

July 7, 2014
Middletown, PA 17057

The July 7, 2014 meeting of the Middletown Borough Council was called to order at 7:00 p.m. by Council President Christopher R. McNamara.

Following the Pledge of Allegiance, the following Council members answered roll call: John Brubaker, Anne Marino Einhorn, Tom Handley, Benjamin Kapenstein, Robert Louer, Victoria Malone, Christopher R. McNamara, Scott Sites, and Sue Sullivan.

Also present were Solicitor Adam Santucci, McNeese, Wallace and Nurick, Mayor James H. Curry III, Borough Manager Tim Konek, and Borough Secretary Amy Friday.

Councilor Sites made a motion to approve the June 16, 2014 minutes. The motion was seconded by Councilor Louer and unanimously approved.

PUBLIC COMMENT

Dawn Knull, 123 State Street

Ms. Knull asked where the committee motions are and why they are not on the agenda. Council President McNamara responded certain council had some questions and hopefully under new business we will get to that.

Greg Wilsbach, 719 Spruce Street

Mr. Wilsbach addressed Mayor Curry and Council thanking them for 26 years of enjoyment, history, and learning experiences.

Mr. Wilsbach reported he has resigned his position effective Thursday, July 10, 2014 under certain circumstances. He stated, the last two years he has not witnessed in his life such a dysfunctional, unethical, and he said he could keep going on with the list, but he lives here in town.

Mr. Wilsbach handed Mayor Curry a packet and ask that he investigate something. Mr. Wilsbach stated for the past year, he has been harassed because he questioned why the Borough paid \$850 for Council President to have some trees trimmed for his fellow neighbor because he was tired of his leaves falling on his property. Mr. Wilsbach stated he had the trees all thinned out and it had nothing to do with the streets. He said the fellow neighbor was the husband of former Councilor Brooks' daughter.

Attorney Santucci asked Mr. Wilsbach why he did not report this issue until tonight. Mr. Wilsbach responded, I have reported it. Attorney Santucci asked Mr. Wilsbach who he reported it to. Mr. Wilsbach stated the emails went to the Borough Manager and his superior and he reported he was told to shut up and I'll keep my job. Mr. Wilsbach stated, it is great now that I can speak freely since he had to sign confidentiality papers.

At 7:10 p.m. Council recessed for an executive session to discuss matters related to personnel and potential litigation.

Council reconvened at 9:10 p.m., with Council President McNamara announcing several items were discussed in terms of personnel and litigation.

Councilor Kapenstein made a motion to accept the resignation of Greg Wilsbach effective July 10th. The motion was seconded by Councilor Sites and unanimously approved.

Councilor Sites made a motion to deny the Heart and Lung Act claim received June 19, 2014 by Officer Reager. The motion was seconded by Councilor Brubaker and unanimously approved.

Councilor Louer made a motion to advertise plan A1 of the water rate increase with a 100 gallon minimum. The motion was seconded by Councilor Kapenstein and approved by an 8 – 1 vote with Councilor Handley dissenting.

Councilor Kapenstein made a motion for council to approve the solicitor to draft an employment agreement consistent with the terms discussed in executive session for Ken Klinepeter. The motion was seconded by Councilor Sullivan and unanimously approved.

Councilor Kapenstein made a motion to adopt Resolution 599, A resolution authorizing the grant application for the MultiModal Transportation Fund Grant. The motion was seconded by Councilor Sites and unanimously approved.

Council President McNamara explained the grant stating the resolution is part of the application process.

Councilor Malone made a motion to adopt Resolution 600 authorizing a water system project in the Borough of Middletown to be financed by the Middletown Borough Authority. The motion was seconded by Councilor Kapenstein and unanimously approved.

New Business

Councilor Handley stated he would like to discuss and take action on filling the vacancies for the Boards and Commissions.

Council President McNamara opened the floor up to nominations for the Boards and Commissions.

Councilor Handley made a nomination to appoint Dave Clouser and Diane Usoff to fill the vacancies on the Library Board. The nominations were unanimously approved by voice vote.

Councilor Handley made a nomination to appoint Renee Barber to fill the vacancy on the Shade Tree Commission. The nomination was unanimously approved by voice vote.

Councilor Handley made a nomination to appoint Jenny Miller and Rachelle Reid to fill the vacancies on the Historical Restoration Commission. The nomination to appoint Jenny Miller was approved by unanimous voice vote. The nomination to appoint Rachelle Reid was approved by an 8 – 1 voice vote, with Councilor Einhorn dissenting.

Councilor Einhorn made a nomination to appoint Diana McGlone to fill a vacancy on the Historical Restoration Commission. The nomination to appoint Diana McGlone was not approved by an 8 – 1 voice vote. Councilor Einhorn was the only aye vote.

Councilor Einhorn commented Rachelle Reid would do excellent on the Historical Restoration Commission, but since she was on another Commission; Councilor Einhorn wanted to have more people.

Councilor Handley reported on the Boards and Commissions so that everyone is clear. He stated the list the Council has now shows a certain number of vacancies and those are the ones we took action on tonight. He stated there are a number of expired terms and there are some folks who would like to contribute their time as well. Councilor Handley said, the main reason we acted tonight was due to time. He said he believes we are going to try and re advertise and sit down with some folks and go through what these Boards and Commissions do and try and get more people interested. He stated, we are not trying to exclude anybody and the plan tonight was to deal with the vacancies and not the expired terms. In closing, he said we are going to deal with that and hopefully soon.

Councilor Sullivan stated, we have not received resignation letters from those individuals whose terms expired. Mayor Curry interjected and stated, they serve at the pleasure of council therefore; a resignation letter is not needed.

Mayor Curry stated to Councilor Handley, he missed what he said and asked Councilor Handley, you said you are re advertising for these Boards and Commissions. In response, Councilor Handley stated, I said I believe we are planning on trying to re advertise and possibly sit down with some folks. Councilor Handley stated, my suggestion would be and I am not saying this is approved or agreed upon. He said his suggestion is to have a small meeting where anyone who is interested can come in and sit down with a number of people on Council so we can explain what the Boards and Commissions actually are. Mayor Curry said he agreed with that for the exception of the Restoration Commission. He said there is enough names to cover the vacant spots right now for the expired terms and said from the beginning to get them all done at once. He stated, he does not think that particular entity needs to be re advertised.

In regards to the Restoration Commission, Council President McNamara asked Borough Manager, Tim Konek if he received any correspondence from Mrs. Stazewski if she has gotten together with her people on when they are going to meet. Borough Manager Tim Konek responded, no. Council President McNamara addressed Jenny Miller and Rachelle Reid to get involved as quickly

as possible with the Restoration Commission. He recommended getting a meeting scheduled and to encourage Bonnie to forward that meeting schedule to the Borough Manager so that he can get that advertised and so that we are in compliance. Council President McNamara said we met with them 3 – 4 months ago and have not received anything back. Ms. Reid stated, I will make you a promise that I am going up there tomorrow to talk to her.

Councilor Sites provided a recap of the Public Safety Committee meeting held earlier in the day. Councilor Sites stated the committee conducted five telephone interviews for the Chief of Police for the Borough of Middletown. He stated out of those five interviewed, we have narrowed it down to three candidates we would like to bring in for a face to face interview, with the committee and then a public portion of that time. Councilor Sites stated the committee is considering July 21, 2014 as the time where we will be advertising for an executive session for the Public Safety Committee at 4:00 p.m. and then extending to them; if Council President would like, staying for the 7:00 p.m. meeting and meet the public.

Mayor Curry stated, we will not be choosing our selection on the night of July 21, 2014. He said we will need to take the feedback from the public and sift through the information from the face to face interviews, before making a selection.

In closing, Councilor Sites stated we have three great candidates; some local and one out of state.

Mayor Curry reported on the May & June 2014 call lists for the police department. He said the average calls for May was .97 calls per hour and June was 1 call an hour. He provided a list of citations and violations. Mayor Curry announced he has a packet which includes the pay registers for gross pay and overtime pay to date of the police department. Mayor Curry asked the Borough Secretary to keep on file for our audit.

PUBLIC COMMENT

Dawn Knull, 123 State Street

Ms. Knull asked about the guidelines in an ordinance a couple years ago pertaining to child predators not living near parks or school facilities. Ms. Reid reported the ordinance in 2009 stated they are to live at least a ½ mile away from park, school and any place a child would go. Ms. Knull asked who is she to go to, if this is not occurring. Council President McNamara stated it is a police issue. Ms. Knull pointed to the Mayor stating, I am meeting with you afterwards.

Jenny Miller, 227 West Water Street

Ms. Miller asked if parking could be suspended on the east side of Nissley Street temporarily, until the construction is finished and the barricades are moved. She said, during construction at the Westporte Center Plaza, barricades have been placed on Nissley Street and it makes the street smaller and difficult for two cars to pass each other.

Council President McNamara directed Tim Konek Borough Manager to look into it.

Ms. Miller wanted to thank Mr. Louer for taking care of the fire hydrant.

Jack Still, 37 W. Emaus Street

Mr. Still made a recommendation for future meetings including executive sessions. He stated those meetings should start at 6:00 p.m.

Diana McGlone, Adelia Street

Ms. McGlone applauded Mr. McNamara for finally embracing Penn State and meeting with the Chancellor. She pointed out the only thing in looking at the photo on page five of the Middletown Matters was no one else from council was present for the meeting. Ms. McGlone stated, it is good this shows this Borough is finally embracing Penn State and hope this is the catalyst for the return of internship programs that were started when she served on council as well as the student liaison program started in 2011. Ms. McGlone stated they are both very viable services here for the community and this makes more of a collaborative effort with Penn State.

Mike Bowman, 100 Wilson Street

Mr. Bowman asked the Council when they are going to do something with the GMEDC before they cost us all of the grants. He reported on a GMEDC official denying access to the Elks Building and withholding financial information. Mr. Bowman asked the Council for the criteria for a Mayor's veto.

In closing, Mr. Bowman said he had a discussion with the Chancellor at Penn State Harrisburg in regards to a Borough resident representing the students of Penn State Harrisburg at a former Council meeting and also the Chancellors concern with the off-campus housing and the safety of the students. Mr. Bowman stressed, he and Council President McNamara have strong concerns for the safety of students.

Councilor Sites made a motion to adjourn. It was seconded by Councilor Sullivan and approved by unanimous consent. At 9:34 p.m., the meeting was adjourned.

Amy J. Friday
Borough Secretary