

**EPHRATA BOROUGH COUNCIL
REGULAR MEETING MINUTES
FEBRUARY 11, 2013**

The regular Ephrata Borough Council meeting was called to order by President Dale Hertzog at 7:00 PM on February 11, 2013 in the Council Chambers of the Borough Office, 124 South State Street.

Pastor Ellen Dooley, The Wesleyan Church offered the invocation, which was followed by the Pledge of Allegiance.

In attendance in addition to the President were Vice President Susan Rowe, President Pro Tem Thomas Reinhold, Council Members C. George DiIlio, Anthony Kilkuskie, Victor Richard, Melvin Weiler and Mayor Ralph Mowen. Council Member Robert Good was absent.

Also in attendance were Borough Manager D. Robert Thompson, Police Chief William Harvey, Recording Secretary Kathy Holzinger, and Borough Solicitor James R. McManus, III, Esq.

Attending for the press was Gary Klinger of The Ephrata Review and Larry Alexander of the Intelligencer Journal. The following visitors were present:

Gregson's, 885 North Maple Street, Ephrata
Randy Gockley, 62 Robert Road, Ephrata
Ken Weber, 135 South State Street, Ephrata
Sissy Vierling, 39 East Pine Street, Ephrata
James Elliott, 684 Old Swede Road, Douglassville, PA
Dawn Lockhart
Barb & Dave Landis, Lititz
Glenn Ebersole, 1305 Wheatland Avenue, Lancaster
Tim Auker, 542 North State Street, Ephrata
Kevin Neiles, 120 Irene Avenue, Ephrata
Nadine Carpenter, 137 Washington Avenue, Ephrata
Steph & Mike Fasnacht, 59 S. King Street, Stevens
Karen Leisey, 2409 Laurel Road, Reading
Nyiva Muinde, 22 East Queen Street, Ephrata

APPROVAL OF MINUTES

It was moved by Mrs. Rowe, seconded by Mr. Weiler, and unanimously passed that Borough Council approve the January 14, 2013 Regular Meeting Minutes.

PRESENTATION TO MEMBERS OF THE POLICE DEPARTMENT

Chief Harvey said he has awards for three of his staff members from the Major Crimes Task Force to Detective Bradley Orteni, Detective Kenneth Lockhart Jr. and Stephanie Fasnacht. This particular presentation is coming from East Lampeter. Mayor Mowen read the citation. "On December 9, 2012 the East Lampeter Township Police Department investigated a homicide at the Budget Inn on Lincoln Highway. Your assistance to our agency over the days and weeks that followed was invaluable. Due in large part to your help the case was able to resolve with an arrest. We truly appreciate your professionalism and dedication on a cooperative level throughout the county. Please accept our sincere thanks."

Mayor Mowen introduced Randy Gockley, County Emergency Management Director.

Mr. Gockley said one of the many hats Chief Harvey wears is his activities with the South Central Task Force but he was also appointed by the Governor to serve as the Emergency Management Coordinator for the Borough of Ephrata. As part of the requirements he is mandated to become certified as an emergency management coordinator at the municipal level. The requirements recently changed and are more difficult than in the past. Chief Harvey slid right through the classes. Mr. Gockley said the Borough of Ephrata can be extremely proud of their emergency management program. Mr. Gockley presented to Chief Harvey the basic certification signed by the Executive Director of the Pennsylvania Emergency Management Agency for his basic certification as the borough's emergency management coordinator.

Mr. Gockley said there are two additional levels. Chief Harvey has done all the classes and met all the requirements for the advanced certification so they are asking for a waiver on his behalf because of his experience.

MUNICIPAL MOMENT

Mayor Ralph Mowen, Chairman Ephrata Borough Authority

Mayor Mowen said there are currently two types of Authorities – an operating authority and a financing authority. There are both in Ephrata. The Ephrata Borough Authority is a financing authority and the Ephrata Area Joint Authority is an operating authority.

A financing authority does not get involved in the day-to-day operations of the projects. An operating authority normally handles its own financing and covers the day-to-day operation.

Mayor Mowen said the Municipal Authority of the Borough of Ephrata was formed by ordinance in April of 1945. The Articles of Incorporation were adopted April 25, 1945 and filed with the state May 4, 1945. The Authority was approved to function for 55 years from the date of the articles of incorporation. The Burgess and the President of Council signed the ordinance and articles of incorporation. The Burgess was John Royer and President of Council was M.W. Hess.

The original authority members were H. Harry Hibschan, H.R. Mohler, L. Leonard Sprecher, H.H. Hoffman, and J.G. Willets. The first meeting of the Municipal Authority of the Borough of Ephrata was held May 28, 1945 at 8:00 PM. After election of officers Chairman Hibschan advised the authority of their purpose. Mr. Hibschan stated that the Authority had been organized to acquire, hold, construct, improve, maintain, operate which was later changed to own - lease either as lessor or lessee, Water Works, Supply Works, Water Distribution Systems of the Borough of Ephrata. Negotiations had been underway for some time for the purchase by the Authority of the Borough's right, title and interest in its Water Works and Water Supply System. The Authority then entered into an agreement with the Borough to purchase all the rights, title and interest in and to the Water Works and Water Supply System now owned and operated by the Borough. The initial original price was \$135,000, which became the Authority's first debt.

Mayor Mowen said on January 22, 1957, Borough Council by Ordinance 709 changed the Authority's name from the Municipal Authority of the Borough of Ephrata to the Ephrata Borough Authority. The name change was filed with the state January 31, 1957.

On October 28, 1957 the Authority acquired from the Borough pursuant to an agreement dated April 23, 1957 the Borough's then existing Sanitary Sewer Collection System including its Treatment Plant and all facilities improvement easements, etc. The total paid to the borough for the sewer system was \$928,000.

The Borough applied the proceeds from that sale toward the cost of certain capital improvements within the borough. The Authority entered into a lease agreement with the borough to operate the plants which continues today.

The sewer system at the time served all of the developed areas of the borough and township. The treatment plant had a capacity of 700,000 gallons per day.

During the years of 1966 and 1967 the borough entered into agreements with Akron, Denver, and East Cocalico Township to provide sewer service. This involved laying approximately 5.6 miles of pipe and upgrading the sewer treatment plant from 700,000 gallons per day to 1.9 million gallons per day. These projects were funded by the Authority.

On November 28, 1967 Borough Council passed Ordinance 893 extending the operation of the Authority for another 55 years. In 1996 the Authority funded construction of Wastewater Treatment Plant #2 in Ephrata Township. The plant was recommended by the regional Ephrata Act 537 plan adopted by participating municipalities. This plant has an average daily capacity of 2.3 million gallons. It handles flow from Ephrata, Townships of Clay, East Cocalico, and Denver Borough. The Authority issued loans in the amount of \$7.2 million to fund that construction.

In 1997 the borough issued bonds to fund improvements to the Rec Center. In 2008 the Authority issued additional bonds to cover the requested renovations and upgrades to the Rec Center. The current debt to the Rec Center is \$1.8 million.

Mayor Mowen said over the years both treatment plant 1 and plant 2 have been upgraded to meet current outflow standards. In 2005 there were construction upgrades at both plants totaling \$3.5 million.

Upgrades to Treatment Plant 1 have recently been completed to bring the plant in compliance with the Chesapeake Bay initiative. The cost of that upgrade was approximately \$6 million.

In October 2007, the Authority acted as a pass-through conduit for financing and construction of the Friendship Community complex on Old Mill Road. There is no liability to the Authority for their debt.

As of yearend 2012, the Authority debt is approximately \$16 million. There is a 2010 sewer revenue bond of \$6.5 million, 2011 sewer revenue bond of \$7.6 million and the recreation revenue bond at \$1.8 million.

Sewer revenue bonds are paid by the Authority revenue derived principally through the lease with the borough which is paid by sewer fees.

OPPORTUNITY FOR CITIZENS TO BE HEARD

Nyiva Muinde, 22 East Queen Street, said she was here 2-3 weeks ago just moving up from Philadelphia. Nyiva has a 5-year daughter and came to pay a utility bill. She had just rented the place a month and a half ago. She went on vacation and came home to an eviction notice in her door saying she had five days to pay this utility bill in full. Ms. Muinde had paid a portion of it and that was the issue – the bill was to be paid in full. If you don't pay it in full the landlord then receives a letter. Ms. Muinde said her issue is if it's not even late with the borough - she paid a portion before she left and the other portion was to be paid when she came back. She is currently out of work. The only income she has is child support and has a part-time waitressing job at Applebee's. It doesn't pay that much, but she has to prioritize. Ms. Muinde didn't understand how something as simple as a utility bill that isn't considered late with the borough, how the landlord then gets a letter. Maybe the letter can be sent out when there is something such as no payment in two months or a shut off notice.

President Hertzog referred the matter to Mr. Thompson and asked him to look into this and follow up.

There were no other comments or questions from attendees.

ACCEPTANCE OF REPORTS

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

BUDGET AND FINANCE COMMITTEE REPORT

The Budget & Finance Committee met on January 28, 2013 and discussed the following:

1. The Committee discussed proposed Resolution 2013-1 exonerating the Borough from paying itself real estate taxes on various Borough properties. The Committee will recommend adoption of this resolution as part of the consent agenda at the February Council meeting.
2. The Committee discussed proposed Resolution 2013-3 concerning the disposition of Borough records. All records will be disposed according to guidelines established by the PA Historic and Museum Commission. The Committee will recommend adoption of this resolution as part of the consent agenda at the February Council meeting.
3. The Borough Manager presented a 2012 year-end Budget and Program of Services review of revenues and expenditures to the Committee. No action is required.

4. The Committee noted receipt of the 2012 Budget Carry Over list. The list is provided for information only since the Borough Manager has the authority under adopted Borough policies to allow such carry overs.
5. The Committee noted receipt from the Ephrata ReUzit Stores a \$4,000 donation in lieu of real estate taxes. The Committee instructed the staff to send a letter acknowledging receipt of the payment and thanking them for such.

DEVELOPMENT ACTIVITIES REPORT

The Development Activities Committee met on January 28, 2013 and discussed the following:

1. The Committee reviewed the Preliminary/Final land development plan for 100 North State Street that proposes to develop the site for a Congregate Care and Personal Care Facility. The Committee will recommend that Borough Council approve a waiver of Preliminary Plan Review from the Subdivision and Land Development Ordinance and conditionally approve the Final Land Development Plan at the February meeting. This item will appear on the Consent Agenda.
2. The Committee reviewed the Subdivision and Land Development Agreement with Keystone Villa's at Ephrata LP, 166 Holly Road, Gilbertsville, PA in the amount of \$444,795.40 for improvements at 100 North State Street. The Committee will recommend entering into an agreement in a form acceptable to the Borough Solicitor.
3. The Committee reviewed a request from the Ephrata Public Library to install two United States Postal Service (USPS) signs on the building for the recently acquired USPS postal substation. The signs will comply with zoning. As part of the library's lease with the Borough they must request permission to install the new signs. The Committee will recommend approval of the sign installation at the February meeting.
4. The Committee reviewed three Requests for Proposals to update the Borough's Strategic Comprehensive Plan. Based on input from the Planning Commission, the Committee's review of the proposals and prior experience, the Committee agreed to engage Thomas Comitta Associates for the update. The budgeted amount is \$45,000. The Committee will recommend that Borough Council award the update to the Borough's Strategic Comprehensive Plan to Thomas Comitta Associates of West Chester, PA for \$49,000, and the committee will recommend that Borough Council authorize an unbudgeted expenditure for an additional \$4,000 from the unallocated fund balance of the Capital Reserve Fund.
5. The Committee previously received a petition to open an unopened alley located behind Ephrata Avenue and Penn Avenue; the alley runs from Second Street to Third Street. The petition was filed in accordance with the current edition of the Borough Code. The next step in this process is to schedule a public hearing, which the Committee agreed to advertise and schedule before the March 4, 2013 Borough Council work session.
6. The staff presented information from the Pennsylvania State Police regarding the former PSP Barracks. The Borough may proceed with marketing it as long as they comply with the requirements of the State Police for showing the property. The next step is to have the property professionally appraised so a value can be attached to the sale or lease of the property. The staff will get three quotes for appraisal services. The Committee will recommend obtaining a commercial appraisal at a value not to exceed \$6,000.
7. The Committee was updated on the proposed expansion project of the Ephrata Public Library. The Library has awarded a design contract to Richard F. Mula Architects, LLC. The committee had no comment at this time.
8. The Committee reviewed the year-end financial report under their purview. There were no concerns regarding the report.
9. The Committee reviewed a request from DEI concerning the round planters downtown. DEI is asking that the Borough remove, store, empty and transport the containers each year. DEI also needs help in filling the water reservoirs in the containers once they are placed downtown for the summer. The containers are self-watering; however, EARS will continue to provide care for the planters. Esbenshades will plant and deliver the containers in the spring for a fee. In addition, DEI would like permission to place one or two mini planters at

Whistle Stop Plaza and to have the Borough plant and maintain the mini planters. The Committee had no objections and will forward the request to the Highway Committee for action.

10. The Committee reviewed the decisions from the December and January Zoning Hearing Board meetings. In December Roger Weaver was granted a special exception for a live/work unit at 116 West Main Street and Janette Wolf was granted a special exception for a salon at 324 North State Street. In January Suburban LLC was granted a parking variance at 1111 South State Street.
11. There were no applications to the February Zoning Hearing Board.
12. Councilman DiIlio voiced concern about the temporary signage downtown. The staff will address this through a Borough wide campaign to bring all temporary signage into compliance with the zoning ordinance.
13. Mr. Thompson provided information to the committee concerning 35 East Fulton Street. The property is going up for sale and the current owner approached the Borough since this property borders a borough owned lot. While the Borough has no immediate need for additional space there are many possible future uses of the lot. The property will need to be appraised to see if the asking price of \$245,000 is reasonable. The staff will get three quotes for appraisal services. The Committee will recommend obtaining a commercial appraisal at a value not to exceed \$4,000.

PUBLIC SAFETY COMMITTEE REPORT

The Public Safety Committee met on January 21, 2013 and discussed the following:

1. **Ephrata High School Sheep Project**- presented by Mrs. Sarah Quigg (Agriculture Teacher) and five students from the animal science class of the Ephrata Area School District. This was originally directed to Nancy Harris regarding their Animal Science Sheep Project Proposal. Their letter was 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 an animal husbandry project with two ewes that will birth and students monitor the activity. The EASD will send a certificate of insurance adding the Borough for this waiver. Unanimously approved by Committee- *Action by Borough Council.*
2. **Ephrata Borough Emergency Operations Plan promulgation**- presented by Chief Harvey on the need and PEMA requirements for this. Resolution has been sent to the solicitor. Unanimously approved by Committee pending solicitor approval of the resolution.- *Action by Borough Council.*
3. **Animal Concerns in central business district**- Ms. Rowena Clough of 105 E. Main St. spoke of canine litter in and around her property. Copy of Borough Code was provided and several solutions were offered. - *No further action required.*
4. **Property Maintenance Code**- Nancy Harris was prepared to present on a citizen's concern that did not attend. A letter explaining the original questions were shared to all and on file. – *No further action required*
5. **Lancaster County Fire-Police Task Force**- Chief Harvey shared original correspondence from Lancaster Countywide Communications explaining the Fire-Police Task force, its concepts and benefits to all of the emergency response community. Both fire companies endorsed the plan along with Chief Harvey. A sample resolution has been sent to the solicitor. - Unanimously approved by Committee pending solicitor approval of the resolution. - *Action by Borough Council.*
6. **Police Budget 2012 Reconciliation** was prepared by Ms. Bare and presented by Chief Harvey –*No further action required.*
7. **2012 Public Safety budget report** was prepared by Ms. Bare and presented by Chief Harvey –*No further action required.*

8. **2012 Annual Compstat** report was presented by Chief Harvey, copy on file. –*No further action required.*

There being no other business set before it, the meeting was adjourned at 7:15 PM.

At 7:17 PM the Public Safety Committee reconvened in Executive Session regarding an ongoing personnel matter and adjourned at 7:30 PM.

HIGHWAY COMMITTEE REPORT

The Highway Committee met on Monday, January 21, 2013 and discussed the following:

1. The Committee reviewed the results of Bid #13-1 Purchase of Bituminous Materials and will recommend that Borough Council award the bid to Martin Limestone, Inc., a division of NESL, d/b/a: Burkholder Paving of Ephrata, PA as follows:
 Superpave Asphalt Binder Course Material, 19 mm (FOB)
 Unit Price: \$54.25/Ton
 Superpave Asphalt Base Course Material, 25 mm (FOB)
 Unit Price: \$52.05/Ton
 Superpave Asphalt Wearing Course Material, 9.5 mm (FOB)
 Unit Price: \$58.10/Ton
 These unit prices will be subject to price adjustment provisions (escalator clause) as identified in the bid documents.
 The other bidders, Highway Materials and Independence Construction Materials, provided lower unit prices for certain materials than did Burkholder Paving, but when considering total delivered costs associated with travel time to and from their batch plants in Lititz and Coatesville, respectively, Burkholder Paving's total cost was the lowest price. The total delivered cost is calculated as the additional time per round trip multiplied by the cost for labor and fuel (\$0.88/minute) multiplied by the 2012 trip totals for each type of bituminous material.
 The recommendation for award will appear as part of the Consent Agenda at the February 2013 Council meeting.
2. The Committee reviewed the results of Bid #13-2 Purchase and Delivery of PennDOT #2A Stone and will recommend that Borough Council award the bid to apparent low bidder Martin Limestone, Inc. of Denver, PA as follows:
 PennDOT #2A Stone (Delivered)
 Unit Price: \$7.84/Ton
 The recommendation for award will appear as part of the Consent Agenda at the February 2013 Council meeting.
3. The Committee reviewed the results of RFP #EB-13-1 Road Salt Distribution & Storage Facilities Feasibility Study and will recommend that Borough Council accept the proposal from ELA Group, Inc. dated January 14, 2013 in the amount of \$15,120. The study objective is to increase road salt storage capacity from 400 tons, currently, to 1,400 tons while improving road salt distribution by strategically locating road salt storage areas.
 The recommendation for award will appear as part of the Consent Agenda at the February 2013 Council meeting.
4. The Committee reviewed the list of curb and sidewalk improvements required for the 2013 street improvement program. The Committee will recommend that Borough Council authorize the issuance of the curb and sidewalk notices per the list dated 1/7/2013 at the February 2013 Council meeting.
5. The Committee reviewed a resolution to adopt experimental traffic and parking regulations under Section 305-5 of the Code of the Borough of Ephrata. The Committee will recommend at the February 2013 Council meeting that Borough Council adopt Resolution 2013-2 allowing the erection and maintenance of official traffic control signs prohibiting parking at all times along the north side of West Main Street beginning at the east curb line of Martin Avenue to a point 502 feet east for a period not to exceed 90 days.
6. The Committee reviewed the Agreement with Ephrata GF, LP of Wormleysburg, PA for traffic signal improvements at the intersection of Bethany Road and East Main Street as part of the Ephrata Marketplace development along East Main Street in Ephrata Township. An improvement guarantee of \$22,660 in the form of a letter of credit was provided as required. The Committee will recommend that Borough Council approve the agreement as part of the

Consent Agenda at the February 2013 Council meeting.

7. The Committee discussed concerns previously aired at a Council Work Session regarding certain pedestrian use of crosswalks at the intersection of West Fulton Street and South Oak Street. Ephrata Police are currently monitoring the situation and have determined that an education/enforcement effort with wayward youth and young adults will be implemented and that this is not an engineering/highway committee issue. No further action is required at this time.
8. The Committee reviewed the 2012 year end budget summary relative to street, fleet, storm water and property maintenance, applicable capital funds, highway aid fund, and the mobile equipment fund. No further action is required.
9. The Committee reviewed PennDOT's Bridge Inspection Notification letter dated January 2, 2013 advising the Borough that the South Oak Street Bridge will be inspected in accordance with National Bridge Inspection Standards (NBIS) sometime in 2013 based on inspection frequency not to exceed 24 months. The last inspection of this bridge occurred on December 8, 2011. Bridge inspections are completed as part of the 2012-2017 Lancaster County Local Bridge Inspection Program administered by PennDOT. No further action is required.
10. Councilperson and Highway Committee member Kilkuskie voiced his concern regarding trail lighting circuit synchronization, of particular interest was the light circuit from the Fulton Street parking lot to light #12 along the trail remaining on approximately 20 minutes longer than adjacent circuits. This issue will be discussed with the Ephrata Borough Electric department and monitored for any future remedial action as necessary.
11. Councilperson and Highway Committee Chairperson DiIlio will schedule a future tour of planned 2013 Borough street improvements projects with other Highway Committee members and Borough staff.

MUNICIPAL ENTERPRISES COMMITTEE REPORT

The Municipal Enterprises Committee met on January 21, 2013 and discussed the following:

1. Borough Manger, D. Robert Thompson discussed a proposed Cable Franchise Agreement between the Borough of Ephrata and Blue Ridge Communication. The Agreement was negotiated by Cohen Law Group on behalf of the Lancaster County Cable Consortium. The term of the agreement was listed as 5 years, but Mr. Thompson indicated that some of the members were extending the term to 7 years. The Committee recommended a 7 year term provided other Consortium members were similarly inclined. (NOTE: After the meeting on 1/23/2013 Mr. Thompson reported to the Committee via email that all consortium members were opting for a 7 year term.) The Committee will recommend that Borough Council approve Ordinance 1489 to authorize the execution of the cable agreement with a 7 year term.
2. Director of Operations, Thomas Natarian presented to the Committee the year end budget review for Water Fund, Electric Fund, Sewer Fund, Sewer Permit Fund, and Sanitation Fund. All funds were reported to be within their targeted range.
3. Director of Operations, Thomas Natarian reviewed the implementation of the Power Cost Adjustment rider which became effective with the first January billing cycle. The six month rolling average was discussed along with the inclusion of line losses as part of total energy consumption. January PCA was a small charge (+\$0.003227/kWh) and February will be a small credit on customer bills (-\$0.00362/kWh). Staff will prepare a recommendation for a revised BPSC for the next Committee meeting.
4. Director of Operations, Thomas Natarian informed the Committee that the Borough of Ephrata Electric Division was awarded a Safety Award by APPA. This award was in recognition of a 100% safety record (no accidents) in 2012. The award will be presented at the APPA Annual Conference in March 2013.
5. Director of Operations, Thomas Natarian discussed additional detail regarding the proposed Eastlake Peaking Power Plant being jointly developed by AMP and FirstEnergy. Staff will be retaining the services of GDS Associates to conduct a due diligence and recommendation regarding participation in the proposed project and, if so, a recommended subscription level

in accordance with the Master Power Supply Plan adopted in 2012.

6. Director of Operations, Thomas Natarian presented a Community Sustainability Report by the Lancaster County Solid Waste Management Authority.

COMMUNITY SERVICES COMMITTEE REPORT

The Community Services Committee met on January 21, 2013 and discussed the following:

1. The Committee reviewed a request from Mike Wenger of TNT Youth Ministries to use Grater Community Park on Friday, May 24, 2013 to hold their annual Extreme Event. The Committee will recommend that Borough Council conditionally approve the request subject to the receipt of a certificate of insurance, reimbursement of out of pocket expenses including but not limited to police overtime, ambulance standby and fire police, and the approval by the Chief of Police of the Emergency Action Plan. This action will appear on the February 11, 2013 Consent Agenda.
2. The Committee reviewed a request from the Ephrata Community Hospital to use the Grater Community Park on Friday, May 31 and Saturday, June 1, 2013 to hold the 60th annual Day in the Park. The Committee noted that the request included references to Oak Street that is actually Vine Street. The Committee will recommend that Borough Council approve this request. This action will appear on the February 11, 2013 Consent Agenda.
3. The Committee reviewed a Business Study Proposal for the Ephrata Recreation Center submitted by Wallover Aquatics International in the amount of \$16,500. The proposal will review the operation of the Recreation Center and conduct a community needs survey/assessment, and make recommendations regarding programs, services, fees, staffing, and financial management of the center in order to make the operation profitable. The Committee supports the proposal and has asked that Wallover make a presentation of the proposal to Borough Council at the February 4, 2013 Work Session. The Committee is prepared to recommend that Borough Council accept the proposal at their February 11, 2013 meeting subject to the comments received regarding the presentation on February 4, 2013.
4. The Committee discussed a request for capital donations to the Ephrata Area Rehabilitation Services as included in the December EARS newsletter. The staff reported that the newsletter was addressed to Ephrata Borough or resident, which they are not aware of contributing to them in the past and typically a request is made specifically to the Borough and not part of a mass mailing. The Committee will not make any recommendations to make a donation.
5. Borough Manager Thompson informed the Committee that he was contacted by Chamber President, Michelle McHenry, asking if the Chamber could use the former office occupied by DEI to create a community room that they could rent out. Mr. Thompson explained that the office was left vacant in the event that DEI wanted to reoccupy as a tenant. Considering the recent announcement that DEI will no longer have an Executive Director the Committee determined that it no longer needs to hold the office vacant. The Committee directed the staff to begin marketing the office space. The staff will report on the status of the interest in the office at future committee meetings.
6. The Committee reviewed the year end budget summary for those areas under its purview. No problems or concerns were noted.
7. The Committee reviewed the Library Aware Community Award program and a request from Penny Talbert, Executive Director of the Ephrata Public Library, for a letter of reference to include in her submission. The Committee has no objections to the Borough Manager providing a letter of reference for the application.

SPECIAL PROJECTS COMMITTEE REPORT

The Special Projects Committee met on January 28, 2013 and discussed the following:

1. Borough Manager Thompson reviewed with the committee the Junior Councilperson Expectations revised 1/23/2013. In addition the committee was informed that contact has been made with the Ephrata Area School District to discuss establishing the communication

network between the district and the Borough through the Junior Councilperson.

Mr. Thompson expects to meet with district representatives before the next committee meeting.

2. Borough Manager Thompson distributed to the committee a draft ordinance to address cats at large (feral cats) concerns in the Borough. The ordinance proposes a combination of trap, neuter, release and if you feed them you will be the designated caregiver for the cats. Trap cats or those under the custody of a caregiver will be required to have the cats neutered and given shots for rabies and then have their ear tipped as a designation of neutering and rabies shots. The committee will review the ordinance and discuss with the solicitor at the next meeting. The staff has been asked to provide the cost of neutering and for the rabies shots. This information will be provided at the next committee meeting.

January General Ledger Report

Lincoln Fire Company – January 2013

Pioneer Fire Company – January 2013

Ephrata Community Ambulance Association – January 2013

Emergency Management Coordinator January 2013 Report

January Shade Tree Commission Report

4th Quarter Electric

NEW BUSINESS ITEMS

Consent Agenda (includes the following approvals)

It was moved by Mr. Reinhold, seconded by Mr. Richard, and unanimously passed that Borough Council approve the Consent Agenda consisting of the following:

1. That Borough Council adopt Resolution 2013-1 exonerating the Borough from paying to itself real estate taxes on real estate owned by the Borough. (Budget & Finance Committee)
2. That Borough Council adopt Resolution 2013-3 concerning the disposition of various Borough records. (Budget & Finance Committee)
3. That Borough Council approve the following waiver/modifications from Chapter 281 (Subdivision and Land Development) of the Ephrata Borough Code of Ordinances for the Preliminary/Final Land Development Plan for Keystone Villas at Ephrata, 100 North State Street, dated December 6, 2012 containing 12 sheets prepared by McCarthy Engineering Associates Inc., West Lawn, PA as follows: (Development Activities Committee)
 - a. Modification of Submission of Preliminary Plan, Section 281-14.
4. That Borough Council approve the Preliminary/Final Land Development Plan for Keystone Villas at Ephrata, 100 North State Street, dated December 6, 2012 containing 12 sheets prepared by McCarthy Engineering Associates Inc., West Lawn, PA as a final plan with the following conditions: (Development Activities Committee)
 - a. The applicant must address comments 1 through 9 and 1 through 7 from the January 7, 2013 memorandum of Planning and Engineering Manager Nancy Harris.
 - b. The applicant must address the Sketch Plan Review/General Comments 4, 6 through 8, 10 and 16, Land Development Plan Review/General Comments 1 through 41 from the HRG letter dated January 4, 2013.
 - c. The building footprint will be as depicted on SK1 of 1 dated 2/4/13 as prepared by McCarthy Engineering Associates Inc. of West Lawn, PA and will be reflected on the final plan set.
 - d. The developer must enter into an agreement with the Borough regarding the maintenance, repair and replacement of the section of the storm sewer culvert that will run under the proposed building. The agreement will be in a form acceptable to the Borough Solicitor.
5. That Borough Council approve the Subdivision and Land Development Agreement in a form acceptable to the Borough Solicitor with Keystone Villa at Ephrata LP, 166 Holly Road, Gilbertsville, PA in the amount of \$444,795.40 for the Preliminary/Final Land Development Plan for Keystone Villas at Ephrata, 100 North State Street, dated December 6, 2012

containing 12 sheets prepared by McCarthy Engineering Associates Inc., West Lawn, PA. (Development Activities Committee)

6. That Borough Council award Bid No. 13-1 Purchase of Bituminous Materials to Martin Limestone, Inc., a Division of NESL, d/b/a: Burkholder Paving of Ephrata, PA for purchase of Superpave Asphalt 19 mm Binder Course Material at the unit price of \$54.25 per ton (FOB), Superpave Asphalt 25 mm Base Course Material at the unit price of \$52.05 per ton (FOB) and Superpave Asphalt 9.5 mm Wearing Course Material at the unit price of \$58.10 per ton (FOB), considering total costs associated with Borough personnel and equipment picking up the materials on an as needed basis. (Highway Committee)
7. That Borough Council award Bid No. 13-2 Purchase and Delivery of PennDOT #2A Stone to low bidder Martin Limestone, Inc., Denver, PA for the unit price of \$7.84 per ton. (Highway Committee)
8. That Borough Council approve the Agreement with Ephrata GF, LP of Wormleysburg, PA in the amount of \$22,660 for traffic signal improvements at the intersection of Bethany Road and East Main Street (SR 0322) as part of the Ephrata Marketplace development along East Main Street in Ephrata Township. (Highway Committee)
9. That Borough Council approve the request from TNT Youth Ministries to use Grater Community Park to hold the annual Extreme Event on Friday, May 24, 2013 subject to the receipt of a certificate of insurance naming the Borough as additional insured, reimbursement of out of pocket expenses including but not limited to police overtime, ambulance standby and fire police, and the approval by the Chief of Police of the Emergency Action Plan. (Community Services Committee)
10. That Borough Council approve the request from the Ephrata Community Hospital to use Grater Community Park beginning Friday, May 31, 2013 through Saturday, June 1, 2013 to hold their 60th annual Day in the Park per their letter dated January 3, 2013 subject to the receipt of a certificate of insurance naming the Borough as additional insured. (Community Services Committee)

RESOLUTION 2013-1

**A RESOLUTION OF THE BOROUGH OF EPHRATA
EXONERATING THE BOROUGH OF EPHRATA
FROM PAYING 2013 REAL ESTATE TAXES
ON PARCELS OWNED BY THE BOROUGH**

WHEREAS, the Borough of Ephrata received 2013 county and municipal real estate tax bills for a number of parcels owned by the Borough within Ephrata Borough; and

WHEREAS, the parcels are used entirely for municipal purposes and the Borough should be exonerated from paying 2013 real estate tax on the subject parcels.

NOW, THEREFORE, BE IT RESOLVED that Ephrata Borough Council hereby exonerates from 2013 municipal real estate taxes all properties owned by the Borough of Ephrata within Ephrata Borough.

RESOLUTION 2013-3

**A RESOLUTION OF THE BOROUGH OF EPHRATA
FOR THE DISPOSITION OF RECORDS**

WHEREAS, through Resolution No. 2001-13, adopted August 13, 2001, the Borough of Ephrata declared its intent to follow the procedures for the disposition of records as set forth in the Retention and Disposition Schedule for Records of Pennsylvania Municipalities issued on May 17, 1982, and,

WHEREAS, in accordance with Act 428 of 1968, each individual act of disposition shall be approved by resolution of the governing body of the municipality;

NOW, THEREFORE, BE IT RESOLVED that the Council of Ephrata Borough, in accordance with the above cited schedule, hereby authorizes the disposition of the following public records:

<u>Record Title</u>	<u>Dates Through</u>
Borough Accounts Payable	2005

EAJA Accounts Payable	2005
Payroll Time Sheets	2009
Purchase Orders/Requisitions	2005
Security Deposit Refunds	2005
Utility Bill Reports	2005
Bill Stubs	2005
Real Estate Taxes	2005
Past Due Disconnection Reports	2005
Collections	2005
Cash Receipts	2005
Banking Activity (Statements/EFT Reconciliations)	2002
Movings	2009
Paid Invoices Accounts Payable	2005
Paid Miscellaneous Accounts Receivable Invoices	2005
Rental Permit Info	2005
Journal Entries	2005
Miscellaneous Correspondence	2010
Utility Bills	2005
Credit Memos	2005
OPT Reports	2005
Customer Refunds	2005
Cash Receipt Details	2005
Green Bar Reports Tax Duplicates	2000 and before
Abandoned Vehicles (Borough & Township)	2010
Accident Receipts (Borough & Township)	2009
Accident Reports (Borough & Township)	2007
Adult Detention Reports	2009
AED Reports	2009
Alarm Invoices (Borough & Township)	2009
Calibration Records	2007
Daily Field Activity Reports	2009
Disposed Evidence Tickets	2006
False Alarm Cards (Borough & Township)	2009
False Alarm Letters (Borough & Township)	2011
Negative Background Checks	2010
Parking Tickets (Borough & Township)	2011
Penn Dot Driver's License Seizure Forms	2009
Preliminary Investigative Reports (Borough & Township)	2009
Recommendations for Special Driving Exams	2011
Temporary No Parking Applications	2009
Traffic Citations (Borough & Township)	2009
Transient Retail Applications (Borough & Township)	2009
UCR Worksheets & Printouts (Borough & Township)	2010
Validation Reports	2011
Vehicle Tow Reports	2010
Work Schedules	2009

STANDING COMMITTEE RECOMMENDATIONS

Development Activities Committee

It was moved by Mrs. Rowe, seconded by Mr. DiIlio and unanimously passed that Borough Council approve a request from the Ephrata Public Library to install two United States Postal Service signs on the building for the USPS postal substation.

It was moved by Mrs. Rowe, seconded by Mr. DiIlio and unanimously passed by roll call vote that Borough Council award the update to the Borough's Strategic Comprehensive Plan to Thomas Committa Associates of West Chester, PA in the amount of \$49,000 and that Borough Council authorize an unbudgeted expenditure of \$4,000 from the unallocated fund balance of the Capital Reserve Fund.

It was moved by Mrs. Rowe, seconded by Mr. DiIlio and unanimously passed that Borough Council authorize an unbudgeted expenditure from the unallocated balance of the General Fund to perform a commercial appraisal for the former Pennsylvania State Police Barracks located at 21 Springhouse Road in Ephrata Township for an amount not to exceed the cost of \$4,000.

It was moved by Mrs. Rowe, seconded by Mr. Kilkuskie and unanimously passed that Borough Council authorize an unbudgeted expenditure from the unallocated fund balance of the General Fund to perform a commercial appraisal for the property located at 35 East Fulton Street for an

amount not to exceed the cost of \$4,000.

Public Safety Committee

It was moved by Mrs. Rowe, seconded by Mr. Weiler, and unanimously passed that Borough Council approve the request from the Ephrata Area School District 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 a sheep project at the Ephrata High School. This project will begin on an unspecified date in March 2013 and end within 2-3 weeks (dates contingent upon the expectant ewe). This project is under the direction of Mrs. Sarah Quigg- Agriculture Teacher. This approval is subject to the receipt of a certificate of insurance naming the Borough as an additional insured.

It was moved by Mrs. Rowe, seconded by Mr. Weiler, and unanimously passed that Borough Council adopt Resolution 2013-5 promulgating the Emergency Operations Plan for the Borough of Ephrata pursuant of the Pennsylvania Emergency Management Services Code.

RESOLUTION 2013-5

A RESOLUTION TO ADOPT THE EMERGENCY OPERATIONS PLAN FOR THE BOROUGH OF EPHRATA, LANCASTER COUNTY, PENNSYLVANIA

THIS RESOLUTION, approved and adopted by the Council of the Borough of Ephrata, Lancaster County, Pennsylvania, on the date hereinafter set forth.

WHEREAS, Section 7503 of the Pennsylvania Emergency Management Services Code, 35 Pa. C.S. Section 7101 et seq. mandates that Ephrata Borough prepare, maintain and keep current an emergency operations plan for the prevention and minimization of injury and damage caused by a major emergency or disaster within this Borough; and

WHEREAS, in response to the mandate stated above, this Borough has prepared an emergency operations plan to provide prompt and effective emergency response procedures to be followed in the event of a major emergency or disaster; and

WHEREAS, this Borough has also prepared an emergency operations plan in order to reduce the potential affects of a major emergency or disaster and to protect the health, safety and welfare of the residents of this Borough;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE BOROUGH OF EPHRATA, PENNSYLVANIA:

SECTION 1. That the undersigned Council of Ephrata Borough do hereby approve, adopt and place into immediate effect the Emergency Operations Plan of Ephrata Borough. This Plan shall be reviewed every two years to make certain that it conforms with the requirements of the Lancaster County Emergency Operations Guideline.

SECTION 2. That if any section, subsection, paragraph, clause or provision or any part thereof of this Resolution shall be finally adjudicated by a court of competent jurisdiction to be invalid, the remainder of this Resolution shall be unaffected by such adjudication and all the remaining provisions of this Resolution shall remain in full force and effect as though such section, subsection, paragraph, clause or provision or any part thereof so adjudicated to be invalid had not, to the extent of such invalidity, been included herein.

SECTION 3. That this Resolution shall take effect at the earliest date allowed by law.

SECTION 4. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were taken in conformance with applicable open meetings laws and that all deliberations of this Council and of any committees that resulted in those formal actions were in compliance with all legal requirements including any applicable open meetings requirements.

It was moved by Mrs. Rowe, seconded by Mr. Weiler, and unanimously passed that Borough Council adopt Resolution 2013-4 promulgating guidelines for police officers of the Borough of Ephrata to follow when making arrests without warrant upon probable cause in accordance with the provisions of 42 Pa. C.S.A., Section 8902.

RESOLUTION 2013-4

A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF EPHRATA, LANCASTER COUNTY, PENNSYLVANIA PROMULGATING GUIDELINES FOR POLICE OFFICERS OF THE BOROUGH OF EPHRATA TO FOLLOW WHEN MAKING ARRESTS WITHOUT WARRANT UPON PROBABLE CAUSE IN ACCORDANCE WITH THE PROVISIONS OF 42 PA. C. S. A., SECTION 8902.

WHEREAS, 42 Pa. C.S.A. Section 8902 provides that a police officer shall, upon view, have the right of arrest without warrant upon probable cause when there is ongoing conduct that imperils the personal security of any person or endangers public or private property under Title 18 (relating to crimes and offenses) when such offense constitutes a summary offense, under 18 Pa. C.S. Section 5503 relating to disorderly conduct, under 18 Pa. C.S. Section 5505 relating to public drunkenness, under 18 Pa. C.S. Section 5507 relating to obstructing highways and other public passages and under 18 Pa. C.S. Section 6308 relating to the purchase, consumption, possession or transportation of liquor or malt or brewed beverages; and

WHEREAS, 42 Pa. C.S.A. Section 8902(b) provides that the right of arrest without warrant shall be permitted only after the governmental body employing the police officer promulgates guidelines to be followed by a police officer on making a warrantless arrest; and

WHEREAS, the Borough Council of the Borough of Ephrata believes it to be in the best interests of the residents of the Borough of Ephrata and such other political subdivisions served thereto that its police officers be authorized to make an arrest without warrant upon probable cause in accordance with the provisions of 42 Pa. C.S.A., Section 8902.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Borough Council of the Borough of Ephrata, Lancaster County, Pennsylvania:

SECTION 1. That Borough Council hereby authorizes its police officers to make arrests without warrant upon probable cause when there is ongoing conduct that imperils the personal security of any person or endangers public or private property or when there are circumstances involving violence, or the imminent threat of violence, or the danger that the Defendant might flee in accordance with the provisions of 42 Pa. C.S.A., Section 8902.

SECTION 2. That if practicable, the arresting officer should be in uniform.

SECTION 3. That if possible, the arresting officer should display his or her authorized badge of authority.

SECTION 4. That the police officers of the Borough of Ephrata are directed to follow all the Pennsylvania Rules of Criminal Procedure regarding making arrests and regarding the determination of whether probable cause exists for the making of an arrest.

SECTION 5. That any procedures and policies of the Police Department of the Borough of Ephrata set forth in the Departments Policy Manual 8.4.4 Summary Arrest without a Warrant , as the same shall be amended from time to time , regarding when, where and how its officers are authorized and entitled to make arrests upon probable cause, whether with a warrant or without are incorporated herein and are determined to be the guidelines of the Borough of Ephrata for making arrests without warrant upon probable cause in accordance with 42 Pa. C.S.A. Section 8902.

SECTION 6. That if any section, subsection, paragraph, clause or provision or any part thereof of this Resolution shall be finally adjudicated by a court of competent jurisdiction to be invalid, the remainder of this Resolution shall be unaffected by such adjudication and all the remaining provisions of this Resolution shall remain in full force and effect as though such section, subsection, paragraph, clause or provision or any part thereof so adjudicated to be invalid had not, to the extent of such invalidity, been included herein.

SECTION 7. That this Resolution shall take effect at the earliest date allowed by law.

SECTION 8. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were taken in conformance with applicable open meetings laws and that all deliberations of this Council and of any committees that resulted in those formal actions were in compliance with all legal requirements including any applicable open meetings requirements.

Highway Committee

It was moved by Mr. Dillio, seconded by Mr. Weiler, and unanimously passed by roll call vote that Borough Council award the Road Salt Distribution and Storage Facilities Feasibility Study to ELA Group, Inc. of Lititz, PA in the amount of \$15,120.

It was moved by Mr. DiIlio, seconded by Mr. Kilkuskie, and unanimously passed that Borough Council authorize the issuance of curb and/or sidewalk reconstruction notifications in conjunction with planned street improvements in 2013 per the list dated 1/7/2013.

It was moved by Mr. DiIlio, seconded by Mr. Weiler, and unanimously passed that Borough Council adopt Resolution No. 2013-2 establishing experimental traffic and parking regulations under section 305-5 of the Code of the Borough of Ephrata authorizing the erection and maintenance of official traffic control signs prohibiting parking at all times along the north side of West Main Street (SR 0322) beginning at the east curb line of Martin Avenue to a point 502 feet east for a period not to exceed ninety (90) days.

RESOLUTION 2013-2

A RESOLUTION TO ADOPT EXPERIMENTAL TRAFFIC AND PARKING REGULATIONS UNDER SECTION 305-5 OF THE CODE OF THE BOROUGH OF EPHRATA

WHEREAS, Chapter 305, Article I, Section 305-5 of the Code of the Borough of Ephrata permits Borough Council to adopt by resolution experimental traffic and parking regulations for a period of up to 90 days; and

WHEREAS, the Council of the Borough of Ephrata deems it appropriate and in the public interest to designate certain experimental traffic and parking regulations on a portion of West Main Street.

NOW, THEREFORE, BE IT RESOLVED that Council of the Borough of Ephrata hereby adopts the following experimental traffic and parking regulation pursuant to the provisions of Chapter 305, Article I, Section 305-5 of the Code of the Borough of Ephrata:

1. In accordance with the provisions of Section 305-5 of the Code of the Borough of Ephrata, parking shall be prohibited at all times in the following location:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
West Main Street	North	Beginning at the east curb line of Martin Avenue to a point 502 feet east

2. The erection and maintenance of official traffic control signs or other official traffic control devices prohibiting parking along West Main Street within the area defined hereinabove is hereby authorized.

BE IT FURTHER RESOLVED these experimental regulations are effective immediately and shall continue for a period not to exceed 90 days.

Municipal Enterprises Committee

It was moved by Mr. Kilkuskie, seconded by Mr. Richard, and unanimously passed that Borough Council enact Ordinance 1489 authorizing the President of Borough Council to execute a Cable Franchise Agreement, having a term of seven years, with Blue Ridge Communications.

APPROVAL OF CHECKS 14636 THROUGH 14889 AND THE ACH REGISTER DATED JANUARY 31, 2013

It was moved by Mrs. Rowe, seconded by Mr. Richard, 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 \$2,659,895.31.

DISCUSSION/ANNOUNCEMENTS

Mr. DiIlio reminded everyone that the Shade Tree Commission meeting is next Wednesday at 1:30 at borough hall.

Mr. Weiler said he received a check from Efficiency Smart. If you purchase a new appliance that's efficient you receive a rebate. Mr. Weiler encouraged the citizens to take advantage of this opportunity. Mr. Weiler received a \$50 rebate.

Mrs. Rowe has been communicating with Councilman Good; he's very anxious to get back. Mr. Good is doing well.

ADJOURNMENT

The meeting was duly adjourned at 7:50 PM.

Respectfully submitted,

D. Robert Thompson, Secretary