

February 2, 2015  
Middletown, PA 17057

The February 2, 2015 meeting of the Middletown Borough Council was called to order at 7:00 p.m. by Council Vice President Robert Louer, in the absence of Council President Christopher McNamara who was absent due to a family problem.

Following the pledge of allegiance, the following Council members answered roll call: Mike Bowman, John Brubaker, Anne Marino Einhorn, Benjamin Kapenstein, Robert Louer, Victoria Malone, Scott Sites and Sue Sullivan. Council President McNamara was absent due to a family problem.

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

**Councilor Bowman made a motion to remove the executive session from the agenda due to no solicitor being present.** The motion was seconded by Councilor Brubaker and approved by a 6 - 2 vote with Councilors Sites and Kapenstein dissenting. Council President McNamara was absent from vote.

**Councilor Kapenstein made a motion to amend the public comment of the agenda to include for the good of the community.** The motion was seconded by Councilor Einhorn and approved by a 5 – 3 vote with Councilors Bowman, Louer and Sullivan dissenting. Council President McNamara was absent from vote.

At 7:05 p.m., the meeting of the Middletown Borough Council recessed for a public hearing by a request from Mr. David Kitner to transfer a liquor license to Roberto's pizza.

At 7:15 p.m., the meeting of the Middletown Borough Council reconvened.

#### **Public Comment – Action Items on Agenda**

##### **Kay Wealand, 131 Keystone Avenue**

Ms. Wealand commented on Ordinance 1311, stating if you want these meetings to be strictly professional you need to have a code of conduct for all of you in front of me, along with the Borough Management employees as well.

Ms. Wealand commented on social media involvement, stating although it is hard to prove, she believes a Borough Employee is involved with creating fictitious profile accounts.

Ms. Wealand commented on the PENNDOT agreement, asking if this agreement has been signed. She stated with getting the lawyer's involved has created a lot of undue time and we will be lucky if we have a contract in place by March. Ms. Wealand asked Council Vice President Louer if he told the Borough Manager to not sign the agreement. Council Vice President Louer stated he did not tell him not to sign.

Ms. Wealand commented on Representative Payne's letter dated January 22<sup>nd</sup>, stating she hopes this letter is going to be read to the public. She also commented the public needs to know what kind of leader we have leading this council.

Ms. Wealand commented on the Borough's First Snow Bowl. She stated it was a very nice turn out and we need more of these types of events in the Borough to bring our residents in unity.

##### **Dan Valley, 135 E. Water Street**

Mr. Valley commented on Ordinance 1311 stating he understands the concept of why it exists, but is concerned about it. He said it should be the Council's responsibility to make sure a slippery slope doesn't occur where the Council President is as controlling as to what happens in a meeting of what the public says and how they say it and our voices are no longer heard. Mr. Valley encouraged Council to be careful and stated you (Council) represent our voices and you will be well served and well looked upon if you disregard this ordinance.

##### **Cathy Winters, 154 West Water Street**

Ms. Winters commented on Ordinance 1311 pointing out the outbursts you have seen at some of these council meetings is a direct reflection of your (Councils) behavior. She stated the past 25 months we have been disregarded and it is time to do some housekeeping. Ms. Winters commented on the calmness in the room is a direct reflection of who isn't here. She commended Councilor Sullivan for how she handles the Administration and Personnel committee meetings and urged her to use that in Council meetings. Ms. Winters stated you have pushed us to the point of having to "fight" for our rights and to be heard.

Ms. Winters commented on the talk she is hearing about Penn State being our greatest economic asset and stated you are failing to see your true greatest asset is your residents.

Ms. Winters commented on Council President McNamara's letter printed in PENNLIVE, stating it was shameful and the most poorly written letter that she has ever seen in her life. She stated this should be a key piece of information about this man.

**Sean Vaccarino, 202 S. Lawrence Street**

Mr. Vaccarino commented on references on social media (Facebook) and published in the Press and Journal and PENNLIVE. He stated it seems after the last council meeting Council President McNamara threw a temper tantrum as a result of his school yard bully comment and Councilor Sites following up with his dictator remark. Mr. Vaccarino commented for someone sitting in that seat it was very immature.

Mr. Vaccarino commented on the reference of Representative Payne acquiring money for the Borough along with Bowman's appointment, stating Council President McNamara knew he was leading people a specific way with that comment.

Mr. Vaccarino commented on the town striving as a college town and stated as long as the town is divided that will never happen.

**Courtney Harnett, 115 Nissley Street**

Ms. Harnett stated she represents the public and you as the council members represent me, therefore; you answer to the public and are here to diligently work for us to create a better community, safe haven for our children and make us feel we are part of this community.

Ms. Harnett thanked Councilor Einhorn and Mayor Curry for making her a part of this community for the first time in six years. She talked about the hard time she will have selling her property since Middletown is looked down upon and Council owing her and all residents a better future.

Ms. Harnett commented on hidden agendas and two men in this community that have no regard for the public in regards to the PENNDOT situation, as it risks the lives of her children. She stated it is a direct disrespect and insult to her family and taxpayers. Ms. Harnett recommended to Councilor Sites as her first ward councilman that you make a motion to terminate the Borough Manager's position immediately effective this evening. She mentioned Mr. Konek was insubordinate and that he directly affected her family and disrespected me when I called and every child in this community. Ms. Harnett stated if I do not nothing right, please know that I stood up for our kids because that is what matters to me. She also recommended to Councilor Sites to make a motion to dethrone Mr. McNamara from his title as President.

In closing, Ms. Harnett made a comment about a fictitious Facebook profile page stating it is creepy. She stated she has pictures of her kids on the internet and threatened council if you steal one of my pictures and do anything with it or disrespect my family, you are going to see a "stark raving lunatic", so stop with the politics on facebook and if you would like to get to know me, my telephone number is written down here (referring to meeting sign in sheet).

**Dawn Knull, 123 State Street**

Ms. Knull commented on Resolution 619 and asked for an explanation of what it is and what control and authority Lester Lanman is going to have. Council Vice President Louer stated this has to do with insurance under the Public Works division. He said the insurance company recommends that we have a designated manager to oversee this.

Ms. Knull commented on being one of sixty people who received a call from Representative Payne regarding his letter written regarding Mike Bowman for the vacant Council seat. She stated when she read the articles in PENNLIVE and the Press and Journal where Mr. McNamara stated that he or this council brought forth the repairs to Route 230, the bridge over Swatara Creek and the waterlines on 230, she asked Payne if that was correct and he stated that was incorrect and that Mr. Payne stated he brought that to Council and the President prior to him going on the floor to vote for the gas bill. Ms. Knull stated Mr. McNamara had no idea those three items were coming to him and he had nothing to do with it and Mr. Payne brought that here.

**Kim Haney, 320 S. Lawrence Street**

Ms. Haney commented on Ordinance 1311 stating there was some rowdiness at the January 20, 2015 Council meeting she attended and thinks it was result of the disrespect that the public has felt. She stated we need to be able to have a voice and don't need to be in an uproar however; President McNamara did make her feel disrespected and little. Ms. Haney stated we are all passionate about this town and she does not like the downward slope that she sees and we need to build that back up and have a voice.

**Rachelle Reid, 448 Grant Street**

Ms. Reid stated normally we have public comment which deals with the agenda and at the end of the meeting we have old business. She recommends to council to make a motion to add new business to the agenda at the end of the meeting.

Ms. Reid commented on Ordinance 1311 stating on several different occasions Mr. Bowman read a list of Ms. McGlone's personal life events, such as police incidents. She stated this is none of his concern and he should have never brought it before this body.

Ms. Reid commented on Mr. Bowman's appointed to Council, stating you have disregarded everything these residents have said and put Mr. Bowman on Council. She also commented on Representative Payne's letter regarding Mr. Bowman and the vacant Council seat, stating it does not state anything about a recommendation for Mr. Bowman for that seat. Ms. Reid stated it is reprehensible for the President of this Council to call Mr. Payne a liar. She stated Mr. Payne does not lie. Ms. Reid commented when it came time to endorse the candidates before the union, she was the one that asked for Mr. Payne to be endorsed and the reason she did it was Mr. Payne is an honorable man. She stated for Mr. McNamara to say that, he is an "ass".

Ms. Reid commented on the Mayor's office, stating give him that office at the end of the hall, not some cubby hole.

**Robin Pellegrini, 51 E. Main Street****Jenny Miller, 227 W. Water Street**

Ms. Pellegrini stated the Middletown Area Historical Society would like to express their appreciation to the members of the Borough, Mayor Curry and the citizens of Middletown for the transfer of the Grosh House. Ms. Pellegrini stated the Grosh House will enable the Society to setup a museum of the historical elements of the entire Middletown area and the Grosh House is significant to the Borough, due to its age and location. She mentioned the Society hopes to have the museum open and operating this year and will be having a membership open house on February 23, 2015 at 7:00 p.m. and would enjoy having the entire Council stop by and see the building.

**Councilor Brubaker made a motion to approve the minutes from January 20, 2015.** The motion was seconded by Councilor Sites and approved by unanimous 8 – 0 vote. Council President McNamara was absent from vote.

**Councilor Bowman made a motion to adopt Resolution 619, a Resolution designating Lester Lanman as responsible to Risk Management and Loss Control for the Borough of Middletown.** The motion was seconded by Councilor Sullivan and approved by unanimous 8 – 0 vote. Council President McNamara was absent from vote.

**Councilor Sullivan made a motion to authorize advertisement of Ordinance 1311, an Ordinance amending the code of ordinance for the conduct of public meetings.**

Councilor Einhorn stated she thinks the public pretty much proved tonight they do not need a code of conduct and they know how to act and we respect them, they respect us. She stated she does not feel we have a need for an Ordinance.

Councilor Kapenstein commented on Section B, Item Number B of the Ordinance, stating he does not like the language included and he feels if somebody has something urgent to say/discuss they should be allowed to, it is their right.

Councilor Sites stated he agrees with Councilor Einhorn and it is unnecessary.

Councilor Brubaker commented this is not the first time this has been brought to the attention of Council. He stated this is reflected in the June and July 2011 minutes and he could not find if it was adopted. Councilor Brubaker stated it (2011) was also an election year.

Councilor Sullivan stated the last Council meeting (January 20, 2015) was not the only meeting that issues relative to conduct occurred this year, there was some at the January 12, 2015 Administration and Personnel Committee meeting.

Mayor Curry clarified a comment he had made on a Facebook post regarding the January 20, 2015 public comment. He stated tonight's meeting is a clear indication of how we can conduct ourselves with respect and decorum without the need for person to have control of the meeting. Mayor Curry stated Ordinance 1311 gives all that power to one person and it is absurd.

He stated if you take a look at the equation of tonight's meeting, there is one factor missing and look at the way the public treated you and look at the way you treated the public. Mayor Curry asked what is the difference between January 20<sup>th</sup> and February 2<sup>nd</sup>, the answer is very clear.

Councilor Sites stated to Mayor Curry if this passes I would really like to see you veto this motion.

Councilor Brubaker stated the motion is to only advertise the ordinance.

The motion was seconded by Councilor Bowman and failed by a 5 – 4 vote with Councilors Sullivan, Brubaker, Louer and Bowman voting in favor and Councilors Einhorn, Malone, Sites and Kapenstein voting against and Mayor Curry casting the deciding no vote. Council President McNamara was absent from vote.

**After reading Resolution 621, Councilor Bowman made a motion to adopt Resolution 621, a Resolution authorizing the filing of an application for an RACP Grant through the Governor's Office of the Budget for the purpose of the Elk's renovations.**

Jonathan Hicks, Grant Coordinator for the Borough provided Council with a brief description of the Redevelopment Assistance Capital Program Grant and its purpose for the Elks Building Renovation project. He stated it is a match for match grant of \$645,000 and the deadline to apply is Monday, February 9, 2015.

Councilor Einhorn commented it is a very good thing for us to do and she will vote for it, but does not agree with the language of the motion, where it states the historic Elks Theater has been allowed to fall into a serious state of disrepair and she doesn't feel that is the case.

The motion was seconded by Councilor Malone and approved by unanimous 8 – 0 vote. Council President McNamara was absent from vote.

### **New Business**

**Councilor Brubaker made a motion to give the Historical Society permission to have their Craft show to be held on June 13, 2015 at Hoffer Park.**

Councilor Brubaker stated it would be better for them to do a one day show rather than a two day show, since the vendors would have to cover up their wares and it would be a security issue.

The motion was seconded by Councilor Bowman and approved by unanimous 8 – 0 vote. Council President McNamara was absent from vote.

Councilor Brubaker commented last November we approved the project out on the apartments at Spring Street. He stated we have received the dollar figure from KPN at \$209,938.45 and hopefully will be completed by the end of March early of April. Councilor Brubaker stated it involves transformers, underground wiring and transferring of wires to three poles that Verizon wireless had to put in. He stated IB Able will be doing the work and recommends asking for test papers for all three.

Discussion took place regarding the height of the poles and has the airport been notified and also trees needing to be trimmed and will be included in the price.

Mayor Curry made a new request for his phone number to please be listed on the website as the website has been updated since the beginning of the year to reflect the 2015 meeting schedules so obviously it is possible to update the website. He would like to have his cell phone number listed for ease of access for the residents. Mayor Curry also noted Councilman Kapenstein's email is still Barbara Arnold.

Councilor Sites stated as many as the residents have said tonight's meeting was very well conducted and you Council Vice President Louer did a very nice job.

Discussion amongst council took place on Councilor Sites wanting to make a motion asking for Council President McNamara resignation as Presidency and appointing Council Vice President Louer as Council President.

**Councilor Sites made a motion that this Council request Council President McNamara's resignation as President.** The motion was seconded by Councilor Kapenstein and approved by a 5 – 3 vote with Councilors Bowman, Sullivan and Louer dissenting. Council President McNamara was absent from vote.

Councilor Sites stated if Council President McNamara concedes he will make a motion at the next Council meeting to appoint Council Vice President Louer as the Council President because he believes in the fairness of all that would be the best.

**Councilor Bowman made a motion to adjourn.** The motion was seconded by Councilor Malone and all in favor, at 9:28 p.m. the meeting was adjourned.

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Amy J. Friday  
Borough Secretary