

Myerstown, PA
Tuesday, December 8, 2015

President Bryan L. Rittle called the regular monthly meeting of the Myerstown Borough Council to order at 6:30 p.m., on Tuesday, December 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, Mayor Gloria R. Ebling, Treasurer Lee C. Smith, Solicitor Frederick S. Wolf, Wastewater Department Supervisor Barry A. Ludwig, Code Enforcement Officer John Neely, Deputy Secretary Lisa A. Brubaker and Manager Christopher J. Moonis. Absent were: Councilmembers Vince Podolski, and Keith Fox.

The Meeting Minutes for November 9, 2015, and November 10, 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 Planning Meeting, November 9, 2015 and the Regular Monthly Meeting, November 10, 2015. All those in favor: Motion unanimously carried.

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

The Council President mentioned this past weekend the Myerstown Cookie Walk was held. The walk was sponsored by Main Street Jewelry. The event was a success. Councilmember Dana Reich stated the stores were full and they would like to make it an annual event.

The Council received reports from the Mayor, Department Supervisors, Solicitor and the Borough Manager. 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.

The Code Enforcement Officer John Neely presented the report.

Wastewater Supervisor Barry A. Ludwig presented the report. Councilmember Park W. Haverstick, II asked what is the issue with accessing the SCADA System remotely. The Wastewater Supervisor stated it has the capability but it was never setup at installation. He cannot get any cooperation from the company and will probably have to get another company in to set up the system.

The Wastewater Supervisor questioned the Solicitor if he received the documents needed from Richland Borough. The Solicitor will contact them to see when we can expect to receive the document.

The Wastewater Supervisor updated the Council on the fine screen research for the replacement of the Muffin Monster. The Muffin Monster manufacturer gave a budget price of \$186,000.00 plus engineering and legal costs. Alternatively, if the Borough purchases a "fine screen" in lieu of a Muffin Monster and the screen is purchased through Co-Stars, the price is \$106,000.00 with no need to bid and decrease the costs for engineering. He has an appointment with a contractor for costs of installation and will report back.

The ARRO Engineering Report was presented. The Wastewater Supervisor had no additional comments to add.

The Public Works Report was presented. The Manager asked the Council to review the map attached. The map is the proposed route for truck traffic movability for traveling to local companies within the Borough. Truck warning signs will be placed. A letter is being prepared to mail to the industries explaining the issues and how we would like to resolve the problem. For local businesses, the letter will ask the owners to inform their vendors to take the routes indicated in the letter.

The Council President announced the promotion of Barry A. Ludwig to Assistant Borough Manager. He will be overseeing all field operation including the Wastewater Plant and the Public Works Department. The Council congratulated him on the promotion.

Speedhumps were discussed. The Manager has provided information for review in his report. The Highway Committee will review the issue of speedhumps, stop signs, and traffic safety for 2016.

The Solicitor Frederick Wolf presented the report. He informed the Council the Sheriff Sale for 301 S. Railroad Street was postponed to allow time for the court to enter an order allowing the Sheriff to sell the property with a free and clear mortgage on the property. The order is expected to be signed in December. The property has been relisted for Sheriff Sale in February 2016. In January, the Borough should know if the individual who holds the mortgage on record has filed anything. If not, the court will enter the order to sell the property free and clear of their lien. The Solicitor stated he advertised the Tax Ordinance for action at this meeting.

Manager Christopher J. Moonis gave a report. The Manager again thanked the Council for their work in preparing the 2016 Budgets. The budgets were prepared with no property tax or other tax increases and the Borough has a balanced budget. The Manager announced a Business Breakfast Meeting will be held on Tuesday, January 19, 2016. There will be two (2) main presenters, the Borough Circuit Rider Michael McKenna and Kim Stout, from the U.S. Small Business Administration. The Manager encouraged the Councilmembers to attend.

The Council President proceeded to the Committee Reports:

Council President stated the Isaac Meier Group will not hold a meeting in January or February of 2016 and the Isaac Meier House Christmas gathering after the parade had a good turnout. They had approximately 200 people attend.

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 Dana Reich, 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 Park W. Haverstick, II, 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:

The previously introduced and advertised 2016 budgets for Wastewater Funds, General Funds and the Special Funds were presented. A motion was made by Michael D. Behm, seconded by Park W. Haverstick, II, to approve the 2016 budgets for the Wastewater Funds, General Funds and the Special Funds. All those in favor: Motion unanimously carried.

The Solicitor has prepared and advertised Ordinance 833 to establish the property taxation rate for the Borough for 2016. The real estate tax rate will remain at 2.0 mills for 2016. A motion was made by Park W. Haverstick, II, seconded by Dana Reich, to approve Ordinance 833 reestablishing the property taxation rate for the Borough for 2016. All those in favor: Motion unanimously carried.

Resolution 2015-22 – Fee Resolution - has been prepared. A motion was made by Michael D. Behm, seconded by Jeffrey L. Thomas, to approve Resolution 2015-22 setting the Fee Schedule for 2016. All those in favor: Motion unanimously carried.

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Resolution 2015-23 – Appointment to various Boards/Commissions - has been prepared. A motion was made by Dana Reich, seconded by Jeffrey L. Thomas, to approve Resolution 2015-23 Appointment to various Boards/Commissions. All those in favor: Motion unanimously carried.

Resolution 2015-24 – Escalation/De-escalation Resolution - has been prepared. The escalator clause is for price adjustments of bituminous materials for small quantities of asphalt cement as part of proposals for projects. A motion was made by Michael D. Behm, seconded by Park W. Haverstick, II, to approve Resolution 2015-24 Escalation/De-escalation Clause. All those in favor: Motion unanimously carried.

Resolution 2015-25 – Records Deposition: A motion was made by Park W. Haverstick, II, seconded by Dana Reich, to approve Resolution 2015-25 Records Deposition, as directed by the Municipal Records Manual. All those in favor: Motion unanimously carried.

Resolution 2015-26 – Appoint Stanilla, Seigel & Maser PC as the Borough's Auditors: A motion was made by Michael D. Behm, seconded by Park W. Haverstick, II, to approve Resolution 2015-26 Appointment of Independent Auditor. All those in favor: Motion unanimously carried.

We received the Auditing Firm contracts from Stanilla, Siegel and Maser for services to audit the Sewer Revenue Accounts, the General Fund Accounts and Special Fund Accounts and prepare the Sewer calculation of shared expenditures to or from the Borough partners. For the Sewer Revenue Accounts the estimate fees will not exceed \$2,150.00 and the Sewer calculation estimate fee will not exceed \$1,000.00. For the Borough General Fund Accounts including the Special Fund Accounts estimate fee will not exceed \$7,900.00. A motion was made by Dana Reich, seconded by Michael D. Behm, to approve the Auditing Contracts from Stanilla, Siegel and Maser, LLC for the year ending December 2015. All those in favor: Motion unanimously carried.

Resolution 2015-27 – Appoint Associated Building Inspections: A motion was made by Park W. Haverstick, II, seconded by Michael D. Behm, to approve Resolution 2015-27 Appoint Building Code Inspector. All those in favor: Motion unanimously carried.

Resolution 2015-28 – Wage Resolution - has been prepared. A motion was made by Park W. Haverstick, II, seconded by Dana Reich, to approve Resolution 2015-28 setting the wage and salary ranges for the Borough employees for 2016. All those in favor: Motion unanimously carried.

Resolution 2015-29 – Taxation Rates Resolution - has been prepared. A motion was made by Michael D. Behm, seconded by Park W. Haverstick, II, to approve Resolution 2015-29 setting the Local Enabling Taxation Rates for the Borough for 2016. All those in favor: Motion unanimously carried.

Resolution 2015-30 – Fulton Bank Unincorporated Association Agreement– has been prepared. A motion was made by Michael D. Behm, seconded by Dana Reich, to approve Resolution 2015-30 to authorize the opening of two (2) payroll accounts at Fulton Bank for the Borough. All those in favor: Motion unanimously carried.

The 2016 meeting date schedule has been completed. A motion was made by Jeffrey L. Thomas, seconded by Dana Reich, to approve the 2016 meeting schedule and authorize the meeting dates be advertised. All those in favor: Motion unanimously carried.

We received a request from the Evangelical Seminary to hold a Four Chaplains Scholarship Run Event on Saturday, February 6, 2016 starting at 10:00 a.m. A motion was made by Dana Reich, seconded by Michael D. Behm, to approve the request from the Evangelical Seminary to hold a Four Chaplains Scholarship Run Event on Saturday, February 6, 2016 starting at 10:00 a.m., contingent upon receiving the Certificate of Insurance naming the Borough as additional insured. All those in favor: Motion unanimously carried.

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We received the 2015-2016 Stray Housing Agreement from the Humane Society. After discussion, a motion was made by Michael D. Behm, seconded by Jeffrey L. Thomas, to not approve the 2015-2016 Stray Housing Agreement from the Humane Society. All those in favor: Motion unanimously carried.

The Manager stated a donation to the Humane Society was budgeted as part of the Boroughs 2016 budget.

The revised Personnel Manual has been prepared. The Manager stated he made the revisions Council wanted regarding the tracking of sick time. A motion was made by Dana Reich, seconded by Park W. Haverstick, II, to adopt the revised Personnel Manual. All those in favor: Motion unanimously carried.

The Road Project contractor, E.J.B. Paving has submitted payment request #2 for the project. The Manager stated this is the second and final pay application. The Engineer has reviewed and signed the payment request. No retainage is being held because they have completed all the work per the contract. The funds to be used are as follows; \$148,880.00 from the Wastewater Reserve Fund, \$31,786.00 from the General Reserve Fund and \$52,604.49 from the Line of Credit for a total of \$233,270.49. There is a balance of \$23,107.51 remaining to the Line of Credit for this project and the Manager is recommending the Council use those funds to pay the retainage they are holding from Doug Lamb Construction. A motion was made by Jeffrey L. Thomas, seconded by Michael D. Behm, to approve the #2 payment request from EJB Paving & Materials. All those in favor: Motion unanimously carried.

The Manager received a request from Doug Lamb Construction asking the retainage be paid. The total being held is \$14,660.72. The Engineer informed the Manager there are still some punch items that need to be completed. The Borough could hold \$10,000.00 to make sure the list is completed, or the Council could hold all of the retainage until everything is completed. The main punch item is the top soil between the sidewalk and the curb is below PennDot's standard. The Council agreed to hold the retainage until all items are satisfied per the Engineer and asked the request be brought back to the January 4, 2016 Meeting.

The Borough received a request to be given debt service relief from the property owner of 109 N. Railroad Street. The request states they have not lived at the property since June and had the water turned off in September. The Council President stated debt service retains their sewer capacity. Everyone has to pay debt service and that has to stay in place.

The Council President stated the Employment Agreement between the Borough and Christopher J. Moonis has been prepared. The Manager stated he revised the agreement to remove the payment of his life insurance and is eliminated from the agreement. A motion was made by Michael D. Behm, seconded by Dana Reich, to approve the Employment Agreement between the Borough and Christopher J. Moonis with the change eliminating the payment of life insurance. All those in favor: Motion unanimously carried.

The Borough Council recessed the regular meeting and entered into Executive Session at 7:38 p.m. to discuss personnel matters.

The Borough Council returned from Executive Session at 8:02 p.m. reconvening the regular session and resumed consideration of and action on the regular meeting agenda.

The Council President readdressed the Fulton Bank Agreement (Resolution 2015-30) for the payroll accounts. The document has that one (1) signature is required. The Council would like that document to state two (2) signatures are required. The contract has been changed and the President and Vice President initialed the document. The Treasurer will be called to come initial it as well. The Manager stated the bank was contacted and from their operative perspective they only require one. It is for the Borough to set their policy on required signatures. The Manager feels the Council can amend their motion to require two (2) signatures. A motion was made by Michael D. Behm, seconded by Dana Reich, to amend the motion to approve Resolution 2015-30 to require two (2) signatures. All those in favor: Motion unanimously carried.

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[Post meeting note: Council will entertain a Resolution at their January 4, 2016 meeting to require two (2) signatures on every check be made as an internal control policy on all Bank Accounts.]

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 8:04 p.m. All those in favor: Motion unanimously carried.

Lisa A. Brubaker
Deputy Secretary

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