

**Meeting Minutes of the Middletown Borough Council**  
**March 1, 2016**

The March 1, 2016, regular meeting of the Middletown Borough Council was called to order at 7:03 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, Robert Reid, Ed Shull, Damon Suglia, Greg Wilsbach, and Benjamin Kapenstein. Also present were Mayor James H. Curry III, Borough Secretary Bruce Hamer, and Solicitor Adam Santucci.

Mr. Kapenstein noted that Ms. Knull was participating in the meeting via cell telephone. Diana McGlone was absent.

Report on Executive Session – February 16, 2016 – Mr. Kapenstein reported on an executive session held on February 16, 2016, regarding potential litigation. Action was requested to ratify appointment of the law firm as special counsel for the Borough Authority matter.

**MOTION** by Greg Wilsbach, second by Anne Einhorn to ratify appointment of the law firm Dillworth Paxson, LLC as special counsel concerning the Borough Authority matter. Motion carried by a vote of 7 to 1 with Mr. Louer voting no.

Public Comment on Agenda Items

Kay Wealand, 131 Keystone Avenue expressed her heartfelt thanks to Police Chief Bey and the law enforcement officers for the recent arrest concerning drug dealing on Keystone Avenue.

Mike Bowman, 100 Wilson Street commented on the electric rate increase. Mr. Kapenstein noted this increase was voted on by Council as part of the budget. Mr. Bowman also expressed concern about the condition of railroad tracks near Cairns store.

Approve Meeting Minutes for November 9, 2015, November 25, 2015 and December 23, 2015 – Ms. Knull questioned a point on page two of minutes from the meeting of December 23, 2015, indicating her notes stated the 2014 budget rather than the 2015 budget as written. In response to a question about voting on minutes where Council members were not on the board, Mr. Kapenstein stated those members can abstain from the vote if they choose.

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**MOTION** by Robert Louer, second by Anne Einhorn to approve Council meeting minutes for November 9, 2015, November 25, 2015, and December 23, 2015 as submitted. Motion carried by a vote of 4 to 0 with Dawn Knull, Robert Reid, Damon Suglia, and Greg Wilsbach abstaining from the vote.

Approve Meeting Minutes for January 4, 2016 – **MOTION** by Damon Suglia, second by Dawn Knull to approve Council meeting minutes for January 4, 2016, as submitted. Motion carried by a vote of 8 to 0.

Adopt Proposed Ordinance No. 1320, Electric Rates – Mr. Louer asked what the amount of electric sales revenue was the last two months. Mr. Kapenstein replied that information could be obtained. **MOTION** by Greg Wilsbach, second by Dawn Knull to adopt Ordinance No. 1320, an Ordinance to be known as the Middletown Citizens Electric Rate Stabilization Act. Voting yes on the motion were Anne Einhorn, Dawn Knull, Damon Suglia, and Greg Wilsbach. Voting no on the motion were Robert Louer, Robert Reid, Ed Shull, and Benjamin Kapenstein resulting in a 4 to 4 tie. Mayor Curry voted yes, after confirming the additional electric revenue would plug a hole in the budget, and the motion carried adopting said ordinance.

Adopt Resolution No. 646 – Electric Rate Increase - **MOTION** by Dawn Knull, second by Greg Wilsbach to adopt Resolution No. 646, a Resolution setting the energy charge for the Borough of Middletown pursuant to the Middletown Citizens Electric Rate Stabilization Act. Voting yes on the motion were Anne Einhorn, Dawn Knull, Damon Suglia, and Greg Wilsbach. Voting no on the motion were Robert Louer, Robert Reid, Ed Shull, and Benjamin Kapenstein resulting in a 4 to 4 tie. Mayor Curry voted yes and the motion carried adopting said resolution.

Adopt Resolution No. 647 – The Hazard Vulnerability Assessment and Mitigation Plan Update – Tom Foreman, Emergency Management Coordinator, was present in the audience and explained this action is taken every two years to keep the Borough eligible for reimbursement. **MOTION** by Robert Reid, second by Anne Einhorn to adopt Resolution No. 647, a Resolution to adopt the Hazard Vulnerability Assessment and Mitigation Plan Update for Middletown Borough. Motion carried by a vote of 8 to 0.

Discussion on Industrial Development – Ron Martin (M&H Railroad) – Ron Martin of M&H Railroad began his discussion by advising the tracks on Brown Street are not

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owned by the M&H Railroad. He then remarked on concerns about and the need to bring industries to the community citing a new management company at the East End Warehouse and the possibility of industries at that location. He discussed the possibility of rail service to the lower part of Middletown and to the Crawford Station property. Mr. Martin also inquired about the capabilities of water, sewer, and electric service for business development. Mr. Kapenstein noted Council would be willing to work on these issues. Mayor Curry inquired as whether the M&H Railroad had a steam engine to which Mr. Martin replied yes.

Resignation from ICDA - Matt Tunnell – **MOTION** by Dawn Knull to accept the resignation of Matt Tunnell as a member of the Middletown Borough Industrial Commercial Development Authority effective March 8, 2016. Motion died due lack of a second.

Approve Change Order No. 8 - SR 230 Infrastructure Improvements Project – Mr. Louer indicated this matter should be referred to the Borough Authority. Mr. Kapenstein stated this agenda item would be tabled at this time. It was noted that agenda items #9 and #10 concerning a final change order and final application for payment on the SR 230 Infrastructure Improvements Project were also being tabled.

Approve Office Space Utilization Plan – Mr. Hamer summarized the plan noting the following immediate objectives. Finance offices now on the second floor would be relocated to the first floor with a target date of completion by the week of March 21; the IT staff with 2K would be requested to catalogue all old, unused computers and related accessories in the Finance offices, assign a monetary value, if any, and then prepare a list for Council's action on disposing of said equipment either by selling, donating, or recycling the same; the relocation of furniture and equipment to the second floor offices for the Borough Manager and other administrative staff would be completed with a target date by the end of April. He also noted that concerns regarding the reported problems of the public having difficulty accessing Borough staff via the phone system would be looked at as well in conjunction with implementation of this plan.

Mr. Kapenstein thanked Mr. Hamer for his efforts in preparing this plan. Mr. Wilsbach indicated it was a good plan as well. He asked about the proposed office location for the Public Works Director and Mr. Hamer explained the rationale behind his recommendation on the same.

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Mr. Wilsbach then inquired about rehabilitation of the Public Works lunch room area. Mr. Reid indicated that bids are being sought for a new furnace also noting the showers and ceiling had been previously removed. He further explained John Hevel is working on a plan for completing this work, which is estimated to cost about \$15,000. As to the Office Space Utilization Plan, Mr. Hamer noted that no major expenditures would be incurred in implementing the recommendations,

**MOTION** by Damon Suglia, second by Robert Reid to approve the Office Space Utilization Plan as submitted. Motion carried by a vote of 8 to 0.

Discussion on Meet and Greet for Elected Officials and Staff – Mr. Kapenstein reported that Mr. Suglia and he are making arrangements for a Meet and Greet for Borough employees and elected officials to be held on March 31 at the Event Place on S. Union Street starting at 5 p.m. He explained the expenses will be \$250.00 for the hall rental plus the cost of food. Mayor Curry opined such an event is long overdue. **MOTION** by Anne Einhorn, second by Dawn Knull to approve expenses for the Meet and Greet event as presented. Motion carried by a vote of 8 to 0. Mr. Wilsbach indicated that another event would be appropriate after new staff is in place.

Approval of Bills – Dawn Knull questioned expenses for meal reimbursement for Officers Rux and Yoder. Chief Bey indicated these expenses covered two days of supervisors training. Mr. Kapenstein noted the KSK Architects bill was incurred in December. **MOTION** by Greg Wilsbach, second by Anne Einhorn to approve payment of bills as shown on the Accounts Payable List dated February 26, 2016, for the period February 13, 2016, through February 26, 2016, to ratify approval of such bills already paid, and to authorize the appropriate officials to take required actions to make said payments. Motion carried by a vote of 8 to 0.

Request to Place Dumpster on Snow Emergency Route (Richard Schoffstall) -

Mr. Hamer explained that Council had previously approved the subject request for the period February 19 through February 25, 2016. Mr. Schoffstall decided to wait until March on this matter and is now requesting approval for the period March 4, through March 21, 2016. **MOTION** by Robert Louer, second by Greg Wilsbach 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 March 4 through March 21, 2016. Motion carried by a vote of 7 to 1 with Mr. Reid voting no.

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Appointment of Members to ICDA – Mr. Suglia stated he would like to start a discussion regarding the appointment of members to the ICDA. He noted four members were appointed temporarily and he would like to commence the application process for new members. Mr. Suglia suggested the membership consist of one Council member, two private citizens, and two business owners with such owners not having to reside in the Borough. He also recommended the ICDA would have no ability to spend funds or do projects without Council's approval. Ms. Knull opined that Council should not hold a seat on the ICDA. There was additional discussion on the makeup of the board.

It was discussed that the Community and Economic Development Committee would handle review of the applications. Mayor Curry suggested the Borough Manager be a liaison to the ICDA. Mr. Hamer indicated that having the Manager as a liaison to other boards and committees is a good practice. Mr. Santucci confirmed that bylaws of the ICDA would have to be amended to change the way the board would function in the future. It was noted the ICDA would be meeting next on March 9, 2016, at 6 p.m.

**MOTION** by Damon Suglia, second by Dawn Knull to advertise positions on the ICDA as one private citizen, two business owners, one representative from the Middletown Area School District, and one representative from Pennsylvania State University at Harrisburg. **MOTION** by Damon Suglia, second by Dawn Knull to amend the motion to advertise for applications for the open positions. Motion carried by a vote of 8 to 0.

After-Hours Answering System - Mr. Wilsbach provided information regarding an after-hours answering system noting it is not a good idea for one employee to have to handle all such calls. Mr. Reid opined he wants a system where the residents are able to speak with a person. Mr. Santucci suggested a protocol needs to be established on call outs before getting a call center on board. Mr. Wilsbach indicated he would take the lead and report back at a subsequent meeting.

Public Comment

Kay Wealand, 131 Keystone Avenue opined that the Borough management should handle emergencies situations.

Mike Bowman, 100 Wilson Street referenced potholes at the intersection of Vine and Main Street as well as a sidewalk at Wood and Nissley Street that Chief Bey took action to resolve.

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Ron Martin, M&H Railroad discussed reflective strips, an emergency notification system at grade crossings, and an event to be hosted by Univar from June 21 to 24. At this time, Mr. Kapenstein noted a meeting would be held with the fire company on March 14.

David Black, 134 N. Union Street inquired how special counsel for the crematory matter would be used and when the Zoning Hearing Board would meet for the appeal. Mr. Kapenstein replied that the use of the special counsel would be discussed in executive session and the hearing would be set up soon.

Mr. Kapenstein announced that an executive session would be held at this time for purposes of personnel, labor relations, and potential litigation. The meeting was recessed at 8:47 p.m. Following an executive session the meeting reconvened at 10:53 p.m.

Authorization to Approve MEA Requests for Reimbursement – **MOTION** by Robert Reid, second by Dawn Knull to authorize Bruce Hamer to approve requests for reimbursement by MEA concerning the underground storage tank remediation project. \_

Approve Severance Agreement – Courogen – **MOTION** by Damon Suglia, second by Robert Louer to approve the proposed severance agreement with Chris Couregon as discussed in executive session. Motion carried by a vote of 7 to 1 with Greg Wilsbach voting no. \_

Adjournment – **MOTION** by Robert Reid, second by Greg Wilsbach to adjourn the meeting. Motion carried unanimously and the meeting was adjourned at 10:56 p.m.

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Bruce Hamer  
Borough Secretary