

MONDAY, DECEMBER 18, 2017

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 Parker presiding.

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

Present--Mr. Carey, Mr. Morales, Mr. Wertz, Mr. Wilson, and Mr. Parker, Chairperson.
Absent--none.

Also present were Mayor Sherry L. Capello; Chief of Police Todd Breiner; Donna Long Brightbill, City Solicitor; Robin L. Getz, Director of Public Works; Dan Cannistraci and Steve Sherk, P.E. of Steckbeck Engineering and Surveying, Inc.; State Representative Frank Ryan; and six persons in the audience.

The minutes of the November 27, 2017, City Council meeting were presented by the City Clerk. There being no corrections, deletions or additions, the minutes were approved as presented.

Chairperson Parker announced that Council received a budget report for the period January 1 through November 30, 2017.

Dan Cannistraci gave a presentation on the Stormwater Management Fee Rate Study for the City of Lebanon. Mr. Cannistraci explained that six fee scenarios have been analyzed to date, all of which are based on a budgetary amount of \$688,502.88 which includes all base services plus \$75,000 in additional services to cover existing MS4 expenses not related to the new permit. Mayor Capello explained that the funding for additional services included in the 2018 budget does not include the time spent on MS4 items by current full-time staff. She further explained that any funds not spent from the Stormwater Management Fund will remain in the reserves. Mayor Capello anticipates that the regulations will become more strict and if the reserves are built up, the money could be used for infrastructure improvements.

Mayor Capello told Council that she is recommending Scenario 6 which proposes a reasonable fee for a single family residence and is also more reasonable for the larger businesses. Mr. Sherk stated that an annual fee of \$60.00 for a single family residence is comparable to the fee being assessed by other municipalities.

In response to a question regarding the possibility of a property owner converting a parking lot to a non-pervious area, Mr. Sherk explained that there is a checklist of items that must be met. If those items are met, there is a provision for some credit to be applied to the fee for a pervious pavement system.

Pa. Representative Frank Ryan reported that there is concern at the state level that the ten percent calculation may be problematic. State officials are looking at a better way to remediate; however, he does not anticipate changes to the law in the next year, but rather more likely to

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occur in years 2 or 3 of the permit. Mayor Capello thanked Rep. Ryan for his efforts in supporting local municipalities for revisions to the mandate.

James Rohland, 914 Mifflin Street, Lebanon, voiced his frustration to the fee. He stated that although the Lebanon School District will be assessed a fee, the cost will be passed on to property owners as a tax increase.

Craig Gates, 44 Berwyn Park, Lebanon, asked how the funds budgeted under “Pollutant Reduction Plan”, will be used to which Mayor Capello replied the funds will be used for multiple projects in the participating municipalities, including the City of Lebanon; however, the City of Lebanon will receive credit for all of the projects.

Councilmember Wilson asked if owners of a non-single family residence will have an opportunity to pay the fee in installments. Mayor Capello responded that she will be proposing an opportunity for payment in four installments for fees over \$1,000.

Chairperson Parker announced that Council received a communication from Mayor Sherry Capello, informing Council of the reappointment of Aria Karmazin to the City of Lebanon Planning Commission for a four-year term, effective retroactively to September 14, 2017.

Mr. Parker introduced Resolution No. 36, as follows:

A RESOLUTION OPPOSING HOUSE BILL NO. 1620, ENTITLED THE “WIRELESS INFRASTRUCTURE DEPLOYMENT BILL”.

WHEREAS, broadband service is a critical catalyst for economic development, student achievement, quality healthcare, and the efficiency of local governments. As such, Lebanon City Council supports the deployment of broadband services---both wired and wireless--in our community and throughout the Commonwealth; and

WHEREAS, a relatively new wireless technology, known as distributed antenna systems or DAS, includes the placement of wireless towers and antennae in the public rights-of-way; and

WHEREAS, Pennsylvania municipalities are charged by state law with the management of the public rights-of-way, including not only vehicular and pedestrian traffic, but also the numerous facilities installed by public utilities and related companies. Municipalities must manage these facilities to maintain public safety and preserve the character of our communities; and

WHEREAS, pursuant to federal law, municipalities have the right to regulate the “placement, construction, and modification” of wireless facilities through their local zoning authority so that the deployment of these facilities is achieved in an orderly fashion. The FCC has also issued multiple orders stating in detail how municipalities may regulate these facilities; and

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WHEREAS, specifically House Bill 1620, entitled the “Wireless Infrastructure Deployment” bill would abolish municipal zoning authority over wireless antennae in the rights-of-way and nearly abolish their authority over wireless towers in the rights-of-way, thereby placing public safety at risk and excluding the public from the approval process for these facilities; and

WHEREAS, HB 1620 would severely limit the assessment of fees for wireless facilities in the rights-of-way such that municipalities could only charge minimal fees that are less than actual municipal costs, thereby forcing taxpayers to subsidize wireless companies for the management of their facilities; and

WHEREAS, HB 1620 would prohibit municipalities from requiring standard legal protections from companies with wireless facilities in the public rights-of-way, including full indemnification, bonding, and insurance coverage; and

WHEREAS, HB 1620 would allow wireless contractors to submit up to 50 permit requests in one application and would curtail the time frame for initial review of wireless applications from 30 days to 10 days such that municipalities would be unable to perform these reviews in time; and

WHEREAS, HB 1620 would allow wireless companies to reverse a denial of a wireless application simply by resubmitting a revised application without having to obtain zoning approval.

WHEREAS, HB 1620 would expose outside municipal solicitors and other municipal law firms to financial liability of up to \$10,000 per occurrence simply for drafting a wireless ordinance that is deemed to be in violation of HB 1620.

Mayor Capello reported that currently Pennsylvania municipalities are responsible for the management of public rights-of-way to maintain public safety. Federal law grants authority to municipalities to regulate and establish zoning requirements for public rights-of-way. HB 1620 would take away zoning rights and would increase the public safety risk. Rep. Ryan reported that he does not anticipate this bill will get out of legislative session.

Resolution No. 36 was passed finally on motion of Mr. Parker, seconded by Mr. Carey. Yeas--Mr. Carey, Mr. Morales, Mr. Wertz, Mr. Wilson, and Mr. Parker, Chairperson--5; nays--none.

Mr. Carey called up Bill No. 25 on final reading, the title of which is as follows: “AN ORDINANCE PROVIDING FOR THE TAX LEVY OF THE CITY OF LEBANON, PA., FOR THE YEAR 2018”. Bill No. 25 was passed finally on motion of Mr. Carey, seconded by Mr. Wertz. Yeas--Mr. Carey, Mr. Morales, Mr. Wertz, Mr. Wilson, and Mr. Parker, Chairperson--5; nays--none.

Mr. Morales called up Bill No. 26 on final reading, the title of which is as follows: “AN ORDINANCE AUTHORIZING THE ISSUANCE OF A AUTHORIZING THE ISSUANCE OF

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A TAX AND REVENUE ANTICIPATION NOTE, SERIES OF 2018 IN A PRINCIPAL AMOUNT OF ONE MILLION DOLLARS (\$1,000,000); PROVIDING FOR THE DATED DATE, INTEREST RATE, MATURITY DATE, PAYMENT AND PLACE OF PAYMENT IN RESPECT OF THE NOTE; ACCEPTING THE PROPOSAL ATTACHED HERETO AS EXHIBIT “B” FROM THE FINANCIAL INSTITUTION OR ENTITY NAMED THEREIN FOR THE PURCHASE OF THE NOTE; NAMING A SINKING FUND DEPOSITARY/PAYING AGENT; AUTHORIZING THE PROPER OFFICERS OF THE CITY TO EXECUTE AND DELIVER THE NOTE AND CERTAIN OTHER DOCUMENTS AND CERTIFICATES IN CONNECTION THEREWITH; AUTHORIZING AND DIRECTING THE PREPARATION, CERTIFICATION AND FILING OF THE NECESSARY DOCUMENTS WITH THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT OF THE COMMONWEALTH OF PENNSYLVANIA; SETTING FORTH A FORM OF THE NOTE”. Bill No. 26 was passed finally on motion of Mr. Morales, seconded by Mr. Wertz. Yeas--Mr. Carey, Mr. Morales, Mr. Wertz, Mr. Wilson, and Mr. Parker, Chairperson--5; nays--none.

Chairperson Parker announced that Bill No. 27, establishing stormwater management fees for the City of Lebanon, was withdrawn from the agenda. It is anticipated that the ordinance establishing stormwater management fees will be introduced at the Re-organization meeting of January 2, 2018.

Rep. Ryan gave an update on GASB 75 which will become effective in June 2018. He explained that GASB 75 will require municipalities to book unfunded liabilities for health and pension funds.

Rep. Ryan reported that the fiscal code was recently updated and there are new requirements for municipalities to respond to audit findings.

Rep. Ryan also reported that the state has established a dialogue with FEMA regarding the refugees from Puerto Rico. U.S. Representatives Dent and Costello will need municipalities to submit direct costs that may have been incurred during the relocation of the refugees from Puerto Rico. Mayor Capello stated that she is proud of the various local groups that have partnered to help the hurricane victims who have moved to Lebanon from Puerto Rico. Councilmember Morales reported that PEMA will be visiting the local EMA office on December 21 to do a webcast to share information about available resources.

The meeting was adjourned at 7:58 p.m.

Cheryl J. Gibson, City Clerk