

Myerstown, PA  
Tuesday, June 14, 2016

President Bryan L. Rittle called the regular monthly meeting of the Myerstown Borough Council to order at 6:32 p.m., on Tuesday, June 14, 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, Eric L. Powell, 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.

The Meeting Minutes for May 9, 2016 and May 10, 2016 were presented. A motion was made by Park W. Haverstick, II, seconded by Dana Reich, to dispense with the reading of and approve the minutes of the Planning Meeting, May 9, 2016 and the Regular Monthly Meeting, May 10, 2016. All those in favor: Motion unanimously carried.

The President opened the floor for Citizens and Visitors Comments:

Scott and Cindy Patschke – 347 W. Carpenter Avenue – were present to discuss the garage at 356 W. Main Avenue. A group of individuals are renting the garage from the property owner, Doctor Michael Burkhart, to work on vehicles.

Sgt. Tice entered the meeting at 6:35 p.m.

Mr. Patschke stated the renter moved in on May 21, 2016 and has been a nuisance ever since. They are sanding, grinding, excessively noisy and using foul language. Mr. Patschke contacted the Borough Manager to see what could be done. The Manager informed him to call the State Police.

On May 29, 2016, there were persons riding minibikes wearing masks. The State Police were called. Cindy Patschke stated she was never treated so rudely by anyone as she was by the State Police dispatcher. Sgt. Tice stated he will review the dispatcher recordings and apologized for that behavior and it will be addressed.

Mr. Patschke stated on May 31, 2016, he contacted Doctor Burkhart and introduced himself and discussed what was going on with his renter. Doctor Burkhart stated he would address the matter with his tenant. On June 4, 2016, a neighbor called the State Police again about the minibikes in the alley.

Mr. Patschke stated everyday it is grinding, hammering, sawing and now a compressor is running. Mrs. Patschke stated it starts at 9:00 a.m. until 10:30 – 11:00 p.m., you cannot be outside because of the noise. The President asked if they are strictly doing body work or other types of work. Mr. Patschke stated he is not sure.

Mrs. Patschke stated Doctor Burkhart's office is there but he goes home every night and does not have to deal with the noise like they do.

The Manager stated he went by today. The tenant was there and he spoke to the person renting the space. The tenant told the Manager he was unaware of the situation. The Manager stated the garage is in the C-3 District and he referenced to him the section of the Zoning Ordinance for that district. The renter told the Manager he will come into the office to obtain the regulations of that district. There is a restriction for automotive services. Repair work shall be restricted to that of a minor nature only, which is general maintenance and repairs, not body work or major engine overhauling, and shall be performed in an enclosed building. The Manager stated he informed the tenant of that today and the tenant was very polite and responsive. The gentlemen stated he will come into the Borough office and get all of the restrictions he may be violating. The tenant stated he will do his best to keep the doors down until this is resolved. The renter stated it is not a business, just a group of friends working on their cars.

The Manager stated the Code Enforcement Officer has been made aware and if they do not follow, Doctor Burkhart will receive a Notice of Violation for violating any parts of the Ordinance. The Borough has received multiple complaints regarding this renter.

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The Solicitor stated even for the renter to operate it as described by the Manager, it requires him to get permission for that use from the Zoning Hearing Board, unless a prior tenant got that permission he would have to go to the Zoning Hearing Board first. So in addition to violating other Borough Ordinances, he also is in violation of the Zoning Ordinance. The Lebanon County Planning Department enforces the Borough Zoning Ordinance and should be involved also.

The President asked Sgt. Tice what the State Police can enforce regarding this issue. Sgt. Tice stated the minibikes, noise, excessive noise after hours, foul language are all enforceable by State Police. The Zoning rules are a Borough issue. Sgt. Tice explained they consider after hours is after 10:00 p.m. The President stated the Borough does have an Ordinance that states 10:00 p.m. to 6:00 a.m. is considered after hours. Sgt. Tice stated this will be part of his patrol check that is given to the officers to make them aware of this type of issue so they patrol and check the area.

Tom Houtz was present to get approval for the yearly events with the MAN (Myerstown Activity Network) Group. The President informed Mr. Houtz at the May 10, 2016 meeting the events were approved. Mr. Houtz asked for any feedback regarding the 2015 events. Councilmember Park W. Haverstick, II stated the parade was awesome and the Mayor stated the New Year's Eve Drop was nice. Mr. Houtz stated one additional item for Night Out, they will be focusing on clubs, memberships and sports that are available to offer in the area.

The President informed Mr. Houtz the Borough and Recreation Board are looking to do an EMS (Emergency Services) Community Picnic to show our appreciation for all they do and if the MAN Group would like to be part of the picnic that would be great. Mr. Houtz will take that back to the group.

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 her report. The flower pots have been placed and planted. Councilmember Park W. Haverstick, II asked if there has been any vandalism to them. The Manager stated the pot at the fire company was tipped over. The fire department put it back upright and replanted the plants. The Manager stated we appreciate their help. The Mayor thanked the Assistant Manager and Public Works Crew for all their work for the flower pots.

The State Police Report was presented. Sgt. Tice asked if there were any questions. Councilmember Park W. Haverstick, II stated the patrol cars stationed on East Main Avenue have really made a difference. Sgt. Tice stated he was made aware of the Locust Street issue and that has been added to his patrol report. Councilmember Michael D. Behm asked if there are set times for patrolling. Sgt. Tice stated there are no set times. He does not want set times so people do not know when they'll be there so they slow down all the time.

The Mayor stated she contacted the State Dog Law Enforcement Office. A person does not have to have their dog on a leash, but you have to have them in your control at all times. The Mayor asked the Solicitor if the Borough can adopt a leash ordinance. The Solicitor will research.

There was no Code Enforcement Officer Report. Councilmember Dana Reich questioned why the Code report is not given monthly and why he does not attend every meeting. The Mayor stated the Code Enforcement Officer is compensated for attendance. The President stated this is an item to discuss with the Manager.

Assistant Manager Barry A. Ludwig presented the Utilities report. There were no additions.

Solicitor Frederick S. Wolf presented his report. Ordinance 835 will be considered under new business. He has items involving litigation that will need to be addressed in executive session.

Manager Christopher J. Moonis presented his report. He distributed the Pension Audit for 2012, 2013, 2014 and 2015. There are two (2) findings in the Non-Uniform Pension Plan, they are now released by the Auditor General and we can deal with them directly.

The Manager provided an additional informational handout for the General Fund. He asked the Finance and Administration Committee meet after the six (6) month closeout in June to review line items. Staff will also be meeting to review expenditures in the Borough funds and Wastewater funds. In July, the Council will meet for their Planning Session on Monday, July 11, 2016, to talk with URDC (Urban Research and Development Corporation) about the new Zoning Ordinance and map.

The Manager will update Council on the school building in executive session. The pool is on agenda to engage with Wade Associates to contract them to be our pool consultants on the development and design of bids, the letting of bids, the receiving of bids, the analysis of bids, and be our consultant during the selecting of a contractor and through the construction of the project.

The Manager provided an update on the SR 422 Improvements. PennDot and EMS (Emergency Services) have made strides to find improvements on SR 422 that will provide EMS better access. The current design does not have through traffic from SR 422 and Railroad Street. There will be an emergency based setup where emergency vehicles can get across if necessary. PennDot is working on some redesign. They are getting closer to having an acceptable respond through that intersection. Now is the time to speak up if there are any other concerns.

The Manager discussed the Borough Road Improvement Program for 2016 and 2017 using the CDBG (Community Development Block Grant) Funds. The Borough has \$160,000.00 of approved funding to use. He has had discussion with the Lebanon County Officials. The County Officials have assured the Manager we would be able to spend the funds on both ADA Ramps and/or asphalt paving, which is different then what was last reported.

Given the time of year and what we can responsibly get done, the Manager is proposing to deal with the ADA Ramps on Railroad Street from Washington Avenue through the south side of Center Avenue or as far as we can get with the funds. The county has to bid the project using CDBG Funds, because they will have to meet the ADA requirements. We will have our engineer involved to oversee the project to make sure it is done correctly.

Then, the paving is proposed for 2017. The problem we are having in regards to paving is, according to our county, if the road runs North to South, in the low-mode section, the project should qualify. If the road runs East and West, it is not going to be approved for use of CDBG funds. Their logic is, people in that low mode block group are going to leave, access and use via a North/South road to get in and out of town. That being said, that is why he is recommending the ADA Ramps on Railroad Street be done now. There was no objection from the Council.

Councilmember Park W. Haverstick, II stated the fire companies would like to hold training sessions in the 301 S. Railroad Street property once the Borough owns it and before we demolish it. The Solicitor stated the fire companies would need to provide a Hold Harmless Insurance Form naming the Borough as additional insured. The deed should be ready soon and it can be discussed at that time.

#### The President proceeded to the Committee Reports:

Utilities Committee: (Eric L. Powell, Park W. Haverstick, II, and Jeffrey L. Thomas) Chairman Eric L. Powell stated the committee met before tonight's meeting. The main goal, where feasible, is to get the trash trucks out of the alleys. An Ordinance may be needed, but at this point, the committee would like to go the nice route first. The first step would be to draft a letter to the haulers advising them of the problem and ask them to consider relocation of some of the pickup routes. The letter would provide an opportunity for them to meet with Borough staff or the committee to see if it is possible. If so, then the hauler would have to inform its customers of the pickup change. The Assistant Manager will draft the letter and bring it to the Utilities Committee for review. Once they feel it is satisfactory, it will be brought to Council for approval.

A weight limit was discussed, but with the dumpsters that would not work. The reality is, once the Public Works Department starts working on the alleys, the haulers will not be able to use them for a period of time anyway.

Park & Recreation Committee: (Jeffrey L. Thomas, Dana Reich, and Park W. Haverstick, II) Chairman Jeffrey L. Thomas stated the Board would like to promote Griffin Yeyna. The Manager stated that has already been done, with a pay of \$10.00 per hour. Swim lessons, mommy and me swim lessons, and water aerobics will be starting this month. The playground program has started and will be held Mondays, Wednesdays and Fridays from 9:00 a.m. to 11:00 a.m.

The Recreation Board would like to have a community picnic for the Emergency Services, and Service Organizations, and their families at the pool. Providing food and ice cream. They are asking Councilmembers to help at the event. A letter would be sent out with an RSVP so they would know how many are attending. The Council would like to see if Saturday, July 30, 2016 starting at 5:00 p.m. would work for the pool, to make sure it does not conflict with any scheduled pool parties.

The Manager stated the Rotary Club purchased six (6) picnic tables for the pool at a cost of five thousand dollars (\$5,000.00). It was very generous of them to purchase the tables via a grant.

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 Jeffrey L. Thomas, 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 06/13/2016

Activity for: 5 months 2016

<u>GENERAL FUNDS:</u>	<u>Activity</u>	<u>FINANCIAL INSTITUTION:</u>	<u>Date:</u> 05/31/2016
			<u>BALANCES:</u>
OPERATING FUND:		FULTON:	Cash: <u>\$273,626.85</u>
	<u>\$ 529,068.48</u>	<u>\$ 377,542.28</u>	P-Card: <u>\$ 1,938.97</u>
	INCOME	EXPENSES	Ed Jones: <u>\$ 209,933.40 BV</u>
		Transfer out: _____	<u>\$ 209,022.23 MV</u>
		Transfer in: _____	A/P: <u>\$ 15,452.50</u>
			Payroll: <u>\$ 17,998.48</u>
RESERVE ACCOUNT:		FULTON:	<u>BALANCES:</u>
	<u>\$ 2,528.92</u>	<u>\$ 29,664.31</u>	Cash: <u>\$ 18,981.21</u>
	INCOME	EXPENSES	Ed Jones: <u>\$ 383,861.20 BV</u>
		Transfer out: <u>25,500.00</u>	<u>\$ 382,962.29 MV</u>
		Transfer in: _____	A/P: <u>\$ 29,419.31</u>
<u>WASTEWATER FUNDS:</u>			
OPERATING FUND:		FULTON:	<u>BALANCES:</u>
	<u>\$ 399,576.74</u>	<u>\$ 351,452.50</u>	Cash: <u>\$ 66,237.91</u>
	INCOME	EXPENSES	P-Card: <u>\$ 5,596.05</u>
		Transfer out: <u>19,000.00</u>	Ed Jones: <u>\$ 449,947.06 BV</u>
		Transfer in: _____	<u>\$ 436,143.60 MV</u>
			A/P: <u>\$ 32,057.18</u>
			Payroll: <u>\$ 26,373.54</u>
			A/R: <u>\$ 50,454.24</u>

Treasurer's Monthly Report – (continued)

Activity for: 5 months 2016

Date: 05/31/2016

**FINANCIAL INSTITUTION:**

RESERVE ACCOUNT:

FULTON:

**BALANCES:**

\$ 11,065.64      \$ 67,385.00  
 INCOME              EXPENSES

Cash: \$ 89,450.81

Ed Jones: \$ 2,102,868.46 BV  
\$ 2,086,530.51 MV

Transfer out: \_\_\_\_\_  
 Transfer in: \_\_\_\_\_

A/P: \$ 33,000.00

**OTHER FUNDS:**

DEBT SERVICE RESERVE:

FULTON:

**BALANCES:**

\$ 288,538.74      \$ 99,303.75  
 INCOME              EXPENSES

Cash: \$ 407,028.17

Ed Jones: \$ 1,341,300.83 BV  
\$ 1,344,576.81 MV

Transfer out: \_\_\_\_\_  
 Transfer in: \_\_\_\_\_

A/R: \$ 72,208.41

REVENUE BOND, SERIES OF 2007:

PLGIT:

**BALANCES:**

\$ 901.65      \$ -  
 INCOME              EXPENSES

Cash: \$ 635,173.41

Ed Jones: -

Transfer out: \_\_\_\_\_  
 Transfer in: \_\_\_\_\_

UNEMPLOYMENT COMPENSATION:

PLGIT:

**BALANCES:**

\$ 78.34      \$19.07  
 INCOME              EXPENSES

Cash: \$ 92,060.64

Transfer out: \_\_\_\_\_  
 Transfer in: \_\_\_\_\_

LIQUID FUELS:

PLGIT:

**BALANCES:**

\$ 85,375.82      \$ 9,750.73  
 INCOME              EXPENSES

Cash: \$ 138,738.99

AP \$ \_\_\_\_\_

Transfer out: \_\_\_\_\_  
 Transfer in: \_\_\_\_\_

BEAUTIFICATION TRUST:

PLGIT:

**BALANCES:**

\$ 46.07      \$ -  
 INCOME              EXPENSES

Cash: \$ 43,453.65

Transfer out: \_\_\_\_\_  
 Transfer in: \_\_\_\_\_

Treasurer's Monthly Report – (continued)

Activity for: 5 months 2016

Date: 05/31/2016

**OTHER FUNDS:**

RECREATION:

\$ 767.12  
 INCOME  
 57

**FINANCIAL INSTITUTION:**

FULTON:

\$ 7,491.44  
 EXPENSES

Transfer out: \_\_\_\_\_  
 Transfer in: 25,000.00

**BALANCES:**

Cash: \$ 25,936.27

Ed Jones: \$ 20,482.57 BV  
\$ 20,020.21 MV

A/P: \$ -

WM DERR SWIMMING POOL:

\$ 8,773.91  
 INCOME

FULTON:

\$ 11,090.81  
 EXPENSES

Transfer out: \_\_\_\_\_  
 Transfer in: 19,500.00

**BALANCES:**

Cash: \$ 21,974.81

Ed Jones: \$ 33,838.09 BV  
\$ 33,504.68 MV

A/P: \$ 2,226.97

**MEMO:**

A/R – Accounts Receivable

BV – Book Value

A/P – Accounts Payable

MV – Market Value

The monthly listing of invoices was presented. Councilmember Michael D. Behm asked questions on a bill for Integrity Locksmith, and a bill for Skelly & Loy. The bills were reviewed, Integrity Locksmith was for keys for the new locks at the pool, and Skelly & Loy, Inc. was for school building. 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 to Fred Hoffman for his donation to the pool; Comcast channel changes; Myerstown First Aid Unit 2016 Officials List; Information on Lebanon County Convention; ELCO Daycare Center traffic letter; Stoneridge Flag Day Ceremony letter.

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 Solicitor has prepared and advertised Ordinance 835 – Parking Lot requirements - for action. The Solicitor reviewed the Ordinance. The Ordinance amends Chapter 15, Part 4, Section 15-403, of the Codified Ordinances of the Borough to provide for changes in the regulations for the hours of permitted parking and snow emergencies. The time restrictions were discussed. The Manager stated the prior discussion was, currently there is not a problem in the parking lot. Council would address it if it becomes a problem. So the Council decided to consider adoption of this amendment, till such time when there is a problem. A motion was made by Vince Podolski, seconded by Jeffrey L. Thomas, to approve Ordinance 835 – Municipal Off-Street Parking Facilities. All those in favor: Motion unanimously carried.

Councilmember Jeffrey L. Thomas stated he was approached by a store owner who would like to see two (2) hour parking on Main Avenue during business hours. The President stated then the Borough would have to have a higher level of enforcement. The enforcement need would be daily. This would have to be considered at the time of yearly budgeting. The Public Works Committee will review.

The Manager is requesting the Council amend the minutes of the July 14, 2015 meeting. The President stated the particulars of the advertised text amendment to Chapter 27, Part 1, Section 27-101 – Definitions - of the Zoning Ordinance and other parts were generalized in the minutes at that time. Everything was done according to the rules of advertising the Ordinance, but was not delineated in the minutes of that meeting. So Council can amend the minutes to clarify with more detail what was approved to be done. The Council is not changing the minutes, they are amending the minutes. The Manager stated the original minutes will not change, they are bound and certified. This is to clarify the action. The Solicitor stated this should be attached to the minutes of that time.

The minutes should read, [The Manager is requesting the Council approve to draft and advertise a text amendment to Chapter 27, Part 1, Section 27-101 – Definitions and Section 27- 1822 – Animals and Poultry. The Manager is also requesting Council approve to draft and advertise a text amendment to Chapter 2, Part 3, Section 2-301 – Keeping of Hogs. A motion was made by Park W. Haverstick, II, seconded by Keith Fox, to approve to draft and advertise text amendments to Chapter 27-101, Part 1 – Definitions, Section 27-1822 – Animals and Poultry and Chapter 2, Part 3, Section 2-301- Keeping of Non-Domesticated Animals. All those in favor: Motion unanimously carried.]

A motion was made by Michael D. Behm, seconded by Dana Reich, to amend the minutes of the July 14, 2015. All those in favor: Motion unanimously carried.

The Council may approve the receipt of the Compliance Audit for the 2015 Myerstown and Vicinity Volunteer Firemen's Relief Association Fund. The Manager stated there were no findings in the audit. A motion was made by Park W. Haverstick, II, seconded by Michael D. Behm, to approve the Compliance Audit for the 2015 Myerstown and Vicinity Volunteer Firemen's Relief Association Fund. All those in favor. Motion unanimously carried.

Council may approve the hiring of Michael Marakowski, Jalissa Nolt and Hanna Kern as seasonal workers for the swimming pool program. A motion was made by Park W. Haverstick, II, seconded by Vince Podolski, to approve the hiring of Michael Marakowski at \$10.00 an hour, Jalissa Nolt at \$8.00 an hour and Hanna Kern at \$8.00 an hour as employees for the pool for the 2016 summer season. All those in favor: Motion unanimously carried.

Council may approve the request from Cornwall Borough Police Department asking for the Goodwill Fire Police to assist with the Quentin Fire Company Convention/Parade. A motion was made by Park W. Haverstick, II, seconded by Eric L. Powell, to approve the request for the Goodwill Fire Police to assist with the Quentin Fire Company Convention and Parade being held on June 18, 2016. All those in favor: Motion unanimously carried.

The Manager is requesting Council approve the submission of the application for funding through the Lebanon County Community Development Grant Program (CDBG). A motion was made by Park W. Haverstick, II, seconded by Vince Podolski, to approve the application for funds through Lebanon County Community Development Grant Program. All those in favor. Motion unanimously carried.

The Manager is requesting Council approve the agreement with Wade Associates II, LLC, as the consultant for the design through construction of the community pool. The Manager stated the owner Wayne Wade has unfortunately passed away, but before he passed away, he sold the company. The Manager has met with the new owner. He is confident in the new company owners. They have provided an agreement. Based on the initial budget, they are going to hold to the consulting fees that are proposed in the prior agreement. They are not going to increase considering the original fees were given in March of 2015.

If you decide to engage Wade Associates tonight, on July 5, 2016, they would place the bid into the public domain to have the bid looked upon by construction companies. On August 2, 2016, the bid would be due to the Borough by 3:00 p.m. After the Manager and staff analysis and review of the bids, on August 9, 2016, the Council could award the construction bid to one (1) company to begin the process of reconstructing of the pool. Tonight is step one (1). This is to get the consultant on board, to do the design work and let the

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bid out. Fees for the project are \$58,000.00 to be paid to Wade Associates out of the proceeds of the grant/money budgeted for the project. The work would start upon the closing of the 2016 season and be completed by the opening of the 2017 season. The Manager is recommending Council approve the agreement. A motion was made by Park W. Haverstick, II, seconded by Dana Reich, to approve the agreement with Wade Associates II, LLC, as the consultant for the design through construction of the William Derr Community Swimming Pool. All those in favor. Motion unanimously carried.

The Manager stated he has been approached by Ellen Kramer to do a Sestercentennial Book. The Manager stated one of the things he wants to contribute to this Sestercentennial is to help with this book project. He has a preliminary proposal from Mrs. Kramer, but the Manager will be having a one on one discussion with her regarding the proposal. He hopes to come back to Council next month and have a plan for this project.

Mrs. Kramer has already done a lot of work on this book, she has interviewed several people and is working with Donald Brown, but she will need help from many other sources, including elected officials. The Manager stated he is impressed with what she has done as far. If the Borough does not work with her you are going to lose a lot of work that has already been done. Secondly, does anybody know who is going to do the book? Does anyone know anyone who would do a book similar to what Mrs. Kramer is doing? The President stated Donald Brown. The Manager stated he is already working with Mrs. Kramer.

The Manager stated this is the Boroughs shining moment, this Sestercentennial is part of the Boroughs history for many generations to come. There will be a cost for the printing of the book and a commission to Mrs. Kramer for her work.

The President stated the MAN (Myerstown Activities Network) Group would like to take an active role in organizing the events for the Sestercentennial. The group that organized the centennial said the Borough is starting too soon. The Manager stated he agrees it would be too soon for pre-sales, but the time and effort to get the book into shape will take a long time and we shouldn't wait on that. Maybe personal and business sponsorships could be sold to help defer the costs and those sponsorships would be part of the book also. The Manager will bring this back to Council once he meets with Mrs. Kramer.

The Borough Council recessed the regular meeting and entered into Executive Session at 8:39 p.m. to discuss acquisition of real estate, litigation, and personnel matters.

The Borough Council returned from Executive Session at 9:35 p.m. reconvening the regular session and resumed consideration of and action on the regular meeting agenda.

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 Jeffrey L. Thomas, to adjourn the meeting at 9:35 p.m. All those in favor: Motion unanimously carried.

Lisa A. Brubaker  
Deputy Secretary

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