

Myerstown, PA
Tuesday, October 13, 2015

President Bryan L. Rittle called the regular monthly meeting of the Myerstown Borough Council to order at 6:30 p.m., on Tuesday, October 13, 2015. 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, Park W. Haverstick, II, Vince Podolski, Jeffrey L. Thomas, Dana Reich, Keith Fox, 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, Code Enforcement Officer John Neely, Deputy Secretary Lisa A. Brubaker and Manager Christopher J. Moonis.

The Meeting Minutes for September 8, 2015 and September 22, 2015 were presented. A motion was made by Park W. Haverstick, II, seconded by Keith Fox, to dispense with the reading of and approve the minutes of the September 8, 2015 Regular Monthly Meeting and September 22, 2015 Special Meeting. All those in favor: Motion unanimously carried.

The Council President opened the floor for Citizens and Visitors Comments:

David Risser – 325 S. Cherry Street – asked what are the requirements for vehicles to be parked on the streets. The Council President stated a vehicle must be licensed, registered, inspected and operable. The Code Enforcement Officer stated if someone see a questionable vehicle contact the Borough Office and the concern will be turned over to him for follow up.

Bill Barshinger, President of the Myerstown Jaycee's thanked the Borough for their help with the craft show event.

The Council received reports from the Mayor, Department Supervisors, Manager and the Solicitor. 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 informed the Council that Donald Brown was inducted into the Eastern Lebanon County School District Hall of Fame.

No State Police Report was received.

Code Enforcement Officer John Neely presented the report. Property maintenance, vehicle parking, and violations were discussed. He will continue to address these issues.

Wastewater Supervisor Barry A. Ludwig presented the report. Sewer Advisory meeting will be held on November 16, 2015 at 6:30 p.m. at the plant. The Council President questioned the roof repairs on the control building. The Wastewater Supervisor stated the roof needs some repairs and the materials should be delivered this week.

No ARRO Engineering Report was received.

Public Works Supervisor David C. Fake presented the report. Council President Bryan L. Rittle asked in his report did the Public Works Supervisor mean the department setup for the Jaycee's craft show instead of the Rotary Club, because that function was the Jaycee's event. The Public Works Supervisor apologized, he meant the Jaycee's. Councilmember Park W. Haverstick, II asked if the pickle ball court is being used. The Public Works Supervisor stated the court is being used.

The Solicitor's report was presented. The Solicitor requested an executive session later in the meeting to discuss litigation from a Sheriff Sale. The Council President asked where we stand regarding the laundromat on W. Washington Avenue with a decision as to their being required to hookup to the water service. The

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property was in the past on Borough water, but there is supposedly an agreement for them to drill a well, but no one can find an agreement. The Solicitor stated the owner has been informed that they may be required to connect to the municipal water. The Borough has an Ordinance that could be enforced to require them to connect. EDU's will also need to be reviewed for both laundromats in town. The bathroom area in the laundromat is hooked to the municipal service, but not the whole building. It is unresolved in whether or not they should have to connect to municipal service. The Council President stated in the Solicitors report it is noted that the Authority should take action if the connection is required. The opinion of the Water Authority is this is a Borough Ordinance, so the Borough would have to enforce the Ordinance to require the connection. The Solicitor stated the Water Authority could take action if the Borough authorizes them to take action based on the Borough Ordinance.

The Manager gave a report. The Manager informed the Council the sidewalk at 209 S. Cherry Street may have been poured with too much slope, the Engineer is reviewing the details; the Traffic Impact Study Report from LTAP has been received, Council should review the report for discussion at a later meeting; A draft RFP (Request for Proposal) for trash service has been prepared for Council to review;

The contractor for the ADA Ramps for the road project should be out of the Borough on October 19, 2015, there will be some discussion for issues later on the agenda; Soft spots were found on Cherry Street and the Manager authorized the contractor to undercut and place a heavier stone in those areas before the base layer was placed. A sub-contractor hit a marked gas line on Cherry Street, UGI is completing the work. The One Call requirement will delay the project for three (3) days. The project will continue on Friday.

Concerns have been received regarding access when Broad Street is being worked on. The area of E. Carpenter Street, those businesses and residents have no other way in or out when Broad Street is closed. The contractor will keep as much access as possible throughout the project.

A Resolution (2015-20) is required as part of the CDBG (Community Development Block Grant) Application. This is on the agenda for action later in the meeting.

Last, a Public Hearing was advertised for 7:30 p.m. for changes to two (2) parts of the Borough Ordinance book.

The Council President proceeded to the Committee Reports:

Vice President Michael D. Behm stated the 2016 Budget preparation has been started.

Councilmember Jeffrey L. Thomas gave a recreation report. A pickle ball clinic was held and approximately a dozen people participated. The Holiday Contest information should be available soon. A cleanup day will be held on Sunday, October 25, 2015 at 1:00 p.m. at the pool.

Councilmember Jeffrey L. Thomas stated the next item for recreation is a quote to purchase playground equipment that was given to the Council for review. Upon review of the playground area was found that some of the equipment no longer meets the State requirements and must be removed. The Regional Director from DCNR has also been to the park and found some equipment deficiencies. The quote for new equipment is \$16,309.00 and \$5,850.00 for installation costs. The Manager asked the Borough Solicitor if he is correct in saying that if the vendor is a participating Costars Contractor the Borough does not have to get any additional quotes. The Solicitor stated the Manager is correct. The Manager stated the Council did budget funds for playground equipment in 2015. A motion was made by Keith Fox, seconded by Michael D. Behm, to approve the purchase of the playground equipment from George Ely Associates, Inc. for \$16,309.00 and the installation costs of \$5,850.00 from Playground Pros, contingent upon George Ely Associates, Inc. being a State Contract Vender. All those in favor: Motion unanimously carried.

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

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

The communications were reviewed.

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.

The Council President proceeded to the agendas order of the business:

We received a request from the Woman's Club. A motion was made by Keith Fox, seconded by Park W. Haverstick, II, to approve the request and grant permission to the Woman's Club of Myerstown to hold the Annual Christmas Tree Lighting Ceremony and Carol Sing on Saturday, November 28, 2015 at 6:30 p.m. All those in favor: Motion unanimously carried.

The Wastewater Project contractors Mr. Rehab and SLH have submitted pay applications for the project. The request from Mr. Rehab is for \$41,449.45 and the request from SLH is for \$7,500.00. The Wastewater Department Supervisor and the Manager reviewed the requests and recommends Council approve the payments. A motion was made by Michael D. Behm, seconded by Dana Reich, to approve the payment requests from Mr. Rehab for \$41,449.45 and SLH for \$7,500.00 for the Wastewater Project. All those in favor: Motion unanimously carried.

Resolution 2015-20 – was presented to authorize the filing of a proposal for CDBG (Community Development Block Grant) funds through Lebanon County for ADA curb cuts and ramps and roadway work. The Manager reviewed the project application. A motion was made by Park W. Haverstick, II, seconded by Keith Fox, to approve Resolution 2015-20 authorizing the filing of a proposal to obtain funds from the Department of Community and Economic Development Block Grant for the placement of ADA curb cuts and ramps and roadway work. All those in favor: Motion unanimously carried.

The Manager explained the reimbursement estimate for sidewalk and curbing for David Risser – 325 S. Cherry Street. A motion was made by Park W. Haverstick, II, seconded by Dana Reich, to approve the reimbursement estimate of \$1,780.00 for curb and sidewalk for David Risser. All those in favor. Motion unanimously carried.

The Manager explained the reimbursement estimate for sidewalk and curbing for Terry Wolfe – 17 S. Cherry Street. A motion was made by Jeffrey L. Thomas, seconded by Keith Fox, to approve the reimbursement estimate of \$977.55 for curb and sidewalk for Terry Wolfe. All those in favor. Councilmember Vince Podolski abstained due to the fact he was the contractor of the project and provided a written notice stating as such. Motion carried.

The Goodwill Fire Police are asking for approval to contact other municipalities for assistance for fire police at the Myerstown Holiday Parade. A motion was made by Keith Fox, seconded by Michael D. Behm, to approve the request from the Goodwill Fire Police to contact other municipalities for assistance for fire police at the Myerstown Holiday Parade. All those in favor: Motion unanimously carried.

The Rotary Club is requesting permission to plant a tree and place a plaque at the sign in the park in honor of Walter Whitmoyer. The Rotary Club will work with the Borough on the size and type of tree and the location to be placed. The Council President stated Mr. Whitmoyer was the Borough Solicitor for 30 years. A motion was mad by Keith Fox, seconded by Jeffrey L. Thomas, to approve the request from the Rotary Club to place a tree and plaque at the sign in the park area. All those in favor: Motion unanimously carried.

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The Council President read a resignation letter submitted by Richard Groves from his position on the Water Authority. A motion was made by Keith Fox, seconded by Park W. Haverstick, II, to accept with regret the resignation letter from Richard Groves effective immediately from the Myerstown Water Authority. All those in favor: Motion unanimously carried.

A letter of interest to serve on the Water Authority has been received from Brian Ziegler. A motion was made by Keith Fox, seconded by Park W. Haverstick, II, to adopt Resolution 2015-21 – to appoint Brian Ziegler to the Water Authority with the term expiring December 31, 2019. All those in favor: Motion unanimously carried.

The Council President stated the Solicitor has advertised a public hearing for Ordinance 832 for the text amendment to Chapter 27, Part 1 Definitions and Part 18 – Animals and Poultry and Definitions. The Solicitor conducted the public hearing. The Solicitor reviewed the proposed Ordinance. The Lebanon County Planning Department submitted a letter stating their review of the proposed documents did not result in any substantive comments and they support the proposed amendment and encourage the Council to adopt it. The Borough Planning Commission has reviewed and approved the amendment. The Planning Commission is recommending the Council do the same. The Solicitor asked if anyone has any question or comments. Seeing none he turned the meeting back over to the Council President for action. A motion was made by Park W. Haverstick, II, seconded by Jeffrey L. Thomas, to adopt Ordinance 832 – the Text Amendment to Chapter 27, Part 1 - Definitions and Part 18 – Animals and Poultry. All those in favor: Motion unanimously carried.

The Manager provided the Council with the proposal for document imaging software. The Council had budgeted for this system. Several products were reviewed. The proposal is from DOCUSCAN USA for the Laserfiche Avante System. The Manager has worked with the system before. This system will give the Borough the ability to scan and store all files and documents electronically, which will give the Borough a legal digital version. The documents can also be OCR'd (Object Character Recognition) which will allow all text within the image to be searchable. The system will make a search and retrieval simple. Laserfiche is the leader in this type of system. This is the way municipalities are going and it is a better method for record management. The system is highly efficient. A motion was made by Park W. Haverstick, II, seconded by Michael D. Behm, to approve the purchase of Laserfiche Avante System and software for a total of \$5,448.00. All those in favor. Motion unanimously carried.

The Manager has received the first payment request from Doug Lamb Construction for the ADA Ramps. The request was given to the Engineer for review and he has approved and signed off on the payment. A motion was made by Vince Podolski, seconded by Jeffrey L. Thomas, to approve the payment request from Doug Lamb Construction for \$186,699.58. All those in favor. Motion unanimously carried.

Eric Bicksler – 411 S. Broad Street – asked when the tax payer's bill is going to stop for the boroughs incompetence on the sidewalk project. The Council President suggested Mr. Bicksler runs for Council. Councilmember Jeffrey L. Thomas stated hopefully they have all of the issues worked out. Mr. Bicksler stated it is nice for those property owners to get their money back, but again when is the incompetence going to stop. The Council President stated there were some mistakes made, no one has denied that, and we are trying to make things correct.

Mr. Bicksler stated it has been brought up about a newsletter, he does not care about a newsletter, he would like to see all the papers the Council use for meeting. He'd gladly take a copy of those each time he came into a meeting. The Council President stated he can fill out a right-to-know request with the office to receive paperwork. Most documents are public, but there are some that are not. The request has to be filed with the right-to-know officer, which is the Borough Manager. He will review the request and provide the information if allowable. Vice President Michael D. Behm stated he could see everything if he runs for Council. Councilmember Keith Fox informed Mr. Bicksler there is an advertised budget meeting on Wednesday, October 14, 2015 at 6:30 p.m. that he may attend.

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The Borough Council recessed the regular meeting and entered into Executive Session at 7:52 p.m. to discuss legal matters and real estate.

The Borough Council returned from Executive Session at 8:27 p.m. reconvening the regular session and resumed consideration of and action on the regular meeting agenda.

The Mayor asked if she may ask the Fire Police to help with trick or treat night. The Council agreed to have the Fire Police work trick or treat night.

Councilmember Dana Reich asked if the Council would please consider "No Truck" signs on Broad Street. The roadway is too narrow for the trucks to turn onto side streets without going over the curbing and they are going over the Mill Street bridge. Councilmember Keith Fox stated that bridge is not the Boroughs, it is in Jackson Township and there are no weight limit signs at that bridge. Every bridge is inspected. If it is inspected and does not pass then a weight limit sign is placed on the bridge. If there is no weight limit sign there, then that means PennDot says it is allowed to be driven over.

The Mayor asked what route does she want the trucks to use. Councilmember Dana Reich said they should be coming from SR 501, down Richland Avenue, to Quarry Road. The Manager asked why, Councilmember Dana Reich stated because that is a more direct route, they can't negotiate the turns on Broad Street without going over the curbs.

Councilmember Keith Fox stated we could place a "No Trucks" sign on Mill Street because then they will go straight to Richland Avenue. Councilmember Dana Reich still wants a sign on Broad Street. Councilmember Keith Fox does not agree with that. Just because she lives on Broad Street doesn't mean she gets to have certain traffic on her street. Then there will be others who will want the same done for their street. Councilmember Dana Reich stated then she will submit a bill when they break her curb. Councilmember Keith Fox stated you have to catch the driver and sue the company, but we cannot mark every street for no trucks. The Council President asked if there is anything else for discussion.

Councilmember Jeffrey L. Thomas asked the Councilmembers to review the RFP (Request for Proposal) regarding trash service for discussion at the November meeting.

The Council President asked if there were any additional comments for the good of the borough. Seeing none, a motion was made by Keith Fox, seconded by Park W. Haverstick, II, to adjourn the meeting at 8:36 p.m. All those in favor: Motion unanimously carried.

Lisa A. Brubaker
Deputy Secretary

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