

**EPHRATA BOROUGH COUNCIL  
REGULAR MEETING MINUTES  
SEPTEMBER 10, 2018**

The regular Ephrata Borough Council meeting was called to order by President Pro Tem Melvin Weiler at 7:00 PM on September 10, 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.

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

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:

Jean Lausch, 950 Hammon Avenue, Ephrata  
Randy Gockley, 62 Robert Road, Ephrata  
Tim Auker, 542 N. State Street, Ephrata  
Tom Sheaffer, 18 Ridgewood Drive, Akron  
Jon Wingenroth, 174 Mortar Lane, Ephrata  
Billy Brian, 188 Mortar Lane, Ephrata  
Heather Brian, 188 Mortar Lane, Ephrata  
John Gummel, 198 Mortar Lane, Ephrata

**APPROVAL OF MINUTES**

It was moved by Mr. Ressler, seconded by Mr. Zimmerman, and unanimously passed that Borough Council approve the August 6, 2018, Work Session Minutes, and the August 13, 2018, Regular Meeting Minutes.

**MUNICIPAL MOMENT – EPHRATA CARES**

Mayor Ralph Mowen provided an overview of the services provided by Ephrata Cares. Ephrata Cares is a task force of government leaders, first responders, ministries, addiction and recovery specialists, neighbors and recovering addicts coming together to address drug addiction in our local community. Ephrata Cares meets monthly to discuss issues, share resources and create an action plan to educate, empower and heal those affected by addiction.

Mayor Mowen provided some background information as to how Ephrata Cares came to be advising in March 2017, he and Chief Harvey had a conversation about the increase in number of drug-related deaths and decided to put together a group of individuals to implement plans and programs to slow down the epidemic of drug use. Mayor Mowen advised Ephrata Cares' first meeting was held in April 2017 resulting in the establishment of three committees: 1. Prevention and Education; 2. Recovery; and 3. Law Enforcement. Mayor Mowen advised a community kick-off meeting was held in September 2017 with overwhelming attendance and support.

Mayor Mowen advised of 2018 events:

- April 2018: "Anonymous People" Movie Showing at Main Theatre
- May 2018: Recovery Walk (Cancelled Due to Inclement Weather/To Be Rescheduled)
- June 2018: Hospital Day in the Park
- July 2018: Family Movie Night at Ephrata Public Library

Mayor Mowen turned the presentation over to Christine Glover with Compass Mark whose mission is to prevent addiction through education, skill-building and community mobilization. Ms. Glover provided information on the upcoming “Character Matters” program which promotes positive character traits that will be introduced to area schools in the near future.

Ms. Glover advised the Recovery Walk has been re-scheduled for October 6, 2018, as well as “other things being in the works” and to be on the lookout for additional information.

Mayor Mowen concluded his presentation by inviting any person(s) interested to attend the Ephrata Cares monthly meetings which are held the second Wednesday of each month at City Gate at 6:30 p.m.

After a brief question and answer period, President Pro Tem Weiler extended Council’s appreciation to Mayor Mowen and Ms. Glover for their presentation.

### **OPPORTUNITY FOR CITIZENS TO BE HEARD**

Jon Wingenroth, 174 Mortar Lane, Ephrata, advised he is attending tonight’s meeting as a representative of the residents on Mortar Lane who have been contacted regarding the removal of weeds on their properties. Mr. Wingenroth advised he and several other neighbors have received notification from Borough Codes to remove any weed over 6” high on his/their property; further advising the main complaint/issue is on the embankment located to the rear of his/their property. Mr. Wingenroth is attempting to comply with the request and removing the weeds; however, he expressed his concern of increased water flow from the embankment to his property. Mr. Wingenroth further advised it is his understanding the main issue the complainant has is that the weeds create an obstruction of his/her view; and while he can appreciate the concern, this request creates various issues for him and his neighbors.

Billy and Heather Brian, 188 Mortar Lane, Ephrata, advised they too have been contacted regarding the weeds on the embankment of their property and reiterated the concerns detailed by Mr. Wingenroth. Ms. Brian advised in the past, the complainant has infringed on their property by cutting trees and leaving debris on their property.

Mr. Wingenroth further stated that by the complainant cutting the growth of poison ivy and other weeds, they created a new issue of regrowth and expansion of the plant. Mr. Wingenroth expressed that he understands the matter needs to be resolved, but consideration has to be taken into place as to how the removal of the weeds can cause other issues including extra costs and who is responsible for those costs.

John Gummell, 198 Mortar Lane, Ephrata, expressed his frustration with this issue and advised he will sell his home if he experiences any water issues as a result of the removal of the growth on the embankment.

Mayor Mowen sought clarification as to the exact location on Mortar Avenue the residents were referring to and inquired if they would have an issue with him and/or other council members viewing the area in question; at which, all residents in attendance extended an invitation for them to visit their residences/property.

### **ACCEPTANCE OF REPORTS**

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

**Budget and Finance Committee**

The Budget and Finance Committee met on August 27, 2018 and discussed the following:

1. EPAC was approved for a \$32,500 civic contribution in the 2018 Borough Budget. Their original request was to replace the HVAC for \$27,500 on a match with an additional \$5,000 for sound equipment. EPAC will have the matching funds by the end of the season and they are requesting that they be allowed to use the \$32,500 to repair and replace the HVAC and the balance to repair or replace the light or sound equipment. The Committee will recommend that Council approve to amend the purpose for the civic contribution.
2. Staff presented the 2019 Pension Certification Report identifying the Borough's minimum municipal obligation to each pension plan. The 2019 defined benefit Police Pension Plan amount will be \$609,314. The 2019 defined benefit Borough Pension Plan amount will be \$487,728. The 2019 defined contribution Retirement Plan amount will be \$29,084. The Certification will appear on the September 10, 2018, Consent Agenda recommending Borough Manager execute certification.
3. At the prior meeting, the Committee asked staff to put together some statistics on our PILOT program, which began in 2017. Staff provided the data as requested. No further action is required.
4. At the prior meeting, the Committee asked staff to calculate the Rec Center's last 12 months of electric usage in kWh and the corresponding charge. Staff provided the data as requested. No further action is required.
5. Members of the EDO were present to discuss audit requirements, to review their budget for the 7/1/18 – 6/30/19 fiscal year, and to submit a funding request. The Committee agreed to an 18-month audit for the first audit, since the EDO changed their fiscal year at the recommendation of their accountant. The fee for their audit is \$4,000 so the 18-month audit will also save the EDO some money. They reviewed their budget with the Committee and submitted their funding request for the timeframe of 1/1/19 – 6/30/19 in the amount of \$87,028. They advised they will submit the next request in June for their next fiscal year. The Committee asked staff to include this information in the 2019 budget. No further action is needed at this time.
6. Staff reviewed with the Committee the 2<sup>nd</sup> quarter finance reports. Finances are trending as expected. No action is required.
7. Staff provided the Check and ACH registers to the Committee for August to date. No further action is required.

**Development Activities Committee**

The Development Activities Committee met on August 27, 2018 and discussed the following:

1. The Committee reviewed a request from the Ephrata Performing Arts Center (EPAC) to serve not for sale wine at an event on November 17, 2018. The Committee will recommend that Borough Council grant the request to serve not for sale wine at EPAC's event as noted on the request dated July 12, 2018 at their September meeting subject to

receipt of a copy of the special occasion permit and receipt of a certificate of insurance naming the borough as additional insured.

2. The Committee reviewed a request from the Ephrata Rec Center to provide beer and wine during the Clare Point Derby event held at the Rec Center on November 17, 2018. The beverages will be served by professional wait staff. The Committee will recommend that Borough Council grant the request to provide beer and wine at their September meeting subject to the receipt of a PLCB special occasion permit.
3. Councilperson Martin presented a draft brochure for the holiday banners. The program will be sponsored by DEI this year and the EDO in following years. Mrs. Martin will provide an updated brochure. The Committee will recommend that Borough Council agree to absorb the cost of an additional banner change-out for a new set of holiday banners at the September Council meeting.
4. The Committee reviewed the second quarter budget report for activities under their purview. There were no concerns regarding the budget report.
5. The staff provided an Economic Development update. The Business Development Committee is continuing to work with Kinectiv on a name for the group. In September the EEDC will be divesting themselves of obligations that will allow them to merge with the other two groups.
6. There was one decision from the August Zoning Hearing Board meeting: First Class Carpet Care was granted a sign size variance.
7. There were no new applications for the September Zoning Hearing Board meeting.

### **Public Safety Committee**

The Public Safety Committee met on August 20, 2018 at 5:30 PM and discussed the following:

1. Ephrata Fair request for relief of Ephrata Borough Code §123.1 – Ryan Cochran, board member of the Ephrata Farmers Day Association requested that Borough Council approves the request from the Ephrata Farmers Day Association 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 livestock judging and a petting zoo for the 2018 Ephrata Fair during the week of September 24 to 29, 2018. Unanimously approved by Committee- *Action by Borough Council (Consent Agenda)*
2. Radio Purchase – Lt Shumaker presented on the status of the police radio system. Since 2014 the countywide system, the hardware and customer service has been less than adequate. In 2019 the hardware warranty expires. There is a 2020 capital project (31-29-005) for radio replacement. Motorola has recently offered very beneficial pricing for commitments to purchase in 2019. Police staff is asking for letter to be authored by Borough Manager to commit to 2019 purchase from Motorola to secure this pricing. It will be “contingent to Council approval of 2019 budget”. There will also be discussion with our three (3) municipal police partners for their support in this capital project. There was discussion of life expectancy of newer radio systems. - *Received for Informational Purposes Only*

3. Noxious and Aggressive Invasive weeds – Mr. Thompson and Mrs. Harris briefed on a citizen’s complaint regarding our current borough ordinance regarding noxious/invasive species. After a site visit, Codes has issued seven notices to address the citizens’ issue. It was also determined that the current code (Chapter 129) is being reviewed and will be updated to reflect the US Dept of Agriculture and PA Dept of Agriculture’s list of noxious/invasive species list. - *Received for Informational Purposes Only*
4. Update on Records Management System (RMS) Project – LT McKim presented on the project teams’ recommendation for the new RMS (2018 Capital project 31-29004). The countywide designed/supported RMS (PREX) will cease to function in next couple of years. The current RMS used from 2010 has been sold and is no longer supported. The project team has evaluated several RMS demonstrations, performed site visits and recommends the vendor CSI. It was noted that now that RMS systems have transformed into subscription base, cloud storage, internet accessible format, which is different for current department owned server-based models. Although the pricing is within budgeted amount, the impact on future operational budgets can be \$20,300 over current operational costs. Committee asked that staff contact our three municipal police partners for capital project contributions and future support commitment- *Received for Informational Purposes Only*
5. 2<sup>nd</sup> Quarter FY2018 PS Budget – Chief Harvey presented on Public Safety budget midyear report as prepared by Ms. Moore. - - *Received for Informational Purposes Only*
6. Comp-stat (July 2018) – Chief Harvey presented July’s Compstat report. There is an increase in Part 1 crime Thefts which account for 74.3% of all Part 1 Crime – *Received For Informational Purposes Only*
7. EMC Report (July 2018) – Chief Harvey presented July’s emergency management report – *Received for Informational Purposes Only*
8. Pioneer Fire Company Compliance Audit – *Received for Informational Purposes Only*
9. Councilperson Martin asked about new Act 43 legislation regarding the repeal of fireworks. Brief discussion.

### **Highway Committee**

The Highway Committee met on Monday, August 27, 2018 and discussed the following:

1. The Committee reviewed a July 25, 2018 e-mail request from the Ephrata Area Education Foundation to conduct a 5K Purple & Gold Color Run utilizing various streets in the Lincoln Heights section of the Borough and Hammon Avenue on Saturday, September 22, 2018 beginning at 8:00 AM. Mark Thompson, an event organizer, was present to discuss the event and answer questions. This is the 6<sup>th</sup> year for this event but the 1<sup>st</sup> year that Borough streets have been included as part of the 5K run route. The Borough has received a satisfactory certificate of insurance naming the Borough as additional insured and event organizers have provided notification to residents in the Lincoln Heights area without negative response. The Committee will recommend that Borough Council

conditionally approve the request subject to Chief Harvey's approval and establishment of an incident support plan, as required, at their September 10, 2018 meeting.

2. The Committee reviewed an August 22, 2018 e-mail request from Christian Endeavor to conduct a 5-mile race utilizing a portion of East Fulton Street from South Maple Street to the Winters Memorial Trail on Saturday, November 10, 2018 for the race beginning at 9:00 AM. The remainder of the race will occur on the Trail. Dave Coryell, Executive Director of Christian Endeavor and Tom Sheaffer, an event organizer, were present to discuss the event and answer questions. This is the 1<sup>st</sup> year for this event with hopes that it becomes an annual 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 and Chief Harvey's approval and establishment of an incident support plan, as required, at their September 10, 2018 meeting.
3. The Committee reviewed a resolution authorizing execution of an application for traffic signal approval to the Pennsylvania Department of Transportation for planned signal modifications at South Reading Road (SR 0272) & Meadow Valley Road (SR 1020) associated with the proposed Creek Corner Heights land development in Ephrata Township. The Borough is the traffic signal permittee for this signalized intersection. The Committee will recommend that Borough Council adopt Resolution #2018-9 at their September 10, 2018 meeting.
4. The Committee reviewed a resolution providing for price adjustment of bituminous materials in small quantities. Price adjustments are associated with Bid #18-6 Old Mill Road Improvements and Bid #18-7 Lincoln Avenue and Marshall Street Improvements. The Committee will recommend that Borough Council adopt Resolution #2018-10 at their September 10, 2018 meeting.
5. The Committee reviewed a resolution to replace existing experimental traffic and parking regulations under Section 305-5 of the Code of the Borough of Ephrata adopted by Resolution 2018-8 on August 13, 2018 restricting parking along certain portions of West Pine Street and North Oak Street. The Committee will recommend that Borough Council adopt Resolution #2018-11 at their September 10, 2018 meeting.
6. The Committee reviewed a letter request received July 27, 2018 from the Highland Elementary School PTO to close Highland Avenue between West Chestnut Street and Broad Street from 5:00 PM to 9:00 PM on Friday, November 2, 2018 to conduct a Trunk or Treat event for the families of Highland Elementary School. 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, notification of the event provided to all Highland Avenue residents and Chief Harvey's approval and establishment of an incident support plan, as required, at their September 10, 2018 meeting.
7. The Committee reviewed a letter from the Cocalico Valley VFW Post 3376 dated August 3, 2018 requesting to close South State Street between Fulton Street and West Franklin Street from 6:30 PM to 8:30 PM on Wednesday, October 24, 2018 (rain date – Thursday, October 25, 2018) for the annual Jack Frost parade scheduled to begin at 7:00 PM. The

Committee will recommend that Borough Council approve this request as part of the Consent Agenda at their September 10, 2018 meeting.

8. The Committee was advised by Engineering Project Manager Burkholder that work required replacing existing pavement markings along East & West Main Streets between Church Avenue and Lake Street will exceed the budgeted amount of \$10,000. The estimated cost of the work is \$18,237.94. Considering the Old Mill Road improvements project budgeted at \$285,000 was completed for \$188,000 the Committee will recommend to Borough Council that this work be completed and paid for from the unappropriated balance of account #31-49-057-7600 Street and Alley Program at their September 10, 2018 meeting.
9. The Committee reviewed the 2<sup>nd</sup> quarter 2018 budget report for those activities under their purview. One question was asked regarding the funding source of the Mobile Equipment Fund which was answered by Borough Manager Thompson stating that fund's revenues are generated from departmental contributions. No other issues or concerns were identified by the Committee.
10. The Committee discussed a West Locust Street parking concern where an existing no parking sign was recently knocked down in a vehicle accident and not replaced because the signage defining a no parking area along the north side of West Locust Street between Spruce Alley and Park Avenue was not ordained. Committee directed staff to draft a Resolution designating an experimental traffic and parking regulation in this area for review at their September 24, 2018 meeting. No further action at this time.
11. The Committee discussed a citizen concern and reviewed recent Ephrata Police Speed Sentry data regarding speeding along Pleasant View Road between North Academy Drive and the Borough boundary line at Ephrata Township. Speed limit through this area is 35 mph in the Borough and Township and lowering the speed limit is not recommended since the 85<sup>th</sup> percentile speed through the area is 48 mph and safe running speed through the area is acceptable at 35 mph. Committee and staff recommend police enforcement and motorist education as tools to reduce speed through this area. No further action at this time.
12. The Committee reviewed an Independent Auditor's Report for the Borough's Liquid Fuels Tax Fund for the period January 1, 2016 to December 31, 2017. There were no issues or concerns. No further action at this time.

### **Municipal Enterprises Committee**

The Municipal Enterprises Committee met on August 20, 2018 and discussed the following:

1. Director of Operations, Thomas Natarian and Borough Manager, D. Robert Thompson reviewed with the Committee a proposed Pole Attachment Agreement with Comcast. The Pole Attachment agreement would grant Comcast the right to attach to Borough owned poles after a separate Franchise Agreement would be approved. The Pole Attachment Agreement was negotiated with the assistance of the Cohen Law Group. Cohen has worked with the Borough on previous pole attachment agreements. Staff is recommending that the Pole Attachment Agreement be approved. The Committee will recommend that Council approve a Pole Attachment Agreement with Comcast Cable

Communication Management, LLC and Comcast of Southeast Pennsylvania, LLC when they meet on September 10, 2018.

2. The Committee reviewed a proposed Memorandum of Lease for the solar site. The intent of the memorandum of lease was to specify a Drainage Easement Area. The Borough's solar partners, TPE and DEPCOM, requested the memorandum of lease and Staff recommended approval. The Committee voted to recommend that Council approve the Memorandum of Lease. However, after the Committee meeting, TPE and DEPCOM informed the Borough that the Memorandum of Lease was no longer necessary. Accordingly, this item will not appear as an action item or a recommendation.
3. The Committee reviewed the 2nd 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 were higher due to the cold winter weather and reduced system losses while expenditures were within expected ranges. 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 remained at zero.
4. The Committee reviewed the monthly activity report from TPE and DEPCOM regarding progress at the solar site. Staff has been working with DEPCOM to develop a response to PPL and their proposed Method of Accommodation for the solar site.
5. The Committee reviewed the Borough's net metering policy and its impact on customer solar sites that produce more energy than they consume. Mr. Dave Beazley, a Borough Customer with a large solar system, expressed his concerns with the net metering policy. After much discussion, the Committee requested that Staff prepare options for consideration regarding modifications to the net metering policy.
6. Mr. Natarian reviewed a proposal from American Municipal Power, Inc. (AMP) regarding a behind the meter peak shaving project. AMP is proposing to install as much as 20.8 MW of diesel generation adjacent to the Borough's substation. Under the proposal, Ephrata would be the host community for a Pennsylvania project that could include other public power communities in Pennsylvania and elsewhere. Ephrata would receive a portion of the output and would receive full credit for a proportional amount of transmission and capacity savings. With no objections from the Committee, Staff will work with GDS to perform due diligence on the proposal. Based upon the due diligence study, Staff will prepare a recommendation for the Committee to consider at a future meeting.
7. The Committee reviewed a proposed PA House Bill 2564 known as the "Small Wireless Facilities Deployment Bill". The proposed legislation is similar to HB 1620 that failed to pass the House earlier this year. HB 2564 would restrict zoning authority over all wireless facilities, would drastically cut fees that the Borough could charge for the use of Borough facilities, and would mandate shortened approval times. Several statewide entities are aligned to oppose the legislation. With the consent of the Committee, Mr. Thompson will contact Rep. David Zimmerman to express opposition to HB 2564.

8. The Committee reviewed a request for a letter of support for Elizabethtown College's Social Enterprise Institute (SEI) in their effort to obtain a grant associated with the Smart Green Corridor. Pending a successful due diligence check of the SEI, the Committee had no objections to sending a letter of support.

### **Community Services Committee**

The Community Services Committee met on August 27, 2018 and discussed the following:

1. Dave Coryell and Tom Sheaffer with Christian Endeavors came back to the Committee with the additional information that was requested from them at the July meeting. They met with Chief Harvey as requested and attended the Highway Committee meeting to make their request for street closures from 8:00 am to 9:30 am. Fire Police will be positioned at the Queen Street and Parkview Heights crossings. Christian Endeavors is requesting to use the linear trail and part of the upper parking lot to hold a 5-mile race on November 10, 2018. The race will begin at 9:00 am from Fulton Street and will continue all the way to the end of the Borough and back to the finish line located at the Dick Winters Statue. They have agreed to post signage about the Event for public awareness prior to the race. The Committee will recommend that Borough Council approve the request at their September 10, 2018 meeting subject to the review and approval by the Chief of Police of an Incident Support Plan and the receipt of a Certificate of Insurance naming the Borough as an additional insured.
2. Bob Mellinger, in the absence of his wife, Deb Mellinger, reviewed written correspondence from her that she addressed to the Committee desiring a resolution. The memo outlines safety concerns, personnel issues, and lack of management/lifeguard training related to the Ephrata Community Pool. After a couple of specific issues were discussed and explained, the Committee is requesting that Jim Summers, Executive Director of the Ephrata Rec Center, and pool management staff develop a work plan and objectives for the 2019 season. Additionally, the Committee is requesting that the work plan and objectives are shared with them in February or March 2019. Mr. & Mrs. Mellinger are encouraged to attend the meeting to ensure that the issues have been satisfactorily addressed.
3. The Committee reviewed the 2018 second quarter budget report for those areas under the Committee's purview. Borough Manager, Robert Thompson, explained that the Library account is negative because of the Exploratorium Project. The Borough has not yet received the grant money that will cover the cost of the invoices paid out for the Project. It was also mentioned that pool revenue is down. Inclement weather caused the pool to be closed four weekends. Additionally, there is a significant drop in day pass sales. No further action is required by the Committee.
4. Linda Martin, Committee Chairperson, tabled the approval of the revised Shade Tree Ordinance. There is no recommendation being made at this time. A meeting will be scheduled with Chandra Mast of the Shade Tree Commission, Borough staff, and Council Member, Linda Martin, to discuss issues with the proposed changes.

### **NEW BUSINESS ITEMS**

#### **Consent Agenda**

Council Member Richard 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 Borough Manager to execute the 2019 Pension Certification Report identifying the Borough's minimum municipal obligation to each pension plan. The 2019 defined benefit Police Pension Plan amount will be \$609,314. The 2019 defined benefit Borough Pension Plan amount will be \$487,728. The 2019 defined contribution Retirement Plan amount will be \$29,084. (Budget and Finance)
2. That Borough Council approve the request from the Ephrata Farmers Day Association 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 livestock judging and a petting zoo for the 2018 Ephrata Fair during the week of September 24 to 29, 2018. (Public Safety)
3. That Borough Council approve the August 3, 2018 request from Cocalico Valley VFW Post 3376 to close South State Street between Fulton Street and West Franklin Street from 6:30 PM to 8:30 PM on Wednesday, October 24, 2018 (rain date – Thursday, October 25, 2018) for the annual Jack Frost Parade beginning at 7:00 PM. (Highway)

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

## STANDING COMMITTEE RECOMMENDATIONS

### **Budget and Finance Committee**

It was moved by Ms. Martin, seconded by Mr. Ressler, and unanimously passed that Borough Council authorize the change in the purpose of the civic contribution for EPAC for the 2018 Budget. EPAC was approved for a \$32,500 civic contribution in the 2018 Borough Budget. Their original request was to replace the HVAC for \$27,500 on a match with an additional \$5,000 for sound equipment. EPAC will have the matching funds by the end of the season and they are requesting that they be allowed to use the \$32,500 to repair and replace the HVAC and the balance to repair or replace the light or sound equipment.

### **Development Activities Committee**

It was moved by Mr. Zimmerman, seconded by Mr. Barr, and unanimously passed that Borough Council grant EPAC's request to serve not-for-sale beer or wine at a sponsored event on November 17, 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. Zimmerman, seconded by Mr. Barr, and unanimously passed that Borough Council grant the request for the Ephrata Rec Center to provide beer and wine during the Clare Point Derby event held on November 17, 2018 at the Rec Center subject to the receipt of a PLCB special occasion permit.

It was moved by Mr. Zimmerman, seconded by Mr. Barr, and unanimously passed via roll call vote that Borough Council agrees to absorb the cost of an additional banner change-out for a new set of holiday banners.

### **Highway Committee**

It was moved by Mr. Barr, seconded by Mr. Ressler, and unanimously passed that Borough Council conditionally approve the July 25, 2018 e-mail request from the Ephrata Area Education Foundation to conduct a 5K Purple & Gold Color Run on Saturday, September 22, 2018 subject to notification to affected residents within Lincoln Heights, Borough receipt of a satisfactory certificate of insurance naming the Borough as additional insured and Chief Harvey's approval and establishment of an incident support plan, as required.

It was moved by Mr. Barr, seconded by Mr. Richard, and unanimously passed that Borough Council conditionally approve the August 22, 2018 e-mail request from Christian Endeavor to conduct a 5-mile race on Saturday, November 10, 2018 subject to Borough receipt of a satisfactory certificate of insurance naming the Borough as additional insured and Chief Harvey's approval and establishment of an incident support plan, as required.

It was moved by Mr. Barr, seconded by Mr. Ressler, and unanimously passed that Borough Council adopt Resolution #2018-9 authorizing execution of an application for traffic signal approval to PennDOT for planned signal modifications at SR 0272 and Meadow Valley Road.

It was moved by Mr. Barr, seconded by Mr. Ressler, and unanimously passed via roll call vote that Borough Council adopt Resolution #2018-10 providing for price adjustment of bituminous materials in small quantities associated with Bid #18-6 Old Mill Road Improvements and Bid #18-7 Lincoln & Marshall Street improvements.

It was moved by Mr. Barr, seconded by Mr. Richard, and unanimously passed that Borough Council adopt Resolution #2018-11 to replace Resolution #2018-8 to experimentally restrict parking 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 that Borough Council conditionally approve the July 27, 2018 request from the Highland Elementary School PTO to close Highland Avenue between West Chestnut Street and Broad Street on Friday, November 2, 2018 between 5:00 PM and 9:00 PM to conduct a Trunk or Treat event for the families of Highland Elementary School subject to Borough receipt of a satisfactory certificate of insurance naming the Borough as additional insured, notification of the event provided to all Highland Avenue residents and Chief Harvey's approval and establishment of an incident support plan, as required.

It was moved by Mr. Barr, seconded by Mr. Ressler, and unanimously passed via roll call vote that Borough Council approve the expenditure of unbudgeted funds in the amount of \$8,237.94 to complete additional replacement of pavement markings in and along Main Street within the CBD to be paid from the unappropriated balance of Account #31-49-057-7600 Street and Alley Program.

### **Municipal Enterprises Committee**

It was moved by Mr. Richard, seconded by Ms. Martin, and unanimously passed that Borough Council approve a Pole Attachment Agreement with Comcast Cable Communication Management, LLC and Comcast of Southeast Pennsylvania, LLC.

It was moved by Mr. Richard, seconded by Ms. Martin, and unanimously passed that Borough Council adopt Resolution 2018-12 confirming Borough Council's approval of a lease between the Borough and TPE Pennsylvania Solar 1, LLC, and authorizing the Borough Manager to execute such lease and finally affirming that there is no appeal period for Council's approval and that the lease agreement is binding.

### **Community Services Committee**

It was moved by Ms. Martin, seconded by Mr. Ressler, and unanimously passed that Borough Council conditionally approve the request from Christian Endeavors to use the linear trail and part of the Fulton Street parking lot on Saturday, November 10, 2018 from approximately 6:00 am to 12:00 pm to hold a 5-mile run event at their September 10, 2018 meeting subject to the review and approval by the Chief of Police of an Incident Support Plan and the receipt of a Certificate of Insurance naming the Borough as an additional insured.

### **APPROVAL OF CHECKS 34985 THROUGH 35359 AND THE ACH REGISTER DATED AUGUST 30, 2018**

It was moved by Mr. Richard, seconded by Mr. Zimmerman, 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 \$845,936.45.

### **OPPORTUNITY FOR CITIZENS TO BE HEARD**

There were no comments or remarks from attendees.

### **DISCUSSION/ANNOUNCEMENTS**

Mr. Ressler thanked the community members who attended the meeting and expressed his appreciation to "hear from the other side" as many times Council only hears one side of the story/complaint.

Ms. Martin reminded Council members that the last WhistleStop Market of the year will be held on Saturday, September 15, 2018, starting at 4:30 p.m.

Mr. Barr expressed his frustration with individuals driving through "Road Closed" signage, especially during the flooding events recently experienced.

Mr. Barr advised Council members that Twin Pine Autos has convertibles available for those who want to ride in the upcoming Ephrata Parade.

Mr. Ressler advised that the 100<sup>th</sup> Ephrata Fair books are available for pickup. Mr. Ressler stated he is very impressed with the book and encouraged others to purchase a copy.

Mr. Richard piggybacked off of Mr. Ressler's comments, further advising that there were 700 copies printed of the 100<sup>th</sup> Fair book and 500+ of those copies have already been sold.

Mr. Richard reminded Council members to contact the Fair Association if they wish to have reserved parade seating.

Mayor Mowen stated while reviewing the September meeting agenda, he observed there were a total of 188 pages of material. Mayor Mowen referred to the “old days” of Staff having to prepare printed copies of meeting packets and he is thankful for the “digital era” of being able to view the material on a screen which saves not only costs, but more importantly trees.

Mayor Mowen reminded all in attendance of the observation of Patriots Day, September 11<sup>th</sup>; further advising to “never forget” all those who lost their lives as a result of the tragic event.

Mayor Mowen advised as he drives around the Borough, he is observing a large amount of properties with overgrown weeds. Mayor Mowen further stated the Codes Department needs to be more aware and make proper notifications.

Mayor Mowen advised he also has observed at least one property hosting a yard sale “every other week” while the Ordinance states two yard sales may be held within a year; again advising the Codes Department needs to be more aware and make proper notifications.

Chief Harvey advised Hurricane Florence is approaching landfall and to “keep your eye on the sky.”

Mr. Barr advised in expanding on Mayor Mowen’s comments, he has observed residents blowing/dumping their grass clippings in the roadway which could cause issues as it travels down the drain into waterways.

**ADJOURNMENT**

It was moved by Mr. Barr, seconded by Mr. Zimmerman, and unanimously passed that Borough Council adjourn. The meeting was adjourned at 8:02 PM.

Respectfully submitted,

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D. Robert Thompson, Secretary