

**EPHRATA BOROUGH COUNCIL
REGULAR MEETING MINUTES
OCTOBER 8, 2018**

The regular Ephrata Borough Council meeting was called to order by Vice President Thomas Reinhold at 7:00 PM on October 8, 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 Vice President Thomas Reinhold and President Pro Tem Melvin Weiler were Council Members Timothy Barr, Linda Martin, Ricky Ressler, Victor Richard and Gregory Zimmerman. Absent were President Susan Rowe 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:

Penny Talbert, Ephrata Public Library
Ann Small, Ephrata Public Library
Kevin Eshleman, Ephrata Community Church
Todd Eachus, Comcast
Betsy Leinbach, 29 Akron Road, Ephrata
Randy Leinbach, 29 Akron Road, Ephrata
Mark Frymoyer, 29 Clover Court, Ephrata
Randy Gockley, 62 Robert Road, Ephrata
Bill Christman, 484 Stephen Circle, Ephrata

APPROVAL OF MINUTES

It was moved by Mr. Barr, seconded by Ms. Martin, and unanimously passed that Borough Council approve the September 4, 2018, Work Session Minutes, and the September 10, 2018, Regular Meeting Minutes.

MUNICIPAL MOMENT – EPHRATA PUBLIC LIBRARY

Penny Talbert provided an overview of the services provided by Ephrata Public Library. Ms. Talbert advised within the past year, the Library has seen a 9% increase in circulation, over 200,000 library visits, as well as a 25% increase in volunteering hours. Ms. Talbert advised this year's summer reading program included 820 participants as well as provided an overview of current library staffing.

Ms. Talbert advised of the following upcoming events noting there are too many to name:

- Escape Room Fundraiser
- Book Sale – This event has been moved to the Amvets building as it has outgrown the library facilities
- Pop-Up Book Sale on day of the Extraordinary Give

In conclusion, Ms. Talbert advised that many of the Library's programs are being focused on STEM initiatives. Additionally, Ms. Talbert stated the Library is working with outside organizations to establish family-based, early learning programs.

After a brief question and answer period, Vice President Reinhold extended Council's appreciation to Ms. Talbert for her presentation.

OPPORTUNITY FOR CITIZENS TO BE HEARD

Randy Gockley, 62 Robert Road, Ephrata, advised this week is Fire Prevention Week and the Lincoln Fire Company has visited different schools throughout the area. Additionally, Mr. Gockley invited Council members to Lincoln Fire Company's Open House scheduled for Saturday, October 13, 2018, from 10:00 a.m. to 2:00 p.m.

Mr. Gockley informed Council members of an ongoing "dangerous" traffic situation occurring in the area of the Garden Spot Auto Auction, Robert Road and Apple Street, between the hours of 9:00 a.m. and 2:00 p.m. on Tuesday's. Mr. Gockley stated while there are currently "No Parking" signs in place, there is still a restricted view issue while at that intersection. Mr. Gockley invited Borough staff, police and Council members to the area to view first-hand the importance of improving the traffic issue.

It was moved by Mr. Weiler, seconded by Mr. Richard, and unanimously passed to close citizen

comments at this time.

ACCEPTANCE OF REPORTS

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

Budget and Finance Committee

The Budget & Finance Committee met on September 24, 2018 and discussed the following:

1. Staff reviewed with the Committee the results of the Inframark cost analysis for outsourcing of Water and Sewer. Tom and Mark from Inframark were present and provided copies of the latest quote and a cost comparison from their perspective. The Water outsourcing proposal is not favorable for EAJA so we will not be pursuing it any further. The Sewer proposal is \$17,000 favorable which is 0.89% of the total Sewer budget. There are non-monetary risks to consider such as staffing and fines for non-compliance which would all fall on Inframark, if we choose to outsource Sewer. Staff had budgeted for an admin cost analysis in 2018, which was put on hold until we had the results of the outsourcing analysis. We will budget the Admin cost analysis for 2019. Staff will have them look at admin charges with outsourcing and admin charges without outsourcing. If there is no impact on admin charges to the Borough with outsourcing then we will take another look at outsourcing Sewer.
2. 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 September 24, 2018 and discussed the following:

1. The Committee reviewed a land development agreement for the solar land development plan in Ephrata Township. The Township is requiring the Borough, as owner, and the Developer (Turning Point Energy) to enter into an improvement agreement for the solar site land development plan. The staff and the solicitor have reviewed the agreement and all their comments have been incorporated. In order not to cause delays in starting the solar project, the Committee has agreed to request that Council vote on this at the work session. The Committee will recommend that Borough Council authorize the President of Borough Council and the Borough Secretary to execute a Land Development Agreement with Ephrata Township for the solar project at the October work session.
2. The Committee reviewed a request from the EDO/Alliance to have Borough staff hang the holiday wreaths. Borough staff already plugs the wreaths in so it could be done at the same time. The Alliance has done it in the past with volunteers and they were concerned for their safety. The EDO will look into other options for hanging the wreaths in future years. The EDO will not be doing the holiday banner program this year and would like to substitute the wreath hanging for the previous banner hanging approval. The Committee will recommend that Borough Council absorb the cost of hanging the wreaths for this year at the October Council meeting.
3. Councilperson Martin presented a request to serve not-for-sale beer and wine at an EDO kick-off quarterly community event meeting on October 16, 2018. The intent of the meeting is to bring all the volunteer groups together, introduce the EDO, and hopefully recruit more people. The meeting location will rotate and be held at various locations in the borough. The Committee requested that a licensed server dispense the alcoholic beverages. In a 2-yes (Barr and Zimmerman) to 1-no vote (Weiler), the Committee will recommend that Borough Council approve the request to serve not-for-sale beer and wine at the October 16, 2018 quarterly meeting of the EDO at the October Council meeting.
NOTE: This request has been withdrawn and no further action is required.
4. The staff updated the Committee regarding the sale of the two lots on West Sunset Avenue. The lots were put out for bid and no bids were received. The staff will advertise the bid one more time and provide an update at next month's meeting.
5. The staff provided an Economic Development update. The naming of the organization is continuing. The EEDC sold their shares in the Mountain Springs development and can now join the merger with the other two organizations. A permanent board of directors is planned to be in place by the end of the year.

6. There wasn't a September Zoning Hearing Board meeting.
7. There is one new application for the October 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 September 17, 2018 at 5:30 PM and discussed the following:

ACTION ITEMS:

1. **Records Management System (RMS) Project** – LT Shumaker 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. The borough has received written commitments from all municipal partners for this project and the PSC will be recommending approval for the project act the next council meeting. - Unanimously approved by Committee- *Action by Borough Council*

DISCUSSION ITEMS:

2. **Comp-stat (August 2018)** — *Received for Informational Purposes Only*
3. **EMC Report (August 2018)** – *Received for Informational Purposes Only*

OLD BUSINESS:

4. **Radio Purchase** – Terms and conditions for the purchase of new police radios was provided to our municipal partners on September 17, 2018. PSC made a motion to move forward with the project pending approval from all participating partners with potential recommendation and approval at the next borough work session. - **Unanimously approved by Committee- *Action by Borough Council***

There being no other business set before it, the meeting adjourned at approximately 5:49 PM.

Highway Committee

The Highway Committee met on Monday, September 24, 2018 and discussed the following:

1. The Committee reviewed and discussed UGI's natural gas extension plans through certain areas of the Borough and heard about the gas extension project from Mike Ast, New Business Representative – East Region for UGI Gas Service. Proposed gas main extensions comprise North and South State Street from Irene Avenue to Queen Street and portions of West Pine Street, East Fulton Street, Lake Street, Sugar Alley and Rose Alley. The Committee will recommend that Borough Council conditionally approve the gas main extensions subject to the three (3) separate Agreements ("Get Gas Program" Agreement and two (2) "Street Opening and Gas Service Extension" Agreements) between UGI Utilities, Inc. and the Borough of Ephrata including any required performance bonds and certificate(s) of insurance being in a form acceptable to the Borough Solicitor and Borough receipt of \$209,637.56 payment from UGI in lieu of pavement restoration, which payment is to serve as compensation to the Borough for future costs to final restore those affected portions of North and South State Street at their October 8, 2018 meeting.
2. The Committee reviewed a September 12, 2018 e-mail request from Rebecca Gallagher to close Railroad Avenue from East Fulton Street to East Sunset Avenue on Saturday, November 10, 2018 from 3:00 PM to 8:00 PM, which includes set up and clean up, to conduct activities associated with the Veteran's Day Luminary Tribute and accommodate no more than two (2) food trucks. 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 October 8, 2018 meeting.

3. The Committee reviewed a resolution to provide 90-day experimental traffic and parking regulations under Section 305-5 of the Code of the Borough of Ephrata restricting parking along the north side of West Locust Street between Park Avenue and Spruce Alley. The Committee will recommend that Borough Council adopt Resolution #2018-14 at their October 8, 2018 meeting.
4. The Committee discussed with SRO Paul Moore bus staging/parking issues being experienced at the High School, Middle School and Highland Elementary School. Borough staff will meet and discuss further with SRO Paul Moore and EASD staff for further discussion and recommendations at a future Highway Committee meeting. No further action at this time.
5. Project Manager David Burkholder updated the Committee regarding the Lincoln Avenue and Marshall Street improvements project and the impact the wet weather has caused in delaying completion of this project. The contractor has requested from PennDOT a paving extension to October 31, 2018 and we are waiting on PennDOT approval. No work will be performed during the week of September 24, 2018 due to weather and pedestrian safety concerns during the Fair. At this time I expect the project to be completed by the end of October 2018 barring any unforeseen conditions or extended adverse weather conditions. No further action at this time.
6. Committee also briefly discussed parking concerns along North Oak Street near Broad Street as part of an experimental traffic and parking regulation adopted by Council Resolution on September 10, 2018. This will be further discussed at the October 2018 Highway Committee meeting.

Municipal Enterprises Committee

The Municipal Enterprises Committee met on September 17, 2018 and discussed the following:

1. Borough Manager Thompson reviewed the negotiated Cable Franchise Agreement between the Borough and Comcast with the Committee. In summary Comcast will: 1) build out for residential services 200 feet on side of the wires the install for the business network, 2) will pay 5% of gross revenues generate on the residential system to the Borough annually, 3) will provide a one-time grant of \$3,900 to the Borough for any public purpose including Educational and Governmental Channel (EG), 4) will provide complimentary cable service to public facilities (no internet connections), 5) agrees to certain customer service standards, 6) will address any Borough right of way concerns within 10 business days, 7) will provide detailed franchise fee reporting, 8) agrees to liquidated damages for violations of the agreement, 9) will provide insurance and performance bonds, 10) will activate the EG channel with 180 days of a written request, 11) length of the agreement is 7 years. The Committee will recommend that Borough Council approve the agreement at their October 8, 2018 meeting.
2. In light of Tom Natarian's resignation the Committee discussed appointing a new primary and alternate member to serve on the AMP board of directors. The Borough's term expires in September 2019. Currently Borough Manager Thompson is the alternate and he will be attending all AMP board meetings in the foreseeable future. Mr. Thompson recommended that the Borough consider appointing Director of Administration and Finance Christine Moore as the alternate. AMP has established a rule that if a board member misses two consecutive meeting they can be expelled from the board. The Committee also discussed the option of having a retired council member attending the board meetings. The Committee decided to table this item since Mr. Thompson is already the alternate and requires no further action by Council to attend the board meetings.
3. Borough Manager Thompson provided a brief update regarding the solar project. Currently we are waiting on a response from PPL regarding the reverse power protection and the issuance of the building permit from Ephrata Township. The Development Activities Committee will be reviewing the land development improvement agreement with hope that they will recommend that Council approve it at their October 1 work session. Once the improvement agreement is approved the Township will issue the building permit.
4. Borough Manager Thompson provided the Committee with a summary of action by the Pennsylvania Municipal Electric Association at their annual conference September 12-14,

2018. By a unanimous vote, those PMEA members in attendance recommended that the proposed changes by the strategic planning committee be adopted and sent to the municipal members for action by their councils. Below are the major changes proposed:

- The creation of a new 7 member Board of Directors who will meet monthly;
- The creation of a new full-time Executive Director;
- More active assistance offered to all of our 35 municipal members; and
- A change in the dues structure whereby municipal members pay \$5 per electric meter per year to be a member.

The changes were proposed in response to the Berstine legislation where PMEA identified that it needs to be better prepared to defend such legislation that will negatively impact PMEA members. The Committee has no objections to the proposed changes and will recommend that Borough Council adopt a resolution at their November meeting to approve the changes to the PMEA by-laws and the new membership dues structure.

Community Services Committee

The Community Services Committee met on September 24, 2018 and discussed the following:

1. Mayor Mowen reviewed a request from Ephrata Cares, a group formed to combat the opioid crisis in our town, to hold a candlelight vigil to honor those in recovery. The vigil is scheduled to be held at the Whistle Stop Plaza on December 12, 2018 at 6:30 pm. They expect no more than 100 participants. There will be comments from individuals in recovery and music from a group of individuals in recovery. The Committee will recommend that Borough Council approve the request for the vigil to be held at the Whistle Stop Plaza at their October 8, 2018 meeting.
2. The Committee reviewed a request submitted by the EDO and Josh McCracken, Principal of Fulton Elementary School, to use the Veterans Plaza and the Linear Trail to hold a Luminary Tribute. The Event is scheduled to be held on Saturday, November 10, 2018 from 3:00 pm to 8:00 pm. Fulton Elementary students and staff will place small flags in the Plaza the week before the Event. The EDO will submit a Certificate of Insurance naming the Borough as an additional insured and will complete an Incident Support Plan with the Chief of Police. The Committee will recommend that Borough Council approve the request as part of the Consent Agenda at their October 8, 2018 meeting.
3. The Ephrata Cares Recovery Walk and Park Event that was planned for May 19, 2018 (cancelled due to inclement weather) and was presented to the Development Activities Committee at their February meeting and approved by Borough Council at their March 12, 2018 meeting, has been rescheduled for Saturday, October 6, 2018 at Grater Park. There are no changes to the original plan submitted. No further action is needed.
4. Jim Summers presented information to the Committee on the possibility of having a Bike Share Program in the Borough for the trail. Jim and Borough Manager Thompson visited Warwick Township to find out how their program works. They have ten (10) bikes that were purchased at Lititz Bike Works through a donation from two (2) local contractors. Lititz Bike Works runs the program. Warwick Township is not involved with the program other than providing the location for the bikes and a kiosk for the rental of the bikes. Jim has been in contact with Green Mountain Cyclery for ideas. There are also other cities that have similar programs that could be investigated. If the program moves forward, it will not be until the 2019 bike riding season. The next step in the process is for Jim to meet with Green Mountain Cyclery to see if they have more information and/or suggestions.
5. The Committee graciously accepted a donation of two (2) bike air pumps to be installed at different locations along the linear trail. They are being donated by Knead It Massage & Bodyworks from proceeds of their Running on the Rails Event held on June 9, 2018. The placement and installation will be coordinated with the Borough's Public Works Division.

Special Projects Committee

The Special Projects Committee met on September 17, 2018 at 7:30 pm and discussed the following:

1. Chairman Zimmerman opened the meeting with a question to the Committee, remaining members of Council, the Mayor and the citizens in the room: Should we continue with

the process of finalizing the proposed ordinances to regulate Mobile Food Facilities and Special Events? The staff was not asked to weigh in on the importance of the ordinances; however, Borough Manager Thompson did identify some of the differences between the proposed ordinances and the current processes. These include that currently there is no timetable prior to the event for which an applicant has to submit their request for an event which also includes the time for street closures and the consumption of alcohol on Borough/public property, no appeal process from the decision of Borough Council, that much of the information requested on the proposed application is required by Chief Harvey in order to prepare an Incident Action Plan and that either process will require insurance and indemnification. The ensuing discussion was that the proposed ordinances were overwhelmingly burdensome to the applicants and they question what is wrong with the current process. Ultimately, none of the Council attendees could support the proposed ordinance and it was recommended that they both be tabled indefinitely.

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.

1. That Borough Council approve the September 12, 2018 email request from the EDO to use the Veterans Plaza and linear trail to hold a Luminary Tribute and to have Fulton Elementary students and staff place flags in the Plaza 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. (Community Services)

It was moved by Mr. Weiler 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 Mr. Richard, seconded by Ms. Martin, and unanimously passed via roll call vote that Borough Council confirm the 2018 civic contribution to the Ephrata Farmers Day Association in the amount of \$10,000 for expenses associated with the 100th Anniversary Parade and due to the 2018 parade cancellation shall not be returned to the Borough and rather be earmarked for the 101st Anniversary Parade in 2019.

Development Activities Committee

It was moved by Mr. Weiler, seconded by Mr. Barr, and unanimously passed that Borough Council absorb the cost of hanging the holidays wreaths this year.

Public Safety Committee

It was moved by Mr. Ressler, seconded by Mr. Richard, and unanimously passed via roll call vote that Borough Council approve the purchase of the new police records management system from CSI for \$52,300.00. This 2018 Capital project 31-29-004 completion (including start-up costs and staff training) will exceed the projected budget of \$50,000.00 and will be supplemented with \$2,300.00 from current year's training 01-20-202-4560 budget.

It was moved by Mr. Ressler, seconded by Mr. Weiler, and unanimously passed that Borough Council authorize the appropriate officers of the Borough to execute all necessary documents to enter into an Equipment Lease Purchase Agreement for thirty-six (36) portable handheld radios, with Motorola Solutions Inc., including the Certified Lessee Resolution as set forth in the agreement therein.

Highway Committee

It was moved by Mr. Barr, seconded by Mr. Ressler, and unanimously passed via roll call vote that Borough Council conditionally approve UGI's natural gas main extension plans dated August 24, 2018 and three (3) separate Agreements between UGI Utilities, Inc. and the Borough of Ephrata:

- a. "GET Gas Program" Agreement
- b. Street Opening and Gas Service Extension Agreement – W. Pine Street and State Street

- c. Street Opening and Gas Service Extension Agreement – E. Fulton Street, Lake Street, Rose Alley and Sugar Alley

This includes any required performance bonds and certificates of insurance subject to those Agreements, bonds, and insurances being in a form acceptable to the Borough Solicitor and Borough receipt of a \$209,637.56 payment from UGI.

It was moved by Mr. Barr, seconded by Mr. Richard, and unanimously passed that Borough Council conditionally approve the September 12, 2018 e-mail request from Rebecca Gallagher, representing EDO, to close Railroad Avenue on Saturday, November 10, 2018 from 3:00 PM to 8:00 PM to conduct activities associated with the Veteran's Day Luminary Tribute and accommodate no more than two (2) food trucks 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 #2018-14 to experimentally restrict parking along the north side of West Locust Street between Park Avenue and Spruce Alley for a period not to exceed ninety (90) days.

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 should be noted that Vice President Reinhold, being a current Comcast employee, abstained from casting a vote on this matter.*

Community Services Committee

It was moved by Ms. Martin, seconded by Mr. Ressler, and unanimously passed that Borough Council approve the request from Ephrata Cares to hold a candlelight vigil to honor those in recovery at the Whistle Stop Plaza on December 12, 2018 at 6:30 PM subject to the receipt of a Certificate of Insurance naming the Borough as additional insured and an approved Incident Support Plan from the Chief of Police.

APPROVAL OF CHECKS 35360 THROUGH 35666 AND THE ACH REGISTER DATED SEPTEMBER 28, 2018

It was moved by Mr. Richard, seconded by Mr. Weiler, 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 \$1,155,329.15.

OPPORTUNITY FOR CITIZENS TO BE HEARD

Mr. and Mrs. Leinbach extended their sincere appreciation to Council for the monetary gift to be put toward next year's Ephrata Fair Parade.

DISCUSSION/ANNOUNCEMENTS

Mr. Zimmerman provided an explanation as to the decision of not pursuing the Special Events and Mobile Food ordinances at this time. Mr. Zimmerman advised the Special Projects Committee reviewed the feedback received from community organizations; and as such, with Ephrata continuing to be the "location of choice" for many to hold events as well as the focus being on public safety, it was decided to not pursue further with the ordinances. Mr. Zimmerman advised Chief Harvey has offered to meet with anyone wishing to hold a special event and will provide assistance where needed. Mr. Zimmerman concluded his comments by thanking all who were involved in the process.

Ms. Martin informed Council members on October 30, 2018, 5:30 p.m. to 7:30 p.m., EDO will be hosting a community meeting with the emphasis being on introducing the organization to the community as well as introducing board members and identifying volunteer opportunities.

Mr. Thompson advised he attended the AMP Conference in where the Borough was recognized in a number of areas including: (1) AMP Resolution for sending a crew, including two linemen and a truck, to Florida to assist with restoration efforts last year; (2) AMP Safety Award for no loss time injuries; (3) Recognition of using the Ephrata Solar Project to finance economic development; and, (4) an Honorable Mention for our advanced meter infrastructure project.

Mr. Reinhold expressed his hope to see President Rowe leading next month's meeting and thanked all for their patience as he led the meeting.

ADJOURNMENT

It was moved by Mr. Weiler and unanimously passed that Borough Council adjourn. The meeting was adjourned at 7:45 PM.

Respectfully submitted,

D. Robert Thompson, Secretary