

Myerstown, PA
Tuesday, September 8, 2015

President Bryan L. Rittle called the regular monthly meeting of the Myerstown Borough Council to order at 6:33 p.m., on Tuesday, September 8, 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, 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. Absent was Councilmember Vince Podolski.

The Meeting Minutes for August 11, 2015, August 13, 2015 and August 25, 2015 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 the August 11, 2015 Regular Monthly Meeting, August 13, 2015 Special Meeting and the August 25, 2015 Special Meeting. All those in favor: Motion unanimously carried.

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

Mike Koppenhaver – 401 W. Main Avenue – asked which engineering firm is doing the traffic study that suggested the speedhumps, because he is against them being placed. The Council President stated no engineering firm is doing a traffic study. The speedhumps were placed mainly because of speed on Locust and Railroad Street, but a traffic study is being done in the same area for stop signs. A child was almost hit on Locust Street because of the speeders not abiding by the speed limit. The Council felt they needed to do something before a child got hit. It was asked where are the State Police, the Council President stated the police cannot be everywhere at all times. They do patrol but they are not going to catch every speeder, so why not make the effort to try to slow down traffic. If stop signs are added then maybe the speedhumps may not be needed. Information from the traffic study may be available at the October meeting.

Councilmember Park W. Haverstick, II stated he understands the frustration but there is a speeding problem - it is a safety issue. This is a solution and the speedhumps are removable. So Council is trying to do something.

The Manager stated a local government support group, LTAP, provides municipal assistance and training especially in the area of Public Works and safety. One of the things they do is provide speed measuring devices and help do traffic studies at no cost.

Phyllis Oxenrider – 120 E. Main Avenue – questioned how the consultant for the strategic plan is being paid. The Manager stated the funds are part of the E.I.P. I grant the Borough received. Ms. Oxenrider stated she is also against the speedhumps.

Terry Wolfe – 17 S. Cherry Street – is concerned with the way the handicap ramps are being placed on Cherry Street. He replaced sidewalk at his property and now the contractor doing the ramps has torn out a quarter of the sidewalk that was replaced. The Manager stated there has been some areas that have been replaced that are now being torn out to get the proper slope needed for ADA compliance. The Manager stated the owner should get an estimate of the cost and provide a written request to the Council and they can review and decide if a reimbursement should be considered. Mr. Wolfe is not in favor of the speedhumps.

Ron Ream – 621 S. Railroad Street – asked if the Borough is replacing curb and sidewalk on private property on Cherry Street. He thought that curb and sidewalk was the property owner's responsibility. The Manager stated there is an area where the Borough is doing work because the Borough decided to change the roadway, making it smaller and because of this, new curb and sidewalk need completed. There were also test cuts done and it was found the curbing was failing and was placed in the bid. These areas were tested because the Borough Engineer suspected curb depth was inadequate. Mr. Ream said he feels the speedhumps are going in the right direction for stop sign placement.

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Arlene Fischer – 27 W. Main Avenue – people are driving the wrong way in Liebo Alley at the old shirt factory. The Public Works Director stated there is signage marking it as a one way.

Dave Risser – 325 S. Cherry Street - stated he has had sidewalk replaced and it is now marked to be torn out. The Manager stated the owner should get an estimate of the cost and provide a written request to the Council and they can review and decide if a reimbursement should be given. He also stated there are potholes in the alley at Railroad Street and Park Avenue. The Public Works Supervisor stated there is no cold patch available and they are waiting until the plant has some available for purchase.

The Council received reports from the Mayor, Department Supervisors, Manager and the Solicitor. 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 also gave comments from the State Police Community Awareness Bulletin regarding an Internal Revenue scam.

Councilmember Jeffrey L. Thomas stated minibikes are getting worse. The Council President stated the State Police should be called, but if he can provide the name and address of the person, the Code Enforcement Officer can send a letter stating that it is against the law and they are liable and could be fined. He also stated the fires in town are getting worse. Some are 6 feet high. The Council President recommended the fire department should be called.

Wastewater Supervisor Barry A. Ludwig presented the report. The Delaware River Basin discharge permit renewal application is due by September 2016. The application is due one (1) year prior to the existing permit expiration. So he will start working on the application in January.

The ARRO Engineering Report. No report was received.

Public Works Supervisor David C. Fake presented the report. Councilmember Keith Fox asked if any of the violators noted in the Public Works report have been cited by the Code Enforcement Officer. The Code Enforcement Officer stated he is working on them and will be going to speak to the owner's this week.

Councilmember Jeffrey L. Thomas stated in the Public Works Supervisor report, he has commented on sending out a newsletter, he thinks that is a good idea. Councilmember Dana Reich stated she agrees. The Council President stated it could be done. The reason it was stopped was the cost of printing and mailing. Someone would have to be in charge of writing the newsletter; are they stepping up and volunteering to take on the project. Costs could be looked at again.

The Solicitor's report was presented. The Council President asked if there are still issues at 3 E. Mill Avenue. The Code Enforcement Officer stated that is in compliance and closed. The Manager requested an executive session be held later to discuss legal matters and acquisition of real estate.

The Manager gave a report. The Manager provided an update and timeline for the ADA Ramps, sidewalk, curbing and road project completion; The dates for the scheduled budget meetings in October and November were reviewed; Council was asked to check their availability to schedule another meeting at the end of September to meet with the consultant to continue with the strategic planning; He should be receiving information from the school district from their meeting regarding their property on Railroad Street later this week; The Manager will provide the information received from LTAP from the Traffic Impact Studies at the October meeting, if available.

Committee Reports: The Council President stated the Isaac Meier House roof replacement has been finished.

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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 Keith Fox, 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 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;

The Borough Insurance Policy renewals were reviewed. Two competitive quotes were received. Greg Zinn was present to discuss the quote from his company and answer any questions. The quote from Zinn Insurance is \$66,473.00 and the quote from Richard I. Hart is \$64,492.00. A motion was made by Park W. Haverstick, II, seconded by Michael D. Behm, to approve the insurance policies renewal with Zinn Insurance. All those in favor: Motion unanimously carried.

The Solicitor has advertised for adoption the Text Amendment to Chapter 15, Part 9 – Parking of Commercial Equipment by Ordinance 829. The Council President asked if anyone has any question or comments. After review and discussion, a motion was made by Keith Fox, seconded by Park W. Haverstick, II, to adopt Ordinance 829 – the Text Amendment to Chapter 15, Part 9 – Parking of Commercial Equipment. All those in favor: Motion unanimously carried.

The Solicitor has advertised for adoption the Text Amendment to Chapter 15, Part 10 – Recreational Vehicles by Ordinance 830. The Council President asked if anyone has any question or comments. After review, a motion was made by Dana Reich, seconded by Jeffrey L. Thomas, to adopt Ordinance 830 – the Text Amendment to Chapter 15, Part 10 – Recreational Vehicles. All those in favor: Motion unanimously carried.

The Solicitor has advertised for adoption the Text Amendment to Chapter 2, Part 3 – Keeping of Hogs to Non-Domestic Animals by Ordinance 831. The Council President asked if anyone has any question or comments. After review, a motion was made by Park W. Haverstick, II, seconded by Dana Reich, to adopt Ordinance 831 – the Text Amendment to Chapter 2, Part 3 – Keeping of Hogs to Non-Domestic Animals. All those in favor: Motion unanimously carried.

The MMO (Minimum Municipal Obligation) Calculations for the Manager, Non-Uniform and Uniformed Pension Plans have been prepared. A motion was made by Park W. Haverstick, II, seconded by Michael D. Behm, to approve the MMO Calculations for the Borough pension plans. All those in favor: Motion unanimously carried.

Trick or Treat Night was discussed. Lebanon County has set trick or treat for Thursday, October 29, 2015. A motion was made by Keith Fox, seconded by Jeffrey L. Thomas, to set Trick or Treat Night for Thursday, October 29, 2015 from 6:00 p.m. to 8:00 p.m. All those in favor; Motion unanimously carried.

The Borough received a request from Shirley Gettel – 20 E. Park Avenue – requesting the placement of a handicap parking space in front of her property. Ms. Gettel is aware of the fee and that the space is a public parking spot for anyone with a handicap plaque. A motion was made by Park W. Haverstick, II, seconded by Dana Reich, to approve the request from Shirley Gettel for a handicap parking space. All those in favor: Motion unanimously carried.

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Councilmember Jeffrey L. Thomas asked how many handicap spaces are we going to allow in the Borough, so there is not a large amount of handicap spaces limiting the street parking. The Manager stated we do look at the street, the area, and the parking situation to try to be reasonable with the request. If there is no longer a need for that handicap spot and parking in that area is congested, the Borough can remove the parking restriction.

The Borough received the application from CDBG (Community Development Block Grant). The Manager stated the Borough currently has prior year monies available to be used in the Low/Mod Sector per the Census Tract. A map was provided to show where the Low/Mod Sector is located in the Borough. Funding can be used for any approved project which would directly benefit residents in that sector. The application presented would be asking for additional funding and could be used in conjunction with the prior funding currently available. The funds could be used on roadwork. It is still unclear if income surveys are required, the Borough may or may not need them. The application is due by October 8, 2015. A motion was made by Michael D. Behm, seconded by Jeffrey L. Thomas, to approve the submission of the application for the Community Development Block Grant. All those in favor: Motion unanimously carried.

The Manager explained the reimbursement estimate for sidewalk and curbing for David Neuman. He recommends the reimbursement come from the Project Contingency Funds. A motion was made by Park W. Haverstick, II, seconded by Keith Fox, to approve the reimbursement estimate for curb and sidewalk for David Neuman. All those in favor. Motion unanimously carried.

The Manager requested Council approve the membership application to the Lebanon Valley Chambers of Commerce. The Manager explained that joining the local chamber is an opportunity for the Borough to develop links to business owners and non-profits within Lebanon County. As the Borough develops their Economic Development Program, the Borough would want to do as much advocacy reach out to let people know what the Borough is doing and the Chamber is a good resource. The Manager pointed out that one of the leaders of the Lebanon Chamber was present.

Steven Goodhue stated he is the Ambassador to the Chamber and would be glad to discuss what the Chamber does and would personally meet with Borough representatives to help the Borough interface with the Chamber. A motion was made by Michael D. Behm, seconded by Dana Reich, to approve the application to join the Lebanon Valley Chamber of Commerce. All those in favor. Motion unanimously carried.

The Council President presented the resume of Michael McKenna for the position of the Business Circuit Rider for Myerstown Borough/City of Lebanon under the DCED's Municipal Assistance Program Grant program on a part-time basis. A motion was made by Park W. Haverstick, II, seconded by Keith Fox, to hire Michael McKenna as the Myerstown Borough/City of Lebanon Business Circuit Rider. All those in favor. Motion unanimously carried.

Resolution 2015-19 – Wage Resolution - has been amended to reflect the hiring of the Circuit Rider. A motion was made by Michael D. Behm, seconded by Jeffrey L. Thomas, to approve Resolution 2015-19 amending the wage and salary rates for the Borough employees. All those in favor: Motion unanimously carried.

A request is being made to Council to approve a \$5,000.00 grant to the newly formed 501(c)3 Group, the Myerstown Community Association (M.C.A.) for the non-profit purpose to help the group help pay initial expenses. A motion was made by Keith Fox, seconded Michael D. Behm, to authorize the transfer of \$5,000.00 to the M.C.A. Group. All those in favor. Motion unanimously carried.

Funds have been appropriated under the budget for the coming Sestercentennial of the Borough. The Manager is suggesting Council authorize the creation of a separate bank account and transfer the Borough's

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budgeted amount of \$10,000.00 to open the account. The Council would like the funds earmarked in the General Fund Budget until needed.

The Manager explained per the Borough Audit Report's it has been recommended the Council adopt an investment policy. An investment policy includes a list of authorized investments, the purpose and scope outline, and what the objectives are. Having this policy enables the Manager to work with financial institutions and Management Companies that the Council may authorize to help manage the Borough finances and investments. The Solicitor agrees with the Manager that an investment policy should be adopted. A motion was made by Dana Reich, seconded by Michael D. Behm, to adopt the Investment Policy 2015-09-08. All those in favor. Motion unanimously carried.

Steven Goodhue from Edward Jones was present to discuss investments of Borough funds. The Council President asked with any investments made, what will the liquidity be if the funds are needed at any time. Steven Goodhue reviewed the type of investments that can be made under the PA State Law. With these type of investments, you can target to the week in which the funds mature. When investments are made he will make sure the liquidity needs meet the Borough needs and if there is an emergency any investments can be sold any business day with no penalties. Investments will be FDIC Insured and US Government Insured. A motion was by Jeffrey L. Thomas, seconded by Keith Fox, to have Steven Goodhue from Edwards Jones act as the Borough Investment Counselor in accordance with the adopted Investment Policy and Borough Code. All those in favor. Motion unanimously carried.

The Manager informed the Council next month a public hearing will be held for Ordinance 832 for the text amendment to Chapter 27, Part 1 Definitions and Part 18 – Animals and Poultry. Lebanon County Planning and the Borough Planning Commission will be reviewing both amendments.

The Public Works Supervisors asked if there is anything the Public Works Department needs to do for the Jaycee event on Saturday, September 12, 2015. The Council President stated Center Avenue will need to be closed. The Public Works Supervisor stated he will have the construction equipment moved to the Public Works garage parking lot.

A question was asked who pays for the renovations to the Isaac Meier House. The Council President stated the Isaac Meier Homestead Group, they raise all their own funds.

Councilmember Jeffrey L. Thomas asked where the Council is at with garbage trucks in the allies. The Council President stated no decision was made from the prior discussion. Councilmember Jeffrey L. Thomas stated it was pushed aside and if it wouldn't be for the State putting the corners in we would be responsible for paying for the corners that the garbage trucks are constantly driving over. If we are putting new concrete in and it is now his responsibility then he does not want the trucks on it, so something needs to be done.

The Council President stated the group of Councilmembers that were present at the meeting when this topic was discussed gave several options. One option was to go to a single hauler, with the trash removal being bid out. Another option was that trash pickup would be pickup on the streets and not the allies anymore. Council could limit trash pickup to a single day during the week but with multiple haulers you would have a cluster. It was asked what would be done for a property that is in an alley. How would they have trash pick-up. The Council President stated that is one of the issues along with dumpsters.

The President asked the public that was present, do they have any ideas or what their thoughts are on this issue. As stated here tonight about alley conditions, potholes, and the trucks are ruining the roadway. Does everyone want the same hauler? Councilmember Keith Fox stated he is in favor of a single hauler but not in favor of trash pickup on the streets. He feels town will look like a big dump. Councilmember Michael D. Behm stated his pickup has always been in front of his house on the street because he doesn't have an alley.

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The Council President asked what does the group want done. The Manager stated staff could develop an RFP (Request for Proposal) and bring it to Council for review.

The Borough Council recessed the regular meeting and entered into Executive Session at 8:24 p.m. to discuss legal matters and acquisition of property.

The Borough Council returned from Executive Session at 9:49 p.m. reconvening the regular session and resumed consideration of and action on the regular meeting agenda.

The Mayor asked if the Borough would donate to the 140th year celebratory banquet for the Keystone Hook and Ladder Company. A motion was made by Michael D. Behm, seconded by Keith Fox, to approve a donation of \$250.00 to the Keystone Hook and Ladder Company Banquet. 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 Michael D. Behm, seconded by Jeffrey L. Thomas, to adjourn the meeting at 9:53 p.m. All those in favor: Motion unanimously carried.

Lisa A. Brubaker
Deputy Secretary

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