borough Council conditionally approve the request from Ephrata Church of the Brethren to

use the linear trail on Saturday, October 20, 2018 from approximately 8:00 am to 11:00 am to hold an Ephrata Area Crop Walk to End Hunger event at their August 13, 2018 meeting subject to the receipt of a Certificate of Insurance naming the Borough as an additional insured, and if required, an Incident Support Plan approved by the Chief of Police.

It was moved by Ms. Martin, seconded by Mr. Ressler, and unanimously passed that Borough Council conditionally approve the request from the owner of 1030 Pointview Avenue, Kevin Bippus, to make site improvements, and grant him a sewer easement to cross the trail, so he can construct a building for his limousine business at their August 13, 2018 meeting subject to all conditions being met.

Special Projects Committee

Mr. Zimmerman advised the Committee has no recommendations to bring forward at this time.

APPROVAL OF CHECKS 34672 THROUGH 34984 AND THE ACH REGISTER DATED JULY 25, 2018

It was moved by Mr. Barr, seconded by Mr. Richard, 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 \$957,819.81.

OPPORTUNITY FOR CITIZENS TO BE HEARD

There were no comments or remarks from attendees.

DISCUSSION/ANNOUNCEMENTS

Ms. Martin reminded Council members the third Concerts by the Creek series will be held on Tuesday, August 14, 2018, starting at 5:30 p.m., as well as the next Whistlestop Market being held on Saturday, August 18, 2018.

Mr. Barr expressed his sincere appreciation for all persons involved with the recent flooding event.

Mr. Richard extended a “thank you” to Borough staff for the invitation to the annual Borough picnic. Mr. Richard additionally thanked the representatives of the Ephrata Farmer’s Day Association for their time and advised Council members to contact Elaine Sensenig for reserved parade seating. Mr. Richard stated, “... he can’t say enough for what the fair does for our area ...” and, “... that he is glad Council took the move we took tonight.”

Vice President Reinhold expressed his enjoyment of attending the annual Borough picnic. Additionally, Vice President Reinhold stated, “... he is happy to be on the Special Projects Committee and is glad to discuss the ordinances further.” Lastly, Vice President Reinhold shared his excitement of Ephrata being in a unique position of being a prime location for a manure-to-electricity power plant and is looking forward to the progression.

Mr. Zimmerman requested any organizations, Council members and staff to prepare a list of concerns regarding Ordinances #1544, Special Events, and #1545, Mobile Food Vendors, to be discussed at the next Special Projects Committee meeting to be held on September 17, 2018.

Mr. Ressler advised that as Chair of the Public Safety Committee, he is aware that the public needs to be protected. Mr. Ressler stated he would like a staff member to meet with a representative of the Ephrata Farmer’s Day Association during the Ephrata Fair to see what

needs/issues arise. Mr. Ressler concluded his comments by stating, "... we need to work together."

Mr. Weiler stated he felt the Sunday Newspaper article referencing the manure-to-electricity power plant was very nice.

Mayor Mowen advised he was out of town during the flooding event; however, he did receive emergency alerts on his mobile phone. Mayor Mowen advised Pioneer Fire Company received 16 emergency calls from the time the flooding started to the end of the event with 12 of those calls being water rescues. Mayor Mowen advised that of the 12 water rescue calls, 10 of them were due to individuals not adhering to the barricades put into place. Mayor Mowen expressed he wanted to commend all men and women of the fire companies for their service. Mayor Mowen concluded his comments by expressing his desire to see Borough Council members take part in this year's Ephrata Parade.

Chief Harvey advised that the Concerts by the Creek event scheduled for Tuesday, August 14, 2018, may be moved indoors to the Ephrata Performing Arts Center due to the wet ground and additional rain in the weather forecast. Chief Harvey provided an update regarding Emergency Management advising he has received all of the certification requirements for his role as Emergency Manager.

Mr. Thompson advised he will be sending an email to Borough Council members asking for contact information of those organizations that have concerns regarding the Special Events Ordinance and the Mobile Food Vendor Ordinance in an effort to make contact and obtain information.

President Rowe advised she will be "turning over" her leadership role to Vice President Reinhold and President Pro Tem Weiler due to a medical issue for the time being; however, President Rowe advised she will be nearby, if needed.

ADJOURNMENT

It was moved by Mr. Weiler, seconded by Mr. Barr, and unanimously passed that Borough Council adjourn. The meeting was adjourned at 7:56 PM.

Respectfully submitted,

D. Robert Thompson, Secretary