

Myerstown, PA  
Tuesday, April 14, 2015

President Bryan L. Rittle called the regular monthly meeting of the Myerstown Borough Council to order at 6:34 p.m., on Tuesday, April 14, 2015. The meeting was held in Borough Council Chambers in the Myerstown Municipal Center, 101 East Washington Avenue, Myerstown, PA 17067.

#### ROLL CALL:

Following the Pledge of Allegiance, a roll call was taken. Present were: President Bryan L. Rittle, Vice President Michael D. Behm, Park W. Haverstick, II, Teresa Allwein, Jeffrey L. Thomas, Dana Reich, Keith Fox, Mayor Gloria R. Ebling; Public Works Department Supervisor David C. Fake; Engineer Michael Sassaman; Code Enforcement Officer John Neely, Deputy Secretary Lisa A. Brubaker and Manager Christopher J. Moonis. Absent were; Solicitor Frederick S. Wolf; Treasurer Lee C. Smith; and Wastewater Department Supervisor Barry A. Ludwig.

#### MINUTES:

A motion was made by Park W. Haverstick, II, seconded by Dana Reich, to dispense with the reading of and approve the minutes of the March 10, 2015 Regular Monthly Meeting and March 16, 2015 Public Meeting for the Department of Conservation and Natural Resources Development Grant Application for the revitalization of the swimming pool. All those in favor: Motion unanimously carried.

CITIZENS' AND VISITORS' COMMENTS: There was no public comment.

#### REPORTS TO COUNCIL:

The Council received written reports from the Mayor, Department Supervisors, Manager and the Solicitor. Staff was present to provide any additional information on their report and answer any questions from the Council.

The Mayor Gloria R. Ebling presented the report. She gave the Code Enforcement Officer information on dangers of dogs. There were no additional comments.

No State Police Report was received. There were no additional comments.

The Recreation Board Report. Councilmember Jeffrey L. Thomas reported the Recreation Board is working on future ideas for the pool and recreation. There were no additional comments.

The Code Enforcement Officer gave an update on issues he is working on. The parking at the old shirt factory was discussed. He advised citizens, if they have a concern to please contact the borough office and report any problems. There were no additional comments.

The Wastewater Report was presented. The Wastewater Department Supervisor was not present. He is attending a conference. The Manager stated the Engineer is present to answer questions on the bids that were received for the Wastewater Rehabilitation of the Sanitary Sewer System Project. The Manager noted the Wastewater Department saved approximately \$20,000.00 in rebuilding the Influent Grinder "Muffin Monster" at the plant verses a factory rebuilt and the rental of a crane. There were no additional comments.

The ARRO Engineering Report was presented. Engineer Michael Sassaman was present for review of the bids for the Wastewater Rehabilitation of the Sanitary Sewer System Project. The Council President asked why the original estimate from him was so much less than the actual amount on the

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lowest bid for Contract #1 - Excavation and Replacement of Sewer Lines. The difference is about \$65,000.00. The Engineer explained they bid that for excavation on Broad Street at an estimate of \$85.00 per foot and the contractor came in at \$166.00 per foot. The Engineer contacted the contractor and they stated the additional cost was for handling the groundwater in that area and the by-pass pumping for the project. The project will be reviewed under "New Business". There were no additional comments.

Public Works Supervisor David C. Fake presented the report. The Public Works Supervisor stated the leaf collection program has started. There were no additional comments.

The Solicitor's report was presented. The solicitor was not present. There were no additional comments.

The Manager gave a review of the Borough status. Pool passes are on sale. The Manager attended the Jackson Township Recreation Meeting to present the possibility of financial assistance for the operation of the pool based on a percentage of the passes being purchased by Jackson Township residents and present the pool renovation plan. They seemed receptive to the concept and are hoping they will recommend to the Jackson Township Supervisors in support.

Two different DCNR (Department of Conservation and Natural Resources) grant applications will be submitted this week. One is a Development Grant Application for the purpose of the revitalization of the swimming pool and one is for the Master Park Planning Study.

A letter was sent to the property owners on Cherry Street and Broad Street regarding the ongoing planning of the road project. The Manager will be holding a meeting on April 20, 2015 at 3:00 p.m. and 6:00 p.m. for the homeowners to come in and get more information on the curb and sidewalk placement and repairs. The road work is out for bid. The opening will be held on May 5, 2015 and the results will be brought to the May 12, 2015 Council Meeting.

The draft audits for the Wastewater Funds have been received. The draft audit for the Borough Funds will be received shortly. The preliminary review of the audit has no significant findings and received a clean audit. The final copy should be received for the May Meeting.

#### Committee Reports:

The Solicitor entered the meeting at 6:58 p.m.

The Council President asked him if he had anything to add to his report. The Solicitor stated a judgement has been entered against 301 S. Railroad Street and we are ready to proceed with execution. Other property maintenance matters are being worked on.

The Auditor is applying for the 501(c)3 for the non-profit corporation and he has provided draft by-laws to the Manager.

The Solicitor is working to get a copy of the non-uniform pension plan for Council to review.

Treasurer Lee C. Smith was not present, but he prepared for Borough Council with the monthly Treasurer's Report. A motion was made by Michael D. Behm, seconded by Park W. Haverstick, II, to approve the Treasurer's Report and have it on file for audit. All those in favor: Motion unanimously carried.

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.

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COMMUNICATIONS:

The communications were reviewed. There were no additional comments.

OLD BUSINESS:

The Council President read the list of current Committee and Board vacancies. If anyone is interested in volunteering to serve on any of these boards contact the Borough office.

NEW BUSINESS:

Deb and Dale Wolf were present to discuss the placement of a pickleball court in the recreation area. Mrs. Wolf explained pickleball is a game for all ages, how it is played and provided a sample of the equipment used to play the game. Pickleball is played on a badminton size court. Currently, they are playing indoors but they would like to find places to play outdoors. Mrs. Wolf is asking to have lines placed in the tennis court area for the pickleball court, a high traffic red paint would be needed. Mrs. Wolf stated if approved, she would hold a clinic to teach the game to the community. It is a good activity for the playground program.

The Manager stated pickleball is growing in popularity and is a way to get people active. There is an area in the one set of tennis courts that has some repair needs and asked the Public Works Director to look to see what would be needed. He is recommending the Council approve the placement of the pickleball court and pay the cost of the paint. A motion was made by Keith Fox, seconded by Park W. Haverstick, II, to approve the placement of pickleball court in the recreation area. All those in favor: Motion unanimously carried.

The Council President stated if they want to have a clinic to coordinate with the Recreation Board Chairman and meet with the Public Works Director for the line placement and to make sure the courts are safe.

Kelly Mohn – 216 E. Main Avenue - was present to discuss changing the Borough Ordinance to allow chickens within the Borough. Ms. Mohn asked for clarification of the Ordinance and what is considered operation or just owning a chicken or a dog. The Manager stated having a dog operation to having a domesticated animal are two different parts of the code. A chicken is not a domesticated animal. Ms. Mohn asked what would happen if it is not permitted and they have a chicken, how is it enforced. The Council President stated they would receive a notice to remove the chickens, if they are not removed they could be fined. The Council President stated this will be tabled until the Solicitor can review the Borough Ordinance.

Council may approve the Land Subdivision Plan for the Evangelical Theological Seminary. The Planning Commission approved the plan at their March 23, 2015 meeting. A motion was made by Park W. Haverstick, II, seconded by Michael D. Behm, to approve the Land Subdivision Plan for the Evangelical Theological Seminary. All those in favor: Motion unanimously carried.

Last month, the Council made a motion to appoint Ronald Ream to the Zoning Hearing Board. The appointment requires a Resolution be adopted. A motion was made by Keith Fox, seconded by Jeffrey L. Thomas, to approve Resolution 2015-09 for the appointment of Ronald Ream to the Zoning Hearing Board. All those in favor: Motion unanimously carried.

The Engineer gave some background history. Last year the borough televised a large portion of the sewer lines to identify places where there were structural defects, or more important, sources of infiltration inflow. Upon review of the televising, a list of repair work was compiled. You try to do most of the repair work through chemical grouting or lining of the sewers, which is more cost effective, but if you

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do have areas that are structurally defective that can't be fixed then you would do excavation and replacement.

The bids for the Wastewater Rehabilitation of the Sanitary Sewer System Project were received and opened on May 31, 2015 at 2:00 p.m. There are two contracts. Six (6) bids were received, three (3) for Contract #1 and three (3) for Contract #2.

Contract #1 is for Excavation and Replacement of Sewer Lines, Contract 2 is for Chemical Grouting and Lining of Sewers.

The bidders were as follows for Contract 1 – Excavation and Replacement of Sewer Lines:

A.H. Moyer, Inc. Myerstown, Pennsylvania	\$481,467.00
Construction Master Services, LLC Reading, Pennsylvania	\$152,042.00
<b>E.K. Services, Inc. - New Cumberland, Pennsylvania</b>	<b>\$122,818.00</b>

The bidders were as follows for Contract #2 – Chemical Grouting and Lining of Sewers:

Lake County Sewer Co., Inc. Willowick, Ohio	\$263,812.00
<b>Mr. Rehab, Inc. Mechanicsburg, Pennsylvania</b>	<b>\$148,018.00</b>
Video Pipe Services, Inc. Newfield, New Jersey	\$154,924.25

Upon review, E.K. Services, LLC is the lowest bidder for Contract 1 with a bid of \$124,350.00 and Mr. Rehab, Inc. is the lowest bidder for Contract 2 with a bid of \$148,018.00. The bid documents were forwarded to the Borough Engineer for review. The Borough Engineer is recommending the Council approve and award the bids. A motion was made by Michael D. Behm, seconded by Park w. Haverstick, II, to approve the bid from E.K. Services, LLC for Contract 1 - Excavation and Replacement of Sewer Lines, with a bid of \$122,818.00. All those in favor: Motion unanimously carried. A motion was made by Dana Reich, seconded by Jeffrey L. Thomas, to approve the bid from Mr. Rehab, Inc. for Contract 2 - Chemical Grouting and Lining of Sewers, for the estimated low bid of \$148,018.00. All those in favor: Motion unanimously carried.

The Borough Manager will be attending the Borough Association Conference from April 26 through April 29, 2015. The Council may appoint a voting delegate. A motion was made by Keith Fox, seconded by Park W. Haverstick, II, to appoint the Borough Manager as the voting delegate for the borough. All those in favor: Motion unanimously carried.

We received a request from the Myerstown Jaycees for their craft show. A motion was made by Keith Fox, seconded by Dana Reich, to approve the request from the Myerstown Jaycees to close Center Avenue between College Street and Railroad Street and use the pool parking lot for their craft show being held Saturday, September 12, 2015 from 5:00 a.m. to 7:00 p.m. contingent upon the receipt of their Certificate of Insurance. All those in favor: Motion unanimously carried.

We received a request from Wengers of Myerstown for their Annual Cruise Night. A motion was made by Keith Fox, seconded by Park W. Haverstick, II, to approve the request from Wengers of Myerstown to close Race Street between W. Carpenter Avenue and W. Park Avenue on Saturday,

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June 20, 2015 from 3:00 p.m. to 9:00 p.m. for the Annual Cruise Night with the rain date of June 27, 2015. All those in favor: Motion unanimously carried.

The Manager stated the Council previously approved the resolution for this Map Grant Program with a partnership with Lebanon County for the DCED's Municipal Assistance Program to implement a Circuit Rider Program, but since that time we have re-partnered with the City of Lebanon. With that, a new resolution is needed for that partnership for the program. A motion was made by Michael D. Behm, seconded by Keith Fox, to approve Resolution 2015-10 – Map Grant. All those in favor: Motion unanimously carried.

The Council President announced we will now take public comment on the following two (2) proposed Resolutions.

The Manager explained we will be reviewing two proposed resolutions to entertain additional public comment before adoption on the grant applications to DCNR (Department of Conservation and Natural Resources). Previously, a public meeting was held to proceed with the filing of the grants. The first grant application is for the planning grant, which is asking the Department of Conservation and Natural Resources to provide a 50% match to have the whole park system looked at to create a master park plan. The funds would allow the borough to find a planning consultant to come in and look at all of the park space and the potential space as ways to connect park systems and improve and enhance the existing park and open space in the municipality. The plan allows a municipality to get further grant opportunities, both State and Federal grants in order to grow the park system. The second resolution is a grant application for a 50% match for development of the renovation of the community swimming pool.

The Council President asked for any public comment on the two proposed resolutions. Councilmember Jeffrey L. Thomas asked if this is the last time we will have a consultant come in. The Manager stated it may be, but if amendments happen or additional land space is acquired there could be a future need. This type of recreation development activity is supported in the boroughs mini-comprehensive plan and is also in the Lebanon County comprehensive plan encouraging municipalities to develop. The Council President stated the borough has to do these studies in order for DCNR to give us the grant money. The borough didn't have these studies and tried to get funds before and couldn't because we didn't meet the requirements to qualify. Once we have the master plan it will be used for future grant requests. We do not have to go through another planning stage again it will already be in place. There were no additional comments.

The Council President asked to entertain a motion to approve the resolutions. A motion was made by Park W. Haverstick, II, seconded by Dana Reich, to approve Resolution 2015-12 for the DCNR (Department of Conservation and Natural Resources) Development Grant for the purpose of creating a master park plan. All those in favor: Motion unanimously carried. A motion was made by Keith Fox, seconded by Park W. Haverstick, II, to approve Resolution 2015-11 for the DCNR (Department of Conservation and Natural Resources) Planning Grant for the purpose of the revitalization of the swimming pool. All those in favor: Motion unanimously carried.

The deposit proposal from Fulton Bank was presented. The Council President explained this is tied into the Water Authority accounts for the lock box services to receive the water and sewer bills. The interest rate schedule was reviewed. A motion was made by Michael D. Behm, seconded by Jeffrey L. Thomas, to approve the Fulton Bank deposit proposal. All those in favor: Motion unanimously carried.

The Lebanon County Aid notification has been received. The Borough will receive \$3,062.00 of county aid. A motion was made by Jeffrey L. Thomas, seconded by Park W. Haverstick, II, to approve Resolution 2015-13 for the Lebanon County Aid Application. All those in favor: Motion unanimously carried.

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We received a Recreation Request Form from the Myerstown Legion Baseball. A motion was made by Keith Fox, seconded by Jeffrey L. Thomas, to approve the Recreation Request from the Myerstown Legion Baseball Association to use the Large South Baseball Field for the 2015 season. All those in favor: Motion unanimously carried.

Council may approve the hiring of the seasonal workers for the swimming pool and playground program. A list has been provided for the positions. A motion was made by Dana Reich, seconded by Jeffrey L. Thomas, to approve the hiring for the pool and recreation employees for the summer season. All those in favor: Motion unanimously carried.

Electric rates have been received from several companies. The Manager reviewed the rates. Upon review, Constellation Energy is the lowest price 0.06090 for 25 months. The Manager did review the terms of the contract. His recommendation is to go with the longest term of 49 months for the better rate of 0.06031. The Manager will recheck the contract to make sure the quote is for an all-in rate including the gross receipt tax. He is recommending the Council award the contract to Constellation Energy with the condition that the contract is truly a fixed in price – all-in rate and includes all fees and charges. Duane Andresen from Energy Professionals was present. He advised the Council he agrees to verify the quote is an all-in price. A motion was made by Park W. Haverstick, II, seconded by Dana Reich, to approve the quote from Constellation Energy for 49 months at 0.06031 with the condition the contract is an all-in rate, an all-inclusive fixed price. All those in favor: Motion unanimously carried.

James Litschi – 133 S. Locust Street – was present to request relief for their sewer bill. He explained they had two broken water pipes they were unaware of. The water did not enter or was not treated through the sewer system. A motion was made by Michael D. Behm, seconded by Keith Fox, to grant the relief for the sewer bill. All those in favor: Motion unanimously carried. The Council President explained to Mr. Litschi they will have to pay the water usage total and their normal quarterly billing total for sewer. The billing clerk will calculate and print a new bill reflecting the total due for usage.

The Council President read a resignation letter submitted by Councilmember Teresa Allwein. A motion was made by Keith Fox, seconded by Park W. Haverstick, II, to accept with regret the resignation letter from Teresa Allwein effective April 15, 2015. All those in favor: Motion unanimously carried.

#### EXECUTIVE SESSION:

The Borough Council recessed the regular meeting and entered into Executive Session at 8:15 p.m. to discuss acquisition of real estate.

The Borough Council returned from Executive Session at 8:25 p.m. reconvening the regular session and resumed consideration of and action on the regular meeting agenda.

#### ADJOURNMENT:

There were no additional comments for the good of the borough. A motion was made by Teresa Allwein, seconded by Park W. Haverstick, II, to adjourn the meeting at 8:26 p.m.

Lisa A. Brubaker  
Deputy Secretary

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