

MONDAY, APRIL 26, 2021

The regular monthly meeting of the Council of the City of Lebanon, Pa., Chairperson Morales presiding. Due to the Corona Virus Pandemic the meeting was held virtually via Zoom.

The meeting was called to order at 6:41 p.m.

Present--Mr. Bost, Mr. Carey, Mr. Miller, Mr. Wertz, and Mr. Morales, 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; Janelle Mendoff, Community and Economic Development Administrator; Melissa E. Quinones, Director of Administration-Assistant to the Mayor; two persons in the audience; and two members of the news media.

The minutes of the March 22, 2021, 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 March 31, 2021. Mayor Capello reported that 25 percent of the fiscal year is completed, revenue is at 24 percent, and expenditures are at 16.62 percent. She noted that we are performing better than anticipated.

Chairperson Morales announced that Council received the following communications:

- a. Mayor Sherry L. Capello, informing Council of the reappointment of Brian Martin as an alternate member of the Zoning Hearing Board for a three-year term, effective April 13, 2021. Mayor Capello explained that due to the COVID-19 pandemic, there were not as many hearings held. In March, the first petition was heard by the Board. Mr. Martin had been quickly appointed to fill the vacant term so that he could attend the March hearing and be part of the process. That term expired on April 13, 2021. This reappointment of Mr. Martin will represent the full three-year term.
- b. Mayor Sherry L. Capello, informing Council of the appointment of Career Firefighter Anthony Ficco, III, to the City of Lebanon Paid Firemen's Pension Fund Board to fill the unexpired term of Michael Daub, effective retroactively to January 1, 2020. Mayor Capello explained that the Board is comprised of the Mayor, two residents of the City of Lebanon, and two Career Firefighters. The Career Firefighters elect representatives to serve on the Board. The Career Firefighters voted to have Mr. Ficco appointed on the Board to fill the unexpired term of Michael Daub.

Mr. Morales introduced Resolution No. 32, as follows:

A RESOLUTION CONFIRMING THE REAPPOINTMENT OF BRIAN MARTIN TO THE CITY OF LEBANON ZONING HEARING BOARD AS AN ALTERNATATE MEMBER FOR A THREE-YEAR TERM, EFFECTIVE APRIL 13, 2021.

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. The Mayor's reappointment of Brian Martin, 1103 Cornwall Road, Lebanon, to the City of Lebanon Zoning Hearing Board as an alternate member for a three-year term, effective April 13, 2021, is hereby confirmed.

Mayor Capello explained that under the Strong Mayor form of government, the Mayor has the authority to appoint Board members; however, the *Pa. Municipalities Planning Code* requires that appointments to the Zoning Hearing Board be made by resolution of the governing body. To meet that requirement, Council adopts a resolution confirming the appointment by the Mayor.

Resolution No. 32 was passed finally on motion of Mr. Morales, seconded by Mr. Miller. Yeas--Mr. Bost, Mr. Carey, Mr. Miller, Mr. Wertz, and Mr. Morales, Chairperson--5; nays--none.

Mr. Carey introduced Resolution No. 33, as follows:

A RESOLUTION APPROVING THE FISCAL YEAR 2021 ANNUAL ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

WHEREAS, under Title I of the Housing and Community Development Act of 1974, as amended, the Secretary of the U.S. Department of Housing and Urban Development is authorized to extend financial assistance to communities in the elimination or prevention of slums or urban blight, or activities which will benefit low- and moderate-income persons, or other urgent community development needs; and

WHEREAS, the U.S. Department of Housing and Urban Development has estimated the FY 2021 CDBG entitlement grant to be \$665,124.00 and program income in the amount of \$20,000.00 for a total of \$685,124.00.

WHEREAS, the City of Lebanon has prepared a Consolidated Plan for 2020-2024 and an Annual Action Plan for the FY 2021 funding year that assesses the housing needs of extremely low-, low-, and moderate-income households, homeless families and individuals, and others with special needs; and

WHEREAS, the Annual Action Plan for FY 2021 was on public display for 30 days and the City held a series of public hearings on said Annual Action Plan and the comments of various agencies, groups and citizens were taken into consideration in the preparation of the final document.

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:

SECTION 1. The Annual Action Plan for the FY 2021 Community Development Block Grant Program is hereby in all respects approved and the City Clerk is hereby directed to file a copy of said Annual Action Plan with this resolution.

SECTION 2. The Mayor and City Council are cognizant of the conditions that are imposed in the undertaking and carrying out of community development, affordable housing and emergency homeless activities with federal financial assistance, including those relating to (a) the relocation of site occupants, (b) the prohibition of discrimination because of race, color, age, religion, sex, disability, familial status, or national origin and other assurances as set forth under the certifications.

SECTION 3. The Mayor on behalf of the City of Lebanon is authorized to file an application for financial assistance with the U.S. Department of Housing and Urban Development, which has indicated its willingness to make available a grant to carry out the CDBG Program in the amount of \$685,124.00 and is further authorized to act as an authorized representative of the City of Lebanon to sign any and all documents in regard to these programs.

SECTION 4. The Mayor, on behalf of the City of Lebanon, is hereby authorized to provide assurances and/or certifications as required by the Housing and Community Development Act of 1974, as amended, and the National Affordable Housing Act of 1990, and also any supplemental or revised data which the U.S. Department of Housing and Urban Development may request in connection with the review of this Application.

Resolution No. 33 was passed finally on motion of Mr. Carey, seconded by Mr. Morales. Yeas--Mr. Bost, Mr. Carey, Mr. Miller, Mr. Wertz, and Mr. Morales, Chairperson--5; nays--none.

Mr. Bost introduced Resolution No. 34, as follows:

A RESOLUTION AUTHORIZING THE DISPOSITION OF VARIOUS DOCUMENTS IN THE DEPARTMENT OF PUBLIC WORKS.

WHEREAS, by virtue of Resolution No. 36, Sessions 2008-2009, passed finally by City Council on April 27, 2009, the City of Lebanon declared its intent to follow the procedures for the disposition of records as set forth in the Retention and Disposition Schedule for Records of Pennsylvania Municipalities issued on December 16, 2008; and

WHEREAS, in accordance with Act 428 of 1968, each individual act of disposition shall be approved by resolution of the governing body of the municipality.

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. The disposition of the following records in the Department of Public Works is hereby approved:

- 1987-Demolition (LCRA) east end-site clearance off of Lincoln Ave.

- 1976-Sidewalk Contract (curbs/sidewalks) between 6<sup>th</sup> & 7<sup>th</sup> Sts.
- 1989-Paving (binder & overlay) Aspen, Locust, Linden, Union, Murray, Monroe, Monument, Jones, Arnold and Amelia Sts.
- 1990-Purchase of Street Sweeper
- 1988-Yearly surveying services-awarded to Matthew & Hockley
- 1987-St/Curb/Sidewalk Bid (yearly street construction) no locations listed could be entire City where needed
- 1988-Bituminous Material-throughout the City
- 1986-Salvage rights-sale of refrigeration units at 10<sup>th</sup> & Oak Streets
- 1987-Sale of City Property-roller, tar-bucket, salt spreader, 1973 Chevy Chevelle, 1970 Mercury, and 1982 Dodge Diplomat
- 1986-Annual St/Curb/Storm Sewer-Gannon Street
- 1986-Annual St/Curb/Storm Sewer-4<sup>th</sup>/Elm to Pine
- 1985-Sale of property N. 7<sup>th</sup>/Mifflin Sts.
- 1985-Sale of property at NW corner of 1<sup>st</sup> Avenue & Pershing Sts.
- 1988-Sale of property at 831 Hill St
- 1990 PennDot paving of Oak St
- 1985-New Street Sweeper
- 1984-WWTP Camel
- 1985-Concrete bids
- 1983-Iron Casting pipe from Washington Steel
- 1983-Annual highway stone bid
- 1983-Annual salt bid
- 1983-Annual concrete bid
- 1983-Annual water chemicals bid
- 1983-Annual petroleum bid
- 1983-Fire Hose bid
- 1983-Winter salt bid
- 1983-Ready mix concrete bid
- 1983-Yearly street construction & sidewalks (with PennDot)
- 1983-Annual road stone
- 1983-Iron Casting pipe from Washington Steel
- 1983-Annual Petroleum products bid
- 1983-Yearly street construction
- 1983-Motorcycle for PD
- 1983-2-Way radios for PD
- 1983-PD clothing (special affairs)
- 1983-Specifications for used self-propelled paver
- 1983-New 3-wheel riding mower

- 1990-PennDot paving of Oak Street
- 1983-Pick-up Specs, 4-door Wagon & 4-door Sedan
- 1984-3-wheel Elgin Sweeper
- 1984-Dump truck
- 1984-Communication System for PD
- 1984-Annual Bituminous Materials
- 1984-Various City Vehicles
- 1984-Vibratory Roller/Authority
- 1984-Annual Street Material Bids
- 1985-PD Motorcycles
- 1985-Yearly bituminous materials
- 1985-Annual Rock Salt
- 1985-Annual cast pipe (Authority)
- 1985-Small Astro Van-(rejected for 1986 models)
- 1985-Sale of Land at Hazel Dyke & Fern
- 1985-(rebid) Police Station Box
- 1986-amall Astro Van (replaced 1985 bid)
- 1982-Police Clothing-Public Affairs
- 1982-Corrugated Metal Pipe
- 1982-Metal Lockers-Pool
- 1982-Annual Winter Salt
- 1982-Annual Ready-Mix Concrete
- 1982-Annual Petroleum Products
- 1982-30,000-pound Dump Truck
- 1981-Bid to refurbish police revolvers
- 1981-Iron Castings
- 982-Window Replacements-Washington Fire House
- 1982-16<sup>th</sup> Street Interceptor Adv-Authority
- 1982-Portable PD Radios
- 1982-Annual Stone
- 1982-3 PD Vehicles
- 1981-Vehicle Bids-Work Sheets
- 1981-Sale of Frackville Bldg., 905 Scull St
- 1981-Bids-2 Way PD Radios
- 1981-Vibratory Roller
- 1981-PD Public Affairs Clothing
- 1981-Bid 2-way radios
- 1981-Annual Street Bids (2 files)

- 1981-Sale of 5 parcels of land
- 1981-Sale of 302 N Lehman St
- 1981-Bids for Lockers at Pool
- 1981-Self Propelled Double Line Striper
- 1981-Annual Petroleum Bids
- 1981-Annual Salt Bids
- 1981-Annual Road Stone
- 1981-Annual Ready-Mix Concrete
- 1981-Bids for Signal Poles
- 1981-Leaf Vacuum Loader
- 1984-Repairs to Roof-Municipal Building
- 1974-Window Replacement-Goodwill Fire House
- 1973-Annual Sidewalks, Curbs, Streets
- 1974-Annual Sidewalks, Curbs, Streets
- 1973-Annual Paving Areas
- 1973-Sale of Timber in SLT
- 1973-Sale of Timber in SLT
- 1973-Demolition- 7<sup>th</sup> & Green Sts. Freight Station
- 1969-Demolition of former Steamplant-27 N 7<sup>th</sup> Street
- 1970-Street Tree Planting-Garfield/Lincoln
- 1970-Demolition-Beautex Plant & Meadowland Apts. (Kept Pre-Demo Photos)
- 1970-Annual Curb, Sidewalk, Water Lines
- 1971-Annual Paving
- 1971-Annual Sidewalks, Curbs
- 1971-Water Pipe & Hydrants-Authority
- 1971-Demo-533, 529, 527, 523, 521, 519, 517, and 513 N 12<sup>th</sup> St., and 930, 928, 926, 918, 916 Maple St., SE Corner of N 10<sup>th</sup> & Maple, Playground 11<sup>th</sup> & Guilford
- 1972-Annual Sidewalks, Curbs, Streets (2 folders)
- 1973-Radio Communication-PD
- 1972-Annual Corrugated Pipe

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

Mayor Capello reported that the list includes documents dating back to the 1970's and 1980s. She added that it includes a variety of documents such as bids, contracts, the sale of lumber, etc.

Resolution No. 34 was passed finally on motion of Mr. Bost, seconded by Mr. Carey. Yeas—Mr. Bost, Mr. Carey, Mr. Miller, Mr. Wertz, and Mr. Morales, Chairperson—5; nays—none.

Jay Green, 326 Canal Street, Lebanon, stated that he also has an office at 419 Chestnut Street, Lebanon. He addressed Council regarding the use of motorized pedal assist bikes and mini-bikes in the city during the past 12 months. He reported that some of the bikes are incredibly loud and the operators seem to have a blatant disregard for traffic regulations. He personally witnessed a situation at the intersection of Third and Chestnut Streets where four vehicles arrived at the intersection at the same time and a motorized bike continued through the intersection with authority without stopping. He added that there is disregard for traffic rules and he is concerned that someone will be injured. Mr. Green recognized that other cities are having the same issue with motorized bikes; however, in Lancaster the police are taking a pro-active approach and stopping and talking to folks who are operating the bikes. He added that he searched the codified ordinances and there seems to be articles addressing the bikes.

Mayor Capello stated that she understands Mr. Green's complaint and she completely agrees that the operators of bikes have a blatant disregard of the motor vehicle laws and are dangerous to motor vehicle operators. She reported that a few weeks ago, Chief Breiner issued a directive to all officers explaining the different types of bikes and licensing requirements. Mayor Capello reported that the City of Lebanon will post information on social media to educate the public about what is permitted, what is not permitted to be operated on the streets, and when the operator needs a driver's license. She explained that although information will be shared on social media it is likely that the people violating the laws are not going to be reading the posts. She also encouraged residents to anonymously report to the Lebanon Police Department where the operators of the bikes are going and an officer will follow up to educate the operators who are not following the regulations.

Chief Breiner recognized that motorized bikes are a growing problem in Lebanon; however, it seems to be a little behind other cities. He reported that a PennDot Fact Sheet was distributed to Supervisors in an effort to educate the patrol division. He acknowledged that enforcement is difficult and stressed the importance of residents notifying the police of the location where the bikes are being stored. Chief Breiner reported that he reached out to Harrisburg, Lancaster, and Reading and the Lebanon Police Department is in line with other communities regarding enforcement and educating the public about the use of the bikes. He reported that there appears to be a core group of violators and he is hoping the Lebanon Police Department can get ahead of the problem. Chief Breiner explained that for the most part, the operator of the bike must commit a traffic violation for the police to apprehend the driver. The law is somewhat convoluted with the size of the motors and the age of the driver. He acknowledged that many of the bikes are loud; however, that is not a violation of the ordinance.

Mr. Green thanked Chief Breiner and the officers for the job they are doing. He stated that his concern is the blatant disregard of traffic laws and what that may lead to for others.

Pam Tricamo, 887 East Lehman Street, Lebanon, stated that it's not just motorized bicycles disregarding traffic laws. She reported that operators of small motorcycles are using the traffic

light at Eighth Avenue and East Lehman Street as a starting point for racing. They race side by side heading east on Lehman Street and pass other vehicles by going to the left, sometimes crossing the double yellow line.

Councilmember Miller asked if there is anything preventing the City of Lebanon from enacting an ordinance restricting the usage or impose violations on noise. Chief Breiner replied that it is very difficult to define what is “too loud” and to determine what decibel or RPM should be used. Councilmember Miller noted both motorized bikes and cars can be very loud.

Chief Breiner reported that the department receives complaints of motorists speeding. In some instances, the vehicle is loud and appears to be speeding; however, the motorist is not speeding.

Councilmember Carey thanked the volunteers who participated in the United Way Day of Caring to clean up various areas in the City of Lebanon. He also encouraged folks to continue checking the City of Lebanon’s Facebook page as it has a lot of information for the public.

Chief Breiner announced that 74.5 pounds of drugs were collected on Drug Take Back Day held on April 24, 2021.

The meeting was adjourned at 7:18 p.m.

CHERYL J. GIBSON, Clerk