

June 16, 2014
Middletown, PA 17057

The June 16, 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, Attorney Adam Santucci, McNeese, Wallace and Nurick and Borough Secretary Amy Friday.

Council President McNamara stated Council is going to recess to Executive Session to discuss matters relating to personnel.

Councilor Sites reported an issue pertaining to a personnel matter was discussed and also an issue with McNeese, Wallace and Nurick pertaining to a conflict regarding professional services the Borough recently proceeded with and authorize Council President McNamara to sign the letter of conflict waiver to allow our Solicitor to represent both parties.

Councilor Sites made a motion to approve the minutes of the April 7, 2014 Council Meeting and May 5, 2014 Council Special Meeting. The motion was seconded by Councilor Malone and unanimously approved.

MAYOR REPORT

Mayor Curry reported receiving a letter; sent to him, from Seven Sorrows Parish requesting street closings for their 12th Annual Community Festival, July 10 – 12. Mayor Curry stated, he received this letter previously (signed and approved) and forward to Borough Manager, Tim Konek. He stated the letter indicates the Parish has not heard anything back; therefore, he is approving and signing again.

Mayor Curry reported receiving a letter from George Young, Assistant Director of Student Engagement at Penn State Harrisburg regarding a program initiated at University Park called "Fresh Start". He said the program went dormant for some time and has now been reinstated at the Harrisburg campus. Mayor Curry reported the purpose for the Fresh Start program is to introduce first year and transfer students to the new campus and their surrounding communities and to provide them an opportunity to engage in a community service experience. He said the experience date is set for Saturday, September 13, 2014. He mentioned the purpose of the letter from Mr. Young is to inquire if Middletown Borough can help identify potential areas of need to allow these students to help. Mayor Curry feels this is just the type of activity we were hoping for to foster the relationship. He asked Council to identify an area of need.

Council President McNamara mentioned Borough Manager, Tim Konek, was carbon copied on letter and he also mentioned he does not have any issues with identifying an area.

Councilor Kapenstein recommended having some time to think over and discuss at the next Council meeting in July.

In closing, Mayor Curry reported the monthly status report he gives on the number of calls in the Police department will be given at the July monthly council meeting. He also gave a report on the Chief of Police applications have been reduced down to the more qualified applicants and he along with the Public Safety Committee continue to proceed. He said the goal is to hire a Chief before reviewing the part-time applications.

Councilor Louer made a recommendation to have all job postings relating to the Chief of Police position removed. Mayor Curry concurred stating, at this point it should be closed.

MANAGER REPORT

Absent - None

SECRETARY REPORT

Secretary Friday reported on the number of part time police officer applications received to date is 13. She mentioned 10 applications were a result from the previous advertisement and 3 applications were a result from the recently advertised job posting. Secretary Friday mentioned the deadline for applications is Friday, July 18, 2014.

Secretary Friday also reported on the number of part time seasonal & casual public works laborers applications received to date is 9. She mentioned the advertisement was placed on the Borough Facebook page and in the Community Courier. Secretary Friday provided a breakdown of the applications in regards to seasonal and casual.

Councilor Kapenstein inquired on the time frame of hiring. Council President McNamara responded authorization was given to the Borough Manager to get on with the hiring. Councilor Kapenstein stated he will contact the Borough Manager to follow up.

COMMITTEE REPORTS

Community Development

Councilor Sites reported at the last council meeting it was discussed about fireworks for the Labor Day weekend celebration. He said the committee did some research on the costs associated with last year's event. He said the total cost for the fireworks was \$17,500, with \$5,257.03 from the Borough and \$12,242.97 from donations and grants. Councilor Sites explained \$7,700 of the \$12,242.97 came from the police sinking fund, as a result of the sale of the police vehicles last year.

Councilor Sites believes \$17,500 is a steep price to ask the tax payers to foot the bill. Councilor Handley reiterated, last year we fit the bill for \$5,000. Councilor Sites stated, unless we can cut the \$17,500 significantly, he can't support the fireworks. Councilor Handley responded, there were donations last year and if we can get donations this year that will be fine, but does not want to put out more than last year. Councilor Einhorn asked resident Jenny Miller to comment on the donations. Ms. Miller said she just started seeking donations this week. Councilor Sites asked if Ms. Miller was seeking certain dollar figures for corporate sponsorships and she responded she is working on that. Ms. Miller stated Zambelli fireworks charges \$1,000 per minute and mentioned she was told last year she could lessen that figure and could be an option.

Council President McNamara commented it is for the community and if the package is just going to cost \$17, 500, I am sure we can find \$5,000 to put towards it. He made a recommendation to contract it, do a letter and let's get on with it.

Councilor Sites made a motion to seek a \$2,000 tourism grant from Dauphin County for the firework display over Labor Day. The motion was seconded by Councilor Handley and unanimously approved.

Councilor Handley made a motion to authorize fireworks and \$5,000 from the Borough to support the fireworks. The motion was seconded by Councilor Einhorn and unanimously approved.

Councilor Kapenstein asked what happens if we can't get enough money. Councilor Handley responded we don't write the check unless it all comes together.

Administration/Personnel

Councilor Sullivan reported the first meeting of the Administration/Personnel committee met on May 12th and was called to order by Sue Layton for the purpose of reorganization. She reported the appointments of Councilor Sullivan as chairwoman, Councilor Malone as vice chairwoman and Councilor Einhorn as secretary were voted on and approved. Councilor Sullivan mentioned the Borough intern will work on tracking the Early Intervention Program. In closing, Councilor Sullivan reported from their meeting that she will instruct Borough Manager, Tim Konek, to determine who will be reviewing the policy and procedures manual and gathering information on job description and the committee also discussed the part time seasonal and casual positions.

Labor Relations

Councilor Brubaker reported no meetings scheduled.

Public Works/Utilities

Councilor Brubaker reported and provided details on the Loss Control Standards required by insurance company Penn Prime. He stated this was discussed a month ago.

Councilor Brubaker made a motion to approve Resolution 598 designating Lester Lanman, Assistant Superintendent of Public Works as responsible to risk management and loss control for the Borough of Middletown. The motion was seconded by Councilor Sullivan.

Councilor Handley asked to table until the next council meeting so that they have sufficient time to review all the policies. Councilor Brubaker stated this was discussed at a meeting previously and stated at that time July 1st is the deadline date. He stressed if we don't get this information in to Penn Prime, we stand to lose a nice discount rate.

Councilor Handley commented, he would like to receive information sooner, Councilors Kapenstein and Einhorn agreed. Councilors Louer and Brubaker responded the information has previously been handed out.

Councilor Kapenstein asked on how the employee was chosen. Councilor Louer responded, Mr. Lanman is the Asst. Superintendent of Public Works and is part of the Management team. He added, you must designate someone from the management staff. Mayor Curry asks for his qualifications to oversee loss control and risk management. Council President McNamara

responded, by putting these policies and procedures in place and comes directly from Penn Prime.

Mr. Courogen, Director of Communications, added Penn Prime provides the Borough with a checklist of items needed to be compiled for their audit every year and Lester will be making sure that we have the policies in place according to the checklist. Councilor Sullivan added these documents were to be approved by June 1st; and Lester was given an extension by Penn Prime for July 1st. She also commented these policies were reviewed and approved by the solicitor.

The motion was approved by a 7 – 2 vote with Councilors Kapenstein and Handley dissenting.

Councilor Louer reported on a meeting with Mr. Klinepeter. One of the items discussed was having more than one staff member trained on the Scada System and added to the telephone supervisory system so that they would be able to monitor any issues on their cell phones.

Councilor Louer mentioned they also talked about the pump building at the Mill House. He said they directed Mr. Klinepeter to discuss with Borough Manager, Tim Konek to establish ownership of the pump building. He said the people who own the Mill House may claim they own that building and we would not be able to demolish until we know who owns it.

Councilor Louer also discussed the wiring configuration at one of the substation poles at the old water plant on Mill Street.

Mayor Curry asked if the valve issue has been resolved and Mr. Klinepeter said yes.

Public Safety

Councilor Sites reported the Chief of Police applications have been reviewed by the committee and reduced down to ten applicants. He stated, the Public Safety committee will continue the process at another meeting on Monday, June 23, 2014 at 2:00 p.m. in executive session.

Councilor Sites stated at another meeting from Public Safety committee we directed staff to pass onto Finance regarding \$3,000 allocated to the National Night Out, which may have been miscommunicated or not relayed onto the Finance Committee. Councilor Sites reported at the April Public Safety committee meeting, Sergeant Bennett said \$3,000 was allocated for the 2013 National Night Out and asked if it can be allocated again for the 2014 National Night Out and we were hoping to get the Finance Committee's blessing.

On behalf of the Finance committee, Councilor Kapenstein gave his blessing.

Councilor Sites made a motion to allocate \$3,000 towards 2014 National Night Out. The motion was seconded by Councilor Sullivan and unanimously approved.

Council President McNamara commented on the Chief of Police position stating when the committee comes together on the 23rd you will need to identify your next steps. Councilor Sites stated there is approximately 3 more steps to the process.

Finance Committee

Councilor Kapenstein reported the Finance committee will be assigning tasks for the EIP plan. He mentioned Jonathan Hicks will assign the committee along with the help of Tim Konek and Mark Morgan.

Councilor Kapenstein discussed doing some electric rate comparison studies and asked for suggestions on how to conduct those studies. Councilor Handley gave some details on how to conduct the studies. Councilor Kapenstein reported on the electric shutoffs and payment plans for customers who can't pay their bills up front. He stated Tim Konek was asked to write a procedure for the payment plans. Councilor Kapenstein mentioned this will be discussed at our next Finance Committee meeting.

Planning Committee

Councilor Handley had nothing to report and apologized for missing the meetings.

Water/Sewer Exploration Lease of System

Councilor Kapenstein reported we issued a public statement on the Borough website regarding the RFP process and initial submission. He reported receiving three proposals from United Water, Inc., Aqua Resource, Inc., and Severn Trent Services. Councilor Kapenstein mentioned all of the information pertaining to the RFP is on the Borough website.

Old Business

Councilor Handley stated, in the past it was discussed to have the routine expenditures paid monthly and bank account statements provided to Council at the meetings. He requests this be completed for every council meeting and the routine expenditures be listed on the agenda for council to approve each month. Councilor Kapenstein recommended taking this request to the Finance Committee to present to the Council for approval; along with getting input from the Borough Manager and Finance Director.

Mayor Curry noted his address on the website and stated his contact information is missing his middle initial and asked for this to be corrected.

Mayor Curry asked about the Boards and Commissions. Council President McNamara responded all of Council should have the letters of interest and updated spreadsheet. He stated Council is to make their recommendations to be presented at the July Council meeting.

Councilor Einhorn thanked the Borough Secretary for getting the agenda out ahead of time, but asked to have information presented at meetings the Friday before. She suggested either emailing the information or having packets ready to be picked up to review over the weekend.

Councilor Kapenstein reported National Night Out is being held at Hoffer Park and Oak Hills Park. He mentioned the meetings have been good.

Councilor Louer gave an update on the detour.

PUBLIC COMMENT

Dawn Knull, 123 State Street

Ms. Knull reported cars driving through the stop sign on the detour. She asks the Mayor to find out how many tickets/citations were written since the detour has taken place.

Ms. Knull presented Council with invitations from the Community Events Committee (standing organization with the Historical Society) inviting each Council member to their July 18th Family

Fun Night at the Landing. She mentioned the initiative of this event is to help get the town back together. Ms. Knull said the event is free except for the food.

Mike Bowman, 100 Wilson Street

Mr. Bowman made a statement regarding the Penn State University students volunteering.

Mr. Bowman asked council if we are soon going to have a change in our water and sewer rates or is council going to wait until the increase is 200%. Mr. Bowman asked why there was no vote on the water and sewer rates tonight.

Mr. Bowman asked why the Mayor's veto was not shot down tonight. He questioned the Mayor's expertise and what criteria he used to veto the approved ordinance.

Mr. Bowman asked about the duration of having access to the Elks building by the GMEDC.

Mr. Bowman mentioned his concern with a model home in Middletown allowing students to live on the third floor with no fire escape and also being characterized as a single family residence when it is not. He also mentioned a meeting he attended at Penn State and their concern with off campus housing.

Rev. James Lyles, 64 Ann Street

Rev. Lyles also commented on the cars flying at 35mph on the detour.

Rev. Lyles announced the third anniversary for the Youth 10X's Better Wheel –A-Thon. The bicycle giveaway event will take place on June 28, 2014 from 10:00 a.m. – 2:00 p.m. in the parking lot of the Wesley United Method Church, 64 Ann Street. He said the police department will be attending and wants to invite the fire department. Rev. Lyles said they usually give out approximately 60 bikes and currently have 35 bikes for this year. He said if anyone would like to help out, we are looking for 24" and 26" bicycles.

Councilor Kapenstein made a motion for the Borough to donate 3 bicycles to the Youth 10X's Better Wheel-A-Thon event. The motion was seconded by Councilor Einhorn.

Communications Director, Chris Courogen, recommended council to review with the Solicitor before taking action. He said he does not know the exact details, but there is a prohibition in the Borough Code against charitable donations by the Borough.

Councilor Kapenstein amended his previous motion by making a motion to contribute \$300 to the Youth 10X's Better Wheel-A-Thon pending the solicitors review.

The motion was seconded by Councilor Einhorn and unanimously approved.

Robin Pellegrini, 38 North Union Street

Ms. Pellegrini reported on the feedback she has been receiving from her customers coming into town following the detour. Her customers have mentioned it is very confusing. Ms. Pellegrini asked if possible to do some signage. Councilor Louer will address this at the next Public Works committee meeting on June 20, 2014 @ 9:00 a.m.

Jack Still, 37 W. Emaus Street

Mr. Still agreed with Ms. Pellegrini in regards to additional signage throughout the detour.

Mr. Still stated Mark Morgan wanted you to approve the sewer rates back in February and Mark Morgan stressed at a later meeting, the longer you wait the higher the percentage of the increase. Mr. Still commented, it must be a pretty hard concept. He stated here it is June and all those rate increases given to you are invalid now. Mr. Still stressed again, it was just an ordinance you should have passed to get the money flowing and if you did not like it, you could have changed it. Mr. Still said, I am sure your rate has gone up since then and you have missed out on 5 months of revenue. In closing, he stated plan A seems to be the better deal.

Councilor Sites said he was approached by an individual hosting an event for the Library being held at the Hershey Vineyards to see if Council will consider donating a trophy estimated at \$250.00. Councilor Sites said he is just throwing it out there to see if there was another way to provide them with another trophy and asked if anyone else knows about the event being held.

Mayor Curry responded he attended a Library board meeting last year and they discussed ways to raise money. The Mayor stated he recommended a car show would be a great way to do that and they apparently got the ball rolling this year. He said the gentleman running the event reached out to him today and he is pledging a donation of a trophy.

Councilor Handley requests the information be emailed to all of council. Councilor Sites stated he will get the information out to everyone so they can think about a donation.

Jack Still, 37 W. Emaus Street

Mr. Still recommended, what was stated in a previous council meeting, pairing your functions with a nonprofit. He recommended joining forces with a 501(3c) such as Frey Trust for your fireworks.

Mike Bowman, 100 Wilson Street

Mr. Bowman made a comment to the Mayor's remarks on Council making a personal appearance more often. He stated maybe we should start with the Memorial Day Services at the Cemetary, especially for those of you who never served.

Councilor Louer made a motion to adjourn. It was seconded by Councilor Handley and approved by unanimous consent. At 8:40 p.m., the meeting was adjourned.

Amy J. Friday
Borough Secretary