

Myerstown, PA  
Monday, December 12, 2016

President Bryan L. Rittle called the planning meeting of the Myerstown Borough Council to order at 6:30 p.m., on Monday, December 12, 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, Mayor Gloria R. Ebling, Economic Development Manager Michael McKenna, Deputy Secretary Lisa A. Brubaker, Assistant Manager Barry A. Ludwig, and Manager Christopher J. Moonis. Absent was: Councilmember Dana Reich.

No minutes of past meetings were presented for approval at this planning meeting and no action was taken on any minutes.

The President proceeded to the agendas order of the business:

Water Department Operations Manager Chris Strause, Water Authority Chairman Larry Kramer and Vice Chairman Steven Hammer were present to discuss Wastewater funding to the Authority.

Chairman Kramer stated they were here to present costs the Water Authority incurs for reading meters, and the income they generate for reading those meters. Chairman Kramer turned the presentation over to Operations Manager Chris Strause.

Operations Manager Strause provided informational packets to the group. The packet included a copy of the councilmembers water bill and sheets outlining the revenue and expenditures for collection. He also provided some background history on the collection and billing.

Operations Manager Strause stated in the last two years the water authority spent 2.5 million in upgrades and was informed of the Railroad Street project, which would be an additional cost of \$500,000.00 to change their water main.

Councilmember Dana Reich entered the meeting at 6:40 p.m.

Operations Manager Strause reviewed the handout. He reviewed the revenue collected as of December 12, 2016 for the Wastewater and Water Authority. Through the budget, the Assistant Borough Manager Barry Ludwig had agreed to \$14,500.00 and the Water Authority would like to see \$17,000.00 with the shared cost.

Operations Manager Strause stated the Water Authority has never billed the Wastewater Department before. The Wastewater Department has always helped pay for shared costs for the billing maintenance fee, and the meter reading maintenance fee. Now they are looking for some labor on top of it and then try to get an agreement between the Water Authority and the Borough.

Operations Manager Strause stated they are requesting half of the billing clerk salary and for 20 hours a month of the operator's labor for a total of \$17,000.00 for 2017.

Councilmember Haverstick asked the Assistant Manager what his thoughts were on this matter. The Assistant Manager stated he feels the \$14,500.00 is generous. To his knowledge, no other water authority and sewer department are sharing these costs. The Assistant Manager spoke to four other municipalities, those in our situation have an agreement. Again, the Assistant Manager feels the \$14,500.00 is generous. He agrees with splitting some of the costs is fair, but he does not agree with the number, he thinks it is high.

Councilmember Haverstick asked the Assistant Manager if other municipalities are sharing a billing clerk? The Assistant Manager stated no, typically it is billing services together or each department billing separate for their service. If the sewer billing was done in house then you would use the data if billed on the usage, or you can bill on a flat rate, then the data is not needed.

Councilmember Behm asked what is done for Jackson Township. Operations Manager Strause stated Jackson Township bills sewer themselves, he only reads meters for water.

The Borough Manager asked why it has gotten to this point that the Water Authority is asking for funding. Operations Manager Strause stated to try to offset some of the costs. He stated the Water Authority Board needs to start to look at raising rates. The Manager asked when was the last time rates were raised? Operations Manager Strause stated the last increase was in 2009.

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The Borough Manager stated then operationally the Water Authority is running very tight. The Manager stated in reviewing the past years, the Water Authority used to pay the Borough a large amount for services, office space, and staffing. Then the water department moved totally out to the plant and have paid for marginal items, like life insurance, shredding, and operational items equally around \$500.00 per month. At the same time, since the water department left the Borough, the Borough has increased its expenditures to the Water Authority through November a total of \$9,611.32. That is roughly a \$50,000.00 swing in the last four years. In addition to that swing, the authority is still looking for additional offset.

The Manager stated that says to him that the authority is running so tight, that looking at a rate increase is what they should be doing first. Operations Manager Strause agrees it should be and can only suggest that to the authority.

The Manager stated he has reviewed various reports that conclude if you do not do anything at all year after year, it will effect operations, and that sounds like what is happening. Operations Manager Strause stated he believes there should be a 2 percent increase each year to the rates.

The Manager stated the Council has come to the conclusion based on the Borough financial study findings that they cannot keep up with the cost of doing business and still want to do things proactively. That is why the town is starting to do things proactively because they have raised taxes a two times in the past four years. Council has realized they cannot keep pace without increases, or will have to cut into reserve funds. The Manager stated if the Borough did nothing by the end of 2017, the reserves would have gone, and the Council acted upon that.

Operations Manager Strause stated that is happening with the Water Authority. They make a good surplus but within five months it is used.

Vice Chairman Hammer stated regardless whether the Authority implements a rate increase or not, that does not impact the costs they incur providing the Borough with their income. It is the costs they are incurring to provide the Borough with their 1.5 million a year.

The Manager stated what if the Borough could do the costs for less. What if the Borough could collect the sewer rates? How would that impact to the authority? Vice Chairman Hammer stated it would not cost them as much as it does now. The Manager stated so they could collect the water rates for less money than they are today. The only loss would be the shared costs the Borough is now paying.

Vice Chairman Hammer stated he has not had the opportunity to talk to the Assistant Manager to see what his objections are and he would like to do that. The Manager stated this is the good quorum to have the conversation because you have the full board here. Vice Chairman Hammer stated he likes to work on a one on one basis. The Assistant Manager stated he can meet with him.

Councilmember Haverstick asked when they want an answer. Vice Chairman Hammer stated they are not looking for an answer tonight, they know the Council will need some time to discuss the matter.

The Assistant Manager asked if there is an update on the storm drain repair. Operations Manager Strause stated no, the company has not gotten back to their engineer.

President Rittle turned the discussion over to Consultant Charlie Schmehl from URDC (Urban Research and Development Corporation) for the Zoning Ordinance and Map update. Charlie Schmehl stated at the last meeting, the group reviewed the Additional Requirements for Specific Uses.

Charlie Schmehl stated there are a lot of technical provisions in a Zoning Ordinance. He wants the group to understand the policy matters and is here to answer any questions.

The Manager asked percentage wise, how far along in the process are we? Charlie Schmehl stated we are 80% done with the first draft and he would like to give a complete draft prior to the next meeting. The Borough may have as much time as they need to review the draft. The Planning Code requires two public meetings, one by the Planning Commission and one by Borough Council. It is being called a new Ordinance, which is beneficial for many reasons, one of which is the legal ad is much shorter. Then Lebanon County must review and then it can be adopted.

Charlie Schmehl started the review with the Floodplain Regulations. He stated the floodplain section is mandated by the Federal Government. You have very little control over what it says. They are very definitive about how it must be worded.

Charlie Schmehl stated the main provision is no building is allowed in the main flood channel. You can do construction in the flood fringe which is outside of the main flood channel, but you need to elevate

buildings or non-residential buildings can be flood proofed. The provision calls for a 25 foot setback for a new building from the bank of a creek, which is standard.

Charlie Schmehl asked if the Manager has tried to get points for a community rating system. It is a system for a community to apply to the Federal Government to try to get reduced flood insurance rates. If you do additional items above the minimum required. One of the items is if you require buildings be elevated above the minimum height in the flood plain. The Manager stated no the Borough has not. The Federal Government encourages everybody to build as high as possible.

Charlie Schmehl stated you get points for each thing you do. You show them you have a Stormwater Ordinance, which Lebanon County does, you have an early warning system for people in the flood plain in case there is a flood coming, like a rapid response system, you get points for everything you do and you document that and then you become eligible for a deduction. So no one thing gets you the deduction, but once you do multiple things you can become eligible.

Charlie Schmehl stated next for review is the Environmental Protection section. Charlie Schmehl stated there is a catch-all provision at the top dealing with nuisances. This is designed to help you with problems that we can't find another provision to deal with it, like noise.

Charlie Schmehl stated there are two ways to regulate noise. One is more for issues like a barking dog. You would have a standard that if the noise can be heard from a certain distance away, or certain times of night, or if the barking occurs for a certain period of time, then you can issue a ticket. The second way is through the Zoning Ordinance. It is intended for recurring noise, like a noisy factory or processing operation and every night the noise is keeping the neighbors awake. In this case a noise meter would be used. The Borough Engineer should have a noise meter and you measure at the property line.

Charlie Schmehl stated the night time standard at a house is relatively strict, the standard during the day time is less strict and if it is a business, hearing the noise is less strict. A noise level is measured in a decimal. The goal is to set some standard so if you have a recurring problem you can enforce with a numeric number. Once you have the numbers and prove they are in violation it is pretty easy to deal with. There are some exceptions, like church bells and emergency signals.

Charlie Schmehl stated the main standard for lightening and glare is the aiming of lights, avoiding flashing and flickering lights. Making sure they are not shining in motorists eyes, and are not shining into someone's bedroom. Have lights directed downward. Have lights shielded so you are not seeing a bright light bulb and for billboards, the lights must shine down onto the billboard and not up.

Charlie Schmehl stated for parking he is proposing to update parking standards. The update is based upon research done for parking demands by the Institute of Transportation Engineers. The main item on parking is in the downtown, which is the Town Center District. There would be no parking required except if you build 3 or more new housing units or a hotel or a rooming house. So you would not need more parking downtown if someone converted a building into a different business, which helps stream line the process. It would only be required for new buildings.

Charlie Schmehl stated normally you have to provide parking on your own lot, but that becomes too strict in a town, because often people do not have room on their lot or they want to build out and they want to have parking somewhere nearby. So the provision, parking can be provided within 300 feet, and must prove that the parking continues to be available. The provision does provide to the Zoning Hearing Board the authority to modify parking requirements.

Charlie Schmehl stated next is General Regulations. This is for things that do not fit into another section, so they get placed in this area because there is no other place in the book. In the General Regulations it says you need to be on an improved street. What this mainly is trying to avoid is large projects that are only on alleys.

Charlie Schmehl stated for minimum size of houses, what it is saying is, a housing unit has to be a minimum of 500 square feet. This is trying to avoid overly small apartments from being squeezed into corners of a building.

Charlie Schmehl stated we are looking for ways to promote Solar Energy by giving a little bit of a height exception for solar panels by six feet if being added to the top of the building.

Charlie Schmehl stated clear sight triangles at a corner is being proposed. Trying to avoid someone placing a sign, fence, hedge, or a building right up against the corner making it hard to see around.

Charlie Schmehl stated buffer and landscaping is proposed for new businesses building up against an existing house. The standard is to require evergreen plantings so that a homeowner is not looking out onto

the businesses loading docks, trash compactors, outdoor storage or air conditioning units. Charlie Schmehl stated a provision can be added giving the Zoning Hearing Board the authority to modify this provision if needed. The Manager questioned if this provision is for the C-1 District. The Borough is trying to encourage redevelopment. They have minimized the setback requirements to zero, which will significantly reduce the amount of green space because we want to encourage adaptive reuse and redevelopment in the C-1 District. Is this language more restrictive than what Council already changed in the C-1 District? Charlie Schmehl stated the Manager raised a valid point and we could exempt the Town Center District.

Charlie Schmehl stated it is being proposed that 10% of a lot must be landscaped. The Town Center District can be exempted or the percentage minimized. The proposal does still require trees if there are 10 or more parking spaces. The Town Center District could be a 5% requirement. Charlie Schmehl stated landscaping is required. You are trying to help absorb Stormwater. You are trying to improve the air quality, and trees do greatly improve air quality. You are trying to provide shade, one of the hazards is when you have a large asphalt parking lot it heats up a lot during the summer the cloud bursts hit it they pick up the heat and it goes into the creek and it kills the fish. So if you have shade over the large parking lots it help protect the fish life.

Charlie Schmehl stated if someone is building a 10 space parking lot, they can find room for a tree. If you get a larger commercial project those trees really become important to the project. The Council agreed the Town Center District should be a smaller percentage at 5% landscaping.

Charlie Schmehl stated Non-conformity is something that does not meet the current standards of the Ordinance, but was legal when it went in the first time. Non-conforming uses are grandfathered in, which means there are certain rights they are allowed to continue forever regardless of ownership. There is a provision stating it goes to the Zoning Hearing Board and they look at whether the new use is more intensive than the old use.

Charlie Schmehl stated portable storage units are fine for short term, but some people are over using them. If you have a portable storage unit in residential district you may have it for it 2 months. If it is in the right-a-way it would need separate approval from the Borough and the unit may not obstruct the sight distance around a corner.

The Manager stated portable storage units have been added to the 2017 Fee Schedule. The fee schedule proposed one 60 day permit and could renew for one more 60 day period, so this is different from the Ordinance. The Council would like the fee schedule to be changed to a 30 day permit and a onetime renewal for 30 days. The Fee Schedule will be changed.

Charlie Schmehl stated the rest is not policy oriented, but he wanted to highlight a couple of areas. The Administrative Section is mainly going to be used by the Borough staff and he asked that staff review the section.

Charlie Schmehl stated one goal is to legalize temporary uses, like a church festival so there is not a problem with holding a special event. The provision states if it is a customary, temporary use, for a charitable or community event the Borough could approve it.

Charlie Schmehl stated the provision sets some basic standards for temporary commercial use, they would have to meet some of the same standards as a business. Charlie Schmehl gave examples, like tent sales, firework stands, fruit trucks, food trucks, and flower sales.

Charlie Schmehl stated the Federal Americans Disabilities Act gives the Zoning Hearing Board the authority to handle cases where someone is seeking the Borough to modify its requirements to meet the standards for persons with disabilities. The goal is to handle things locally, to have a way for them to address their claim so that they cannot sue you right away in Federal Court and then you can put conditions on the approval. It gives the Borough more control and it reflects the situation that the Federal law may change over time.

Charlie Schmehl stated you are required to have airport provisions, which the Borough does already have them. A map has been placed in the back of the book. The airport does not affect most of the Borough. It is mainly an issue if someone proposed a new water tank or cell phone tower, then the airport provisions would come into play.

Charlie Schmehl stated that is all he has for tonight. Are there any question or comments. Charlie Schmehl stated the next meeting is to review Dimensions.

Charlie Schmehl asked if we want to schedule the next meeting date. The next meeting will be Monday, February 13, 2017 at 6:30 p.m.

Planning/Zoning/Public Safety Committee: (Park W. Haverstick, II, Vince Podolski, and Eric L. Powell) Chairman Park W. Haverstick, II stated a safety committee meeting will be held on Wednesday, December 14, 2016 at 6:30 p.m. to discuss public safety issues with the Keystone Fire Company. The committee will have a meeting with the Goodwill Fire Company at a later date.

The Borough Council recessed the planning meeting and entered into Executive Session at 8:00 p.m. to discuss personnel and litigation.

The Borough Council returned from Executive Session at 9:16 p.m. reconvening the planning session and resumed consideration of and action on the planning meeting agenda.

The Council discussed the funding proposal from the Water Authority. Assistant Manager Ludwig stated last year he was approached by the Water Department Operations Manager Chris Strause asking for some help with meter related items. Assistant Manager Ludwig stated they had an agreement for anything billing related, the wastewater department and water authority would split the costs.

Assistant Manager Ludwig stated he also agreed to help out with some general funding of \$4,000.00, but he received a bill for \$11,000.00. Assistant Manager Ludwig stated he informed Operations Manager Strause that the wastewater department is not responsible for the water meters that is the water authorities program and paid the \$4,000.00 agreed upon.

The Manager stated if there was a rate increase, which sounds like what the authority needs to do, this conversation would not be needed.

Councilmember Haverstick stated based upon principle, does it make sense that they want money from the borough for making money off of their numbers. The borough could go to a flat rate but right now we do rely on their labor to get the information needed to generate the sewer numbers for the income.

Councilmember Behm stated the water department still has to collect the information for their billing regardless if the sewer is being done as well. Councilmember Haverstick stated that is beside the point.

Assistant Manager Ludwig stated no not really. If the wastewater stopped, the water authority would then have all the expenses. Councilmember Haverstick stated but if we stopped, then the borough would have to do billing. The Manager stated he researched the costs for billing. The first year, which includes software, and data conversion would total \$8,000.00 to be set up and ready for billing. The borough would then take the borough part-time employee to full-time to do the billing.

Councilmember Haverstick asked if the borough would then have someone reading the meters. The Manager stated there are two ways to do it. If we maintained a usage base, you are entitled to their data because they are an authority of the Borough. The second way is a flat rate. The borough would have a residential flat rate, a commercial flat rate and an industrial flat rate.

Councilmember Behm stated there are other options to consider. The borough could dissolve the water authority and take it back or appoint different members to the authority board. President Rittle stated these are all options to consider 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 Park W. Haverstick, II, seconded by Eric L. Powell, to adjourn the meeting at 9:30 p.m. All those in favor: Motion unanimously carried.

Lisa A. Brubaker  
Deputy Secretary