

President Bryan L. Rittle called the regular monthly meeting of the Myerstown Borough Council to order at 6:30 p.m., on Tuesday, September 13, 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 August 8, 2016 and August 9, 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 Planning Meeting, August 8, 2016 and Regular Monthly Meeting, August 9, 2016. All those in favor: Councilmember Park W. Haverstick, II abstained because he was not in attendance at the August 8, 2016 Planning Meeting. He will provide a written statement for the abstention. Motion carried.

The President opened the floor for Citizens and Visitors Comments:

Christopher and Victoria Layser – 131 W. Main Avenue – Christopher Layser stated he filed a complaint with the Borough office in July regarding problems at 133 W. Main Avenue. The Borough Manager met with Christopher Layser to discuss the property.

The Code Enforcement Officer talked to the primary resident at the address. They removed the vehicles but have brought them back. A Notice of Violation is being prepared to send to the owner.

Christopher Layser stated he had a physical altercation with someone that is frequently at the house. After multiple calls to the State Police Dispatch a State Police Officer finally came. Victoria Layser stated there is a lot of traffic coming and going all the time.

The Manager stated the Code Enforcement Officer can deal with code related issues, which could result in District Justice action, but that only deals with the property. The other activities are police issues, which are out of the Borough hands. The State Police are well aware of the activities and have been personally informed.

Christopher Layser stated the fire company was called to the property today for an oil spill in the alley. Christopher Layser asked if there is a possibility of a police force coming back. Councilmember Park W. Haverstick, II stated this has been a big and long-term discussion. A regional police force would be the best option but we cannot get other municipalities willing to participate. Christopher Layser stated the State Police are not invested in the community. The State Police Dispatchers are rude and even hung up on them during the last call of the physical altercation call. He asked if something can be done.

Wade Salem – 122 W. Washington Avenue – lives right behind Christopher & Victoria Layser. Wade Salem stated the group of people at 133 W. Main Avenue are dismantling cars all night long and there is traffic going in and out all day. Wade Salem has contacted the State Police regarding the actions at the property.

Wade Salem reiterated there was an oil spill there today and the oil reached and went into the storm drain. Wade Salem asked since the oil went into the storm drain couldn't they be fined under MS-4 regulations. The President asked if Hazmat was called. Michael Yiengst stated they were not because it was under 10 gallons so the fire company can handle the cleanup.

The Manager asked if anyone can confirm the cars being worked on are not the cars owned by the people in the house. Christopher Layser is very suspicious they are not but could not confirmed.

Logan Salem – 116 N. College Street – asked when 501 will be resurfaced. The Manager stated the State recently provided the timeline projecting mid-to-late 2017 into early 2018. Logan Salem stated the tractor trailer trucks traveling 501 make his house shake. The Manager asked Logan Salem to give him a letter to that effect and then he will send that to the PennDot District Manager. Logan Salem stated he is tell us why we can't just send it to them. The Manager stated he will forward the meeting minutes.

Logan Salem questioned what is going on at a property on Valentine Alley. There is a business in there, A&B Recycling. It is open 7 days a week and they are there all times of the day and night. What are they doing? Logan Salem stated he informed the office of the situation.

Logan Salem asked if they have or need a permit. The Solicitor stated as long as it is a permitted by use under the zoning, they would not need a permit.

The Manager asked if he submitted a complaint when he was in the Borough Office. Logan Salem stated the secretary wrote it down. The Manager stated it would have been forwarded to the Code Enforcement Officer for action. The Code Enforcement Officer stated he will inspect the property and prepare a Notice of Violation, if warranted, to send to the owner.

Robin Groff – 198 W. Maple Avenue – stated a man was taking pictures of her back yard last week. The Manager stated it was him. Robin Groff had no other comments at this time.

Rebecca Brossman – 702 S. Railroad Street – stated she is concerned with the tractor trailer traffic on Richland Avenue. The trailers are not stopping at the stop sign. The entire house shakes.

Rebecca Brossman wanted to know if they can get a permit for a Pod Storage unit. The President asked if it is a temporary placement. Rebecca Brossman stated it will be placed on a stone foundation. Rebecca Brossman stated they want to have a Pod container to use to continue to clean up their yard. They are having their yard cut back to make more parking and hopefully place a permanent structure/garage.

The Manager stated we have had inquires regrading Pod Storage containers. Lebanon County Planning Department is suggesting the Borough have wording for temporary placement, including a fee and timeframe for placement for a Pod Storage unit.

Councilmember Jeffrey L. Thomas questioned Rebecca Brossman if she received permits for the major excavation work they have done in their yard. The President stated you just can't dig without a permit. You cannot add parking spaces without a permit. You are changing the topography of the property. The President stated they need to contact Lebanon County Planning Department immediately to review what would need to be submitted for the Counties review and receive a permit before she goes any further.

Scott Yeagley – 25 E. Main Avenue – informed the Council at 4:30 a.m. he had an attempted break in at his house. It was a twenty four (24) year old male pounding on his back door.

James Yiengst – 300 E. Main Avenue – asked the Assistant Manager what was going on with the fire hydrant in the 100 block of South Railroad Street. The Assistant Manager stated the fire hydrants are the Water Authority's and he was not aware of anything.

Michael Yiengst – 130 W. Washington Avenue – stated "hearing the comments here tonight and looking at the order of business. Instead of a museum, selling the police car, selling and buying buildings may be you should be worrying about public safety. Maybe Council should look at a police force. Is there anything against putting a referendum on the election ballot. Everyone he has spoken to, they are in favor of a police force."

The President stated having a police force would require a significant increase in taxes. Michael Yiengst stated people are getting tired of seeing the drug problems. Councilmember Park W, Haverstick, II stated you can't directly correlate an increase in drug use to the lack of a police department. You can go to places that have a large police department and they have drug problems. Drugs are social issues.

Councilmember Dana Reich stated she works for a local hospital and the drug problem is all over. It doesn't matter if there is a local police force.

The President stated the best option is a regional police force. Again, we need other municipalities to want to do a regional force. The Manager stated, to give a perspective to reestablish a police force the property taxes would need to double. That is the reality of the cost to bring in our own police force, with liability coverage and all of the related expenses. This would cost two (2) more mills. If the residents feel doubling taxes makes sense then there is every reason to talk to Council further, talk to the safety committee, or circulated a petition. These actions will help continue the discussion.

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 hopes everyone read the article she had attached to her report.

No State Police report was received.

The Code Enforcement Officer John Neely presented his report.

Assistant Manager Barry A. Ludwig presented the Utilities report. A few items were given to the Assistant Manager to check. The Assistant Manager reported an EPA Audit was completed and went well. The Sewer Advisory Meeting will be held on Monday, October 17, 2016. He will send out reminders.

Solicitor Frederick S. Wolf presented his report. The Solicitor had no response regarding the Isaac Meier Group from the trust. He is completing the necessary paperwork and will then be filing the complaint.

Economic Development Manager Michael McKenna provided a written report. The President stated he asked for this update and asked Michael McKenna to be present at the October 11, 2016.

Manager Christopher J. Moonis presented his report. The Manager reminded the Council they will be meeting on Monday, September 19, 2016 at 6:30 p.m. to meet with URDC for the creation of a new Zoning Ordinance and Map update.

The President proceeded to the Committee Reports:

Finance & Administration: (Michael D. Behm, Park W. Haverstick, II, and Bryan L. Rittle) Chairman Michael D. Behm would like to schedule some time for budget review.

Planning-Zoning/Public Safety Committee: (Park W. Haverstick, II, Vince Podolski, and Eric L. Powell) Chairman Park W. Haverstick, II per the discussion tonight on policing, he would like to schedule another meeting for public safety.

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 09/12/2016

Activity for: 8 months 2016

<u>GENERAL FUNDS:</u>	<u>Activity</u>	<u>FINANCIAL INSTITUTION:</u>	<u>Date:</u> <u>08/31/2016</u>
			<u>BALANCES:</u>
OPERATING FUND:		FULTON:	Cash: <u>\$252,924.45</u>
	<u>\$ 796,505.13</u>	<u>\$ 634,140.93</u>	P-Card: <u>\$ 8,453.15</u>
	INCOME	EXPENSES	Ed Jones: <u>\$ 210,977.17 BV</u>
		Transfer out: <u>\$ 38,500.00</u>	<u>\$ 209,017.78 MV</u>
		Transfer in: _____	A/P: <u>\$ 17,596.98</u>
			Payroll: <u>\$ 13,576.11</u>

Treasurer's Monthly Report – (continued)

Activity for: 8 months 2016

Date: 08/31/2016

FINANCIAL INSTITUTION:

RESERVE ACCOUNT:		FULTON:	<u>BALANCES:</u>
	<u>\$ 3,408.80</u>	<u>\$ 31,629.31</u>	Cash: <u>\$ 2,623.09</u>
	INCOME	<u>\$ 56,000.33</u> (Note Principal & Interest)	
		EXPENSES	
		Transfer out: <u>25,500.00</u>	Ed Jones: <u>\$ 213,414.56 BV</u>
		Transfer in: _____	<u>\$ 212,258.61 MV</u>
			A/P: <u>\$ 14,660.72</u>

WASTEWATER FUNDS:

OPERATING FUND:		FULTON:	<u>BALANCES:</u>
	<u>\$ 592,691.47</u>	<u>\$ 571,472.12</u>	Cash: <u>\$ 73,990.70</u>
	INCOME	EXPENSES	
		Transfer out: <u>19,000.00</u>	P-Card: <u>\$ 5,067.88</u>
		Transfer in: _____	Ed Jones: <u>\$ 381,966.17 BV</u>
			<u>\$ 366,869.50 MV</u>
			A/P: <u>\$ 47,042.91</u>
			Payroll: <u>\$ 45,290.35</u>
			A/R: <u>\$ 45,837.54</u>

RESERVE ACCOUNT:		FULTON:	<u>BALANCES:</u>
	<u>\$ 20,521.08</u>	<u>\$ 147,385.00</u>	Cash: <u>\$ 56,556.77</u>
	INCOME	EXPENSES	
		Transfer out: _____	Ed Jones: <u>\$ 2,032,217.58 BV</u>
		Transfer in: _____	<u>\$ 2,011,762.11 MV</u>
			A/R: <u>\$ _____</u>

DEBT SERVICE RESERVE:		FULTON:	<u>BALANCES:</u>
	<u>\$ 460,055.94</u>	<u>\$ 459,288.30</u>	Cash: <u>\$ 242,781.52</u>
	INCOME	EXPENSES	
		Transfer out: _____	Ed Jones: <u>\$ 1,345,005.22 BV</u>
		Transfer in: _____	<u>\$ 1,345,210.98 MV</u>
			A/R: <u>\$ 69,806.65</u>

REVENUE BOND, SERIES OF 2007:		PLGIT:	<u>BALANCES:</u>
	<u>\$ 1,509.62</u>	<u>\$ _____</u>	Cash: <u>\$ 635,781.38</u>
	INCOME	EXPENSES	
		Transfer out: _____	Ed Jones: <u>-</u>
		Transfer in: _____	

Treasurer's Monthly Report – (continued)

Activity for: 8 months 2016

Date: 08/31/2016

OTHER FUNDS:

FINANCIAL INSTITUTION:

UNEMPLOYMENT COMPENSATION:

PLGIT:

BALANCES:

\$ 163.81
 INCOME

\$ _____
 EXPENSES

Cash: \$ 92,146.11

Transfer out: _____

Transfer in: _____

OTHER FUNDS:

LIQUID FUELS:

PLGIT:

BALANCES:

\$ 85,480.79
 INCOME

\$ 9,750.73
 EXPENSES

Cash: \$ 138,843.96

AP \$ _____

Transfer out: _____

Transfer in: _____

BEAUTIFICATION TRUST:

PLGIT:

BALANCES:

\$ 78.95
 INCOME

\$ -
 EXPENSES

Cash: \$ 43,486.53

Transfer out: _____

Transfer in: _____

RECREATION:

FULTON:

BALANCES:

\$ 1,584.53
 INCOME

\$ 9,084.04
 EXPENSES

Cash: \$ 25,293.96

Ed Jones: \$ 20,554.51 BV

\$ 20,007.72 MV

A/P: \$ 300.00

Transfer out: _____

Transfer in: 25,000.00

WM DERR SWIMMING POOL:

FULTON:

BALANCES:

\$ 56,297.03
 INCOME

\$ 63,497.62
 EXPENSES

Cash: \$ 15,814.27

Ed Jones: \$ 34,098.42 BV

\$ 33,581.47 MV

A/P: \$ 1,245.98

Transfer out: _____

Transfer in: 19,500.00

POOL CAPITAL CONSTRUCTION FUND:

FULTON:

BALANCES:

\$ 200.00
 INCOME

\$ 17,365.00
 EXPENSES

Cash: \$ 21,950.00

Ed Jones: \$ _____ BV

\$ _____ MV

A/P: \$ 615.00

Transfer out: _____

Transfer in: 38,500.00

Myerstown, PA
Tuesday, September 13, 2016

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 Michael D. Behm, seconded by Dana Reich, to approve payment of all invoices as listed. All those in favor: Motion unanimously carried.

The communications were reviewed.

Annual Audit Report for District Justice Anthony Verna; Lebanon Tire Collection Expense Letter, 122 tires were collected. The grant funds covered the collection; Lebanon Co Tire Collection, the county will be conducting another tire collection on Thursday, November 10, 2016 from 8:00 a.m. to 12:00 p.m. This will be a first come first serve event. There will be no pre-registration; Letter and sketches on 422 Safety Corridor project (PennDot), the information has been forwarded to the Emergency Services; Letter from Rick Clay regarding 301 S. Railroad St.; Letter from the Borough to the Water Authority.

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:

Ellen Kramer was present to discuss a book proposal for the Sestercentennial. Ellen Kramer provided a book proposal for review. The Borough will be celebrating its 250th Anniversary in 2018. Ellen Kramer would like to do a history book for the celebration. The last book was written in 1968. Ellen Kramer brought along a sample of the book for Council to look at. She is presuming the book will be about 400 pages. She is getting prices for printing on a larger quantity of books.

The President stated according to the proposal Ellen Kramer submitted it would cost approximately \$29,500.00 to produce the book, that price includes Ellen Kramer's fee of \$24,000.00. Ellen Kramer stated it would not cost the Borough anything because all of the advertisements would offset what she would receive. Also, all of the books would be pre-paid. By the time the book is printed the Borough would have all of the money. Ellen Kramer stated in regards to her fee, that would be offset by advertisements as well, so it wouldn't cost the Borough anything.

The President stated at \$250.00 an advertisement, it would take 78 advertisements to just break even. Ellen Kramer stated you would also have patrons that would be placed on a patron page in the book. The Manager asked would it work if she received money from the pre-paid sales? Technically she could do this book on her own if the Borough couldn't allocate that amount of funds upfront. Ellen Kramer stated she could.

The President stated the proposal stated Ellen Kramer any amount exceeding \$20,000.00, she would receive half of the proceeds and half of the copyright.

Councilmember Jeffrey L. Thomas exited the meeting at 7:49 p.m.

Donald Brown stated he is in support of this historical book. He feels Ellen Kramer is very knowledgeable in the history of Myerstown and has experience in writing and research. Donald Brown stated he feels a writer/researcher does deserve compensation for their work especially because of the many hours spent researching and rechecking information. Donald Brown feels this proposal Ellen Kramer has developed will not cost the Borough and monies.

Councilmember Jeffrey L. Thomas reentered the meeting at 7:51 p.m.

Myerstown, PA
Tuesday, September 13, 2016

Donald Brown feels it is imperative that a discussion be made this Fall and a committee be appointed to help solicit funds and advertisements from businesses and from individuals and families who would like to be mentioned on the patron page. The committee could also help decide on the costs for advertisements and then help market the book. Prior to publication, 2017 Christmas season sales would be a barometer as to how well the book is being received and will point us to additional marketing activities.

Donald Brown stated he is a great supporter of this project and eager to continue to work with Ellen Kramer. He feels the production of the book so far is well organized and he has an indexer who would be interested at no cost.

The President stated he does not mean to sound like Ellen Kramer does not do good work, she does, but there are a lot of questions in reviewing the proposal submitted. The Borough would have to put out a lot of money and we do not have those funds. Ellen Kramer stated all she needs now is a rate sheet so she can start soliciting advertisements.

The Manager asked what is a good retail price for the book? Ellen Kramer stated she is not sure. The President stated based on the price index in her proposal the price could be \$75.00 to \$100.00 per book. Does Ellen Kramer believe people will pay that price for a book? Ellen Kramer believes they will. Donald Brown stated the more copies we have the better for promotion. He feels the price could be under \$50.00 per book.

The Manager stated the Borough is not in the business of losing money. The Council would have to put some value on what the total cost is, what they could recoup back and how much of tax payers dollars to use to subsidize this book.

Ellen Kramer believes it is do able, the people she has spoken to are excited about the book. If it is promoted for presales for Christmas we could have gift certificates for the book as a gift. Donald Brown stated the book should be promoted not only locally, but across the County and he knows how to successfully promote.

The President stated the Borough still has upfront costs. Michael Yiengst stated, if he understands, the Borough would be funding the book. He does not feel taxpayer's dollars should be used.

The President stated Council needs more time to discuss. The Manager stated this is a 2017 budget item for consideration.

The Borough Insurance Policy renewal was received. Greg Zinn was present to review the policies and answer any questions. There were some market changes. Some of the increase is for the addition of two (2) properties the Borough has purchased and Workers Compensation which is payroll driven. The numbers submitted for payroll will be reviewed again. The quote from Zinn Insurance is \$72,172.00. A motion was made by Michael D. Behm, seconded by Park W. Haverstick, II, to approve the insurance policies renewal with Zinn Insurance. All those in favor: Motion unanimously carried.

[Last month, the Manager explained the steps 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. 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 building or the next owner as well? The Manager will do some research and report back to the Council as well as provide more LERTA Tax Incentive calculations for review.]

The Manager provided more LERTA Tax Incentive calculations for review. The calculations shows a ten (10) year, seven (7) year and five (5) year incentives on improvements. The Manager stated the tax abatement does follow the property. The Manager stated the whole goal here is to incentivize property owners to improve their building. We have to think what a homeowner or business would want out of an investment in a property? How long would they want the tax relief to be held? The ten (10) and (7) year plans were the two (2) main incentives discussed.

The Manager explained you will get a graduated increase in taxes on improvements. These are all taxes the Borough may not have received. This may help to incentivize a property owner to do improvements they may not otherwise have done without the incentives. A motion was made by Michael D. Behm, seconded by Vince Podolski, to approve the LERTA Tax Incentive calculations for seven (7) years. All those in favor: On a roll call vote – Michael D. Behm – yes; Park W. Haverstick, II – no; 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 LERTA Tax Incentive calculations for seven (7) years will be as follows:

Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8
100%	90%	75%	60%	45%	30%	15%	0%

The Borough can now meet with Lebanon County and the ELCO School District for their approval, and a public hearing will be held.

The Solicitor announced the Borough Council will be considering two (2) Ordinances. First, is Ordinance 836 and second, Ordinance 837. The Public Notice appeared in the Lebanon Daily News on September 5, 2016 as part of the record of these proceedings. The Proof of Publication will be made part of the record.

The Council will receive questions and comments on each of the two (2) Ordinances before taking action. The action the Borough Council may take is to approve the Ordinance as written, to reject the Ordinance, or to make changes in the Ordinance, in which case if there are substantial changes, the Ordinance would have to be re-advertised and have a public hearing at the next meeting.

Ordinance 836 is an Ordinance that has resulted from various complaints and comments from residents of the Borough. This Ordinance deals with feeding stray animals. The Solicitor read the proposed Ordinance out loud to the body. The Solicitor stated the Ordinance is effective immediately upon enactment according to law, and shall remain in effect hereafter until revised, amended, or revoked by action of the Council of the Borough of Myerstown. After the reading of the proposed Ordinance, the Solicitor opened the floor for questions and comments to the Borough Council.

Minnie Hughes – 700 S. Railroad Street – questioned if this Ordinance will pertain to the feeding of birds? Councilmember Park W. Haverstick, II, stated he did a lot of research on this matter and it is already illegal to feed any wild animal.

Robin Groff – 198 W. Maple Avenue – she believes the cats and geese issue are two (2) different things and can't be put together. The geese nest back at the creek. The geese see the bread and are coming up to eat, but the geese are in all the neighbor's back yards. Yes, she did feed them but she was not aware they were not allowed to feed them. Robin Groff stated this could have been taken care of with a phone call and they would have stopped. If it bothers people she will stop feeding the geese.

Robin Groff stated she has a large feral cat population at her house; approximately thirty (30). They have been there four (4) to five (5) years. Robin Groff stated she does not live in a derelict property, her property is well cared for. The cats that she has been able to trap or catch, have been spayed, or neutered and have been given shots. Robin Groff has not been able to catch all of them and of course those not caught may have kittens. Robin Groff stated her cats are healthy and she takes them to the vet here in Myerstown.

Robin Groff stated she has been in contact with PAWS of PA (Preservation of Animal Welfare & Safety, Inc. of PA) since she understands this is a problem for her neighbors. PAWS is willing to take those that are adoptable, but the actual feral cats can't be placed in a home, they are not pet material, but they still need to eat. Robin Groff stated if she stops feeding them they will not go away.

Robin Groff stated if the Council wants to pass an Ordinance it should be because there is problem Borough-wide, not because there is a problem between neighbors who don't like each other. She believes the neighborhood feud is what this is. Councilmember Park W. Haverstick, II stated when he lived on Railroad Street there was a stray cat problem and he did not enjoy having stray cats. He believes cats are in a weird limbo. They are not considered a wild animal, they are somewhere in between.

Robin Groff stated you can have a domesticated cat and people leave them outside. Councilmember Park W. Haverstick, II stated his personal argument is it's not ok for people to leave their dog run around the neighborhood, why is it ok for cats to run around the neighborhood? Robin Groff stated we are talking about cats that are never inside. Councilmember Park W. Haverstick, II stated beyond that is you are taking

possession of that cat, meaning you are taking the responsibility for that cat and anything the cat does it is your responsibility.

Robin Groff stated she has spoken to her neighbors and informed them if there is a problem to come tell her. From some neighbors that is ok, but for others it isn't. She understands the cats are a nuisance, the cats are there and they are not contained. She doesn't want to hurt her neighbors, but she also doesn't want the animals to suffer. Councilmember Park W. Haverstick, II stated it is just not about people and this is a huge discussion. He is looking at the eco system as well, but beyond that; cats are an animal that should not be in the wild. It is a domesticated animal. It is our fault as humans for letting it get to this and cats shouldn't be there. In the balance of the system it is not supposed to be there. It is a problem.

Councilmember Park W. Haverstick, II stated different animal rights groups favor different approaches. He would have thought animal rights groups would favor capture, spay and release. PETA, which is one of the largest groups is not in favor of that. They believe capturing and releasing them back into the wild is prolonging the suffering of the cat. Councilmember Dana Reich asked Robin Groff how many cats does she have? Robin Groff stated she has upwards of thirty (30).

Robin Groff stated she has been in touch with PAWS. They are going to take ten (10) kittens and as many adoptable cats as they can, but there will still be feral cats that are not adoptable. They will not just disappear.

Matthew Davis – 410 S. Goodwill Street – stated he is the bad neighbor. Matthew Davis stated, the fact of the matter is the cats do not bother him unless they are on his property and his area smells of cat urine and cat feces. You cannot walk outside bare foot because of the feces. The geese come to the Groff property everyday waiting to be fed. It is not a game preserve. Matthew Davis stated the geese come across his and his mother-in-law's property, but that is supposed to be ok and that would make him a good neighbor, as he has been told he needs to be.

Matthew Davis stated they don't live in his house and constantly have to look out and see these cats and geese roaming around his property. Matthew Davis stated I don't own them, I don't want them. I don't hate them but I don't want them. Matthew Davis stated he is just trying to get a reasonable amount of cats. Matthew Davis stated, Robin Groff stated here tonight she is trying to get rid of some, he has heard that before. There are three (3) to four (4) litters of cats being born all the time.

Cindy Patrick – 410 S. Goodwill Street – stated as she left for work the other morning there was a skunk eating the bread and another on the road.

Zona Weaber – 155 Horse Happy Road, Newmanstown – stated she is here representing PAWS (Preservation of Animal Welfare & Safety, Inc. of PA). PAWS was contacted by Robin Groff. They are going to go onto the property to remove any friendly cats. The intent is to trap, neuter, vaccinate and then release any cats that are determined not to be able to be moved into homes. Zona Weaber asked Councilmember Park W. Haverstick, II if someone was feeding the cats in the neighborhood he talked about earlier. Councilmember Park W. Haverstick, II stated yes there was a neighbor feeding the animals.

The Manager stated there are other areas in the Borough where feral cats are a problem. The Borough recently purchased a property – 301 S. Railroad Street – has a feral cat problem because people are feeding them. We have numerous complaints, this is not just one location in the Borough.

Zona Weaber stated by enforcing a no feed ban, what is going to happen. The cats are not going to leave, they will stay. With no one is caring for them, the cats will continue to urinate and breed because they will not be captured and neutered. The food source will become dumpsters and unsecure trash cans.

Zona Weaber stated there are many organizations that would come into the community and do low cost neutering and remove friendly cats. This would reduce the smell and the number of kittens. So the number of cats would just keep decreasing. She feels there are better solutions.

Councilmember Park W. Haverstick, II stated Zona Weaber talked about vaccinating. Giving vaccinations include a rabies shot. A rabies shot requires boosters, so what are the odds of recapturing that same cat for the booster? Zona Weaber stated if you have responsible caregivers that have responsible food sources the chance of recapturing is greater.

Councilmember Dana Reich stated if someone lives in the country with acres of land you can have numbers of cats, but when you live in town and have very close neighbors it is called consideration to your neighbors. Councilmember Jeffrey L. Thomas stated he has taken into his home a feral cat and is a good tame cat, but he doesn't want the feral cats in his yard.

The President stated; what is the solution? We have people here that are having damage to their property? Robin Groff stated damage is not something you can wash away. The President stated damage is based on what someone feels it is. Damage to your property may not mean the same as it does to the next person. Robin Groff stated the President was right.

Zona Weaber stated the solution is to implement a Borough wide trap, neuter and release program. Organizations like PAWS asks for a \$30.00 per cat donation.

The President stated he does understand the program Zona Weaber is presenting, but when a cat is released back in the same area it could live for quite a period of time. Someone like the people here tonight should not have to wait for that period of time for the cat to die to have the problem resolved.

Councilmember Michael D. Behm asked if the PAWS Organization comes in and does a Borough-wide program and asks for a donation, who pays for that? This is not going to be a Borough expense because people are feeding cats. Zona Weaber stated they generally find people who will make the donation, like the person who is feeding the cats, some fundraiser funds and State grants.

Robin Groff stated she has taken care of these animals at her property. Before calling PAWS she has taken them to the veterinarian and paid a lot of money for care. So she is willing to pay PAWS. The President asked Robin Groff if she then has taken ownership of those cats? Robin Groff stated if that is ownership to pay to have them taken care of, then she supposes she has. The President asked why she wouldn't say she has ownership. Robin Groff stated because she doesn't have control of all of them.

Councilmember Jeffrey L. Thomas left the room at 9:09 a.m.

Melissa Hlavacek – 133 N. Cornwall Road, Lebanon – stated she is here on behalf of PAWS. Clearly there is passion on both sides of this matter. Melissa Hlavacek asked Council to table until the Council can met with PAWS to see what they can offer the Borough.

Councilmember Jeffrey L. Thomas reentered the room at 9:11 a.m.

Dana Logan – 160 W. Maple Avenue – stated he lives next to Mr. & Mrs. Groff. He knows neighbors around them do not like the cats. Dana Logan stated he does have to clean up feces, but he has come to a place where he has accepted the situation.

The Solicitor asked if PAWS reduces the number from thirty (30) what is the bottom line number. Zona Weaber stated they have started trapping. They pulled sixteen (16) and fourteen (14) will be adoptable, but cannot give a number. The Solicitor stated if PAWS did what they want to do, how many would remain in the neighborhood. Zona Weaber stated she could not give a number.

Melissa Hlavacek stated the program will be ongoing because there will always be new cats due to people will continue to abandon their pets.

Councilmember Park W. Haverstick, II asked if PAWS will be able to guarantee that every cat they capture and vaccinate, they will be able to recapture them and revaccinate them again? Zona Weaber stated no they cannot guarantee, but with a responsible food source these cats will continually come and the chances of them being captured are very great. Melissa Hlavacek stated a rabies vaccination does last for three years. It could last longer, she has read in areas of high counts of rabies cases, she believes to distribute bait with rabies vaccination in it. Councilmember Park W. Haverstick, II stated a rabies vaccination must be injected.

Melissa Hlavacek asked what is the alternative to this situation. Councilmember Park W. Haverstick, II asked how do they feel this is more humane. Obviously euthanizing the cats you are going to say is not humane. But in the same token, you are a cat neutering, and vaccinating it and then taking an animal that isn't to be in the wild, not fully equipped to be there, and release it. So why should someone who didn't put it there have to deal with the animal being there? Zona Weaber stated why should Robin Groff have to try to clean up this mess. Councilmember Park W. Haverstick, II stated because she has taken responsibility by feeding them.

Rebecca Brossman – 702 S. Railroad Street – stated they had a feral cat problem as well. They trapped and took the cats to a family farm and released them there.

Councilmember Park W. Haverstick, II stated across the country there are an invasive species in an area they are not to be in. Those animals are generally dealt with by trying to eliminate them. No one

else is taking them, neutering them, feeding them and releasing them back into the wild because they are not supposed to be there and they don't want them there. Why are cats, any different. Robin Groff stated because in most cases they have been someone's pet. Robin Groff stated she has cats that have never been outside and wouldn't want them outside because it is unsafe for them to be outside. She is not opposed to euthanizing a cat. If it has sickness or problems, that may be what is needed to be done, but not to healthy animals.

Councilmember Michael D. Behm asked Robin Groff, then she doesn't care that this is a problem for her neighbor? Robin Groff acknowledged it is a problem for her neighbor, it is a problem for all her neighbors. Robin Groff stated but Dana Logan is here and told you it is not enough of a problem for him to want to hurt his neighbor. Robin Groff pointed out Matthew Davis and Cindy Patrick stating they do not like her and her husband and vice versa. An Ordinance should not be passed because two neighbors don't get along.

Councilmember Jeffrey L. Thomas stated this is not because of two neighbors. This is higher than this situation. Matthew Davis stated this summer he captured six (6) of their cats in his back yard. He released all of them because he made a promise to the Groff's no more cats would be harmed. However, three (3) litters later they are still coming over and doing the same thing on their property. You can't explain this to Mr. and Mrs. Groff, they won't listen.

Matthew Davis stated they are here tonight for a resolution on the feral cat issue. That is what he is here for. The Council can table it for more discussion, he has no issue with that what-so-ever. Whatever is fair to the Borough, whatever is fair to the animals, and whatever is fair to his neighbors. Matthew Davis stated he came originally to the Borough, to let the Council know his issues.

The President asked Council what their wishes are here, to vote or table. Minnie Hughes asked if this is voted on, are we going to go around and give tickets to everyone with bird feeders? The Solicitor stated the matter is closed general discussion and is before Council. We are not taking any more questions.

The President asked if Council is ready to vote or table. A motion was made by Eric L. Powell, seconded by Dana Reich, to approve Ordinance 836. All those in favor: On a roll call vote - Michael D. Behm – yes; Park W. Haverstick, II – yes – (Councilmember Park W. Haverstick, II wanted to make it clear because he knows someone is taking his name down. He is Park W. Haverstick, II, not Dr. Park W. Haverstick, that is his father. If you are going to do anything with his name, please do not drag his father into it.); Vince Podolski – yes; Eric L. Powell – yes; Jeffrey L. Thomas – yes; Dana Reich – yes; and Bryan L. Rittle – yes. Motion unanimously carried.

The Solicitor stated the next Ordinance for Council consideration is Ordinance 837 - Directing Banks and Mortgage Companies to register properties with the Borough that are in foreclosure. The Solicitor read the Ordinance out loud to the body. The Solicitor stated the Ordinance is effective immediately upon enactment according to law, and shall remain in effect hereafter until revised, amended, or revoked by action of the Council of the Borough of Myerstown. The Solicitor opened the floor for questions and comments to the Borough Council. There were no questions or comments. A motion was made by Michael D. Behm, seconded by Park W. Haverstick, II, to approve Ordinance 837 - Directing Banks and Mortgage Lenders to register properties that are in foreclosure with the Borough. All those in favor: Motion unanimously carried.

Consultant JaCinda Tuesing from Wade Associates was present. The bid opening for the William L. Derr Community Swimming Pool Rehabilitation Project was held on Wednesday, September 7, 2016 at 12:00 p.m. One (1) sealed bid was received from Stoneridge, Inc. 835 Pennsylvania Boulevard, Feasterville, PA 19053. The Consultant stated they are a reputable company.

The Manager stated we have secured \$820,000.00 to date. With the base bid you are not getting any features. You will get a new structured pool, new wading pool, new decking and filtration system. There were options in the bid for additional features. The Manager reviewed the optional features. The Manager stated he and staff are recommending the base bid with acceptance of some alternate bids, the project totals \$1.2 million dollars. If Council decides to proceed with the project today, the project could be completed by May 8, 2017. The Borough would not lose any time on next year's season. Right now financially, the project funds are \$383,000.00 short.

Councilmember Park W. Haverstick, II asked if some of these options could be added later. The Consultant said the provisions will be there to add later except for the water slides because the designs may change.

Councilmember Dana Reich stated she feels we should do just what is necessary. Councilmember Park W. Haverstick, II stated we already have the ball rolling on this project, a lot of people are talking about this. We need to do something.

The Manager stated it is his job is to make these projects happen. He will have to find the funds. There are a lot of ways to garner these additional funds, solicit sponsorships, selling engraved paver stones, and soliciting industries, like Bayer Pharmaceutical. Bayer has an interest in this project because it is a health related wellness issue that Bayer promotes. There are foundations that provide grant funds for this type of project.

The Manager stated Council has to decide to move forward having a \$138,000.00 gap on the base bid or \$383,000.00 gap on a complete project. The Manager is not worried to raise either total. We have raised over 1.4 million so far.

Councilmember Park W. Haverstick, II stated if everyone agrees, let's go with the base bid and then add options during the construction if the Manager receives the funds needed. The Consultant stated there is no set time frame, but you would have to have the contractor agree to the bid price, which she feels they would agree. The Solicitor is concerned if it is not in the bid, and then we want to add, we may have to re-bid because we didn't award it. The Consultant stated you would just do change order. The Manager reviewed the bid options being recommended by staff. The Mayor stated people are expecting a slide. The President asked what are Council's wishes. A motion was made by Park W. Haverstick, II, seconded by Bryan L. Rittle, to accept the base bid of \$958,500.00. All those in favor: On a roll call vote – Michael D. Behm – no; Park W. Haverstick, II – yes; Vince Podolski – no; Eric L. Powell – yes – (because he has confidence in the Borough Manager to raise the funds.); Jeffrey L. Thomas – no; Dana Reich – yes; and Bryan L. Rittle – yes. By majority vote: Motion carried.

The Manager stated with the purchase of the school building the current Borough building and lower garage building could be placed up for sale, put out a bid and you take the highest responsible bidder. The Solicitor stated under the Borough Code; provides selling real estate of the Borough must be sold to the highest bidder after advertisement for bid. The Solicitor stated that can be accomplished by public sealed bid opening or by Public Auction. Either way, The Borough would set the terms and conditions including right of refusal.

Sam Moyer – 107 E. Washington Avenue – he would like to see a Public Auction for the sale. He feels there would be more interest and that would benefit the Borough more than a sealed bid.

A motion was made by Michael D. Behm, seconded by Dana Reich, to table this item until closer to the move in date for the other building. All those in favor: Motion unanimously carried

The MMO (Minimum Municipal Obligation) Calculations for the Non-Uniform and Uniformed Pension Plans have been prepared. A motion was made by Park W. Haverstick, II, seconded by Michael D. Behm, to approve the MMO Calculations for the Borough pension plans, the Non-Uniform Plan, \$50,192.00 and Uniformed Pension Plan, \$0. All those in favor: Motion unanimously carried.

The Manager is requesting a donation be made to the Goodwill Fire Police. A motion was made by Park W. Haverstick, II, seconded by Dana Reich, to approve a \$500.00 donation be made to the Goodwill Fire Police for 2016. All those in favor: Motion unanimously carried.

The Council may approve a proposed salary adjustment for future elected Councilmembers and Mayor. A change to the meeting pay may only be adjusted at the time of an election. The adjusted total would only take effect at the time a person is elected or re-elected. A motion was made by Michael D. Behm, seconded by Vince Podolski, to table this item. No action, motion dies.

The Assistant Manager is recommending the Council hire David Schmidt as a Waste Water employee at a starting rate of \$18.00 with possible increases after six (6) months and then again after licensing. A motion was made by Michael D. Behm, seconded by Park W. Haverstick, II, to hire David Schmidt for the Wastewater Treatment Plant Operator position. All those in favor: Motion unanimously carried.

The Manager is requesting the sale of the Dodge vehicle that was previously used by the police department. If approved, the vehicle would be placed on Muncibid. A motion was made by Park W. Haverstick, II, seconded by Vince Podolski, to approve the sale of the Dodge vehicle on Muncibid. All those in favor: Motion unanimously carried.

Councilmember Eric L. Powell left the meeting at 10:15 p.m.

The Manager is asking for approval to add a Pod Storage fee to the Borough Fee Schedule. Currently, there is no regulation or fee for these Pod's. The Lebanon County Planning Department suggested wording be added for these Pod's setting a fee, requiring a permit and length of time for placement. The Manager will bring back next month with recommended fee and terms for approval.

Councilmember Jeffrey L. Thomas left the room at 10:20 p.m.

Lebanon County has set trick or treat for Monday, October 31, 2016. A motion was made by Michael D. Behm, seconded by Vince Podolski, to set Trick or Treat Night for Monday, October 31, 2016 from 6:00 p.m. to 8:00 p.m. All those in favor; Motion unanimously carried.

Councilmember Jeffrey L. Thomas reentered the room at 10:23 p.m.

The Goodwill Fire Police are asking for approval to contact other municipalities for assistance for fire police at the Myerstown Holiday Parade. A motion was made by Park W. Haverstick, II, seconded by Dana Reich, to approve the request from the Goodwill Fire Police to contact other municipalities for assistance for fire police at the Myerstown Holiday Parade. All those in favor: Motion unanimously carried.

The Manager asked if the Council would like the staff to advertise for members to the various Boards, Authority and Commissions to fill vacancies. A motion was made by Michael D. Behm, seconded by Dana Reich, to approve to advertise for members to the various Boards, Authority and Commissions to fill vacancies. All those in favor: Motion unanimously carried.

The Council may approve naming of the Myerstown Heritage Center and Museum in honor of Lillian Bahney and receive a contribution from the Bahney Trust. The Solicitor explain the Bahney Brothers are willing to terminate the trust in exchange for the center being named after their grandmother. A motion was made by Michael D. Behm, seconded by Jeffrey L. Thomas, to name in perpetuity the Myerstown Heritage Center and Museum in honor of Mrs. Lillian Bahney and receive a contribution from the Bahney Trust. All those in favor: Motion unanimously carried.

The President stated there was an elderly gentlemen that fell due to having a stroke in the park area. Three (3) of the lifeguards, Vinnie Vitelli, Michael Schaeffer, and Kevin Hedden, witnessed it and rendered assistance to the gentlemen until the First Aid Unit arrived. The Ambulance personal stated they did a great job.

The President felt these men should be recognized. A Certificate of Accomplishment has been prepared. A motion was made by Dana Reich, seconded by Vince Podolski, to recognize Vinnie Vitelli, Michael Schaeffer, and Kevin Hedden for their outstanding accomplishment. All those in favor: Motion unanimously carried.

Council may approve to draft and advertise an Ordinance to enact and adopt a supplement to the Code of Ordinances. The Manager explained The Council hired American Legal Publishing to keep the Code Book up to date. This company codifies the new ordinances and the first supplemental has been received. A motion was made by Michael D. Behm, seconded by Jeffrey L. Thomas, to approve to draft and advertise Ordinance 838 to enact and adopt the supplement to the Code of Ordinances. All those in favor: Motion unanimously carried.

Myerstown, PA
Tuesday, September 13, 2016

Ronald Ream asked if the meeting being held on September 19, 2016 is open to the public. The Manager stated it is an open public meeting so please come. The more public comment the better.

Councilmember Dana Reich asked if there is any information on the Dr. Burkhart property issue. The Manager stated Dr. Burkhart is in the process of evicting the current tenant. The group is working to develop a list of acceptable tenants or use for the property. The Public Works is having a storage issue and the Council may consider renting it. The Solicitor stated we are working together so this should come to a close soon.

The Manager passed out preliminary budgets for Council to review.

The President stated a letter was received from Rick Clay asking to purchase the 301 S. Railroad Street property from the Borough. The Council will need more discussion on this matter before making a decision.

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 10:36 p.m. All those in favor: Motion unanimously carried.

Lisa A. Brubaker
Deputy Secretary

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