

**Meeting Minutes of Middletown Borough Council
October 18, 2016**

The October 18, 2016, regular meeting of the Middletown Borough Council was called to order at 7:00 p.m. in Council Chambers at 60 W. Emaus Street, Middletown, Pennsylvania by Council President Ben 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 L. Klinepeter, Director of Finance and Administration Bruce Hamer, Public Works Director Greg Wilsbach and Borough Secretary Grace Miller.

Executive Session - President Kapenstein indicated Council would be recessing to an Executive Session to discuss litigation, personnel and labor relation matters. Council reconvened at 8:40 p.m. with President Kapenstein noting the decisions made during Executive Session would be covered by Agenda Item number one.

Public Comment on Agenda Items – Bob Houser (37 Brown Street) – Mr. Houser recommended placing security cameras at Hoffer Park as Hoffer Park was purchased 124 years ago for \$1,000.

Award Electric Power Purchase Contract – **MOTION** by Damon Suglia, second by Ian Reddinger to award the Electric Power Purchase Contract to PSEG for the 5 year period January 1, 2017 through December 31, 2022. Motion carried by a vote of 7 to 0.

Approval Meeting Minutes - September 6, 2016 and October 4, 2016 – **MOTION** by Ian Reddinger, second by Damon Suglia to approve the September 6, 2016 and October 4, 2016 meeting minutes as presented. Motion carried by a vote of 7 to 0.

Approval of Bills - **MOTION** by Ian Reddinger, second by Dawn Knull to approve payment of ICDA bills and bills as shown on the Accounts Payable List dated October 14, 2016, for the period October 2, 2016 through October 13, 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.

Approval of Payment #12 for the Middletown Streetscape Project – **MOTION** by Dawn Knull, second by Ann Einhorn to approve payment of \$258,875.99 to Flyway Excavating for work performed during the period of September 1, 2016 through September 27, 2016. Motion carried by a vote of 7 to 0.

2015 Authority Audit Presentation – Jim Koontz of Brown Shultz Sheridan and Fritz was in attendance to present the 2015 Authority Audit noting that BSSF had an unmodified clean audit opinion. Mr. Koontz noted that due to this being the first full year of the service concession lease agreement being in place, pages 12 and 13 footnote that arrangement and a partial audit will be conducted for the Authority in 2016.

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2015 Middletown Borough and ICDA Audit Presentation – Kim Stank and Mike Stewart of Zelenkofske Axelrod, LLC were in attendance to present the 2015 Middletown Borough and ICDA Audit noting that both had an unmodified clean audit opinion. Ms. Stank indicated a positive net position of \$4.8 million was held with the ICDA at year end. Ms. Shank indicated GASB 68 and 671 requirements put pension liabilities on the books with new asset footnotes being required and noted a positive net position was also held by the Borough at year end.

Website Design – Nicholas Carson and Abhishek Jain of Strawberry Box Media were in attendance to present the new website design. Mr. Jain showed the design of the website and requested Council contact Borough staff with any suggestions which staff can then communicate to them.

Award Solid Waste/Recycling Contract for 2017-2019 – Mr. Ken Klinepeter indicated of the 4 proposals received Penn Waste, Inc. came in as the lowest overall. Mr. Klinepeter recommended awarding Bid Alternate 1A to Penn Waste, Inc. for the base cost of \$693,180 per year for the 3 year term 2017 to 2019, additional tags at a cost of \$4.00 per tag and a cost of \$830.00 per load removed per 30-cubic yard roll off dumpster. Mr. Klinepeter explained that Bid Alternate 1A is the same coverage the Borough currently enjoys with a 4-bag limit, 1 bulk item per week and unlimited recycling. There would be an increase of \$70,000 per year over the current amount paid. Financial analysis has not been done but an increase in the monthly fee may be minimal, if at all. **MOTION** by Ian Reddinger, second by Dawn Knull to award option Alternate 1A to low bidder Penn Waste in the amount of \$693,180 each year for the period January 1, 2017 to December 31, 2019 with a cost of \$4.00 per tag for additional bags and \$830.00 per load removed per 30-cubic yard roll off dumpster. Motion carried by a vote of 7 to 0.

LED Streetlight Financing – President Kapenstein stated that this item has been tabled.

Reports – Mr. Klinepeter stated the Streetscape Project is moving ahead without major issues and inspections will be held at the end of the month with Ann and Union Streets being reopened once paving is completed. Mr. Klinepeter indicated he is working with Rettew regarding inspection work performed by Horst Excavating in regards to the installation of the 8" water line being installed on Emaus Street. Some unforeseen underground issues with a gas line being in the way have occurred and a change order request may be forthcoming.

Councilor Reid asked what repairs could be done to Ann Street. Mr. Wilsbach said he had looked at different options which created different problems due to the approach of winter weather. Councilor Reid noted there are potholes that need repaired on Lawrence and

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Lincoln streets. Mr. Wilsbach indicated he would take a look at the potholes and would have them taken care of. Councilor Reid asked where staff was on researching ordinances on downtown parking. Mr. Wilsbach indicated staff was still in the process of collecting information. Signs are being put up on Mill and Union. There are several places where parking needs to be changed such as where the flower shop and post office were previously.

Mayor James Curry asked if staff is working with PennDOT in regards to plowing of state roads. Mr. Wilsbach indicated that would be a Council decision as to how Council would like storms handled. Mr. Klinepeter stated his recommendation is to leave things as they are. When a large snow requires removal, PennDOT is relocated to the primary roads and the Borough doesn't see them again until those roads are cleared. There is no reason the Borough cannot clear the state roads within the Borough. Mr. Klinepeter recommended putting in writing how the Borough will handle road issues in the event of inclement weather. President Kapenstein requested this be put on the November Agenda.

Mr. Klinepeter noted the September Police Report shows the department responded to 683 calls with 48 arrests. Significant investigations were conducted with the active shooter incident in the Pineford complex and the copper burglaries occurring in vacant homes in town. Councilor Reed asked if the House Check program was still in place where residents call when going on vacation. Councilor McGlone indicated she was confident the police continue this service within the community. Mayor Curry requested residents abide by the safety precautions received via Nixle alerts.

Mr. Klinepeter stated he received a report from the Southcentral EMS Chief of Operations where 93 total calls were responded to in the month of September.

Security Cameras – Josh Hinkle from 2K was in attendance at the request of Councilor Dawn Knull to present his findings on the current security camera system. Mr. Hinkle indicated that the hardware and software for the current system is no longer supported. Mr. Hinkle also noted that the server has failed. Previously cameras had been installed at the Mill Street Substation, Borough Hall, Oak Hills, Hoffer Park and Spruce Street so fiber optics are currently installed in these areas. Mr. Hinkle indicated Chief Bey is currently looking at camera systems and recommended the Borough and the Police Department work together to utilize a system that will accommodate the needs of both. Mr. Hinkle stated his other recommendation would be to have the Public Works department test the fiber optics that are currently in place to see if they are still functional and to run fiber optics to where cameras would be placed. Mr. Wilsbach stated he does not have staff to accommodate running fiber optics. Mr. Hinkle noted if existing cameras can't be converted, the purchase of an IT camera, digital converter and a network switch would be required. Mr. Hinkle stated there are currently 10 camera stations in the Borough with each camera

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costing \$350 along with a \$75 licensing fee per camera. The M1125 camera is \$400. Depending on what Council is looking for the estimated costs would be \$11,750. utilizing the current system. Councilor Knull requested the Borough Manager talk with Chief Bey and gather information to bring to the second meeting in November for Council discussion.

Authorize Fund for Landscaping of the Square – Mr. Klinepeter noted that Councilor Einhorn has secured sponsors for materials and supplies to beautify the planters at the square and requested a motion to open an account to house those funds. **MOTION** by Ian Reddinger, second by Anne Einhorn to authorize the Borough Manager to open an account for contributions made to Landscaping of the Square. Motion carried by a vote of 7 to 0.

Approval of Nissley Street Ordinance – Mr. Klinepeter noted the proposed Ordinance was advertised and requested approval of Ordinance 2016-1329 amending Chapter 252 of the Code of Ordinances Chapter 252-10 for re-inserting that portion of Nissley Street from West Water Street to Main as a one-way. Councilor Reed noted that the portion of the street near the intersection needs to be repainted yellow. Council directed Mr. Wilsbach to look at the area to make sure the area is painted appropriately. **MOTION** by Dawn Knull, second by Anne Einhorn to approve Ordinance 2016-1329 making Nissley Street One Way from West Water Street to Main Street. Motion carried by a vote of 7 to 0.

Councilor Knoll asked if a traffic study was done on the installation of a left turn arrow from Rte. 230 on to North Union Street. Mayor Curry indicated the study has not yet been done as it needs to be coordinated with PennDOT.

Approve Conflict of Interest Waiver– Mr. Klinepeter indicated Eckert Seamans represents both Londonderry Township and the Borough of Middletown for legal services and to be involved in the current discussion of the Letter of Intent for sewer services between these two entities would need a conflict of interest waiver. **MOTION** by Ian Reddinger, second by Dawn Knull to approve the Conflict of Interest Waiver for Eckert Seamans. Motion carried by a vote of 7 to 0.

Pension Plan Interviews – President Kapenstein turned the meeting over to Vice President Damon Suglia and recused himself from the meeting. Mr. Klinepeter noted the Borough had put out an RFP for investment management services for the non-uniform police pension defined benefit plan and OPEB monies. As part of that RFP, there was a review and rating done of the 12 respondents who provided proposals. The Council needs to select from that list firms to interview prior to selecting the firm to award the investment services contract. Vice President Suglia asked if there is a time limit on the presentations. Mr. Klinepeter recommended a time limit of 20 minutes with 15 minutes for each presentation and a 5-minute question and answer time. Mr. Klinepeter indicated that President Kapenstein has provided a written notice recusing himself from these interviews as he has an employment connection with one of the subsidiaries of one of the firms who

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sent in a proposal. **MOTION** by Dawn Knull, second by Anne Einhorn to authorize the Borough Manager to contact the top three rated respondents for interviews at the November 1, 2106 meeting. Motion carried by a vote of 6 to 0.

President Kapenstein returned to the meeting.

Public Comment

Bob Houser (37 Brown Street) – Mr. Houser thanked Council for the discussion on the security cameras and expressed concern that the Landscaping Fund was solely for the square rather than all areas in town. Mr. Houser noted that enforcement of the yellow curbing on Nissley Street is necessary to ensure enough space for vehicles to make the right turn on Nissley Street.

Jack Still (37 W Emaus Street) – Mr. Still noted he had received an astronomical bill for water and sewer and requested a copy of the Borough's water and sewer shut-off procedure. Councilor Knull indicated Suez follows the Borough's guidelines which takes 3-4 weeks before shut-off can be enforced. Councilor McGlone noted Suez works with the Borough Codes office as there are regulations whereby a habitable unit needs to have running water, and Suez is responsible for billing not the Borough. Mr. Still requested Council review current policies.

Mayor Curry requested Council pay for the renewal of his memberships to Pennsylvania State Mayor's Association and the Association of Mayors and Boroughs.

Jenny Miller (227 W Water Street) – Mrs. Miller informed Council the museum will be open this weekend with hours Thursday 6-8 p.m.; Friday 4-6 p.m. and Sunday 12-6 p.m.

Councilor Knull requested Mr. Wilsbach check out Witherspoon and Lincoln, as there is only one stop sign at a 4-way stop.

Adjournment - **MOTION** by Ian Reddinger, second by Dawn Knull to adjourn the meeting. Motion carried unanimously and the meeting was adjourned at 10:02 p.m.

Grace Miller
Borough Secretary