

**BOROUGH OF EPHRATA
COUNCIL MEETING AGENDA
AUGUST 11, 2014**

INVOCATION Moment of Silence

PLEDGE OF ALLEGIANCE

ATTENDANCE/ROLL CALL

**RECESS FOR PUBLIC HEARING –APPLICATION OF WEIS MARKETS, INC., 331
NORTH READING ROAD, EPHRATA – TRANSFER OF RESTAURANT LIQUOR
LICENSE R-19027**

ADJOURN PUBLIC HEARING

APPROVAL OF MINUTES

Borough Council Regular Meeting Minutes – July 14, 2014

MUNICIPAL MOMENT

Jay Snyder – Storm Water and Chesapeake Bay

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

July General Ledger Report
Lincoln Fire Company – July 2014 Report
Pioneer Fire Company –July 2014
Ephrata Community Ambulance Association – July 2014
Emergency Management Coordinator March July 2014 Report
July Shade Tree Commission Report
TEFRA Meeting Minutes – August 7, 2014

2nd Quarter Electric

EEDC

NEW BUSINESS ITEMS

Consent Agenda (includes the following approvals)

1. That Borough Council approve the request from Boy Scout Troop 38 to use the Ephrata Borough Office parking lot and the Major Dick Winters Trail parking lot adjacent to East Fulton Street and Railroad Avenue for fundraising during the 2014 Ephrata Fair. (Highway Committee)
2. That Borough Council approve the requests from the Ephrata Merchants Association in accordance with their memorandum received July 18, 2014 to conduct their annual “Dog Days of Summer” event on Friday, August 15, 2014 from 5:30 PM to 7:30 PM in downtown Ephrata. This approval is subject to the Ephrata Merchants notifying the Re-Uzit Store that 3 parking spaces along East Main Street in front of their store will be reserved and Borough receipt of a satisfactory Certificate of Insurance naming the Borough as additional insured. (Highway Committee)
3. That Borough Council approve the requests from the Ephrata Merchants Association in accordance with their memorandum dated July 14, 2014 to conduct their annual “Get Your Gourd On” event on Saturday, October 18, 2014 from 9:00 AM to 1:00 PM at Whistle Stop Plaza. This approval is subject to the Ephrata Merchants notifying the Re-Uzit Store that 3 parking spaces along East Main Street in front of their store will be reserved and Borough receipt of a satisfactory Certificate of Insurance naming the Borough as additional insured. (Highway Committee)
4. That Borough Council approve the requests from the Ephrata Merchants Association in accordance with their memorandum dated July 22, 2014 to conduct their annual “Arts & Crafts and Restaurant Fair” event on Saturday, September 6, 2014 in downtown Ephrata. This approval is subject to Borough receipt of a satisfactory Certificate of Insurance naming the Borough as additional insured. (Highway Committee)
5. That Borough Council adopt Resolution 2014-8 establishing a base power supply cost (BPSC) of \$0.0878/kwh to be used in developing the power cost adjustment (PCA) effective with the first billing cycle of September 2014. (Municipal Enterprises)
6. That Borough Council approve the request from the Ephrata Recreation Center to hold the second annual Dog Swim at the community pool on Saturday September 6, 2014 per the written request received on July 25, 2014. (Community Services)

Standing Committee Recommendations

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

Approval of Checks 19763 through 20009 and the ACH Register dated July 31, 2014

OPPORTUNITY FOR CITIZENS TO BE HEARD

DISCUSSION/ANNOUNCEMENTS

ADJOURNMENT

BUDGET AND FINANCE COMMITTEE REPORT – 8/11/2014

The Budget & Finance Committee met on July 28, 2014 and discussed the following:

1. The Committee reviewed the Second Quarter Financial Report. While there are no major red flags at this time several items were discussed. In the General Fund the Community Pool receipts are lower than at the same time period last year. If a reduction in revenues is due to the weather then we should also recognize a reduction in expenses in less chemical and personnel costs. The Snow and Ice Control activity is over budget due to the harsh winter conditions, and staff will try to cover these costs with excess funds from other activities by year-end. It was noted that Police overtime is on budget year-to-date.

Water Fund overtime continues to be higher than budget due to system leaks needing to be repaired as well as higher production needs. Overtime costs will continue to exceed budget for the next quarter due to several capital projects being completed by in-house staff. Since the water activity expenses are a direct reimbursement from the Water Authority to the Borough revenues will also be higher than budgeted.

2. The Borough Manager reported to the Committee that he contacted the Solicitor regarding the reimbursement agreement with the EEDC. According to the Solicitor the Borough has the authority to enforce the guidelines provided for in the agreement. Staff will draft a letter for the Committee to review regarding repayment of interest on the outstanding loan.

DEVELOPMENT ACTIVITIES COMMITTEE – 8/11/2014

The Development Activities Committee met on July 28, 2014. There was no quorum. The following information was provided:

1. The Borough received a request from Weis Markets to make an inter-municipal transfer of a liquor license. An existing liquor license from Columbia is proposed to be transferred to the Weis Markets located at 331 North Reading Road in Ephrata Borough. Weis Markets is planning a future restaurant and will sell beer for consumption on the premises and “to go”. In the future they may sell wine for consumption in the restaurant. A public hearing must be held. Mrs. Rowe will present this request to the Development Activities Committee at the August 4th Council work session for a recommendation that is anticipated to be acted on at the August 11, 2014 Council voting session.
2. The staff provided a copy of the revised, proposed rental ordinance. The solicitor highlighted the changes. He also reviewed a proposed alternate appeals board that would deal specifically with appeals from the rental ordinance and would have a landlord/manager represented on the Board. Currently the proposed ordinance uses the established Property Maintenance Board of Appeals. Mrs. Rowe provided her comments. The proposed ordinance will be provided to all of Council for comments. This will be discussed at the August Committee meeting.
3. The staff presented options for the disposition of property at 21 Springhouse Road. The agreement with High Associates has expired with no interest in leasing the property. The staff is suggesting that the property be disposed of through sealed bid or public auction along with the 20 across the street. This will be discussed at the August Committee meeting.
4. The staff presented information regarding the proposed land transfer of property to the fire companies. The staff is recommending that the deed be placed in both fire companies’ names. This will be discussed at the August Committee meeting.

5. The staff presented information regarding the usage of Whistle Stop Plaza. The Rec Center has agreed to manage the use of the Plaza for private groups. They will process applications consistent with the Grater Park pavilion rentals. The staff will continue to direct requests for use of the Plaza by groups for a public function to Development Activities for approval.
6. The staff presented the second quarter budget report for activities under the Committee's purview. This will be discussed at the August Committee meeting.
7. There wasn't a July Zoning Hearing Board meeting.
8. There was one new application for the August Zoning Hearing Board meeting.

PUBLIC SAFETY COMMITTEE REPORT – 8/11/2014

The Public Safety Committee met on July 28, 2014 at 7:30 PM and discussed the following:

1. **Ephrata Mayor's Council for Youth/Whistle Stop Updates-** presented by Councilperson & Chair of Mayor's Council on Youth Bob Good. Mr. Good presented on last month's successes from prior meetings, interactions with members/public and pending ordinances coming from Community Services committee. All were invited to the upcoming meeting later this week - ***Received For Informational Purposes Only***
2. **2nd Quarter FY 2014 Budget** – presented by Chief Harvey - ***Received For Informational Purposes Only***
3. **Police Civil Service Minutes 3rd Quarter FY 2014-** presented by Chief Harvey - ***Received For Informational Purposes Only***
4. **Comp-stat (June 2014)** –presented by Chief Harvey with discussion over increasing property crimes which account for 92% of all reported Part 1 crimes. - ***Received For Informational Purposes Only***
5. **EMC Report (June 2014)** – presented by Chief Harvey with discussion recapping 4th of July events (race & fireworks) and upcoming fair preparations - ***Received For Informational Purposes Only***
6. **3rd Quarter FY2014 EMC Meeting Report** - presented by Chief Harvey with discussion over positive interaction between all borough and regional emergency responses assets. - ***Received For Informational Purposes Only***
7. **Participation in Drug Task Force (DTF)** – Chairman Kilkuskie inquired if there were any questions from Council regarding the participation in the Drug Task Force from last council meeting; there have been none. The next step will be for Borough Staff to draft a letter to the Township asking for their commitment to funding their percentage of the additional costs to participate in the DTF. Supervisor Zerbe stated that they await the letter - ***Received For Informational Purposes Only***

There being no other business set before it, the meeting was adjourned at 8:42 PM.

The next regularly scheduled PSC meeting will be August 25, 2014.

HIGHWAY COMMITTEE REPORT – 8/11/2014

The Highway Committee met on Monday, July 28, 2014 and discussed the following:

1. The Committee listened to concerns raised by four property owners regarding the experimental no parking regulations recently erected along the south side of Linda Terrace in accordance with Resolution 2014-7 adopted by Council at their July 14, 2014 meeting. The residents live at 138, 140 and 165 Linda Terrace. The 95 feet of no parking eliminates parking for approximately 5 vehicles and is creating parking problems for the residents in the area. They understand the need for the emergency vehicles to navigate around the circle but asked if there was another way to gain maneuverability for the emergency vehicles. The staff committed to finding a reasonable solution. This will be discussed at next month's Committee meeting.
2. The Committee reviewed a request from Boy Scout Troop 38 dated June 9, 2014 to use the Ephrata Borough Office parking lot and the Major Dick Winters Trail parking lot adjacent to East Fulton Street and Railroad Avenue during the Ephrata Fair to park cars as a fundraiser. The Committee will recommend that Borough Council conditionally approve this request as part of the Consent Agenda subject to the receipt of a certificate of insurance naming the Borough as additional insured at their August 11, 2014 meeting.
3. The Committee reviewed a request received from the Ephrata Merchants Association on July 18, 2014 for the use of the Central Business District sidewalks, Whistle Stop Plaza, close driveway from Main Street to end of Railroad Station building from 3 PM to 8 PM, electric turned on at panel box in front of the railroad station building, open bathroom at the Railroad Station building from 5 PM to 8 PM, one fire police personnel from 5:30 PM – 7:30 PM to accommodate pedestrian crossing of Main Street where necessary, three (3) parking spaces along the South side of East Main Street from ENB to the Money Management building and three (3) parking spaces along the North side of East Main Street in front of the Ephrata Re-Uzit Store for their "Dog Days of Summer" event to be held from 5:30 PM to 7:30 PM on Friday August 15, 2014. The Committee will recommend that Council conditionally approve the requests as part of the Consent Agenda subject to the Re-Uzit Shop being notified by the Merchants about this event and the temporary loss of 3 parking spaces in front of their business and Borough receipt of a certificate of insurance naming the Borough as an additional insured at their August 11, 2014 Council meeting.
4. The Committee reviewed a request from the Ephrata Merchants Association dated July 14, 2014 for the use of Whistle Stop Plaza, all the parking spaces located on the Whistle Stop Plaza property (from Rose Alley to Main Street) from 7 AM to 2 PM, electric be turned on at the panel box in front of the Railroad Station building and three (3) parking spaces along the North side of East Main Street in front of the Ephrata Re-Uzit Store for their "Get Your Gourd On" event to be held on Saturday October 18, 2014 from 9 AM to 1 PM. The Committee will recommend that Council conditionally approve the request as part of the Consent Agenda subject to the Re-Uzit Shop being notified by the Merchants about this event and the temporary loss of 3 parking spaces in front of their business and Borough receipt of a certificate of insurance naming the Borough as an additional insured at their August 11, 2014 Council meeting.
5. The Committee reviewed a request from the Ephrata Merchants Association dated July 22, 2014 for their annual Arts & Crafts and Restaurant Fair to be held on Saturday, September 6, 2014. They would like to close: 1. East Main Street from Lake Street to State Street, 2. West Main Street from Church Street to State Street, 3. North State Street from Main Street to Locust Street, 4. South State Street from Main Street to Franklin Street. All closures would be from 5:30 AM to 5:30 PM. They would also like full use of the Whistle

Stop Plaza from Main Street to Rose Alley and that all no parking signs and barricades be placed Friday, September 5th, 2014 at 9 PM to prevent overnight parking in the defined areas. They are also requesting that electric be turned on at the panel box in front of the Railroad Station building, provide a key for access to public water at Whistle Stop Plaza, open the public restrooms at Railroad Station building and permission to maintain Porta Potties at the Ephrata National Bank drive-in lot. The Committee will recommend that Council conditionally approve the request as part of the Consent Agenda subject to the receipt of a certificate of insurance naming the Borough as an additional insured at their August 11, 2014 Council meeting.

6. The Committee reviewed the 2nd Quarter 2014 budget report relative to street and storm water maintenance activities, applicable capital funds, highway aid fund, and mobile equipment fund. There were no comments. No further action required at this time.

MUNICIPAL ENTERPRISES COMMITTEE REPORT – 8/11/2014

The Municipal Enterprises Committee met on July 21, 2014 and discussed the following:

1. Director of Operations, Thomas Natarian, provided the Committee with an update regarding the year to date experience with PCA. The goal of meeting the year end fund balance projection is on target, and the PCA charge to customers is projected to be less than expected. Staff is recommending a BPSC adjustment that is expected to result in a slightly negative PCA for the remainder of the year. The Committee reviewed Resolution 2014-XX to change the Base Power Supply Cost from \$0.0918/kwh to \$0.0878/kwh beginning with the first billing cycle in September 2014. The Committee will recommend that Council adopt Resolution 2014-XX at their August 11, 2014 meeting. This item will appear on the Consent Agenda.
2. The Committee reviewed Bid #14-13 for painting of the Final Clarifiers at Wastewater Treatment Plant #2. Staff recommends that the bid be awarded to the low bidder, Real Painting, Inc. of Monroeville, PA in the amount of \$55,000. The bid amount exceeds the budgeted amount of \$45,000. Accordingly, Staff is recommending that \$10,043.03 from the projected unused balance of account #08-46-818-4360 - Contract Services be transferred to account #08-46-816-7410 - Machinery & Equipment in order to fund the unbudgeted amount. The Committee will recommend that Council authorize the transfer of funds as well as the awarding of Bid #14-13 at their August 11, 2014 meeting.
3. The Committee reviewed a summary of a Cost of Service and Retail Rate Design study prepared by GDS Associates. The study recommends changes to electric rates and new rate classifications. A key provision of the new rate design involves the unbundling of energy from distribution and demand charges. Residential customers would have separate energy and distribution charges. Large commercial customers would have separate energy, distribution, and demand charges. The new rate designs are similar to those of other public power providers and investor owned utilities. The study recommends a surcharge for three-phase customers and a revised net metering policy. With the new retail rates every rate classification is expected to receive a rate reduction. This is the second time the Committee has discussed the details of the Cost of Service and Retail Rate Design study. At the next meeting the Committee will consider endorsement of the study. If the study recommendations are adopted by Council, new Ordinances will be prepared to implement the recommendations of the study so that the new rates would become effective with the first billing cycle after January 1, 2015.

4. Mr. Natarian presented an updated engineering plan and cost estimate for the proposed reconductoring project. Staff is considering financing options for the project and will be preparing a recommendation for the Committee to consider at a future meeting.
5. Mr. Natarian reviewed with the Committee the 2nd Quarter Financial reports prepared by Director of Administration and Finance, Gail Bare for the Water Fund, Electric Fund, Sewer Fund, Sanitation Fund, and Sewer Permit Fund. Water Fund expenditures were negatively impacted by additional overtime caused by leaks in the system and the failure of Well #4. The Electric Fund reflects the impact of the unusually cold weather during the winter. Although revenues were higher, expenditures were more so, reflecting the decision to pay for the excessive portion of the January power supply bill from fund balances. Costs for Sewer, Sanitation, and Sewer Permit Funds were within expected ranges.

COMMUNITY SERVICES COMMITTEE REPORT – 8/11/2014

The Community Services Committee met on July 21, 2014 and discussed the following:

1. The Committee entertained comments from the visitors regarding the issues with the Whistle Stop Plaza and the downtown area. It was mentioned that merchants are concerned about the safety of their employees and customers. Staff and elected officials explained that the Borough is trying to work with various groups to improve the overall experience in the downtown area but there are restrictions that limit the amount of enforcement the Police Department can issue.
2. The Committee reviewed the final version of the Non-Littering ordinance. It was noted that Section 6 still refers to recyclables being stored in an enclosed recycling container and the Borough provided recycling containers are not enclosed. Therefore pending the Solicitor revising the verbiage to remove the word enclosed, the Committee will recommend that Borough Council enact the ordinance adding a new Chapter 218 to the Code of the Borough entitled Non-Littering at their August 11, 2014 Council meeting.
3. The Committee reviewed the final version of the No Smoking ordinance. The Committee will recommend that Borough Council enact the ordinance prohibiting the use and possession of tobacco products or simulated tobacco products by minors at their August 11, 2014 Council meeting.
4. The Committee reviewed the final version of the Ordinance amending the Park and Recreation chapter of the Code of the Borough of Ephrata. The Committee will recommend that Borough Council enact the ordinance adding amending Chapter 221 Parks and Recreation by adding definitions for the terms of electronic cigarette and simulated tobacco product, deleting the prohibited act of loitering and adding the prohibited act of using tobacco products or simulated tobacco products except within designated areas within any Borough owned, maintained or operated recreation area. This Ordinance will be enacted at their August 11, 2014 Council meeting.
5. Recreation Center Executive Director Summers requested approval to hold a dog swim at the Community Pool at the end of the regular season. The pool staff will follow Department of Health protocol. The Committee will approve this request as part of the Consent Agenda at their August 11, 2014 Council meeting.

6. The Committee reviewed the second quarter financial report. The only item mentioned was the pool receipts which were about \$13,000 lower this year compared to the same period last year. This could be a timing issue as to when the receipts were collected.
7. The Committee asked staff to remove the item concerning the letter to EEDC regarding the Bowling Alley Project from future agendas. It was determined that the Committee has no interest in submitting a letter to EEDC on behalf of the Bowling Alley project.
8. It was reported by staff that the final design for the skate board park should be received by the Borough on or before July 25, 2014.

BUDGET AND FINANCE COMMITTEE RECOMMENDATIONS – 8/11/2014

The Budget and Finance Committee recommends the following:

1. That Borough Council adopt Resolution 2014-9 to empower, authorize and direct the Budget and Finance Committee Chairperson to execute and deliver an “approval of applicable representative” form. The Borough Council intends that this resolution and the subsequent execution and delivery of the approval of “applicable elected representative” by any member of the Borough Council shall constitute the “approval by a government unit” required by Section 147(f) of the Code.

DEVELOPMENT ACTIVITIES COMMITTEE RECOMMENDATIONS – 8/11/2014

The Development Activities Committee recommends the following:

1. That Borough Council adopt resolution 2014-10 for the transfer of restaurant liquor license no. R-19027 into the Borough of Ephrata from Columbia, Pennsylvania

MUNICIPAL ENTERPRISES COMMITTEE RECOMMENDATION – 8/11/14

The Municipal Enterprises Committee recommends the following:

1. That Borough Council award Bid #14-13 for painting of the Final Clarifiers at Wastewater Treatment Plant #2 to Real Painting, Inc. of Monroeville, PA in the amount of \$55,000.
2. That Borough Council authorize an unbudgeted expenditure in the amount of \$26,926 from the unallocated balance of the Sewer Fund for the additional scope of services authorized to CDM Smith for the relocation of the sewer line at WWTP #1 required by the PennDOT bridge replacement project.

COMMUNITY SERVICES COMMITTEE RECOMMENDATION – 8/11/14

The Community Services Committee recommends the following:

1. That Borough Council enact Ordinance 1507 amending Part II, General Legislation of the Code of the Borough of Ephrata adding a new Chapter 218 entitled Non-Littering, to prohibit the throwing or depositing of litter in public places in the Borough of Ephrata; regulating the distribution of handbills; controlling the depositing of litter on private premises; and prescribing penalties for the violations of its provisions.

2. That Borough Council enact Ordinance 1508 prohibiting the use and possession of tobacco or simulated tobacco products by minors.
3. That Borough Council enact Ordinance 1509 amending the Code of the Borough of Ephrata, Chapter 221, Parks and Recreation, by adding definitions for the terms electronic cigarette and simulated tobacco product, by deleting the prohibited act of loitering and by adding the prohibited act of using tobacco products or simulated tobacco products except within designated areas within any Borough owned, maintained or operated recreation area.