

October 6, 2014
Middletown, PA 17057

The October 6, 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 Mayor James H. Curry III, Borough Manager Tim Konek and Borough Secretary Amy Friday.

Council President McNamara called upon Officer Gary Rux to recognize the volunteers for the 2014 National Night Out.

Officer Gary Rux recognized and presented certificates to all community groups, individuals and businesses who volunteered their time for the 2014 National Night Out.

Mayor Curry presented Officer Rux with a certificate of appreciation for all of his remarkable efforts in organizing the 2014 National Night Out event. He stated this year's event was better than last years.

Council President McNamara called for a motion to approve the minutes of the September 15, 2014 meeting. **Councilor Sullivan made a motion to approve the minutes. The motion was seconded by Councilor Einhorn.** Councilor Einhorn reported the Director of Communication's report was omitted from the minutes and asked that it be added to these minutes. Councilor Sites asked what was in the Director of Communication's report. Councilor Einhorn responded his report on her article in the Press and Journal and she would like to have it included in the minutes.

Council President McNamara reported we will add the report to the minutes and bring them back to the Council at the next meeting for approval.

Council President McNamara convened into Executive Session @ 7:45 p.m. to discuss issues relating to personnel and real estate.

At 9:05 p.m., Council reconvened from Executive Session. Council President McNamara reported matters regarding personnel and real estate were discussed.

Councilor Brubaker made a motion to authorize the solicitor to offer John T. Bey the position of Chief of Police on the terms discussed during executive session, and to present Mr. Bey with an employment agreement outlining those terms. The motion was seconded by Councilor Sites and unanimously approved.

Councilor Brubaker made a motion to advertise for bids for the demolition of the following properties: 750 Few Avenue, 810 Hoffer Street, 2-6 N. Union Street, 329 S. Catherine Street, 725 Maple Road and 245-247 Mattis Avenue.

Council President McNamara stated the motion was strictly for advertisement for bids for the demolition of the properties and Borough Manager Tim Konek will verify all properties for the advertisement.

The motion was seconded by Councilor Handley and unanimously approved.

Public Comment

Diana McGlone, 805 Adelia Street

Ms. McGlone stated, while she opposes the \$1 million amount council has spent of taxpayer funds since 2012 in purchasing the Elks building for \$500,000, Khlar building \$42,000; not including demolition costs, Danny Chen property across from Brownstone \$325,000; not including demolition costs for the removal of the 3 businesses and the Grosh House \$90,000, she can say that finally, the citizens of the town can look forward to something positive & encouraging for our community.

Ms. McGlone stated a vote of yes tonight to transfer the deed of 29 E. Main Street, more commonly known as the Grosh House, to the Middletown Area Historical Society will demonstrate to the community that council has finally taken a positive step towards improving the towns image and reputation; while creating economic buzz and excitement amongst history buffs, researchers and individuals committed to preserving Middletown and the surrounding

communities' history. She reported a transfer also means the taxpayers will no longer bear the burden of maintenance and utility costs on a property that has sat vacant for almost one year.

Ms. McGlone stated the purpose of the museum and information center will be to showcase Middletown's rich economic, social, political and cultural history; while highlighting structures built prior to the 1800, as a deed from George Fisher, founding father of Middletown, dated March 1761 indicates that a log structure was built on this lot around 1755.

Ms. McGlone said Middletown citizens should be proud of the industrial, railroad and war ties we have, and also our ties to England & William Penn. She said, as our founding father is a direct descendant of John Fisher who sailed with William Penn, founder of Pennsylvania, aboard the ship welcome from England in 1692 and whose lineage is traced to Sainly John Fisher, Bishop of Rochester, England, who was a favorite of Henry VIII but opposed his divorce from Catherine of Aragon and was beheaded in 1535, as this was a common practice of King Henry who also famously beheaded some of his wives.

Ms. McGlone reported our town is rich in political and warfare history, as Middletown became a great center for supplies, soldiers, and transportation during Revolutionary times. She said Simon Cameron, who built the Simon Cameron house on Main Street which held the first bank in the county, was President Lincoln's first Secretary of War. Ms. McGlone mentioned George Washington visited a tavern on Main Street in the mid-1700s, which is now currently an appraisal firm.

Ms. McGlone reported the historical center will also contain a room solely used for research and be dedicated to Grace DeHart, who, by all accounts, was a great woman and dedicated herself to researching and educating others on our town's unique history with many published books and articles. She stated, and as one who researches, she thanks Grace DeHart and others for their efforts, as it has been fascinating reading about the town's history. Ms. McGlone stated with these and many other elements of our great history, a Historical Center would be an asset to the potential "rebirth" of the town, mostly by increasing tourism as well as unique educational opportunities. She stated Middletown needs a permanent home dedicated to our history before the historical artifacts and stories become lost, damaged or destroyed.

Rachelle Reid, 448 Grant Street

Ms. Reid offered a public apology to Councilor Louer regarding an accusation she made about him at the previous council meeting. Councilor Louer thanked Ms. Reid and stated he accepts her apology.

Councilor Handley made a motion to adopt Resolution 603 authorizing and directing the Gresh Property owned by the Borough of Middletown be conveyed to the Middletown Area Historical Society.

Councilor Brubaker asked who will be paying the utilities. Council President McNamara responded, if the transfer is approved, the Historical Society will be paying the utilities.

The motion was seconded by Councilor Einhorn and unanimously approved.

Councilor Sites made a motion to adopt Resolution 604 in support of the 61st Kiwanis Halloween Parade on October 20, 2014 in the Borough of Middletown.

Council President McNamara asked Mayor Curry if he approved the route. Mayor Curry responded he already approved the route.

The motion was seconded by Councilor Malone and unanimously approved.

Councilor Sites made a motion to adopt Resolution 605 recognizing October 30, 2014 from 6:30 – 8:30 p.m. as Trick or Treat Night in the Borough of Middletown. The motion was seconded by Councilor Handley and unanimously approved.

Councilor Sullivan made a motion to adopt Resolution 606 recognizing October 2014 as Breast Cancer Awareness month in the Borough of Middletown. The motion was seconded by Councilor Malone and unanimously approved.

Councilor Kapenstein made a motion to adopt Resolution 607 establishing a fee schedule setting forth miscellaneous fees for services of the Borough of Middletown.

Councilor Kapenstein stated to Borough Manager Tim Konek the Woody Waste Fee is not included. Mr. Konek responded the Woody Waste Fee is not included and clarified it is a partial update of the fees mostly focused around building permit fees. He stated the rest of the fee schedule is subject to review.

The motion was seconded by Councilor Sullivan and unanimously approved.

Councilor Kapenstein made a motion to adopt Resolution 608 authorizing the funding and/or defeasance to maturity of the Borough's Obligation Bonds.

Councilor Kapenstein reported it is a resolution authorizing us to pay off the Borough debt with the proceeds from the water/sewer lease, at the end of the year subject to closing.

The motion was seconded by Councilor Sullivan and unanimously approved.

Councilor Louer made a motion to authorize staff to execute the Memorandum of Understanding between the Dauphin County Conservation District and Middletown Borough, pending solicitor review.

Councilor Louer stated the five components included in the MOU.

Borough Manager Tim Konek reported these are requirements the Borough has under land use laws, such as the MS4 permits. He stated the permits require us to have this agreement in place and allows us to leverage the capabilities of the Dauphin County Conservation District in meeting our obligations so we don't have to do it all in house and we can allow them to do some of our work for us.

Councilor Kapenstein inquired on the cost associated with this. Borough Manager Tim Konek stated there is no cost involved and we have existing MOUs in place with them and this updates all the latest changes to the regulations.

Councilor Handley asked does this give the Conservation District authority of what we are doing in the town. Councilor Louer responded only if they find something drastically wrong. Borough Manager Tim Konek stated the Conservation District is another group to enforce, for example; erosion and sedimentation control. He said if the developer does not have the proper sand bags and fences up, this group can enforce it through the Memorandum of Understanding.

The motion was seconded by Councilor Sullivan and unanimously approved.

Councilor Sullivan made a motion to authorize staff to advertise Request for Proposals for a Human Resource Consultant as part of the EIP Phase III program.

Councilor Kapenstein asked where the RFP will be posted. Council President McNamara stated it will be advertised and posted on the website. Borough Manager Tim Konek stated it will be much like how the process was done for the first phase of the EIP. He said we will get a list of approved vendors from DCED and we will make sure we send it out to that approved list of vendors and also we can put it on the webpage.

The motion was seconded by Councilor Louer and approved by a 6 -3 vote with Councilors Handley, Sites and Einhorn dissenting.

Councilor Louer made a motion to accept the recommendation from the planning committee and that we grant final approval to the Frey Village Land Development Plan.

Councilor Brubaker asked what is being planned. Councilor Handley reported from the September 17, 2014 planning committee meeting Frey Village made a request for approval to construct a small addition, one floor, to the North side of the building. He said significant discussion took place on the impact of this addition in regards to utilities, which is insignificant. Councilor Handley stated the use is for exercise and will not be open to the public. He reported Frey Village is requesting to have the preliminary approval waived and continue on to the final approval. Councilor Handley reported the Planning Committee had no problems with that.

Borough Manager Tim Konek reported there will be standard conditions placed on the approval and reported two additional standard conditions, where the applicant shall be required to demonstrate there is adequate utility capacity to serve the proposed expansion and provide a statement identifying whether there are any previously approved plans for the Property that deferred improvements until some future time or occurrence.

The motion was seconded by Councilor Handley and unanimously approved.

Old Business

None

New Business

Councilor Sites reported there will be no Public Safety Committee meeting held on Wednesday, October 8, 2014.

Councilor Brubaker would like to have transformer placement on Spring Street as an agenda item for the October 21, 2014 COW meeting. Council President McNamara stated as a result from the Public Works Committee meeting earlier today, there is an update on the plans of the placement of the transformers and our commitment to the new student housing on Spring Street. Councilor Brubaker mentioned he has three quotes from T & R Electric, Sunbelt Electric and Solomon Transformers. Council President McNamara recommended bringing all these items to the October 21, 2014 COW meeting.

Councilor Brubaker would like to put on the November 17, 2014 COW meeting agenda a discussion on the relocation of the Mill Street substation and a presentation by Patrick Regan with The Efficiency Network (TEN) regarding LED conversion for street lighting.

Councilor Louer made a motion to put additional signage on the no parking signs to read except Friday night from 9:00 p.m. until Sunday night 10:00 p.m., pending solicitor approval, and no trucks.

Discussions took place amongst council and some residents regarding parking issues, specific street locations, weight limitations for trucks and police chief enforcement.

The motion was seconded by Councilor Handley and failed by unanimous 9 – 0 vote.

Councilor Louer made a motion to read additional sign placed on no parking signs on Wood Street between Detwiler Avenue and Nissley Street to read except Friday night 5:00 p.m. until Sunday night 10:00 p.m., no trucks over 10,000 lbs., pending solicitor approval.

The motion was seconded by Councilor Kapenstein and unanimously approved.

Councilor Kapenstein announced on Tuesday, October 7, 2014 at 6:30 p.m., Mayor Curry will be presenting a proclamation, stating Tuesday, October 7, 2014 as Ben Olsen day, to Ben Olsen, Middletown native and professional soccer coach prior to the soccer match at Memorial Field.

Councilor Handley made a motion to adjourn. It was seconded by Councilor Kapenstein and approved by unanimous consent. At 9:49 p.m., the meeting was adjourned.

Amy J. Friday
Borough Secretary