

Myerstown Borough Council – Regular Meeting  
Tuesday, December 14, 2021, 6:30 p.m.

A regular meeting of the Myerstown Borough Council was held on Tuesday, December 14, 2021, at 6:30 p.m. in the Council Room at the Myerstown Community Center, the President being in the chair and the Deputy Secretary being present.

Present were: President Bryan L. Rittle, Vice President Park W. Haverstick, II, President Pro Tem Dana Reich. Councilmembers Stacey A. Hackman, Dane W. Bicher, and Ronald L. Ream, Mayor Gloria R. Ebling, Treasurer Gale Edwards, Solicitor Amy B. Leonard, Deputy Secretary Lisa A. Brubaker, and Assistant Manager Barry A. Ludwig. Absent was: Councilmember Jeffrey L. Thomas.

The President opened the meeting at 6:31 p.m. and the Pledge of Allegiance was recited by all.

Park W. Haverstick, II motioned, and Dane W. Bicher seconded, to dispense with the reading of and approve the minutes of the previous meeting held on November 8, and November 9, 2021. Motion unanimously carried.

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

There was no public comment.

The following organizational reports were presented to Council for review and discussion: Myerstown Vitality Partnership, Water Authority, and Isaac Meier Homestead Committee.

The following official's reports were presented to Council for review and discussion: Mayor's Report, Code Enforcement and Zoning Report, Solicitor's Report, and Assistant Manager's Report.

Council may hear requests from the property owner of 2 E. Main Avenue, Steve Hansen who is requesting an exemption from the Liquor Control Board (LCB) noise ordinance. He asked if the Borough has a noise ordinance. Zoning Officer Chris Geltz stated the Borough does. Steve Hansen stated LCB has specifications regarding noise. If an LCB agent happens to be walking down the street and hears music from his establishment, he can be cited. Some municipalities supersede the LCB by doing their own noise ordinance and inform the LCB they will be enforcing their ordinance, then he doesn't have to worry about LCB citing him. Chris Geltz stated the noise is based on decibels and there are some stipulations, but ultimately Council has to approve. Solicitor Leonard informed Steve Hansen because the noise ordinance does require Council to take certain steps, Council will discuss and decide if they will approve his request.

The second request from Steve Hansen is regarding a Sidewalk Café Permit. He would like to place tables on the perimeter of the building. LCB informed him the Borough needs to have a sidewalk café permit to allow it. Zoning Officer Chris Geltz informed Steve Hansen there is a provision in the Zoning Ordinance regarding café permits. A zoning permit is required. Solicitor Leonard informed Steve Hansen there is criteria in the Zoning Ordinance that you do need to meet for the sidewalk permit. He should review that and then work with the Zoning Officer to obtain.

Dane W. Bicher motioned, and Stacey A. Hackman seconded, to approve the payment of bills as submitted. Motion unanimously carried.

Dana Reich motioned, and Park W. Haverstick, II seconded, to accept the Treasurer's Report for November 2021 as submitted and have it placed on file for audit. Motion unanimously carried.

We received an update from Ellen Kramer on the history book she is doing.

We received the list of write-ins votes for the vacant Council seats from Election Services. The Borough had two Council positions open. One will be filled by Kathy Yang. She has brought her paperwork into the office informing us she will be accepting the position. The rest of the people on the list all have the same number of votes. Election services stated to us they send letters to these candidates; they have a deadline date to respond if they are interested in the position. If more than one is interested, election services then draws a name and that is who would be the person to fill the position.

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Council may discuss a zoning request from Attorney Tim Engler from Steiner & Sandoe Law firm, for a property on Richland Avenue. Attorney Engler informed Council that his client, Lester and Amos Zimmerman, who were also present, are here to discuss re-zoning a two and half acre parcel they own on Richland Avenue. The parcel is currently zoned OT (Old Town Residential) they would like to have it zoned LI (Light Industrial). There is a Conservation District (CN) to the back of this parcel. His client started to place a fence around the property and was stopped because the zoning doesn't allow that. President Rittle asked what their plan for the property is. Lester Zimmerman stated the short-term plan is a parking lot but would like more flexibility with this lot. Attorney Engler stated re-zoning allows more options for the property. President Pro Tem Reich stated if it is zoned LI then buildings could go up.

Solicitor Leonard stated this is a preliminary discussion, this is to enable Council to hear the plan and speak to the property owner. This is unofficial, the only way re-zoning occurs is for a formal petition and fee be filed. The Borough Planning Commission and Lebanon County Planning would review. Ultimately, you as the elected governing body has the final say, it is at your discretion. You determine the zoning for the parcels in the Borough. the goal here was to hear if there were any major concerns and Council was not inclined to re-zone it. Their other option is to apply to have a zoning hearing for a special exception or conditional use. The Zoning Hearing Board could place stipulations on the use at that time.

Vice President Haverstick stated he is concerned. He has no issue with a parking lot, but if re-zoned to LI, he is concerned with what other things could be placed and not sure if re-zoning is a good decision. Zoning Officer Geltz stated stipulations could be placed by Council. Councilmember Ream asked if any other zoning district would allow for a parking lot. Zoning Officer Geltz stated he is sure there is but couldn't answer right now which one may. Councilmember Bicher stated he is concerned with the fact they own the lot next to this one which is in Jackson Township and zoned industrial, that they could build across both lots and then chose which municipality would tax them, and we lose the tax revenue. Street access is also a concern.

President Rittle thanked them for coming.

The 2022 Budgets for the Borough Accounts were presented. Dane W. Bicher motioned, and Stacey A. Hackman seconded, to approve the 2022 General Operating, Reserve Fund Budgets, Wastewater Operating, Reserve Fund Budgets, and Special Funds Budgets. Motion unanimously carried.

The 2022 meeting dates calendar for advertisement of the Borough Council, Borough Council Committee Meetings, Borough Council Budget, the Zoning Hearing Board, the Planning Commission, the Myerstown Water Authority, and the Sewer Advisory Committee was presented. Dana Reich motioned, and Ronald L. Ream seconded, to approve the 2022 meeting dates for advertisement. Motion unanimously carried.

Resolution 2021-13 was presented to Council Establishing the Taxation Rates for Real Estate Tax Rate and Street Light Tax Rate. Dane W. Bicher motioned, and Dana Reich seconded, to approve Resolution 2021-13 - Taxation Rates for Real Estate Tax Rate and Street Light Tax Rate for the year 2022. Motion unanimously carried.

Resolution 2021-14 was presented to Council Establishing the Local Tax Enabling Act 511 Tax Rates for 2022. Dana Reich motioned, and Stacey A. Hackman seconded, to approve Resolution 2021-14 – Taxation Rates – Local Tax Enabling Act 511. Motion unanimously carried.

Resolution 2021-15 was presented to Council appointing Stanilla, Seigel, and Maser, LLC as independent auditor for 2022 to perform the 2021 audit of all Borough funds. Dane W. Bicher motioned, and Park W. Haverstick, II seconded, to approve Resolution 2021-15 – Appointment of Auditor. Motion unanimously carried.

Resolution 2021-16 was presented to Council authorizing the Record Disposition for 2022 in accordance with the Municipal Records Retention Manual. Park W. Haverstick, II motioned, and Stacey A. Hackman seconded, to approve Resolution 2021-16 – Record Disposition. Motion unanimously carried.

Resolution 2021-17– was presented to Council approving the Price Adjustment of Bituminous Materials for Small Quantities for 2022. Dana Reich motioned, and Ronald L. Ream seconded, to approve Resolution 2021-17 – Escalation Clause. Motion unanimously carried.

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Resolution 2021-18 was presented to Council approving the Appointments to Various Boards, Commissions, and Authorities. Ronald L. Ream motioned, and Dana Reich seconded, to approve Resolution 2021-18 – Appointment to Various Boards, Commissions, and Authorities. Motion unanimously carried.

Resolution 2021-19 was presented to Council approving the Wage Resolution for the Borough for 2022. Dane W. Bicher motioned, and Stacey A. Hackman seconded, to approve Resolution 2021-19 – Wage Resolution for 2022. Motion unanimously carried.

Resolution 2021-20 was presented to Council requiring checks for Borough accounts to have two signers and authorizing certain elected and appointed officials to sign checks for 2022. Ronald L. Ream motioned, and Dana Reich seconded, to approve Resolution 2021-20 – Authorized check signers. Motion unanimously carried.

Council discussed the 2022 Fee Schedule. Revisions will be made and brought back to Council for approval.

Council may review the Payment Application for the Locust Street Project as part of the Community Development Block Grant funding. Ronald L. Ream motioned, and Dana Reich seconded, to approve the Locust Street Curb Ramps Project Payment Application No. 2 for \$3,465.90 from Doug Lamb Construction, Inc. as part of the Community Development Block Grant funding. Motion unanimously carried.

Council may review the request from the Myerstown Vitality Partnership (MVP) to facilitate the LERTA Program for the Borough. MVP will charge a fee for their services. Residents and business owners are not required to use MVP to apply, but if they require assistance, they will need to go through MVP and pay the service fee. Ronald L. Ream motioned, and Stacey A. Hackman seconded, to approve for the Myerstown Vitality Partnership to facilitate the LERTA Program for the Borough. Motion unanimously carried.

The Solicitor sent the proposed agreement with the Goodwill Fire Company No. 1 to allow the Goodwill Fire Police to store equipment in the Borough's newly constructed Public Works Maintenance Building. We have not received the executed document back from them. No action was taken.

Council may appoint a Right to Know Officer for the borough in the absent of a Borough Manager. Stacey A. Hackman motioned, and Dana Reich seconded, to appointment Assistant Manager Barry A. Ludwig as the Right to Know Officer. Motion unanimously carried.

Council may set the rental rate for the Use of Facility for the Soccer Association approval for January and February of 2022. Ronald L. Ream motioned, and Dana Reich seconded, to set the rental rate for the Soccer Association for the use of the gymnasium for January and February 2022 at \$25.00 per use. Motion unanimously carried.

The Borough has opened new opened new bank accounts with Ephrata National Bank. Checks for the initial deposits have been prepared and will be deposited into these new accounts to start use as of January 1, 2022.

Council recessed the regular meeting and entered Executive Session at 8:01 p.m. to discuss personnel and legal matters.

Council returned from Executive Session at 8:58 p.m. reconvening the regular session.

Ronald L. Ream motioned, and Dane W. Bicher seconded, to add as an action item to authorize the Assistant Manager and Council President to discuss retirement issues with employee Gale Edwards. Motion unanimously carried.

Stacey A. Hackman motioned, and Dana Reich seconded, to authorize the Assistant Manager and Council President to discuss with employee Gale Edwards her retirement and payouts. Motion unanimously carried.

Solicitor Leonard asked Council to review her memo regarding the request from Steve Hansen before making any decisions on the exemption request.

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Park w. Haverstick, II stated he believes there are very few things in this community that bring people together as a community, one is the Block Party, and one is the parade. He has no problem with someone like a local representative, senator, walking in the parade shaking hands for votes. Or a float endorsing a candidate for election, but the “Lets go Brandon” is unacceptable. In his option, what that did was divisive. There was at least one person in this town that it made feel excluded and angry at a time when people shouldn’t have to feel that way. The parade is a quality event and a kickoff of the holiday season. He fully recognizes it is a right to do so, it is someone’s right to express what you want to do, but there is a time and place for it, but just because it is your right to do so doesn’t mean you should be doing it, and he didn’t feel the parade was the right place to do it. Councilmember Ream stated he agrees and was going to say the same thing tonight. This is the Myerstown Parade, and we should be able to say what we fell is appropriate. Solicitor Leonard stated it is a first amendment right. When you have a parade whether it is publicly or privately organized, a parade on your public streets, every one of those participates has a first amendment right they can say whatever they want, unless it is actually obscene or pornographic, we cannot shut it down. Profanity is protected under the first amendment. It is a no win. President Rittle stated the parade committee is going to place on the application that they prefer they be no political speech. They cannot enforce it, but they are going to ask.

Councilmember Bicher stated he was questioned on who oversees the Christmas decorations on the poles and when are we getting new ones. Assistant Manager Ludwig stated the Borough places them, but they were purchased by the Women’s Club.

Police services were discussed.

The President asked if there were any additional comments for the good of the borough. Seeing none, he asked for a motion to adjourn.

Park W. Haverstick, II motioned, and Dana Reich seconded, to adjourn the meeting. Motion unanimously carried.

The meeting was adjourned at 9:21 p.m.

Respectfully Submitted,

Lisa A. Brubaker,  
Deputy Secretary