

Myerstown, PA
Tuesday, July 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, July 14, 2015. 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, 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; Code Enforcement Officer John Neely, Deputy Secretary Lisa A. Brubaker and Manager Christopher J. Moonis. Absent were: Vice President Michael D. Behm, and Wastewater Department Supervisor Barry A. Ludwig.

The Regular Monthly Meeting minutes for June 9, 2015 were presented. A motion was made by Park W. Haverstick, II, seconded by Keith, to dispense with the reading of and approve the minutes of the June 9, 2015 Regular Monthly Meeting. All those in favor: Motion unanimously carried.

The Council President opened the floor for Citizens and Visitors Comments:

Phyllis Oxenrider – 120 E. Main Avenue – asked if the Council is aware of the group of people soliciting in the Borough. The Borough is aware of the group and they do not have a soliciting permit. She also wanted to discuss if better signage could be placed stating the One-Way direction on Cherry Street. The Manager stated the area will be checked.

Susan Weiss – 305 S. Railroad Street – asked if there is any information on the property at 301 S. Railroad Street, if the building is going to be torn down this summer. The President stated the property is going to Sherriff Sale in October.

David Risser – 325 S. Cherry Street – asked if you may have a burning barrel. The President stated there is no burning of refuse. A property owner may have an approved fire pit. The Code Enforcement Officer stated the fire pit must be 15 feet away from any structures or combustible materials, a fire pit must be attended, and have the means of extinguishing it upon request. Mr. Risser stated 13 E. Maple Street is burning every Friday afternoon. The Code Enforcement Officer will visit the property. Mr. Risser also asked when is the deadline for property owners to have their curb and sidewalks done on Cherry Street. The Manager did not have the exact date but believes it is August 15 or 16. He was concerned that the corners have not been done yet. The corners are the Boroughs responsibility and will be completed before the paving proceeds.

Phyllis Oxenrider asked if someone has an approved fire pit, may it be burning all night long and is there a requirement on a distance. The Code Enforcement Officer stated yes, the distance of 15 feet, but there is no time limit as long as someone is attending it. The Code Enforcement Officer stated he would need to check the code book.

Councilmember Park W. Haverstick, II exited the meeting at 6:45 p.m.

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 spring scams. The ammunition has been sold and the Solicitor has prepared a Resolution to support the sale formally.

The State Police Report. There were no comments.

Councilmember Park W. Haverstick, II reentered the meeting at 6:52 p.m.

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The Recreation Board Report. Councilmember Jeffrey L. Thomas reported there was no Recreation Board meeting in July. The Public Works Department Supervisor stated the placement of the pickleball court has been completed on one (1) of the tennis courts and the next court will soon be started.

The Wastewater Report was presented. The Wastewater Department Supervisor was not present, due to vacation time. The Solicitor stated the Local Limits are changing and a Resolution will need to be adopted. The Manager stated this item on the Agenda.

The ARRO Engineering Report. There were no comments.

Public Works Supervisor David C. Fake presented the report. Councilmember Jeffrey L. Thomas stated there is not enough parking spaces on Cherry Street now. Only allowing parking on one side of the street during the winter season would create even more problem. If snow emergencies were called, the Public Works Department would not have problems plowing. There were no additional comments.

The Solicitor's report was presented. The Manager informed the Solicitor that the Quaker Alloy's property has been paid in full and they are being billed accordingly. Councilmember Dana Reich asked if Quaker Alloy would be required to clean up the property. The Manager stated they are under the same Property Maintenance Code as the rest of the Borough for the portion that is in the Borough. Most of the property is in Jackson Township. The Code Enforcement Officer will look at the property.

The Manager gave a report. The Manager wanted to put on the record regarding chickens in the borough. Section 27, Part 18, 27 -1822 - Animals and Poultry – was reviewed and the raising of chickens is prohibited within the Borough. That is currently on the book, but the Manager is recommending that the Council may want to consider amending Chapter 2, Part 3, Section 2-301, of the code – Keeping of Hogs and re-title it – Keeping of Non-Domesticated Animals. Then in the first line of that section, change the word hogs to Non-Domesticated Animals. The Managers position is that someone may not keep chickens within the Borough of Myerstown.

Committee Reports:

The President stated the Isaac Meier House awarded the roof replacement contract to Smucker's & Sons Construction and the replacement will be started within the next three (3) weeks.

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 Jeffrey L. Thomas, 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 Dana Reich, seconded by Keith Fox, to approve payment of all invoices as listed. All those in favor: Motion unanimously carried.

The communications were reviewed.

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.

The Council President proceeded to the agendas order of the business;

A request for a Driveway Permit was received from Mary Peiffer – 125 N. Railroad Street – the request is for alterations to her driveway which is located at the rear of the property. She would like to remove the existing materials and place concrete. They would also like to extend the pad about 16 inches. The request was presented to the Borough Planning Commission and approved by them at their June 22, 2015 meeting. A drawing and pictures of the property was given for review. A motion was made by Keith Fox, seconded by

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Dana Reich, to approve the permit for the alterations and extension of the driveway area for Mary Peiffer – 125 N. Railroad Street. All those in favor: Motion unanimously carried.

Last month, an event request was received from the Myerstown Ministerium to hold a Praise Festival. The rental book was checked and there was a conflict for that date. The office contacted them and they are requesting to move the event to August 29, 2015 starting at 4:00 p.m. They have also asked if the rental fee for the pavilion could be waived. A motion was made by Park W. Haverstick, II, seconded by Keith Fox, to approve the request to use the park area for a Praise Festival on August 29, 2015 from the Myerstown Ministerium and waive the fee for the pavilion rental. All those in favor; Motion unanimously carried.

An event request was received from Wengers of Myerstown. They are planning to hold a Tractor Cruise Parade on August 29, 2015. The request is to close S. Race Street between W. Park Avenue from 11:00 a.m. – 9:00 p.m. with the parade starting at 3:00 p.m. A motion was made by Jeffrey L. Thomas, seconded by Keith Fox, to approve the event request from Wengers of Myerstown for the 1st Annual Tractor Cruise Parade on August 29, 2015. All those in favor: Motion unanimously carried.

We received a request from the Isaac Meier Homestead for their Annual Country Fair. A motion was made by Keith Fox, seconded by Park W. Haverstick, II, to approve the request from the Isaac Meier Homestead for their Annual Country Fair on Saturday, September 26, 2015 from 9:00 a.m. to 4:00 p.m. All those in favor: Motion unanimously carried.

We received an Agility Agreement from the PA Department of Transportation. A motion was made by Keith Fox, seconded by Dana Reich, to adopt Resolution 2015-14 authorizing the Agility Agreement with the PA Department of Transportation. All those in favor; Motion unanimously carried.

The Manager explained the Procurement Card Program. The program is through PLGIT. They provide a card service program that allows Borough employees that are approved by Council and Administrated by the Borough Manager with the Deputy Secretary as a backup administrator, to purchase goods and services. Having this MasterCard will save time when purchasing is needed and gives an opportunity to manage better internal controls and efficiency. A motion was made by Park W. Haverstick, II, seconded by Dana Reich, to adopt Resolution 2015-15 to approve the Procurement Card Program. All those in favor: Motion unanimously carried.

The Wastewater Supervisor received new Local Limits for Pre-Treatment. A Resolution to revise the Local Limits would need to be adopted. A motion was made by Keith Fox, seconded by Park W. Haverstick, II, to adopt Resolution 2015-16 - to revise the Local Limits regarding the Molybdenum and Zinc Limits. All those in favor: Motion unanimously carried.

A letter of interest to serve on the Borough Council has been received from Vince Podolski. The vacancy was created due to the resignation of Teresa Allwein. A motion was made by Dana Reich, seconded by Park W. Haverstick, II, to adopt Resolution 2015-17 – to appoint Vince Podolski to the Borough Council with the term expiring December 31, 2015. All those in favor: Motion unanimously carried.

The Wastewater Project contractor Mr. Rehab has requested the first pay application for the project. The request is for \$16,594.11. A motion was made by Park W. Haverstick, II, seconded by Keith Fox, to approve the payment request from Mr. Rehab for \$16,594.11 for the Wastewater Project. All those in favor: Motion unanimously carried.

The Manager informed the Council the project costs were budgeted and will transfer the proceeds from the 2007 Series Revenue Bond Fund to the Sewer General Operating Fund.

The Manager is requesting the Council approve to draft and advertise a text amendment to Chapter 15, Part(s) 9, Parking of Commercial Equipment and 10, Recreational Vehicles. A motion was made by Keith Fox,

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seconded by Dana Reich, to approve to draft and advertise a Text Amendment to Chapter 15, Part(s) 9, Parking of Commercial Equipment and 10, Recreational Vehicles. All those in favor: Motion unanimously carried.

The Manager is requesting the Council approve to draft and advertise a text amendment to Chapter 27, **Part 1, Section 27-101** – Definitions **and Section 27- 1822 – Animals and Poultry.** **The Manager is also requesting Council approve to draft and advertise a text amendment to Chapter 2, Part 3, Section 2-301 – Keeping of Hogs.** A motion was made by Park W. Haverstick, II, seconded by Keith Fox, to approve to draft and advertise text amendments to Chapter 27-101, Part 1 – Definitions, **Section 27- 1822 – Animals and Poultry, and Chapter 2, Part 3, Section 2-301 – Keeping of Non-Domesticated Animals.** All those in favor: Motion unanimously carried.

The Solicitor stated the Zoning Text Amendment for the C-1 – Central Business District has been advertised for adoption by Ordinance 828. The Borough Planning Commission is recommending approval. Lebanon County Planning has stated they may have comments but are not opposed to the adoption. The Solicitor asked if anyone has any question or comments. There were none. A motion was made by Keith Fox, seconded by Dana Reich, to adopt Ordinance 828 – to approve the Zoning Text Amendment for the C-1 – Central Business District. All those in favor: Motion unanimously carried.

The Council approved the sale of the ammunition at their July 13, 2015 Planning Meeting. The Solicitor stated under the Borough Code a Resolution is needed when selling personal property under \$1,000.00. A motion was made by Park W. Haverstick, II, seconded by Jeffrey L. Thomas, to adopt Resolution 2015-18 – to approve the sale of the ammunition to Lauck's Sporting Goods for \$135.00. All those in favor: Motion unanimously carried.

The Council President stated agenda item # 33 – discussion on general parking issues in the E. Main Avenue Lot - was tabled until better language is received.

The Council President stated agenda item #34 - the Borough's Insurance Coverages was tabled with all policies being extended until October 1, 2015 to allow for pricing to be received.

A letter of interest to serve on the Borough Zoning Hearing Board has been received from Barry Lutz. The Council President asked if anyone would like discussion or make the appointment. A motion was made by Dana Reich, No second was received. The motion fails for lack of second.

Tom Houtz from the Myerstown Activity Network entered the meeting to ask for permission for the annual events for the year.

Myerstown Night Out, they would need Center Street closed. A motion was made by Park W. Haverstick, II, seconded by Keith Fox, to approve Myerstown Night Out for Tuesday, August 4, 2015 from 5:30 p.m. to 8:00p.m. All those in favor: Motion unanimously carried.

The Holiday Parade, a parade route map and registration forms were given. A motion was made by Park W. Haverstick, II, seconded by Dana Reich, to approve the Holiday Parade for Saturday, November 28, 2015 forming at 2:30 p.m. and starting at 3:30p.m. All those in favor: Motion unanimously carried.

New Year's Eve Drop will be held in the park and parking lot. A motion was made by Park W. Haverstick, II, seconded by Keith Fox, to approve the New Year's Eve Drop for Thursday, December 31, 2015 starting at 11:00 p.m. All those in favor: Motion unanimously carried.

The Council 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 7:32 p.m.

Lisa A. Brubaker
Deputy Secretary

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