

**Meeting Minutes of Middletown Borough Council
December 6, 2016**

The December 6, 2016, regular meeting of the Middletown Borough Council was called to order at 7:02 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 via telephone, Diana McGlone, Robert Reid, Ian Reddinger and Benjamin Kapenstein. Damon Suglia joined the meeting via telephone at 9:30 p.m. Also present were Mayor James H. Curry III, Borough Manager Kenneth L. Klinepeter, Director of Finance and Administration Bruce Hamer, Solicitor Adam Santucci, and Borough Secretary Grace Miller.

Communities that Care – Councilor Anne Einhorn introduced Ellen Willenbacher with St. Peters Lutheran Church and Elizabeth Eckley from Penn State who gave a presentation on the Communities that Care organization. Ms. Willenbacher stated Communities that Care is a state funded program meant to collaborate with other organizations and interested citizens to address the identified needs of the community. Ms. Eckley noted the school previously had headed up the program for Middletown but could no longer do so. Councilor McGlone asked if the goal is to work collaboratively with the school and would the school be implementing the program. Ms. Eckley indicated the school would only be involved as part of a more diverse coalition who looks for representation from police, government, media, school and healthcare. The next meeting being held will be on March 9 if anyone is interested in attending. Councilor Einhorn noted that Communities that Care is a tremendous organization that is research based and geared toward the needs of the community to help reduce addiction and other behaviors.

Public Comment:

Mike Bowman (109 W. Emaus Street) – Mr. Bowman stated Council should conduct an exit interview with Chief Bey at an executive session.

President Kapenstein stated no actions were taken during the Executive Session held on November 15, 2016 and Council would be recessing to Executive Session to discuss litigation, real estate, personnel and labor relations. Councilor Diana McGlone left the executive session at 8:35 p.m. Council reconvened at 9:00 p.m.

Executive Session – President Kapenstein noted no actions were taken at the Executive Session that was just held.

Adopt Ordinance 1334 LED Streetlighting Upgrade– Tom Horstman from McNeese was in attendance to review Ordinance 1334 noting this ordinance to upgrade streetlighting authorizes an issuance of a General Obligation Note of \$387,000 with a fixed interest rate of 2.84% with a term ending November 30, 2030 with 1st Columbia Bank & Trust Company. President Kapenstein stated this note is pre-payable without penalty and the Ordinance should reflect that. Mr. Bruce Hamer noted this amount is shown in the budget under the electric

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fund. Councilor Reid asked what the Borough is saving by doing the project in-house. Mr. Ken Klinepeter indicated there is an approximate savings of \$200,000 by Public Works undertaking the project in-house. **MOTION** by Ian Reddinger, second by Dawn Knull to adopt Ordinance 1334 authorizing the borrowing of \$387,000 from the First Columbia Bank and Trust Company in the amount of \$387,000 to upgrade streetlighting. Motion carried by a vote of 5 to 0.

Approval of Meeting Minutes – Mayor James Curry III noted that the names for Jaime Rishar and Kay Wealand were misspelled and noted that Advance Auto should be changed to Auto Zone. **MOTION** by Ian Reddinger, second by Anne Einhorn to approve the November 15 and November 21, 2016 meeting minutes with corrections made as noted above. Motion carried by a vote of 5 to 0.

Jack Still – Mr. Still asked what the transfer of land to Amtrak was for. Mr. Adam Santucci responded that Council chose to transfer the two parcels rather than going through the eminent domain process for the train station.

Approval of Bills – **MOTION** by Ian Reddinger, second by Anne Einhorn to approve payment of bills as shown on the Accounts Payable List dated December 2, 2016, for the period November 23, 2016 through December 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 5 to 0.

Approval 2017 Insurance Policies – Mr. Bruce Hamer stated the 2017 insurance policies show an increase over the previous year costs with the largest increase due to worker compensation claims. President Kapenstein recommended checking around prior to 2018 renewals to see if cost savings could be found. **MOTION** by Ian Reddinger, second by Robert Reid to approve the 2017 Risk Management and Insurance proposal from the Kilmer Group dated November 28, 2016 for renewal of insurance. Motion carried by a vote of 5 to 0.

Adopt 2017 Budget – Mr. Bruce Hamer stated Council received copies of all adjustments made to the tentative budget with a copy of the proposed final budget. An adjustment incorporated into the budget was when actual figures were received for workers comp insurance which resulted in an \$18,100 deficit. This deficit was covered by the workers compensation member credit of \$20,965. Councilor Reid asked if the \$20,000 to upgrade chambers was incorporated into the budget. Mr. Hamer indicated \$20,000 for furnishings to Council Chambers was added to the Capital Budget along with \$10,000 in holiday decorations as requested by Council at the November 15, 2016 meeting. Councilor Reid stated he does not believe \$20,000 should be spent on Council Chambers. Councilor Einhorn concurred. Damon Suglia joined the meeting at this point via telephone stating the \$20,000 is a placeholder in the budget. Mr. Hamer noted the matter of the police vehicle purchase on the Capital Budget shows an existing vehicle

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lease of \$29,851 with \$35,149 remaining for a vehicle purchase with set up costs for said vehicle being well beyond that number. **MOTION** by Robert Reid, second by Anne Einhorn to adopt the 2017 Budget excluding the \$20,000 budgeted for Council Chamber improvements and include the adjustments as presented. Motion failed by a vote of 4 to 2.

Council Einhorn raised the question as to what exactly is needed to improve chambers as she would agree with improvements in technology and speakers. Councilor Suglia proposed new furniture with the removal of the barrier. Mayor Curry stated the room is outdated and is more concerned with technological advances and an interactive board. Councilor Knull suggested starting with technological improvements and go from there. **MOTION** by Damon Suglia, seconded by Ian Reddinger to adopt the 2017 budget as presented including amendments. Motion passed by a vote of 5 to 1 with Robert Reid voting against.

Adopt Ordinance No. 1333 Real Estate Tax Rate – Mr. Klinepeter stated that each year a tax ordinance must be passed and noted that Ordinance 1333 has no increase to the tax rate in 2017 keeping the millage rate at 5.631 and noted Ordinance No. 1333 was advertised appropriately. **MOTION** by Anne Einhorn, second by Robert Reid to adopt Ordinance 1333 approving the establishment of the 2017 Real Estate Tax Rate at a millage rate of 5.631. Motion carried by a vote of 6 to 0. President Kapenstein expressed his appreciation to Bruce Hamer, Director of Finance and Administration, for the fine job done in preparing the budget.

Award the 2016 Audit Service Contract – Mr. Klinepeter indicated audit proposals had been received from Brown, Shultz, Sheridan and Fritz with the 2016 Audit costing \$26,000 for the Borough and \$6,500 for the ICDA. **MOTION** by Ian Reddinger, second by Anne Einhorn to award the 2016 Borough Audit Service Contract in the amount of \$26,000. to Brown, Schultz, Sheridan and Fritz. Motion carried by a vote of 5 to 0 with Damon Suglia recusing himself from the vote. **MOTION** by Anne Einhorn, second by Dawn Knull to authorize ICDA to engage Brown, Schultz, Sheridan and Fritz for the 2016 ICDA Audit in the amount of \$6,500. Motion carried by a vote of 6 to 0.

Approve Resolution No. 2016-27 Train Station Transfer – Mr. Klinepeter stated Resolution No. 2016-27 will permit the sale of two parcels of land to Amtrak on the south side of the railroad track at the intersections of South Lawrence Street and Fisher Avenue for a total of \$11,000. Mr. Santucci noted this was already approved by Council and approving the resolution is a formality. **MOTION** by Robert Reid, second by Dawn Knull to approve Resolution No. 2016-27 approving the sale of tracts of land near the railroad at the intersections of South Lawrence Street and Fisher Avenue to the Commonwealth of Pennsylvania. Motion carried by a vote of 6 to 0.

2017 Meeting Dates – Mr. Klinepeter noted that Council had a list of potential meeting dates for 2017 with the July meeting landing on a holiday. Councilor Knull noted some dates also conflict with voting. After some discussion, Council noted that the second meeting of May will

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be held Wednesday, May 17; the first meeting of July to be held on Wednesday, July 5; and the first meeting of November to be held on Wednesday, November 8. **MOTION** by Robert Reid, second by Anne Einhorn to approve the 2017 meeting dates with the changes noted above and authorize the advertisement of the Council meeting dates for year 2017. Motion carried by a vote of 6 to 0.

Approve Engineering Services for MS4 Permit Renewal – Mr. Klinepeter indicated the process of renewing the Borough's MS4 Stormwater Permit with DEP needs to begin. HRG provided a proposal with a scope of work for a cost of \$19,000, which was allocated for in the budget. **MOTION** by Robert Reid, second by Damon Suglia to approve HRG for engineering services for the NPDES MS4 PAG-13 permit renewal as presented on the 2017 Application Scope of Work dated October 31, 2016 prepared by HRG. Motion carried by a vote of 6 to 0.

Civil Service Commission – Mr. Klinepeter stated the Civil Service Commission had advertised for an alternate and Todd Webb applied. Amy Schreffler's 6-year term on the Civil Service Commission will expire at the end of December. Mr. Klinepeter noted that Ms. Schreffler had been contacted and was interested in continuing to serve as well as Todd Webb indicating his interest in serving as an alternate. **MOTION** by Robert Reid, second by Ian Reddinger to reappoint Amy Schreffler to the Civil Service Commission with a term to expire December 31, 2023 and appoint Todd Webb as an alternate with a term effective January 1, 2017 and expiring December 31, 2023. Motion carried by a vote of 6 to 0.

Planning Commission – Mr. Klinepeter noted that the Planning Commission has a 4-year term and Steve Cassidy's term is due to expire at the end of December. Mr. Cassidy was contacted and expressed his interest in serving another term. **MOTION** by Robert Reid, second by Ian Reddinger to approve the reappointment of Steve Cassidy to the Planning Commission for a 4-year term expiring December 31, 2021. Motion carried by a vote of 6 to 0.

Zoning Hearing Board – Mr. Klinepeter indicated the Zoning Hearing Board has a 3-year term and the terms of the members currently serving will expire at the end of December. Mr. Klinepeter noted that members had been contacted with Tom Germak indicating he will not be able to serve due to time constraints. Mr. Jack Still, Don Graham and Ms. Rachelle Reid expressed interest in continuing to serve as well as Rodney Horton expressing his interest in serving. President Kapenstein stated appointments would be tabled until the next Council meeting.

Vacancy Board – Mr. Klinepeter stated Earl Bright, III is currently serving a 1-year term with the term expiring at the end of December. Mr. Bright has not yet responded as to whether or not he would be interested in being reappointed. Councilor Knull indicated she would contact Mr. Bright personally.

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Fire Truck – Mr. Klinepeter stated the Bluebird fire truck is parked at the old water plant and is used for display at special events. Mr. Klinepeter noted that the Legion has requested the use of the Bluebird for Santa and recommended Council institute a policy delineating the payment of employees for these events or contact the Fire Department to see if they would be interested in having the Bluebird. President Kapenstein recommended giving the fire truck to the Fire Department and Council approve any current requests for use. Councilor Reddinger asked if a volunteer firefighter could drive the truck. Mr. Hamer noted the Borough's insurance does not cover the Fire Department. Mayor Curry asked for approval to use the Bluebird for the Tree Lighting Event. Councilor Suglia suggested asking for donations for use of the Bluebird. Mr. Klinepeter noted that the Borough no longer has a large staff and would be required to pay employees overtime rates. Mr. Santucci stated he would work with Mr. Klinepeter to arrange transfer of the fire truck to the fire department.

Parking Ordinance - President Kapenstein stated the parking ordinance will be addressed at the meeting on December 20 due to last minute changes that need to be made per the solicitor.

Police Chief Resignation - President Kapenstein informed Council that Police Chief John Bey has submitted his resignation effective December 30, 2016. **MOTION** by Ian Reddinger, second by Dawn Knull to accept with regret Chief John Bey's resignation wishing him the best in future endeavors. Motion carried by a vote of 6 to 0.

Councilor Reid asked if finance needs a roll call when motions are made. Mr. Santucci indicated a roll call vote is only necessary for an ordinance or resolution.

Adjournment - **MOTION** by Ian Reddinger, second by Anne Einhorn to adjourn the meeting. Motion carried unanimously and the meeting was adjourned at 10:15 p.m.

Grace Miller
Borough Secretary