

Myerstown, PA
Tuesday, May 10, 2016

President Bryan L. Rittle called the regular monthly meeting of the Myerstown Borough Council to order at 6:30 p.m., on Tuesday, May 10, 2016. The meeting was held in Borough Council Chambers in the Myerstown Municipal Center, 101 East Washington Avenue, Myerstown, PA 17067.

Following the Pledge of Allegiance, a roll call was taken. Present were: President Bryan L. Rittle, Vice President Michael D. Behm, President Pro Tem Park W. Haverstick, II, Councilmembers Vince Podolski, Jeffrey L. Thomas, Dana Reich, Mayor Gloria R. Ebling, Solicitor Frederick S. Wolf, Treasurer Lee C. Smith, Assistant Manager Barry A. Ludwig, Deputy Secretary Lisa A. Brubaker and Manager Christopher J. Moonis. Absent was Councilmember Eric L. Powell.

The Meeting Minutes for April 12, 2016 were presented. A motion was made by Park W. Haverstick, II, seconded by Jeffrey L. Thomas, to dispense with the reading of and approve the minutes of the Regular Monthly Meeting, April 12, 2016. All those in favor: Motion unanimously carried.

The President opened the floor for Citizens and Visitors Comments:

Ms. Desiree Hagmayer – 105 S. Locust Street – was present to discuss the placement of speedhumps on her street. She thanked Council for their time. Ms. Hagmayer read a prepared statement (which is summarized within). She stated prior it was decided by Council to purchase speedhumps, which were then installed, then uninstalled for snow removal. Now a decision has been made to not put them back in. Ms. Hagmayer asked what has changed?

She understood discussion took place last month and would like to address a few of the talking points. As to damage to rescue vehicles, Locust Street is not an emergency route and should only be used to reach those houses on Locust Street. There are speedhumps that are made to accommodate these types of vehicles. As far as the angry response from drivers, they have witnessed this first hand. These angry drivers who do not live on Locust Street or even in the Borough have other alternatives. There is not a citizen on Locust Street that is angry about the speedhumps. We live here, we pay taxes here, and we have no other options. As far as the perception of speed, she gave scenarios of incidents. Ms. Hagmayer invited Councilmembers to come and sit on her porch to see the issues she is presenting.

Councilmember Eric L. Powell entered the meeting at 6:34 p.m.

Ms. Hagmayer stated we have a twofold problem, not just an excessive speed issue, but an issue of cut through traffic. She stated there are at least fifteen (15) children in her residential area. The bus stops there several times a day, there is a daycare center, and regular walkers. She has studied the traffic handbook, Publication 383. There are several speed suggestions outlined in that publication. Ms. Hagmayer quoted speedhumps are by far the most effective speed reducer in the United States.

Ms. Hagmayer is not asking to spend money, the money has been spent. The safety of our children in our neighborhood is sitting somewhere because this Council decided it was not important. She would like the speedhumps reinstalled.

Councilmember Park W. Haverstick, II stated he is very upset with her comment the Council does not feel the safety of the children is important. The speeding is just as bad in his neighborhood. Speeding is a problem everywhere, but speedhumps cannot be placed throughout the whole Borough.

President Bryan L. Rittle stated the decision was made based on the comments from citizens. He was informed by a number of business persons they have had damage from the speedhumps. The Council has heard a lot of negativity about the speedhumps and did not hear a lot of positives about them.

Ms. Hagmayer admitted some neighbors said the speedhumps create a noisy condition but are willing to tolerate the noise because safety comes first. They feel they are important.

Councilmember Park W. Haverstick, II stated they are important but again her street is not unique to the traffic situation, and we cannot put them everywhere. Ms. Hagmayer stated she cares about the children. Councilmember Park W. Haverstick, II stated he cares about the children to and does not appreciate her stating that they don't. The negative comments received are what the Council based their decision on. The President stated the speed humps were done as a test. We received more cons than pros. Ms. Hagmayer asked if stop signs could be placed. The president stated the Borough did a study with LTAP and found that

stop signs did not stop speeders. If the Borough wanted to go forward, a traffic engineer would have to be hired and have a traffic study done to see if it meets PennDot's warrants to have stop signs placed. A study is costly and with the negative comments, it was decided not to reinstall the speedhumps. Ms. Hagmayer stated the Council had something that was working and to withhold that from them does not seem reasonable.

The Mayor stated there was a speed hump on her street and it did not work. The President asked the Mayor to contact the State Police to ask them to target that area for speeders. This matter will need more discussion and will be taken under advisement by the Council.

Councilmember Jeffrey L. Thomas stated he was not in favor of not placing the speedhumps, but he is one (1) vote. We are trying to make the town happy, the Council was bombarded with residents that did not like the speedhumps. Now we don't have them and now we get some that want them back, and Council is in the middle trying to do the best we can. Bill Walker -106 S. Locust Street - stated the damage is being done because the vehicle is not slowing down and are flying over the speed hump. He stood in the crosswalk and no one stopped.

Noelle Gruber – 222 W. Bahney Avenue – she is not a fan of the speed humps. They are noisy and they have found pieces of the humps in their yard. Is there another alternative? The President stated the Council has discussed a speed detector meter sign, but they are costly. The Council is trying to figure out what is the best to do. Councilmember Dana Reich stated there is a lot of growth in the area and with growth comes traffic. She is dealing with truck traffic, which is a problem also. The comments from Emergency Crews weighted greatly because they are the people who save lives. We cannot ignore their comments.

Scott Yeagley – 25 E. Main Avenue – stated every second counts in an emergency and the State Police were doing speed stops on Locust Street the other day.

Joshua Pipetti – 104 S. Railroad Street – stated when the humps were there they worked.

The President stated the Public Works Committee should investigate this matter further and get a quote for an Engineering Study for the Borough. This will be investigated further to see what is the best possible solution and will inform Ms. Hagmayer of what the Council is going to do.

Kelly Mohn – 216 E. Main Avenue – was present to ask Council to reconsider Ordinance 831. Ms. Mohn feels the Ordinance was not properly done. The Solicitor stated when this was acted upon it was not only acted upon by the Ordinance she is referring to, but also the Zoning Ordinance. So even if that Ordinance 831 was not in effect the Zoning Ordinance would be, which prohibits the having of poultry or chickens within the Zoning District where she is located. The Council considered the pros and cons of what she was requesting, and gave a lot of consideration to it. In the consideration the Council reviewed the Borough Code. It is evident that the legislature for Borough's has recognized that this been an issue and problem for Boroughs. There is a specific section of the State statute which empowers the Borough Council to enact Ordinances that would prohibit livestock, fowl or other animals. They can enact Ordinances that prohibit or regulate the keeping or the running of the same. The Borough Council did consider all issues.

Ms. Mohn asked for the section number. The Solicitor stated Section 1202 – give the specific powers to the Borough Council and livestock and fowl is Section 10. Ms. Mohn then questioned horses, stating the Ordinance says no person shall keep at any place within the Borough a horse. So you cannot bring a horse into the Borough to shop. The President stated that is not keeping in the Borough, she is trying to make it say what she wants it to say.

Councilmember Dana Reich stated to Ms. Mohn, when Ms. Mohn came to the Borough the first time asking about this matter, she already knew she could not have chickens. Because at that meeting, her statement was she was present to discuss changing the Ordinance to allow chickens. She also asked what would happen if it is not permitted and they have a chicken. She was informed she would have to remove them from the property.

Councilmember Dana Reich stated she personally owns two (2) cows but she does not have them in her backyard because she knows it is not allowed in the Borough. She has them on a farm where they are allowed. If this was a project for the children, then let's teach them to obey laws also. We have laws to protect people in our neighborhoods. When she raised her children, she instilled, you have to go by the law whether you like it or not, that is our law and that is what has to be done.

Kelly Mohn stated no one could find the rule and then she was told she could have chickens, but he has conveniently forgotten he said it. The Manager stated Ms. Mohn is referring to the Code Enforcement Officer John Neely. He also informed Council Mr. Neely testified under oath in front of a judge that he does

not recall that conversation. The Manager asked Ms. Mohn if any of this changes the legal outcome. Based on what the Solicitor said, the Council has the right to make a decision whether or not to keep any type of animals out under State statute, they made a decision. The Court said you are not to keep chickens and Ms. Mohn agreed to that.

The Solicitor stated this is not going to change anything, chickens are not permitted. That is what the Code Enforcement Officer and the Borough Manager will enforce. The District Justice already indicated how he would rule if you have chickens again. The Borough Council fully considered all aspects and this is the decision that was made in both the Zoning and separate Ordinance. The President stated the Council is done with this issue.

Scott Yeagley – 25 E. Main Avenue – asked if there is something going on with steps and railings in the Borough. The Manager stated other than what is in the Property Maintenance Code. Did he receive a letter? Mr. Yeagley stated no, but he was told the entire East Main Avenue will be getting a letter because they do not have a railing on their steps from their main entrance. The Manager stated on West Main Avenue the Code Enforcement Officer identified a couple locations where there were no railings. What is the requirement? The Manager referred him to speak to the Code Enforcement Officer. It is a safety issue in the International Property Code. Ron Ream stated in the State Code, it is 30 inches or greater require railings.

Scott Yeagley asked if a mirror can be placed on the telephone pole at Cherry Street and Main Avenue. The Borough would need permission from the utilities company. The Manager agreed the sight distance is tough there. The Assistant Manager will look at the area.

Scott Yeagley stated there is a red Chevy blazer parked in the library thirty (30) minute parking spot for several weeks now. The Manager will inform the Code Enforcement Officer.

The Council received reports from the Mayor, Department Supervisors, Solicitor and the Borough Manager. Staff was present to provide additional information on their report, and answer any questions from the Council.

Mayor Gloria R. Ebling presented both her report and the State Police Report. The flower pots have been placed and will be planted shortly. The Mayor contacted the State Police regarding if they can enforce the signage for brake retarders. The State Police can enforce. The Mayor asked that the State Police reports be turned into the Mayor after the Council review. The Council will return the report to the Mayor. Councilmember Eric L. Powell said maybe just a map showing the general location would be ok.

Assistant Manager Barry A. Ludwig presented the Utilities report. Councilmember Michael D. Behm informed the Assistant Manager of some areas in need of some cold patch. The Mayor thanked the Public Works for getting the flower pots out.

The Solicitor Frederick S. Wolf presented his report. The Solicitor reiterated the information on the 301 S. Railroad Street property. It will be about fifteen (15) to thirty (30) days until the deed is ready for transferring to the Borough. He applied for exemption from the transfer stamp, so the total cost should be less than \$10,000.00. He will keep the Borough informed.

Regarding Ordinance 835 that is listed for action, the advertisement did not go to the newspaper. So it is here for review tonight and will be advertised for action at the June 14, 2016 meeting. The President questioned the mini cell towers comment on his report. The Solicitor stated this is preliminary information that is going around to municipalities. Cell towers are placed in municipalities, usually their Zoning Ordinances control where cell towers can be placed along with other regulations. The cell tower companies are moving away from independent leases with property owners into these mini cell towers that are placed in the right-aways, like on an existing telephone pole. This would rule out municipalities from having any control over them. A letter of concern can be sent asking the Public Utilities Committee not to accept control of mini cell towers and let that control stay with the local municipality.

Manager Christopher J. Moonis presented his report. He will have comments throughout the agenda items. He provided the Legislator Locator for Council to review.

The President proceeded to the Committee Reports:

Councilmember Eric L. Powell thanked everyone for the planter that he received from the Borough. It was very heartening to receive it. The President stated he hopes he is feeling better.

Treasurer Lee C. Smith prepared and presented Borough Council with the monthly Treasurer's Report. A motion was made by Michael D. Behm, seconded by Dana Reich, to approve the Treasurer's Report and have it on file for audit. All those in favor: Motion unanimously carried.

MYERSTOWN BOROUGH TREASURER'S REPORT

Prepared 05 /09 /2016

Activity for: 4 months 2016

<u>GENERAL FUNDS:</u>	<u>Activity</u>	<u>FINANCIAL INSTITUTION:</u>	<u>Date: 04/30/2016</u>
			<u>BALANCES:</u>
OPERATING FUND:		FULTON:	Cash: <u>\$ 124,845.91</u>
	<u>\$ 317,965.16</u>	<u>\$ 316,365.58</u>	P-Card: <u>\$ 1,535.02</u>
	INCOME	EXPENSES	Ed Jones: <u>\$ 219,593.67 BV</u>
		Transfer out: _____	<u>\$ 209,070.47 MV</u>
		Transfer in: _____	A/P: <u>\$ 11,639.94</u>
			Payroll: <u>\$ 11,090.74</u>
RESERVE ACCOUNT:		FULTON:	<u>BALANCES:</u>
	<u>\$ 2,230.99</u>	<u>\$ 245.00</u>	Cash: <u>\$ 18,971.57</u>
	INCOME	EXPENSES	Ed Jones: <u>\$ 383,272.91 BV</u>
		Transfer out: <u>25,500.00</u>	<u>\$ 382,911.93 MV</u>
		Transfer in: _____	A/P: <u>\$ -</u>
<u>WASTEWATER FUNDS:</u>			
OPERATING FUND:		FULTON:	<u>BALANCES:</u>
	<u>\$ 300,270.84</u>	<u>\$ 289,419.97</u>	Cash: <u>\$ 43,840.04</u>
	INCOME	EXPENSES	P-Card: <u>\$ 6,000.00</u>
		Transfer out: <u>19,000.00</u>	Ed Jones: <u>\$ 439,327.26 BV</u>
		Transfer in: _____	<u>\$ 435,912.73 MV</u>
			A/P: <u>\$ 31,336.32</u>
			Payroll: <u>\$ 15,394.26</u>
			A/R: <u>\$ 38,995.23</u>
RESERVE ACCOUNT:		FULTON:	<u>BALANCES:</u>
	<u>\$ 7,889.03</u>	<u>\$ 34,385.00</u>	Cash: <u>\$ 89,405.37</u>
	INCOME	EXPENSES	Ed Jones: <u>\$ 2,109,529.80 BV</u>
		Transfer out: _____	<u>\$ 2,094,928.92 MV</u>
		Transfer in: _____	A/P: <u>\$ _____</u>

Treasurer's Monthly Report – (continued)

Activity for: 4 months 2016

Date: 04/30/2016

OTHER FUNDS:

FINANCIAL INSTITUTION:

BALANCES:

DEBT SERVICE RESERVE:

\$ 228,238.84
 INCOME

FULTON:

\$ 99,303.75
 EXPENSES

BALANCES:
 Cash: \$ 346,527.35

Ed Jones: \$ 1,362,032.43 BV
\$ 1,345,106.62 MV

A/R: \$ 47,973.03

Transfer out: _____

Transfer in: _____

REVENUE BOND, SERIES OF 2007:

\$ 701.69
 INCOME

PLGIT:

\$ -
 EXPENSES

BALANCES:
 Cash: \$ 634,973.45

Ed Jones: -

Transfer out: _____

Transfer in: _____

UNEMPLOYMENT COMPENSATION:

\$ 75.94
 INCOME

PLGIT:

\$ -
 EXPENSES

Cash: \$ 92,077.31

Transfer out: _____

Transfer in: _____

LIQUID FUELS:

\$ 85,344.80
 INCOME

PLGIT:

\$ 9,750.73
 EXPENSES

BALANCES:
 Cash: \$ 138,707.91
 AP \$ _____

Transfer out: _____

Transfer in: _____

BEAUTIFICATION TRUST:

\$ 36.33
 INCOME

PLGIT:

\$ -
 EXPENSES

BALANCES:
 Cash: \$ 43,433.91

Transfer out: _____

Transfer in: _____

RECREATION:

\$ 466.56
 INCOME

FULTON:

\$ 7,491.44
 EXPENSES

BALANCES:
 Cash: \$ 25,943.53

Ed Jones: \$ 20,470.19 BV
\$ 20,015.87 MV

A/P: \$ 120.44

Transfer out: _____

Transfer in: 25,000.00

Treasurer's Monthly Report – (continued)

Activity for: 4 months 2016

Date: 04/30/2016

OTHER FUNDS:

FINANCIAL INSTITUTION:

BALANCES:

WM DERR SWIMMING POOL:

FULTON:

BALANCES:

\$ 1,797.69
INCOME

\$ 6,756.02
EXPENSES

Transfer out: _____
Transfer in: 19,500.00

Cash: \$ 20,517.67

Ed Jones: \$ 33,759.64 BV
\$ 33,504.96 MV

A/P: \$ 3,352.97

MEMO:

A/R – Accounts Receivable
A/P – Accounts Payable
BV - Book Value
MV - Market Value

The monthly listing of invoices was presented. Councilmember Michael D. Behm asked questions on a bill for E.J. Brenneman, and a bill for GGS Company. Councilmember Eric L. Powell asked what the expenditure was for to Tom Morrissey. The bills were reviewed E. J. Brenneman was for the purchase of signs, GGS Company was for the installation of Laserfiche, and Tom Morrissey, was a freezer for the pool. Keith Fox donated his last Councilmember check to help pay for the freezer purchase. A motion was made by Michael D. Behm, seconded by Park W. Haverstick, II, to approve payment of all invoices as listed. All those in favor: Motion unanimously carried.

The communications were reviewed.

A thank you letter was sent to the Woman's Club for their donation to the pool.

The President read the list of current Committee and Board vacancies.

Recreation Board – two (2) vacancies
International Property Maintenance Code Board of Appeals – one (1) vacancy

If anyone is interested in volunteering to serve on any of these boards contact the Borough office.

The President proceeded to the agendas order of the business:

The Manager is requesting Council approve funding to the Police Pension Plan to help offset the annual costs. The President stated the plan is underfunded and the Borough should start to contribute to the plan. The Manager stated there is no set dollar amount but every amount contributed towards the unfunded liability the better chance you have of preserving the principal. He is recommending a contribution of \$40,000.00 with the funds being used from the General Reserve Account and the contribution should be made as soon as possible. A motion was made by Michael D. Behm, seconded by Park W. Haverstick, II, to approve the funding of \$40,000.00 from the General Reserve Account for the year 2016 to the Police Pension Plan. All those in favor. Motion unanimously carried.

The 2015 General Account Audit has been received. The Borough received a clean audit, it has no findings. Even better, we did not receive an Internal Management Letter. That letter would direct the Council as to the deficiencies that might exist in the operations of the Borough. There were no internal management functions that were deficient that required a letter. The Manager reviewed information from the audit. A motion was made by Michael D. Behm, seconded by Jeffrey L. Thomas, to accept the General Account Audit and approve the advertising of the audit in summery form. All those in favor. Motion unanimously carried.

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An RFP (Request for Proposal) was out for consulting services to create a new Comprehensive Zoning Ordinance and Map. A copy of the RFP's (Request for Proposal) were provided to the Council for review. Seventy (70%) percent will be paid for from a grant we received from DCED (Department of Community and Economic Development). This is part of the E.I.P. III Grant. Three (3) proposals were received, Urban Research & Development Corporation, ARRO Engineering and RGS. Upon review, Urban Research & Development Corporation provided the lowest price at \$19,000.00. A motion was made by Park W. Haverstick, II, seconded by Michael D. Behm, to hire URDC (Urban Research & Development Corporation) as the consultant for Comprehensive Zoning Ordinance and Map updates. All those in favor. Motion unanimously carried.

An RFP (Request for Proposal) was out for Engineer and Architectural services for the school building. Eight (8) proposals were received. On Monday, May 9, 2016, the Council interviewed five (5) of the companies, Beers and Hoffman, TKS, LeFevre Funk, Murphy & Dittenhafer, and Crabtree, Rohrbaugh. The consensus was for TKS. The Manager contacted the references listed in TKS's proposal. All references provided good comments. A motion was made by Park W. Haverstick, II, seconded by Dana Reich to hire TKS as the consultant for Engineer and Architectural services for the school acquisition, contingent upon they do not proceed until Phase I Environmental's are cleared. All those in favor. Motion unanimously carried.

The Council may approve to extend the settlement date for the acquisition of the school building until June 30, 2016. The Manager stated this is to match what the School District gave the Borough as an extension. A motion was made by Park W. Haverstick, II, seconded by Michael D. Behm, to approve extending the settlement date for the school building until June 30, 2016. All those in favor. Motion unanimously carried.

As part of Phase II Environmental's, the Council could enter into an agreement to engage the services of Groundwater Sciences Corporation to do testing on the school site. The Manager stated it has been identified that the underground storage tank was removed. We do not have details if the ground was tested for contaminations. Groundwater Sciences Corporation visited the site and identified where the tank was. Based on the Phase I Study, they do believe we would be required to do a ground testing to determine if there are any contaminations at that site. The Solicitor stated there are two (2) separate issues. This is the testing to find out if there are any problems at the site. If you find out from the testing there is a problem and it is going to cost x number/dollar amount for remediation then you have a different issue to discuss with the school board. A motion was made by Michael D. Behm, seconded by Vince Podolski, to engage the services of Groundwater Sciences Corporation to go a geotechnical survey of the site where the alleged underground storage tank was on the school building site. All in favor. Motion unanimously carried.

Council may approve the Recreation Request from the Myerstown Ministerium to hold a Praise Festival. A motion was made by Jeffrey L. Thomas, seconded by Dana Reich, to approve the Recreation Request from the Myerstown Ministerium to have a Praise Festival in the park area on Saturday, August 13, 2016 from 8:00 a.m. to 8:00 p.m. and waive any fees. All those in favor: Motion unanimously carried.

The Mayor is requesting additional funds for the beautification of Main Avenue/Railroad Street. A motion was made by Park W. Haverstick, II, seconded by Dana Reich, to approve an additional \$600.00 for the beautification of Main Avenue/Railroad Street. All those in favor: Motion unanimously carried.

Council may approve the hiring of Emma Flesher as a seasonal worker for the swimming pool program. A motion was made by Michael D. Behm, seconded by Vince Podolski, to approve the hiring of Emma Flesher at \$8.00 an hour as an employee for the pool for the 2016 summer season. All those in favor: Motion unanimously carried.

Council may approve the request from the MAN (Myerstown Activity Network) Group for the dates for the National Night Out, Holiday Parade and the New Year's Eve Drop. A motion was made by Park W. Haverstick, II, seconded by Vince Podolski, to approve National Night Out for August 2, 2016, Holiday Parade

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for November 26, 2016 and the New Year's Eve Drop for December 31, 2016. All those in favor. Motion unanimously carried.

The Manager asked Council to approve the receipt of the Attestation Engagement for the 2014 Liquid Fuels Tax Fund Audit. There were no findings in the audit. A motion was made by Michael D. Behm, seconded by Jeffrey L. Thomas, to approve the receipt of the Attestation Engagement for the 2014 Liquid Fuels Tax Fund Audit. All those in favor. Motion unanimously carried.

Councilmember Dana Reich asked if the Council could up with some sort of solution for the truck traffic traveling Mill Avenue. They are causing damage to Ben Salem's property at the corner of Mill Avenue and Cherry Street. The Manager stated the ADA Ramp has also been damaged. Councilmember Dana Reich stated the trucks are also going over the bridge. The Assistant Manager stated there is a sign stating "No Tractor Trailers" posted. He contacted East Coast Fabrication and asked them to do anything they can possibly do to try to steer their drivers away from using that route. When a driver gets messed up, he will do whatever he has to do to get out.

The Assistant Manager stated he has looked at some temporary solutions. He would like to try jersey barriers. The pallet facility has them. They are blocks that you stack. They are six (6) feet long, three (3) foot high and two (2) foot thick. He is recommending to place some right up against the curb with barricades and try it. The Council instructed the Assistant Manager to try the barriers.

The Borough Council recessed the regular meeting and entered into Executive Session at 8:36 p.m. to discuss acquisition of real estate and personnel.

The Borough Council returned from Executive Session at 9:02 p.m. reconvening the regular session and resumed consideration of and action on the regular meeting agenda.

A motion was made by Vince Podolski, seconded by Park W. Haverstick, II, to promote Paul Kulp, Jr. to Lead Operator with a \$1.00 an hour raise. All those in favor. Motion unanimously carried.

The President asked if there were any additional comments for the good of the borough. Seeing none, a motion was made by Park W. Haverstick, II, seconded by Vince Podolski, to adjourn the meeting at 9:04 p.m. All those in favor: Motion unanimously carried.

Lisa A. Brubaker
Deputy Secretary

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