

February 18, 2014
Middletown, PA 17057

The February 18, 2014 meeting of the Middletown Borough Council was called to order at 7:00 p.m. by Council President Christopher R. McNamara.

Following the Pledge of Allegiance, the following Council members answered roll call: John Brubaker, Anne Marino Einhorn, Tom Handley, Benjamin Kapenstein, Robert Louer, Victoria Malone, Christopher R. McNamara, Scott Sites, and Sue Sullivan.

Also present were Mayor James H. Curry III, Borough Manager Tim Konek, Solicitor Adam Santucci, and Borough Secretary Amy Friday.

Council President McNamara announced Mayor Curry would like to make a presentation to a police officer and a citizen.

Before the presentation, Mayor Curry publically thanked the Public Works department for all of their work the past two weeks. The Public Works department will be recognized for their efforts in the future and received a round of applause.

Mayor James H. Curry announced that there are two special guests in attendance. Mayor Curry first introduced, Troy Knull. Troy is seven years old and attends Reid Elementary School. Troy was tasked with an assignment in his second grade class to complete an article titled "Who I admire most". Mayor Curry invited Troy and Officer Gary Rux of the Middletown Police Department to come forward. Troy gave a presentation on why he chose Officer Gary Rux for his classroom assignment.

Officer Rux responded to Troy, that at his young age it is important to us (Police) that you like the police. I am both flattered and honored that you chose me as your important person. As a token of his appreciation, and on behalf of the Middletown Police Department; Officer Rux presented Troy with a baseball cap.

After the presentation, Mayor Curry mentioned that Troy received an A on the assignment and then thanked and presented both Troy and Officer Rux with Certificates of Achievement.

At this time Council President McNamara asked for a motion to amend the evening's agenda to include an Executive Session to discuss matters relating to police personnel, litigation and labor relations.

Councilor Kapenstein made a motion to amend the agenda to include an Executive Session to discuss matters relating to police personnel matters, litigation and labor relations. The motion was seconded by Councilor Louer and approved by a unanimous 9-0 vote.

At 7:05 Council recessed for an executive session to discuss matters related to police personnel matters, litigation and labor relations.

Council reconvened at 8:43 with Council President McNamara announcing several matters related to those subjects had been discussed.

Council President McNamara called upon Councilman Kapenstein to report on one of the matters where a decision was rendered.

Councilor Kapenstein made a motion to ratify the collective bargaining agreement for the Police Contract for 2013 – 2016 and authorize Council President to sign the documents. The motion was seconded by Councilor Brubaker and approved by a unanimous 9-0 vote.

Council President McNamara called upon Councilman Louer to report on a decision that was rendered.

Councilor Louer made a motion to approve the disciplinary recommendation presented by the Chief of Police through the Mayor. The motion was seconded by Councilor Brubaker and approved by a unanimous 9-0 vote.

All inquiries to this action can be directed to Mayor and the Borough Solicitor.

Council President McNamara called upon Councilman Sites to report on a decision that was rendered.

Councilor Sites made a motion to approve a purchase out of the police sinking fund in the amount of \$2,795 for components to support the upgrades for the in sink systems for the Middletown Police Department. The motion was seconded by Councilor Malone and approved by a unanimous 9-0 vote.

Presentation was made by downtown business owners Robin Pelligrini and Dana Ward; along with Dewberry Engineer, Dan Anderton in regards to the Streetscape plan. Robin reported on positive meetings that have been conducted over the past 14 months. She mentioned that focus group meetings are being held on Thursday and Friday, March 13th & 14th at 7:00 p.m. in MCSO Building. The meetings are for developers, government officials, business owners, non-profits, brokers, and Penn State students and faculty to come together and move forward with a marketing plan on the downtown.

Robin mentioned a local company will be brought in and they will look at similar communities to see what was done to bring in businesses and to move us forward. In April & May, they will conduct a market assessment and retail gap analysis. In May, they will be recommending development including implementation and strategies of which way to go in promoting and bringing businesses to make our town move forward. Dan mentioned the purpose of the group is to help get the public involved and take a look at the borough itself and what would be needed for revitalization. He mentioned it is a broader outreach for all to participate.

In closing, Robin and Dana extended an invitation to Council to attend their meetings. Robin recommends showing Council a slide show of everything that has been put together for the revitalization project. She stressed she wants to see the group move forward and we are hoping for a positive reaction.

Council President McNamara thanked Robin and Dana for their efforts and also introduced Dan Anderton.

Attorney Tom Scott, representing Frank and Jim Nardo, gave an update on the continuation to move forward with the Westport Center project. He provided details on the approved Phases I and II of the Westport Center. He mentioned the purpose of being here tonight is to indicate we are ready to move forward with completing that Phase of the development. What needs to be done now is to make the changes in the traffic flow on Nissley Street and parking along Nissley and Wood Streets. He stressed as soon as the weather breaks, we can move forward with the actual construction.

Council President McNamara thanked Tom, Frank, and Jim. He stated that we encountered a hiccup getting started this year thanks to Mother Nature. He said our Committees will be up and running in the next few months and we will be able to address your needs and wants.

Council President McNamara introduced Mr. Mark Spatz, Borough Engineer with Herbert, Rowland & Grubic, Inc., to make his presentation on the Water and Sewer Rate study that was authorized last year, mentioning that some members of the Authority are in attendance tonight. He introduced the Authority Solicitor, Attorney Horseman, and Chairman Patton.

Mr. Mark Spatz, Borough Engineer with Herbert, Rowland & Grubic, Inc., gave a presentation on the Water & Sewer rate study. He distributed a copy of his PowerPoint presentation on the study he had completed to Council members. A Final Draft report of the completed study was distributed to Council members, at the end of the meeting. Mark stated the final study matches up to the PowerPoint. In the presentation, Mark highlighted the three main objectives of the study. The first objective being to breakout expenses for each system. The goal is to have both systems sustain themselves, water system being independent of the sewer. The second objective is analyzing use statistics. Mark looked at 12 months of billing data for the year 2012. He tracked what customers were being billed on average and max. The third objective to the study is to set rates to be reasonable and uniform according to the Pennsylvania Municipality Authorities ACT.

Council President McNamara introduced Chairman Patton to address Council. Chairman Patton reported that the Authority submitted a letter last year and asked Council to do this rate study. Chairman Patton stressed that he reviewed the study in detail. He stated the scope of the study

to be comprehensive, the methodology was rigorous, and their conclusions were appropriate to the study. He said their recommendations to Council are considerate of the target audience that is particularly the residential service area. Having reviewed the study, it is the position of the Authority and we recommend highly to the Borough that you accept this report and move expeditiously to implement the recommendations.

Councilor Sites made a motion to authorize the Solicitor to draft the resolution to authorize the rate study of HRG. The motion was seconded by Councilor Kapstein and approved by an 8-1 vote, with Councilor Handley dissenting.

PUBLIC COMMENT

Dawn Knull thanked Mayor Curry and Council for recognizing her son. She said that she would like to see more police officers out there getting involved with the kids. She questioned the guidelines for shoveling snow off of sidewalks. She is concerned with the kids walking to the bus stops and school. Council President directed the Borough Manager to have the code enforcement officer spend time and stated he believes residents have 24 hours to get their sidewalks shoveled.

Mike Bowman stated to Council this is not a four hour a month job. You were elected and your duties are towards the citizens of the Borough of Middletown, not the employees. Mike also stated he would like to make a recommendation that Councilman Tom Handley abstain from voting on anything having to do with the Borough Authority. Mike criticized the Authority for not meeting the deadline of a \$1,000,000.00 grant a year ago, but used funds to pay legal fees to defend Pete Pappas, former head of the Authority.

Councilor Louer made a motion to adjourn. It was seconded by Councilor Einhorn and approved by unanimous consent. At 9:54 p.m., the meeting was adjourned.

Amy J. Friday
Borough Secretary