

November 17, 2014
Middletown, PA 17057

The November 17, 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 Solicitor Adam Santucci, Borough Manager Tim Konek and Borough Secretary Amy Friday.

Council President McNamara introduced Representative John Payne R-106th Legislative District.

Representative John Payne visited to present the Borough with a flag which had been flown over the state capitol.

Representative Payne congratulated the Borough on having found a way to resolve the issues caused by problems with an audit of a state grant which had been given to the Greater Middletown Economic Development Corporation (GMEDC). He said "job well done," and thanked everybody, particularly Borough Council President Chris McNamara and Jack Raudenbush from GMEDC." He stated it was more than just the \$250,000 for the fire department that was being held up, noting the hold also impacted more than \$1 million in other grants which have either been approved, or are under consideration, along with the Borough's share of state Liquid Fuels money. Representative Payne stated the issue could also have impacted state funding for next year's planned resurfacing of Route 230 and plans to replace the Route 230 bridge over the Swatara Creek. He mentioned, he along with State Senator Mike Folmer helped resolve the situation by facilitating a meeting between the Borough and GMEDC after the Borough requested a state Attorney General's office investigation into missing records.

Council President McNamara thanked Representative Payne and stated we really appreciate the help both Representative Payne and Senator Folmer provided in getting this matter resolved

At 7:05 p.m. Council recessed for an executive session to discuss matters related to personnel, real estate and potential litigation.

At 8:30 p.m. Council reconvened from executive session. Council President McNamara reported matters were discussed and one decision was rendered. He called upon Councilor Louer. Councilor Louer reported having a discussion on the Harborton agreement.

Councilor Louer made a motion to adopt Resolution 611 approving the proposed settlement agreement and release with Trident Pacific Real Estate Group, Inc. for Harborton Place MHC, LLC. The motion was seconded by Councilor Kapenstein approved by a unanimous 9 – 0 vote.

Councilor Louer made a motion to approve the minutes as presented to Council. The motion was seconded by Councilor Sullivan and approved by a unanimous 9 – 0 vote.

PUBLIC COMMENT

Mike Bowman, 100 Wilson Street

Mr. Bowman inquired on Resolution 611 as being for the purchase of property. Council President McNamara stated the Resolution was in support of Harborton Place that was currently referred to as caravan court.

Mr. Bowman commented on the public comment as it pertains to speaking to only those five items on the agenda.

Councilor Brubaker made a motion to adopt Resolution 609 authorizing and directing the Borough to enter into a donation agreement with Maple Four Associates for the dedication of those improvements located upon, and a leasehold interest in, that certain parcel of real property commonly known as 725 Maple Road, Middletown. The motion was seconded by Councilor Louer and approved by a unanimous 9 – 0 vote.

Councilor Kapenstein made a motion to approve the water service agreement between the Middletown Borough Authority and the Borough of Royalton. The motion was seconded by Councilor Louer and approved by a unanimous 9 – 0 vote.

Councilor Brubaker made a motion to authorize the Borough Manager to utilize the Keystone Purchasing Network (KPN) for the purpose of Harborton Place and Spring Street projects. The motion was seconded by Councilor Sites and approved by a unanimous 9 – 0 vote.

Councilor Louer made a motion to approve the ICDA's draw from PNC Line of Credit in the amount of \$150,000.00 plus closing cost for the purchase of real estate. The motion was seconded by Councilor Brubaker and approved by a 5 – 3 vote with Councilors Einhorn, Sites and Kapenstein dissenting. Councilor Handley recused himself from the vote.

Councilor Einhorn made a motion to adopt Resolution 610 a resolution of the Borough Council of the Borough of Middletown, Dauphin County, Pennsylvania, in support of a Dauphin County Tourism Grant application on behalf of Penn State Harrisburg's Athletic department.

Council President McNamara reported we are just endorsing their application.

The motion was seconded by Councilor Sullivan and approved by a unanimous 9 – 0 vote.

MANAGER'S REPORT

Borough Manager Konek asked that Council consider reinstating a moratorium on electric shutoffs during the winter months (through March), consistent with the Public Utility Commission's regulations for non-municipal electric companies.

Councilor Handley provided some comments on the electric s

Councilor Sites made a motion to suspend electric shutoffs starting November 1, 2014 – March 31, 2015. The motion was seconded by Councilor Sullivan and approved by unanimous 9 – 0 vote.

The Borough Manager also provided Council with a copy of a draft revision to the Borough's winter snow removal plan, which reflects changes related to the lease of the water-sewer system. Approval of that plan will be on the December 1 agenda.

NIMS

Additionally, Manager Konek reported the planned phone system upgrade, which will be partially funded by state grant money, will result in the Borough actually paying less for phone service than it does currently for its out-of-date Centrex system.

SECRETARY'S REPORT

Borough Secretary Amy Friday had nothing to report, but reminded Council Committee members as their approving their meeting minutes to forward a copy of the approved minutes to her to keep on file for public record.

COMMITTEE REPORTS

Community Development

Councilor Sites introduced Mr. Gary Lenker of Tri County Housing, Mr. Lenker mentioned their interest in obtaining a Borough owned property on Lawrence Street to rehab and sell under a program for low and moderate income families. (Councilor Sites) – Following a presentation by a representative of the not-for-profit Tri-County Housing Development Corporation,

Councilor Sites made a motion to approve the transfer of the property pending legal review of the solicitor and drafting proper documents of the transfer of 336 Lawrence Street to Tri County Housing Development Corporation free of any Borough liens upon completion. The motion was seconded by Councilor Brubaker and approved by a unanimous 9 – 0 vote.

Tri-County will renovate the home, and then sell it to a buyer who meets Federal low or moderate income standards, thus returning it to the Borough tax rolls. Tri-County has pledged any "excess" funds generated from the sale will be reinvested in another project in the Borough. This will be the third home the group has rehabbed in Middletown.

Councilor Einhorn also reported the committee if working to organize the decorating of the square and Hoffer Park for the Holidays.

Public Works

(Councilor Brubaker) – Mr. Patrick Regan Council heard a presentation about converting the Borough's streetlights to LED lighting. The project would be done under the guidelines of Act 39 – the Pennsylvania Guaranteed Energy Savings Act. Under that act's guidelines, the company administering the upgrade guarantees the reduced utility costs will cover the cost of the improvements. Should the savings not be sufficient to make the payments for the upgrade, that company is required to cover the shortfall, which guarantees no net cost to the Borough. Council asked the representative of the company which made the presentation to put together a formal proposal for consideration.

Council also heard a presentation from its electrical engineers about the need to take steps to relocate the Borough's Mill Street electrical substation to prevent future flood damage. That facility was extensively damaged in the Tropical Storm Lee flood.

Councilor Brubaker made a motion to authorize the Borough Electrical Engineer to move forward on a preliminary design and proposal for the relocation in combination of the substation to the Woodland Hills area. The motion was seconded by Councilor Handley and approved by a unanimous 9 – 0 vote.

Administration and Personnel

Councilor Sullivan reported

Labor Relations

Councilor Brubaker reported

Public Safety

Councilor Sites) – Following a report by Councilor Sites, Council approved the following measures, all by unanimous 9-0 vote:

- Authorization for Chief Bey to institute an employee performance review program effective January 1
- A motion to place a four-way stop sign at the intersection of High and Spring streets
- Authorization to advertise for the hiring of six part-time police officers

Council also asked Mayor Curry to direct the police department to do a study of a parking situation on Woodland Avenue off of Vine Street following complaints about vehicles blocking the line of site for traffic in that area, potentially causing unsafe conditions.

The Mayor was also asked to look into who authorized the refurbishing of an old police vehicle which was supposed to have been removed from patrol service. That vehicle was originally to be surplus, but was retained to be used by officers traveling to and from court in order to avoid taking regular patrol vehicles off the street for that purpose.

Additionally, Council will place the following action items on the December 2 agenda:

- A plan to make the police secretary's area safer by installing bulletproof glass and walls
- A plan to have Transparency Matters, in conjunction with Chief Bey, conduct a full review and evaluation of the Borough's police department
- Upgrades to the police department's radio system to facilitate better communications inside the police station

Finance

(Councilor Kapenstein) – By an 8-0 vote, Council approved a motion to authorize the Borough Council President to execute an agreement with GMEDC for a payment plan for GMEDC to reimburse the Borough for \$17,192 which has to be repaid to the state due to issues uncovered by an audit of a grant to GMEDC. Councilor Einhorn abstained from voting on the measure because her husband is a GMEDC board member and serves as its legal counsel.

Councilor Sullivan also reported the committee is continuing its research into the grants used to establish the Borough's woody waste facility as it works on recommendation for revisions in how the facility operates and how it is funded.

Planning Committee

Councilor Handley

MAYOR REPORT

Mayor Curry

PUBLIC COMMENT

Jack Still, 37 W. Emaus Street

Mr. Still commented

Mike Bowman, 100 Wilson Street

Mr. Bowman commented

Old Business

It has been three months since the Borough received a report from an investigation that resulted in the dismissal of a Borough police officer, and the Mayor has still not acted on recommendations in that report regarding another officer, Councilor Brubaker said while making a motion to direct the Mayor to implement the report's recommendations.

Mayor Curry argued that he was waiting for the new chief to be hired and that he planned to let Chief Bey handle the matter. Councilor Brubaker responded that it was the Mayor's responsibility because the incident, and the investigation, occurred well before Chief Bey being hired and that it would be unfair to dump it in the new chief's lap.

The motion was approved by a 5-3 vote, with Councilors Brubaker, Sullivan, Malone, Louer and McNamara voting in favor of the measure. Councilor Kapenstein, who said he wanted to re-read the report to review what actions it recommended before he would vote in favor of it, and Councilors Handley and Einhorn voted no. Councilor Sites was not present for the vote, having left the meeting earlier.

New Business

Councilor Handley made a motion to adjourn. It was seconded by Councilor Sullivan and approved by unanimous consent. At 11:00 p.m., the meeting was adjourned.

Amy J. Friday
Borough Secretary