

## **Meeting Minutes of the Middletown Borough Council September 6, 2016**

The September 6, 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, Dawn Knull, Diana McGlone, 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.

### Public Comment on Agenda Items

Robin Pellegrini, 38 N. Union Street spoke about agenda item nine concerning traffic flow on Nissley Street.

Jack Still, 37 W. Emaus Street discussed holding tanks that were originally underground and are now above ground.

Jenny Miller, 227 W. Water Street indicated mice had moved into the area after Jersey barriers were stored on North Wood Street.

Rachelle Reid, 448 Grant Street inquired about agenda items four and five. Mr. Kapenstein explained these matters concerned appointing Mr. Hamer to the position of Director of Finance and Administration. She also inquired about agenda item six concerning bidding for solid waste and recycling collection and disposal services. Mr. Klinepeter provided an explanation noting tipping fees will be increasing.

Lisa Graham, 127 N. Pine Street and Douglas Knepp, 63 E. Main Street made a request to conduct a 5K Zombie Run through the Borough on October 29, 2016, starting at 7 p.m. They indicated that about 300 to 400 runners are expected to participate.

Jack Still, 37 W. Emaus Street inquired about extending the current solid waste collection and disposal contract.

Executive Session – Mr. Kapenstein announced an executive session would be held at this time concerning personnel, litigation, and real estate matters. The meeting was recessed at 7:10 p.m. The meeting reconvened at 7:41 p.m. Mr. Kapenstein reported action will be taken on agenda item eight as a result of the executive session.

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Approve Meeting Minutes – **MOTION** by Dawn Knull, second by Ian Reddinger to approve Council meeting minutes for the August 22, 2016, meeting as submitted. Motion carried by a vote of 7 to 0.

Approval of Bills – Diana McGlone inquired about payment for the fireworks display. Mr. Klinepeter explained the funds raised were moved into the Borough's account. Mr. Kapenstein indicated item 2493 on the Accounts Payable Open Item Report would be tabled until further information could be obtained. **MOTION** by Ian Reddinger, second by Damon Suglia to approve payment of bills as shown on the Accounts Payable List dated August 31, 2016, for the period August 13, 2016, through August 31, 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.

Adopt Ordinance No. 1328 – Abolishing Wards and Establishing Election Procedure – Mr. Kapenstein asked for questions regarding this agenda item. No questions were posed regarding the same. **MOTION** by Damon Suglia, second by Dawn Knull to adopt Ordinance No. 1328, an ordinance abolishing all wards, pursuant to the powers set forth in the Pennsylvania Borough Code and providing for the election of seven members at large as not to interfere with the terms of those members previously elected. Motion carried by a vote of 6 to 1 with Robert Reid voting no. In voting yes, Anne Einhorn noted that people in her ward support this action.

Appointment – Director of Finance and Administration – Mr. Klinepeter read a statement at this time indicating that with the hiring of Mr. Hamer, a core management team would be in place consisting of the Manager, Borough Secretary, Public Works Director, and Director of Finance and Administration. He further explained the management team will be undertaking the work that was previously handled by a larger management staff of five positions. **MOTION** by Robert Reid, second by Anne Einhorn to appoint Bruce Hamer to the position of Director of Finance and Administration at an annual salary of \$72,800 and other terms and conditions of employment as provided in accordance with proposed Resolution No. 2016-24, conditioned upon successful completion of standard pre-employment testing and with said employment to begin on September 12, 2016. Motion carried by a vote of 7 to 0.

Approve Resolution No. 2016-24 – Director of Finance and Administration - **MOTION** by Robert Reid, second by Anne Einhorn to adopt Resolution No. 2016-24, a Resolution

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Establishing Terms and Conditions of Employment for Bruce Hamer. Motion carried by a vote of 7 to 0. Mr. Kapenstein congratulated Mr. Hamer on his appointment.

Mr. Hamer responded it is an honor to work for his community.

Authorize Solicitation of Bids – Solid Waste./Recycling Contract – Mr. Klinepeter explained the three bidding options in the specifications were a four bag limit, two bag limit, and a pay as you throw option. **MOTION** by Dawn Knull, second by Ian Reddinger to authorize the Borough Manager to advertise the September 2016 Bidding Documents and Specifications for the collection of and disposal of solid wastes and the collection, processing and sale of recyclable materials for the year January 1, 2017 through December 31, 2019. Motion carried by a vote of 7 to 0. Robert Reid inquired about whether recycling containers are still sold and was advised they are.

2017 Funding for Neighborhood Dispute Settlement – Mr. Klinepeter provided a brief explanation on the Neighborhood Dispute program. It was decided to table this item and to first determine the amount of usage this program has received in the past.

Approve Intervention in the Appeal of Zoning Hearing Board Determination (Crematorium) – Mr. Klinepeter explained this matter was about the appeal from the Zoning Hearing Board's decision concerning the crematory. He noted this proposed action was recommended by legal counsel. Mr. Kapenstein explained this action is a procedural move to preserve the Borough's right to act later on this matter if it was deemed necessary. **MOTION** by Damon Suglia, second by Robert Reid to authorize and direct the law firm of Eckert Seamans Cherin and Mellott, as Special Counsel to the Borough in connection with the zoning appeal proceedings relating the Fager-Finkenbinder Funeral Home & Crematory, Inc. zoning permit, to file a Notice of Intervention on behalf of the Borough, and to take all other steps necessary and appropriate, for the Borough to intervene and have party status in the proceedings pending in the Dauphin County Court of Common Pleas involving the appeal from the August 12, 2016 tie vote decision of the Zoning Hearing Board. Motion carried by a vote of 7 to 0.

Discussion Regarding Traffic Flow on Nissley Street – Dawn Knull indicated that two-way traffic on this street is an issue for local residents and an ordinance is needed to change the same back to a one-way street. Mr. Reid opined that a larger sign is

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needed prohibiting no left turn at Nissley Street and Main Street. It was noted the Public Works Department would check into this matter. **MOTION** by Dawn Knull, second by Ian Reddinger to authorize preparation and advertisement of an ordinance making Nissley Street one-way from Water Street to Main Street. Motion carried by a vote of 7 to 0.

Discussion Regarding 2017 Budget Preparation Timeline – A discussion ensued regarding the timeline for preparing the 2017 budget and the establishment of meeting dates for Council to consider matters regarding the same. After some discussion it was agreed to schedule meetings on November 3 and 7, 2017 starting at 6:30 p.m. for this purpose.

Discussion on Library Community Yard Sale at Hoffer Park – Mr. Klinepeter reported that Library Director John Grayshaw was seeking permission to have a community yard sale at Hoffer Park as a fundraiser for the library. He was inquiring at this time before approaching his board about this proposal. There were no objections to the proposal. Ms. McGlone expressed concern for permitting general yard sales in the park for any resident.

Approval of Application for Payment #11 (Flyway) - **MOTION** by Ian Reddinger, second by Dawn Knull to approve Contractors payment application to Flyway Excavating in the amount of \$173,553.88 for work completed on the Streetscape project for the period of August 1, 2016 through August 31, 2016. Motion carried by a vote of 7 to 0.

Ms. McGlone inquired about the use of pavers for the Klahr property. Mr. Reid indicated the pavers would be part of the downtown parking study. Ian Reddinger questioned about an easement agreement on the Klahr property noting the same has not yet been signed. He further reported on an offer by KNG Commercial Properties to purchase this property for \$5,000. They were also seeking a 10 year tax abatement. No action was taken regarding this matter.

Approval of Date for Halloween Parade - **MOTION** by Robert Reid, second by Anne Einhorn to approve the August 21, 2016, request from the Kiwanis Club to hold its annual Halloween Parade on October 17, 2016, at 7:00 p.m. with a rain date of October 18, 2016. Motion carried by a vote of 7 to 0. Ms. McGlone inquired whether the Borough would participate in this event.

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Discussion – Vacant Seat on Planning Commission – Mr. Kapenstein reported that Scott Sites had expressed an interest in filling the open position on the Planning Commission. After some discussion the consensus was to advertise for the open position.

New Business

Mr. Kapenstein reported he will be recusing himself from the process concerning request for proposals for investment management services as his employer intends to submit a proposal for the work.

Mayor Curry reported on several trees at the woody waste facility that are unplanted and still wrapped in a root ball.

Mr. Reid inquired about a communication system for after-hours calls. Mr. Klinepeter advised this matter will be discussed at the September 20<sup>th</sup> meeting.

Mrs. Knull reported that seven of the eight vendors at the Labor Day fireworks display made a profit from sales. Mayor Curry noted it was a great event and Mrs. Einhorn offered thanks for everyone who participated.

Ms. McGlone inquired about the parking sign directing motorists to the municipal parking lot. Mr. Klinepeter indicated he would check on the status of that matter. She also inquired as to when the trees would be planted in the pods along the Streetscape project noting there are weeds growing on North Union Street in these locations. Ms. McGlone further expressed safety concerns for students crossing Main Street at Spring Street and at Hardee's Restaurant.

Mrs. Einhorn reported working on plans for decorating the town square.

Public Comment

Melody Wilson, 1335 Overlook Road, representing the Kiwanis Club of Middletown, noted this organization is in its 80<sup>th</sup> year as a service club including 60 years sponsoring the Key Club. She described programs offered by the Kiwanis, including coloring books for children and free books to children age 12 and under. She noted the Kiwanis is available as a service organization.

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Jenny Miller, 227 W. Water Street expressed concerns about weeds growing in the sidewalk citing one area on Catherine Street. Mr. Klinepeter advised that letters are sent regarding these conditions and also explained the Borough is looking at changing its codes to better address these matters. Mrs. Miller also announced the Historical Museum would be open Thursday, Friday, and Sunday during Homecoming Weekend in October.

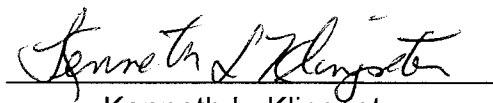
Bob Hauser, 37 Brown Street offered observations on several matters including questioning why the Council did not have its lawyer present at the meeting, the left turn at Main and Union Street, the unplanted trees at the woody waste facility, and the conflicting signs at Nissley Street.

Marti Black, 134 N. Union Street commented about planting trees at Genesis Court.

Rachelle Reid, 448 Grant Street first questioned how many individuals were appointed to the Human Relations Commission and then asked when a third member would be appointed.

Jack Still, 37 W. Emaus Street noted the fireworks display started at 9:15 p.m. although sunset was 7:45 p.m. He opined that consideration should be given to change the starting time for this event. Mr. Still also suggested allowing a right turn from the Nardo property onto Nissley Street.

Adjournment - **MOTION** by Robert Reid, second by Ian Reddinger to adjourn the meeting. Motion carried unanimously and the meeting was adjourned at 9:00 p.m.

  
Kenneth L. Klinepeter  
Borough Secretary