

MONDAY, AUGUST 28, 2023

The regular monthly meeting of the Council of the City of Lebanon, Pa., was held in Dixon Council Chamber of City Hall, Lebanon, Pa., this evening, Chairperson Morales presiding.

The meeting was called to order at 6:30 p.m.

Present--Mrs. Haitos, Mr. Martin, Mr. Miller, Mr. Wertz, and Mr. Morales, Chairperson.  
Absent--none.

Also present were Donna Long Brightbill, City Solicitor; Bret Fisher, Chief of Police; Janelle Mendoff, Community and Economic Development Administrator; Melissa E. Quinones, Director of Administration-Assistant to the Mayor; Fire Chief A.J. Sweitzer; Chad Yeagley, Incoming Director of Public Works; nine persons in the audience; and three members of the news media.

The minutes of the July 24, 2023, City Council meeting were presented by the City Clerk. There being no corrections, deletions or additions, the minutes were approved as presented.

Chairperson Morales announced that Council received a budget report for the period January 1 through July 31, 2023. Mayor Capello reported that 58 percent of the fiscal year is completed; revenues are at 74 percent; and expenditures are at 43 percent. Overall, performance is better than budgeted in both categories.

Chairperson Morales announced that Council received the following communications:

- a. Mayor Sherry L. Capello, informing Council of the reappointment of Vincent Garcia, Lebanon Foundation, 216 South Eighth Street, Lebanon, to the City of Lebanon Design Review Board for a five-year term, effective retroactively to July 22, 2023. Mayor Capello reported that the Design Review Board was established as part of the new Zoning Code. The requirements for murals and street art are set forth in the Zoning Code and the Design Review Board reviews applications for murals and street art to ensure compliance with the requirements prior to presenting the application to the Mayor for consideration. Mayor Capello stated that Mr. Garcia is a Certified Public Accountant and is a principal in the firm of Garcia Garman and Shea. Further, Mr. Garcia is a member of the Lebanon Foundation Board of Directors and is a great volunteer for the community.
- b. Mayor Sherry L. Capello, informing Council of the appointment of Courtney Reiman, 1509 Poplar Street, Lebanon, to the City of Lebanon Design Review Board for a five-year term, effective retroactively to July 22, 2023. Mayor Capello reported that Ms. Reiman serves as Secretary on the Lebanon Valley Council on Arts and will serve as on the Design Review Board as the Lebanon Valley Council on the Arts representative.

Mike Roof, President, Rescue Hose Company No. 4, 400 Lehman Street, Lebanon, read a prepared statement to Council regarding the City of Lebanon's contribution of \$650,000 for the purchase of a new piece of apparatus. The contribution to the Rescue Hose Company was made possible due to the receipt of American Rescue Plan Act funding received by the City of Lebanon. Mr. Roof stated that a Memorandum of Understanding between the City of Lebanon and the Rescue Hose Company No. 4 was executed on April 27, 2023; however, to date, the funds have not been released to the Rescue Hose Company No. 4. Mr. Roof stated that Mayor Capello considers the MOU to be invalid as it was not fully executed and delivered and she is requesting that the Rescue Hose Company No. 4 enter into a new agreement with additional conditions. City Solicitor Donna Brightbill confirmed that she has been in communication with Mr. Roof and a meeting is scheduled for August 29 at 4:00 p.m. to discuss this issue.

Mayor Capello read a prepared statement and stressed that all volunteers play a vital role in providing fire protection to our community. She added that she respects the role of volunteers and wants this issue to move forward to resolution. She stated that if that was not the case, she would not have recommended a 46 percent contribution, representing more than a 25 percent contribution, toward the purchase of the apparatus by the Rescue Hose Company No. 4.

Mayor Capello explained that when federal funds are used for the purchase of apparatus, there must be a guarantee for payback if the apparatus is sold. The American Rescue Plan Act is silent on the issue and the City fell back to the federal guidelines published by the U.S. Department of Housing and Urban Development.

Mayor Capello stated that there must be an offer, acceptance, and delivery before an agreement is legally binding. In this case, the City has not delivered the final document. Initially, the City was proposing that two conditions be added, as follows:

1. Requirement for notification of taking apparatus out of service.
2. A provision requiring that in the event the ladder truck is sold or transferred, the City would recoup 46 percent of the proceeds. She reiterated that this is something required by U.S. Department of Housing and Urban Development when federal funds are used for the purchase of equipment. Typically, if the equipment is 10+ years old, the requirement is waived.

Mayor Capello reported that the City subsequently agreed to withdraw the requirement for notification of taking apparatus out of service. She stated that American Rescue Plan Act funding is to benefit the residents of the city and the City wants assurance that the funds will be recouped if the apparatus is sold or transferred.

Councilmember Miller asked what is the reservation about the change in language. He stated he doesn't understand what the concern is to have the funds returned if the apparatus is sold. Mr. Roof replied that it is a matter of principal. He added that the City signed a Memorandum of Understanding with the Rescue Hose Company No. 4 and the Rescue Hose Company No. 4 is on the line for \$1.4 million for the purchase of the apparatus.

Councilmember Miller stated that the City has an obligation to its citizens to provide firefighting services and agreed to give a contribution for the purchase of apparatus. He stated he does not understand what harm there is to the Rescue Hose Company No. 4 with the addition of the requirement to pay back the funds if the apparatus is sold.

Mr. Roof asked if the other fire company receiving funds toward the purchase of a new piece of apparatus has entered into a revised agreement. Mayor Capello stated that she attended the company meeting and they verbally agreed to the revision. The officers asked for time to review the revised agreement and anticipate signing it at their next meeting. Mayor Capello reported that she has a copy of a letter from the Union Hose Fire Company acknowledging receipt of a contribution of 25 percent of the purchase price.

Councilmember Miller asked if the Rescue's unit is currently in service or is this a replacement. Mayor Capello replied that it is still in operation but approaching end of life. Mr. Roof replied that the current truck was purchased with no city dollars and it is not at the end of life.

Councilmember Haitos stated that today she became aware that the language should have been incorporated into the agreement. She suggested that this may have been an oversight because the funding came from a different entity. She asked if Mr. Roof has taken the proposed revised agreement to his Board. He replied that he did and the Board was against the revised agreement. Mrs. Haitos stated that the City wants reassurance that its share of the funds will be returned to the City if the apparatus is sold.

Chairperson Morales stated that there is a meeting between both parties tomorrow to discuss this matter and hopefully come to a resolution.

Councilmember Richard Wertz thanked the Public Works crew for removing and preserving the bell at the Lebanon County Historical Society in preparation of the work being done in conjunction with the Streetscape along Cumberland Street.

Chairperson Morales reported that cement was poured on six the tee offs for disc golf at Coleman Memorial Park last week. He anticipates the course will be open in the next two months.

City Solicitor Donna Long Brightbill reported that she has not had any success with the request to change the address for the Cherry Street property discussed at the May 22, 2023, Council meeting. She has tried to contact the Lebanon Post Office via telephone and a letter sent to the Postmaster was returned. She reported that her next step will be to personally visit the Lebanon Post Office in an attempt to talk with a representative.

Chris Coyle, LebTown, asked if the Memorandum of Understanding between the City of Lebanon and the Rescue Hose Company No. 4 was signed by both parties. Mayor Capello responded that it was signed, but you need to have offer, acceptance and deliverance for an agreement to be binding.

Laura LeBeau, Seven Mountains Media, stated that the Rescue Hose Company No. 4 has never sold a piece of apparatus for profit in 130 years. She asked why the City now feels they will sell the new apparatus. Chairperson Morales replied that the language is making sure the City is protected. Mayor Capello added that the agreements with other organizations receiving American Rescue Plan Act funding were for services and the sidewalk improvements being done as part of the Streetscape Project stay with the property if it is sold. She acknowledged that the timing of the request to add the requirement for a payback of funds if the apparatus is sold was not great, but the check had not been delivered. She stated that typically, funds are released when a certificate of origin is received. In this circumstance, the Rescue Hose Company No. 4 will be able to earn interest on the funds prior to delivery of the truck.

Alisher Aminov, Q Hubo, asked if the contribution for the apparatus is 100 percent American Rescue Plan Act funding. Mayor Capello replied that the contribution for the Rescue Hose Company No. 4 is 100 percent American Rescue Plan Act funding. She further explained that when the guidelines were first distributed some items were not addressed. When the ARPA guidelines were silent, the City deferred to the U.S. Department of Housing and Urban Development requirements. She reiterated that the City wanted assurance that the funding will be returned to the City of Lebanon if the apparatus is sold or transferred. She is hoping both parties can come together to get this resolved.

Darryl Cox, 492 North Sixth Street, Lebanon, asked Councilmember Haitos why she didn't hear about the details of this issue prior to today. Chairperson Morales replied that he and Vice Chairperson Wertz meet with Mayor Capello prior to the Pre-Council meeting to discuss items on the agenda and the information is shared with other members of Council.

Mr. Cox asked what funding is being used to pay for the sidewalk repairs along Cumberland Street to which Mayor Capello replied American Rescue Plan Act funding. He asked if property owners are responsible for paying anything for the new sidewalks. Mayor Capello replied that property owners are only responsible for paying if there is anything additional work performed outside the scope of the project. For example, the Steitz Club wanted stamped concrete in its sidewalk area, as well as, the beauty strip, and is paying for the difference in cost. She added that the Streetscape was a special project in the Central Business District.

Mr. Cox stated that he is a long-time Board member with Developmental and Disability Services and DDS paid more than \$10,000 for required sidewalk repairs. He inquired if DDS could be reimbursed. Ms. Mendoff reported that the grant period for non-profits is closed; however, DDS received \$80,000.00 in ARPA funding for other services it provides.

Jerry Kalinoski, 412 Weidman Street, Lebanon, reported that only corrugated cardboard is accepted at the Recycling Center. He asked why other cardboard is not accepted at the Recycling Center. Mayor Capello responded that corrugated cardboard has been the only type of cardboard accepted since recycling started. There is no market for paperboard and it is not required to be recycled. Mr. Kalinoski complained that the City of Lebanon is not enforcing mandatory recycling laws.

Mr. Kalinoski asked when paving of Weidman Street will be completed. Incoming Director of Public Works Chad Yeagley responded that he is working with the utilities to do the necessary work at the same time. He reported that paving of Weidman Street is on the radar. He further reported that Guilford Street will be paved from Lincoln Avenue west to Seventh Street.

Mr. Kalinoski stated that he is a member of the Shade Tree Commission. He stated that many of the property owners in the downtown are getting sidewalks and shade trees replaced at no fee as part of the Streetscape Project. He asked if there has been any effort to ask for contributions from those property owners for the Shade Tree Commission to be used to help other city residents replace shade trees. Mayor Capello replied that the City can pursue his suggestion.

Mr. Craig Gates, 47 Berwyn Park, Lebanon, reported that the CLA's recent Car and Motorcycle Show was successful. He reported that the next event is the Music and Brew Festival at Coleman Memorial Park scheduled for September 16.

Vicki Kreiser, North Cornwall Commons, asked what will happen to the clock that was in the 700 block of Cumberland Street. Mayor Capello stated that originally, the clock was put up by First National Bank. The current owner did not respond to requests or calls made by the City. During the early phases of the Streetscape Project, the mason discovered that it was very deteriorated. She added that the replacement of the clock was not part of the original project and there are several clocks in the downtown area. She further explained that the property owner would have to own and maintain a clock if it is replaced.

Mike Roof asked if the bell that was moved from the front of the Lebanon County Historical Society will be replaced. Mr. Wertz replied that the bell will be back on display in the next few weeks.

The meeting was adjourned at 7:43 p.m.

CHERYL J. GIBSON, Clerk