

**Meeting Minutes of the Middletown Borough Council**  
**May 17, 2016**

The May 17, 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, Diana McGlone, Ian Reddinger, Robert Reid, and Benjamin Kapenstein. Also present were Mayor James H. Curry III, Borough Manager Kenneth Klinepeter, Solicitor Adam Santucci, and Management Advisor Bruce Hamer. President Kapenstein reported that Ms. Knull was absent due to a family event, Mr. Shull had a schedule conflict, and Mr. Suglia was ill. Robert Louer was also absent.

At this time Mayor James Curry requested agenda items #2, #11 and Public Comment be moved to top of the agenda. Mr. Kapenstein indicated approval of this request.

Public Comment

Joanna Cain, 737 Spring Street presented a list of concerns about various paving markings, traffic signage, and policing issues on North Spring Street from Main Street to the north side of Grandview Avenue, Wharton Avenue from North Union Street to North Catherine Street, North Catherine Street from Grandview Avenue south to Wharton Avenue, and West Roosevelt Avenue from North Union Street to North Catherine Street. It was indicated that her concerns were duly noted and will be looked into.

Mike Bowman, 100 Wilson Street expressed concerns on several items including questioning student housing on Spring Street, white lines on Wood and Emaus Streets, and the condition of Ann Street.

Ron Fisher, 220 Dauphin Street expressed concerns about speeding and indicated there are not enough police patrols near Nittany Place.

Robin Pelligrini, 38 N. Union Street inquired about the status of the zoning overlay. Mr. Kapenstein indicated this project was on hold due to other issues and the need for additional input. A concern was expressed about losing history because of changes on Union Street. Adam Santucci noted the scope of recommended changes in the zoning overlay went beyond simple changes. Ms. Pellegrini also indicated consideration should be given to reopening the Elks Theatre and a letter of intent provided to the group to pursue fundraising.

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Jack Still, 37 W. Emaus Street questioned about the Authority's role as a buffer. Mr. Kapenstein indicated the Authority was to be dissolved and the Borough would assume responsibility for this role.

David Grabuloff, 120 N. Union Street asked about the status of the proposed air quality ordinance. Mr. Kapenstein stated no action would be considered until the Zoning Hearing Board decision is made. Mr. Grabuloff questioned how a decision on the air quality ordinance would affect the Zoning Hearing Board matter.

Raymond Jones, 140 N. Pine Street questioned when an armed robbery last occurred in downtown noting there is a need for more police presence.

Part-Time Police Officer – Swearing In – Chief John Bey introduced part-time police officer Yong Kim to the audience. Mayor Curry then presided over a swearing in ceremony in which Officer Kim took an oath regarding his duties as a police officer. Officer Kim then addressed the audience noting he came to the United States in 1977 and that his parents worked at the Fruehauf factory. He indicated he would not be here without this start in Middletown.

ICDA Update – Mayor Curry discussed the status of the Streetscape project noting Council's approval is being requested on some change orders. One change concerned installing concrete in a buffer zone from Spring Street to Emaus Street that was originally intended to be a grass strip. In addition, concrete sidewalk would be installed from Emaus Street to Ann Street. He indicated the expense would be a \$25,000 to \$26,000 increase also noting there was \$69,000 transferred to the ICDA from which this expense could be taken.

Mayor Curry explained the ICDA owns the McNair Building and the second change was to install concrete sidewalk along Emaus Street past the computer shop to the alley in place of the existing brick sidewalk. He also discussed the possibility of applying for a grant to upgrade the Square at Main and Union Street noting the Borough already owns pavers, which could be used for this project.

**MOTION** by Robert Reid, second by Ian Reddinger to approve a change order to install concrete in the buffer area from Spring Street to Ann Street. Motion carried by a roll call vote of 4 to 1 with Mrs. Einhorn voting no.

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**MOTION** by Robert Reid, second by Diana McGlone to approve a change order to replace the brick sidewalk along the McNair property on Emaus Street with a concrete sidewalk from Union Street to Astor Alley. Motion carried by a roll call vote of 5 to 0.

Mayor Curry discussed pursuing a Multi-Modal grant application through the Commonwealth Financing Agency for improvements to the Square noting the application deadline is July 31, 2016. It was noted the ICDA board favors an RFP for obtaining design services.

Anne Einhorn stated Friends of the Elks Theatre were looking for support. A discussion ensued on the nature of such support. Mr. Santucci suggested the group submit a letter proposal regarding this project.

**MOTION** by Robert Reid, second by Ian Reddinger to pursue an application for a Multi-Modal Grant and Request for Proposals for design services for the Square at the intersection of Union Street and Main Street. Discussion ensued regarding the content of the Request for Proposals and method for advertising the same. **MOTION** by Robert Reid, second by Ian Reddinger to amend the motion to authorize the Borough Manager to contact qualified firms and advertise the Request for Proposals. Motion carried by a vote of 5 to 0.

Mr. Reid questioned about the future use of the McNair property. Ms. McGlone indicated the property would be temporarily covered with grass.

Mayor Curry noted the possibility of selling the McNair and Klahr properties.

Manager's Report – Kenneth Klinepeter covered the various topics in his written report with recommendations for action on several subjects.

Records Management – Mr. Klinepeter proposed action on a records management program in which he requested Council consider adoption of an ordinance whereby the Borough would declare its intent to follow a schedule of records retention and disposition issued for the Local Government Records Committee by the Pennsylvania Historical and Museum Commission. It was noted this action is authorized by the Municipal Records Act No. 428 of 1968. **MOTION** by Anne Einhorn, second by Robert Reid to authorize the preparation of an ordinance signifying the Borough's intent to follow a schedule of records retention and disposition issued for the Local Government

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Records Committee by the Pennsylvania Historical and Museum Commission. Motion carried by a vote of 5 to 0.

Human Resources – Mr. Klinepeter reported that work on a human resources system, including personnel policy handbook and job descriptions, is funded mainly by an Early Intervention Program Phase 3 grant. Work on this project needs to be completed prior to the June 30, 2016, termination date of the grant.

RFP's for Solid Waste/Recycling Collection Contract – Mr. Klinepeter noted a process should begin for developing a Request for Proposals and schedule for a renewal contract for collection and disposal of solid waste and recycling for residential customers. **MOTION** by Ian Reddinger, second by Anne Einhorn to prepare a Request for Proposals for a new Solid Waste/Recycling Collection Contract. Motion carried by a vote of 5 to 0. Diana McGlone noted there should be a fund available for covering increases in tipping fees.

Mayor Curry left the meeting at 8:26 p.m. \_

Proposal for Negotiation of Verizon Franchise Agreement – Mr. Klinepeter explained a proposal from the Cohen Law Group to negotiate a renewed cable franchise agreement with Verizon. This proposal is made through the Capital Area Council of Governments. Mr. Santucci recommended acceptance of this proposal. **MOTION** by Diana McGlone, second by Anne Einhorn to authorize the Borough Manager to sign an engagement letter employing the Cohen Law Group for cable franchise renewal with Verizon. Motion carried by a vote of 5 to 0.

Proposal for Revised Remediation Agreement – MEA – Mr. Klinepeter reported that ICF, the insurance company covering the expense related to remediation of an underground storage tank at the Borough garage, is urging a change from a statewide standard to a site specific standard. Mr. Santucci noted the change in standards would require prohibition of groundwater wells in the area of remediation. It was noted the Borough currently has a prohibition on private wells and an ordinance would be drafted requiring the Borough to notify the Pennsylvania Department of Environmental Protection in the event the prohibition on private wells is lifted.

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**MOTION** by Anne Einhorn, second by Robert Reid to revise the Remediation Agreement with MEA from a statewide standard to a site specific standard. Motion carried by a vote of 5 to 0. **MOTION** by Robert Reid, second by Ian Reddinger to authorize the Solicitor to prepare an ordinance revising Chapter 257 of the Middletown Code of Ordinances to provide notification to the Pennsylvania Department of Environmental Protection in the event the prohibition on private wells is lifted. Motion carried by a vote of 5 to 0.

Approval of Outstanding Invoices Not Previously Approved – It was noted there were several outstanding invoices removed from Accounts Payables Lists that had been previously presented to Council for approval, including from Dewberry, Frontier, Neighborhood Dispute, and Windstream. **MOTION** by Anne Einhorn, second Diana McGlone to approve for payment of outstanding invoices previously removed from prior Accounts Payables Lists. Motion carried by a vote of 5 to 0.

Reimbursement of Costs Incurred for October 31, 2015 Sewer Main Blockage – Suez - Mr. Klinepeter reported on a claim from Suez in the amount of \$4,968.68 for expenses incurred in repairing a sewer line at 307 E. Main Street due to negligent action by Doli Construction during the Route 230 Infrastructure Project. Mr. Klinepeter noted this expense had been previously deducted from Doli as part of a prior contract change order. **MOTION** by Ian Reddinger, second by Anne Einhorn to approve payment to Suez in the amount of \$4,968.68 to reimburse for sewer line repairs at 307 E. Main Street caused by Doli Construction. Motion carried by a vote of 5 to 0.

Uncompleted Water and Sewer Projects – Suez – Mr. Klinepeter advised of Suez' intention to construct a water main from Emaus Street to Main Street in conjunction with work by Penn DOT on the Amtrak Train Station. He indicated this project had been agreed to by the previous administration and had an estimated expense of \$326,000. A discussion ensued on this matter during which Mr. Santucci questioned whether this was a request under the capital cost recovery provisions of the lease. It was determined to table this matter pending investigation of the same.

Dawn Knull arrived at the meeting at 8:40 p.m.

Mr. Klinepeter explained the Pennsylvania Department of Environmental Protection is requiring a Corrective Action Plan for the sewer collection system. The scope of work under this plan calls for flow monitoring at an estimated expense of \$90,000. Suez has

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agreed to pay \$15,000 of this expense and is looking for the Borough to contribute the difference. The matter was tabled at this time as Mr. Santucci indicated he would look at the contract to determine the Borough's financial responsibility in this matter.

Discussion on Sunoco Mariner East Pipeline Project – Mr. Klinepeter reported meeting with representatives for this project, which would traverse the northern edge of the Borough. He noted the project involves a 20" pipeline that will eventually be carrying propane.

Proposed Ordinance Prohibiting Parking on Adelia Street for Fire Lane and Special Purpose Parking – Mr. Kapenstein explained a request to establish a no parking area and special purpose parking zone near the Middletown Volunteer Fire Department. The parking areas would be for fire fighters responding to calls and to accommodate turning area for fire apparatus. **MOTION** by Diana McGlone, second by Dawn Knull to authorize preparation and advertisement of an ordinance to establish the special purpose parking as presented. Motion carried by a vote of 6 to 0.

Mr. Reid stated that one property at the corner of Adelia Street and Emaus Street would be affected by the no parking zone. It was noted the Fire Chief would consult with Chief Bey regarding a recommendation on the proposed no parking area.

Announcement of Executive Sessions for May 24th and 25th – Mr. Kapenstein announced executive sessions would be held on May 24 and 25, 2016, to interview candidates for the Public Works Director position.

Appointment to Olmsted Regional Recreation Board – At Large – Mr. Kapenstein called for nominations to fill the at-large seat on the Olmsted Regional Recreation Board. Dawn Knull nominated Arnold Crosson. It was noted there are two other applicants for the position. Diana McGlone nominated Kim Flasher. A roll call vote on the nominations was as follows: Mrs. Einhorn – Kim Flasher, Ms. Knull – Arnold Crosson, Ms. McGlone – Kim Flasher, Mr. Reddinger – Arnold Crosson, Mr. Reid – Arnold Crosson, and Mr. Kapenstein – Arnold Crosson. Mr. Crosson was appointed to the position by a vote of 4 to 2.

Status of Applicants for Planning Commission – Ms. McGlone inquired about applications received for membership on the Planning Commission and was advised that one application had been received with the deadline for applications having been

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May 13, 2016. After some discussion, Mr. Kapenstein indicated he would re-advertise seeking applicants for the Planning Commission by posting the same on Facebook.

Status of Public Works Employee Break Room – Melissa Goodling, 420 Woodland Avenue, inquired about the status of this project. Mr. Reid reported that regulations required engineering drawings to be prepared at an estimated expense of \$6,000 before this project could proceed. \_

Executive Session - Mr. Kapenstein announced that an executive session would be held at this time and the meeting was recessed at 9:08 p.m. for this purpose. The meeting reconvened at 9:51 p.m. Mr. Kapenstein indicated that Mayor Curry would continue to participate in the meeting via teleconference.

Appointment to Borough Authority – **MOTION** by Anne Einhorn, second by Ian Reddinger to appoint Dawn Knull to the Middletown Borough Authority to fill the expired term of A. B. Schafaye. Motion carried by a vote of 6 to 0.

Ratification of Collective Bargaining Agreement – Teamsters – **MOTION** by Ian Reddinger, second by Anne Einhorn to ratify the Collective Bargaining Agreement between the Borough of Middletown and Teamsters Local Union No. 776 for the term beginning January 1, 2013 and ending December 31, 2018. Motion carried by a vote of 6 to 0.\_\_

Rachelle Reid, 448 Grant Street made several inquiries, comments, and requests regarding the Middletown Borough Authority. She inquired whether Tim Konek was actually working 30 hours per week for the Authority. Mr. Kapenstein replied that he had no information on that matter. Ms. Reid then stated that Christopher McNamara had missed numerous Authority meetings and enumerated several dates where he had not attended. She further requested Council remove Robert Louer, Robert Louer, Jr. and David Rhen from the Authority. Mr. Kapenstein indicated the request was duly noted.

Adjournment – **MOTION** by Dawn Knull, second by Ian Reddinger to adjourn the meeting. Motion carried unanimously and the meeting was adjourned at 9:57 p.m.

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Kenneth L. Klinepeter  
Borough Secretary \_