

President Bryan L. Rittle called the regular monthly meeting of the Myerstown Borough Council to order at 6:31 p.m., on Tuesday, November 8, 2016. 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, President Pro Tem Park W. Haverstick, II, Councilmembers Vince Podolski, Eric L. Powell, Jeffrey L. Thomas, Dana Reich, Mayor Gloria R. Ebling, Solicitor Frederick S. Wolf, Treasurer Lee C. Smith, Code Enforcement Officer John Neely, Deputy Secretary Lisa A. Brubaker and Manager Christopher J. Moonis. Absent was: Assistant Manager Barry A. Ludwig.

The Meeting Minutes for October 10, 2016, October 11, 2016, October 12, 2016, October 19, 2016 and October 20, 2016 were presented. A motion was made by Dana Reich, seconded by Park W. Haverstick, II, to dispense with the reading of and approve the minutes of the Planning/Budget Meeting, October 10, 2016, Regular Monthly Meeting, October 11, 2016, Planning/Budget Meeting, October 12, 2016, Planning/Budget Meeting, October 19, 2016 and the Planning/Zoning/Public Safety Committee Meeting, October 20, 2016. All those in favor: Motion unanimously carried.

The President opened the floor for Citizens and Visitors Comments:

Logan Salem – 116 N. College Street – asked for an update from last month's meeting from the concerns expressed regarding the conditions on State Route 501.

The Manager stated he sent a letter and was in verbal contact with the PennDot District 8-0 Traffic Engineers to discuss the speed limit, No Brake Retarder signs and the conditions of the roadway due to the work being completed for the repaving project of the road scheduled for 2017.

The Manager explained the discussion was for PennDot to study and consider reducing the speed limit to 25 mph throughout the Borough on State Route 501. The Manager informed the PennDot Engineer the Borough is prepared to assist them with any studies relating to the issue and this was a formal request for the reduction of the speed limit.

In addition, the Manager asked the PennDot Engineer to consider studying the placement of the No Brake Retarder signs prohibiting the use within the Borough borders on State Route 501, and again the Borough is prepared to assist them with any studies relating to the issue and post the required signs as approved by PennDot and to consider this as a formal request.

The Manager explained the last issue is a little different. It was asked if PennDot could do anything regarding the conditions of the road surface on State Route 501 in advance of the resurfacing project that is scheduled for 2017. We fully understand the likely hood of base repair and surface repairs are somewhat unlikely in advance given the time of year and funding. The Borough is making this request, due to the multiple residents along 501 being concerned about the surface as related to the truck traffic causing their homes to rattle or shake. Also, the rippling in the intersection is being caused by the truck traffic as well. Again, the Borough is prepared to assist them and willing to reach out to LTAP which is a free service that the Borough can use to help get any of these studies completed.

The Manager stated after consulting with the Traffic Engineer, he hopes within the next 2 weeks to have a formal recommendation on these issues.

The Manager stated the good news maybe the traffic warrants the No Brake Retarder signs could be approved easily. The reduction in speed limit may be more difficult. PennDot generally believe that 35 mph on a State roads going through denser populated municipalities is the appropriate speed limit; but they are willing to consider looking at the situation individually and if feasible, they would grant the 25 mph speed limit. Once they visit the site we will have a better answer.

The Manager stated as far as the resurfacing, they understand there is need for some base repairs but there is very little likely hood that would get done before the project resurfacing in spring of 2017. The Engineer will be coming to review and inspect the roadway.

Logan Salem asked if the Engineer could contact him when he visits the Borough.

Rich Eckenroth 15 N. College Street – asked if the Engineer could talk to him as well when he comes to the Borough.

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Daryl Layser – 140 N. College Street – asked the Manager to remind the PennDot Engineer that the City of Lebanon is 25 mph and also asked to be present when the Engineer comes to inspect State Route 501. The Manager took contact information for all three gentlemen.

James Rittle – 210 S. Railroad Street – asked if the craft shop/restaurant business along College Street may have all of those advertisement signs out front in the grass stripe. The Code Enforcement Officer will go look at the property.

John Kline – 17 W. Main Avenue – asked for an update on 15 W. Main Avenue. The Solicitor stated that is a legal matter within the court system right now. The Manager asked if he has a solution besides the courts. John Kline stated he is willing to entertain any conversation. The On-Fire Board of Directors would be interested in discussing the property. The Solicitor asked if he could talk to John Kline on the matter and asked for contact information.

Charles and Marcia Kocher – 704 S. College Street – they are looking to sell their home and wanted to know if it was sold to an Amish Family could they keep their horse on the property. The property is a half an acre. The Manager stated this matter was discussed at the Council Planning meeting last evening with the consultant who is doing the Zoning Ordinance and Map. The general requirement is a minimum of a 1 acre lot for the care and wellbeing of a horse. Zoning relief may be a possibility and granted through a Zoning Hearing.

Daryl Layser asked for an update on the property on Block Lane. The Code Enforcement Officer stated communication from the owner has stopped. The Code Enforcement Officer stated the owner will be getting a citation within the next 2 weeks and move to the court system if they do not comply. The Manager stated the property is going up for public auction. The Code Enforcement Officer stated if that is correct, the transfer of the deed in the middle of this can prolong the process.

The Council questioned the dumping of oil in the fish dam. The Borough EMA Coordinator Scott Yeagley and Deputy Coordinator Michael Yiengst were present.

Deputy Coordinator Yiengst stated a resident saw someone dump what looked like oil into the fish dam. There was a sheen on the pond. The Keystone Fire Company provided their boat to pull booms across to get samples. The Hazmat came and collected the booms for testing.

EMA Coordinator Yeagley stated he was told it was not consistent with oil and they are doing multiple tests to determine what it was.

Deputy Coordinator Yiengst had a suggestion and was not sure how this all works since they were just appointed to the EMA positions. There was some confusion with the fire companies as to not knowing who the EMA contacts were for the Borough. Can the fire companies be notified and there are 6 girls in the office and the website could not get updated.

The Deputy Secretary stated the information on their appointments was emailed to the fire chiefs and the Borough website was previously updated showing they are the EMA Officials for the Borough. Councilmember Podolski checked the website from his mobile phone and they are listed on the Borough site. The Deputy Secretary will resend the information to the Emergency Services departments.

The Manager stated there is an EMA Protocol and Preparedness Manual. The manual is in need of updates which the EMA Coordinator is responsible to do. EMA Coordinator Yeagley stated he was not told. The Deputy Secretary stated she and the Mayor had discussions with him regarding the manual update. The President stated to the EMA Coordinator to please pick it up and get the update completed.

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 stated John Leake was sworn in as a Fire Police member. There was no State Police report.

The Code Enforcement Officer John Neely presented his report. Property Maintenance issues were discussed at the Odyssey Tops property.

Assistant Manager Barry A. Ludwig was absent, but his written report was present. Councilmember Reich asked what will be done with the sidewalk flower pots for the winter. The Mayor stated they will be removed and stored till spring.

Solicitor Frederick S. Wolf presented his report. He informed Council he continues to work on the new mini-cell tower Ordinance for adoption. PSATS has completed a study on this matter and has now provided that information. The Solicitor stated he has litigation matters to discuss in executive session.

Manager Christopher J. Moonis presented his report. The Manager had some comments in addition to his report. On the agenda is the proposed 2017 budgets for the Borough. Several years ago the Council had an EIP I (Early Intervention Program) Study done on the economic vitality and the financial situation of the Borough. The study reported if the Borough does not have incremental tax increases over a course of time, the Borough could end up with all their reserves spent. The Commonwealth of Pennsylvania suggests that municipalities maintain at least 6 months' worth of reserves as it relates to the General Fund Revenues.

The Manager stated the Borough is almost at that threshold, so in keeping with the economic financial feasibility study, the General Fund budget does introduce an increase in the Real Estate Tax for 2017 at a rate of 2.5 mills, which is a .5 increase to the millage.

The Manager stated the Borough is currently at 2.0 mills and they have the authority under the statute to go to 30 mills. In comparison, Lebanon County is in the high 3's of millage rate and the school district is in the excess of 14 mills. The Manager stated our public body here at the Borough maintains the lowest tax rate as it relates to all three taxes that could be levied. It is not an easy thing to decide to do, to increase taxes, but there have been enough meetings and discussions about providing excellent service to the community, so the introduction of this budget does include the tax increase.

The Manager stated the proposed budget also introduces the addition of a Street Light Tax at .26 mill. This is a main item that is costing the Borough a significant amount of money. The Street Light cost is approaching \$45,000.00 a year. For many years the Borough absorbed the costs of street lights. This is a potential revenue source for the safety by the illumination of the streets. The Manager stated the Council is also considering the elimination of the Per Capita Tax.

The Manager reviewed the 2017 General Fund. It will receive \$1,390,754.00 in estimated total income and \$1,390,291.00 is the estimated total expenditures, leaving a funds balance of \$463.00. There is approximately \$101,000.00 in transfers to other funds to help support the borough operations. The Wastewater budget, there is no increase in wastewater rates for 2017. It will receive \$1,873,235.00 in estimated total income and \$1,869,250.00 is the estimated total expenditures, leaving a fund balance of \$3,985.00. This also includes approximately \$100,000.00 in transfers to other funds to help support operations. If the proposed budgets are approved for introduction they will be on public display starting tomorrow and will be advertised they are open for inspection.

Councilmember Haverstick, II explained if a property is worth \$100,000.00 that will equal a \$76.00 increase in taxes.

The Manager stated he has received a proposal from Reading Elevator for the maintenance of the elevator in the school building. The elevator also needs to be inspected 2 times a year and he is getting quotes for the inspections. A motion was made by Michael D. Behm, seconded by Park W. Haverstick, II, to approve the proposal with Reading Elevator for \$159.00 per quarter for the service, repair, and maintenance contract for the elevator. All those in favor: Motion unanimously carried.

The Manager asked Council to consider extending the discussion period with Harvest Bible lease for another 30 days. He met with the church representatives today and they are not ready for a final lease until there is some more negotiations. The Manager stated the proposed lease is for 2 years with a 1 year extension thereafter. This will be brought back to the December 13, 2016 meeting.

The Manager stated a post conference report from the ICMA Conference he attended will be coming. The report will be fairly large, so he will prepare 1 report for review.

The Manager stated the Borough is meeting monthly with the consultant for the Zoning Ordinance and Map update. This is a very important document as it relates to how we do business here and the map and

Ordinance dictates how land use gets handled in the Borough. If anyone is interested in participating the next meeting will be held Monday, December 12, 2016 at 6:30 p.m. The estimated goal is to adopt in about 7 months.

The Manager asked the Solicitor to combine agenda item #21 – Repealing the Per Capita Tax and #22 – Setting the Tax Rates into one Ordinance.

President Rittle asked for information on the Manager touring the new building kitchen facility with Chef's Corner. The Manager stated while at lunch at the Chef's Corner, they had mentioned they were looking for space to potentially expand their catering business. The Manager stated we have heard through the economic circle there are a lot of caterers that need space for preparation. The Manager stated the Chef's Corner is possibly interested in a lease to expand their catering service on a per day basis.

The Manager explained on the agenda there is consideration to draft and advertise the Ordinance for the creation of a LERTA (Local Economic Revitalization Tax Assistance Act) District. The LERTA District is a tax abatement district that would include the entire Borough. The Manager explained the way the tax abatement is implemented. The tax abatement will span over a 7-year period, with the full tax amount paid starting in the 8th year.

The Manager stated this is a widely used tool for economic stimulation in Pennsylvania and there is no reason why the Borough shouldn't take advantage of the law that went on the books in 1977. There have been preliminary discussions with both the school and the county. The school board gave a unanimous vote to continue to participate with the Borough to get the LERTA District adopted. The Lebanon County Commissioners has expressed they may consider the LERTA as well.

The President proceeded to the Committee Reports:

Planning/Zoning/Public Safety Committee: (Park W. Haverstick, II, Vince Podolski, and Eric L. Powell) Chairman Park W. Haverstick, II stated a great public safety meeting was held. There were a lot of public safety issues discussed. Representatives from the Fire Companies were present. Police services were discussed. He would like to make this a series of meetings.

President Rittle stated the Isaac Meier House will hold their Kersenlicht Open House after the Parade and Tree Lightening Ceremony.

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 Vince Podolski, to approve the Treasurer's Report and have it on file for audit. All those in favor: Motion unanimously carried.

MYERSTOWN BOROUGH TREASURER'S REPORT

Prepared 11/08/2016

Activity for: 10 months 2016

<u>Activity</u>		<u>Date:</u> <u>10/31/2016</u>
<u>GERNERAL FUNDS:</u>	<u>FINANCIAL INSTITUTION:</u>	<u>BALANCES:</u>
OPERATING FUND:	FULTON:	Cash: <u>\$204,317.54</u>
<u>\$ 947,294.60</u>	<u>\$ 835,586.48</u>	P-Card: <u>\$ 7,384.29</u>
INCOME	EXPENSES	Ed Jones: <u>\$ 212,296.43 BV</u>
	Transfer out: <u>\$ 38,500.00</u>	<u>\$ 209,196.76 MV</u>
	Transfer in: _____	
		A/P: <u>\$ 24,828.75</u>
		Payroll: <u>\$ 12,542.67</u>

Treasurer's Monthly Report – (continued)

Activity for: 10 months 2016

Date: 10/31/2016

FINANCIAL INSTITUTION:

RESERVE ACCOUNT:

\$ 4,891.99
 INCOME

FULTON:

\$ 232,614.63
 EXPENSES

Transfer out: 25,500.00
 Transfer in: _____

BALANCES:

Cash: \$ 1,889.28
 Ed Jones: \$ 171,192.82 BV
\$ 168,934.95 MV
 A/P: \$ 15,206.97

WASTEWATER FUNDS:

OPERATING FUND:

\$ 810,625.27
 INCOME

FULTON:

\$ 695,235.33
 EXPENSES

Transfer out: 19,000.00
 Transfer in: _____

BALANCES:

Cash: \$ 166,343.25
 P-Card: \$ 4,624.48
 Ed Jones: \$ 383,653.09 BV
\$ 367,056.77 MV
 A/P: \$ 51,392.51
 Payroll: \$ 46,999.11
 A/R: \$ 41,451.17

RESERVE ACCOUNT:

\$ 25,159.83
 INCOME

FULTON:

\$ 147,385.00
 EXPENSES

Transfer out: _____
 Transfer in: _____

BALANCES:

Cash: \$ 56,613.34
 Ed Jones: \$ 2,040,629.05 BV
\$ 2,010,533.31 MV
 A/R: \$ _____

DEBT SERVICE RESERVE:

\$ 578,284.08
 INCOME

FULTON:

\$ 459,288.30
 EXPENSES

Transfer out: _____
 Transfer in: _____

BALANCES:

Cash: \$ 361,305.71
 Ed Jones: \$ 1,353,659.68 BV
\$ 1,346,119.71 MV
 A/R: \$ 50,750.92

REVENUE BOND, SERIES OF 2007:

\$ 1,729.93
 INCOME

PLGIT:

\$ _____
 EXPENSES

Transfer out: _____
 Transfer in: _____

BALANCES:

Cash: \$ 636,001.69
 Ed Jones: -

Treasurer's Monthly Report – (continued)

Activity for: 10 months 2016

Date: 10/31/2016

OTHER FUNDS:

FINANCIAL INSTITUTION:

UNEMPLOYMENT COMPENSATION:

PLGIT:

BALANCES:

\$ 252.36
 INCOME

\$ 19.07
 EXPENSES

Cash: \$ 92,234.66

Transfer out: _____
 Transfer in: _____

LIQUID FUELS:

PLGIT:

BALANCES:

\$ 85,513.71
 INCOME

\$ 9,750.13
 EXPENSES

Cash: \$ 138,876.88
 AP \$ _____

Transfer out: _____
 Transfer in: _____

BEAUTIFICATION TRUST:

PLGIT:

BALANCES:

\$ 89.26
 INCOME

\$ -
 EXPENSES

Cash: \$ 43,496.84

Transfer out: _____
 Transfer in: _____

RECREATION:

FULTON:

BALANCES:

\$ 1,760.82
 INCOME

\$ 10,285.98
 EXPENSES

Cash: \$ 25,119.20

Transfer out: _____
 Transfer in: 25,000.00

Ed Jones: \$ 20,648.57 BV
\$ 20,000.26 MV
 A/P: \$ 600.97

WM DERR SWIMMING POOL:

FULTON:

BALANCES:

\$ 57,201.95
 INCOME

\$ 74,581.46
 EXPENSES

Cash: \$ 5,929.23

Transfer out: _____
 Transfer in: 19,500.00

Ed Jones: \$ 34,146.43 BV
\$ 33,554.64 MV
 A/P: \$ 150.15

POOL CAPITAL CONSTRUCTION FUND:

FULTON:

BALANCES:

\$ 209.04
 INCOME

\$ 118,790.75
 EXPENSES

Cash: \$ 20,568.29

Transfer out: _____
 Transfer in: 59,500.00

Ed Jones: \$ _____ BV
\$ _____ MV
 A/P: \$ 79,650.00

Treasurer's Monthly Report – (continued)

Activity for: 10 months 2016

Date: 10/31/2016

MUNICIPAL CENTER FUND:

FULTON:

BALANCES:

\$ 618,558.05
 INCOME

\$ 3,058.50
 EXPENSES

Cash: \$ 618,556.05

Ed Jones: \$ _____ BV
 \$ _____ MV

Transfer out: _____

Transfer in: _____

A/P: \$ 3,058.50

MEMO

A/R – Accounts Receivable

BV – Book Value

A/P – Accounts Payable

MV – Market Value

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

The communications were reviewed.

Letter was received regarding Adopt a US Soldier Project; Letter from Ellen Kramer regarding the Sestercentennial Book. The Council would like to place a ¼ page ad in the book; Letter from Lebanon Rescue Mission.

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

Recreation Board – two (2) vacancies

International Property Maintenance Code Board of Appeals – one (1) vacancy

Water Authority – one (1) vacancy

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

The President proceeded to the agendas order of the business:

Ordinance 838 is an Ordinance resulting from the need for Council to adopt the supplement to the Myerstown Code of Ordinances. The Solicitor stated the Borough has a codified Ordinance book that contains Ordinances the Borough deals with on a regular bases and also references other actions and Ordinances that are adopted by the Borough. The Borough has a codifier that has prepared a list of actions that were previously taken by the Council that should be included in the updated codified book. The Solicitor opened the floor for questions and comments to the Borough Council. There were no comments. A motion was made by Michael D. Behm, seconded by Dana Reich, to approve Ordinance 838. All those in favor: Motion unanimously carried.

The proposed budget for Wastewater Operating Fund and the Wastewater Reserve Fund were presented. A motion was made by Park W. Haverstick, II, seconded by Vince Podolski, to introduce the proposed 2017 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 Michael D. Behm, seconded by Eric L. Powell, to introduce the proposed 2017 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 Dana Reich, seconded by Eric L. Powell, to introduce the proposed 2017 preliminary budgets for the Special Funds and authorize the advertisement for public inspection. All those in favor: Motion unanimously carried.

The Tax Rates for 2017 will need to be set by Ordinance. The real estate tax rate will increase from 2.0 mills to 2.5 mills for 2017, and repeal the Per Capita Tax. A motion was made by Michael D. Behm, seconded by Park W. Haverstick, II, to authorize the Solicitor to draft and advertise Ordinance 839 – repeal the Per Capita Tax, and establishing the taxation rates for the Borough for 2017. All those in favor: On a roll call vote – Michael D. Behm – yes; Park W. Haverstick, II – yes; Vince Podolski – yes; Eric L. Powell – yes; Jeffrey L. Thomas – yes; Dana Reich – yes; and Bryan L. Rittle – yes. Motion unanimously carried.

Council may authorize the Solicitor to draft and advertise Ordinance 840 to levy a Special Purpose Tax (53 P.S. 46302) for a Street Light Tax for 2017 at a rate of 0.26 mills. A motion was made by Park W. Haverstick, II, seconded by Michael D. Behm, to authorize the Solicitor to draft and advertise Ordinance 840 levying a Special Purpose Tax for a Street Light Tax at a rate of 0.26 mills. All those in favor: Motion unanimously carried.

We received the 2016-2017 Stray Housing Agreement from the Humane Society. Prior, the Council has not entered into the agreement, but has made a donation. A motion was made by Dana Reich, seconded by Jeffrey L. Thomas, to approve a donation of \$200.00 to the Humane Society for 2017. All those in favor: Motion unanimously carried.

We received Edward Jones Documents that require the Council President's signature. The Manager explained the President is the plan administrator. Edward Jones has been the Borough's broker. There have been some changes in federal law. With that, Edward Jones will not be our broker, but now our investment advisor. As the investment advisor, Edward Jones will be subject to fiduciary standards under the Investment Advisors Act, in other words they must put the Borough's best interest first. These changes coincide with the Department of Labor's recent adoption of a rule specifying that a financial advisor who provides investment advice will be held to a fiduciary standard starting April 10, 2017.

The Manager stated Edward Jones will continue to advise the Borough on the plan review and investment selections. For plan participants they will give general education, but will not give participants specific investment selection advice. Prior, Steven Goodhue had informed the Council these changes could be happening. The Manager stated he reviewed all of the information and is recommending the Council approve for the President to sign the paperwork. A motion was made by Michael D. Behm, seconded by Park W. Haverstick, II, to approve the Council President to sign the Edward Jones paperwork on behalf of the Borough. All those in favor: Motion unanimously carried.

We received an application and certificate for the first payment from Stoneridge Inc. for \$79,650.00 for work completed for the pool rehabilitation project. A motion was made by Park W. Haverstick, II, seconded by Eric L. Powell, to approve the payment application for Stoneridge Inc. All those in favor: Motion unanimously carried.

On the agenda, there is consideration to authorize the Solicitor to draft and advertise Ordinance 841 for the creation of a LERTA (Local Economic Revitalization Tax Assistance Act) District for the Borough. A motion was made by Park W. Haverstick, II, seconded by Dana Reich, to authorize the Solicitor to draft and advertise Ordinance 841 for the creation of a LERTA District in the Borough of Myerstown effective January 1, 2017. All those in favor: Motion unanimously carried.

A 2017 meeting schedule calendar has been prepared. The 2017 Meeting schedules will be potentially approved at the December Meeting. After approval, the dates will be advertised. The 2017 budget meeting dates were reviewed.

The Borough Council recessed the regular meeting and entered into Executive Session at 7:54 p.m. to discuss personnel and potential litigation.

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The Borough Council returned from Executive Session at 8:39 p.m. reconvening the regular session and resumed consideration of and action on the regular meeting agenda.

The President asked if there were any additional comments for the good of the borough. Seeing none, a motion was made by Vince Podolski, seconded by Dana Reich, to adjourn the meeting at 8:40 p.m. All those in favor: Motion unanimously carried.

Lisa A. Brubaker
Deputy Secretary

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