

**BOROUGH OF EPHRATA
COUNCIL MEETING AGENDA
APRIL 14, 2014**

INVOCATION Pastor Joe Hyatt, New Beginnings Church

PLEDGE OF ALLEGIANCE

ATTENDANCE/ROLL CALL

PROCLAMATION – Arbor Day 2014

APPROVAL OF MINUTES

Borough Council Regular Meeting Minutes – March 10, 2014

MUNICIPAL MOMENT

Mayor Richard Gray

OPPORTUNITY FOR CITIZENS TO BE HEARD

ACCEPTANCE OF REPORTS

Budget and Finance Committee
Development Activities Committee
Public Safety Committee
Highway Committee
Municipal Enterprises Committee
Community Services Committee
Special Projects Committee

March General Ledger Report
Lincoln Fire Company – March 2014 Report & 2013 Annual Reports
Pioneer Fire Company –March 2014
Ephrata Community Ambulance Association – March 2014
Emergency Management Coordinator March 2014 Report
March Shade Tree Commission Report
Mayor’s Vision Committee Minutes
Ephrata Farmers Day Association, Inc. Financial Report

1st Quarter Financial, Police, Inspection/Codes, Wastewater Treatment Division, Public Works Division, Water Division, Ephrata Public Library, Ephrata Recreation Center

DEI
EPAC
Historical Society of the Cocalico Valley
Mayor’s Revenue Report

The following reports were not received – EEDC, Electric, Sanitation

NEW BUSINESS ITEMS

Consent Agenda (includes the following approvals)

1. That Borough Council approve a waiver/modification of Stormwater Water Quality Facilities Release, Section 275-12.A.14 of the Code of the Borough of Ephrata for the Preliminary/Final Land Development Plan for Ephrata Community Hospital Health Pavilion Addition. (Development Activities Committee)
2. That Borough Council approve a waiver/modification of submission of Preliminary Plan, Section 281-14 of the Code of the Borough of Ephrata for the Preliminary/Final Land Development Plan for Ephrata Community Hospital Health Pavilion Addition. (Development Activities Committee)
3. That Borough Council approve the Final Land Development Plan for Ephrata Community Hospital Health Pavilion Addition, dated October 11, 2013, with revision 2 dated February 28, 2014 containing 9 sheets prepared by Harbor Engineering, Inc., Manheim, PA as a final plan subject to the following:
 - A. The applicant must address the comments from the March 10, 2014 memorandum of Nancy Harris, Planning and Engineering Manager.
 - B. The applicant must address all comments contained in the HRG letter dated November 11, 2013. (Development Activities Committee)
4. That Borough Council approve the disposition of assets (current patrol rifle inventory) for \$7,650.00 to be traded-in as part of Bid 14-8 Purchase and Delivery of Rifles. (Public Safety Committee)
5. That Borough Council award the Bid 14-8 Purchase and Delivery of Rifles for the Ephrata Police Department to DNA Weaponry, LLC of Lititz, PA for a price of \$25,364.00 less trade-in on current rifles of \$7,650.00 for a total expenditure of \$17,714.00. (Public Safety Committee)
6. That Borough Council conditionally approve the request from the Make-A-Wish Foundation per their letter dated February 27, 2014 for their 25th Annual Mother's Day Convoy through the Borough of Ephrata on Sunday, May 11, 2014 subject to Borough receipt of a satisfactory certificate of insurance naming the Borough of Ephrata as additional insured and in the event that the Borough of Ephrata is required to fully indemnify and save harmless the Pennsylvania Department of Transportation regarding this event the Make-A-Wish Foundation will be required to fully indemnify and save harmless the Borough of Ephrata, its officers and employees and assume all liability for damages and injuries occurring to any persons or property through or in consequence of any act or omission of anyone associated with the annual Mother's Day Convoy. (Highway Committee)

Standing Committee Recommendations

Budget and Finance Committee
Development Activities Committee
Public Safety Committee
Municipal Enterprises Committee
Community Services Committee

Approval of Checks 18509 through 18847 and the ACH Registers dated April 4 & 10, 2014

DISCUSSION/ANNOUNCEMENTS

ADJOURNMENT

BUDGET AND FINANCE COMMITTEE REPORT - 4/14/2014

The Budget & Finance Committee met on March 24, 2014 and discussed the following:

1. The Committee discussed the proposed ordinance amending the police pension plan by establishing a Deferred Retirement Option Program (DROP) under the pension plan. This item was negotiated and approved by Borough Council as part of the collective bargaining agreement with the Ephrata Law Enforcement Association at Council's December 12, 2013 meeting. The Committee will recommend that Borough Council enact the ordinance at their April meeting.
2. The Committee discussed with William Hecker, Chairman of the Ephrata Economic Development Corporation the current outstanding principal and interest balance on money extended to the EEDC for the development of the Mountain Springs site. Mr. Hecker provided the current status of the EEDC and their partnership in the Mountain Springs LLC. The Committee asked Mr. Hecker to ask the EEDC board at their April 23, 2014 meeting to discuss options concerning the repayment of the principal and interest. Mr. Hecker agreed to discuss it with the EEDC board and return to the next Committee meeting on April 28, 2014 for further discussions.

DEVELOPMENT ACTIVITIES COMMITTEE – 4/14/2014

The Development Activities Committee met on March 24, 2014 and discussed the following:

1. The Committee reviewed a proposed land development plan for Ephrata Community Hospital. The plan is proposing two additions to the existing health pavilion, stormwater improvements and the relocation of a water main. The hospital is also proposing to create a condominium line within the hospital campus for the health pavilion. The applicant has requested a waiver of preliminary plan and a stormwater waiver. The Committee will recommend that Borough Council approve the two waiver requests and approve the plan as a final land development plan at the April meeting. This item will appear on the Consent Agenda.
2. The Committee reviewed Bid #14-10, Sale of Real Estate. This bid was for approximately 1.59 acres of land located in Ephrata Township at the intersection of East Trout Run Road and Springhouse Road. The Borough received two bids and the successful bidder was Scott R. Cover with a bid of \$121,100.00. The Committee will recommend that Borough Council award Bid #14-10 to Scott R. Cover of Ephrata, PA for \$121,100.00 at the April meeting with the condition that the subdivision must be completed and recorded within 6 months of awarding the bid. Settlement for the land must occur within 45 days of recording the subdivision.
3. The Committee reviewed a request from the Ephrata Re-Uzit Store located at 22 East Main Street. They would like to install a set of exterior stairs from their basement to grade. The building is on the property line so they are requesting an easement from the Borough on the Whistle Stop Plaza property to accommodate the proposed stairs. There are other existing exit stairs from the basement, but they would like a set of stairs closer to the front of the

building. The proposed stairwell would encroach approximately five feet into a ten foot wide walkway area behind the pergola at Whistle Stop Plaza. The Committee would like to see if there are any other possible locations for the stairs. The staff will contact the Ephrata Re-Uzit to see what alternatives there may be and discuss those with the Committee at the April Committee meeting.

4. The Committee reviewed a progress report from High Associates regarding the Borough owned property that is available for lease at 21 Springhouse Road. There hasn't been much interest. This update is being provided for information only at this time, but the Committee may want to consider other options for the site in the near future.
5. The Committee reviewed several documents pertaining to the proposed rental ordinance. First, the Ephrata Police Department presented a series of slides that provided statistics regarding police calls to rental properties and owner occupied properties. The second document was the staffs' response to the list of nine items from the February Committee meeting. That list comprised comments that the Committee asked the staff to look into. The third and final document was a summary of comments that the staff gathered after meeting with Lancaster City and Berwick Borough. Both municipalities have a working disruptive conduct ordinance. The Committee directed the staff to revise the ordinance to reflect the staff responses and to revise the ordinance language to make it easier to understand. This will be reviewed at a future Committee meeting.
6. Gregory Benner, 435 East Main Street had previously requested a waiver of his 2013 rental permit fee. During 2013 Mr. Benner was deployed in Afghanistan and had a friend staying at his house. Mr. Benner acknowledged that while his friend stayed at 435 East Main Street, the utilities were in the occupant's name. The Committee is recommending that Borough Council deny the request to waive the 2013 rental permit fee at the April meeting.
7. There were no decisions from the March Zoning Hearing Board.
8. The Committee reviewed three new applications to the April Zoning Hearing Board meeting. The Wenrich Partnership is asking for a special exception to put in an office at 116 West Chestnut Street. Ryan Foltz is requesting a variance which would permit reconstruction of a non-conforming structure and use at 246 South Reading Road. Weaverland Mennonite Homes is requesting four variances for a proposed expansion of a personal care home at 1307 Apple Street. The Committee does not feel that it is necessary to send the solicitor to any of the hearings.

PUBLIC SAFETY COMMITTEE REPORT – 4/14/2014

The Public Safety Committee met on March 24, 2014 at 7:30 PM and discussed the following:

1. **Awarding Bid # 14-8** to DNA Weaponry, LLC of Lititz, PA for the replacement of existing Police Department rifles at a price of \$25,364.00 less trade-in on current rifles of \$7,650.00 for a total expenditure of \$17,714.00. The Department budgeted \$19,602.00 for this project. The Committee will also recommend the approval of the disposition of borough assets of \$7,650.00 (current patrol rifle inventory). The Committee will recommend that Borough Council award the bid to the low bidder at their April meeting. Both of these items shall appear on the consent agenda.
2. **Ephrata Farmers Day Association requesting a waiver** – Lt. Shumaker presented correspondence from Ms. Sue Pfautz, Tent City Chair of Ephrata Farmers Day Association

requesting a waiver of Ephrata Borough Code §123-1. *No person, firm or corporation shall keep any hog, cattle, goat, or sheep or hive of bees at any place within the Borough of Ephrata.* This is to allow livestock judging and a petting zoo for the 2014 Ephrata Fair. The Committee will recommend that Borough Council waive section 123-1 of the Code of the Borough of Ephrata at their April meeting.

3. **Amendment to Code of Ephrata, General Legislation, Chapter 197-3** (*Pawnbrokers and Antique, Secondhand and Junk Dealers*) – The committee reviewed a proposed ordinance to amend Chapter 197.3 D (3) of the Code of the Borough of Ephrata. Licenses to applicants shall be denied if the applicant or his or her employee, agent or representatives have been convicted of the crime of burglary, theft or receiving stolen goods. The Committee will recommend that Borough Council enact the ordinance amending the Code of the Borough of Ephrata at their April meeting.

4. **2014 February Comp-Stat Reports- Informational**

There being no other business set before it, the meeting was adjourned at 7:58 PM.

The next regularly scheduled PSC meeting will be April 28, 2014.

HIGHWAY COMMITTEE REPORT – 4/14/2014

The Highway Committee met on Monday, March 24, 2014 and discussed the following:

1. The Committee reviewed a letter dated February 27, 2014 from the Make-A-Wish Foundation requesting to travel through the Borough of Ephrata with their 25th Annual Mother's Day Convoy on Sunday, May 11, 2014. The Committee will recommend that Borough Council conditionally approve the request at their April 14, 2014 meeting subject to Borough receipt of a satisfactory certificate of insurance naming the Borough of Ephrata as additional insured and in the event that the Borough of Ephrata is required to fully indemnify and save harmless the Pennsylvania Department of Transportation regarding this event the Make-A-Wish Foundation will be required to fully indemnify and save harmless the Borough of Ephrata, its officers and employees and assume all liability for damages and injuries occurring to any persons or property through or in consequence of any act or omission of anyone associated with the annual Mother's Day Convoy. This action will appear as part of the consent agenda at the April 14, 2014 Council meeting.
2. The Committee reviewed a letter dated March 10, 2014 from Lobar Site Development, acting as General Contractor, notifying the Borough that construction activities relative to PennDOT's SR 272 over SR 322 bridge rehabilitation project are tentatively scheduled to begin Monday, April 14, 2014. The project involves replacing the existing concrete deck, median barriers, sidewalk and concrete beam fascia. Minor repairs/replacements will be made to the abutments, wing walls, steel beams and superstructure, but the bridge will not be widened. Traffic will be maintained in all directions adjacent to the work but lane closures will bottle-neck traffic flow. The project is expected to be substantially completed by mid-October 2014 with final paving and surface coating of concrete walls likely occurring in early 2015. This bridge was originally constructed in 1941. When the project is completed SR 322 clearance under SR 272 will be increased approximately 6-inches to 14'-2" which should eliminate the occasional stuck truck. No further action is required at this time.
3. The Committee reviewed a letter from David T. Willett, property owner of 100 West Sunset Avenue requesting replacement of a NO PARKING sign recently removed from his property

frontage along Arch Street. The sign and post were initially removed at Mr. Willett's request due to its existing condition. It was explained to Mr. Willett that the sign will be replaced upon Borough Council ordaining the area as no parking. Currently no parking signage exists on the west side of Arch Street from West Fulton Street to West King Street but there is no ordinance in place allowing proper enforcement of this no parking area. Committee directed staff to move forward with what is necessary to ordain NO PARKING along the west side of Arch Street between West Fulton Street and West King Street and to notify the property owner of 100 West Sunset Avenue advising him of what can be expected in the near future regarding his recent letter.

4. The Committee discussed the upcoming PennDOT bridge replacement project at SR 272 over Cocalico Creek adjacent to the Ephrata Public Library and Wastewater Treatment Plant #1. The Committee reviewed proposed right-of-way and easement information provided by PennDOT and was advised that PennDOT will be making offer(s) for portions of Borough owned property to obtain land permanently and/or temporarily for right-of-way and easement purposes necessary to construct the bridge replacement. The Committee was advised by staff that several options will be available to accommodate PennDOT's offers including donating the land, selling the land, or possibly exchanging the land for permanent easement or land sale transaction involving the existing electric substation located at the 272/322 cloverleaf. This electric substation is currently located within PennDOT highway right-of-way but no documentation can be found confirming type of occupancy for the electric substation. PennDOT will be conveying their offers in the near future and they will be included on a future Committee meeting agenda.
5. The Committee discussed The Ephrata Farmers Day Association, Inc. (TEFDAI) letter dated January 6, 2014 and was advised that Borough Manager Thompson met with TEFDAI representatives Matt Smith, Merv Esh, and Christine Burkholder to discuss parking lot concerns. TEFDAI would like to be relieved from their current financial obligation to pay the Boy Scouts for TEFDAI utilizing the Franklin Street parking lot during the Ephrata Fair. It is Borough Manager Thompson's understanding that the Scouts are to park cars at the Fulton Elementary School parking lot for free to earn the money they receive from TEFDAI. If TEFDAI is required to pay the Scouts they need a letter from the Borough or an invoice so their auditor is satisfied with payment of that expense. Borough Manager Thompson will follow up with the Scouts to determine who uses what lot to park cars for fundraising purposes during the Ephrata Fair. Secondly, TEFDAI would like to develop the parking lot located next to the TEFDAI building along South State Street and partner with the Borough for its use. Borough Manager Thompson advised them that the Borough Hall does not need additional parking but that he would discuss with the Borough's Vision Committee to determine if additional downtown parking is required. Both parking issues will be further discussed at a future Committee meeting.

MUNICIPAL ENTERPRISES COMMITTEE REPORT – 4/14/2014

The Municipal Enterprises Committee met on March 17, 2014 and discussed the following:

1. Director of Operations, Thomas Natarian reviewed with the Committee Bid #14-7 to Purchase and Deliver One (1) REBUILT 2,000 KVA Pad Mount Transformer. This transformer will serve as a backup to the new transformer authorized by Council on March 10, 2014. Staff recommends that the low bid be accepted. The Committee will recommend that Council award Bid #14-7 in the amount of \$38,225 to T&R Electric Supply Co., Inc. of Colman, SD at their April 14, 2014 meeting.

2. Mr. Natarian reviewed with the Committee an analysis of the Borough's January power bill that was severely impacted by cold weather. The analysis indicates that \$656,186.09 of the January bill could be considered as due to excessive transmission costs and market purchase costs. As a Public Power provider the Council has the option of considering all aspects of charges and the associated economic impact on residents and businesses. In this case, the recommendation of Staff is to treat the excessive costs as extraordinary. Accordingly, Staff recommends that the entire \$656,186.09 be paid from fund balances as an unbudgeted expenditure and that those excessive charges be excluded from any calculation of PCA. Staff also recommends that the BPSC remain unchanged at this time and that the goal of PCA for 2014 is to achieve the estimated year end fund balance less the excessive amount stated above. The Committee will recommend that the Council endorse the Staff recommendations at their April 14, 2014 meeting.
3. Mr. Natarian reviewed with the Committee Bid #14-6 to Provide and Install a New Drive Unit in Final Clarifier #2 at Waste Water Treatment Plant #1. Plant #1 capital is budgeted to be paid from construction funds for the BNR project that are the purview of the Borough Authority. This item will be addressed by the Borough Authority when they meet on April 14, 2014. No action is required by Council.
4. Borough Manager, D. Robert Thompson, reviewed with the Committee the sections of the Electric Ordinance that allow for landlords to be held responsible for delinquent tenant utility bills. The discussion also involved the types of information that the Borough Business Office may or may not share with prospective landlords due to tenant privacy and tenant rights issues.
5. Mr. Natarian reviewed with the Committee changes included in Ephrata's new Wastewater Treatment Plant NPDES Permits. As part of the new permits, revised local limits have been established for industrial users. It is required that the new limits be adopted prior to June 12, 2014. Staff is reviewing changes to the existing Ordinance and will recommend adoption of a revised Ordinance with new industrial user limits for the Committee to consider at the next Committee meeting.
6. Mr. Natarian reviewed with the Committee a report prepared by American Municipal Power that summarized Ephrata's power usage in 2013. The report detailed the individual power purchases as well as the impact of generation assets (Freemont, NYPA, Blue Creek Wind, etc.).

COMMUNITY SERVICES COMMITTEE REPORT – 4/14/2014

The Community Services Committee met on March 17, 2014 and discussed the following:

1. The Committee reviewed easements required from various property owners along the Warwick to Ephrata Rail Trail project. Six property owners are offering easements to the Borough. The Committee will recommend that Borough Council accept the easements offered by Kevin and Sheri Bippus, Palm Holdings LLC, Musselman Lumber Associates, Donald and Martha Nissley, John and Ellen Rupp and Brian and Audrey McCarty at their April meeting. These easements are being offered to the Borough at no cost.
2. Borough Manager Thompson informed the Committee that the bid for the Warwick to Ephrata Rail Trail has been advertised and will be received by Akron Borough on Friday, April 25, 2014. The Committee will request that Borough Council at their May 5, 2014 work session authorize that a recommendation be issued to Akron Borough for the award of the

bid.

3. The Committee received an update on the status of the Whistle Stop Plaza.
4. The Committee discussed the status of the asphalt area around the basketball net at Redcay Playground. Jim Summers reported that this was discussed by the Committee in the fall of 2013 however no funds were budgeted due to the basketball court a block away along Queen Street. The Committee discussed that if there were no plans to improve the asphalt should it be removed. The Rec will monitor the amount of use the area receives and recommend future action.
5. Borough Manager Thompson updated the Committee on a meeting he had with the Fair Association regarding the issue of prohibiting smoking along the midway during kiddie day. Mr. Thompson asked the Association if they would be willing to enforce no smoking along the midway with their volunteers. The Association indicated they would not have sufficient resources to enforce and that it would require additional police presence as they expect enforcement to be confrontational. In addition the Association stated that they could not expect the concessionaires to prohibit their ride operators from smoking since that is the culture of the labor force. The Association did indicate that they would be open to listening to any proposal offered by Ms. Brenner which included all the necessary resources to implement the proposal. Councilor Rowe asked about Ms. Brenner's reference to Lititz Borough's enforcement of such an event's based prohibition. Borough Manger Thompson will follow up with Lititz Borough.
6. The Committee was addressed by the Ephrata Baseball Association President; Paul Gockley asking if they could partner with whomever preps the baseball fields to improve the quality of the fields. Jim Summers indicated that the Rec grooms the fields twice a week and in the past has requested game schedules so the grooming could coincide with the use. The Association and the Rec will coordinate their efforts to groom the fields prior to their use.

SPECIAL PROJECTS COMMITTEE REPORT – 4/14/2014

The Special Projects Committee met on March 17 and discussed the following:

1. The Committee discussed the identification of Borough vehicles and Borough employees who must enter onto private property. Currently Borough vehicles are not identified as Borough of Ephrata they simply have a red stripe at the bottom of the door line along with a star and are typically recognized as Borough vehicles. The staff explained that the reason the Borough's name is left off the vehicle is due to the fact that the Borough provides services outside the limits of the Borough and then Borough vehicles would be observed operating outside of the Borough. Since a majority opinion could not be reached by the committee this item will be tabled until their April Committee meeting.

Regarding employee identification, the committee discussed providing employees who enter onto private property something identifying them as Borough employees which can be read from a reasonable distance away.

2. The Committee discussed a request from Efrat, Israel to establish a sister city relationship with the Borough. While the members of the committee acknowledged that they are honored with the request there is limited time and resources that can be devoted to a sister city relationship. The Borough's relationship with Eberbach, Germany is carried out through an independent organization not through local government. As a result the committee does not

support a government sponsored sister city relationship with Efrat, Israel. The Committee directed the Borough Manager to send a response to the Mayor of Efrat declining their request.

BUDGET AND FINANCE COMMITTEE RECOMMENDATION – 4/14/2014

The Budget and Finance Committee recommends the following:

1. That Borough Council enact Ordinance 1501 amending the Ephrata Borough Police Pension Plan by establishing a Deferred Retirement Option Program.

DEVELOPMENT ACTIVITIES COMMITTEE RECOMMENDATION – 4/14/2014

The Development Activities Committee recommends the following:

1. That Borough Council award Bid #14-10, Sale of Real Estate, to Scott R. Cover of Ephrata PA for \$121,100.00 with the condition that the subdivision must be completed and recorded within 6 months of awarding the bid and settlement for the land must occur within 45 days of recording the subdivision.

PUBLIC SAFETY COMMITTEE RECOMMENDATIONS – 4/14/2014

The Public Safety Committee recommends the following:

1. 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 2014 Ephrata Fair during the week of September 22 to 27, 2014.
2. That Borough Council enact Ordinance No. 1502 amending the Code of Borough of Ephrata, General Legislation, Chapter 197-3 Subsection D (3) (*Pawnbrokers and Antique, Secondhand and Junk Dealers*).

MUNICIPAL ENTERPRISES COMMITTEE RECOMMENDATIONS – 3/10/2014

The Municipal Enterprises Committee recommends the following:

1. That Borough Council award Bid #14-7 to Purchase and Deliver One (1) REBUILT 2,000 KVA Pad Mount Transformer from T&R Electric Supply Co., Inc. of Colman, SD in the amount of \$38,225.
2. That Borough Council authorize an unbudgeted expenditure from the unallocated balance in the Electric Fund in the amount of \$656,186.09 for extraordinary costs as reported in the January 2014 power invoice from American Municipal Power. This amount shall be excluded from any calculation of the power cost adjustment.

COMMUNITY SERVICES COMMITTEE RECOMMENDATIONS – 4/14/2014

The Community Services Committee recommends the following:

1. That Borough Council authorize the President of Borough Council and the Borough Secretary to execute the following easements as they relate to the Warwick to Ephrata Rail Trail:

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| a. Kevin and Sheri Bippus | Temporary Construction Easement |
| b. Palm Holdings, LLC | Utility and Construction Easement |
| c. Musselman Limber Associates | Temporary Construction Easement |
| d. Donald and Martha Nissley | Temporary Construction Easement |
| e. John and Ellen Rupp | Permanent Trail Easement |
| f. John and Ellen Rupp | Temporary Construction Easement |
| g. Brian and Audrey McCarty | Temporary Construction Easement |