

May 5, 2014
Middletown, PA 17057

The May 5, 2014 meeting of the Middletown Borough Council was called to order at 7:00 p.m. by Council President Christopher R. McNamara.

Following the opening prayer by Councilor Louer, Pledge of Allegiance and the request by Mayor Curry to keep the daughter of the Lieutenant of the Middletown Fire Department in your prayers, the following Council members answered roll call: John Brubaker, Anne Marino Einhorn, Ben Kapenstein, Robert Louer, Christopher R. McNamara, Victoria Malone, Scott Sites, and Sue Sullivan present. Councilor Tom Handley was absent due to illness.

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

Council President McNamara introduced Mr. Wiegel of Cub Pack 113 to introduce members of the pack in attendance.

Mayor Curry recognized Cub Pack 113 from Middletown and reported attending a recent Boy Scout meeting in which he explained the function of local government, as part of their requirement for merits. Mayor Curry stated the cubs are here tonight to see how the process works and recommended Council take a fake vote to demonstrate how the process unfolds.

At 7:05 p.m., Council President McNamara stated a recess in the Council meeting to hold a special meeting to comply with the requirements of the Department of Community and Economic Development with a façade grant program.

At 7:15 p.m., the Borough Council meeting reconvened from the special meeting.

Public Comment

Jack Still, 37 W. Emaus Street

Mr. Still commented on the water/sewer rate increase options. Mr. Still stated Mark Morgan recommended at the last COW meeting that plan A is the better option.

Mr. Still commented on a seven-step plan by former Borough Manager, Michael Book in 2002. He stated he hopes the new people plan to get to them some time soon.

Mr. Still commented before the elections there were concerns with where the money went. He mentioned to Councilor Kapenstein, if you really want to know, you might want to take a look at the AMP contract referencing to some over billing.

Mr. Still commented on his request for information at last month's council meeting pertaining to the Elks Building. He stated the taxpayers are on the hook for that half a million dollars. Mr. Still asked are we insured and does anybody know.

Diana McGlone, 805 Adelia Street

Ms. McGlone commented on her requests made at the past two council meetings to Councilors Sullivan, Brubaker and Malone for procedures once someone files a code complaint. She asked if the Councilors have the information tonight. Councilor Sullivan responded she does not. Councilor Malone stated she does not but is working on it.

Ms. McGlone commented on permits, stating she was billed and paid sixty dollars to Commonwealth Codes for an inspection and received the permit; however, she said the permit she received states it is not valid until signed and paid in full. She said the permit has been paid and there is no signature on the permit. Ms. McGlone would like to know if her permit is valid, since there is no signature on it. She also stated it appears there is to be a page two and it is missing.

Council President McNamara asked if Ms. McGlone has been in contact with Mr. Konek. Ms. McGlone stated she has issued several emails on this and other issues to Mr. Konek and has called this to the attention of Council, stemming back to 2012. She stated she has not received any feedback to date.

Mr. Konek scheduled a 9:00 a.m. meeting the next day with Ms. McGlone.

Ms. McGlone commented there seems to be some momentum being gathered on cleaning up the towns. She provided statistics from USA.com for the Borough of Middletown and the number of homes that are renter occupied, according to the 2010 United States Census. She commented on the rental inspection program. Ms. McGlone said the goal of the rental inspection program would be to get certified as a blue list property. She said being certified as a blue list property means the property(s) passed all the codes listed in the Borough and met the life and safety standards. Ms. McGlone also offered some information on neighboring town, Elizabethtown and stated she would like to see Council look into this more.

Mayor Curry asked for the percentage of renter occupied in Middletown that Ms. McGlone reported.

Councilor Louer made a motion to approve the minutes of the following meetings, March 3, 2014, March 17, 2014 and the April 21, 2014 Special Meeting. The motion was seconded by Councilor Sites and unanimously approved. Councilor Handley was absent from voting.

Councilor Sullivan made a motion to approve Resolution 595 approving amendments to the Middletown Borough Authority's License Agreement for Cellular Communications Equipment on and around the water tanks at Union Street in the Borough.

Council President McNamara stated the cellular provider has equipment at numerous places around that they are engaged in a contract with the Authority and we are partner to that and the Authority has renewed it and we are doing this as a housekeeping measure, unless you choose not to. He stated it is somewhere in the neighborhood of about \$50,000 per year.

The motion was seconded by Councilor Malone and unanimously approved. Councilor Handley was absent from voting.

Councilor Louer made a motion to adopt Ordinance 1304 amending Chapter 252 of the Code of Ordinances, amending section 252-10 by deleting that portion of Nissley Street North, from Main Street to Water Street, as a one way Street and prohibiting parking on the West side of Wood Street from Nissley Street to Emaus Street.

Councilor Brubaker asked if we are going to allow parking on any side of Nissley Street. Councilor Louer read chapter 252 of the codes of ordinances and stated it is not included in there.

Mr. Nardo stated the reason it is not on there is because it is already prohibited but was never enforced.

The motion was seconded by Councilor Sites and approved by a 6 – 2 vote, with Councilors Malone and Brubaker dissenting. Councilor Handley was absent from voting.

Director of Communications, Chris Courogen, provided a presentation to the Council and Public on the project at South Union Street. He provided council with a two page handout showing the four page section that will be in the coming newsletter, which talks specifically about the downtown project. Mr. Courogen explained the four stages of work to be completed for the project and stated the construction is to start next week and the project is slated to finish up in December.

Council President McNamara convened the meeting into Executive Session @ 7:36 p.m. to discuss issues relating to potential litigation and real estate.

At 8:50 p.m., Council reconvened from Executive Session. Council President McNamara reported several items of interest were discussed regarding personnel, potential litigation and real estate. He said one decision was rendered.

Councilor Sites reported a discussion was held on the non-binding letter of intent with URI Group, which was discussed at the last Council meeting.

Councilor Sites made a motion to authorize Council President McNamara to sign the non-binding letter of intent to enter into a public private partnership for the development of downtown hotel and Borough infrastructure improvements. The motion was seconded by Councilor Louer and unanimously approved. Councilor Handley was absent from voting.

Councilor Einhorn stated she would like to revisit the issue with Mr. Robert Louer, Jr.

Councilor Einhorn made a motion directing Mr. Rob Louer, Jr. to issue an apology to Mrs. Dawn Knoll for comments made at a Borough Authority meeting.

Councilor Malone commented she will abstain from voting on this matter since she did not hear the conversation and, as we are held to a higher standard, she has witnessed in this room from everybody who has come to the podium to speak being disrespectful to the Council. She stated if we are going to start issuing apologies then we should all be issuing them to each other. Councilor Malone also commented another reason for abstaining is she knows Mr. and Mrs. Louer and she refuse to do that.

Councilor Sullivan stated she is in agreement with Councilor Malone.

Councilor Kapenstein stated he understands Councilor Malone's reasons for abstaining, however; he agrees with Councilor Einhorn's motion since public officials should be held to a higher standard.

Councilor Brubaker stated he feels this is an Authority matter, which should be handled by the Authority.

Councilor Sites stated he does agree that it is a serious matter and the comments were unfortunate, but in the heat of the moment we all say some terrible things and if we vote for his apology where does it stop. Councilor Sites stated he could be offended by comments from Mr. Bowman and vice versa. He said should I demand his apology. Councilor Sites stated he has listened to all comments and Council Sullivan's latest comments turned his opinion.

Councilor Einhorn stated officials should be held to a higher standard and we need to start doing that somewhere. She said if she finds herself in a position of doing something like that, she would willingly apologize, it is an apology and expression of regret for insulting someone or for saying something that created offense. Councilor Einhorn stated we are not asking for his resignation or serious repercussions, it is simply a statement of regret.

Councilor Malone stated it is not our call to force an apology on him.

Councilor Einhorn stated we are not forcing him, we are asking him to make an apology and it will be his decision to choose to do that or not.

Councilor Sites stated if we continue on with these games, the \$200 thing, \$30 thing and the apologies every other week. He feels it is a bunch of elementary crap.

The motion was seconded by Councilor Kapenstein and failed by a 4 – 2 vote, with Councilors Einhorn and Kapenstein voting in favor. Councilor Louer abstained from voting. Councilor Sullivan abstained from voting, due to her relationship with the Louers and Councilor Handley was absent from voting.

New Business

Councilor Brubaker reported on the information he received on the Loss Control Standards, which is due by the end of the May and June 2014, at the Public Works Committee meeting earlier in the day. He mentioned each Loss Control Standard and noted some items that we have failed on. He said there is a possibility of receiving a \$14,000.00 discount on our insurance.

Councilor Brubaker made a motion directing staff to issue Loss Control Standards along to the Solicitor for review. The motion was seconded by Councilor Louer and unanimously approved.

At this time Councilor President McNamara relinquished his seat to Councilor Vice President Louer, so that he can attend to a family situation.

Councilor Sullivan reported receiving a letter from Mike Pries of the Dauphin County Commissioners office. She said, based on the letter, does it behoove us to go forward with looking into hiring a Police Chief when we may only be offering him a one to two year term. Councilor Sullivan stated maybe we should be looking in the direction of a Public Safety Director and until the Dauphin County Commissioners figure out where they are going and if this is going to be regionalized. Councilor Sullivan mentioned we could be saving some money by getting a permanent person in place. She stated she would never want to have the Borough without someone overlooking Public Safety. Councilor Sullivan stated the Commissioners will be holding their first meeting this month and if we go we can see which direction this is going and are all the other Dauphin County communities supporting this. She recommends holding off on this until Council sees which direction this is going.

Mayor Curry stated it would be beneficial for Council to attend this meeting to get the information. He inquired on putting a stop to the part time police office positions that is currently being advertised. Councilor Sullivan stated we need those part timers, but to have a

part timer come in and know that there is this possibility of Dauphin County is going to be consolidating their forces.

Councilor Einhorn asked the date of the meeting and Councilor Sullivan responded there was not a date listed in the letter.

Councilor Kapenstein stated this topic has been discussed for many years and it may take another 30 years for it to happen. He said it is a serious topic and it appears there is no time frame.

Discussion amongst several council members regarding the time frame, process and interested communities of the police force regionalization took place.

Councilor Kapenstein recommended alerting all the applicants that this is something that may occur in the future.

Council Vice President Louer stated we go along with the process that has already started and get the date of the meeting with the Dauphin County Commissioners.

Councilor Sites announced the Public Safety Committee meeting scheduled for May 7, 2014 will be rescheduled, due to scheduling conflicts, for May 14, 2014. He asked if there is plenty of notice to have advertised. Director of Communications, Chris Courogen, stated there is sufficient time.

Councilor Malone announced the Finance Committee meeting on May 12, 2014 is cancelled and not rescheduled.

Mayor Curry asked Borough Manager, Tim Konek, if he mailed out the letter regarding the return of the \$200. Mr. Konek responded the letters were mailed certified and one letter was refused and the other letter is still at the post office awaiting delivery.

Mayor Curry reported on the Drug Take Back program with the police department that was conducted. He said the program was successful and the police department received one hundred and eight pounds of prescription drugs. Mayor Curry congratulated Acting Chief Bennett and Officer Rux for receiving some information on a grant they applied for through the National Associate of Drug and Diversion Investigators. He said a permanent box will be placed at the police department and anyone, twenty-four hours a day, can take their prescription drugs to the drop box. Mayor Curry stated this is being done at no cost to the Borough and he wasn't sure when the box was going to be placed at the location.

Mayor Curry reported there were 695 calls for the month of March 2014. He said this averages to 22.43 calls per day and .93 calls per hour.

Mayor Curry reported there were 741 calls for the month of April 2014. He said this averages to 24.7 calls per day and 1.03 calls per hour.

Mayor Curry stated the call report he has shows a break down of all calls and was provided by Dauphin County.

Mayor Curry provided Borough Manager, Tim Konek, with a census form he received in the mail. He stated he is not sure if this is a requirement to fill this out. Mayor Curry stated it is for employment and payment records for the Borough and Tim will handle that.

Mayor Curry reported receiving paper work dated April 2, 2014 in his Borough mailbox. He said the paper work is regarding the public safety communications equipment transfer of ownership. He said he is not sure if the Solicitor should be advised of this so that he can take a look at.

Borough Manager, Tim Konek, said he will run it through the Finance department to see what needs to be done.

Mayor Curry received a letter from Seven Sorrows Parish requesting to close some streets for the Annual Festival, from 3:00 – 8:00 p.m., on July 10, 2014. He stated he is not sure how this was handled in the past.

Director of Communications, Chris Courogen, stated per the Borough Code, the Mayor has the power to close the streets.

Borough Manager, Tim Konek, stated to Mayor Curry if you can sign off on it and transmit it to me and I will get it to the Public Works Department.

Councilor Sullivan made a motion to adjourn. It was seconded by Councilor Malone and approved by unanimous consent. At 9:15 p.m., the meeting was adjourned.

Amy J. Friday
Borough Secretary