

MUNICIPAL ENTERPRISES COMMITTEE REPORT – MAY 10, 2021

Members: Martin, Chairman; Richard, Vice Chairman; Reinhold, Member; Ressler, Alternate,

Attendees: Martin, Chairman; Richard, Vice Chairman; Reinhold, Member; Ressler, Alternate; Rowe, Barr, Zimmerman, Thompson, Nigrelli, Haws, Morrison, Guests (2), Virtual Attendees: Solicitor McManus

The Municipal Enterprises Committee met on April 19, 2021, and discussed the following:

Action Items:

1. Borough Manager Thompson reviewed with the Committee a Management Agreement between the Borough and the Ephrata Borough Authority. This agreement replaces the lease agreement between the Borough and the Authority that was terminated following the Authority's satisfaction of the bond indenture. The Committee will recommend that Borough Council approve the agreement at the May 10, 2021 Council meeting.
2. Mr. Thompson reviewed with the Committee a Common Interest Agreement between the Borough and the Ephrata Borough Authority and their shared Counsel, McNees Wallace & Nurick LLC. Both the Borough and the Borough Authority share Counsel in a project involving the restructuring of the Ephrata Sewer System owned by the Ephrata Borough Authority and managed by the Borough. This agreement identifies the roles and responsibilities of each party for this project. The Committee will recommend that Borough Council approve the Common Interest Agreement at their May 10, 2021 meeting.
3. Mr. Thompson reviewed with the Committee a proposed Pole Attachment Agreement between the Borough and CenturyLink. The Electric Division staff identified foreign attachments to our utility poles and later identified them as owned by CenturyLink. This agreement will authorize CenturyLink to attach to the Borough's utility poles however the Borough will require CenturyLink to complete the application process as if the attachments have not been made; including the payment of all related fees. In addition the staff will review all existing pole attachment documents and add penalties associated with unauthorized attachments to Borough utility poles. The Committee will recommend that Borough Council conditionally approve the pole attachment agreement subject to the submission of all necessary applications, the payment of all related fees and the receipt of approved applications, at the May 10, 2021 Council meeting. Any defects in the current CenturyLink attachments must be corrected prior to final application approvals.
4. Mr. Thompson advised that our electrical inspection contractor ABI has adopted the 2017 NESC rules which require that all non-dwelling electric services conduct a fault current study. The staff is recommending that Chapter 165 of the Code of the Borough of Ephrata be amended to require the fault current study for all non-dwelling electric services. In addition the staff is recommending that that the Borough's schedule of fees and charges be amended to include the cost of the fault current study set at \$300.per study. The Committee will recommend that Borough Council enact the ordinance to amend Chapter 165, Electricity in addition to adopting a resolution to amend the schedule of fees and charges at their June 14, 2021 Council meeting.

Discussion Items:

None

Old Business:

1. Mr. Scot Sherbine, 202 S. State Street, made comments and references regarding various Borough and state documents including Borough Resolution 2019-15, Ordinance 1464 and the Borough Council Handbook. He also made reference to the Borough charging a meter tax. Chairwoman Martin continued to press Mr. Sherbine to identify specific changes to the Borough's requirements that he wished the committee to consider however Mr. Sherbine did not provide and specificity on the changes he is requesting. No action is required by the Committee.