

**Meeting Minutes of the Middletown Borough Council  
February 16, 2016**

The February 16, 2016, regular meeting of the Middletown Borough Council was called to order at 7:05 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, Damon Suglia, and Benjamin Kapenstein. Greg Wilsbach was absent due to attendance at a Borough related function with Dauphin County. Also present were Mayor James H. Curry III, Borough Secretary Bruce Hamer, and Solicitor Adam Santucci.

Report on Executive Session – February 9, 2016 – Mr. Kapenstein reported on an executive session held on February 9, 2016, regarding potential litigation and personnel matters. He announced that no action was taken regarding personnel matters. At this time he requested Council action to ratify hiring special counsel for the crematory matter.

**MOTION** by Dawn Knull, second by Anne Einhorn to ratify appointment of the law firm Eckert, Seamans as special counsel for the crematory matter. Motion carried by a vote of 7 to 1, with Mr. Louer voting no.

Public Comment on Agenda Items

Mike Bowman, 100 Wilson Street, inquired about agenda item #4 and asked about penalties and enforcement provisions in the proposed residential inspection program as well as whether inspections would be scheduled or not. He questioned why an inspection program would not also cover other dwelling units.

Tom Germak, 412 Conewago Street, indicated he would comment on the agenda item concerning the proposed residential inspection program after the presentation but stated there is not enough staff available now to handle current code enforcement issues. He noted there are about 1,500 rental units in the Borough.

Request to Place Dumpster on Snow Emergency Route – Richard Schoffstall - Mr. Hamer explained the need for Council's action on the request to place a dumpster in a Snow Emergency Route. Ms. Knull expressed concerns about the possibility of snow during the time when the dumpster remained on the street. **MOTION** by Robert Louer, second by Dawn Knull to approve the request by Richard Schoffstall to place a 10 cubic yard dumpster on the public street in front of 114 Ann Street from

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February 19 through February 25, 2016. After further discussion, **MOTION** by Robert Louer, second by Dawn Knull to amend the motion to provide such approval is subject to recall in the event of an emergency. Motion carried by a vote of 8-0.

Authorize Advertisement of Request for Proposals – Pension Investment Management Services – Mr. Kapenstein explained the purpose of the Request for Proposals is to seek bids from alternative service providers in the interests of competitive pricing. Mr. Louer indicated that a guarantee should be sought from any prospective service provider to assure adequate rates of return on pension investments. He suggested consideration be given to returning to the state pension program. Mr. Santucci suggested the Council could seek information from the Pennsylvania Municipal Retirement System as part of this process in order to make comparisons. **MOTION** by Robert Reid, second by Robert Louer to table action on this matter.

Mr. Suglia indicated he saw no harm in seeking proposals at this time. **MOTION** by Damon Suglia, second by Anne Einhorn to authorize advertisement of request for proposals for pension investment management services. Voting yes on the motion were Mrs. Einhorn, Ms. McGlone, Mr. Suglia, and Mr. Kapenstein. Voting no on the motion were Ms. Knull, Mr. Louer, Mr. Reid, and Mr. Shull resulting in a 4 to 4 tie. Mayor Curry voted no and the motion was defeated.

Approval of Bills – Mr. Hamer explained that a revised list of bills was distributed to Council noting payments for deductions from payroll were added to the list previously distributed with the meeting information, including police union dues and contribution to a deferred compensation account. **MOTION** by Dawn Knull, second by Robert Louer to approve payment of bills as shown on the Accounts Payable List dated February 12, 2016, for the period January 26, 2016 through February 12, 2016, to ratify approval of such bills already made, and to authorize and direct the appropriate officials to take required actions to make said payments. Motion carried by a vote of 8 to 0.

Meet and Greet Event – Mr. Kapenstein announced that a Meet and Greet event is to be scheduled in the near future for Borough employees and officials to informally meet each other.

TEN Efficiency Network – Mr. Kapenstein noted this project concerning street lighting is ready to commence.

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Discussion on ICDA – Mayor Curry stated that he disagrees with actions of the Middletown ICDA. Regarding the Streetscape project, he opined the pavers are not a good idea nor are the bump outs at the lower end of town. He expressed concerns about tables being provided in areas that would benefit private business. He further opined there should be checks and balances on the ICDA and it should not have control of such large sums of money and requested the money be returned from the ICDA to the Borough.

Proclamation - Mayoral Madness – At this time Mayor Curry read a proclamation in which he declared April 1, 2016, as Mayoral Madness in the Borough of Middletown and challenged the Middletown varsity basketball players to a charity game to be held at the Middletown Area High School Gymnasium at 7:30 p.m. \_

Continuation of Discussion on ICDA – Mr. Suglia agreed with the suggestion about returning funds from the ICDA to the Borough's control as well as having a discussion on using concrete for sidewalks. He also indicated the ICDA could be a positive thing and should be bringing recommendations to Council for its consideration.

Mr. Reid indicated he favors eliminating the bump outs. Ms. Knull expressed concerns about the expenses to redo the entire contract for the bump outs. Mr. Kapenstein noted that Matt Tunnell, Chairman of the ICDA, is willing to talk through solutions to these concerns. Debbie Rowe, 26 S. Union Street and a business owner, was in the audience and expressed a willingness to work toward a solution on this matter. Mr. Kapenstein agreed to arrange a meeting on this subject. Mayor Curry requested the attorney look into the issue of changes to the construction contract.

**MOTION** by Dawn Knull, second by Damon Suglia to request the funds held by the Middletown ICDA be returned to the control of the Borough. After some discussion, **MOTION** by Dawn Knull, second by Damon Suglia to amend the motion to provide that said funds be returned provided such action does not breach any existing contracts.

Ms. McGlone stated that facts and figures should be obtained before moving funds from the ICDA to the Borough. Mike Dalton, 237 N. Pine Street, was in the audience and suggested there would be complications with existing contracts and limited time to reverse action on the bump outs.

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Motion carried as amended by a vote of 6 to 2 with Mr. Louer and Ms. McGlone voting no.

Presentation on Proposed Residential Inspection Program – Ms. McGlone made a power point presentation on a proposed Residential Rental Licensing and Inspection Program. She proceeded by providing some background information noting the Borough of Elizabethtown initiated a similar program in 2007 as well as did the Borough of Highspire in 2011, which information on their programs can be found on their websites. Her presentation included the purpose of the program, why the Borough is considering the same, and housing data related to the percentage of owner-occupied and renter-occupied properties within the Borough.

She discussed matters concerning what properties would and would not be affected by the program, and the duties of owners, managers, and occupants of rental properties. She explained the licensing and inspection process noting inspections would be performed every three years after the initial inspection and upon sale or transfer of a property. Ms. McGlone further discussed what issues the inspection would address as well as that the Borough's code enforcement staff would conduct the inspections.

She continued with an explanation of the process should violations be found indicating that a fee would be charged if a re-inspection is required. She explained elements of the licensing process, including those associated with the sale or transfer of residential rental units. The proposed licensing fee would \$40.00 every three years. Ms. McGlone responded to various questions from the Council and audience members during her presentation.

In response to a question from Tom Germak, 412 Conewago Street, Ms. McGlone indicated inspections at the Village of Pineford apartments would be phased in. Mr. Germak expressed concerns there is not adequate zoning enforcement now and questioned the ability to enforce a new program. Mr. Reid indicated he proposed a similar program 40 years ago noting an absentee landlord issue. Ms. McGlone opined this is a life safety issue and completed her presentation by announcing that meetings will be scheduled for March 2, March 23, and April 6, 2016, for the purpose of having open discussions and to receive feedback from owners, residences, and tenants regarding this proposed program.

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## Public Comment

David Black, 134 N. Union Street confirmed the Borough had received a letter from the law firm of Mette, Evans, and Woodside concerning the crematory matter.

Jenny Miller, 227 W. Water Street addressed Council as Chairman of the Middletown Historical Restoration Commission to discuss repairs necessary on the fence at the cemetery at Pine and High Streets. She indicated an estimate for the repairs in the amount of \$1,200 was obtained. She further explained that records indicate the Borough had agreed in 1966 to help with cemetery maintenance issues.

Rachelle Reid, 448 Grant Street inquired about the safe door removal in Borough Hall. Mayor Curry reported that Police Chief Bey investigated this matter and determined that no criminal activity took place and that no exchange of money took place regarding this transaction. Mrs. Einhorn inquired about procedures related to disposition of Borough property.

Melissa Rudy, 420 Woodland Avenue suggested the Borough consider a summer worker program due to limited staff in the Public Works Department.

Jack Still, 37 W. Emaus Street opined regarding the pension plan management noting the need to balance the risks against potential returns.

Mr. Kapenstein announced that an executive session would be held following adjournment this evening.

Adjournment – **MOTION** by Dawn Knull, second by Anne Einhorn to adjourn the meeting. Motion carried and the meeting was adjourned at 9:11 p.m.

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Bruce Hamer  
Borough Secretary