

Meeting Minutes of the Middletown Borough Council
August 3, 2016

The August 3, 2016, regular meeting of the Middletown Borough Council was called to order at 6:30 p.m. by Council President Benjamin Kapenstein.

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

Ken Klinepeter announced that Diana McGlone would be attending this evening's meeting but is running late.

Discussion Regarding Electoral Wards – Mr. Kapenstein provided a brief explanation concerning the ward system in the Borough and then opened the floor for input on this matter.

Rodney Horton, 441 S. Wood Street implored Council to take action to eliminate the ward system noting he regretted his decision not to consider such action in 2006 when he was a member of Council and hoped this Council would not make that same mistake. He indicated that Middletown has the same number of Council members as the City of Pittsburgh and that most Boroughs have 7 or fewer members of Council.

Bob Hauser, 37B Brown Street indicated he was in favor of elimination of the ward system but suggested having one Council member per ward and all others elected at large as an alternative. He noted it was his understanding the Council could return to a ward system later if desired but could not increase the board size back to 9 once it is reduced to 7 members.

Melissa Goodling, 420 Woodland Avenue stated she was for reducing the size of Council to 7 members.

Rachelle Reid, 448 Grant Street indicated she signed the petition to have at large elections noting she was in favor of the same as it is the best solution.

Lori Shafaye, 101 W. Main Street stated she was contacted about this matter on July 25th from a person in the 1st Ward but that no one from her ward had contacted her. She opined the current Council vacancies should be filled. Mrs. Shafaye then referenced the petition circulated by Council and Dawn Knull explained the reason why the petition was circulated noting this issue could not get on the ballot for consideration.

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Jack Still, 37 W. Emaus Street commented the problem with getting people to serve goes back to the primary election.

Bob Hauser inquired why this matter could not be placed on the ballot. Ms. Knull explained the question cannot be placed on the ballot. Mayor Curry further explained that a referendum vote on the question of wards would not be binding on Council.

Robert Reid stated Council should not get rid of the wards. He referenced how various state legislative districts are broken down and who is permitted to vote within those districts. He noted the ward system has been in place for many years but does not oppose reducing the size of Council to 7 members.

Anne Einhorn suggested the meetings are longer because of the issues not the size of Council. Mrs. Einhorn stated she is not against the proposal but wants to fill the current vacancies and wants more time to consider this matter.

Ms. Knull stated she is in favor of abolishing the wards and then provided data regarding various citizen opinions on this issue. She explained the estimated legal fees to redistrict the wards opening a petition to redistrict the wards might be coming.

Diana McGlone inquired as to how the development of Woodland Hills might impact this issue.

Mayor Curry opined that the time has passed when it was necessary to have a Council member living next door noting the proliferation of electronic communication. He then presented a petition citing support for elimination of the wards. He also noted there is a window of opportunity at this time to act on this matter.

Mr. Reid stated he knew nothing about a proposal to reduce the size of Council until tonight. Mayor Curry replied this matter is not a new topic.

Rachelle Reid inquired as to how many individuals who applied for the 1st Ward vacancy also signed the petition.

Mr. Kapenstein indicated he agrees with having elections at large with a 7 member Council.

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Mayor Curry noted the Borough Code provides that Council must have 7 members if elected at large.

Damon Suglia stated he is against the ward system because it creates fictitious boundaries.

Ian Reddinger opined this is the perfect time to take action on this matter.

Mike Bowman, 100 Wilson Street commented the problem with property values was related to the high electric rate. Mr. Kapenstein responded to an inquiry from Mr. Bowman confirming the Council would continue to be a strong Council form of government.

Ms. McGlone stated she favors eliminating the wards but noted there are people who have volunteered to serve and prefers to fill the vacant seats.

Mayor Curry indicated he is against filling the vacancies.

Jack Still inquired about how the petition was done and Ms. Knull explained the process for the same.

MOTION by Damon Suglia, second by Dawn Knull to direct the Solicitor to draft and advertise an ordinance abolishing all wards within the Borough, to reduce the number of Council members to seven at large Council members, and to establish the appropriate election of future Council members and other procedures as set forth in the Pennsylvania Borough Code. Motion carried by a vote of 5 to 2 with Anne Einhorn and Robert Reid voting no.

Public Comment on Agenda Items

Mike Bowman expressed a concern that Penn State students could get elected and possibly take control if elections are at large and there is more student housing established.

Joseph Suple, 1823 Foxiana Drive thanked Council and Borough staff for the National Night Out event noting there were 3,000 to 4,000 people in attendance. At this time Mr. Kapenstein recognized the efforts of the volunteers who helped with this event.

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Jenny Miller, 227 W. Water Street inquired why there are no recycling bins in Hoffer Park.

Mike Bowman commented on the amount of food that was served during National Night Out.

Darnell Nolen, 507 Linden Street commented that he liked the National Night Out event.

Steve Martin, 344 N. Spring Street noted the cost of the stipends could help cover the costs of abolishing the wards.

Maria Frisby, 507 Linden Street expressed a concern about public ponds and the spread of the Zika virus.

Mike Bowman commented that Angelo Gonzalez should be commended for his community service.

Lori Shafaye stated she noticed there were people from outside Middletown at the National Night Out opining the crowds are drawn by free items. She thanked Council for their support of this event noting the same has brought the town together.

Rachelle Reid congratulated everyone who was involved in putting on the National Night Out.

Establishment of Checking Account – Elks Theatre Project – Mr. Reddinger thanked all the residents who attended the July 21st meeting concerning the Elks Theatre. He then offered a motion regarding establishing a checking account to receive potential funds for renovation work on this structure. **MOTION** by Ian Reddinger, second by Dawn Knull to authorize opening a Borough checking account to be used for receiving donations and other revenues for renovation of the Elks Theatre project.

Ms. McGlone opined there is a need to look at financial implications of receiving donations through the Borough for such a project. Additional discussion ensued on this matter after which there was a **MOTION** by Ian Reddinger, second by Robert Reid to amend the motion to approve the motion pending Solicitor review. Motion carried by a vote of 6 to 0 with Anne Einhorn abstaining from the vote.

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Establishment of Committee – Elks Theatre Project - **MOTION** by Ian Reddinger, second by Robert Reid to establish a committee of not more than 5 or less than 3 members, consisting of Borough residents, formed for grant writing and fundraising solely for the purpose of the Elks Theatre.

A discussion ensued on this motion. Ms. McGlone inquired whether Council would have oversight of this committee. Mr. Reid opined Friends of the Elks should be involved. Mr. Reddinger explained the committee would not be established for operating the theatre but only for fundraising. There was a discussion regarding mechanisms for grant writing as well as cooperation between the proposed committee and Friends of the Elks. Mr. Kapenstein noted that much money is needed for renovations and that is the first priority. Jenny Miller speaking from the audience explained that research on historical restoration grants revealed that plans for operations might be required first. Mr. Suglia suggested a meeting with representatives from Tattered Flag who had expressed interest in the property. Mr. Klinepeter explained the need for specifics as part of the grant application process. After some further discussion Mr. Reddinger rescinded his motion.

Allocation of Funds From Real Estate Sales – **MOTION** by Dawn Knull, second by Damon Suglia to allocate funds from any real estate sales of ICDA property and two years of revenue from the AT&T Cell Tower Lease Agreement to renovation of the Elks Theatre. Motion carried by a vote of 5 to 0 with Anne Einhorn and Ian Reddinger abstaining from the vote.

Approve Meeting Minutes – **MOTION** by Dawn Knull, second by Damon Suglia to approve Council meeting minutes for the July 19, 2016, and July 21, 2016, meetings as submitted. Motion carried by a vote of 7 to 0.

Approval of Bills – Mr. Kapenstein inquired about an invoice from Herbert, Rowland & Grubic and whether the Borough was charged for time related to the Capital Improvement Plan proposal submitted by this firm. **MOTION** by Ian Reddinger, second by Dawn Knull to approve payment of bills as shown on the Accounts Payable List dated August 1, 2016, for the period July 15, 2016, through July 29, 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.

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Discussion With Candidates – 3rd Ward Councilor Vacancy – Mr. Kapenstein advised this item would be removed from the agenda given the action taken previously in the meeting. He also indicated that no applications had been received for the seat.

Appointment - 1st Ward Councilor Vacancy – Mr. Kapenstein advised this item would also be removed from the agenda due to the action taken earlier regarding reduction in the size of Council.

ICDA Real Estate Guidance for Borough Solicitor – Mr. Reddinger reported on the process of getting appraisals on ICDA owned properties. It was noted the Solicitor also needs instructions on disposition of the reservoir property. **MOTION** by Ian Reddinger, second by Dawn Knull to direct the Solicitor to prepare the necessary documents to transfer the deed for the reservoir property to the Borough. Motion carried by a vote of 7 to 0. Mr. Reddinger indicated he will find out about the status of leases concerning the McNair property.

Discussion – Property Maintenance Code Revisions - Mr. Klinepeter explained this item is on the agenda in support of Ms. McGlone in the event she might wish to add any other comments to her prior presentation on this subject, which includes recommendations for various updates to the Code of Ordinances concerning property maintenance enforcement. Mr. Kapenstein suggested Council review Ms. McGlone's proposals. **MOTION** by Diana McGlone, second by Anne Einhorn to authorize the Solicitor to draft an ordinance to reflect proposed revisions to the Code of Ordinances concerning property maintenance regulations as previously presented by Councilor McGlone. Motion carried by a vote of 7 to 0.

SRBC Application for Transfer of Well Permits – Mr. Klinepeter reported on the need to transfer groundwater withdrawal permits from the Borough Authority to the Borough. **MOTION** by Dawn Knull, second by Anne Einhorn to approve the submission of an application to the Susquehanna River Basin Commission for the transfer of groundwater withdrawal permits from the Middletown Borough Authority to the Borough of Middletown including an application fee of \$1,680 with said fee to be paid from funds transferred from the Borough Authority. Motion carried by a vote of 7 to 0.

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Discussion of Proposals – 5 Year Capital Improvement Plan – Mr. Klinepeter reported that two proposals received for preparing a 5 Year Capital Improvement Plan are ready for review and consideration for action at the August 16th meeting. Mr. Kapenstein noted the two proposals were received from Herbert, Rowland & Grubic and Management Partners.

Transfer of AT&T Cell Tower Lease to Borough - **MOTION** by Dawn Knull, second by Damon Suglia to authorize the Borough Solicitor to prepare the necessary documents for the transfer of the AT&T Cell Tower Lease and revenue from the Borough Authority to the Borough of Middletown. **MOTION** by Dawn Knull, second by Damon Suglia to amend the motion to remove the words “and revenue” from the motion. Motion carried by a vote of 7 to 0.

Ms. McGlone inquired about the status of constables if the ward system is abolished.

Downtown Parking Study - Mr. Kapenstein distributed for Council’s review comments received thus far from business owners regarding suggested parking restrictions related to the Downtown Parking Study. Mr. Reid advised he has distributed copies of the Downtown Parking Study with a letter encouraging business owners and affected residents to submit suggestions regarding this matter.

Forum by Alliance for Chesapeake Bay – Mr. Klinepeter announced a forum is being conducted for elected officials on August 30th sponsored by the Alliance for the Chesapeake Bay.

Camera System in Hoffer Park – Ms. Knull reported that software for operating cameras in Hoffer Park was found and work on the same will be completed at no additional cost and as part of the contract time provided by 2K Networking. It was noted that Mr. Klinepeter will direct the level of work effort on this project.

Fisher Avenue - Mayor Curry inquired about a road maintenance issue and the possible installation of a streetlight at Fisher Avenue and Lawrence Street. Mr. Klinepeter indicated he believes this section of road is private but would check into this matter.

Public Comment

Jack Still suggested looking at the resolution of the camera in Hoffer Park.


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Melissa Goodling opined there are immediate needs in the Borough such as a new street sweeper that should be addressed. It was noted the Capital Improvement Program to be developed would address these concerns.

Melanie Wilson, representing the Kiwanis Club, advised this organization would be doing the Halloween Parade again in October.

Executive Session – Mr. Klinepeter advised there is a need for an executive session regarding potential litigation and personnel.

Adjournment - **MOTION** by Damon Suglia, second by Ian Reddinger to adjourn the meeting. Motion carried unanimously and the meeting was adjourned at 8:50 p.m.


Kenneth L. Klinepeter
Borough Secretary