

October 21, 2014
Middletown, PA 17057

The October 21, 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, Benjamin Kapenstein, Robert Louer, Victoria Malone, Christopher R. McNamara, Scott Sites and Sue Sullivan. Tom Handley was absent.

Also present were Mayor James H. Curry III, Borough Manager Tim Konek and Borough Secretary Amy Friday.

Councilor Brubaker stated he would like to add an executive session to the agenda after public comment to discuss matters of personnel.

MANAGER'S REPORT

Borough Manager Tim Konek introduced Millie Wilson coordinator of the 61st Kiwanis Halloween Parade, who gave a brief history of Kiwanis' involvement with the parade and thanked the Borough for the support services provided for the parade.

Ms. Wilson complimented the Borough Manager on improved communications between Borough Staff and the parade organizers, including a conference call with Police Chief Bey, Superintendent of Public Works Lanman, the Manager and the parade organizers – something Wilson said she had been wanting for several years.

Borough Manager Tim Konek also reported that the transition team of the Borough and United Water staff has begun meeting to plan the transition to United Water running the water-sewer systems under the recently approved lease agreement.

Borough Manager Tim Konek reported through October 16, 2014, the Codes Enforcement office has cited thirty-eight properties for violations, twenty-one of which were corrected already by the owners and three others have asked for extensions to comply.

Councilor Scott Sites asked about high weeds near the Amtrak station. The Borough Manager will have staff look into whether they are the Borough or Amtrak's responsibility.

SECRETARY'S REPORT

Borough Secretary Amy Friday reported at the October 6, 2014 council meeting, the September 15, 2014 minutes were tabled for approval pending the addition of the Director of Communication's report. She reported the Director of Communication's report was given at the August 18, 2014 council meeting and will reflect in those minutes. Borough Secretary Amy Friday stated she would like to resubmit the September 15, 2014 minutes for approval at the November 10, 2014 council meeting.

Borough Secretary Amy Friday mentioned receipt of a handwritten letter from a Borough resident commending Borough Manager Tim Konek for his professionalism in helping them understand issues related to their utility bill.

At this time, Council President McNamara called up Mr. Jonathan Hicks.

PENN STATE LIAISON

Mr. Jonathan Hicks, the Middletown Industrial and Commercial Development Authority's grants and economic development coordinator who serves as the Borough's liaison to SGA and the campus community, spoke to Council to introduce Naseem Zomorodi, who has been named as the Penn State Harrisburg Student Government Association's liaison to the Borough.

Ms. Naseem Zomorodi introduced herself to the Council stating she is Biology major with an interest in politics. She stated she is excited and looking forward to getting more involved with the Middletown community.

Mr. Hicks also gave Council a brief update on the efforts to form a Middletown Business Association, saying the organization hopes to be operational by the beginning of 2015 with different committees formed within the group. He reported their next meeting is scheduled for November 3, 2014 at the Press and Journal.

COMMITTEE REPORTS

Community Development

Councilor Sites reported on Tri County Housing's interest in obtaining a Borough owned property on Lawrence Street to rehab and sell under a program for low and moderate income families. He said the sticking point, at the moment, is Tri County's desire to avoid having to satisfy a \$28,000 lien on the property which is the result of the costs to the Borough to gut the home after it was condemned. Councilor Sites stated talks will continue and Council hopes to receive a written proposal from Tri County.

Council President McNamara stated Tri County Housing should provide council with a proposal and recommended to Councilor Sites and Borough Manager to have them put a proposal in writing. Borough Manager Tim Konek reported they want the house lien free. He said they have completed rehabs on two other properties in the Borough and have done stellar work.

Councilor Sites read a letter on behalf of the Mayor and Councilors Einhorn, Handley, Kapenstein and himself asking their names be removed from the list of officials in the Borough newsletter, Middletown Matters, due to their disapproval of its content. Council President McNamara stated make sure the Borough Secretary gets a copy of the letter.

Council President McNamara reminded the Community Development committee it is responsible for planning and organizing community events and expressed his displeasure that the committee has done little in that regard since being formed in January 2014. He urged the committee to begin working on plans for the Christmas holiday, including the decorating of the square, downtown and Hoffer Park.

Council President McNamara thanked the Borough Manager and staff as well as all the folks and business owners who decorated the square, downtown and Borough Building for Fall/Halloween.

Councilor Sites asked if we are allowed to use volunteers. Councilor Brubaker responded yes we are allowed to use volunteers.

Administration and Personnel

Councilor Sullivan reported on a meeting earlier in the day with Marita Kelley of the Department of Community and Economic Development. She stated we were authorized to go ahead with the request for proposals for the hiring of a human resource consultant to help the Borough develop policies and procedures for Borough management and other personnel related matters. The State Department of Community and Economic Development has approved a grant to help pay for the human resource consultant and the grant will cover 90 percent of the cost. The Borough is responsible for the 10 percent match. Council President McNamara reported we are still awaiting the blue back contract from the DCED.

Labor Relations

Councilor Brubaker reported no negotiation sessions are currently scheduled between the Borough and the union representing its non-uniform employees. Those employees continue to work under a contract which expired in 2012.

Public Works and Utilities

Councilor Louer had nothing to report.

Councilor Brubaker reported there was discussion about the need to purchase new transformers for repairs to the Spruce Street substation. He stated cost estimates for the transformers alone are in the neighborhood of \$100,000.

Council President McNamara stated he would like to get the Engineers opinion.

Council President McNamara's suggested the finance committee chair (Councilor Kapenstein) work with the Borough's financial consultant to determine how to pay for the project. Councilor Kapenstein will also coordinate his efforts with the Public Works Committee and the Borough's electrical engineers.

Council President McNamara directed the Borough Manager to coordinate with the committee to develop a winter maintenance plan which takes into account the employees who will be going with United Water as part of the lease deal and present this plan at the November Council meeting.

Public Safety

Councilor Sites reported Chief Bey started work on October 13, 2014.

Council President McNamara asked the Borough Manager to provide the committee and all of council with an electronic copy of the section of the local ordinance regarding the fire company so they can be prepared to take action and understand the process should there be changes in key leadership posts at the Fire Company.

Finance

Councilor Kapenstein reported on discussions regarding increasing the fee for use of the Woody Waste facility and said the committee will be taking a comprehensive look at how woody waste is handled in the Borough.

Councilor Kapenstein reported briefly on some changes to the law governing the state's Act 47 program, none of which impact the Borough.

Council President McNamara stated the Borough is not in Act 47; however, there is a program within Act 47 called the EIP.

Mayor Curry asked if the Finance Committee received a schedule of bills. Councilor Kapenstein asked Borough Manager Tim Konek for an update on the schedule of bills. Mr. Konek responded he was unable to attend the Finance Committee's last meeting and stated Linda Houser has it.

Planning Committee

Councilor Handley was absent from the meeting and Borough Manager Konek reported the committee had not met in October 2014 because no new plans requiring its review have been filed.

Water/Sewer Exploration

Councilor Kapenstein reported on the final water-sewer billing.

Borough Manager Tim Konek reported on the transition in water-sewer billing. He stated plans will be finalized after consulting with technical experts to establish a timeline and the transition team is also working on a communications plan for informing the public about changes once those decisions are made.

Borough Manager Tim Konek reported the Borough will maintain control of its past due accounts following the transition and will receive any revenue collections of those accounts generates.

MAYOR REPORT

Mayor Curry said he has no call volume report for the month. He reported Chief Bey attended the Historical Society's "Ghost Tour" last weekend. In response to a question about police staffing, the Mayor said Chief Bey is studying the staffing situation.

In response to a question regarding the traffic study at the intersections of Spring and High Streets and Spring and Main Streets, the Mayor said the Police Department has not yet completed a traffic study at those intersections.

In response to a question regarding a formal public swearing in of the Chief of Police, the Mayor said yes there will be a public swearing in of the new Chief of Police.

PUBLIC COMMENT**Dawn Knull, 123 State Street**

Ms. Knull commented on the Truth Issue of the Borough newsletter Middletown Matters. She stated in the past the newsletter was printed on plain colored paper with a list of Borough events, not on glossy paper wasting taxpayer's money.

Ms. Knull commented on Borough's Council meeting updates on the website. She said after the October meeting Councilor Kapenstein stated he would provide an update for those residents who can't attend the meetings. Ms. Knull stated how ironic after Councilor Kapenstein's update went out, there was one of the Borough website.

Ms. Knull commented on the Woody Waste fees. She said she agrees fees need to be charged for this, but the \$35 fee is too much. Ms. Knull asked how much money you will spend to recreate it.

David Sculley, No address given

Mr. Sculley commented on the changes and levels of professionalism within the Borough compared to a couple years ago. He stated and explained he has been avoiding this town and the Borough because of his past experiences. Mr. Sculley stated this town has infrastructure that he has not seen before in all his travels. He stated he appreciates the good natured people like Mr. Louer. Mr. Sculley stated writing is a very difficult thing and somebody who can write well and do the job is hard work and Mr. Courogen does it well.

Rachelle Reid, 448 Grant Street

Ms. Reid commented on the Lawrence Street property. She stated it was condemned back in 2007 and the Borough was trying to have it demolished.

Ms. Reid commented on Councilor Sites Fall clean up initiative with Community Development. She stated there seemed to be some tension going on last year, so let's bring back the volunteers and get it done before Thanksgiving.

Councilor Kapenstein asked Councilor Sites to keep Council aware so they can volunteer.

Jack Still, 37 W. Emaus Street

Mr. Still commented on the Lawrence Street property. He said Tri County reported at the committee meeting buying the Spring Street property to rehab for \$30,000. Mr. Still stated you have a \$30,000 lien on your own property so if Tri County pays you \$30,000, they are ahead of the game because they paid \$30,000 for the Spring Street property and had it gutted.

Mr. Still commented on the Mill Street substation. He suggested to council to look into purchasing some sort of platform to get it high off the ground.

Mr. Still commented on when United takes over the water and sewer, where are we going to pay our bills. Councilor Kapenstein responded there will be a transition period where you will be able to pay them in person at their office to be located in the Borough and also online.

Mr. Still commented on demolishing the homes bought through FEMA and the hazard mitigation grant program. Instead of acquiring lots the Borough is going to have to cut grass on, he suggests the Borough sell the homes for a dollar to be rehabbed. Council President McNamara stated under federal guidelines that can't be done and the properties have to remain as an open space.

Mr. Brubaker stated the Mill Street substation will be addressed by the engineers from Dewberry at the November 17th meeting and recommended all questions and concerns regarding the substation be directed at that time. He mentioned safety issues associate with raising the substation and information included in the Dewberry feasibility report. Council President McNamara stated a copy of the feasibility report can be provided by Mr. Konek or Mr. Courogen.

Mike Bowman, 100 Wilson Street

Mr. Bowman commented on the Mill Street substation. He stated all the substation apparatus can't be lifted

Mr. Bowman commented on a complaint he made with the Borough Manager in regards to a neighbor running a chainsaw at all hours of the day, afternoon and evening cutting wood. He said the wood is placed against his property and his neighbor sells the wood from the apartment complex. He stated the Borough Manager is reluctant to do anything about this complaint.

Council President McNamara recommended to the Borough Manager to send the code enforcement officer out to 6-8 Wilson Street to inspect Mr. Bowman's complaint.

Mr. Bowman commented on the code enforcement officer. He said he understands from one of his neighbors the code enforcement officer was in his property lifting a tarp off his vehicle to check the registration. Mr. Bowman stated he does not understand why he can't get the code enforcement office to investigate three story apartment buildings with student tenants on the third floor without a fire escape, but they can come on his property and in alleys to look at parked vehicles.

Mr. Bowman commented on not receiving a letter from the Borough Manager regarding his building on Wilson Street, the old railroad house. He said it has been months and he has not received a written response on what he can and can't do with this property.

Mr. Bowman commented on being told about three tree branches at his property needing to be cut. He said Rachelle Reid informed him of this and he wanted to know when the authority of the Shade Tree Commission was given to her.

Diana McGlone, 805 Adelia Street

Ms. McGlone informed council on a website, [www. MiddletownPA.net](http://www.MiddletownPA.net), it is website administered by her to provide information on the happenings in Middletown. She said the website consists of events, places to eat, a business directory and links to other sites within the Middletown community. Ms. McGlone said nonprofits can advertise for free and she encouraged other business to advertise for free.

Mayor Curry asked if the Borough newsletter is published monthly or quarterly document. Borough Manager Tim Konek said it is published depending on the news cycle and how we want to handle it.

At 8:05 p.m. Council President McNamara stated Council is going to recess to Executive Session to discuss matters of personnel and real estate.

At 9:23 p.m. Council reconvened from Executive Session and Councilor Kapenstein said several items pertaining to real estate and personnel were discussed and no decisions were rendered.

Borough Manager Tim Konek reported on a proposal to acquire a property at Maple and Few streets which was not eligible for the FEMA/PEMA buyouts. He said approval of the proposal will be on the agenda for November 10, 2014 Council meeting.

Council President McNamara reported the solicitor has drafted the resolution for the property at Maple and Few streets and the Borough Authority has completed work on a new agreement with the Borough of Royalton for wholesale water sales. He stated the Borough Secretary will supply you with the draft resolution and agreement.

Discussion took place on possible action items for the November 10, 2014 Council meeting. Council President McNamara stated the transformers will be discussed by the engineers at the November 17, 2014 meeting. Councilor Sites stated as long as the information was received by the solicitors on time, Tri County Housing's proposal for the Lawrence Street property will be an action item and he will email them tomorrow.

Councilor Sites made a motion to adjourn. It was seconded by Councilor Sullivan and approved by unanimous consent. At 9:27 p.m., the meeting was adjourned.

Amy J. Friday
Borough Secretary