

Myerstown, PA
Tuesday, June 13, 2017

President Bryan L. Rittle called the regular monthly meeting of the Myerstown Borough Council to order at 6:31 p.m., on Tuesday, June 13, 2017. 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, President Rittle announced an Executive Session was held on Wednesday, May 24, 2017 for personnel matters.

A roll call was taken. Present were: President Bryan L. Rittle, Vice President Michael D. Behm, President Pro Tem Park W. Haverstick, II, Councilmembers Eric L. Powell, Ronald Ream, Jeffrey L. Thomas, Dana Reich, Mayor Gloria R. Ebling, Solicitor Frederick S. Wolf, Treasurer Lee C. Smith, Economic Development Manager Michael McKenna, Assistant Manager Barry A. Ludwig, and Deputy Secretary Lisa A. Brubaker.

The Meeting Minutes for May 8, 2017, May 9, 2017 and May 22, 2017 were presented. 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 Planning Meeting, May 8, 2017, the Regular Monthly Meeting, May 9, 2017, and the Special Meeting, May 22, 2017. All those in favor: Motion unanimously carried.

The President opened the floor for Citizens and Visitors Comments:

Steve Hammer – 5 W. Richland Avenue – Congratulated the Council on the swimming pool.

Brian Boltz – 16 W. Washington Avenue – he has received complaints regarding grass and unlicensed vehicles. Are the ordinances open to the public? President Rittle stated yes, they are. President Rittle stated when a complaint is received, it is written up and then given to the Code Enforcement Officer.

There is a gentlemen walking his dogs without a leash. Councilmember Haverstick stated the dog law states the person must have physical control of the dog and that person has an invisible leash.

It was asked if rain spouts are allowed to flow into the street. Councilmember Ream stated they are allowed to exit onto the street. Assistant Manager Ludwig stated the sidewalk specs set the regulations.

James Rittle – 210 S. Railroad Street – Congratulated the Borough on the swimming pool. It is very nice and something to be proud of.

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. The Mayor reported the flower pots were planted.

The Mayor discussed the Christmas tree. The Women's Club planted the Christmas tree. The property the tree is on is owned by Friedens Lutheran Church. The tree has become overgrown. They will be removing the current tree and then will be planting a new tree.

The Pool Manager Elizabeth Stevens was present to give an update on the pool. The opening weekend generated in gross sales \$17,496.60 and the front desk sales for Monday and today, Tuesday, were approximately \$10,000.00.

The pool is short staffed. More lifeguards are needed. A list has been provided of the people she is asking to hire once they pass the lifeguard test, plus the three she submitted, which are on the agenda. The Council will take action in new business.

There was no Code Enforcement Officer report.

Assistant Manager Barry A. Ludwig presented his report. The sewage pumps were discussed. Pump #2 was replaced and is back in service. They will be purchasing a spare unit, so they have an extra pump on hand. The electrician/programmer stated no obvious issues were found, he believes the reason was just from normal use.

The 301 S. Railroad Street property was discussed. The curb and sidewalk needs to be replaced as well as the tree removed. Assistant Manager Ludwig is asking for permission to hire someone to do the work. A motion was made by Park W. Haverstick, II, seconded by Michael D. Behm, to approve to outsource the tree removal and curb and sidewalk work for the 301 S. Railroad Street property. All those in favor: Motion unanimously carried.

An update on the Railroad Street Road Project was provided. The Lebanon County Redevelopment Authority will be administering the project. The low bid came in at \$182,822.00. The initial estimate was \$172,400.00. That is a difference of \$10,422.00. The Borough cost will be about \$64,000.00 for the project. Council may need to consider purchasing an additional storage shed for the pool.

Solicitor Frederick S. Wolf presented his report. Solicitor Wolf stated last month the Council approved the signing of the Final Settlement Agreement from the Lebanon County Historic Preservation Trust for the funds owed from the trust to the Isaac Meier Homestead Group. He expects the funds will be transferred to the homestead within the next thirty days. A plaque must be purchased as a requirement for the release of funds.

President Rittle stated he will contact the Isaac Meier President to discuss the plaque and ask him to contact us once it is received and mounted so the funds can be released.

The President proceeded to the Committee Reports: There were no committee reports.

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 Reports and have it on file for audit. All those in favor: Motion unanimously carried.

MYERSTOWN BOROUGH TREASURER'S REPORT

Prepared 06/12/2017

Activity for: May 2017

<u>Activity</u>	<u>Date:</u> <u>05/31/2017</u>
<u>GERNERAL FUNDS:</u>	<u>BALANCES:</u>
OPERATING FUND:	Cash: <u>\$ 495,169.00</u>
<u>\$ 789,624.00</u>	P-Card: <u>\$ 10,616.00</u>
INCOME	Ed Jones: <u>\$ _____ BV</u>
FULTON:	<u>\$ 209,945.00 MV</u>
<u>\$ 426,190.00</u>	A/P: <u>\$ 30,179.00</u>
EXPENSES	Payroll: <u>\$ 5,540.00</u>
Transfer out: <u>\$ 397,133.00</u>	
Transfer in: _____	
RESERVE ACCOUNT:	<u>BALANCES:</u>
<u>\$ 1,846.00</u>	Cash: <u>\$ 27,973.00</u>
INCOME	Ed Jones: <u>\$ _____ BV</u>
FULTON:	<u>\$ 144,456.00 MV</u>
<u>\$ 48,417.00</u>	A/P: <u>\$ 1,140.00</u>
EXPENSES	
Transfer out: <u>\$ 50,000.00</u>	
Transfer in: <u>\$ 125,000.00</u>	

MYERSTOWN BOROUGH TREASURER'S REPORT

Prepared 06 /12 /2017

Activity

Activity for: May 2017

Date: 05/31/2017

WASTEWATER FUNDS:

OPERATING FUND:

FULTON:

BALANCES:

\$ 341,294.00
 INCOME

\$ 298,282.00
 EXPENSES

Cash: \$ 89,890.00

P-Card: \$ 1,004.00

Ed Jones: \$ _____ BV
\$ 367,928.00 MV

A/P: \$ 23,789.00

Payroll: \$ 50,127.00

A/R: \$ 50,977.00

Transfer out: \$25,000.00

Transfer in: _____

RESERVE ACCOUNT:

FULTON:

BALANCES:

\$ 22,556.00
 INCOME

\$ 19,729.00
 EXPENSES

Cash: \$ 47,775.00

Ed Jones: \$ _____ BV
\$ 1,508,833.00 MV

A/R: \$ _____

Transfer out: \$ 201,258.00

Transfer in: _____

DEBT SERVICE RESERVE:

FULTON:

BALANCES:

\$ 290,610.00
 INCOME

\$ 96,608.00
 EXPENSES

Cash: \$ 657,494.00

Ed Jones: \$ _____ BV
\$ 1,350,989.00 MV

A/R: \$ 70,557.00

Transfer out: _____

Transfer in: _____

REVENUE BOND, SERIES OF 2007:

PLGIT:

BALANCES:

\$1,331.00
 INCOME

\$ _____
 EXPENSES

Cash: \$ 537,959.00

Ed Jones: _____ - _____

Transfer out: _____

Transfer in: _____

OTHER FUNDS:

UNEMPLOYMENT COMPENSATION:

PLGIT:

BALANCES:

\$ 138.00
 INCOME

\$ 5,000.00
 EXPENSES

Cash: \$ 87,469.00

Transfer out: _____

Transfer in: _____

MYERSTOWN BOROUGH TREASURER'S REPORT

Prepared 06/12/2017

Activity

Activity for: May 2017

Date: 05/31/2017

LIQUID FUELS:

\$ 89,572.00
 INCOME

PLGIT:
\$ 11,329.00
 EXPENSES

Transfer out: _____
 Transfer in: _____

BALANCES:
 Cash: \$ 217,226.00
 AP: \$ _____

BEAUTIFICATION TRUST:

\$ 89.00
 INCOME

PLGIT:
\$ _____
 EXPENSES

Transfer out: _____
 Transfer in: _____

BALANCES:
 Cash: \$ 43,619.00

RECREATION:

\$ 456.00
 INCOME

FULTON:
\$ 669.00
 EXPENSES

Transfer out: _____
 Transfer in: _____

BALANCES:
 Cash: \$ 24,374.00
 Ed Jones: \$ _____ BV
\$ 20,042.00 MV
 A/P: \$ _____

WM DERR SWIMMING POOL:

\$ 5,842.00
 INCOME

FULTON:
\$ 4,691.00
 EXPENSES

Transfer out: _____
 Transfer in: _____

BALANCES:
 Cash: \$ 7,494.00
 Ed Jones: \$ _____ BV
\$ 33,614.00 MV
 A/P: \$ 1,107.00

POOL CAPITAL CONSTRUCTION FUND:

\$ 433.00
 INCOME

FULTON:
\$ 620,555.00
 EXPENSES –Renovations 2017

\$ 966,375.00
 EXPENSES – Total Renovations 2016/2017

Transfer out: _____
 Transfer in: \$ 648,390.00

BALANCES:
 Cash: \$ 35,335.00
 A/P: \$ 3,149.00

MUNICIPAL CENTER FUND:

\$16,951.00
 INCOME

FULTON:
\$ 33,537.00
 EXPENSES

Transfer out: \$100,000.00
 Transfer in: _____
 Grants: _____

BALANCES:
 Cash: \$ 512,120.00
 A/P: \$ 899.00

MYERSTOWN BOROUGH TREASURER'S REPORT

Prepared 06/12/2017

Activity

Activity for: May 2017

Date: 05/31/2017

SESTERCENTENNIAL ACCOUNT:

FULTON:

BALANCES:

\$ 57.00
INCOME

\$
EXPENSES

Cash: \$ 20,069.00

MEMO

A/R – Accounts Receivable
A/P – Accounts Payable

BV – Book Value
MV – Market Value

The monthly listing of invoices was presented. A motion was made by Eric L. Powell, seconded by Michael D. Behm, to approve payment of all invoices as listed. All those in favor: Motion unanimously carried.

The communications were reviewed.

Thank you note from Brian Dubilus; Library Newsletter; Pool donation and thank you letter to Frederic Hoffman; Invitation to Lebanon County Farmland Celebration; Zoning Hearing Decision for Ken Wagner.

The President read the list of current Committee and Board vacancies.

- Planning Commission – two (2) vacancies
- Recreation Board – two (2) vacancies
- International Property Maintenance Code Board of Appeals – two (2) vacancies
- Vacancy Board Chairman – one (1) vacancy
- Zoning Hearing Board – one (1) vacancy

If anyone is interested in volunteering to serve on any of these boards contact the Borough office.

Consent Agenda: There were no items for the consent agenda.

The President proceeded to the agendas order of the business:

Kathy Fitzkee from PAWS was present to give an update on the TNR (Trap, Neuter, and Release) program. In 2016, the program saw eighty-nine cats; thirty-eight went into foster care; and one was relocated. To date, in 2017, the program has had forty-seven cats; twenty-four went into foster care; five placements; and one passed.

They removed eleven cats from a residential eviction situation. All were placed in foster homes and some have been adopted.

Through the outreach program they have been able to make contacts throughout the community and gained volunteers. They continue to facilitate solutions to nuisance behaviors associated with free roaming cats. They have revisited some of the problem areas that they were working with. The TNR cost per cat is \$54.00, they ask the person to pay \$30.00 towards the service, and the foster care per cat is \$125.00.

The community has been supportive and they have received some donations, she is happy with the program in the Borough. She stated the Borough has communicated well with them and contacted them with any needs.

President Rittle stated they are doing a fine job and thanked Kathy Fitzkee for the update.

Samuel Moyer submitted a letter of interest to serve on the Borough Planning Commission. A motion was made by Park W. Haverstick, II, seconded by Eric L. Powell, to appoint Samuel R. Moyer to the Borough Planning Commission. All those in favor: Motion unanimously carried.

The Lebanon County Aid Notification has been received. The Borough will receive \$3,062.00 of county aid monies for 2017. A motion was made by Park W. Haverstick, II, seconded by Ronald Ream, to approve Resolution 2017-03 for the Lebanon County Aid Application. All those in favor: Motion unanimously carried.

Resolution 2017-04 – Reimbursement Resolution. The resolution is to reimburse the funds that have been used to pay for different bills throughout the year for the pool construction project. A motion was made by Michael D. Behm, seconded by Park W. Haverstick, II, to approve Resolution 2017-04 – Reimbursement Resolution. All those in favor: Motion unanimously carried.

The Zoning Ordinance and Map update (Ordinance 841) was adopted at the Public Meeting on Monday, May 22, 2017, with the effective date of June 13, 2017.

Last month, we received a request from the Zion United Methodist Church requesting to hold an outreach program and sponsor a day at the pool on Saturday, July 22, 2017. They requested the cost for the day to open the pool to the public during normal operating hours. Hearing the revenue generated so far at the pool, the Council will not ask the church to pay that kind of cost. The only suggestion Council can give them is to book a pool party that will keep the cost more minimal for them. The office will contact the church with that information.

Council may approve the hiring of the seasonal workers for the swimming pool. A list has been provided with the positions and pay rates. A motion was made by Michael D. Behm, seconded by Dana Reich, to approve the hiring for the pool employees and pay rates for the 2017 summer season. All those in favor: Motion unanimously carried.

The pool opening was delayed until Friday, June 9, 2017. Persons who purchased pre-season passes lost two weekends. The office received a call asking if any refund will be given for the delayed opening. President Rittle stated the lost time comes to approximately \$10.00 per pass. Should a reimbursement or a gift certificate be given to those who purchased passes prior to the opening day announcement?

Deputy Secretary Brubaker stated the office staff tried very hard to make sure everyone was aware the pool opening may be delayed because of the project. People were informed that the contractor was trying to have it finished in time, but a delay may occur, which was the two weekends.

The Borough also extended the pre-season rates due to the delayed opening, which enabled more people to benefit from the lower season rates. Council agreed no refunds will be given at this time.

We received a request from the Myerstown Senior Center to use the Lower West Pavilion at no cost for a picnic on Tuesday, August 22, 2017 from 10:00 a.m. – 3:00 p.m. A motion was made by Michael D. Behm, seconded by Ronald Ream, to grant the recreation request and waive the fee for the Myerstown Senior Center. All those in favor: Motion unanimously carried.

A letter was received from the Water Authority regarding their quarterly billing. The Water Operations Officer and a Water Authority Member were present. Assistant Manager Ludwig asked if there will be an agreement or is this it. Water Authority Member Steve Hammer stated no there will be an agreement.

Assistant Manager Ludwig was disappointed in the handling of the situation. With the transition here at the borough he has not been able to follow up, but would like to continue communications to work towards an agreement that both parties can be satisfied with and have this resolved.

Water Authority Member Hammer stated a meeting can be set up when Assistant Manager Ludwig is available.

The Railroad Street Road Project was discussed. The project is being done with the Lebanon County Redevelopment Authority. Assistant Manager Ludwig stated the letters have been sent to the residents regrading sidewalk and or curb repairs that are being done in conjunction with the ADA Ramps, and is working with the Water Authority with the water line project. There will be a lot of coordination and a lot of activity on Railroad Street.

The County Bridge located on Locust Street in Jackson Township has been closed due to the condition. County Administrator Jamie Wolgemuth informed the Borough of the closure and it will remain closed until repairs can be completed.

The 301 S. Railroad Street property was discussed. We have received letters of interest in the property. Kleinfelter's Auction was contacted for information for a sale. A sale date will need to be set once the deed restrictions are placed and filed. The Auctioneer stated the deed restrictions must be in place prior to the sale and any other terms would be part of the Agreement of Sale. The Solicitor stated within the next 10 days he will have everything together that he needs. Then he will bring it back for approval.

The audits for the Borough, Wastewater Treatment and the Wastewater Treatment Report have been received. A motion was made by Park W. Haverstick, II, seconded by Michael D. Behm, to approve the Borough Basic Financial Statement, Wastewater Treatment Revenue Account Financial Statement and the Wastewater Treatment Revenue Account Report for 2016. All those in favor: Motion unanimously carried.

A Special Meeting is needed for the Communication and Security Bid for the Myerstown Government & Business Center Renovation Project. A motion was made by Dana Reich, seconded by Eric L. Powell, to advertise a Special Meeting on Thursday, June 22, 2017 at 6:30 p.m. for the Communication and Security Bid for the Myerstown Government & Business Center Renovation Project and any other business before Council. All those in favor: Motion unanimously carried.

We received payment request pay applications from the contractors for the Myerstown Government & Business Center Renovation Project. Assistant Manager Ludwig stated the applications have been reviewed and approved by the consultant, TKS, and himself. Spotts Brothers, Inc. submitted one change order with the pay application. The Assistant Manager is recommending the Council approve the payment applications. A motion was made by Park W. Haverstick, II, seconded by Jeffrey L. Thomas, to approve the pay application #1 for Thermal Logistics, Inc. \$40,050.00; Spotts Brothers, Inc. \$10,811.70, including the change order; and Woodland Contractors, Inc. \$ 38,853.00. All those in favor: Motion unanimously carried.

We received a payment request pay application from Stoneridge, Inc. for the pool rehabilitation project. The payment request is for \$178,125.00. Assistant Manager Ludwig stated he is recommending approval contingent upon some positive response and items requested. He is concerned because there has been no punch list and/or itemized cost breakdown provided. If we close this out too soon without holding the appropriate retainage we could have problems and no recourse. A motion was made by Michael D. Behm, seconded by Jeffrey L. Thomas, to approve the pay application for Stoneridge, Inc. contingent upon receipt of the punch list and approval of the list by the Assistant Manager. All those in favor: Motion unanimously carried.

Resolution 2017-05 has been prepared to authorize the Assistant Manager to submit the application for traffic signal approval to PennDot and sign the application on behalf of the Borough. A motion was made by Eric L. Powell, seconded by Ronald Ream, to approve Resolution 2017-05. All those in favor: Motion unanimously carried.

President Rittle stated he was approached by a fitness instructor asking to hold a fitness boot camp in the park area. A fee would be charged. The Solicitor stated Borough property may not be used for personal gain.

The Borough will need to purchase AED units for the pool and the Borough facility. The ambulance association may be willing to purchase the AED units for us and then the units would be part of their maintenance plan. Deputy Secretary Brubaker stated she does not have a price yet, but will be contacting Steve Zimmerman for more information, but we will need to purchase these AED units. A motion was made by Park W. Haverstick, II, seconded by Dana Reich, to approve the purchase of two AED units. All those in favor: Motion unanimously carried.

We received a letter from the Lebanon County Board of Assessment regarding the Borough request for tax exemption for the 101 S. Railroad Street property.

The Solicitor stated the letter provides that the Assessment Board meet and discussed the Borough request. The request was approved for a partial tax exemption effective July 1, 2017/2018 school tax roll. The portion leased to the Harvest Bible Chapel will remain on the tax roll. As the use changes on the building the status may be adjusted in the future. It will depend on if the areas of the building are being used for governmental uses or being leased to businesses or for other non-governmental purposes.

The Borough Council recessed the regular meeting and entered into Executive Session at 8:08 p.m. to discuss legal and personnel matters.

The Borough Council returned from Executive Session at 8:55 p.m. reconvening the regular session and resumed consideration of and action on the regular meeting agenda.

President Rittle called for a formal vote for the hiring for the Borough Manager position. The vote was as follows:

Michael D. Behm – abstained
Park W. Haverstick, II – Michael McKenna
Eric L. Powell – Michael McKenna
Ronald Ream – Michael McKenna
Jeffrey L. Thomas – Kevin Tobias
Dana Reich – Michael McKenna
Bryan L. Rittle – Michael McKenna

Five votes for Michael McKenna; One vote for Kevin Tobias; and One abstention; the job will be offered to Michael McKenna.

The terms of the offer to Michael McKenna were discussed. A motion was made by Eric L. Powell, seconded by Dana Reich, to offer the following terms to Michael McKenna for the Manager position with the Borough. A salary of \$65,000.00; a six month probation period, after the six month employment review Council will reevaluate; standard benefits package based on the employee handbook; effective date of July 1, 2017. All those in favor; on a roll call vote - Michael D. Behm – abstained; Park W. Haverstick, II – yes; Eric L. Powell – yes; Ronald Ream - yes; Jeffrey L. Thomas – yes; Dana Reich – yes; Bryan L. Rittle – yes: Motion unanimously carried.

The 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 Michael D. Behm, to adjourn the meeting at 9:06 p.m. All those in favor: Motion unanimously carried.

Lisa A. Brubaker
Deputy Secretary