

Myerstown, PA  
Tuesday, February 14, 2017

President Bryan L. Rittle called the regular monthly meeting of the Myerstown Borough Council to order at 6:30 p.m., on Tuesday, February 14, 2017. 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, Economic Development Manager Michael McKenna, Assistant Manager Barry A. Ludwig, and Deputy Secretary Lisa A. Brubaker. Absent was: Manager Christopher J. Moonis.

The Meeting Minutes for January 10, 2017, January 19, 2017 and February 2, 2017 were presented. A motion was made by Park W. Haverstick, II, seconded by Michael D. Behm, to dispense with the reading of and approve the minutes of and the Regular Monthly Meeting, January 10, 2017, the Planning Meeting, January 19, 2017 and the Special Meeting, February 2, 2017. All those in favor: Motion unanimously carried.

The President opened the floor for Citizens and Visitors Comments:

Ronald Ream – 621 S. Railroad Street – asked if the pool project is on schedule. The Assistant Manager stated it is on schedule and budget.

Dave Mason – 15 N. Goodwill Street – questioned if the pool contractor hit limestone or rock and had to blast. President Rittle stated no the original baby pool was towards the area where the new pool will be and they hit the concrete from that.

Dave Mason stated the rumor is, there is asbestos and black mold in the school building. The Assistant Manager stated he has no knowledge of either being found in the building. President Rittle stated before the Borough purchased the building an environmental study was done to make sure those types of issues were not present. The purchase was contingent upon a clear study.

Dave Mason stated these are the rumors going around town and decided to come to the meeting to ask the questions and get the true information.

Phyllis Oxenrider – 120 E. Main Avenue – stated in front of her home is a crosswalk sign but there is no crosswalk markings there, and no one is stopping. She believes it is more of a hazard. The Assistant Manager will look at the area.

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 reported the Governor is proposing a fee for State Police coverage to the municipalities who solely rely on the State Police. The proposed fee is \$25.00 per head. The Mayor reported there was an article in the newspaper regarding the need for emergency services people and volunteers.

Code Enforcement Officer John Neely presented his report. Property Maintenance issues were discussed. Councilmember Thomas asked if the CEO (Code Enforcement Officer) received any information regarding the vehicle parked in the handicap parking space on Cherry Street. Councilmember Thomas also asked if the CEO asked to see the registration of the truck. CEO Neely stated he did not because the resident told him it is his primary vehicle.

Councilmember Haverstick stated the Council was told the handicap sticker has to be with the registered vehicle. CEO stated he informed the resident the handicap sticker is for the person operating the vehicle not for someone else's convenience. He will go back to verify the ownership of the vehicle.

President Rittle asked the CEO to send a letter to Henry Lindermuth stating the property on Main Avenue is clear of citations and violations so he can sell the property. The CEO will send the letter.

Assistant Manager Barry A. Ludwig presented his report. The Assistant Manager stated the fine screen is in and running. The manufacturer will be at the plant to tune a few minor issues.

Councilmember Haverstick stated the DEP (Department of Environmental Protection) results were received, noting it was diesel fuel that was put into the fish dam.

Solicitor Frederick S. Wolf's report was presented. The Solicitor stated last month, the Borough did adopt the LERTA (Local Economic Revitalization Tax Assistance Act) District for the Borough. The ELCO School District adopted the LERTA Resolution at their February School Board Meeting. Now, the next step is to have Lebanon County adopt.

The Solicitor stated the Borough has been working on the Lillian I. Bahney Trust. The Borough was named as a trustee along with members of the Bahney family. The trust was to provide funds for beautification within the Borough. Flowers were planted in honor of the Bahney family. At the time, the trust was created, monthly interest rates provided enough monies to take care of the beautification. That is no longer occurring. There is currently about \$40,000.00 remaining in the trust. The Bahney heirs have agreed to have the remaining funds be turned over to the Borough to use in whatever manner the Borough would seem fit to provide some beautification.

The Solicitor stated it was also discussed the remaining funds could be used by the Borough to have the Heritage Center in the Myerstown Government & Business Center being named after Lillian I Bahney.

The Solicitor stated the request to terminate the trust and use the monies was submitted to the Auditor General's Office for approval. The Auditor General's Office indicated they would approve the request, if they receive a letter from the Borough indicating the purpose in which the funds will be used.

The letter has been prepared and would require authorization for the Council President to sign on behalf of the Borough. This item is on the agenda and action will be considered at that time.

The Solicitor stated the Code Enforcement Officer is in need of a Code Violation Form to use for the owner to sign to acknowledge they have addressed the issues and will not allow the same conditions to reappear in the future. The Code Enforcement Officer stated the main issues are trash, abandoned vehicles, and opening burning. A motion was made by Park W. Haverstick, II, seconded by Eric L. Powell, to authorize the Solicitor to draft a form for property maintenance use. All those in favor: Motion unanimously carried.

No Manager's report was provided.

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

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 was held on Wednesday, January 11, 2017 to discuss public safety issues with the Keystone and Goodwill Fire Companies. Chairman Haverstick stated the meeting went well and all parties were open and receptive to the conversation. Chairman Haverstick stated he is recommending an annual meeting be held with the fire departments.

Park & Recreation Committee: (Jeffrey L. Thomas, Dana Reich and Park W. Haverstick, II) Chairman Jeffrey L. Thomas stated the Recreation Board is interested in purchasing some pickle ball equipment. The Recreation Board is concerned with the merry-go-round in the playground area. They have provided some recreation books to review. Local merchants will be contacted for pricing as well. The Assistant Manager will look at the park area.

Treasurer Lee C. Smith prepared and presented Borough Council with the monthly Treasurer's Report. A motion was made by Michael D. Behm, seconded by Dana Reich, 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 02/14/2017

Activity for: January 2017

	<u>Activity</u>	<u>Date:</u> <u>01/31/2017</u>
<b><u>GERNERAL FUNDS:</u></b>	<b><u>FINANCIAL INSTITUTION:</u></b>	<b><u>BALANCES:</u></b>
OPERATING FUND:	FULTON:	Cash: <u>\$89,215.00</u>
	<u>\$ 41,303.00</u>	
	INCOME	
		P-Card: <u>\$ 16,197.00</u>
		Ed Jones: <u>\$ 213,670.00 BV</u>
		<u>\$ 209,582.00 MV</u>
	Transfer out: _____	A/P: <u>\$ 15,955.00</u>
	Transfer in: _____	Payroll: <u>\$ 8,605.00</u>
RESERVE ACCOUNT:	FULTON:	<b><u>BALANCES:</u></b>
	<u>\$ 434.00</u>	Cash: <u>\$ 18,014.00</u>
	INCOME	
		Ed Jones: <u>\$ 172,699.00 BV</u>
		<u>\$ 169,081.00 MV</u>
	Transfer out: _____	A/P: <u>\$ _____</u>
	Transfer in: <u>\$ 25,000.00</u>	
<b><u>WASTEWATER FUNDS:</u></b>		
OPERATING FUND:	FULTON:	<b><u>BALANCES:</u></b>
	<u>\$ 119,543.00</u>	Cash: <u>\$ 121,352.00</u>
	INCOME	
		P-Card: <u>\$ 4,229.00</u>
		Ed Jones: <u>\$ 359,734.00 BV</u>
		<u>\$ 342,591.00 MV</u>
	Transfer out: <u>\$25,000.00</u>	A/P: <u>\$ 23,187.00</u>
	Transfer in: _____	Payroll: <u>\$ 46,525.00</u>
		A/R: <u>\$ 59,637.00</u>
RESERVE ACCOUNT:	FULTON:	<b><u>BALANCES:</u></b>
	<u>\$ 2,454.00</u>	Cash: <u>\$ 51,599.00</u>
	INCOME	
		Ed Jones: <u>\$ 1,767,368.00 BV</u>
		<u>\$ 1,718,444.00 MV</u>
	Transfer out: _____	A/R: <u>\$ 19,729.00</u>
	Transfer in: _____	
DEBT SERVICE RESERVE:	FULTON:	<b><u>BALANCES:</u></b>
	<u>\$ 59,506.00</u>	Cash: <u>\$ 424,219.00</u>
	INCOME	
		Ed Jones: <u>\$ 1,367,396.00 BV</u>
		<u>\$ 1,345,876.00 MV</u>
	Transfer out: _____	A/R: <u>\$ 64,215.00</u>
	Transfer in: _____	
REVENUE BOND, SERIES OF 2007:	PLGIT:	<b><u>BALANCES:</u></b>
	<u>\$ 236.00</u>	Cash: <u>\$ 536,864.00</u>
	INCOME	
		Ed Jones: <u>-</u>
	Transfer out: <u>\$100,000.00</u>	
	Transfer in: _____	

**MYERSTOWN BOROUGH TREASURER'S REPORT**

Prepared 02 /14 /2017

**Activity**

Activity for: January 2017

**Date:** 01/31/2017

**OTHER FUNDS:**

UNEMPLOYMENT COMPENSATION:

\$ 4.00  
 INCOME

PLGIT:  
\$  
 EXPENSES

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

**BALANCES:**  
 Cash: \$ 92,335.00

LIQUID FUELS:

\$ 51.00  
 INCOME

PLGIT:  
\$ 5,693.00  
 EXPENSES

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

**BALANCES:**  
 Cash: \$ 139,045.00  
 AP \$ 5,693.00

BEAUTIFICATION TRUST:

\$ 16.00  
 INCOME

PLGIT:  
\$  
 EXPENSES

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

**BALANCES:**  
 Cash: \$ 43,546.00

RECREATION:

\$ 68.00  
 INCOME

FULTON:  
\$  
 EXPENSES

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

**BALANCES:**  
 Cash: \$ 24,786.00  
 Ed Jones: \$ 20,752.00 BV  
\$ 20,030.00 MV  
 A/P: \$

WM DERR SWIMMING POOL:

\$ 91.00  
 INCOME

FULTON:  
\$ 76.00  
 EXPENSES

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

**BALANCES:**  
 Cash: \$ 4,827.00  
 Ed Jones: \$ 34,341.00 BV  
\$ 33,563.00 MV  
 A/P: \$ 76.00

POOL CAPITAL CONSTRUCTION FUND:

\$ 13.00  
 INCOME

FULTON:  
\$ 2,500.00  
 EXPENSES

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

**BALANCES:**  
 Cash: \$ 1,460.00  
 Ed Jones: \$ BV  
\$ MV  
 A/P: \$ 915.00

**MYERSTOWN BOROUGH TREASURER'S REPORT**

Prepared 02 /14 /2017

**Activity**

Activity for: January 2017

**Date:** 01/31/2017

MUNICIPAL CENTER FUND:

FULTON:

**BALANCES:**

\$ 40,500.00 – Sale – 10% down  
 INCOME  
\$ 299.00 – Int.  
 INCOME

\$ 40,500.00 – Escrow Fund  
 EXPENSES

Cash: \$ 627,892.00

Ed Jones: \$ \_\_\_\_\_ BV  
 \$ \_\_\_\_\_ MV

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

A/P: \$ \_\_\_\_\_

SESTERCENTENNIAL ACCOUNT:

FULTON:

**BALANCES:**

\$ 9.00  
 INCOME

\$ \_\_\_\_\_  
 EXPENSES

Cash: \$ 20,022.00

**MEMO**

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

BV – Book Value  
 MV – Market Value

The monthly listing of invoices was presented. President Rittle stated there is one addition to the bill list. We received a bill from Revize for the initial payment of \$12,000.00 for the website design. A motion was made by Michael D. Behm, seconded by Park W. Haverstick, II, to approve payment of all invoices as listed with the addition of the Revize bill presented tonight. All those in favor: Motion unanimously carried.

**The communications were reviewed.**

Myerstown First Aid Unit 2017 Officials List; EPA Field Audit Inspection Letter; PAWS Flyer; State Ethic's Forms; and the Goodwill Fire Police 2016 Financial Report.

**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) vacancies
- Vacancy Board Chairman – one (1) vacancy

If anyone is interested in volunteering to serve on any of these boards contact the Borough office.

**Consent Agenda:** *The following is a list of routine items which do not appear to be controversial in nature and which probably do not require additional discussion. They can be acted on by one motion in their current form. If discussion is desired on any particular item, any member of Council, or the public, may request the item be removed from the Consent Agenda and that item will be considered separately.*

Council may approve the Use of Facility/Pavilion request from Lebanon County Children & Youth for the annual fishing rodeo for Saturday, April 8, 2017 and waive the fee for the pavilion.

Council may approve the Annual Easter Egg Hunt to be held Saturday, April 8, 2017 – Rain date April 15, 2017.

A motion was made by Park W. Haverstick, II, seconded by Eric L. Powell, to approve the consent agenda. All those in favor: Motion unanimously carried.

Myerstown, PA  
Tuesday, February 14, 2017

The President proceeded to the agendas order of the business:

A plan has been submitted from StoneRidge Retirement Living – 440 Lincoln Avenue – for Cottage #3 – Lot #21 & #22 project. The plan was presented to the Borough Planning Commission at their meeting on January 20, 2017 and was approved. A motion was made by Michael D. Behm, seconded by Park W. Haverstick, II, to approve the plan from StoneRidge Retirement Living for the duplex cottages as presented for Cottage #3 – Lot #21 & #22 project contingent upon receipt of clear comments/approval from the Lebanon County Planning Department. All those in favor: Motion unanimously carried.

We received a 2017 – 2021 Lebanon County Bridge Inspection Program Agreement from PennDot District 8-0. A motion was made by Michael D. Behm, seconded by Dana Reich, to approve the Borough participation in the 2017 – 2021 Lebanon County Bridge Inspection Program Agreement from PennDot District 8-0. All those in favor: Motion unanimously carried.

The Solicitor has prepared a letter for the Council President to sign regarding the funds from the Bahney Trust. A motion was made by Park W. Haverstick, II, seconded by Eric L. Powell, to authorize the Council President to sign the letter regarding the funds for the Bahney Trust. All those in favor: Motion unanimously carried.

We received a payment request pay application #4 from Stoneridge, Inc. for \$104,139.00 for the pool rehabilitation project. A motion was made by Dana Reich, seconded by Park W. Haverstick, II, to approve the pay application #4 for \$104,139.00 to Stoneridge, Inc. All those in favor: Motion unanimously carried.

We received two payment requests from TKS for the renovation project at the Borough Government & Business Center for \$3,385.00 and \$14,305.53. A motion was made by Michael D. Behm, seconded by Park W. Haverstick, II, to approve to pay payment requests for \$17,690.53 to TKS. All those in favor: Motion unanimously carried.

The information for the Borough Association Annual Conference has been received. Staff is requesting for three (3) attendee's as well as any Councilmembers who are interested. A motion was made by Dana Reich, seconded by Eric L. Powell, to approve the attendance to the PA Borough Association Annual Conference in Hershey on May 7 – May 10, 2017. All those in favor: Motion unanimously carried.

The Water Authority is requesting a letter outlining the Railroad Street project and timeframe. The Assistant Manager will provide the information to them.

The Borough Council recessed the regular meeting and entered into Executive Session at 8:13 p.m. to discuss personnel and potential litigation.

The Borough Council returned from Executive Session at 8:34 p.m. reconvening the regular session and resumed consideration of and action on the regular meeting agenda.

The President asked if there were any additional comments for the good of the borough. Seeing none, a motion was made by Park W. Haverstick, II, seconded by Dana Reich, to adjourn the meeting at 8:16 p.m. All those in favor: Motion unanimously carried.

Lisa A. Brubaker  
Deputy Secretary