

July 20, 2015
Middletown, PA 17057

The July 20, 2015 meeting of the Middletown Borough Council was called to order at 7:00 p.m. by Council President Christopher McNamara.

Following the pledge of allegiance, the following Council members answered roll call: Mike Bowman, John Brubaker, Anne Marino Einhorn, Benjamin Kapenstein, Robert Louer and Christopher McNamara. Councilors Malone, Sites and Sullivan were absent from the meeting.

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

Councilor Bowman made a motion to approve the June 1 & 15, 2015 Council meeting minutes. The motion was seconded by Councilor Louer and approved by a unanimous 6-0 vote.

PUBLIC COMMENT

Greg Wilsbach, 719 Spruce Street

Mr. Wilsbach commented on the Administration and Personnel Committee report and would like to know if there was any outcome from Mr. Courogen's outburst at the last meeting, stating the Communication Director is not in charge of running a meeting or telling people what is going on at a meeting when there is a lack of a quorum. He said he thinks that would be the role of the Borough Manager as the leader of this Borough to address the public at meetings when there is a lack of a council quorum.

Mr. Wilsbach commented on the Public Works Committee report addressing, in case it is brought up; the lease/sale of the electric system, stating he thinks this has been in the process for a long time and once there is some investigations going on the people in this town will find out that the lease/sale of the electric system has been investigated secretly behind closed doors the last couple years. Mr. Wilsbach said he does not think most of the residents of this town understand what the public power system offers and he knows that some people on this Council think it is a quick shot of money just like our water/sewer lease. He commented on the monetary percentage received by Susquehanna Group Advisors and McNees, Wallace and Nurick stating Susquehanna Group Advisors who made the recommendation to get the Borough out of distress should not have been allowed to receive a single dime from the lease of the water/sewer system and now they are recommending the sale/lease of the electric system. Mr. Wilsbach stated he agreed the solicitor's office should have received a fee to negotiate the best contract of the lease.

Mr. Wilsbach commented on statements made by Mr. Morgan regarding not being able to contribute to the general fund and he stated that is a lie. He mentioned that legislation is going nowhere and will go nowhere and municipal electric systems are allowed to contribute to their general funds to help out and you have 2,000 municipal electric systems across the United States that do that. Mr. Wilsbach stated for Mr. Morgan to make that comment that in Pennsylvania they may not allow that, that is not the only benefit of a municipal electric system. He stated the benefit that most people go for is the outage times and commitment to your customers and the goal is to make your customers happy, keep your outage times low, and give them the best possible electric clean safe reliable power at the lowest possible price. Mr. Wilsbach stated he knows of the past and the higher rate charged than what should have been and that it was not run professionally but that does not mean that you get rid of something that wasn't run professionally or the people that maintain the system. He said if this issue comes up he will fight against it, since he has no interest and he is no longer employed by the electric system. Mr. Wilsbach recommends that a committee of educated people be formed to oversee how it is run, structured and organized to allow Council to make decisions.

Jack Still, 37 W. Emaus Street

Mr. Still provided council with a handout. He commented on the water lease and the amount of people working in the water/sewer department stating that United Water is doing the same amount work with 2/3 less people, thus saving the Middletown people a whole bunch of money.

Mr. Still commented on the electric stating that is was nothing but a hidden tax and they could do whatever they wanted.

Karen Clark, 122 Birch Street

Ms. Clark commented on a property at Juniper and Spruce Streets where the owner claims it is a certified habitat. She stated it is a jungle and contacted the codes office about the property and the owner told the codes office that once the stuff is planted you can't touch it. Ms. Clark

mentioned the owner put in a fence which is now protruding outwards that caused her to trip and something needs to be done about it.

Mr. Miller stated he inspected the property and it is on the list and by the end of the week the owner will be formally cited. He mentioned there has not been any contact by the owner to the Codes office personnel alerting them that this property is some sort of protected habitat and there is no such thing.

Greg Wilsbach, 719 Spruce Street

Mr. Wilsbach commented on the \$16 – 17 million dollar substation stating it is a scam and all smoke and mirrors to try and scare people into the fact that you have to lease or get rid of the substation. He stated you have a brand new substation down on Mill Street that could be moved for less than \$100,000 and you have a substation out at Spruce Street that could be upgraded to handle this whole town for approximately \$1.5 million and that is coming from the Borough's engineers that you have referenced to in the past. Mr. Wilsbach said regardless of what the new engineers, whomever you are using, said to move one substation way out there and try and run circuits everywhere in this town is a political plough to further make the case to lease or sell the electric system. In closing, he stated you can upgrade the Spruce Street substation to run this whole town with one substation and he guarantees this for \$1.5 million.

At 7:17 p.m., council adjourned into executive session to discuss matters relating to personnel and potential litigation.

At 8:58 p.m., council reconvened from executive session.

Councilor Kapenstein made a motion to direct any request to spend money obtained as a result of the concession agreement to be approved by a majority vote of council except for any project expenditures required by the concession agreement. The motion was seconded by Councilor Einhorn and approved by a 5 – 1 vote, with Councilor Bowman dissenting.

Councilor Bowman made a motion to approve 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 Louer and approved by a unanimous 6 – 0 vote.

STAFF REPORTS

Mayor's Report

Mayor Curry reported on May 18, 2015 he swore in part-time police officers Juan Castro and Rebecca Holstein and effective August 1, 2015 Officer Castro will be on his own having completed his training period.

Mayor Curry reported on July 8, 2015 he swore in part-time police officers Tyler Zehring and Wesley Feduke and their training is currently taking place and will last for approximately sixty days.

Mayor Curry reported the last hire will be Kevin Martin and he is currently in the background stage. He stated assuming that pans out; we will work on swearing him in.

Mayor Curry reported after speaking with the Chief he would like to make a request the Council approve the purchase of a hand held metal detector scanner. He said there are three different versions printed out from the Chief of Police in order of preference and he concurs with the Chief's first choice and recommends that we go with the Garrett handheld scanner. Mayor Curry stated he is familiar with them and that is what every security guard utilizes at hearing offices.

Mayor Curry reported that he believes the Chief of Police should have a credit card to make these types of purchases and it is kind of redundant to have to come here and ask for this purchase when he can make this on his own. He stated it would also cut out the hassle of officers being reimbursed for purchases and training expenses.

Council President asked for the cost and purpose of the hand held scanner. Mayor Curry responded the cost is \$152.99 and the purpose is for scanning for firearms, knives, etc. at Council meetings. He stated we have signage indicating that nobody is permitted to bring in such weaponry to council meetings and he thinks that with this day and age people should be scanned before entering these chambers. Council President McNamara stated this is a policy

decision and suggest that this get shipped to the solicitor to get an answer on what you are entering into. Mayor Curry responded he does not think that it needs to go to the solicitor and Councilor Bowman concurred stating it is just another tool and its sole purpose is just not for here at Council meetings.

Councilor Bowman made a motion to authorize the Chief of Police to purchase a Garrett hand held metal detector out of the equipment fund.

Councilor Brubaker stated he knows for a fact several months ago there was an individual carrying a gun in here and it was not a police officer and he had nothing to do with the law. He said he directed him to read the signage at the front, back and council chambers doors. Councilor Brubaker recommended making the signs a different color and size so that they are more visible.

Councilor Kapenstein stated all of the more reason to get this.

Councilor Brubaker stated this may be coming into a privacy issue and everything else, but he thinks it is a good idea.

Councilor Einhorn concurred with Councilor Brubaker and stated is it privacy when you are in a government building and that is what we are.

Council President McNamara stated he knows that there is a challenge to this out there somewhere.

Discussion was held on what fund this purchase would come out of and the approval of a credit card. Chief Bey commented that he would still need a credit card for this purchase.

Council President McNamara stated this is a policy decision since there was some abuse in the past that was identified and we shut down the credit cards. He stated the body can choose to pursue changing the policy.

Mayor Curry made a recommendation to have all Police Department credit card purchases come before the Council before making the purchase.

Council President McNamara recommends the Finance Committee discuss this at their next meeting.

Mayor Curry asked how the scanner purchase will be handled. Borough Manager Tim Konek explained in the event a company will not accept a check, the employee will pay for it and be reimbursed.

The motion was seconded by Councilor Kapenstein and approved by a unanimous 6 – 0 vote

Manager's Report

Mr. Konek reported that Jonathan Hicks, Borough Grants Coordinator, has found a much better opportunity and we knew this would happen. He said Jonathan is a recent graduate of Penn State with a Master's Degree in Public Administration. Mr. Konek stated we were lucky to get him through an internship program and he stayed on board with the Borough after his internship program was over and as he completed his studies. He stated we wish him well and his last day of employment is Friday, July 24, 2015.

Secretary's Report

Ms. Friday had nothing to report.

COMMITTEE REPORTS

Administration and Personnel

Councilor Einhorn reported that the HR Consultant Nancy Hess attended their last meeting to update them on the employee handbook and job descriptions and how the process was working. She stated Ms. Hess will be ready to present this in an executive session by next month. Councilor Einhorn stated she will get in touch with Ms. Hess for the next council meeting.

Councilor Einhorn reported on the Borough website stating it has been brought to the committee's attention that it is extremely negative and the first impression is not a very good one. She said there has been more emphasis on the bad things that have been happening and not the good.

Councilor Einhorn made a motion to have the content of the website reviewed by the Administration and Personnel Committee in the form of an email to the committee members prior to being posted on the website.

Discussions took place on how to handle time sensitive content information being reviewed via email and if the information needs to come before the committee at a meeting and before being posted to the website.

Councilor Einhorn asked Mr. Courogen for some suggestions.

Mr. Courogen provided some statistics from an on-line survey he conducted for the Borough website. He stated he received an overwhelming response for news and information. Mr. Courogen reported the website traffic suggest that people who visit our site look at this particular information and they want to know what our police are doing and the recent heroin bust article showed three times as much traffic than normal. He stated we took the public's views into account when building the website.

Mr. Courogen stated he has a hard time understanding why it is considered negative when it is highlighting the good work that our police department is doing.

Councilor Einhorn commented that people who are considering moving to Middletown go to the website and all they will see is crime. She suggests putting some of the more positive activities going on around the town on the website since we are not seeing those.

Mayor Curry stated Mr. Courogen's police articles have been fine but he suggests moving these police articles/reports to the police section of the website so that it is not the first impression an individual gets when they come to the website.

Mr. Courogen stated the website is designed to inform Middletown's residents about what their Borough Government is doing and what their tax dollars are being used for. He stated the website is for official Borough Government items and has been the policy the Borough has taken.

Discussions took place on National Night Out. Mayor Curry asked for this information to be put on the website and when will it be up. Mr. Courogen stated we can do that and whenever he gets the information he will post it on the website.

The motion was seconded by Councilor Kapenstein and rescinded due to not enough information to support the motion.

Community Development

Councilor Kapenstein reported the committee met and Councilor Bowman had some ideas. The first being that we permanently lock the bathroom doors at Hoffer Park when the main pavilion is not rented. He stated there have been some disgusting things happen and the committee directed the Borough Manager to take care of this.

Councilor Kapenstein recommends signage be placed at the parks and underpasses regarding littering. He stated this should be looked into a little more.

Councilor Kapenstein recommends the cameras at Hoffer Park be rerouted to the new police station.

Councilor Kapenstein reported the rules sign at Hoffer Park and Kids Kastle was taken down and should be put back up.

Councilor Kapenstein stated there was a suggestion at the meeting to do some kind of award for part-time public works employee Paul Potts, since he is the one to clean up the bathrooms after the mess. He stated having the Mayor make some kind of recognition.

Councilors Kapenstein and Bowman reported on getting six to eight flags from the VFW or Legion for each of the quadrants at the square.

Finance

Councilor Kapenstein reported the Finance committee did not meet but he has a budget request from the Historical Restoration Commission for 2016 and asked if Amy or Tim can get this to Mark Morgan.

Labor Relations

Councilor Brubaker reported there has been nothing scheduled for the police or teamsters.

Planning

Councilor Louer reported the committee has not met this month.

Public Safety

Councilor Louer has nothing to report.

Councilor Bowman reported that it has been brought to his attention by a citizen that we have a number of international students out at Penn State Harrisburg who might try to make a more concerted effort to do the stop lines and crosswalks.

Councilor Kapenstein concurred receiving the same request from Borough residents.

Mayor Curry asked for the status of the stop sign at High and Spring Street. Borough Manager Konek reported the sign has been installed and is in place.

Councilor Bowman asked about the manhole on Spring Street at the edge of the cemetery. Borough Manager Konek reported paving was scheduled, but it got postponed and he does not know why or when it will be completed.

Public Works

Councilor Louer reported public works had a meeting and DEP representative Christopher Bosnyak talked to the committee about Woody Waste. He stated we have to have two curbside pickups per year, one in the spring and fall or winter. Councilor Louer mentioned they talked about Christmas tree pickup which would be one collection time and the other would be the spring time when residents prune and trim their foliage around their homes. He said those would be the amount of times for curbside pickup.

Councilor Louer talked about the MS4 storm water runoff and their concern about that. He stated would have to implement the plans we discussed.

Councilor Louer reported talking to Lester Lanman regarding the vacuum truck container is in poor condition and may be beyond repair, therefore we may have to look into purchasing a new vacuum truck.

Councilor Louer reported all the service vehicles should have been taken down to the State auction and sold so that we can get the lawn mower paid for.

Councilor Louer reported on a letter received from Penn State regarding donating and planting of trees in the areas where there were FEMA buyouts. He said we would pick areas to have them look at and one of their representatives will come through to approve the area and he suggested the area along the creek as a buffer zone to keep a lot of the debris out.

Councilor Louer reported that Mr. Librandi is negotiating to purchase electricity from MetEd away from Middletown. He stated he does not know where that negotiation stands and they are the second largest user of electricity in the Borough of Middletown and if we lose him it will cost the Borough a considerable amount.

Councilor Louer reported all four breakers at Spruce Street are now rebuilt and in service.

Councilor Louer reported on a report from a citizen regarding the pool. They stated it is in the best shape they have ever seen the pool and it is very well kept.

Councilor Louer reported the park sign at Hoffer Park was hung and dedicated by Shane Mrakovich of Street Stores Hardware. He thinks the sign is too high and out of the line of sight and should be lowered.

Borough Manager Konek followed up on the Woody Waste stating we need to have two pickups per year to stay on the good side of the DEP. He said we need to have authority to make that known and to push that we have a Christmas tree pickup in the winter and a spring cleanup sometime in the spring. Mr. Konek stated we need to ensure compliance with DEP regulations to allow us for certain grant opportunities that are available.

Council President McNamara suggested to Mr. Konek that this be discussed at their next planning committee meeting to be brought back to the full council as a resolution.

Council President McNamara asked about the MS4 ordinance and how long will it be to get everything in front of the council.

Borough Manager Konek responded an ordinance is not required it is just a matter of implementing the plan. He stated hiring HRG to give us our MS4 compliance plan and he and Lester Lanman met with Erin Letavic of HRG to go over the calendar and are working to solidify that and it is just a matter of implementing that plan throughout the rest of the Borough. Mr. Konek stated getting codes and public works involved in making sure we document our activities. Mr. Konek stated if there are any major expenditures that go along with that, we would have to come back for approval.

Olmsted Recreation Board

Councilor Louer had nothing to report.

Councilor Einhorn reported that she forgot to mention in the Administration and Personnel report regarding two open positions on the Historical Restoration Commission.

Discussions took place on letters from the two individuals and advertising for the open positions.

Council President McNamara recommended the Borough Manager reach out to the two individuals with a deadline to respond and then proceed to advertise for the positions.

Councilor Bowman made a motion to adjourn. The motion was seconded by Councilor Kapenstein and at 9:42 p.m. the meeting was adjourned.

Amy J. Friday
Borough Secretary