

Meeting Minutes of the Middletown Borough Council
February 2, 2016

The February 2, 2016, regular meeting of the Middletown Borough Council was called to order at 7:00 p.m. by Council President Benjamin Kapenstein. After the Pledge of Allegiance, the following Council members answered roll call: Anne Einhorn, Dawn Knull, Robert Louer, Diana McGlone, Robert Reid, Ed Shull, Greg Wilsbach, Damon Suglia, and Benjamin Kapenstein. Also present were Mayor James H. Curry III, and Borough Secretary Bruce Hamer.

Public Comment on Agenda Items - There were no public comment on the agenda items.

Mr. Reid indicated he had three additional items for the agenda.

PennDOT Presentation – Amtrak Station – Jennie Granger, Project Manager, with the Pennsylvania Department of Transportation made a presentation regarding the status of the proposed Amtrak Station to be located along Route 230 near the Ann Street Bridge. Also in attendance to support her in the presentation were Joe Guzzi from HNTB and Stephen Snyder from Arrow. She reported that design on the structure is complete. There will be a pedestrian bridge over Route 230 that connects with the Pennsylvania State University Harrisburg campus area. The proposed Emaus Street Extension project, which would connect Route 230 to the downtown area, is considered in the overall design.

Renderings of the facility were presented. Ms. Granger noted the facility would have intermodal capabilities with bus pulloffs and pickups for CAT, covered bicycle racks, and shuttle service for drop offs and pickups. She explained the station would have a center platform and the railroad tracks must be relocated to provide for the same. Relocation of the tracks is the first task and should occur in about six months. A decorative fence would be installed to control pedestrian crossings.

Mr. Louer inquired about repaving on Route 230. Ms. Granger indicated that project was independent of the train station project but any damage made to Route 230 would be repaired. It was noted the total completion time for the project is between two and two and one-half years. Mr. Guzzi indicated the rail relocation is the key to making progress on this project. Ms. Granger stated the Emaus Street Extension project would be at the back end of the project due to safety concerns and the need for sufficient area to perform construction. Regarding Mr. Wilsbach's question about the Borough Highway

Garage, Ms. Granger indicated there were no plans to acquire that property nor the property of the nearby church.

The presenters then reviewed the renderings with the audience and responded to questions from the same. It was noted the Elizabethtown train station presently does not have a parking fee but will have one in the future. It was explained the intent is to have shuttle service to the airport and there would be a parking charge at the facility. Mr. Guzzi indicated the M&H Railroad is not affected by this project and there would be no relocation of the catenary poles. The train station facility will have elevators but there would not be any businesses located in the structure. The platform would be covered with a canopy.

HRG Presentation – Chesapeake Bay Pollution Reduction Plan (MS-4 Program) – Erin Letavic from the engineering firm of Herbert, Rowland, and Grubic made a power point presentation regarding the Borough’s Chesapeake Bay Pollution Reduction Plan. She indicated that public comments are due by February 28, 2016, and a report is to be submitted by March 1, 2016. She noted this is an unfunded mandate, which concerns activities of storm water quality. Ms. Letavic explained that documentation of activities in support of this program is required for compliance. She indicated that street sweeping is an activity for which credit can be gained toward compliance. She also noted that her presentation this evening could be considered as part of the public education component of this program.

Resolution No. 644 – Appointment of Hazard Mitigation Grant Program Designated Agent – Mr. Hamer explained the requirement to designate an individual to sign documents concerning the closeout of several grants from the Hazard Mitigation Grant Program. Former Borough Manager Tim Konek was previously designated as the agent for this program. **MOTION** by Benjamin Kapenstein, second by Robert Reid to adopt Resolution No. 644, a resolution naming Greg Wilsbach as the Designated Agent for PEMA Hazard Mitigation Grant Program project numbers 1, 2, 3, 5, 6, 7, 9, and 4099. Motion carried with a vote of 9-0 in favor.

Discussion on Snow Removal Efforts – Police Chief John Bey reported that snow removal efforts concentrated on snow emergency routes, bus routes and then secondary streets. Work will continue on clearing sidewalks and responding to requests

for additional snow removal services. Chris Burkholder, Public Works Superintendent, noted that storm drains would be kept open to handle any rain conditions.

Mr. Kapenstein expressed his appreciation for the efforts of the Borough staff during Winter Storm Jonas. Ms. Knull inquired about the Codes officers checking on sidewalks. Mr. Shull complimented the residents of the Borough for their cooperation during this historic storm event.

Appointment of Right to Know Officer - Mr. Hamer explained the legal requirement for having an individual named as the Right to Know Officer. After some discussion, Mr. Kapenstein stated this matter would be tabled until the February 9, 2016, special meeting.

Ratify Authorization to Advertise 2016 Tax Ordinance – **MOTION** by Damon Suglia, second by Anne Einhorn to ratify authorization to advertise proposed Ordinance No. 1319, an ordinance fixing the real estate tax rate for the year 2016. Motion carried with a vote of 9-0 in favor.

Proposed Emergency Management Committee – Mr. Kapenstein explained his proposal for an Emergency Management Committee. He stated the primary objective is to facilitate communication during emergency situations. Discussion ensued after which there was a **MOTION** by Robert Reid, second by Dawn Knull to reinstate the Mayor and the Emergency Management Committee instead of the Borough Manager as being in charge during an emergency. Mr. Wilsbach referred to an existing ordinance in place concerning emergency management operations. After some additional discussion, Mr. Reid withdrew his motion on this matter.

Residential Inspection Program – Ms. McGlone announced that at the February 16, 2016, meeting, a presentation would be made regarding a proposed residential rental inspection program. A series of public meetings would then be held on this proposal to be scheduled for March 2, March 23, and April 6, 2016, starting at 7 p.m.

Authorize Special Meeting – February 9, 2016 – **MOTION** by Greg Wilsbach, second by Dawn Knull to authorize a special meeting of Borough Council to be held on February 9, 2016, at 7 p.m. in Council Chambers for the purpose of acting on the amended budget and any other matter to come before Council. Motion carried with a vote of 9-0 in favor.

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Downtown Parking Problem – Mr. Reid indicated that parking problems exist in the downtown section at Brown, Poplar and Mill Streets. He noted that train riders park on the streets, which takes away available parking for residents and business. **MOTION** by Robert Reid, second by Robert Louer to have the Middletown Police Department conduct a parking study in the downtown area for a possible two hour parking limit or permit parking for residents. Motion carried by a vote of 9 to 0.

It was noted a report on the study would be presented at the May meeting of Borough Council. Ms. McGlone recommended that a parking sign be placed on Emaus Street near the Brownstone Restaurant directing people to the municipal parking lot.

329 S. Catherine Street – Mr. Reid indicated the property at 329 S. Catherine Street is in disrepair and would like to initiate the process to effect its removal.

Ann Street Bridge – Mr. Reid reported on his concern for the approaches to the Ann Street Bridge and requested an inspection be performed on the bridge. Mr. Louer indicated he had a previous discussion with Representative John Payne about this matter and that PennDOT was supposed to have inspected the bridge two years ago.

M&H Celebration – Mayor James Curry announced the M&H Railroad is celebrating a 40th anniversary on July 31, 2016, and would be closing Brown Street from 10 a.m. to 2 p.m. He also reported that Police Chief John Bey has hired six part-time officers and has one opening yet to fill. Mr. Wilsbach recommended the railroad company notify businesses and residents about the street closing.

Public Comment

Jo-Ann Lauffer, 226 N. Pine Street read a statement in opposition to the proposed crematory at the Fager-Finkenbinder Funeral Home. She cited instances in communities in Wyoming and New York where crematories were purported to have a negative effect on property values and other quality of life issues.

Kirk Ramsey, 127 N. Pine Street stated his opposition to the crematory.

David Black, 134 N. Union Street read a lengthy statement citing concerns for the selection of a new zoning and codes enforcement officer who would have the capability to review the June 24, 2015, zoning decision regarding the crematory at Fager-Finkenbinder Funeral Home and whether or not Jeffrey Miller, former codes enforcement officer, and other members of the Borough management had complete information regarding the funeral home's intention to operate on a proposed schedule as indicated in their application submitted to the Pennsylvania Department of Environmental Protection in mid-October 2015.

He raised concerns that the crematory would be used to an extent of becoming a principal activity on the property rather than an accessory one. He further expressed concerns this could create a precedent for other businesses to use accessory uses that would impact residential neighborhoods. Mr. Black raised concerns about the expeditious decision on this matter when there was ample time to fully review the matter before making a decision. He requested that testimony be solicited from Mr. Miller and other Borough management about the reasons for the expeditious determination on this matter.

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Mr. Kapenstein indicated that separate legal counsel would need to be obtained as the Borough's regular legal counsel has a conflict of interest in this matter. Mr. Wilsbach Indicated a need at this time to stop the project.

MOTION by Anne Einhorn, second by Greg Wilsbach to authorize obtaining separate legal counsel concerning the crematory issue.

It was noted Borough Council was not previously aware of Mr. Miller's decision. Following additional discussion, **MOTION** by Anne Einhorn, second by Greg Wilsbach to amend the motion to direct legal counsel to file an injunction on this matter. Motion carried by a vote of 8 to 1 with Ms. McGlone voting no, citing her objection to the language of the motion.

Rachelle Reid, 448 Grant Street inquired about whether a public garden could be used as part of the MS4 program. She also inquired about removal of the safe door. Mr. Kapenstein indicated the Police Department would be conducting an investigation into this matter but that the Borough did not pay for removal of the door.

At this time Ms. McGlone inquired about the status of the zoning overlay and re-establishment of the Planning Commission.

Kathy Winter, 154 W. Water Street expressed concerns with tree trimming performed by Penn Line and requested that her trees not be trimmed as she would employ her own contractor for that purpose.

Raymond Jones, 140 N. Pine Street expressed concerns about water quality.

Jo Ann Kirchner, 132 Spruce Street reported she is working with a producer on a movie concerning the Three Mile Island Nuclear Accident. She indicated it is intended to be a positive movie and wants to involve the community as actors and other activities in the making of this film.

Rachelle Reid, 448 Grant Street cited the poor condition of a building located at the corner of Mattis and Nissley.

Mr. Kapenstein announced that an executive session would be held for personnel matters and potential litigation following adjournment of the meeting.

Adjournment - **MOTION** by Damon Suglia, second by Robert Louer to adjourn the meeting. Motion carried unanimously and the meeting adjourned at 9:19 p.m.

Bruce Hamer
Borough Secretary