

MONDAY, NOVEMBER 28, 2022

The regular monthly meeting of the Council of the City of Lebanon, Pa., was held in Council Chamber of the Municipal Building, 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 Mayor Sherry L. Capello; Acting Chief of Police Bret Fisher; Donna Long Brightbill, City Solicitor; Robin L. Getz, Director of Public Works; Melissa E. Quinones, Director of Administration-Assistant to the Mayor; Fire Chief Duane Trautman; seven persons in the audience; and two members of the news media.

Chairperson Morales announced that due to an emergency situation in the city, Resolution No. 27 will be considered first on the agenda.

Mr. Morales called up Resolution No. 27, as follows:

A RESOLUTION AMENDING RESOLUTION NO. 22, SESSIONS 2022-2023, RATIFYING THE MAYOR'S DECISION TO SUPPORT THE JOINT PLAN OF THE RESCUE HOSE COMPANY NO. 4 AND THE UNION STEAM FIRE ENGINE & HOSE COMPANY FOR THE PURCHASE OF TWO NEW PIECES OF APPARATUS FOR USE BY THE LEBANON BUREAU OF FIRE, AND TO PROVIDE A FINANCIAL CONTRIBUTION TO THE RESCUE HOSE COMPANY NO. 4 AND THE UNION STEAM FIRE ENGINE & HOSE COMPANY FOR THE PURCHASE OF THE APPARATUS, FOR THE PURPOSE OF APPROVING AN INCREASE IN THE AMOUNT OF PAYMENT TO THE UNION STEAM FIRE ENGINE AND HOSE COMPANY FROM \$340,000 TO \$388,888 FOR THE PURCHASE OF A NEW FIRE SUPPRESSION ENGINE AND INCLUDING COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS AS AN ADDITIONAL SOURCE OF FUNDING.

WHEREAS, the collaboration of Rescue Hose Company No. 4 and the Union Steam Fire Engine & Hose Company will result in the improvement of the Lebanon Bureau of Fire's fleet; and

WHEREAS, the sole bid for the purchase of a new fire suppression engine for the Union Steam Fire Engine and Hose Company was received on November 9, 2022, in the amount of Three Hundred Eighty-Eight Thousand Eight Hundred Eighty-Eight Dollars (\$388,888.00).

NOW, THEREFORE, Be It Resolved by the Council of the City of Lebanon, and it is hereby resolved by the authority of the same, That:

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SECTION 1. Section 2 of Resolution No. 22, Sessions 2022-2023, is hereby repealed rescinded and deleted in its entirety and shall be replaced by the following new section:

“SECTION 2. Lebanon City Council hereby ratifies the Mayor’s decision to make payment in the approximate amount of Three Hundred Eighty-Eight Thousand Eight Hundred Eighty-Eight Dollars (\$388,888.00) from Community Development Block Grant and American Rescue Fund Act funding to the Union Steam Fire Engine and Hose Company, 700 South Eighth Street, Lebanon, Pennsylvania, representing the City’s contribution for the purchase of a new fire suppression engine”.

SECTION 2. Any resolution or part of resolution conflicting with the provisions of this resolution be and the same are hereby repealed so far as the same affects this resolution.

Mayor Capello explained that the bid for the fire suppression engine was \$777,776.00 which is 14 percent higher than anticipated. The City’s share of 50 percent of the cost, or \$388,888.00, was allocated from both American Rescue Plan Act and Community Development Block Grant funds. She added that although the original resolution included the word “approximate”, because the increase is slightly more than 14 percent, we felt it was appropriate to come back to Council with an amended resolution.

Resolution No. 27 was passed finally on motion of Mr. Miller, seconded by Mr. Wertz. Yeas—Mrs. Haitos, Mr. Martin, Mr. Miller, Mr. Wertz, and Mr. Morales, Chairperson—5; nays—none.

Edward Johnson, Jr., President of the Union Steam Fire Engine and Hose Company No. 1, read a prepared statement giving the history of the fire company. On behalf of the Union Steam Fire Engine and Hose Company, Mr. Johnson extended their thanks to Mayor Capello and Lebanon City Council for acquiring the funding for the purchase of a new E-One fire engine. He also extended thanks to Fire Chief Duane Trautman for the countless hours he spent researching the specifications to build this fire engine to make it a workable piece of apparatus for the career and volunteer firefighters. He added that without Chief Trautman’s time and effort, this project would have been an impossible task for the fire company to accomplish.

Mayor Capello thanked the members of the Union Steam Fire Engine and Hose Company No. 1 for everything they do for the city.

The minutes of the October 24 and November 17, 2022, City Council meetings 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 final budget report for the period January 1-October 31, 2022. Mayor Capello reported that 83 percent of the fiscal year is completed; revenues are at 104 percent; and expenditures are at 72 percent. Overall, we are performing better than budget in both categories.

Chairperson Morales announced that a communication from Barbacane Thornton and Company, transmitting the audit for fiscal year 2021 was received. Mayor Capello reported that the report represents a clean audit and there were no findings, no material weaknesses, no deficiencies or fraud. She explained that although the net position decreased, the City is not in bad financial position. There are costs embedded in the 2021 financials that will not be paid until 2022. She further explained that when the funds from grants are received, the numbers will “true up”. One of the biggest hits to the financials is the post-employment retirement benefits. She reported that the city is on a pay as we go and so far, the City has been able to keep up with payment as the benefits are used.

Mr. Wertz introduced Resolution No. 26, as follows:

AMENDING THE ANNUAL PLAN FOR THE COMMUNITY PLANNING AND DEVELOPMENT PROGRAMS WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR FISCAL YEAR 2022 TO REFLECT THE ALLOCATION OF UNUSED FUNDS FROM FY 2020 FOR THE FIRST-TIME HOMEBUYER/REHABILITATION PROGRAM AND FROM FY 2021 AND 2022 FOR WATER MAIN IMPROVEMENTS FOR STREET IMPROVEMENTS IN THE FY 2022 PLAN.

WHEREAS, beginning in FY 1995, the U.S. Department of Housing and Urban Development (HUD) replaced the regulations for submission of applications for funding for various entitlement programs and the City prepared a consolidated submission for community planning and development programs in order to receive funding for these programs; and,

WHEREAS, the City prepared a Five-Year Consolidated Plan for the period 2020 to 2024 which includes the Community Development Block Grant Program; and

WHEREAS, the City has developed an Annual Plan for each program year for the use of federal funds; and

WHEREAS, unused funds from FY 2020 for First-Time Homebuyer/Rehabilitation in the amount of Eighty Thousand Dollars (\$80,000.00) will be reallocated for street improvements in the Annual Plan for FY 2022; and

WHEREAS, unused funds from FY 2021 and 2022 Water Main Improvements in the amount of One Hundred Forty Thousand Dollars (\$140,000.00) per fiscal year will be reallocated for street improvements in the Annual Plan for FY 2022; and

WHEREAS, the City has made the amendment to the Annual Plan available for citizen review and comment for a period of thirty (30) days consistent with its Citizen Participation Plan and considered comments received.

NOW, THEREFORE, Be It Resolved by the Council of the City of Lebanon, PA, and it is hereby resolved by the authority of same, that:

SECTION 1. The amendment to the Housing and Community Development Annual Plan advertised on October 14, 2022, is hereby in all respects approved. The City Clerk is hereby directed to file a copy of said amendment with the minutes of this meeting.

SECTION 2. The Mayor of the City of Lebanon, on behalf of the City Council, is hereby authorized to provide such assurances and/or certifications as required by the regulations for the Consolidated Submissions for Community Planning and Development Programs.

Mayor Capello reported that the City of Lebanon utilizes the Lebanon County Redevelopment Authority's HOME funds for the First Time Homebuyer Program and the Authority administers the program on behalf of the City. In addition, the City has \$160,000 available for the First Time Homebuyer Program. She explained that there is more than enough funding available through different sources for individuals utilizing the First Time Homebuyer Program. She added that she is proposing to reallocate funds to finish the paving of Lehman Street, from Lincoln Avenue east to the city line. The payment to the City of Lebanon Authority for water main improvements will be processed through American Rescue Plan Act funding for FY 2021 and FY 2022. She reported that research shows that for more than 27 years, the City has been utilizing CDBG funds for water main improvements in lieu of paying a fire hydrant fee to the Authority. Instead of paying the fire hydrant fee from the general fund, the City has been using CDBG funding for water main improvements. Because notification of the award is only received from the U.S. Department of Housing and Urban Development in the Fall of each year, it makes it difficult for the Authority to bid out and finish a project. In addition, the City of Lebanon Authority does not care to adhere to the bidding requirements established for projects paid by federal funds and has requested that the City no longer allocate CDBG funds for water main improvements, but rather pay from local sources. She added that matter will need to be revisited with the City of Lebanon Authority for future years.

Resolution No. 26 was passed finally on motion of Mr. Wertz, second by Mr. Morales. Yeas—Mrs. Haitos, Mr. Martin, Mr. Miller, Mr. Wertz, and Mr. Morales, Chairperson—5; nays—none.

Mr. Martin introduced Resolution No. 28, as follows:

A RESOLUTION ESTABLISHING A POLICY OF THE CITY OF LEBANON TO ENSURE EQUAL OPPORTUNITY IN HOUSING FOR ALL PERSONS REGARDLESS OF RACE, COLOR, SEX, NATIONAL ORIGIN, RELIGION, FAMILIAL STATUS, HANDICAP (DISABILITY), AGE AND ANCESTRY.

WHEREAS, let it be known to all person of the City of Lebanon that discrimination in the sale, rental, leasing, financing of housing or land to be used for construction of housing, or in the provision of brokerage services because of race, color, sex (including gender identity and sexual orientation), national origin, religion, familial status (families with children), or handicap (disability) is prohibited by Title VIII of the Civil Rights Act of 1968 (Federal Fair Housing Act) and the Pennsylvania Human Relations Act adds the additional protected classes of age and ancestry and use of guide or support animals because of the blindness, deafness or physical

handicap of the user or because the user is a handler or trainer of support or guide animals. It is the policy of the City of Lebanon to implement programs to ensure equal opportunity in housing for all persons regardless of race, color, sex (including gender identity and sexual orientation), national origin, religion, familial status, handicap, age, ancestry and use of guide or support animals because of the blindness, deafness or physical handicap of the user or because the user is a handler or trainer of support or guide animals.

NOW, THEREFORE, Be It Resolved by the Council of the City of Lebanon, Pa., and it is hereby resolved by the authority of the same, That:

SECTION 1. Within available resources the City of Lebanon will assist all persons who feel they have been discriminated against because of race, color, sex (including gender identity and sexual orientation), national origin, religion, familial status, handicap, age, ancestry and use of guide or support animals because of the blindness, deafness or physical handicap of the user or because the user is a handler or trainer of support or guide animals to seek equity under federal and state laws by filing a complaint with the local Fair Housing Officer, Pennsylvania Human Relations Commission and the U.S. Department of Housing and Urban Development, whichever is chosen by the person filing the complaint.

SECTION 2. The City of Lebanon shall make publicly known this resolution and through this publicity shall cause owners of real estate, developers, and builders to become aware of their respective responsibilities and rights under the Federal Fair Housing Act, the Pennsylvania Human Relations Act, and any local laws or ordinances. Further action will at a minimum include, but not to be limited to:

- (a) Publicizing the name and contact information of the local Fair Housing Officer, which will include the process to file a complaint if a person feels they have been discriminated against in housing in any manner and other applicable fair housing information through local media and community contacts; and
- (b) Conduct at least one fair housing activity annually to better inform the public of their rights under the Fair Housing Law and Pennsylvania Human Relations Act; and
- (c) Use the fair housing logo on all materials dealing with housing programs such as but not limited to:
 - (1) Public advertisements for vacancy or discussing the program
 - (2) Applications for assistance
 - (3) Contracts
 - (4) Municipal letters dealing with the federal programs.

SECTION 3. If you are a person with a disability and require a reasonable accommodation to be able to access any notification, please contact the business offices of the City of Lebanon as follows:

City of Lebanon
Office of Community and Economic Development
735 Cumberland Street, 2nd Floor
Lebanon, PA 17042
Phone: 717-639-2800

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Email: cityadmin@lebanonpa.org

Website: www.lebanonpa.org

SECTION 4. If you have a Limited English Proficiency and require a document translation of any notification, please contact the business offices of the City of Lebanon, as follows:

City of Lebanon
Office of Community and Economic Development
735 Cumberland Street, 2nd Floor
Lebanon, PA 17042
Phone: 717-639-2800
Email: cityadmin@lebanonpa.org
Website: www.lebanonpa.org

Mayor Capello reported that HUD updated the language to include that you should not discriminate based on gender identity and sexual orientation.

Resolution No. 28 was passed finally on motion of Mr. Martin, seconded by Mr. Miller. Yeas—Mrs. Haitos, Mr. Martin, Mr. Miller, Mr. Wertz, and Mr. Morales, Chairperson—5; nays—none.

Mr. Morales called up Bill No. 5 on final reading, the title of which is as follows: “AN ORDINANCE MAKING APPROPRIATIONS OF THE CITY OF LEBNAON, PA, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2023, AND ENDING DECEMBER 31, 2023”.

Mayor Capello reported that this is the eighth consecutive year she proposed a budget with no tax increase. In summary, revenues increased two percent and expenditures increased slightly more than two percent. The excess carryover was utilized to balance the budget.

Councilmember Martin thanked Mayor Capello and the staff for their working in preparing this budget.

Bill No. 5 was passed finally on motion of Mr. Morales, seconded by Mr. Martin. Yeas—Mrs. Haitos, Mr. Martin, Mr. Miller, Mr. Wertz, and Mr. Morales, Chairperson—5; nays—none.

Mrs. Haitos introduced Bill No. 6, as follows:

AN ORDINANCE PROVIDING FOR THE TAX LEVY OF THE CITY OF LEBANON, PA.,
FOR THE YEAR 2023.

Be It Ordained by the Council of the City of Lebanon, Pa., and it is hereby ordained by the authority of the same, That:

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SECTION 1. The rate of taxation of the City of Lebanon, Pa., for the fiscal year 2023 and for general revenue purposes shall be Four and Five Hundred Eighty-One Thousandths (4.581) mills upon the dollar of the assessed valuation of all the real, personal and mixed property within the limits of said City, taxable for City purposes; such rate of taxation being at the rate of Forty-Five and Eighty-One Hundredths Cents (\$.4581) on each One Hundred Dollars (\$100.00) of the assessed valuation of such taxable property, which assessed valuation is the sum of Eight Hundred Sixty-Six Million Two Hundred Thirty-Three Thousand Nine Hundred Dollars (\$866,233,900.00).

SECTION 2. Any ordinance or part of ordinance conflicting with the provisions of this ordinance be and the same is hereby repealed so far as the same affects this ordinance.

Mayor Capello stated that when comparing Lebanon City to the 14 third class cities that did not raise real estate taxes in the last eight years, Lebanon has the lowest real estate tax rate. Out of all third class cities, Lebanon has the second lowest real estate tax rate. Scranton is the lowest, but its earned income tax rate is higher. She added that we keep tax rates low while still completing major projects and providing services to our residents.

Bill No. 6 was introduced and will be considered on final reading at the City Council meeting of December 19, 2022, on motion of Mrs. Haitos, seconded by Mr. Morales. Yeas—Mrs. Haitos, Mr. Martin, Mr. Miller, Mr. Wertz, and Mr. Morales, Chairperson—5; nays—none.

Mr. Morales introduced Bill No. 7, as follows:

AN ORDINANCE AMENDING ARTICLE 331, “PROPERTY TAX AND RESIDENCE TAX”, OF THE CODIFIED ORDINANCES OF THE CITY OF LEBANON, PENNSYLVANIA, FOR THE PURPOSE OF DIRECTING THE TAX COLLECTOR TO WAIVE ADDITIONAL CHARGES FOR REAL ESTATE TAXES IN CERTAIN SITUATIONS IN ACCORDANCE WITH ACT 57 OF 2022.

WHEREAS, Act 57 of 2022, amending the Local Tax Collection Law, was signed by Governor Wolf on July 11, 2022, and takes effect on October 10, 2022; and

WHEREAS, Act 57 requires taxing districts that impose taxes on the assessed value of real property to adopt a resolution or ordinance within 90 days of the effective date of the Act, or not later than January 9, 2023, directing the tax collector to waive additional charges for real estate taxes in certain situations.

NOW, THEREFORE, Be It Ordained by the Council of the City of Lebanon, Pa., and it is hereby ordained by the authority of the same, That:

SECTION 1. Article 331, “Property Tax and Residence Tax”, of the Codified Ordinances of the City of Lebanon, Pennsylvania, is hereby amended to add the following new subsection:

PROPERTY TAX PENALTY WAIVER PROVISIONS

DEFINITIONS: The following words and phrases shall have the meanings given to them within this ordinance unless the context clearly indicates otherwise:

Additional charge: Any interest, fee, penalty, or charge accruing to and in excess of the face amount of the real estate tax as provided in the real estate tax notice.

Qualifying event:

1. For the purposes of real property, the date of transfer of ownership.
2. For manufactured or mobile homes, the date of transfer of ownership or the date a lease agreement commences for the original location or relocation of a manufactured or mobile home on a parcel of land not owned by the owner of the manufactured or mobile home. The term does not include the renewal of a lease for the same location.

Tax Collector: The designated tax collector for the City of Lebanon, Lebanon County, any authorized or designated delinquent tax collector, the Lebanon County Tax Claim Bureau, or any alternative collector of taxes as provided for in the Act of July 7, 1947 (P.L.1368, No.542), known as the “real Estate Tax Sale Law”, an employee, agent or assignee authorized to collect the tax, a purchaser of claim for the tax or any other person authorized by law or contract to secure collection of, or take any action at law or in equity against the person or property of the taxpayer for the real estate tax or amounts, liens or claims derived from the real estate tax.

Waiver: The Tax Collector shall, for tax years beginning on and after January 1, 2023, grant a request to waive additional charges for real estate taxes if the taxpayer does all of the following:

- A. Provides a waiver request of additional charges, on a form provided by the state Department of Community and Economic Development, to the tax Collector in possession of the claim within twelve (12) months of a qualifying event;
- B. Attests that a tax notice was not received; and
- C. Provides the Tax Collector in possession of the claim with one of the following:
 1. A copy of the deed showing the date of real property transfer; or
 2. A copy of the title following the acquisition of a mobile or manufactured home subject to taxation as real estate showing the date of issuance or a copy of an executed lease agreement between the owner of a mobile or manufactured home and the owner of a parcel of land on which the mobile or manufactured home will be situated showing the date the lease commences; and
- D. Pays the face value amount of the tax notice for the real estate tax with the waiver request.

SECTION 2. Any ordinance or part of ordinance conflicting with the provisions of this ordinance be and the same is hereby repealed so far as affects this ordinance.

Mayor Capello reported that Governor Wolf signed this into law in October. It amends the Local Tax Collection Law, providing for new homeowners to receive a waiver from the property tax penalty if they did not receive their tax bill in the first year. Additionally, it

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addresses tax collectors, providing that they will not be personally liable if acting in good faith. She added that there is a standard form that must be completed if a property owner wants to apply for a waiver.

Bill No. 7 was introduced and will be considered on final reading on motion of Mr. Morales, seconded by Mr. Miller. Yeas—Mrs. Haitos, Mr. Martin, Mr. Miller, Mr. Wertz, and Mrs. Haitos, Chairperson—5; nays—none.

Councilmember Martin thanked the Community of Lebanon Association for organizing and sponsoring a great holiday parade.

Craig Gates, 47 Berwyn Park, on behalf of the Community of Lebanon Association, thanked the community members who volunteered to help with the parade. He also thanked Mayor Capello and the staff for assistance with setting up the Christmas tree, posting the parade route, setting up the stage, escorting Mrs. Claus to the Tree Lighting Ceremony, and the traffic assistance by the Fire Police.

Chairperson Morales announced that there will be two public hearings on December 15, 2022, with the Pre-Council meeting convening immediately following the public hearings.

The meeting was adjourned at 7:00 p.m.

CHERYL J. GIBSON, City Clerk