

Myerstown, PA
Tuesday, November 10, 2015

President Bryan L. Rittle called the regular monthly meeting of the Myerstown Borough Council to order at 6:32 p.m., on Tuesday, November 10, 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, Vince Podolski, 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.

The Meeting Minutes for October 12, 2015, October 13, 2015, October 14, 2015 and October 21, 2015 were presented. A motion was made by Michael D. Behm, seconded by Keith Fox, to dispense with the reading of and approve the minutes of the October 12, 2015 Budget Meeting, October 13, 2015 Regular Monthly Meeting, October 14, 2015 Budget Meeting and October 21, 2015 Budget Meeting. All those in favor: Motion unanimously carried.

The Council President opened the floor for Citizens and Visitors Comments: There were no comments.

The Council received reports from the Mayor, Department Supervisors, 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.

No State Police Report was received.

Wastewater Supervisor Barry A. Ludwig presented the report. The letter from Tech Cast addressing their PH levels was discussed. The Wastewater Supervisor stated there levels are getting better and will continue to work on the issue. The Sewer Advisory meeting will be held on November 16, 2015 at 6:30 p.m. at the plant. A pay application was received from EK Services for \$50,076.66 for their final payment. The Wastewater Supervisor and the Engineer have reviewed and recommend the request be paid. A motion was made by Keith Fox, seconded by Park W. Haverstick, II, to pay the payment request for \$50,076.00 from EK Services. All those in favor: Motion unanimously carried.

No ARRO Engineering Report was received.

Public Works Supervisor David C. Fake presented the report. The first shipment of cold patch has been received and the speed humps have been removed for the winter season.

The Solicitor's report was presented. An updated Delinquent Accounts List was given. The Council President read the Sheriff Sale for 301 S. Railroad Street was postponed until December, he asked the Solicitor if we have the date for December. The Solicitor stated we are waiting for the court to enter the order that when the property goes back to Sheriff Sale it will be sold free and clear of all liens except the Borough's Lien. The Manager stated the date is December 3, 2015.

The Manager gave a report. He asked Council to review the excerpt from the Borough Code Book regarding the moratorium requirement for streets. The requirement is in the Borough Code Book, Chapter 21, Streets and Sidewalks, Section 21-102.- Permit Required to Excavate in Street or Alley; Special Provisions for Street or Alley Improved Within 5 Years. The moratorium starts from the day of paving completion. The paving completion date for Broad and Cherry Street was November 6, 2015.

The Manager stated he has a brief Budget message. The budgets are being introduced with no increase to taxes and no increase to wastewater fees. He gave an overview of the income and expenditures

Myerstown, PA
Tuesday, November 10, 2015

for the General Operating and Wastewater Operating Funds. The Budgets will be advertised and opened for inspection. The Manager thanked the Council for their work in preparing the 2016 Budgets.

The Council President proceeded to the Committee Reports:

Councilmember Jeffrey L. Thomas gave a recreation report. The Holiday Contest submission deadline date is December 15 with judging on December 20, 2015. The merry-go-round was removed from the playground area because it was found it did not meet requirements. The Recreation Board would like to know if a new merry-go-round could be placed. The Manager will contact the insurance company regarding liability issues. The leftover items from the snack bar, will they be sold and the proceeds go back to the pool account. The Manager stated items have been and are being sold. The proceeds are going back into the pool account. The Council President stated for 2016, the Recreation Board would like to meet at 6:30 p.m. instead of 7:00 p.m. The office will make that change in the meeting advertisement and calendar.

Council President Bryan L. Rittle stated the Isaac Meier House will be opened after the parade and tree lightening on November 28, 2015.

Treasurer Lee C. Smith prepared and presented Borough Council with the monthly Treasurer's Report. The Manager noted the investments have been added as a line item on the report. Monthly information will be given to the Treasurer and Council on all of the investments. A motion was made by Park W. Haverstick, II, seconded by Michael D. Behm, 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. Two bills were discussed. The C.J. Wagner bill was for repair work to the Public Works vehicle (MB10) 2009 GMC truck, and the other bill from John Wentzel's Body Shop was for repair work from an accident to the Public Works vehicle (MB10) 2009 GMC truck. A motion was made by Keith Fox, seconded by Jeffrey L. Thomas, 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:

Mark Harman from ARRO Consulting was present to discuss the MS-4 Stormwater report and provide an update on the new requirements. The update addressed the statues of the Borough's MS-4 Program and outlined changes to the way the MS-4 Annual Report will be submitted in 2016. The Stormwater Permit is issued for five (5) years, but the report is submitted every other year for the Borough. The Borough is being proactive in regards to Stormwater. After meeting with the Manager and Borough staff, the main goals were identified. There are long and short term goals, the Borough plan will be an evolving plan, showing goals and then how those goals are being achieved. The following goals have been identified:

- Update the MS-4 map
- Evaluate potential sources that could contribute to local impairments
- Develop framework to support short and long term goals
- Establish a yearly benchmark to demonstrate achievements that move the Borough closer to the long term goals
- Create standard operating procedures
- Schedule an audit of the municipal facilities
- Create a policy binder
- Review and update website

Myerstown, PA
Tuesday, November 10, 2015

Each year the MS-4 Report will look at past, present, future, and what will be done to continue evolving the Borough's MS-4 plan to achieve the goals and keep the Borough compliant with regulations.

Mr. Harman asked for any questions or comments. Councilmember Park W. Haverstick, II stated nitrates are a problem. How would DEP or EPA want to end nitrate introduction in the ground water, and what are the foreseeable issues for Myerstown that we would need to address? The Consultant stated the idea is to identify the hot spots/problem areas where something like nitrates are coming from and it may be outside of the Borough boundaries. Typical or potential problems for the Borough are street sweeping, clean up of materials, and maintenance of system. In the park area, placement of buffers near the stream would create a reduction in runoff. The Public Works Department will be a large part of compliance for the MS-4 plan.

Council President Bryan L. Rittle questioned if something like nitrates are discovered coming from outside the Borough limits. How is that the Borough's responsibility or how does the Borough address it? The Consultant stated it is not for you to address it, but DEP just wants you to define where the Borough hot spots are. The Council President asked what about Manufacturing Companies that are not in the Borough but their discharge gets into our area, would we be fined? The Consultant stated no, you only have control over your MS-4 area, which stops at your boundaries. Even if the drainage area may extend beyond your boundaries, you are only responsible for your boundaries.

The Council President questioned if MS-4 should go to an Authority, is this something the consultant thinks will happen in this area? Would we have to form or conjoin with another Authority to oversee the operations of MS-4. The Consultant feels we may be headed that way. There has to be a way to pull some funds to be able to accommodate it; But believes it is a long way away from that happening. There is so much framework that would have to be put into place before it would be institutionalized.

The Solicitor stated the State Legislature amended the Municipal Authorities Act to allow municipal authorities to handle MS-4 programs for the municipality. Some of the municipalities he is involved with have amended their Articles of Incorporations for the Authorities to allow them to oversee or administrate MS-4 programs. The theory is an Authority has the right to assign costs and issue bills just like utility bills are issued. Then all properties within the municipality can be billed. If the Borough is the administrator then only taxable properties can be collected from.

The Consultant informed the Council he will be attending Borough meetings several times throughout the year to keep the Council updated on the MS-4 program.

The proposed budget for Wastewater Operating Fund and the Wastewater Reserve Fund were presented. A motion was made by Michael D. Behm, seconded by Keith Fox, to introduce the proposed 2016 preliminary budget for the Wastewater Operating Fund and the Wastewater Reserve Fund and authorize the advertisement for public inspection. All those in favor: Motion unanimously carried.

The proposed budget for the General Operating Fund and the General Reserve Fund were presented. A motion was made by Keith Fox, seconded by Park W. Haverstick, II, to introduce the proposed 2016 preliminary budget for the General Operating Fund and the General Reserve Fund and authorize the advertisement for public inspection. All those in favor: Motion unanimously carried.

The proposed budget for the Special Funds were presented. A motion was made by Michael D. Behm, seconded by Dana Reich, to introduce the proposed 2016 preliminary budgets for the Special Funds and authorize the advertisement for public inspection. All those in favor: Motion unanimously carried.

The Borough is in need of an Emergency Management Coordinator. The current coordinator is not able to perform the duties. The Council President asked if anyone has any recommendations. The Manager asked that everyone in the room, from Council to the audience, to make an effort to find someone. Everyone here knows a lot of people and asked that they reach out to anyone they think would be a good asset and willing to take on this important role. The office will contact Lebanon County Emergency Management Department to try to get information on the job duties.

Myerstown, PA
Tuesday, November 10, 2015

The Tax Rates for 2016 will need to be set by Ordinance. The real estate tax rate will remain the same at 2.0 mills for 2016. A motion was made by Keith Fox, seconded by Dana Reich, to authorize the Solicitor to prepare and advertise Ordinance (#833) - establishing the taxation rates for the Borough for 2016. All those in favor: Motion unanimously carried.

A 2016 meeting schedule calendar has been prepared. The 2016 Meeting dates will be brought to the December Meeting for approval for advertisement.

The Manager has received the second payment request from Doug Lamb Construction for the ADA Ramps. The Manager has held a retainage total of 5% from the payment request for damages done to curbs by the paving company. The paving company has contracted Doug Lamb Construction to do the curb repair work. The request was given to the Engineer for review, he has approved and signed off on the payment. A motion was made by Keith Fox, seconded by Vince Podolski, to approve the payment request, minus the retainage and damages, from Doug Lamb Construction for \$91,884.00. All those in favor. Motion unanimously carried.

The Manager asked Council to approve the Change Order #1 from Doug Lamb Construction to replace two (2) sidewalk pads on the bridge on Cherry Street. A motion was made by Michael D. Behm, seconded by Park W. Haverstick, II, to approve the Change Order #1 from Doug Lamb construction in the amount of \$720.00. All those in favor: Motion unanimously carried.

The Manager asked Council to approve the Change Order #2 from Doug Lamb Construction amending items #53, 54, 60, 61, and 62. A motion was made by Park W. Haverstick, II, seconded by Dana Reich, to approve the Change Order #2 from Doug Lamb Construction in the amount of \$2,144.30. All those in favor: Motion unanimously carried.

An updated GIS Zoning Map has been received. The Manager explained the Council is recertifying the Zoning Map of the Borough. The Manager contacted the Lebanon County GIS Department to digitize the map. Now that digitized map can be used to build layers on top of the map. Sewer lines, Topography, MS-4 storm system, etc. can be placed, which will be a tool for the Borough. There are no changes to the Zoning Districts. Once the EIP III funds are available, a consultant will be hired to redo the Zoning Districts and Zoning Map. That is the time when the necessary changes will be completed. A motion was made by Keith Fox, seconded by Vince Podolski, to approve the updated GIS Zoning Map. All those in favor: Motion unanimously carried.

The Road Project contractor, E.J.B. Paving has submitted payment request #1 for the project. The Manager stated the Engineer has reviewed the payment request and given a verbal approval; due to traveling he was unable to sign prior to the meeting. The Manager recommends in the motion, if made, it be contingent upon the Engineer's signature being placed on the document. Also, the Wastewater Supervisor has provided the Manager with a list of repair costs for damages during the reconstruction of Cherry Street totaling \$4,079.00 which should be deducted from the bill. The Council President stated the Water Authority has damage costs also. A motion was made by Park W. Haverstick, II, seconded by Keith Fox, to approve contingent upon the placement of the Engineer's signature, minus \$4,079.00 for wastewater damage costs and minus the damage costs from the Water Authority. All those in favor: Motion unanimously carried.

The Manager asked Council to approve the application to the Federal Land and Water Conservation Fund. The Borough has been preliminary approved for a grant from the Department of Conservation and Natural Resources for the reconstruction of the pool. As part of that application, DCNR has determined that they would like this particular project to qualify under the Federal Land and Water Conservation Fund. A motion was made by Keith Fox, seconded by Michael D. Behm, to approve the Manager to submit application to the Federal Land and Water Conservation Fund. All those in favor: Motion unanimously carried.

Myerstown, PA
Tuesday, November 10, 2015

Councilmember Jeffrey L. Thomas asked to discuss the RFP (Request for Proposal) regarding trash services. The Council President stated this is an issue that the Council is split on, so he is asking for public input. One idea is to go to a single hauler, one is to go to a street only pickup with choice of hauler, or no alley pickup. John Neely stated he feels that everyone should have the right to pick their hauler but make it street pickup and not use the alleys.

Dumpsters are an issue because they still would require alley pickup. Councilmember Keith Fox does not want to see trash on the Main Streets all week long. Councilmember Jeffrey L. Thomas stated the ADA corner at his property was just done with the Cherry Street Project. The trash trucks are driving over the corner and ruining his sidewalk, which he is responsible for that repair. Also his yard is falling into the alley. With that happening, the water runoff will be running into his house because of the ruts that are in the alley and his alley is not the worst one in the Borough.

The Council President stated another option is do we build up the alley's to handle the weight, which would be expensive. The Manager brought up another point for consideration. He likes the concept that you would be able to choose your own hauler, that is the way America is supposed to work, however, if you do that and you do require people to put it on the street you will have garbage on the street every day of the week.

Ron Ream stated a single hauler will limit the amount of trucks in the alleys, it would help.

Sam Moyer stated he feels the government shouldn't get involved with something they don't have to and that should resolve itself, free enterprise. The Council President stated the bigger issue is the alley damage. Mr. Moyer stated if there was one hauler, then the Borough can control the way a hauler would pick up the garbage and where they pick up, which could get them out of the alleys.

The Manager stated typically these contracts with municipalities are residentially based with recycling involved and generally you do not limit the commercial customer from having their commercial dumpster. Even if the Borough goes with this program, you have to recognize that we are mostly dealing with residential customers. If there is a commercial dumpster in an alley, you will have to work with that business in order to try to limit their container size to get smaller trucks picking up that trash. Regardless of what program the Borough goes with, you will still have to work with individual haulers on the commercial side. You do not want dumpsters on the main streets. General truck traffic in the alleys was discussed.

Councilmember Park W. Haverstick, II stated "maybe the garbage trucks are not the problem, maybe it is the alleys that are the problem. We keep talking about the alleys as roads, they are not roads they are alleys. Maybe we should feel fortunate they are paved and not gravel. A paved alley should be looked at as a privilege or a bonus, not as a road."

The Council asked the Manager to have an Engineer look at the alleys to give the Borough advice or suggestions on what could be done to repair the alleys to handle the weight.

Councilmember Jeffrey L. Thomas asked why did the newspaper stop coming to the meetings? The Borough received a letter from the newspaper stating they reorganized and we will no longer have a reporter.

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 8:17 p.m. All those in favor: Motion unanimously carried.

Lisa A. Brubaker
Deputy Secretary