

Myerstown, PA
Tuesday, July 12, 2016

President Bryan L. Rittle called the regular monthly meeting of the Myerstown Borough Council to order at 6:31 p.m., on Tuesday, July 12, 2016. The meeting was held in Borough Council Chambers in the Myerstown Municipal Center, 101 East Washington Avenue, Myerstown, PA 17067.

The President stated he had a couple of announcements. First, he acknowledged Barry A. Ludwig for his completion and graduation of the Municipal Government Program at Lebanon Valley College. The President presented the certificate to Barry A. Ludwig. Second, he announced another milestone. The Borough Deputy Secretary Lisa A. Brubaker is celebrating her 50th birthday today.

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

The Meeting Minutes for June 14, 2016 were presented. A motion was made by Dana Reich, seconded by Jeffrey L. Thomas, to dispense with the reading of and approve the minutes of the Regular Monthly Meeting, June 14, 2016. All those in favor: Motion unanimously carried.

The President opened the floor for Citizens and Visitors Comments:

Mike Davis – 511 S. Cherry Street – voiced concerns regarding the noise from the Bayer Corporation.

Harold Kratz - 91 W. Stover Avenue – would like to see a traffic light at King Street and College Avenue. The President explained that road area is in Jackson Township and a PennDot Road. He would like to see another cable company in our area to provide competition for prices.

Cindy Patrick and Matthew Davis – 410 S. Goodwill Street – discussed the feral cat issue in his neighborhood at Goodwill Street and Maple Avenue. Mr. Davis addressed this issue before. Previously, he was told he could be fined and jailed if a cat was harmed. He went to the PA Game Commission Department and was told that if the cats are on his property he may take them out. Mr. Davis gave a newspaper article on what other municipalities are doing to deal with the issue.

Mr. Davis stated he is not an animal hater, but a neighbor is feeding these cats. It smells, they carry communicable diseases, and they are destroying properties. They are also feeding geese. They are coming through his property to get to the food being placed four (4) to five (5) times a day. There is feces everywhere and it is not pleasant. He contacted the Humane Society. It will cost him for the Humane Society to take the cats. The food is drawing other animals like raccoons and skunks.

The Solicitor stated there is a provision in the Ordinance that may prohibit feeding of animals. He asked if Mr. David can provide the names of the Game Commission wardens he discussed the matter with to the Borough Office so he can contact them. Mr. Davis will provide it to the office. The Mayor stated she did see the geese feeding at the property. The President stated we will do some research on what the other municipalities are doing and adopting, and see what action can be taken against the person, if at all possible.

Ronald Ream – 621 S. Railroad Street – thanked the Council for the placement of the Brake Retarder signs on Richland Avenue.

Mike Yiengst – 130 W. Washington Avenue – informed the Council the Keystone Hook and Ladder Fire Company will be hosting the 95th Annual Lebanon County Firemen's Convention and Parade on June 16 & 17, 2017. They will provide a list of events and the parade route to the Council for approval at either their August or September meeting. The Keystone will be in existence 142 years next year for the convention.

Rich Eckenroth – 15 N. College Street – asked how to get Brake Retarder signs on College Street and have the speed limit reduced. The President stated College Street is a State Road. We can ask them to see if they will allow placement of the signs, as well as looking at the speed reduction.

Myerstown, PA
Tuesday, July 12, 2016

Mr. Eckenroth stated he has property maintenance concerns for 12 N. College Street. He filed a complaint against the property and would like to know if there is anything being done about this property. The Code Enforcement Officer stated he did an investigation and a Notice of Violation letter was sent. There has been no contact from the property owner in the timeframe given in the notice for compliance. The second and final notice has been sent and no acknowledgement from the owner has been received. The action is moving forward with the Solicitor and may have to go through the courts for a judgement.

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 and the State Police report. She and the Manager met with Sgt. Tice regarding Borough issues. The Mayor stated the incidents on the State Police report were lower than last month.

The Code Enforcement Officer John Neely presented his report. The Solicitor stated he and the Code Enforcement Officer have met and reviewed the pending cases. He reviewed the process that must be followed before they can file with the District Justice Office for judgement. When the Borough files with the District Justice we hope the judge can force compliance, but even with a judgement the property owner does not always comply and future court action is needed.

There are two (2) actions the Borough can take to correct any problems and collect any unpaid bills and or fees owned to the Borough. First is to file and place a lien on the property. This action helps with code enforcement because if the owner does not take care of the lien the Borough can force the sale of the property through a Sheriff Sale. If a Sheriff Sale happens, either a contractor buys the property or the bank takes it back to protect the mortgage they have on record. Then the bank will look for a new buyer so the problems can be addressed. This is one way we try to proceed to get the problems corrected.

The other remedy is to file with the court under our property maintenance ordinance. Providing to the court the information explaining and showing the steps taken to the property owner. The information given will show the court either no progress or minimal progress. Then we ask the court to impose penalties upon the property owner for failure to address the issues and also to place the owner under an Order of Court to complete the repairs or renovations that need to be made and set a time period to complete it. If we cannot get the property owner to cooperate with us, then we end up having to do this process. Unfortunately, all municipalities are dealing with this problem and is a longer term process.

Assistant Manager Barry A. Ludwig presented the Utilities report. He had two (2) additional items. We received approval from DEP (Department of Environmental Protection) to move forward with the fabrication of the fine screen.

FEMA (Federal Emergency Management Agency) is still requesting additional information for the winter storm. When they request, we send it to them.

Councilmember Dana Reich asked if weed spraying can be done. The Assistant Manager stated they have done some and are planning to do more.

Solicitor Frederick S. Wolf presented his report. The Solicitor informed the Council the Borough has received the Deed for 301 S. Railroad Street from the Sheriff's Office. The bank has taken back 212 – 214 W. Main Avenue, a new owner will be required to bring the property into compliance.

Manager Christopher J. Moonis presented his report. He provided sample ordinances for review. Plans will be received from Stoneridge at Popular Run to replace two (2) cottages that were previously removed.

The Manager has provided information regarding a Rental Property Inspection Program. This type of program is effective but is labor intensive. Council may want to consider at the time of budgeting for 2017.

The Manager requested the Council approve the first payment request of \$16,750.00 from Wade Associates for the work for the pool. The President stated it will be addressed under new business.

The Manager requested an Executive Session be held for personnel, litigation, and acquisition of property.

The President proceeded to the Committee Reports:

Finance & Administration Committee: (Michael D. Behm, Park W. Haverstick, II, and Bryan L Rittle)
 Chairman Michael D. Behm stated the committee should meet to start to review for the 2017 budget. A date and time will be set.

The President announced the passing of Gail Shiner and asked if Council would like flowers sent. The Council agreed to send flowers for the funeral service.

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 Vince Podolski, 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 07/11/2016

Activity for: 6 months 2016

<u>GENERAL FUNDS:</u>	<u>Activity</u>	<u>FINANCIAL INSTITUTION:</u>	<u>Date:</u> <u>06/30/2016</u>
			<u>BALANCES:</u>
OPERATING FUND:		FULTON:	Cash: <u>\$217,271.21</u>
	<u>\$ 583,230.40</u>	<u>\$ 479,071.38</u>	P-Card: <u>\$ 13,938.97</u>
	INCOME	EXPENSES	Ed Jones: <u>\$ 210,439.63 BV</u>
		Transfer out: _____	<u>\$ 208,937.67 MV</u>
		Transfer in: _____	A/P: <u>\$ 14,669.18</u>
			Payroll: <u>\$ 16,035.38</u>
RESERVE ACCOUNT:		FULTON:	<u>BALANCES:</u>
	<u>\$ 2,829.04</u>	<u>\$ 31,629.31</u>	Cash: <u>\$ 4,572.08</u>
	INCOME	EXPENSES	Ed Jones: <u>\$ 368,252.23 BV</u>
		Transfer out: <u>25,500.00</u>	<u>\$ 368,084.50 MV</u>
		Transfer in: _____	A/P: <u>\$ 1,965.00</u>
<u>WASTEWATER FUNDS:</u>			
OPERATING FUND:		FULTON:	<u>BALANCES:</u>
	<u>\$ 443,437.23</u>	<u>\$ 456,727.84</u>	Cash: <u>\$ < 9,586.77 ></u>
	INCOME	EXPENSES	P-Card: <u>\$ 1,493.97</u>
		Transfer out: <u>19,000.00</u>	Ed Jones: <u>\$ 451,176.07 BV</u>
		Transfer in: _____	<u>\$ 436,320.40 MV</u>
			A/P: <u>\$ 25,048.70</u>
			Payroll: <u>\$ 31,755.43</u>
			A/R: <u>\$ 108,042.47</u>

Treasurer's Monthly Report – (continued)

Activity for: 6 months 2016

Date: 06/30/2016

FINANCIAL INSTITUTION:

RESERVE ACCOUNT:

FULTON:

BALANCES:

\$ 13,961.48 \$ 67,385.00
 INCOME EXPENSES

Cash: \$ 56,488.85

Ed Jones: \$ 2,089,719.04 BV
\$ 2,088,785.17 MV

Transfer out: _____
 Transfer in: _____

A/P: \$ _____

DEBT SERVICE RESERVE:

FULTON:

BALANCES:

\$ 338,667.35 \$ 99,303.75
 INCOME EXPENSES

Cash: \$ 457,368.60

Ed Jones: \$ 1,343,677.21 BV
\$ 1,346,445.24 MV

Transfer out: _____
 Transfer in: _____

A/R: \$ 117,103.55

REVENUE BOND, SERIES OF 2007:

PLGIT:

BALANCES:

\$ 1,086.72 \$ _____
 INCOME EXPENSES

Cash: \$ 635,358.48

Ed Jones: -

Transfer out: _____
 Transfer in: _____

OTHER FUNDS:

UNEMPLOYMENT COMPENSATION:

PLGIT:

BALANCES:

\$ 158.22 \$19.07
 INCOME EXPENSES

Cash: \$ 92,140.52

Transfer out: _____
 Transfer in: _____

LIQUID FUELS:

PLGIT:

BALANCES:

\$ 85,408.17 \$ 9,750.73
 INCOME EXPENSES

Cash: \$ 138,771.34

AP \$ _____

Transfer out: _____
 Transfer in: _____

BEAUTIFICATION TRUST:

PLGIT:

BALANCES:

\$ 56.20 \$ -
 INCOME EXPENSES

Cash: \$ 43,453.78

Transfer out: _____
 Transfer in: _____

Treasurer's Monthly Report – (continued)

Activity for: 6 months 2016

Date: 06/30/2016

OTHER FUNDS:

FINANCIAL INSTITUTION:

BALANCES:

RECREATION:

FULTON:

\$ 1,204.11
 INCOME

\$ 7,491.44
 EXPENSES

Cash: \$ 26,404.14

Ed Jones: \$ 20,493.71 BV

\$ 19,978.12 MV

A/P: \$ -

Transfer out: _____

Transfer in: 25,000.00

WM DERR SWIMMING POOL:

FULTON:

BALANCES:

\$ 34,282.15
 INCOME

\$ 29,068.75
 EXPENSES

Cash: \$ 30,458.21

Ed Jones: \$ 33,591.19 BV

\$ 33,478.26 MV

A/P: \$ 3,349.06

Transfer out: _____

Transfer in: 19,500.00

MEMO:

A/R – Accounts Receivable

BV – Book Value

A/P – Accounts Payable

MV – Market Value

The monthly listing of invoices was presented. A motion was made by Michael D. Behm, seconded by Vince Podolski, to approve payment of all invoices as listed. All those in favor: Motion unanimously carried.

The communications were reviewed.

Comcast channel changes; Thank you letter to the Rotary Club and Kohl Brothers for their pool donations; Greater Lebanon Refuse invitation; Community Shredding Event sponsored by Representative Russ Diamond.

A motion was made by Eric L. Powell, seconded by Vince Podolski, to approve the Recreation Request from Representative Russ Diamond to hold a Community Shredding Event on August 20, 2016 and waive the fee for the pavilion use. All those in favor: Motion unanimously carried.

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:

Council may approve the Recreation Request received from the Congregation of Jehovah's Witnesses. They would like to erect a stand to display free literature on a regular basis in the park. The President deferred this request to the Solicitor to determine if the Council may do so. The Solicitor stated this is an issue the courts have addressed, he will research and report back to the Council.

The Lebanon County Aid notification has been received. The Borough will receive \$3,062.00 of county aid. A motion was made by Michael D. Behm, seconded by Dana Reich, to approve Resolution 2016-10 for the Lebanon County Aid Application. All those in favor: Motion unanimously carried.

Myerstown, PA
Tuesday, July 12, 2016

We received a request from the Isaac Meier Homestead for their Annual Country Fair. A motion was made by Dana Reich, seconded by Vince Podolski, to approve the request from the Isaac Meier Homestead for their Annual Country Fair on Saturday, September 24, 2016 from 9:00 a.m. to 3:00 p.m. All those in favor: Motion unanimously carried.

The Manager reviewed the G.O. Note modification with Fulton Bank. The Borough public finance consultant regularly checks the markets, the opportunity to refinance, and our general obligation debt. The proposal is to allow the Borough to do two (2) things. The Borough, under the general obligation note borrowed additional funds to use for some projects. There was a fixed rate for a specific number of years at 2.25%. The drawdown period for these funds expires in October 2016 but some of the projects are not finished yet. The consultant went back to the bank and negotiated a deal to extend the drawdown period on the loans for two (2) years which allows the Borough to take the fixed rate and extend that for an additional two (2) years.

The Manager asked the Council to look at the document from Concord Public Finance to review the details of the proposal. There are perceived savings against the interest rates in the future. There is a perceived savings from extending the lower rate of up to \$260,000.00. There are costs related to the transaction the Council needs to be aware of. The total cost of the refinancing is \$28,000.00, but with the extension of time and the benefit in extending the capped rate in that perceived estimate savings of \$260,000.00 far out weights the cost of issuance. It is part of working with banks and loan modifications.

The Solicitor reviewed the breakdown of costs related in the transaction if approved. On Note A, the savings would be approximately \$260,000.00 and on Note B, the savings would be approximately \$5,000.00. That is basically what you are comparing it to. It does extend the drawdown time. That becomes important with the things falling into place and all the expenditures that are expected to be done with these funds, the original drawdown date won't be met. So it is necessary to get the extension. If you are going ahead to get the extension, then it could be negotiated to maintain the lower interest rate as well. Councilmember Michael D. Behm notice a difference on the paperwork for the drawdown period. The Manager will contact Fulton Bank and Concord Finance to question the paperwork. A Resolution will need to be adopted if approved. This will be brought back to Council at their August 9, 2016 meeting.

The Manager is requesting the Council approve the creation of a LERTA (Local Economic Revitalization Tax Assistance Act) District. As another economic development tool, is the creation of a LERTA Zone. This is something the Borough initiates. Then we approach Lebanon County and the ELCO School District to adopt the LERTA Zone. The Manager showed a map outlining the proposed LERTA District. The map shows the identified parts of the Borough where it be advisable to put the LERTA Zone in place.

There are two (2) options. The Borough can do what has been outlined and create the zone in the boundaries shown on the map or they can do like Lancaster has done. Lancaster declared the whole municipality a LERTA Zone. They provide the tax relief to the enter city. Council does not have to do that, you can specify certain areas where you would like economic development to potentially prosper as a result of the LERTA Zone. Tax abatement happens on the improvements you make to your building until you hit the graduated schedule the Borough will set. Usually, an abatement schedule is 10 years. Developers like this program, they like to know they can get more value on their property without having to pay the tax. To the Borough and County Tax it may not amount to much, but the bigger one is savings to the school taxes and can draw the economic growth.

There are five (5) steps to the process of creating a LERTA District. The Manager is requesting the start of the first two (2) steps. Step 1. – designating the boundaries of the district. Step 2. – conduct at least one (1) public hearing. The others steps can be completed later.

The President would like to hear more about the benefit to making to whole town a LERTA District. Did they give you the benefits? The Manager stated they decided when putting the economic benefits package together that the whole city could benefit because you are not going to lose any taxes as the city exists today. You only gain tax base as these properties come on board. You are not losing taxes, we are just gaining taxes a little slower.

Myerstown, PA
Tuesday, July 12, 2016

The Quaker Alloy property was discussed. Would it be worth it for Jackson Township to do a LERTA Zoning at that property? The Mayor stated a LERTA was created and accepted for GAF/Elk Corporation in Jackson Township. A motion was made by Vince Podolski, seconded by Michael D. Behm, to designate the entire Borough as a LERTA District as well as setting a Public Hearing so all tax authorities, stakeholders, and the public are given the opportunity to present their recommendations to the boundaries. All those in favor: Motion unanimously carried.

The President asked for a motion to pay the payment request from Wade Associates for the swimming pool. A motion was made by Vince Podolski, seconded by Michael D. Behm, to pay the request of \$16,750.00 to Wade Associates for the initial payment for professional services for construction of the swimming pool. All those in favor: Motion unanimously carried.

The Borough Council recessed the regular meeting and entered into Executive Session at 8:03 p.m. to discuss acquisition of real estate, litigation, and personnel matters.

The Borough Council returned from Executive Session at 9:26 p.m. reconvening the regular session and resumed consideration of and action on the regular meeting agenda.

The First Amendment to the Agreement of Sale between the Borough and the ELCO (Eastern Lebanon County) School District has been received. A motion was made by Vince Podolski, seconded by Dana Reich, to approve the Amendment to the Sales Agreement between the Borough and the ELCO (Eastern Lebanon County) School District. On a roll call vote – Michael D. Behm – yes; Vince Podolski – yes; Eric L. Powell – yes; Jeffrey L. Thomas – yes; Dana Reich – yes; and Bryan L. Rittle – yes; Motion unanimously carried.

The Manager is requesting approval to attend the ICMA Annual Conference being held in Kansas City on September 25 – 28, 2016. A motion was made by Michael D. Behm, seconded by Eric L. Powell, to approve the Manager's attendance to the ICMA Annual Conference. 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 Jeffrey L. Thomas, seconded by Dana Reich, to adjourn the meeting at 9:32 p.m. All those in favor: Motion unanimously carried.

Lisa A. Brubaker
Deputy Secretary

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