

May 12, 2014
Middletown, PA 17057

The May 12, 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, Benjamin Kapenstein, Robert Louer, Victoria Malone, Christopher R. McNamara, Scott Sites, and Sue Sullivan. Anne Marino Einhorn and Tom Handley were absent.

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

PUBLIC COMMENT

Ms. Dawn Knull, 123 State Street

Ms. Knull commented on not being able to attending the Public Safety meeting on Wednesday and she has two concerns.

Ms. Knull commented there are issues with young adults revving and racing their cars down Susquehanna Street while kids are at the ball field in practice or games. She stated notifying the police and it took them an hour and a half to respond to her call. Ms. Knull stated she was informed the police officer was going to talk to the parties involved. She stated a speed limit sign is now posted down there, but there are still some issues. Ms. Knull asked if the police could monitor the area on a regular basis while there are games and practices. She stated the police monitored it the night they said they were going to do it, but there was no one there after that and it is still occurring. Ms. Knull would like to make sure the kids are protected.

Ms. Knull commented on the detours that are to begin and she would like to know where the PENNDOT signage regarding the detours, children at play, jake brakes and reduced speed are going to be placed.

Council President McNamara stated everything was done in accordance with PENNDOT and the recent newsletter will include all the information. He stated attending a meeting last Monday night where a presentation was given and everyone received a copy of it.

Mr. Jack Still, 37 W. Emaus Street

Mr. Still commented on the committee meeting schedule and recommends scheduling two committee meetings on one night for the committee members who serve on two committees.

Mr. Still commented on the Elks Building having water due to recent rain.

Mr. Still commented on the flyer for the Middletown Fair that is coming up and stated he is not sure if they are going to need help with that or not.

Mr. Still asked if the rate change is scheduled to come up again. Council President McNamara stated it is schedule for the June 2, 2014 meeting. Mr. Still commented on the two rate options and the one dealing with minimums and paying for water customers did not use. He said he will hold his comment until next week.

Mr. Still stated the Borough holds the mortgage on the Elk's Building. He commented awhile back the Borough asked how that public money was spent and the GMEDC said they did not have to tell you. Mr. Still commented but yet there are a lot of articles in the newspapers on keeping the public informed and how the public should be aware of how public money is spent.

Mr. Still commented Mr. Mark Morgan has worked with large and small municipalities and there was only one municipality that ever questioned his work. He also commented on the old AMP contract and Mr. Morgan's work conducted into looking into that and the amount of money lost.

Mr. Still commented on a parking sign he distributed to council. He stated the signs are posted in the parking lot of a downtown business, whose lot has been black topped and snow removed for a number of years by the Borough. Mr. Still stated follow the money.

Mr. Mike Bowman, 100 Wilson Street

Mr. Bowman commented on the property on Main Street that he understands is going to be deeded to the Historical Society. He said the Historical Society is made up of some individuals who do not live in Middletown. Mr. Bowman commented the old band hall on Union Street was deeded incorrectly and the Borough should ask for these two properties back.

Mr. Bowman asked if the Borough has plans to work on these pensions. He talked about the cost of living for retirees.

Mr. Bowman commented on the water/sewer rates. He said he does not understand how it could take council a month to make a decision on either option A or B, it is not that complicated.

Mr. Bowman commented on fees collected for the use of the MCSO Building. He recommends someone looking into that.

Mr. Bowman commented on no repairs being done to the roof on the Elk's Building and no effort given to try and dry it out. He asked did they (GMEDC) come back to show proof of insurance on the building. Mr. Bowman commented on the mortgage/payment arrangements made between the GMEDC and the Borough for the Elks Building. He stated there has been no money received by the GMEDC to the Borough and he is afraid of it going under or Borough Council will have to take it over.

Ms. Jenny Miller, 227 W. Water Street

Ms. Miller commented on raising some funds for fireworks and wanted to know if anyone gave a thought to fireworks for Labor Day weekend. She mentioned she would need help from the Borough with getting things set up.

Councilor Sites stated the next Community Development Committee meeting is next Wednesday, May 21st and we can discuss the fireworks for Labor Day weekend.

Mr. Miller commented there was a lot of talk the Historical Society was given the property on S. Union Street. She stated it is not corrected, according to the Dauphin County Recorder of Deeds, on January 2, 1981 the Historical Society purchased the property from the Dauphin County Redevelopment Authority.

Mr. Jack Still, 37 W. Emaus Street

Mr. Still commented on the need for street lights on Main Street past the Plaza.

Ms. Diana McGlone, 805 Adelia Street

Ms. McGlone commented on when the Borough will be cutting the grass along Adelia and Maple Streets. She stated the grass is about two feet high and it is devaluing the properties which maintain their up keep on the grass.

Council President McNamara asked Ms. McGlone if she has made arrangements with the Borough Manager or filed a code complaint prior to bringing it to the Council.

Mayor's Report

Mayor Curry reported on a request to shut down streets from Pastor Keating of Seven Sorrows. He stated he signed off on that and Borough Manager, Tim Konek, confirmed we are good to go.

Mayor Curry reported he and Mr. Konek have corresponded with Chris Hughes of the Middletown Youth Club and they are going to be doing their carnival and he approved those street closures. Mr. Konek confirmed nothing else is needed.

Mayor Curry reported the fundraiser with the Middletown High School is postponed until next year and stated time was not in our favor. Mayor Curry reported he has an idea for a substitute fundraiser and may need to form a committee to help with that.

Manager's Report

Mr. Konek stated it was a project that was done well over ten years ago and there was an interconnection that was left open and valve stem was never closed. Mr. Konek provided some history stating it was originally designed as a combined sewer decades and decades ago. He said there is no flow meter, but given the amount of water that was flowing today (two days after the rain storm) it could be approximately 1 – 300,000 gallons of water flowing a day.

Council President McNamara directed Mr. Konek to talk to the Superintendent of Public Works to locate the contract for this project, since this would be a contractor error responsibility. Mr.

Konek it may take some time to get answers. He said he doesn't even know who was working for the Borough at that time. Councilor Louer stated the engineers at that time were CET.

Mayor Curry asked for the status now on the valve.

Mr. Konek stated the valve has to be operated manually with a wrench. He said it is a problem that needs to be fixed and the good thing is it was found.

Mr. Konek reported having a property maintenance guy come for a day to do inspections, based on a recommendation by Councilor Handley. Mr. Konek reported his inspections consisted of areas generally surrounding Borough Hall and was able to write reports on twelve properties.

Council President McNamara stated copies of the maintenance inspections can be forwarded to Council, just let Mr. Konek know.

Secretary's Report

Ms. Friday reported on a Crime Prevention and Active Shooter Awareness seminar she coordinated for the Borough on May 8, 2014. She stated approximately twenty Borough employees attended the seminar. Ms. Friday stated the seminar was conducted by a certified trainer who is a Navy veteran and has over 15 years in law enforcement. She stressed the seminar provided vital information on personal safety and security.

Community Development Committee

Councilor Sites reported in Councilor Handley's absence an item regarding an economic development malt liquor license for a business on Union Street was discussed at the last meeting. He stated there were other items addressed, but he was not provided with the minutes. Council President McNamara mentioned the action item for the liquor license has to be advertised and a public hearing held before the June 2nd Council meeting.

Councilor Louer asked if the license is a liquor license. Council President McNamara stated is a malt liquor license.

Council President McNamara reported on a grant through the Dauphin County hotel tax, which funds the tourism fund and is typically in the amount of \$2000. He mentioned there were a group of folks that worked on and beautified the square and have some future plans. He thanked Ms. McGlone, Miller, Ward and Bowman for their participation in beautifying the square. Council President McNamara suggests we authorize a single page application to fund their future plans.

Mayor Curry inquired on the request from Samantha of Ebenezer Church for the children that wanted to help with the square. Councilor Louer stated he tried to contact Samantha and left a message on her answering machine, but there was no response. Mayor Curry stated if we can have residents help with the square, there should be no issue with the children helping. Councilor Louer stated it could be a labor issue. Councilor Brubaker stated we cannot coordinate it. Resident, Dawn Knoll, stated it is a safety issue with the children. Mayor Curry requests that someone get back to Samantha at Ebenezer Church to let her know.

Councilor Sites made a motion to authorize and direct staff to file the Dauphin County tourism grant application in the amount \$2,000.00 for beautification of Middletown square. The motion was seconded by Councilor Louer and approved by a unanimous 7 – 0 vote. Councilors Einhorn and Handley were absent.

Administration/Personnel Committee

Councilor Malone reported the committee has not met yet, so there is nothing to report.

Council President McNamara suggests the Administration and Personnel Committee put Phase III of the EIP on their radar. He stated we have been awarded a grant from the DCED and the contract is in process and should be receiving the funds shortly. Council President McNamara reported the state recognizes there is a problem and we will be receiving \$135,000 (90/10 match) for Phase III of the EIP, which is for Human Resources.

Council President McNamara reported the process will unfold, just as what we did with Mr. Morgan. He mentioned Marietta Kelly of the DCED is our contact person and will give you a list of professionals that will provide that service. Council President McNamara stated the Administration and Personnel Committee will have to put something together and get back to the council with the selection process. He said the funds should be arriving at the end of June. Council President McNamara stated it is a good thing for the town and should serve to help the

Borough staff with job descriptions and employee handbook and get policy and procedures in play.

Labor Relations

Councilor Brubaker reported there is a Labor Relation Board hearing on Friday at 10:00 a.m. to go over the police policy manual. He reported there will be an Arbitration Hearing on September 16, 2014 on the dismissal of Morris. He said time and location are to be determined and the date was set by the arbitrators.

Public Works/Utilities

Councilor Brubaker reported on a request awhile back on the itemized listing of the \$10,000 from the MABA. He would like to direct the Borough Manager to look into it. Council President McNamara suggests by way of an official letter.

Councilor Brubaker made a motion directing the Borough Manager to issue a letter to the MABA (Middletown Amateur Baseball Association) asking for an itemized list of the \$10,000.00 given to them in 2013. The motion was seconded by Councilor Louer and approved by a unanimous 7 – 0 vote. Councilors Einhorn and Handley were absent.

Councilor Brubaker reported he has requested a list of the AB chance cutouts and possible replacements and has not heard anything yet. He would like to direct the Borough Manager to get a list for the next meeting to discuss.

Councilor Brubaker reported on trees on Wilson Street along Woodland Avenue apartments and directed the Borough Manager to contact the Shade Tree Commission to look at those trees.

Councilor Brubaker discussed the loss control standards he brought up last week. He wanted to know if we heard anything back from McNees, Wallace and Nurick on their review. Councilor Brubaker stated a lot of the standards should be done by the end of the month and he doesn't think it is going to get done. Council President McNamara stated, according to the Borough Secretary; McNees, Wallace and Nurick are reviewing it and we are awaiting their response.

Councilor Brubaker reported on a motion by council last July to suspend electric shutoffs in the Borough. He reported, as of April 25, 2014, almost thirty percent of our bills are in arrears. Councilor Brubaker stated some accounts are four to five months past due and owing as much as \$7,000. He recommends going back to shutoffs to try and clear this up. Councilor Kapenstein asked for a copy of the information and Councilor Brubaker stated the information can be received from Mr. Konek. Council President McNamara stated it is set by an ordinance and was suspended based on Mr. Morgan's recommendation. He suggests the Finance committee get a copy of this information to discuss at their next meeting. Council President McNamara stated the ordinance puts the Borough Manager as the overseer and he has the ability to put it back in play and implement.

Councilor Brubaker discussed the training for the Scada System and recommends the training should be for more than one person. He reported on the costs associated with sending one person to Tennessee for training. Councilor Brubaker recommended sending an instructor here and have Mr. Klinepeter, Wilsbach, Lanman and Lewis be trained on the Scada System. Councilor Louer gave an overview of the Scada System stating it is a command and data system which controls all the circuits that come out of the substations. Council President McNamara stated it is a software system to monitor and identify problems.

Public Safety

Councilor Sites reported there was discussion on handicapped parking spaces and they were referred back to the appropriate departments to conduct the studies in regards to code and police evaluations. He reported on discussions held to rework the handicapped parking space policy and possibly increasing the cost to recoup everything.

Councilor Sites reported on discussions on blighted properties and possible dangers some of them may cause.

Councilor Sites reported on discussions of a traffic study conducted on Spring Street with regards to the housing developments by the cemetery and increased traffic flow. He stated looking into some additional stop signs or other speed reducing measures. Discussions by several council members took place regarding stop signs at Spring and High Streets and if it needs to be accomplished by way of an ordinance.

Councilor Sites made a motion to authorize the solicitor to draft an ordinance for a 4-way stop sign at the intersection of Spring and High Streets. The motion was seconded by Councilor Kapenstein and approved by a unanimous 7 – 0 vote. Councilors Einhorn and Handley were absent.

Council President McNamara stated if the motion does not require an ordinance the Borough Manager will need to direct the Public Works department to install a stop sign at Spring and High Streets.

Councilor Sites asked Council President McNamara if he and the Authority looked into the crosswalk at the Hardee's intersection on Main and Lawrence Streets. Council President McNamara reported the Authority and the President of the School District have to look into it and he stated the President of the School District has not returned his call. He stated there is going to be a flurry of activity in that location later in August outside of our control.

Mayor Curry asked Councilor Sites if he looked into repainting of the curbs and crosswalks this coming season. Councilor Sites stated no, but we will discuss at Wednesday's meeting. Mayor Curry mentioned a resident complaint regarding parking space lines at the Brownstone. Council President McNamara stated this issue would be for the Public Works committee.

Council President McNamara introduced Officer Gary Rux to give a report on National Night Out.

Officer Gary Rux reported National Night Out is a National Event which takes place once a year across the Nation and this year's event will be the thirty-first. He stated 37.8 million people and over 16,000 communities participate, us being one of them. Officer Rux stated it is a celebration of neighborhood unity, but most importantly for the police it is a way for police community partnerships to be established. He stated last year we had approximately 3,000 people participate and we want to keep the momentum going.

Officer Rux stated he is challenging Council to help your own ward to get National Night Out off the ground and form unity. He would like help from Council on suggestions on locations within their wards to hold this event, as well as; getting businesses to help out, be there to shake hands, and be part of the dunk tanks. Officer Rux reported the date for National Night Out is Tuesday, August 5, 2014 from 6:00 – 9:00 p.m. He reported the first meeting is scheduled for Tuesday, May 1, 2014 6:00 p.m. at the Police Station.

Council President McNamara thanked Officer Rux for all of his efforts and efforts in planning last year's National Night Out event. He asked the Mayor to direct the entire police department to recognize and assist with the National Night Out. Council President McNamara stated it is a great way to introduce the police to the community.

Councilor Kapenstein asked to be kept informed on future meetings.

Finance Committee

Councilor Kapenstein reported there is nothing pressing to discuss. He stated the rate study is coming up next week and we will want to take a look at the electric shutoffs Councilor Brubaker reported.

Council President McNamara asked if the committee has received and reviewed the Early Intervention Plan.

Planning Committee

Councilor Louer had nothing to report.

Rec Board

Council President McNamara asked Councilor Kapenstein if he has received a return call in regards to the Rec Board. Councilor Kapenstein responded no and he is not sure what to do next, but will reach out again.

GMEDC

Nothing to report

At 8:00 p.m., Councilor Sites made a motion to adjourn into Executive Session to discuss matters relating to Real Estate and Personnel with all present stating aye.

At 9:05 p.m., Council reconvened from Executive Session and Council President McNamara reported matters relating to Real Estate and Personnel were discussed.

Councilor Sites made a motion for staff to advertise for the hiring for 6 part-time police officers with a definitive end date of 60 days from publication. The publication should be placed in the Patriot News. The motion was seconded by Councilor Sullivan and approved by a unanimous 7 – 0 vote. Councilors Einhorn and Handley were absent.

Councilor Louer made a motion to authorize the solicitor to draft a memorandum of understanding for staffing issues in regards to the ICDA and Borough. The motion was seconded by Councilor Malone and approved by a unanimous 7 – 0 vote. Councilors Einhorn and Handley were absent.

Mayor Curry asked Borough Manager Tim Konek if the two certified letters were accepted. Mr. Konek responded one was refused and the other was not picked up by the recipient. Mayor Curry asked if there is a plan to send them again. Mr. Konek and Ms. Friday reported the post office is responsible for posting the notices on recipient's doors and the notice of the unclaimed letter was received in the Borough mail today. Ms. Friday recommended deferring the Mayor's question to the communication's director on what the next steps will be, since the letters were issued by him.

At 9:15p.m., the meeting was adjourned by Council President McNamara.

Amy J. Friday
Borough Secretary