

President Bryan L. Rittle called the regular monthly meeting of the Myerstown Borough Council to order at 6:30 p.m., on Tuesday, August 9, 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, Code Enforcement Officer John Neely, Assistant Manager Barry A. Ludwig, Deputy Secretary Lisa A. Brubaker and Manager Christopher J. Moonis.

The Meeting Minutes for July 11, 2016 and July 12, 2016 were presented. A motion was made by Vince Podolski, seconded by Dana Reich, to dispense with the reading of and approve the minutes of the Planning Meeting, July 11, 2016 and Regular Monthly Meeting, July 12, 2016. All those in favor: Motion unanimously carried.

The President opened the floor for Citizens and Visitors Comments:

Ron Ream – 612 S. Railroad Street – asked if anyone knows who the owner is at 613 S. Railroad Street. There is a lot of trash bags out back that has not been picked up. The Code Enforcement Officer will check.

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 Mayor informed the Council that Sgt. Tice retired as of August 8, 2016. We have not been informed as to who the new commander will be.

The Mayor stated the Emergency Management Coordinator is in need of some items. The Manager asked if the total bill is under \$250.00. The Mayor stated yes it is. The Manager stated she should purchase the items.

The Mayor received information for radar speed signs. The Council will review at budget time.

The State Police report was reviewed. The President stated there have been some burglaries in town.

The Code Enforcement Officer John Neely was present. The Code Enforcement Report will be submitted for the September 13, 2016 meeting. Council had no questions for him.

Assistant Manager Barry A. Ludwig presented the Utilities report. The FEMA (Federal Emergency Management Agency) Funds for the winter storm have been received and closed.

Restoration will be needed around the manhole covers on College Street following the completion of the PennDot Improvement Project.

The Assistant Manager has heard from two (2) of the trash haulers who service the town regarding the service letter we mailed. They would like to meet to discuss trash pickup within the Borough.

Solicitor Frederick S. Wolf presented his report. The Solicitor informed the Council the Borough now owns 301 S. Railroad Street. A form must be completed to remove it from the Real Estate Tax rolls. The office will complete.

The Manager has signed the complaint for 15 W. Main Avenue property for maintenance violations.

A meeting was held with the Bahney Family to discuss and resolve how the petition should be prepared and filed with the court. They have asked the Borough to include in the petition they would work with the Borough Manager to make another contribution from the trust fund to the Borough for specific purposes so we can then ask the court for the termination of the trust and there would be no funds remaining.

The School Building settlement will be held on Thursday, August 11, 2016.
 The Isaac Meier Homestead potential litigation will be discussed in Executive Session.
 A possible Ordinance regarding the feeding of animals will be discussed later in the meeting.
 The Jehovah's Witness request will be discussed in Executive Session prior to action.

Manager Christopher J. Moonis presented his report. The Manager provided and reviewed the proposed budget schedule to complete the 2017 budgets for all Borough funds.

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

The President proceeded to the Committee Reports:

Park & Recreation: (Jeffrey L. Thomas, Dana Reich and Park W. Haverstick, II) Chairman Jeffrey L. Thomas thanked Vince Podolski and Coby Long for preparing the pig for the Appreciation Day Picnic. It was sad it rained, but he feels those that attended still enjoyed themselves. He also thanked Zina Rittle for a great job in planning and executing the event. The extra food was donated to the Lebanon County Rescue Mission.

Treasurer Lee C. Smith prepared and presented Borough Council with the monthly Treasurer's Report. A motion was made by Park W. Haverstick, II, seconded by Michael D. Behm, 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 08/08/2016

Activity for: 7 months 2016

<u>GENERAL FUNDS:</u>	<u>Activity</u>	<u>FINANCIAL INSTITUTION:</u>	<u>Date:</u> <u>07/31/2016</u>
			<u>BALANCES:</u>
OPERATING FUND:		FULTON:	Cash: <u>\$269,820.09</u>
	<u>\$ 708,254.79</u>	<u>\$ 564,273.36</u>	P-Card: <u>\$ 10,056.22</u>
	INCOME	EXPENSES	Ed Jones: <u>\$ 210,989.66 BV</u>
		Transfer out: _____	<u>\$ 209,032.11 MV</u>
		Transfer in: _____	A/P: <u>\$ 22,401.11</u>
			Payroll: <u>\$ 14,333.15</u>
 RESERVE ACCOUNT:		FULTON:	 <u>BALANCES:</u>
	<u>\$ 2,621.87</u>	<u>\$ 31,629.31</u>	Cash: <u>\$ 2,608.65</u>
	INCOME	<u>\$ 56,000.33</u> (Note Principal & Interest)	Ed Jones: <u>\$ 312,642.07 BV</u>
		EXPENSES	<u>\$ 311,814.65 MV</u>
		Transfer out: <u>25,500.00</u>	A/P: <u>\$ _____</u>
		Transfer in: _____	

Treasurer's Monthly Report – (continued)

Activity for: 7 months 2016

Date: 07/31/2016

FINANCIAL INSTITUTION:

WASTEWATER FUNDS:

OPERATING FUND:

\$ 526,001.87
 INCOME

FULTON:

\$ 527,353.62
 EXPENSES

Transfer out: 19,000.00
 Transfer in: _____

BALANCES:

Cash: \$ 52,418.97
 P-Card: \$ 5,376.72
 Ed Jones: \$ 381,757.83 BV
\$ 366,875.11 MV
 A/P: \$ 22,441.60
 Payroll: \$ 44,929.89
 A/R: \$ 45,019.44

RESERVE ACCOUNT:

\$ 16,203.51
 INCOME

FULTON:

\$ 67,385.00
 EXPENSES

Transfer out: _____
 Transfer in: _____

BALANCES:

Cash: \$ 56,517.56
 Ed Jones: \$ 2,107,939.22 BV
\$ 2,089,665.33 MV
 A/R: \$ _____

DEBT SERVICE RESERVE:

\$ 420,203.98
 INCOME

FULTON:

\$ 435,607.50
 EXPENSES

Transfer out: _____
 Transfer in: _____

BALANCES:

Cash: \$ 202,812.56
 Ed Jones: \$ 1,345,568.55 BV
\$ 1,345,729.45 MV
 A/R: \$ 58,472.47

REVENUE BOND, SERIES OF 2007:

\$ 1,292.44
 INCOME

PLGIT:

\$ _____
 EXPENSES

Transfer out: _____
 Transfer in: _____

BALANCES:

Cash: \$ 635,569.20
 Ed Jones: _____ - _____

OTHER FUNDS:

UNEMPLOYMENT COMPENSATION:

\$ 161.19
 INCOME

PLGIT:

\$19.07
 EXPENSES

Transfer out: _____
 Transfer in: _____

BALANCES:

Cash: \$ 92,143.49

Treasurer's Monthly Report – (continued)

Activity for: 7 months 2016

Date: 07/31/2016

OTHER FUNDS:

FINANCIAL INSTITUTION:

LIQUID FUELS:

PLGIT:

BALANCES:

\$ 85,446.38
 INCOME

\$ 9,750.73
 EXPENSES

Cash: \$ 138,809.55
 AP \$ _____

Transfer out: _____
 Transfer in: _____

BEAUTIFICATION TRUST:

PLGIT:

BALANCES:

\$ 68.17
 INCOME

\$ -
 EXPENSES

Cash: \$ 43,475.75

Transfer out: _____
 Transfer in: _____

RECREATION:

FULTON:

BALANCES:

\$ 1,380.93
 INCOME

\$ 7,918.27
 EXPENSES

Cash: \$ 26,478.18

Ed Jones: \$ 20,554.47 BV
\$ 20,008.32 MV
 A/P: \$ 426.37

Transfer out: _____
 Transfer in: 25,000.00

WM DERR SWIMMING POOL:

FULTON:

BALANCES:

\$ 49,511.03
 INCOME

\$ 47,926.10
 EXPENSES

Cash: \$ 25,875.39

Ed Jones: \$ 34,019.17 BV
\$ 33,561.49 MV

Transfer out: _____
 Transfer in: 19,500.00

A/P: \$ 3,349.06

MEMO:

A/R – Accounts Receivable
 A/P – Accounts Payable

BV – Book Value
 MV – Market Value

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

The communications were reviewed.

We received a thank you note from the Women's Club for the Appreciation Day Picnic; We received a donation from Fireplace Christian Fellowship towards the Pool Reconstruction Project of \$200.00 from the sale of funnel cakes at National Night Out.

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:

Joseph Pierce was present to review the G.O. Note Modification with Fulton Bank. A Resolution (2016-11) has been prepared for adoption if approved. He noted that Daryl Peck from Concord Public Finance was present at the Monday, August 8, 2016 Planning Meeting to review the financial details of the proposal. Joseph Pierce was here to review the legal details of the proposal. There is no new note being issued. The Borough is simply modifying the 2014 Note A and Note B. The modification will allow the Borough to do two (2) things. First, it will allow the Borough to take the fixed rate of 2.25% and extend it for an additional two (2) years until August 1, 2023. Second, on Note B, it allows the Borough to extend the drawdown period on the loans for one (1) year until October 17, 2017.

Joseph Pierce stated the Resolution (2016-11) authorizes the Note Modification Agreement, which would be signed by the bank and the Borough. It authorizes the document that will be attached to the notes which outlines the terms of the modification and the legal (solicitor's) options. The Fulton Banks Solicitor is also reviewing the documents.

Joseph Pierce stated he has all the documents prepared that the Borough needs to sign if approved. Then he would forward them to the bank and then the closing date will be set.

The Manager asked can the fees for the modification be drawn down from the proceeds or does the Borough need some other source of funds, like a check. Joseph Pierce stated the Borough can use proceeds because this relates directly to the 2014 financing. The Manager is recommending the Council use proceeds to pay the costs for the modification. The Council agreed to use the proceeds for the modification costs. A motion was made by Park W. Haverstick, II, seconded by Michael D. Behm, to approve the General Obligation Note Modification with Fulton Bank, Resolution 2016-11. All those in favor: Motion unanimously carried.

We received a request from Womelsdorf Borough for Fire Police assistance. A motion was made by Dana Reich, seconded by Eric L. Powell, to approve the request for Fire Police assistance from Womelsdorf Borough for the 23rd Annual Ride for Freedom Event on Sunday, August 28, 2016. All those in favor: Motion unanimously carried.

We received a request from Joann Steffy and Dana Reich to close an alley on Saturday, August 13, 2016 for a neighborhood party. A motion was made by Park W. Haverstick, II, seconded by Michael D. Behm, to approve the request to close Pear Alley on Saturday, August 13, 2016 between 305 S. Broad Street and 16 E. Mill Avenue. All those in favor: By a majority vote. Motion carried. Councilmember Dana Reich abstained and provided a written statement for the abstention.

The Manager presented a temporary Lease Agreement with Harvest Bible Chapel. This is a short addendum which allows us to assume the lease that ELCO (Eastern Lebanon County School District) had with the Harvest Bible Chapel until October 11, 2016. At that time the churches extension with the school district will have expired. This will allow us the opportunity in the interim period to sit down with Harvest Bible Chapel and negotiate a new lease.

They will pay the Borough rent from September 1 through October 11, 2016. So in that period we will then negotiate a new agreement with them. It also makes sure that Harvest Bible Chapel will negotiate in good faith a new lease with the Borough and will provide a list of their personal property and equipment inventory before we take possession of the building. The Manager is recommending Council approve the Lease Addendum. A motion was made by Michael D. Behm, seconded by Vince Podolski, to approve the temporary Lease Agreement with Harvest Bible Chapel. All those in favor: Motion unanimously carried.

The Solicitor is recommending the Council authorize him to draft and advertise an Ordinance that directs Banks and Mortgage Companies to register properties with the Borough that are in foreclosure. This is a tool municipalities are utilizing to require financial institutions and lenders that have properties that are in the process of foreclosure to notify the Borough.

The intent is, by having them notify us, the financial institution can then be notified of any outstanding code violations and can work with the Borough Code Enforcement Officer to rectify the issues. It gives the Borough some control.

Currently, the bank goes through the foreclosure and takes the property back at Sheriff Sale, but because the prior owner received the violation notices the banks do not know about the notices and what needs to be done. In most cases when the banks become involved with the Borough they will hire a property manager who will work with the Borough Manager and Code Enforcement Officer to work on items to bring the property into compliance. This will place the burden on the bank to register with the Borough.

Since we do not know what properties are in foreclosure this Ordinance would require them when they start the foreclosure process to register with the Borough. So this is a way we can start the process of getting the bank involved. A motion was made by Eric L Powell, seconded by Park W. Haverstick, II, to authorize the Solicitor to draft and advertise an Ordinance to direct Banks and Mortgage Lenders to register properties that are in foreclosure with the Borough. All those in favor: Motion unanimously carried.

The President called for a motion to direct the Solicitor to file a lawsuit against the Historic Preservation Trust of Lebanon County and certain officers of the trust individually. A motion was made by Vince Podolski, seconded by Michael D. Behm, to authorize the Solicitor to file a lawsuit against the Historic Preservation Trust of Lebanon County and certain officers of the trust individually. The President explained the trust holds funds for the Meier House of approximately \$130,000.00 in escrow, which they will not disburse to the Meier House or the Borough upon completion of projects.

The President stated the trust won't cooperate and is being unreasonable. The trust will not divulge any information on the funds, meeting minutes, or any audits. The trust President refuses to acknowledge or respond to any requests. The Meier House did go through a legal process but got nowhere because they will not respond.

The President further stated the trust told the Meier Group they will not talk to them. They will only talk to the Borough because the Borough is the owner of the property. The Council directed the Solicitor to contact them and they have refused to talk to the Borough.

The Solicitor stated two (2) letters were sent to the trust attorney stating he and the Borough Manager are requesting to meet to resolve this matter, so in the future the repairs are paid for out of the trust. This is a long standing issue that needs to be resolved.

The President stated there is a motion on the floor made by Vince Podolski, seconded by Michael D. Behm, to authorize the Solicitor to file a lawsuit against the Historic Preservation Trust of Lebanon County and certain officers of the trust individually. All those in favor: Motion unanimously carried.

The Borough has an agreement with the Lebanon County Planning Department to administer and enforce the Pennsylvania Construction Code (UCC). The Borough would like to allow additional third party service providers as well. To do that the agreement would need to be amended. A motion was made by Dana Reich, seconded by Vince Podolski, to amend the agreement with the Lebanon County Planning Department to allow additional third party service providers to administrate and enforce the Pennsylvania Construction Code for non-residential properties. All those in favor: Motion unanimously carried.

The Manager stated a Resolution (2016-12) has been prepared for approval for the submission of CDBG (Community Development Block Grant) Funding request to Lebanon County in the amount of \$80,000.00. The funds will be used for resurfacing and minor base repairs on Railroad Street between Washington Avenue and Center Avenue.

The goal is to get the ADA Ramps done first with prior approved funds awarded, then come back and use this funding to do the resurfacing in the same project scope or as far as the funds will get us. A motion was made by Michael D. Behm, seconded by Eric L. Powell, to approve Resolution 2016-12 approving submission of CDBG (Community Development Block Grant) Funding request to Lebanon County in the amount of \$80,000.00. All those in favor: Motion unanimously carried.

The Manager explained part of the process of forming a LERTA (Local Economic Revitalization Tax Assistance Act) District is to have a public hearing. The Manager stated before the public hearing is held the Borough should reach out to the Lebanon County Commissioner, Jamie Wolgemuth, Elco School Administration and School Board to have them on board conceptually before the public meeting is held. The Borough does already have a scheduled Council Planning Session meeting on October 10, 2016 at 6:30 p.m. for budget. So Council may want to include this as part of that meeting. A motion was made by Park W.

Haverstick, II, seconded by Michael D. Behm, to approve to hold the Council Planning Session meeting and hold a Public Hearing for the creation of a LERTA (Local Economic Revitalization Tax Assistance Act) District on Monday, October 10, 2016 at 6:30 p.m. at the Myerstown Municipal Center, 101 S. Railroad Street. All those in favor: Motion unanimously carried.

The Manager explained the next step (step 3) of creating a LERTA (Local Economic Revitalization Tax Assistance Act) District the Council must approve how the LERTA Tax Incentive will be calculated. A proposed calculation schedule was provided and reviewed.

The Manager stated in year one (1) a property would have 100% exemption on any improvements the owner makes on their property. Then it would be a graduated percentage over ten (10) years. Then in the eleventh (11) year full taxes would be paid on the improvements. The Manager is recommending this schedule to the Council to follow for the LERTA District for the tax abatement on the improvements that are made. This is a standard schedule. The longest you may go is ten (10) years.

The Manager explained you will get a graduated increase on improvements. Ten (10) years is a good timeframe for a property owner to lean into paying full rate for improvements completed. These are all taxes the Borough may not have gotten. This will incentivize a property owner to do improvements they may not otherwise have done without the incentives.

Councilmember Park W. Haverstick, II asked what happens if someone has the tax abatement and they lose their property or business before the ten (10) years up. Does the abatement follow the next owner as well? The Manager is not sure, he will do some research and report back to the Council.

The Solicitor is requesting the Council approve for him to draft and advertise an Ordinance on feeding certain types of animals within the Borough. A motion was made by Michael D. Behm, seconded by Dana Reich, to authorize the Solicitor to draft and advertise an Ordinance on the feeding of certain types of animals. All those in favor: Motion unanimously carried.

Councilmember Jeffrey L. Thomas asked Council to seriously consider parking on one side of Railroad Street from Center Avenue to Richland Avenue. It is really hard to go through there. The Council would like resident's option before they take any action. A letter will be mailed.

Dayne Bicher asked if the purchase of the school building is a done deal. The Manager stated yes. Mr. Bicher stated the Council talked about the lease with the church. What happens when the church moves out? Councilmember Park W. Haverstick, II, stated right now the church has no intention of moving out.

The Manager stated the whole goal is to develop the building so that we will replace any open space with additional tenants. That could be market rate tenants or below market rate tenants depending on the type of company coming in. There already has been a lot of interest. There are potentially nine (9) rooms rented. That does not include any of the church space.

Mr. Bicher asked if the pool is a go ahead too. The Manager stated yes. Mr. Bicher feels it is empty. Right now the pool is near or at breaking even and with the other area pools closing, attendance and passes are up.

Councilmember Park W. Haverstick, II, stated the conclusion the Borough has come to is the pool is a quality of life type thing. It is a bonus. You do it because people like it and it is part of the town, but it is time to fix it up. He would rather see things fixed up then torn down and removed permanently.

The President stated at prior meetings the public filled the meeting room saying to keep the pool. The support was overwhelmingly for the pool. The attendance has increased.

Councilmember Dana Reich stated upgrades will upgrade your attendance and plus the upgrades are needed.

The Borough Council recessed the regular meeting and entered into Executive Session at 7:46 p.m. to discuss acquisition of real estate, litigation, and personnel matters.

The Borough Council returned from Executive Session at 8:52 p.m. reconvening the regular session and resumed consideration of and action on the regular meeting agenda.

Myerstown, PA
Tuesday, August 9, 2016

Last month, we received a Recreation Request from the Congregation of Jehovah's Witnesses asking to erect a stand to display free literature on a regular basis in the park. The matter was deferred to the Solicitor to determine if the Council may do so. A motion was made by Park W. Haverstick, II, seconded by Dana Reich, to approve the Recreation Request from the Congregation of Jehovah's Witnesses contingent upon the following: their agreement to remove the stand after every time they are in the park; they will provide a schedule of the days and times they will be in the park area; they will not actively solicit any persons in the park; and they agree to place their stand in the Northwest corner grass area at Center Avenue at the entrance of the pool parking lot. All those in favor: On a roll call vote – Michael D. Behm – no; Park W. Haverstick, II – yes; Vince Podolski – yes; Eric L. Powell – no; Jeffrey L. Thomas – yes; Dana Reich – yes; and Bryan L. Rittle – yes; By majority vote: Motion carried.

The President asked if there were any additional comments for the good of the borough. Seeing none, a motion was made by Michael D. Behm, seconded by Vince Podolski, to adjourn the meeting at 8:56 p.m. All those in favor: Motion unanimously carried.

Lisa A. Brubaker
Deputy Secretary

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