

COUNCIL REORGANIZATION MEETING

MONDAY, JANUARY 4, 2016

Pursuant to the City of Lebanon Home Rule Charter, the members of the Lebanon City Council for the 2016-2017 Session reorganized in Council Chamber of the Municipal Building, Lebanon, Pennsylvania, on the above date.

The meeting was called to order at 11:06 a.m., City Clerk Cheryl Gibson presiding.

Present--Mr. Carey, Mr. Matula (via teleconference), Mr. Parker, Mr. Wertz, and Mr. Wilson. Absent--none.

Also present were Mayor Sherry L. Capello; Donna Long Brightbill, City Solicitor; Debra J. Gates, Director of Administration-Assistant to the Mayor; Robin Getz, Director of Public Works; Melissa Quinones, Community Development Administrator; Fire Commissioner Duane Trautman; Chief of Police Daniel Wright; and two members of the news media. No one was present in the audience.

Mrs. Gibson called for nominations for Council Chairperson.

Councilmember Wiley Parker was nominated as Council Chairperson on motion of Mr. Matula, seconded by Mr. Wertz.

There being no further nominations for Council Chairperson, the nominations were closed on motion of Mr. Wertz, seconded by Mr. Carey. Yeas--Mr. Carey, Mr. Matula, Mr. Parker, Mr. Wertz, and Mr. Wilson--5; nays--none.

Council then voted on the appointment of Wiley P. Parker as Council Chairperson. Yeas--Mr. Carey, Mr. Matula, Mr. Parker, Mr. Wertz, and Mr. Wilson--5; nays--none.

Mrs. Gibson turned the meeting over to Chairperson Parker.

Chairperson Parker announced that Council met in Executive Session immediately prior to the Council meeting to discuss a litigation matter and a real estate matter.

Council Chairperson Parker called for nominations for Council Vice Chairperson.

Councilmember Wayne A. Carey was nominated as Council Vice Chairperson on motion of Mr. Wertz, seconded by Mr. Matula.

There being no further nominations for Council Vice Chairperson, the nominations were closed on motion of Mr. Wertz, seconded by Mr. Wilson. Yeas--Mr. Carey, Mr. Matula, Mr. Wertz, Mr. Wilson, and Mr. Parker, Chairperson--5; nays--none.

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Council then voted on the appointment of Wayne A. Carey as Council Vice Chairperson. Yeas--Mr. Carey, Mr. Matula, Mr. Wertz, Mr. Wilson, and Mr. Parker, Chairperson--5; nays--none.

Mr. Parker introduced Resolution No. 1, as follows:

A RESOLUTION APPROVING A SETTLEMENT AND MUTUAL RELEASE AGREEMENT BETWEEN THE CITY OF LEBANON, JONESTOWN BOROUGH, NORTH CORNWALL TOWNSHIP, NORTH LEBANON TOWNSHIP, NORTH LONDONDERRY TOWNSHIP, NORTHERN LEBANON SCHOOL DISTRICT, PALMYRA AREA SCHOOL DISTRICT, SOUTH LEBANON TOWNSHIP, SOUTH LONDONDERRY TOWNSHIP, SWATARA TOWNSHIP, UNION TOWNSHIP, AND WEST LEBANON TOWNSHIP (COLLECTIVELY THE "PLAINTIFFS") AND NORTH ANNVILLE TOWNSHIP (HEREINAFTER "DEFENDANT") RELATING TO THE DISBURSEMENT OF EARNED INCOME TAX AS EMBODIED IN THE CIVIL ACTION COMMENCED ON JULY 20, 2012.

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. A Settlement and Mutual Release Agreement between the City of Lebanon, Jonestown Borough, North Cornwall Township, North Lebanon Township, North Londonderry Township, Northern Lebanon School District, Palmyra Area School District, South Lebanon Township, South Londonderry Township, Swatara Township, Union Township, and West Lebanon Township (collectively the "Plaintiffs"); and North Annville Township ("Defendant"), providing for a one-time payment by the Defendant in the amount of \$399,350.21 to the Plaintiffs. Said payment shall constitute full and complete satisfaction of any and all claims of the Plaintiffs against the Defendant related to the disbursement of earned income tax as embodied in Civil Action No. 2012-01222 commenced by the Plaintiffs on July 20, 2012.

SECTION 2. In accordance with Section 3, "Mutual Releases", of the Settlement and Mutual Release Agreement between the City of Lebanon, Jonestown Borough, North Cornwall Township, North Lebanon Township, North Londonderry Township, Northern Lebanon School District, Palmyra Area School District, South Lebanon Township, South Londonderry Township, Swatara Township, Union Township, and West Lebanon Township (collectively the "Plaintiffs"); and North Annville Township ("Defendant"), the Plaintiffs, on their own behalf and that of their heirs, successors and assigns, hereby fully release and forever discharge Defendant, and any of its former or present directors, officers, members, partners, agents, administrators, employees, representatives, attorneys, insurers, successors, shareholders, subsidiaries, and assigns (together, "Released Defendant Parties") from any and all rights, losses, damages, claims, actions or causes of action, suits, suit costs, and demands of every kind, name and nature whatsoever, whether in contract or tort, law or equity, whether known or unknown, suspected or unsuspected, which Plaintiffs in any way now have, may have, or could claim to have, against Released Defendant Parties arising out of and relating to the distribution of earned income tax revenue for years 2004 through 2007, inclusive, including but not limited to any claims or judgments encompassed in the Civil Action or appeal of any aspect of the Civil Action. Plaintiffs' foregoing release and discharge of Released Defendant Parties shall be null and void if

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Defendant fails to make a timely settlement payment as contemplated in Paragraph 4 of said Settlement and Mutual Release Agreement.

Defendant, on its own behalf and that of its successors and assigns, hereby fully releases and forever discharges Plaintiffs, and any of their former or present directors, officers, members, partners, agents, administrators, employees, representatives, attorneys, insurers, successors, shareholders, subsidiaries, indemnitees, and assigns (together, "Released Plaintiff Parties") from any and all rights, losses, damages, claims, actions or causes of action, suits, suit costs, and demands of every kind, name and nature whatsoever, whether in contract or tort, law or equity, whether known or unknown, suspected or unsuspected, which Defendant in any way now has, may have or could claim to have, against Released Plaintiff Parties arising out of and relating to the distribution of earned income tax revenue for years 2004 through 2007, inclusive, including but not limited to any claims or judgments encompassed in the Civil Action or appeal of any aspect of the Civil Action. Nothing herein is intended to release any claims that Defendant now has, may have, or could claim to have, against the Bureau; however, Defendant does release Released Plaintiff Parties from any claims arising out of or related to any claim or judgment Defendant now has, may have or could claim to have against the Bureau, and agrees not to pursue recovery against Released Plaintiff Parties with respect to any such claim or judgment against the Bureau.

Nothing herein is intended to release any claims pertaining to the enforcement of this Agreement. Any enforcement action shall be filed in the Court of Common Pleas for Lebanon County, Pennsylvania.

SECTION 3. A copy of said Settlement and Mutual Release Agreement is attached to and hereby made part of this resolution.

SECTION 4. 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.

Resolution No. 1 was passed finally on motion of Mr. Parker, seconded by Mr. Carey. Yeas--Mr. Carey, Mr. Matula, Mr. Wertz, Mr. Wilson, and Mr. Parker, Chairperson--5; nays--none.

Mr. Wilson introduced Resolution No. 2, as follows:

A RESOLUTION AUTHORIZING THE FILING OF A GRANT APPLICATION FROM THE LEBANON COUNTY COMMISSIONERS MARCELLUS SHALE GRANT FUND FOR THE DEVELOPMENT OF A MASTER SITE PLAN FOR SOUTHWEST PARK.

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. Of the total project cost of Twenty-One Thousand Eight Hundred Dollars (\$21,800.00), Ten Thousand Dollars (\$10,000.00) is requested for the development of a Master Site Plan for Southwest Park.

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SECTION 2. The City of Lebanon is the designated Project Manager for the above-mentioned project.

SECTION 3. All information contained in this document and the grant application attached hereto is true and correct to the best of our knowledge.

SECTION 4. The proposed project is in compliance with the host municipality's local/regional comprehensive and land use plans, as well as all applicable zoning ordinances, building codes, subdivision and land development regulations and/or organizational policies.

SECTION 5. If awarded, matching funds for this project are immediately available, or available according to the schedule submitted with this application.

SECTION 6. The applicant agrees that if funds are provided for acquisition and/or development projects, said properties acquired and any improvements made thereto will be maintained by the applicant after completion and closeout of the project.

SECTION 7. To the applicant's knowledge, the site or sites to be acquired or developed have not been used for the storage or disposal of toxic chemicals or waste, nor are affected by the same.

SECTION 8. The applicant agrees to all conditions of this grant application and related documents.

SECTION 9. The applicant will comply with all applicable provisions of the Flood Plain Management Act (Act 166 of 1978) and local flood plain management regulations, and with all state and federal laws and requirements regarding the usage and management of wetlands.

SECTION 10. The applicant will not discriminate on the basis of handicap as required under the Architectural Barriers Act of 1969, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990, as amended.

SECTION 11. The applicant agrees to provide equal treatment to all involved in or affected by this project regardless of race, sex, color, religious creed, ancestry, age, national origin or income level.

Community Development Administrator Melissa Quinones explained that the Pennsylvania Department of Conservation and Natural Resources requires that a Master Site Plan be prepared prior to considering any grant applications for funding of park projects. The estimated cost for the preparation of a Master Site Plan is \$21,800 and the funding from the Lebanon County Commissioners would help to offset that cost.

Resolution No. 2 was passed finally on motion of Mr. Wilson, seconded by Mr. Wertz. Yeas--Mr. Carey, Mr. Matula, Mr. Wertz, Mr. Wilson, and Mr. Parker, Chairperson--5; nays--none.

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Mr. Matula called up Bill No. 28, Sessions 2014-2015, on final reading, the title of which is as follows: “AN ORDINANCE AMENDING SECTION 515.13, ‘MONTHLY RENTAL LOTS’, OF ARTICLE 515, ‘MUNICIPAL PARKING LOTS’, OF THE CODIFIED ORDINANCES OF THE CITY OF LEBANON, PA., FOR THE PURPOSE OF INCREASING THE MONTHLY RENTAL FEE FOR THE NINTH AND CUMBERLAND STREETS PARKING LOT, THE EIGHTH AND SPRING STREETS PARKING LOT, AND THE SEVENTH AND WILLOW STREETS PARKING LOT”. Bill No. 28 was passed finally on motion of Mr. Matula, seconded by Mr. Carey. Yeas--Mr. Carey, Mr. Matula, Mr. Wertz, Mr. Wilson, and Mr. Parker, Chairperson--5; nays--none.

Mr. Wertz called up Bill No. 29, Sessions 2014-2015, on final reading, the title of which is as follows: “AN ORDINANCE AMENDING SECTION 523.03, ‘LICENSE APPLICATION AND FEE’, OF ARTICLE 523, ‘PEDALCYCLES (BICYCLES) AND PEDALCYCLE (BICYCLE) LICENSES’, OF THE CODIFIED ORDINANCES OF THE CITY OF LEBANON, PA., TO INCREASE THE FEE FOR A BICYCLE LICENSE”. Bill No. 29 was passed finally on motion of Mr. Wertz, seconded by Mr. Carey. Yeas--Mr. Carey, Mr. Matula, Mr. Wertz, Mr. Wilson, and Mr. Parker, Chairperson--5; nays--none.

Mr. Parker called up Bill No. 30, Sessions 2014-2015, on final reading, the title of which is as follows: “AN ORDINANCE AMENDING PARAGRAPH (D) OF SECTION 911.06, ‘PERMITS, FEES AND FINES’, OF ARTICLE 911, ‘DUMPSTERS IN A PUBIOC RIGHT-OF-WAY’, OF THE CODIFIED ORDINANCES OF THE CITY OF LEBANON, PA., TO INCREASE THE PERMIT FEE”. Bill No. 30 was passed finally on motion of Mr. Parker, seconded by Mr. Wilson. Yeas--Mr. Carey, Mr. Matula, Mr. Wertz, Mr. Wilson, and Mr. Parker, Chairperson--5; nays--none.

Mr. Matula called up Bill No. 31, Sessions 2014-2015, on final reading, the title of which is as follows: “AN ORDINANCE INCREASING FEES FOR THE GREEN WASTE COLLECTION CENTER, EIGHTH AND HILL STREETS, LEBANON”.

Councilmember Wertz expressed his concern that the increased cost may be a deterrent to citizens purchasing a card and using the facility.

Bill No. 31 was passed finally on motion of Mr. Matula, seconded by Mr. Carey. Yeas--Mr. Carey, Mr. Matula, Mr. Wilson, and Mr. Parker, Chairperson--4; nays--Mr. Wertz--1.

The meeting was adjourned at 11:20 a.m. on motion of Mr. Wertz, seconded by Mr. Carey.

Cheryl J. Gibson, Clerk