

Myerstown, PA
Tuesday, June 9, 2015

President Bryan L. Rittle called the regular monthly meeting of the Myerstown Borough Council to order at 6:32 p.m., on Tuesday, June 9, 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, Jeffrey L. Thomas, Dana Reich, Keith Fox, Mayor Gloria R. Ebling; Treasurer Lee C. Smith; Solicitor Frederick S. Wolf; Public Works Department Supervisor David C. Fake; Wastewater Department Supervisor Barry A. Ludwig; Code Enforcement Officer John Neely, Deputy Secretary Lisa A. Brubaker and Manager Christopher J. Moonis.

MINUTES:

A motion was made by Park W. Haverstick, II, seconded by Jeffrey L. Thomas, to dispense with the reading of and approve the minutes of the May 12, 2015 Regular Monthly Meeting All those in favor: Motion unanimously carried.

CITIZENS' AND VISITORS' COMMENTS:

There were no citizen comments.

EXECUTIVE SESSION:

The Borough Council recessed the regular meeting and entered into Executive Session at 6:34 p.m. to discuss personnel matters.

The Borough Council returned from Executive Session at 6:41 p.m. reconvening the regular session and resumed consideration of and action on the regular meeting agenda.

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. The Mayor gave comments from the State Police Community Awareness Bulletin regarding e-mail scams. Discussion was held regarding some police situations on Park Avenue and Cherry Street. There were no additional comments.

The State Police Report. There were no additional comments.

The Recreation Board Report. Councilmember Jeffrey L. Thomas reported the Public Works Department is working on the tennis court repairs for the placement of the pickleball court and the pool will be holding water aerobics classes. There were no additional comments.

The Code Enforcement Officer presented the report. Councilmember Michael D. Behm asked if a violation notice is sent, how it is determined where the letter is sent with having rental properties. The Code Enforcement Officer stated the property book provided by the county is used to determine the owners address and where the notice is sent. The Solicitor asked if there is an update on 212 W. Main Avenue. The Code

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Enforcement Officer stated the owner is complying with some of the violations and cleanup is happening. The Manager stated the Code Enforcement Officer will be visiting the property at the end of the week to follow up.

Wastewater Supervisor Barry A. Ludwig presented the report. The Council President asked how the remote access for the SCADA System is coming along. The Wastewater Supervisor is working with Siemens USA to get the system activated. The Borough was not the accepted bidder on the Jackson Township proposal. A letter was received from DEP (Department of Environmental Protection) stating the Chapter 94 Annual Report was acceptable. The Wastewater Supervisor stated he is just waiting for a start date from the contractor for the Broad and Cherry Street Wastewater line work. There were no additional comments.

The ARRO Engineering Report was presented. There were no additional comments.

Public Works Supervisor David C. Fake presented the report. Councilmember Park W. Haverstick, II asked questions concerning the complaints received regarding extending of the curb line on Main Avenue. Councilmember Dana Reich stated the mulch in the recreation area looks very good. The Public Works Supervisor stated millings were placed in Liebo Alley and it worked really well. Councilmember Jeffrey L. Thomas informed there is a tree in need of trimming in the alley between Park and Maple Avenue. It is causing a sight problem. The Public Works Director will check it. Councilmember Jeffrey L. Thomas asked does the Borough have an Ordinance regulating "Jake Brakes". The Ordinance will need to be reviewed to see if the Borough has any regulation.

Councilmember Keith Fox wanted to discuss the comment regarding the garbage collection. Councilmember Jeffrey L. Thomas stated the main issue is to keep the trucks out of the alleys. The companies are getting careless and the trash is falling out of the trucks. Councilmember Keith Fox stated if the Borough has one garbage collector you could hold them accountable. The Council President stated that may also provide a lower price for the Borough residents. More discussion may need to be done with a committee meeting. There were no additional comments.

The Solicitor's report was presented. He stated he was contacted by the Borough Auditor regarding the 501(c)3 designation. She will be giving information and direction on what is needed to complete the application with the IRS. The Council President informed the Council the members for the group are in place. Once we received the Auditors information then a meeting with those members should be held to finalize and approve the By-Laws and get the bank account opened for funds. Councilmember Park W. Haverstick, II asked if we are proceeding with the 301 S. Railroad Street property. The Solicitor stated we are waiting for the Sheriff Sale list. There were no additional comments.

The Manager gave a review of the Borough status. There is a need for discussion on placement of hitching posts for the businesses along Railroad Street and Main Avenue. There were posts on the property at the restaurant on Railroad Street, but the new operator has removed them. Some alternate areas for placement were discussed. After discussion, the Council agrees there should be posts placed and authorizes the Manager and Public Works Director to decide on the best area is for placement.

The Audit Reports for the Wastewater Funds and the Borough Funds have been received. The Manager asked if anyone has any questions on the audits prior to Council action later on the agenda. The Manager stated they were clean audits and recommends accepting them. The Borough received the official contract for the EIP III Grant (Early Intervention) and the Municipal Assistance Program Grant. The Manager will give comments on the parking lot matter on the agenda at that time. There were no additional comments.

Committee Reports: The Council President stated a new committee list has been provided. Some of these committees are scheduled monthly, which is on the Borough calendar that was provided at the beginning of the year. The other committees they will be notified when they need to meet.

Also the Isaac Meier Homestead picked Sam Schmucker as the contractor for the roof replacement.

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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 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. Councilmember Michael D. Behm and Keith Fox questioned some reimbursement check. One reimbursement is for eye care costs for an employee and the other is for summer employee's background checks. A motion was made by Keith Fox, seconded by Michael D. Behm, to approve payment of all invoices as listed. All those in favor: Motion unanimously carried.

COMMUNICATIONS:

The communications were reviewed. Councilmember Park W. Haverstick, II asked why does the grant award letters come addressed to the Mayor and not Council. Typically in Borough's and Cities, the Mayor is considered a "Strong Mayor" which oversees and runs the municipality, but our Borough is not. So the Council oversees and runs the Borough. 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:

We received the 2014 Audit Reports for the Borough and the Wastewater Treatment Facility. The Manager reported there were no significant findings and recommends the Council accept the Audit Reports. A motion was made by Michael D. Behm, seconded by Dana Reich, to approve the 2014 Borough Audits for the Borough Funds, Wastewater Funds and the Wastewater Treatment Report from Stanilla, Seigel and Maser, LLC. All those in favor: Motion unanimously carried.

The Solicitor stated the Manager has been working on the Zoning Text Amendment for the C-1 – Central Business District with the Lebanon County Planning Department and the Boroughs Planning Commission. A copy of the amendment was provided to the Council for review. Once the comments are received from the Lebanon County Planning and our Planning Commission, he would like the Council to authorize him to proceed with the advertising of the public hearing on the proposed Zoning Text Amendment and adoption of the Ordinance. The Manager explained this is the district targeted for economic development and you want as many acceptable permitted uses that you can. This is the area you want to target existing business growth and new businesses looking to come into this Central Business District. A motion was made by Keith Fox, seconded by Park W. Haverstick, II, to approve the Solicitor to draft and advertise the Zoning Text Amendment for the C-1 – Central Business District. All those in favor: Motion unanimously carried.

There are some additional workers, Payton Weit, Travis Houtz and Ryan Sullivan, to be considered for hiring for the swimming pool season. A motion was made by Dana Reich, seconded by Keith Fox, to approve the hiring of Payton Weit, Travis Houtz and Ryan Sullivan as pool employees for the summer season. All those in favor: Motion unanimously carried.

The Borough received a request from Landis Hesitand – 719 S. Railroad Street – requesting the placement of a handicap parking space in front of his property. Councilmember Keith Fox asked if Mr. Hesitand is aware of the fee and that the space is a public parking spot for anyone with a handicap plaque. Yes he has been made aware by the Manager. A motion was made by Keith Fox, seconded by Jeffrey L. Thomas, to approve the request from Landis Hesitand. All those in favor: Motion unanimously carried.

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Discussion was held on the borough parking lot. The Manager stated Councilmember Dana Reich brought a letter summarizing the issues at the borough parking lot on Main Avenue. The Manager feels the Borough should take a look at the usage of the lot. The lot is not fully utilized. There is an Ordinance setting the usage of the lot. Three hour parking limit from 8:00 a.m. – 5:00 p.m. and during the months from December 1 to March 31, there is no parking from 9:00 p.m. – 5:00 a.m. What the Manager likes about that lot is it is surrounded by a lot of businesses. Some of the business owners have had some concerns about their customers and employee parking needs. So giving there is thirty-six (36) spaces, minus one or two for the hitching posts, only a fraction of the spaces are being utilized on a regular basis. The Borough could issue parking permits at maybe \$10.00 - \$15.00 a month.

Could the Council remove the three hour parking limit and the restrictions during the winter season. New signs could read no parking during snow emergencies. If that was lifted it would eliminate parking problems. Sam Moyer asked how it would be enforced. If a business reserves a spot for their customer, how would you know that it is a customer parking in that space. There is a lot to consider. So after discussion, the Council will need more time to review the issue before deciding on any changes. Councilmember Keith Fox stated maybe Council should meeting for their Planning Meeting on Monday, July 13, 2015 to discuss the parking lot and garbage collection issues. Council agrees, they will meet on that date for those items to be discussed.

A request was received from the Myerstown Ministerium. They are planning to hold a Praise Festival on August 22, 2015. The request is to use the park and the pavilion with electric. The rental book was checked and there is a conflict for that day, the pavilion is already rented. A motion was made by Keith Fox, seconded by Park W. Haverstick, II, to approve the Myerstown Ministerium Praise Festival Event contingent upon an agreeable date set with the Borough. All those in favor: Motion unanimously carried.

Additional lighting in the park area was discussed.

Arlene Fisher – 27 W. Main Avenue - asked why the borough does not have a Street Fair. The Council President stated someone would be needed to organize and raise funds for such an event. The Borough does have a new organization being formed. This type of event may be something they may consider doing.

Sam Moyer discussed the extending of the yellow curb line at his rental property at 204 E. Main Avenue. With the extension of the no parking zone, the parking area has been reduced and his tenants feel it is too far for them to walk from outback to the house. Mr. Moyer did speak with the Public Works Supervisor and the Borough Manager to see if the yellow lined area could be shortened just to give the tenants a spot. The Borough had received complaints on a sight distance problem and not being able to see pulling out from Broad Street. The Borough Manager and the Public Works Supervisor will revisit the area.

Ronald Ream – 621 S. Railroad Street – stated if the Borough could do anything regarding the “Jake Brake” issue it would help. After the Ordinance review, maybe a letter could be sent to the companies asking them to ask the drivers to refrain from using the “Jake Brake” and be considerate of the town. Staff will do some research on this issue.

EXECUTIVE SESSION:

The Borough Council recessed the regular meeting and entered into Executive Session at 8:02 p.m. to discuss police and personnel matters.

The Borough Council returned from Executive Session at 8:38 p.m. reconvening the regular session and resumed consideration of and action on the regular meeting agenda.

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Discussion was held on how to deter speeding. Stop signs and speed bumps were discussed. Traffic Studies, requirements, materials, height and costs were reviewed.

The Manager gave an update on the new business coming to Main Avenue, Enck Gun Barn. The owner has received all of their permits for the main part of the facility. Mr. & Mrs. Enck have provided information on the proposed gun range. Under the current Ordinance, the Zoning Officer determined, to place the range they will need to apply for a Variance to the Zoning Hearing Board, but they did want the Council to have this information on the proposed shooting range.

ADJOURNMENT:

There were no additional comments for the good of the borough. A motion was made by Park W. Haverstick, II, seconded by Keith Fox, to adjourn the meeting at 8:53 p.m.

Lisa A. Brubaker
Deputy Secretary

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