

**Meeting Minutes of the Middletown Borough Council**  
**June 7, 2016**

The June 7, 2016, regular meeting of the Middletown Borough Council was called to order at 7:03 p.m. by Council President Benjamin Kapenstein in the Middletown MCSO.

After the Pledge of Allegiance, the following Council members answered roll call: Anne Einhorn, Dawn Knull, Diana McGlone, Ian Reddinger, Robert Reid, Ed Shull, and Benjamin Kapenstein. Also present were Mayor James H. Curry III, Borough Manager Kenneth Klinepeter, and Management Advisor Bruce Hamer. Robert Louer and Damon Suglia were absent.

Report on Executive Sessions – May 24 and 25, 2016 – President Kapenstein reported that executive sessions were held on May 24 and 25, 2016, for the purpose of interviewing candidates for the position of Public Works Director.

Public Comment on Agenda Items – Rachele Reid, 448 Grant Street inquired about the amount of money spent on flowers at the Square.

Approval of Minutes – MOTION by Dawn Knull, second by Ian Reddinger to approve Council meeting minutes for the May 2, 2016, May 3, 2016, and May 17, 2016, meetings as submitted. Motion carried by a vote of 7 to 0.

Presentation of Certificates of Appreciation – Village of Pineford Fire – Dawn Knull, assisted by Mayor Curry, read a statement concerning the response to the recent fire at the Village of Pineford by emergency services, the Police Department, and various fire departments, including the Middletown Volunteer Fire Department as well as the relief efforts of numerous individuals, community organizations, and businesses following the fire. At this time Ms. Knull and Mayor Curry presented Certificates of Appreciation to numerous individuals, emergency organizations, local businesses and other community organizations who provided support both during and after this major fire. Mr. Kapenstein thanked Ms. Knull for her efforts. There was a pause in the proceedings for pictures to be taken.

The meeting was then recessed by President Kapenstein at 7:21 p.m. to move the meeting to Council Chambers. Meeting participants moved to Council Chambers and the meeting was reconvened at 7:29 p.m.

Presentation by Strawberry Box Media – Website Services – Abhishek Jain and Nicholas Carson of Strawberry Box Media introduced themselves to the Council and audience and proceeded to make a presentation for updating the Borough's website.

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They suggested the existing website lacks functionality and is not aesthetically pleasing. They presented examples of their work as website developers including their business website. Mr. Jain and Mr. Carson then presented a demonstration website they had developed for Middletown Borough. They indicated their fee would be \$4,500 for developing a new website for the borough. They also represented there would be ongoing maintenance and complete access for borough officials to use the same. Any additional module for the website after the initial work would be as a separate project. The initial work would be completed in 30 days.

Solicitor Adam Santucci arrived at 7:53 p.m.

Presentation by Alexander Fox Person – Medical Marijuana Dispensary – Mr. Person introduced himself to the Council and audience and provided some background on his prior educational and work experiences. He then made a power point presentation concerning legislation that now permits the use of medical marijuana in Pennsylvania. Mr. Person indicated he wants to open a medical marijuana dispensary in Middletown and explained why he has chosen this community including its proximity to other medical facilities in the area. In response to a question from Solicitor Santucci, he indicated no intention of making a similar presentation to other municipalities.

Change Order #4 – Streetscape Project – A discussion ensued regarding this change order, which provides for installation of sidewalk along the north side of Emaus Street from Union Street to Astor Alley. Mr. Klinepeter noted the cost of the change order is \$28,813. Ian Reddinger indicated the ICDA has not taken action yet on this matter and suggested the options of signing the change order, shopping for other prices for the work, or taking no action. Robert Reid stated he favors option two. Diana McGlone indicated she favors proceeding with the change order. Mr. Klinepeter explained the handicapped ramp to be installed is a significant cost. There was some discussion on the availability of funds for the proposed work.

**MOTION** by Ian Reddinger, second by Robert Reid to authorize the Borough Manager to contact potential contractors for other prices on the proposed sidewalk installation. Motion carried by a vote of 7 to 0.

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Dissolution of ICDA – **MOTION** by Ian Reddinger, second by Dawn Knull to disband the Middletown ICDA. A discussion then ensued about this motion at which point there was a **MOTION** by Ian Reddinger, second by Ed Schull to amend the motion to disband the ICDA following the process as outlined by the Solicitor.

Anne Einhorn stated Council members should not be on the ICDA and that local business owners and citizens should be representatives on this board. She does not favor disbanding this organization. Mr. Santucci explained that all contracts now with the ICDA with its various rights and responsibilities would come back to the Borough. An official resolution must be enacted to formally disband the ICDA. Mayor Curry indicated he is not in favor of the ICDA. Ms. McGlone opined this organization functions as a funding mechanism to help economic development. Mr. Kapenstein indicated that any such funding could be done through the Borough.

The motion as amended carried by a vote of 4 to 3 with Anne Einhorn, Diana McGlone, and Robert Reid voting no.

Appointments to Planning Commission – Mr. Klinepeter made a recommendation for filling the various term lengths based upon when applications were submitted. He and Bruce Hamer then provided some background on the role of the planning commission. Ms. McGlone indicated that planning commission members were paid previously for their efforts.

**MOTION** by Diana McGlone, second by Anne Einhorn to appoint the following individuals to the Middletown Borough Planning Commission:

Rodney L. Horton, 441 S. Wood Street, for a term ending December 31, 2017  
Steve Cassidy, 213 E. Roosevelt Street, for a term ending December 31, 2016  
Kristen Kyler, 1054 Plane Street, for a term ending December 31, 2019  
Raymond Jones, 140 N. Pine Street, for a term ending December 31, 2018  
David Grabuloff, 120 N. Union Street, for a term ending December 31, 2019

Adam Santucci inquired if there were any other nominations. There were no other nominations. Motion carried by a vote of 6 to 0 with Ian Reddinger abstaining from the vote.

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Opt Out of Urban County Status for CDBG Funding – Mr. Klinepeter referenced a letter from the Dauphin County Economic Development Corporation concerning notification of the Borough's option to opt out as a possible participant in receiving CDBG funding directly from the County rather than remain as a participant in the Urban County designation. Mr. Klinepeter recommended the Borough remain as a participant in the Urban County designation and Council agreed with that recommendation.

Appointment of Auditor for 2015 and Stub 2016 Audit of Authority Financial Statements – Mr. Klinepeter reported the Finance Director has recommended the Borough utilize the services of Brown, Schultz, Sheridan & Fritz to perform the 2015 audit and 2016 stub audit of Authority financial records. **MOTION** by Ian Reddinger, second by Dawn Knull to authorize the Borough Manager to sign an Engagement Letter with Brown, Schultz, Sheridan & Fritz to complete an audit of the Borough Authority financial records for the year ended December 31, 2015, and for the period January 1, 2016 through May 19, 2016, the termination date of the Authority. Motion carried by a vote of 7 to 0

Downtown Parking Plan – Mr. Klinepeter reviewed a study conducted by Officer Gary Rux over the course of 30 days concerning vehicles parked on streets in the downtown business area and the possible impact of the nearby Amtrak train station. The study determined that 72% of the parked vehicles during Amtrak peak operating hours were registered outside the Middletown area. The study recommended increased parking fines, limited parking times and permit parking. Mayor Curry concurred with the recommendations.

Authorize Advertisement of Proposed Ordinance No. 1324 – Mr. Klinepeter reported the Solicitor has prepared an ordinance as requested by the Middletown Volunteer Fire Department to restrict parking at certain areas around the fire station for use by firefighters when responding to a call. **MOTION** by Dawn Knull, second by Robert Reid to authorize advertisement of a proposed ordinance amending Chapter 252 of the Borough Code dealing with vehicles and traffic, prohibiting the parking of vehicles, except those parked by firefighters when responding to a call, along the eastern side of Adelia Street at and south of the intersection of Adelia Street and Cattell Street. Motion carried by a vote of 7 to 0.

Authorize Redemption of 2011 General Obligation Bond – Mr. Klinepeter explained that the concession lease agreement provided funds to pay off existing debt, including the 2011 bond issue. This particular debt has a call date of December 15, 2016, that can be

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exercised by the Borough and funds are earmarked to pay off the same. **MOTION** by Ian Reddinger, second by Dawn Knull to authorize the Council President to direct Wells Fargo Bank, National Association, as paying agent, to optionally redeem all of the outstanding 2011 bonds on December 15, 2016, as authorized by Middletown Borough Council Resolution No. 608 adopted on October 6, 2014. Motion carried by a vote of 7 to 0.

Budget Update January – April 2016 – Mr. Kapenstein discussed a budget update report for the period January through April 2016 that he prepared from information provided by the Finance Department. A discussion ensued regarding the status of certain borough operations, including the matter of a street sweeping schedule.

Mr. Klinepeter reported that three applications had been received thus far for seasonal employment with the Public Works Department. It was determined the rate of pay being offered might be an impediment to attracting applicants. **MOTION** by Robert Reid, second by Ian Reddinger to re-advertise to solicit applications for seasonal employment at a rate of \$12.00 per hour. Motion carried by a vote of 7 to 0.

Mr. Kapenstein noted the Zoning and Codes Official position was also being re-advertised.

EIP Phase 3 Grant Update – Mr. Klinepeter reported there is about \$30,000 remaining in unused Early Intervention Program Phase 3 grant funds for the human resources component. He noted this work is not completed and a request for an extension of time was sent to the Pennsylvania Department of Community and Economic Development in order to permit completion of the human resources work.

Discussion of Zoning Ordinance – Mr. Reddinger presented a concern about certain properties along Main Street being zoned commercial, including his residence, noting this zoning classification created an issue during a recent loan closing because there is now no provision for these properties as a residential use. Adam Santucci indicated this concern would have to be addressed through the zoning ordinance.

Model Ordinance Regulating Land Use Activities Under the Medical Marijuana Act – Mr. Klinepeter provided information concerning a model medical marijuana ordinance that was prepared by the Tri-County Regional Planning Commission. Mr. Kapenstein noted this matter would be an issue for the borough planning commission to consider.

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Authorize Advertisement of Ordinance Amending Non-Uniformed Pension Plan – Mr. Santucci reported the new collective bargaining agreement with the Teamsters union provides for new employees hired under this agreement to participate in a defined contribution pension plan. The proposed ordinance amends the non-uniformed pension plan to reflect that provision.

**MOTION** by Ian Reddinger, second by Dawn Knull to authorize advertisement of a proposed ordinance relative to the establishment and maintenance of employees' pension, annuity, insurance and benefit fund or funds, to amend certain provisions of the pension plan or program applicable to non-police employees of the Borough. Motion carried by a vote of 7 to 0.

Discussion on Labor Day 2016 Fireworks Display – Mayor Curry reported the Booster Club will donate funds raised through the Mayoral Madness event over the past two years to fund a fireworks display. It was noted the display would be a Borough project and the estimated cost is \$1,000 per minute of fireworks display. **MOTION** by Dawn Knull, second by Ian Reddinger to authorize solicitation of bids for a Labor Day fireworks display. Motion carried by a vote of 7 to 0.

Approval of Bills – Mayor Curry inquired as to what staff members carry a Lowe's credit card. **MOTION** by Dawn Knull, second by Ian Reddinger to approve payment of bills as shown on the Accounts Payable List dated June 2, 2016, for the period May 1, 2016, through June 2, 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 7 to 0.

Public Comment

Jenny Miller, 227 W. Water Street inquired to Mayor Curry concerning a no left turn sign at the intersection of West Main Street and Nissley Street. She noted there are many left turns made there and suggested the sign may be faded. She also invited everyone to attend this year's Craft Fair noting there will be 102 vendors present.

Bob Hauser, 37B Brown Street opined that some sort of stipend should be provided to the Planning Commission members. He also referenced the current zoning ordinance noting there are numerous errors in the same.

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Alexander Person, 728 Heritage Drive, Gettysburg thanked Council for the opportunity to make a presentation about a medical marijuana dispensary.

Rachelle Reid, 448 Grant Street commented that State Senator Mike Balmer led in the passage of Act 16 concerning the use of medical marijuana and noted Middletown would be the first community in Dauphin County to consider legislation on this matter. She stated her support for Mr. Person concerning the medical marijuana dispensary. She also questioned about the amount spent on flowers at the Square and whether authorization was given for such expenditure. It was indicated that someone would check on her inquiry on this matter. Mr. Kapenstein noted Council did not vote on any such expenditure.

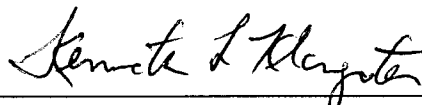
Robin Pelligrini, 38 N. Union Street asked Council to reconsider its proposed action to terminate the ICDA.

Janet Kirchner stated she agrees with the medical marijuana proposal. She asked about tree trimming services and commented about potholes on Columbia Avenue. She then commended Jenny Miller for her efforts on the Craft Fair. Mr. Kapenstein also offered his thanks to all individuals who have been working to organize this event.

Diana McGlone and Anne Einhorn reiterated their concerns regarding termination of the ICDA. Ms. McGlone noted the ICDA operates essentially as a bank. Mr. Kapenstein indicated he is not comfortable with the Borough acting as a bank. Mayor Curry concurred in that opinion.

Executive Session – Mr. Kapenstein announced that an executive session would be held following the meeting for personnel and litigation matters.

Adjournment - **MOTION** by Dawn Knull, second by Ian Reddinger to adjourn the meeting. Motion carried unanimously and the meeting was adjourned at 10:16 p.m.



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Kenneth L. Klinepeter  
Borough Secretary