

Myerstown, PA
Tuesday, December 9, 2014

President Bryan L. Rittle called the regular monthly meeting of the Myerstown Borough Council to order at 7:00 p.m., on Tuesday, December 9, 2014. The meeting was held in Borough Council Chambers in the Myerstown Municipal Center, 101 East Washington Avenue, Myerstown, PA 17067.

ROLL CALL:

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, Teresa Allwein, Jeffrey L. Thomas, Barry Lutz, Mayor Gloria R. Ebling; Treasurer Lee C. Smith; Solicitor Frederick S. Wolf; Public Works Department Supervisor David C. Fake; Wastewater Department Supervisor Barry A. Ludwig; Deputy Secretary Lisa A. Brubaker and Manager Christopher J. Moonis.

MINUTES:

A motion was made by Teresa Allwein, seconded by Park W. Haverstick, II, to dispense with the reading of and approve the minutes of the November 11, 2014 Regular Monthly Meeting. All those in favor: Motion unanimously carried.

CITIZENS' AND VISITORS' COMMENTS:

Dave Mason – 15 N. Goodwill Street – asked for an explanation on the hiring of a Code Enforcement Officer. He feels there should be someone on Council or working for the Borough who could do this considering they are already being paid. The Council President introduced John Neely who is the person who has been hired to do the Code Enforcement. The Mayor stated he will be involved if any snow emergencies are placed and citations are needed he will be issuing those, because as Mayor she may not and the State Police will not write those, so someone was needed. Mr. Neely explained his duties and reviewed his monthly report. The Council has had a lot of residents come to the Borough stating concerns about property maintenance and the Council felt this was the best option. Councilmember Barry Lutz thanked Mr. Neely for his report.

Dana Reich – 16 E. Mill Avenue – discussed concerns for the repairs to her sidewalk due to the Water Authority project. The contractor hired by the Water Authority should do those repairs. The Water Authority will be contacted.

Russell Miller – 18 N. Railroad Street - he received a letter stating everything the Borough is doing wrong. He is concerned with some of the statements and voiced several issues. Mr. Miller stated these things did not happen when a former Manager was in charge. The Council President stated things are not the same anymore. It is totally different now. State and Federal Regulations have changed. The rules of employment have changed, so you cannot run the Borough the same anymore. The tax rate increase was addressed. Councilmember Park W. Haverstick, II stated it does not matter how well you run the Borough eventually taxes will have to be raised. The costs of things go up, there is inflation. You do not work at a job and not get a raise. You get an increase because you do a good job and the cost of living goes up, and just like the cost of living goes up so does the costs to run the Borough. So a tax rate increase will at times be needed to meet the costs. The largest portion of a tax bill is the school taxes not the Borough. The Manager invited Mr. Miller to come into the office and

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meet with him to discuss his concerns. Whenever he has a question he may come into the office and the staff will answer to the best of their abilities. Councilmember Teresa Allwein stated the public is always welcome to come and address the Council.

REPORTS TO COUNCIL:

The Council received written reports from the Mayor, Department Supervisors, Manager and the Solicitor. Staff was present to provide any additional information on their report and answer any questions from the Council.

The Mayor Gloria R. Ebling presented the report. There were no additional comments.

The State Police Report was reviewed. There were no additional comments.

The Recreation Board – Councilmember Jeffrey L. Thomas gave an update from their meeting. The Easter Egg Hunt will be held March 28, 2015 at 10:00 a.m. with the rain date of April 4, 2015. The Recreation Board Chairman is attending the Myerstown Activity Network Meeting tonight for information on the New Year's Eve Drop. The Light Display Contest judging will be held on December 21, with prizes being awarded. There were no additional comments.

Councilmember Teresa Allwein exited the meeting at 7:50 p.m.

Mayor Gloria R. Ebling exited the meeting at 7:55 p.m.

Wastewater Supervisor Barry A. Ludwig presented the report. The Council President asked how the clean out of the tank is going. The Wastewater Supervisor stated the hot water being used to flush the tank is working. Councilmember Barry Lutz asked if a decision was made on ownership of the manhole at Garden Avenue. The Wastewater Supervisor stated Jackson Township does the billing for that area and they would take the ownership. He was just waiting for an official letter from Jackson Township. There were no additional comments.

The ARRO Engineering report was presented. There were no additional comments.

The Mayor reentered the meeting at 8:12 p.m.

Public Works Supervisor David C. Fake presented the report. 9 of the 20 trees that were planted in the park area along the creek were pulled out. There were no additional comments.

The Solicitor's report was presented. Property Maintenance was discussed. A meeting was held with the property owner of Quaker Alloy. The disconnecting of the sewer was discussed. The Wastewater Supervisor will follow up to make sure it is completed properly. There were no additional comments.

The Manager gave a review of the Borough status. The updating of the Zoning Ordinance is being worked on with Lebanon County Planning Department. The Manager asked that an executive session be held later in the meeting. There were no additional comments.

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Committee Reports:

Councilmember Barry Lutz stated the Wastewater Advisory Meeting went well. There were no additional comments.

Council President Bryan L. Rittle stated the contractor for the new roof for the Isaac Meier House has backed out and they are looking for a new contractor. There were no additional comments.

Treasurer Lee C. Smith prepared and presented Borough Council with the monthly Treasurer's Report. A motion was made by Barry Lutz, seconded by Park W. Haverstick, II, 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. Questions were answered regarding several of the bills presented. Discussion was held on buying from local vendors. The Borough does try to purchase from local businesses as much as possible. A motion was made by Michael D. Behm, seconded by Teresa Allwein, to approve payment of all invoices as listed. All those in favor: Motion unanimously carried.

COMMUNICATIONS:

The communications were reviewed. We received information that the Lebanon County Commissioners have included full funding for the Central Booking Center in the 2015 County Budget. We received information on requirement changes for local tax collectors. There were no additional comments.

OLD BUSINESS:

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.

NEW BUSINESS:

Jeff Sterner and Ken Funk were present to discuss the Petition the Borough received for a Zoning Text Amendment from the Evangelical Theological Seminary – 121 S. College Street – currently their campus is in a OI-Office and Institutional District which permits residential facilities to provide on-campus housing. There are fewer students requesting housing and the current language precludes the rental to persons not attending or connected with the Seminary. The Petition requests the consideration to change the zoning language in Part 10, 27-1002.11(B) to read as "Residential Facilities" and remove "to provide on-campus housing for educational facilities". The change would allow the Seminary more flexibility to the current use of the buildings in order to potentially rent or sell the units. If the petition is granted the housing buildings may not be considered tax exempt anymore. Lebanon County Assessment will have to review for determination. The change would also make it a non-conforming use. The seminary does have a Land Development plan being created for submission seeking to subdivide one lot into four lots. The Borough Planning Commission reviewed the petition. The application asked for a change in wording but the Seminary representatives have requested to eliminate the whole

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section. The Planning Commission has agreed and approved the whole section be removed. The Manager stated a revised application needs to be submitted and he has been advised that the Lebanon County Planning Commission will likely recommend that the Borough not approve the striking of the subsection. They prefer the original application. The Borough advised the Seminary to contact the County and explain what the Seminary would like to do because they are concerned it would be restrictive and there would not be a provision to file a Land Development plan. There is a concern that if it is eliminated would the rest of the O-I Zoned properties end up being residential properties. A motion was made by Park W. Haverstick, II, seconded by Jeffrey L. Thomas, to approve with condition to develop the correct language for the text amendment and circulate the revised application to the members of Council and the Mayor and to authorize the correct petition to proceed to advertise for consideration. All those in favor: Motion unanimously carried.

Resolution 2014-28 – Yearly Appointment - was presented to reappoint Michael D. Behm to the Planning Commission. A motion was made by Park W. Haverstick, II, seconded by Jeffrey L. Thomas, to approve Resolution 2014-28 to reappoint Michael D. Behm for a four year term on the Planning Commission effective January 1, 2015. All those in favor: Motion unanimously carried.

The 2015 budget for Wastewater, 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 2015 budget for the Wastewater Fund, General Fund and the Special Funds. All those in favor: Motion unanimously carried.

Ordinance 825 has been prepared to establish the taxation rates for the Borough for 2015. The real estate tax rate will increase from 1.7622 mills to 2.0 mills for 2015. A motion was made by Park W. Haverstick, II, seconded by Barry Lutz, to approve and adopt Ordinance 825 reestablishing the taxation rates for the Borough for 2015. All those in favor: Motion unanimously carried.

Ordinance 826 has been prepared to amend the Police Pension Plan document to comply with the State Law which redefines the term “spouse” to recognize any marriage license issued by any state. A motion was made by Park W. Haverstick, II, seconded by Barry Lutz, to approve and adopt Ordinance 826 to amend the Police Pension Plan Document. All those in favor: Motion unanimously carried.

We received the Insurance Proposal for the Pollution Liability for 2015. There is an increase of approximately \$208.00 from the 2014 policy, and if the Borough adds the Terrorism coverage it would be an additional \$311.00 to the premium. A motion was made by Michael D. Behm, seconded by Jeffrey L. Thomas, to approve the 2015 Pollution Liability Proposal with the addition of Terrorism Coverage. All those in favor: Motion unanimously carried.

The 2015 meeting date schedule has been completed. It is being proposed to hold the Council Monthly Meeting at 6:30 p.m. for 2015. A motion was made by Michael D. Behm, seconded by Jeffrey L. Thomas, to approve the 2015 meeting schedule and authorize the meeting dates be advertised. All those in favor: Motion unanimously carried.

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We received the Auditing Firm contract. A motion was made by Michael D. Behm, seconded by Park W. Haverstick, II, to approve the Auditing Contract from Stanilla, Siegel and Maser for the year ending December 2014. All those in favor: Motion unanimously carried.

Resolution 2014-29 – Wage Resolution - has been prepared. A motion was made by Barry Lutz, seconded by Michael D. Behm, to approve Resolution 2014-29 setting the wage and salary rates for the Borough employees for 2015. All those in favor: Motion unanimously carried.

Resolution 2014-30 – Fee Resolution - has been prepared. A motion was made by Michael D. Behm, seconded by Jeffrey L. Thomas, to approve Resolution 2014-30 setting the Fee Schedule for 2015, effective January 1, 2015. All those in favor: Motion unanimously carried.

Councilmember Jeffrey L. Thomas asked for an update on the proposed Advanced Auto Part store. Currently it is at a standstill. The Borough Sign Ordinance is very restrictive and outdated. A revision is being worked on with Lebanon County to enable the Land Development Plan can proceed and will be presented for Council's review in the near future.

The Recreation Board Chairman Zina Rittle entered the meeting to give the Council information from the Myerstown Activities Network. The 501(c)3 was discussed and the group is in agreement to proceed. The number of board members will need to be decided on. The number will be set in the By-Laws. The New Year's Eve Drop was discussed. The group is looking for another fire department to provide a truck if the Keystone Fire truck is not repaired in time. They asked that Center Avenue be closed, garbage cans be placed and the port-a-potty be moved. Another meeting will be held on December 23, 2014 at 7:00 p.m.

EXECUTIVE SESSION:

The Borough Council recessed the regular meeting and entered into Executive Session at 8:32 p.m. to discuss personal matters.

Councilmember Barry Lutz exited the meeting at 8:40 p.m.

The Borough Council returned from Executive Session at 9:16 p.m. reconvening the regular session and resumed consideration of and action on the regular meeting agenda.

COMMENTS FOR THE GOOD OF THE BOROUGH:

A letter of resignation from Barry Lutz was given to the Council President. A motion was made to accept with regret the resignation letter from Barry Lutz as a member of Borough Council effective immediately. All those in favor: Motion unanimously carried.

A motion was made by Jeffrey L. Thomas, seconded by Park W. Haverstick, II, to remove Kathleen Fake as a member of the Recreation Board for cause. All those in favor: On a roll call vote: Michael D. Behm – yes; Park W. Haverstick, II – yes; Jeffrey L. Thomas – yes; Bryan L. Rittle – yes: Motion unanimously carried.

There were no additional comments.

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ADJOURNMENT:

A motion was made by Park W. Haverstick, II, seconded by Jeffrey L. Thomas, to adjourn the meeting at 9:20 p.m.

Lisa A. Brubaker
Deputy Secretary

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