

March 16, 2015
Middletown, PA 17057

The March 16, 2015 meeting of the Middletown Borough Council was called to order at 7:00 p.m. by Council President Christopher McNamara.

Following the pledge of allegiance, the following Council members answered roll call: Mike Bowman, John Brubaker, Anne Marino Einhorn, Benjamin Kapenstein, Robert Louer, Victoria Malone, Christopher McNamara and Scott Sites. Councilor Sullivan was absent from the meeting.

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

Council President McNamara reported Councilor Sullivan is absent due to health reasons and has been hospitalized. He has no further information at this time.

At this time, Council President McNamara recognized Mr. Laddie Springer who serves as a Lower Swatara commissioner and also is the new chairman of the Olmstead Recreation Board.

STAFF REPORTS

Secretary's Report

Ms. Friday reported she has provided the Administration and Personnel Committee as well as Council with a draft of the February 17, 2015 council meeting minutes and asked for them to make a recommendation to have them listed on the April 6, 2015 agenda for approval.

Ms. Friday reported sending a sympathy bouquet of flowers to Borough Tax Collector Pam Miller and family on behalf of the Borough Council, Mayor Curry and staff. She received a thank you card from Pam Miller that she shared with the Council.

At this time, Ms. Friday introduced Ms. Wendi Dobson of Phantom Theatre Company to make a presentation on their proposed business plan for the Elks Theatre.

Ms. Dobson thanked the members of council for allowing them to make their presentation as she provided background information for herself as well as the Phantom Theatre Company (PTC). She reported the original mission of the organization was to promote education and children's theatre in the Harrisburg area. With the reorganization of the Capital Area Student Theatre in August of 2013, Ms. Dobson stated the expanded scope and focus is to include community theatre as well as to train, cultivate and promote the arts through education outreach. She mentioned the PTC has provided live theatrical entertainment at various venues throughout the greater Harrisburg area over the last few years.

Ms. Dobson reported the Phantom Theatre Company's goal is to have a permanent home and their desire is to enter into a lease agreement with the Middletown Industrial Commercial Development Authority for occupancy of the historic Elks Theatre building. She stated their vision is to renovate the building into a full-time performance arts center to serve as a multipurpose facility for live theatrical performances, movies, educational workshops and meeting space. Ms. Dobson stressed restoration of the theatre is pivotal for the economic and cultural development of Middletown Borough and believes it will have a regional impact benefitting Middletown and surrounding townships.

Ms. Dobson and her staff provided council with information regarding their objectives, mission, staff, past productions, Elks Theatre plan, current estimate for the renovation of the Elks Theatre and development of a performing arts center at approximately \$3.4 million, marketing strategy and funding sources. They reported funding for operations, renovations and equipment will be needed to transform the historic Elks building into a performance arts center. She stated this will be accomplished through a collaborative effort of the PTC, Middletown ICDA and Borough with anticipated fundraising activities such as grants, private and corporate donations and a capital campaign.

Ms. Eileen Wiley, Vice President of the Phantom Theatre Board and Chair of the fund-raising committee, reported on a meeting with a professional fundraiser and they indicated before the PTC can embark on a capital campaign the PTC will need a lease. She asked Council President McNamara and members of the Borough whether you can make that happen and request that opportunity.

Councilor Einhorn commented the Elks Theatre is primarily a cornerstone for showing movies and asked what kind of movie experience the PTC has. She also inquired how long the Theatre would be closed during the renovations, the estimate cost of digital conversion and the movie screen during the live shows.

Councilor Kapenstein commented on the financing part of the plan and the cost estimates associated with the current needs to get the building back up to codes.

Ms. Wiley reported the cost to bring the building back up to codes is included in their estimate renovation cost.

Mayor Curry thanked the Phantom Theatre Company for making their presentation and inquired on how often a movie will be shown at the performing arts center/movie theatre.

Councilor Einhorn commented there are contractual obligations with showing movies.

Mr. Mark Cuddy of the PTC responded we do not have that information at this time, but would think that it is going to be significant. He stated the PTC understands the history of the Elks Theatre and we are going to respect that and want to continue the tradition.

Councilor Sites inquired on what percentage of the money will be raised through the capital campaign and how long will it take you to raise that amount of money. He also inquired on the term of the lease.

Councilor Kapenstein commented on his concern of taxpayers paying for any of these renovations.

Councilor Malone thanked the PTC for their presentation. She stated this is going to be a wonderful opportunity for all who love movies and the performing arts.

Councilor Louer made a motion to pen a letter to the ICDA in support of the renovations to the Elks Theatre.

Councilor Einhorn stated as wonderful as this proposal sounds it is the only proposal we have heard. She would like to hear additional proposals and proposals on keeping the theatre strictly a movie theatre.

Councilor Einhorn stated she thinks the ICDA has proposed to hear more than one proposal.

Council President McNamara commented on Councilor Louer's motion is for the council to support the ICDA's renovations to the theatre. He stated the life safety issues are currently underway at the theatre.

Councilor Sites stated he is in agreement with Councilor Einhorn. He said a real estate agent should be involved to give us a fair lease price if we were to go with the Phantom Theatre Company's proposal.

Mayor Curry asked if there is an outstanding RFP relative to this issue. Council President McNamara stated no we authorized the solicitor to develop an RFQ not an RFP at the ICDA and the solicitor is in the process of drafting it.

The motion was seconded by Councilor Malone and approved by a 5 – 3 vote, with Councilors Einhorn, Sites and Kapenstein dissenting. Councilor Sullivan was absent from the vote.

Council President McNamara stated for the record this is nothing more than a letter of support to the ICDA for renovations of the Elks Theatre. He said it has nothing to do with the proposal from Phantom Theatre Company or anything else.

Councilor Kapenstein commented he is not voting no because he does not like the PTC plan, he is voting no because he wants to make sure we do this right.

Councilor Einhorn reported for the record she does not, not support the efforts of renovating the Elks Theatre. She stated she does support it.

Manager's Report

Mr. Konek reported that Public Works Superintendent Lester Lanman was in contact with Lobar regarding work to be performed at the Oak Hills ballpark. He stated there have been complaints on the condition of the park, press box, concession area, dugouts and fencing. Mr. Konek reported on the estimate cost received from Lobar to perform the work at the ballpark through

KPN and he was advised by Mr. Morgan that funds are available from the general fund to complete the work. He reported the work should be completed by opening day in April.

Councilor Sites recommends a penalty be instituted in the contract terms and conditions if the work is not completed by the end date.

Councilor Sites asked the Borough Manager if PennDot got back to the Borough on the snow removal agreement and, if so; did they have an opportunity to review the work that has been done with the recent snow and the amount of money received.

Mr. Konek responded no to Councilor Sites questions.

Councilor Sites stated so then the agreement wasn't signed.

Council President McNamara reported the agreement has been signed and needs to go through PennDot's legal counsel for review.

Mr. Konek reported at a recent meeting with PennDot he was told the document will not be fully executed until PennDot signs and gets it back to the Borough.

Discussions took place on starting the snow removal agreement sooner for the following year.

Councilor Bowman made a motion to authorize the Borough Manager to utilize the KPN network to make improvements to Oak Hills ballpark.

Councilor Kapenstein asked for the estimated cost quote received from Lobar and what fund it will come out of.

The motion was seconded by Councilor Louer and approved by a 6 – 2 vote with Councilors Kapenstein and Einhorn dissenting. Councilor Sullivan was absent from the vote.

Mayor's Report

Mayor Curry provided a call report event summary for the months of February and March 2015 for the police department.

Mayor Curry reported attending the police regionalization meeting at Penn State Harrisburg recently and stated for the record, attending the meeting does not mean that we are regionalizing the police. He stated it was an information meeting and the project is in its infancy and was a good meeting. Mayor Curry mentioned councilors Louer, Brubaker and Kapenstein also attended the meeting and it will be something they will further consider as data is shared. He stated for the record, nothing is happening now and they were provided with information on what regionalization could look like.

Mayor Curry reported on a letter he received from Seven Sorrows Church regarding their Laps for Love event on May 15, 2015. He stated they are requesting certain streets be closed from 9:30 a.m. – 2:00 p.m. that day. He asked the Borough Manager to ensure those road closures take effect on that date. Mr. Konek said we will need to coordinate that with the Route 230 detours.

Mayor Curry addressed the Borough website stating phone numbers and emails have not been updated and he would like to know why. He stated these need to be updated so that we can be accountable to the residents.

COMMITTEE REPORTS

Administration and Personnel

Councilor Einhorn reported the committee has not had a meeting and there is nothing to report.

Council President McNamara asked for the status on the HR Consult, Nancy Hess.

Councilor Einhorn responded no. Mr. Konek reported at the last meeting council authorized Nancy Hess and we have a kick off meeting scheduled next week depending on Councilor Sullivan's availability. He said either Councilor Einhorn or Malone may want to fill in for Councilor Sullivan, if available.

Olmsted Recreation Board

Council President McNamara reported at the last Rec Board meeting there were discussions on rental rates for facilities. He said there has been some misinformation circulating that the Rec Board took action against the youth clubs of the community.

Council President McNamara stated there was a request made by Mr. Hughes to use the facilities for his travel team two days a week from March 1st through July, which he would need to submit a proposal to the Rec Board for the next board meeting.

Council President McNamara stated there was discussion of the bylaws to be reviewed and also for someone to do a financial review, because it was brought to the Rec Board's attention that financial records were kept at someone's house.

Council President McNamara stated for the record there was no decision by the Rec Board or representatives of the council to the Rec Board denying the youth club access to the facilities or charging a fee to use the facilities.

Councilor Louer added that it has come to their attention some people were charged for the use of the facility and others were not. He said they discussed a level area of cost for individuals or groups who use it and are going to try and bring all of this together so that the Borough citizens do not have to pay to repair the building again, since there was no monies received from the Rec Board for the repairs.

Mr. Lewis Whittle commented on the way the Rec Board was run in the past and the unfair way it is being run now. He stated fees are charged for things that should not be and questioned where those fees as well as the concession stand profits go when collected.

Mr. Al Perez commented there should be fairness to all the organizations utilizing the facilities. He said the concession stand is run by someone not connected with Middletown and feels there is nothing being done for the kids in Middletown.

Council President McNamara stated your concerns are the same concerns discussed at the last Rec Board meeting and the goal of the Rec Board is to get it back to where it used to be. He stated you can go back to your youth club and have your tournament.

Community Development

Councilor Einhorn reported the Press and Journal has offered to post the minutes of all meetings of Council and its committees under a specific menu item and at no cost to the Borough. She said they would be posted after they are approved and with no changes.

Councilor Einhorn reported the Press and Journal would also like to repeat their request for placement of public notices in their publication at a cost of \$14.00 per inch plus a proof of publication fee of \$10.00. She said the public notices would also be placed on the Press and Journal website where they remain on that nationwide searchable database for two years and featured both in the Press and Journal's printed monthly and online community calendars.

Councilor Einhorn stated it would be nice to support one of our local businesses and she would like to see Council consider this.

Council President McNamara stated the minutes piece will need to go to the solicitor to review and the Finance Committee should put a fiscal note to the public notices piece and make a recommendation.

Director of Communications Chris Courogen commented the minutes are public record and are available on our website. He said they can be downloaded and posted anywhere.

Council President McNamara stated we will punt the minute piece to the solicitor to review.

Councilor Einhorn stated the latest edition of Middletown Matters looked great. She said it was factual and showcased things going on in town.

Finance

Councilor Kapenstein stated the Finance committee has not met and will meet next month.

Council President McNamara recommended to the Finance committee to schedule a mid-year review meeting with Mr. Morgan and Mr. Lynch.

Labor Relations

Councilor Brubaker reported a meeting held today with the teamsters at 4:00 p.m. to exchange some ideas. He said they will get back to us as soon as possible.

Councilor Brubaker reported no negotiations set for the police

Planning

Councilor Louer had nothing to report stating they did not have a meeting.

Mr. Konek reported a planning meeting is scheduled for Wednesday of this week at 6:00 p.m.

The zoning officer, Mr. Jeffrey Miller, reported the amendment acted on by the council has been forwarded to the planning committee for their comments and any comments generated would go to Borough Council.

Public Safety/Public Works

Councilor Brubaker reported Lester Lanman will be the point of contact for the Route 230 construction project and he provided Mr. Lanman's telephone number.

Councilor Brubaker reported Lower Swatara passed a motion on March 9, 2015 that their public works supervisor would like to get together with our public works supervisor to discuss fixing the traffic light at Hardees on Main and Wood Streets. He said they would like to get rid of the trip wire and install a camera to control the light. Councilor Brubaker reported the possible cost is \$4000 and the cost to the Borough would be \$2000. He confirmed the money is available in the public works budget.

Councilor Brubaker reported on a complaint he received regarding snow removal on sidewalks. He talked about removing sidewalks where there are no homes, shutting off the road at Maple Road and Hoffer Street and a cul de sac on Few Avenue. Councilor Brubaker said the cul de sac will cutoff of the traffic to that area.

In light of the events that recently occurred in Elizabethtown with the young gentlemen, Councilor Brubaker stressed if you have a driveway please back into it and that this does not require action by the council.

Councilor Louer reported on the current electric contract with Met Ed/Exelon stating we have until the end of 2015 at the current rate. He said we have been provided with information from the solicitor and we should have them act upon the contract.

Council President McNamara reported on February 24, 2015 correspondence was sent to all council from the solicitor about the existing contract and its language regarding an extension. He said Exelon came back with an offer to extend the contract to a one year extension at \$50.00 per megawatt, which is roughly a \$15.00 reduction in megawatt. Council President McNamara stated this will need to be passed by Resolution with a motion from the floor.

Councilor Brubaker made a motion to pass Resolution 624 for the year 2015 a resolution authorizing the Borough of Middletown, Dauphin County, to enter into a one-year contract extension for the purchase of electricity from Exelon.

Councilor Brubaker stated they are currently charging us \$63.75, which is almost \$6.04 per kilowatt.

Councilor Kapenstein recommended having the Borough Manager start the process now for the following year after this one-year contract so we don't have to do another extension and we could do a long term contract.

The motion was seconded by Councilor Bowman and approved by a unanimous 8 – 0 vote. Councilor Sullivan was absent from the vote.

Council President McNamara acknowledged Captain Thomas from the Fire Department and Chief Bey of the Police Department to provide an update on the potential Easter egg hunt.

Chief Bey reported meeting with Reverend Lyles of Wesley United Methodist Church to discuss his Easter egg hunt and the possibility of the police and fire departments collaborate a safety day/Easter egg hunt on Saturday, April 4, 2015 at 9:00 a.m. at the Wesley United Methodist Church parking lot on Ann Street. He also discussed a bike-a-thon day at Hoffer Park to be scheduled sometime in June 2015 and they would like to make it a great community event. Chief Bey stated once the plans are set he will get all the information to the Director of Communications to be advertised.

Councilor Brubaker reported receiving information from Tom Foreman that the Swatara Creek level dropped from 9 feet to 7.8 feet as of 4:00 p.m. today.

Mr. Tom Foreman gave an update on the TMI drill scheduled for April 14, 2015. He stated this drill is conducted every two years and each department of the Borough has responsibilities as

well as Borough staff and council. Mr. Foreman stated we will be evaluated and graded by the federal evaluators from FEMA and everyone will be contacted by phone that day when to report.

Council President McNamara recommended council visit Mr. Foreman's area at the Borough and put something on their calendar to remind them of that day, since all you are going to get is a phone call.

Councilor Kapenstein made a motion to remove the executive session from the agenda. The motion was seconded by Councilor Brubaker and approved by a unanimous aye vote. Councilor Sullivan was absent from the vote.

Councilor Bowman made a motion to direct the Borough Manager issue a letter or certificate of appreciation or recognition for property improvements made to the Odd Fellows Building and direct the Communications Director to find out who the letter or certificate should be addressed to. The motion was seconded by Councilor Malone and approved by a 7 – 1 vote with Councilor Sites dissenting. Councilor Sullivan was absent from the vote.

Councilor Louer inquired about the highway shed. He suggested it would be an ideal location for a new administration building and it doesn't hurt to explore and found out what we can do with this building, especially if PennDot does not want to use it.

The last update that was given was that PennDot was to do an appraisal on the property and we have not heard anything back, stated Council President McNamara.

PUBLIC COMMENT

Jack Still, 37 West Emaus Street

Mr. Still provided council with agendas from 2009 and 2011. He commented on who the Council President was during those times and made reference to the public comment section on both agendas.

Mr. Still provided council with articles from the Press and Journal pertaining to Borough employees paving an area behind the Press and Journal and Eats Deli in 1999, Borough Council in 2011 changing the public comment format at meetings and Borough Manager Michael Booker calls it quits in 2002 and noted Mr. Booker's statement that he would pay his own moving expenses. He stated, what this tells you, the Borough's troubles date back to 2002 as he referenced the article in the Press and Journal regarding Mr. Booker's departure.

Kay Wealand, 131 Keystone Avenue

Ms. Wealand commented on the PennDot agreement and the conduct of the Borough Manager at the last meeting. She stated talking to Mr. Jon Fleming of PennDot and he told her the agreement was received and postmarked the day after the last meeting, March 3, 2015. Ms. Wealand suggests the Borough start this process for next year in July 2015.

Ms. Wealand asked how long the Borough is under Act 47. Council President McNamara responded the Borough is not under Act 47. He stated the Borough is participating in the Early Intervention Program where the State is paying us through grants for the various phases of this program to prevent us from becoming Act 47. Council President McNamara reported when we engaged Mr. Morgan we were enlightened to the process and the State had funded that program. He reported the State paid seventy-five percent of Mr. Morgan's fees to come in and conduct a management analysis of the Borough and the Department of Community and Economic Development stepped in and determined the structural deficit existed back fifteen years.

Ms. Wealand commented on her disappointment with hiring consultants to oversee other consultants.

Tony Canon, 332 Wilson Street

Mr. Canon commented on his request to have a Borough employee come out to check his electric utility meter where they showed up unannounced. He requested for the employee to come back about the same time days later and he was not on time. Mr. Cannon feels this type of practice is very unprofessional.

Mr. Konek explained to Mr. Canon that a Borough employee did come out and check his meter and it has been reported that nothing is wrong with his meter.

Council President McNamara recommended Mr. Canon's Council representatives help him out with his issue.

Diana McGlone, 805 Adelia Street

Ms. McGlone commented on the current Route 230 construction project stating there are vehicles not stopping at the four-way stop at Maple and Adelia Streets. She asked if there will be a police officer there when the bus stop is there.

Mayor Curry stated he passed this information along to Chief Bey so we will be monitoring that area. Chief Bey responded he plans to have public works post a message board in that area tomorrow morning to alert drivers.

Ms. McGlone commented on reimbursements from PEMA or FEMA regarding the Borough purchasing the flooded homes in the Frey area. She asked, if the Borough has not received any money, is there an expected date to receive the reimbursement of funds.

Ms. McGlone commented on the \$43,000 expenditure for the Oak Hills ballfield and asked why no taxpayer funds will be used to desperately fix repairs at Hoffer Park.

Ms. McGlone inquired on where the \$10,000 awarded to the MABA two years was spent and was any of that money allocated for the Oak Hills ballfield and how was the \$43,000 determined for the repairs at Oak Hills ballfield.

Council President McNamara stated you will see improvements were made to the Met-Ed field, Susquehanna Street field and Frey Manor field dugouts from the \$10,000.

Mr. Konek stated the \$43,000 was a cost estimate determined by the professionals.

Ms. McGlone asked if council will be doing anything about Hoffer Park. Council President McNamara stated council authorized Jonathan Hicks, Grants Coordinator with the Borough, to move forward with a DCNR grant for the purpose of Hoffer Park. He stated Jonathan is in the process of finalizing that grant.

Jack Still, 37 W. Emaus Street

Mr. Still commented many of the ideas for the EIP came from Mr. Booker back in 2002. He stated this council is playing catch up from 2002 because your professionals from the past never did anything.

Councilor Louer made a motion to adjourn. The motion was seconded by Councilor Bowman and approved by unanimous consent. At 9:17 p.m., the meeting was adjourned.

Amy J. Friday
Borough Secretary