

A regular meeting of the Myerstown Borough Council was held on Tuesday, October 8, 2019 at 6:30 p.m. in the Council Room at the Myerstown Community Center, the President being in the chair and the Secretary being present.

Present were: President Bryan L. Rittle, Vice President Michael D. Behm, President Pro Tem Park W. Haverstick, II, Councilmembers Eric L. Powell, Dana Reich and Ronald L. Ream, Mayor Gloria R. Ebling, Solicitor Amy B. Leonard, Treasurer Gale Edwards, and Manager Michael R. McKenna. Absent was Jeffrey L. Thomas.

The Chair opened the meeting at 6:32 p.m. and asked everyone to stand and recite the Pledge of Allegiance.

Park W. Haverstick, II moved and Michael D. Behm seconded to dispense with the reading of and approve the minutes of the previous month's meetings held on September 10, 2019. Motion carried.

The Chair opened the floor for citizens' and visitors' comments.

Brian Boltz of 16 W Washington Ave expressed concern about the lack of police presence in the community. He also expressed concern about a plate in the sidewalk that is curled up near his property and asked a question about dog leashing requirements.

Jackson Township Supervisor Thomas M. Houtz and Supervisor Dean O. Moyer were in attendance to make a presentation on Pennsylvania Act 172 – Volunteer Fire Fighter Tax Credit. Supervisor Houtz spoke on behalf of the Supervisors. He explained that Act 172 of 2016 provides municipalities with the option to offer a real estate or earned income tax credit to active members of volunteer fire companies and nonprofit emergency medical service agencies through a volunteer service credit program. Active volunteers who meet the service credit criteria established by the municipality in consultation with the fire chief or supervisor of the EMS agency would be eligible for the tax credit. Each municipality may choose whether to offer the earned income tax credit, the real estate tax credit, or both. Supervisor Houtz stated that the Township was considering this item, he would like the Borough to consider it, and because the Keystone Hook & Ladder Company, Goodwill Fire Police, and Myerstown First Aid Unit service both Jackson Township and the Borough, it would be easier to administer if the rules and restrictions were consistent between municipalities. Bryan L. Rittle expressed concern about the administration of the program and had questions about how the guidelines were determined. Supervisor Houtz explained that the fire company would be required to administer the program, keep the records, and provide the paperwork to determine who is eligible. Supervisor Houtz said that he has spoken with the volunteer firefighters, and they are wary of the administrative burden, and that it might be easier to provide an increased annual donation to the fire companies. He went on to say that the purpose of the Act is to provide an incentive for volunteerism, and an increased annual donation doesn't necessarily achieve that aim. Michael D. Behm expressed concern that giving too many tax credits may require a future increase in taxes. Supervisor Houtz agreed but also said that the flip side of that issue is that if volunteerism continues to decrease, the municipalities may be required to fund their own fire companies, which will increase taxes even more. Solicitor Leonard clarified that the real estate tax credit maxes out at 20% of the municipal real estate tax liability, but the earned income tax credit may be set at a flat amount. Municipalities can choose to do one or both of these. She confirmed that the administrative burden is placed upon the fire companies and agreed that if Jackson Township and the Borough both chose to institute this program, it would be easier administratively if the eligibility criteria were the same in each jurisdiction. Supervisor Houtz mentioned that not every volunteer firefighter would receive the incentive. A firefighter that is a renter would not receive any real estate tax credit

because they don't own their home, and a firefighter not earning income, such as a retired person, would not receive any earned income tax relief. There was a brief discussion between Council Members and the Supervisors on different details of the program. It was determined that further discussion with the fire company would be necessary before taking action on this item. The Supervisors thanked Council for their time and for placing them first on the agenda. Council thanked the Supervisors for the presentation and for bringing this item to their attention.

Council Members further discussed the issue and how much of a rebate each firefighter would receive. Manager McKenna noted that someone living in the Borough with a home assessed at \$100,000 pays \$279 in annual real estate taxes to the Borough, so 20% of that would be \$55.80. Park W. Haverstick, II noted that the effort to increase volunteerism is a noble one, and every dollar helps, but wondered if the firefighters thought the extensive administrative burden would be worth a \$60 credit. He noted that the fire companies already have an extensive administrative burden. Council discussed the possibility of increasing the donation to the fire companies and lamented the challenges they face recruiting volunteers and covering the high costs of providing firefighting services to the community.

The Chair moved on to the Reports of Officials. The following reports were presented to Council and placed on file: Mayor's Report, Code Enforcement Officer's Report, Assistant Manager's Report, Solicitor's Report, and Manager's Report.

Dana Reich explained that she has been making an effort to help the owner of the property at 511 South Cherry Street come into compliance with his property maintenance violations, as he may have difficulty maintaining his property. She has reached out to a neighbor and to local nonprofit organization to see if they can help with the condition of the property. She believes the owner will accept the help and that the property might be brought into compliance without filing a citation with the District Justice. Dana Reich moved and Ronald L. Ream seconded to postpone the filing of citations for the outstanding property maintenance violations at 511 South Cherry Street. Motion carried.

Solicitor Leonard raised a concern about the pursuit of citations for 700 South Railroad Street, and the difficulty in coordinating and paying for an inspection at the property. The court ordered an inspection of the interior of the property in order to move forward with the citations filed and required that the current code enforcement officer could not be the inspector. The Borough has been attempting to get an inspection with two inspectors and police presence due to the sensitive nature of the Borough's relationship with these property owners, and the potential need for protection of the inspectors. The cost of coordinating and carrying out this inspection, in addition with the legal and court costs of filing the citation, will far outweigh the \$200 in fines that may be levied by the judge if the property is still out of compliance. Additionally, because the Borough intends to start a residential rental licensing program that will require inspection of all rental properties, the property will be inspected in the future. For these reasons, Solicitor Leonard recommends withdrawing the citations. Council agreed that while withdrawing citations is not a preferred route to bring the property into compliance, it would be more cost effective for the Borough to withdraw the citations at this time. Park W. Haverstick, II moved and Michael D. Behm seconded to withdraw the citations for the interior of the property at 700 South Railroad Street. Motion carried.

Bryan L. Rittle brought up the issue of the laundromat at 364 West Washington Avenue and their water connection to the Myerstown Water Authority's water system. Currently, public water is going to the restrooms in the location but they are using a well for their laundry machines. They are the only property in the Borough that is not connected to the public water system, and there is an ordinance that

all properties in the Borough must connect to the public water system. Unfortunately, there was an agreement made with the property owner decades ago to allow them to use well water in their laundry machines. Although there is no written agreement that can be found, Solicitor Leonard believes this will be a difficult case to win in court because the Borough installed meters at the location and therefore knew about the issue many years ago and did not take action. This points to the likelihood that there was an agreement made, and the property owners would have a good case, according to Solicitor Leonard. Bryan L. Rittle moved and Michael D. Behm seconded to discontinue the effort to take legal action against the property owners at 364 West Washington Avenue for not being connected to the public water system. Motion carried.

Michael D. Behm moved and Park W. Haverstick, II seconded to accept the Treasurer's Report as submitted and have it on file for audit. Motion carried.

Park W. Haverstick, II moved and Ronald L. Ream seconded to approve the payment of bills as submitted. Motion carried.

Eric L. Powell moved and Park W. Haverstick, II seconded to approve to accept a rebate voucher under the Driving PA Forward – Level 2 EV Charging Station Rebate Program to install a Level 2 Electric Vehicle Charging Station at the Borough Parking Lot at 6 East Main Avenue. Motion carried.

Park W. Haverstick, II moved and Michael D. Behm seconded to approve a request for a handicap parking spot at 44 West Main Avenue. Motion carried. After the motion was carried, a concern was raised by the Solicitor about the use of the space. Council then discussed the location of the spot and the fact that there is no parking on that side of the road, and so the spot would have to be located on the other side of the street. After deliberation, Council decided that the issue should be further investigated before creating a new handicap spot. Solicitor Leonard suggested that an application be created to manage requests for handicap parking spots. Park W. Haverstick, II moved and Michael D. Behm seconded to rescind the previous motion which approved a request for a handicap parking spot at 44 West Main Avenue. Motion carried.

The Chair asked if there were any additional comments for the good of the Borough. Seeing none, he asked for a motion to adjourn. Ronald L. Ream moved and Dana Reich seconded to adjourn the meeting. Motion carried.

The meeting was adjourned at 9:07 p.m.

Respectfully Submitted,

Michael R. McKenna, MPA
Borough Manager/Secretary