

June 1, 2015
Middletown, PA 17057

The June 1, 2015 meeting of the Middletown Borough Council was called to order at 7 p.m. by Council President Christopher R. McNamara.

Following the invocation by Pastor Jerry Cowan of Valley Baptist Church and the Pledge of Allegiance, the following Council members answered roll call: Michael Bowman, John Brubaker, Anne Einhorn, Benjamin Kapenstein, Robert Louer, Vicky Malone, Scott Sites, and Christopher R. McNamara. Councilor Sue Sullivan was absent. Council President McNamara said Councilor Sullivan is still recovering from surgery.

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

PUBLIC COMMENT

None

Councilor Bowman made a motion to approve the minutes. The motion was seconded by Councilor Louer and approved by a unanimous 8-0 vote.

At 7:03 p.m. council recessed into an executive session, to discuss matters relating to personnel and potential litigation.

At 8:20 p.m. council reconvened from executive session and Council President McNamara reported matters regarding personnel and potential litigation were discussed and no decisions were rendered and the items are still under the negotiation period.

Councilor Bowman made a motion to authorize advertisement of Ordinance 1316:

AN ORDINANCE OF THE BOROUGH OF MIDDLETOWN, DAUPHIN COUNTY, PENNSYLVANIA, AMENDING CHAPTER 235 OF THE BOROUGH CODE DEALING WITH STREETS AND SIDEWALKS, AMENDING THE REGULATION OF STREET EXCAVATIONS UNDER ARTICLE 5 AND THE REGULATION OF CURB AND SIDEWALK CONSTRUCTION UNDER ARTICLE 7.

The motion was seconded by Councilor Sites and approved by a unanimous 8-0 vote.

Councilor Brubaker made a motion to adopt Resolution 625 – 2015:

**RESOLUTION OF THE COUNCIL OF THE
BOROUGH OF MIDDLETOWN
DAUPHIN COUNTY, PENNSYLVANIA**

Adopted: June 1, 2015

AUTHORIZING THE REBIDDING OF THE DOWNTOWN STREETScape PROJECT AND THE ASSIGNMENT OF THE PROJECT TO THE MIDDLETOWN BOROUGH INDUSTRIAL AND COMMERCIAL DEVELOPMENT AUTHORITY (THE "AUTHORITY") PURSUANT TO THE PENNSYLVANIA BOROUGH CODE, 8 PA.C.S. § 101 ET. SEQ, AND THE PENNSYLVANIA ECONOMIC DEVELOPMENT FINANCING LAW, 73 P.S. § 371 ET. SEQ., AS AMENDED

The motion was seconded by Councilor Louer and approved by a 6-2 vote, with Councilors Kapenstein and Einhorn dissenting.

Councilor Sites made a motion to reorganize Borough Council. The motion was seconded by Councilor Kapenstein and failed by 5-3 vote, with Councilors Kapenstein, Einhorn and Sites voting in favor.

NEW BUSINESS

Mayor Curry reported the Middletown Youth Club will be holding their carnival from June 3 – 7, 2015. He asked that the Borough Manager make contact with Chris Hughes to confirm that Public Works will take care of the street closures, electric, and trash cans.

Mayor Curry reported Seven Sorrows of the BVM Parish will be holding their 13th annual community festival July 9 – 11, 2015 6:00 p.m. – 10:00 p.m. nightly. He reported they are going

to have a cruise-in car show on Thursday, July 9, 2015 as part of the festival activities and they are requesting permission to close the following streets from 3:00 – 8:00 p.m. on Thursday, July 9, 2015. The streets are as follows: Vine Street, from Keller Avenue to Water Street and Water Street, from Race Street to Vine Street.

Mr. Konek stated we can approve that subject to the detour that is in place to ensure that, that is not necessary for the detours that are ongoing and the contractor should be out of that area. He stated we will work with them but we have to be cognizant of the detour.

Mayor Curry reported Seven Sorrows request is to make sure signage is in place prior to the festival so that it gives people a heads up.

Council President McNamara reported on the Police Department assessment and stated it would be prudent for us to proceed with authorizing the Chief of Police to work with the Mayor and give the Chief full responsibility over implementing some of the policy items. He stated some of the items identified in the assessment need to be worked on.

Councilor Bowman made a motion to authorize the Chief of Police to proceed with the recommendations from a policy and directive standpoint only.

Councilor Kapenstein asked if this is the recommendation to hire a sergeant.

Council President McNamara stated this is for policies and directives only and a staffing recommendation is a decision the Public Safety Committee is going to have to make in conjunction with the Administration and Personnel Committee and Mr. Morgan and then financed from a budget standpoint. He stated this motion pertains to the policy and directive manuals.

The motion was seconded by Councilor Malone and approved by a unanimous 8-0 vote.

Council President McNamara asked Council Kapenstein, since he brought it up, what his thoughts are on the position.

Councilor Kapenstein stated he didn't know and he was not sure yet. He would like to hear what the Chief, Mayor and the rest of Council thinks. He feels there should be more deliberation that should take place.

Mayor Curry stated he totally agrees with the recommendation to have the police secretary position to be full time.

Council President McNamara stated he was referring to the number one priority that was identified in the assessment for a Lieutenant or some sort of deputy position if you want to entertain the authorization to advertise.

Councilor Kapenstein stated he would like to hold off.

Mayor Curry stated he does not feel that it has been discussed enough and he is not so sure he supports that. He would like to have a discussion with the Chief on his thoughts for the position. Mayor Curry stated his initial reaction is to not hire a Lieutenant and have the two sergeants perform their sergeant's work only and the Chief is the head of the department and not put on another supervisory salary.

Councilor Kapenstein asked the Mayor his thoughts on the secretary position.

Mayor Curry stated the position should be full time and he has stated that for several months.

Councilor Louer stated because the OIC positions (sergeants) are managerial positions they should not have been performing patrolmen duties, only in emergency situations. He stated we have been misusing the sergeants.

Mayor Curry stated they should be sergeants not patrolman as the report states and they had a dual capacity.

Council President McNamara reported the Chief of Police stood before us and asked for the assessment to be performed. He said he is willing to explore the recommendation from the assessment to consider giving the Chief of Police someone who could exercise operational control to train those sergeants to become supervisors.

Mayor Curry stated you have to take that report as a totality of the circumstances it is not the bible it is recommendations and he had discussions with the Chief earlier in the day about it. He stated having the sergeants doing their role as a sergeant and not a patrolman and asked the Chief would you agree with that.

Chief of Police Bey stated in an ideal police department absolutely, but he thinks their engaging in dual capacity because of the lack of manpower and the recommendation to have the Lieutenant speaks to the implementation of the oversight and reorganization of the department. He said if we are going to make our sergeants administrative as they should be, he recommends replacing them with able bodied full time officers. Chief Bey stated, keep in mind those sergeants are part of the collective bargaining agreement (CBA).

Mayor Curry stated it is his job to ensure we have the most professional police force in conjunction with ensuring the highest level of safety and watching budgetary concerns. He said if you have those sergeants to what that position is designed for and you proceed with hiring the additional manpower which was requested in the EIP program, you will be well on your way of where you need to be.

Councilor Kapenstein stated he would not mind seeing a breakdown from Mark Morgan on the expenses of each option.

Councilor Kapenstein asked the Chief his thoughts on the full time secretary position.

Chief Bey stated the full time position will be helpful with customer service for the residents and also his work load.

Mayor Curry stated the goal of the assessment is to achieve greater customer service and make the department the best it can be.

Councilor Kapenstein made a motion to turn the police department secretary position into a full-time position. The motion was seconded by Councilor Sites and failed by 5-3 vote with Councilors Bowman, Malone and Kapenstein voting in favor.

Councilor Louer made a motion to advertise the Lieutenant position for the police department.

Councilor Einhorn stated she would like to see a comparison of the options before deciding to hire for the Lieutenant position.

Mayor Curry stated he would like to see the comparisons and how the department functions after all the part time police officers have officially started before taking on a high paying supervisory role.

The motion was seconded by Councilor Bowman and failed by 5-3 vote with Councilors Bowman, Louer and McNamara voting in favor.

Councilor Bowman made a motion to adjourn. It was seconded by Councilor Louer and approved by unanimous consent. At 8:44 p.m., the meeting was adjourned.

Borough Secretary