

November 9, 2015  
Middletown, PA 17057

The November 9, 2015 meeting of the Middletown Borough Council was called to order at 7 p.m. by Council President Christopher R. McNamara.

Following the invocation and pledge of allegiance by Councilor Rob Louer, the following Council members answered roll call: Mike Bowman, John Brubaker, Anne Einhorn, Robert Louer, Scott Sites, Sue Sullivan and Christopher R. McNamara. Councilors Vicky Malone and Benjamin Kapenstein were absent.

Also present were Borough Manager Tim Konek and Borough Secretary Amy Friday.

Mayor Curry was absent from the meeting and Councilor Sites reported that he was out of town and wishes that he could proceed by listening to the meeting via conference call, but that is not in Borough ordinance.

Council President McNamara asked for a motion to amend this evening's agenda to add an Executive Session and a recess at 7:15 p.m. in the meeting to the MCSO for a presentation/recognition of the Middletown Youth Club football teams.

**Councilor Sites made a motion to amend the agenda.** The motion was seconded by Councilor Bowman with all present in favor.

#### **PUBLIC COMMENT**

##### **David Scully, 11 Mill Street**

Mr. Scully congratulated all the new council elect.

Mr. Scully commented from hearing from a friend of his that there are possibly multiple incorrect signatures for Bob Reid and he thought this was very unlikely and he does not have the time to challenge it.

Mr. Scully reported contacting Mr. Chris Courogen to report the issue about the aforementioned signatures and to also tell him that the election is over and he will take down what he had written on his campaign website about him. He reported that during their conversation Mr. Courogen threatened to condemn his building. Mr. Scully stated that he wanted to bring this to the attention of the Council. He said he has already had this building inspected with the final inspection done in 2012 and that he has worked on the building for seven years and had worked closely with Ed Kazlauskas, the former Borough Code Enforcement Officer. Mr. Scully stated this is not a Bona Fide inspection, this is retaliation similar to a crime or attack and he has a request for an immediate injunctive relief.

##### **John Wilsbach, 1017 North Pine Street**

Mr. Wilsbach commented on the tree trimming/cutting around the Presbyterian Congregation Church at 290 N. Union Street. He stated that he wonders why it took three times (days) to do a job which should have only taken one time (day).

Council President McNamara invited Mr. Wilsbach to visit with the Borough Manager, Tim Konek since he has full control of the day-to-day operations of the Borough.

Mr. Konek stated that he can find out the answers to Mr. Wilsbach's questions. He also stated that we are fortunate to get that crew here for that period of time, since it was to only be for a short period of time due to their demanding schedule.

Mr. Wilsbach asked if this job had to come under a bid.

Council President McNamara stated yes and the Council took action back in April. He said Pennline is one of the four vendors under the State contract. Council President McNamara reported that we exercised the Costars program of goods and services that are already pre-bid.

##### **Dawn Knull, 123 State Street**

Ms. Knull commented on the tree trimming/cutting and how people got on the list to get their trees trimmed/cut. She said there are electric lines on Swar Avenue that are mixed in with the trees and haven't been touched in years.

Borough Manager, Tim Konek reported that the priorities were trees over the streets, sidewalks and in the primary electric distribution utility wires that are accessible from streets and sidewalks. He said they are not going through backyards or anything like that.

Council President McNamara added that they zoned it out like the wards so they are making their way through the town and that was the purpose of the letter that went out.

Mr. Konek stated we will have Pennline back when they are available and the schedule is not definite yet, but when we do have it we will get it out.

At 7:15 p.m., Council President McNamara recessed the meeting to recognize the Middletown Youth Club football teams in the MCSO.

At 7:32 p.m., Council President McNamara reconvened the meeting continuing with public comment.

#### **PUBLIC COMMENT**

##### **Greg Wilsbach, 719 Spruce Street**

Mr. Wilsbach commented on the LED streetlight proposal. He said he is a big proponent of redoing our streets with LED lights but the plan that you are putting together is going to cost twice the amount of money. Mr. Wilsbach cautioned council to be careful of what you get when you look at the low bids and the cheapest lights do not always look good in town.

Mr. Wilsbach commented on the budget. He stated that he is disappointment that there has not been Finance Committee meetings open to the public in the last couple months regarding the budget. Mr. Wilsbach said he would like to know where we are with the budget right now.

Council President McNamara reported that the Finance Committee meeting is tomorrow night and the budget is on the agenda with Mr. Morgan.

Council President McNamara stated that there were three budgets that were proposed and this body chose not to go with a rate or a tax increase and that they chose to take \$1.9M from the electric trust to balance the budget this year.

Mr. Wilsbach mentioned that the Department of Energy put a report out and it shows Middletown's electric rate at 20 ½ cents and this report is gathered by a Department of Energy EIA form that is required to be filled out. He would like to know who in this Borough filled this form out and how they come up with 20 ½ cents, since this is an incorrect amount. Mr. Wilsbach stated was that done on purpose or was it just ignorance.

Mr. Wilsbach commented on the trees stating that is one of the sickest things he has seen this council agree to allow happen in this town.

##### **Ed Shull, Owner of Shull's Tree Service, 516 Highland Avenue**

Mr. Shull commented on the tree trimming/cutting and asked why he was not given an opportunity to take care of the trees for our town when he has taken care of them for thirty years.

Council President McNamara stated this council took action and we went with the Costars program.

Mr. Shull stated that he is going to have that looked into because he is disgusted with the way they trimmed these trees. He said he is going to find out why he did not get the opportunity to take care of the trees and that he has a meeting with Mr. Marsico and he is going to find out what happened.

**Councilor Einhorn made a motion to approve the council meeting minutes from September 21, 2015 and October 5, 2015.**

The motion was seconded by Councilor Bowman and approved by a unanimous 7-0 vote.

**Councilor Brubaker made a motion to approve Resolution 632:****RESOLUTION NO 632 FOR THE YEAR 2015****A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF MIDDLETOWN, DAUPHIN COUNTY, PENNSYLVANIA, APPROVING THE PROPOSED REVISED SETTLEMENT AGREEMENT AND RELEASE WITH TRIDENT PACIFIC REAL ESTATE GROUP, INC**

The motion was seconded by Councilor Louer and approved by a unanimous 7-0 vote.

**Councilor Bowman made a motion to appoint Robert Moyer of Commonwealth Codes as the Borough Zoning Officer.**

Councilor Einhorn asked who Robert Moyer is.

Borough Manager Tim Konek reported Commonwealth Code Inspection service currently acts as our Building Code Official and among their other specialties they have property maintenance, code and zoning officials. He stated that Mr. Robert Moyer has worked in our town in the past on a couple issues and we have learned that he is the zoning officer in Manheim Borough. In an effort to try and alleviate some of the work load that we have, Mr. Konek said we decided to try and get Mr. Moyer on board to act as a zoning officer. He reported that he will be here between 18 – 20 hours a week depending on the schedule to help Jeff with the day-to-day items.

Council President McNamara stated that he needs to be appointed to act in that capacity since he is not going to be an employee.

The motion was seconded by Councilor Louer and was approved by a 6 – 1 vote with Councilor Einhorn dissenting.

**Councilor Sullivan made a motion to appoint Robert Moyer of Commonwealth Codes as the Borough Property Maintenance Officer.**

The motion was seconded by Councilor Bowman and approved by a 6 – 1 vote with Councilor Einhorn dissenting.

**Councilor Sullivan made a motion to approve the resignation of Councilwoman Victoria Malone from Middletown Borough Council.**

The motion was seconded by Councilor Bowman and approved by a unanimous 7-0 vote.

**Councilor Sites made a motion to authorize the advertisement of the third ward Borough Council vacancy.**

The motion was seconded by Councilor Bowman and approved by a unanimous 7-0 vote.

At 7:45 p.m., council adjourned into executive session to discuss matters relating to real estate and personnel.

At 8:30 p.m., council reconvened from executive session. Council President McNamara stated several items were discussed in terms of personnel and potential litigation.

**Councilor Bowman made motion to reinstate Officer Morris and authorize the solicitor to work with the appropriate parties to determine a starting date and put him back on duty.**

The motion was seconded by Councilor Sullivan and approved by a unanimous 7-0 vote.

**Councilor Louer made a motion to authorize the solicitor to amend the water/sewer lease to reflect that the Authority will remain and that the annual payments now be directed to the Authority.**

The motion was seconded by Councilor Bowman and approved by a unanimous 7-0 vote.

**NEW BUSINESS**

**Councilor Brubaker made a motion to adopt Resolution 633:**

**RESOLUTION NO 633 FOR THE YEAR 2015****A RESOLUTION HONORING THE MIDDLETOWN YOUTH CLUB PONY AND MIDGET FOOTBALL TEAMS FOR WINNING 2015 CFA SUPERBOWL CHAMPIONSHIPS**

The motion was seconded by Councilor Sites and approved by a unanimous 7-0 vote.

At this time Councilor Bowman presented plaques and recognized Shane Mrakovich, Angelo Cruz and Council President McNamara for their help and dedication with the Earth Day cleanup at Hoffer Park in April 2015.

Borough Manager Tim Konek reported in Mr. Mark Morgan's EIP recommendation he recommended that the Borough should explore the possibilities of the Borough joining a regionalized police force. Citing that the police account for the largest departmental cost in the Borough's general fund, he stated that Mr. Morgan recommended that the Council be diligent and continues to discuss the possibility of a regional police force with its neighboring municipalities.

In November of 2012 and by a motion by Councilor Louer to explore the concept of police regionalization, Mr. Konek stated the Borough had applied to the DCED for a peer consultant to help with the review of the police department. He said with the turnover of the police chief at that time, that process was never completed and since then Dauphin County decided to undertake a study of the possibility of police regionalization in the county. Mr. Konek said the Borough has received this report which he has shared with the council tonight.

Mr. Konek reported the study examined seven possible options and five of those options would potentially involve Middletown and all five would result savings ranging from \$280,543.00 to \$869,347.00 per year. He also reported not all options in the study involve regionalization as option three involves a merger of seven smaller agencies, including Middletown with Swatara Township, an option that would save \$692,156.00 or 26% of what we currently spend.

Mr. Konek also reminded the council when the Lower Swatara Commissioner, Nick DiFrancesco, was here last year he indicated that his township would also welcome a merger or regionalization talks.

Mr. Konek reported that given the ongoing budgetary challenges the Borough faces in funding its police department the staff recommends the council review the county's report and look to initiate exploratory discussions with other municipalities who might be interested in pursuing regionalization or merger options.

**Councilor Louer made a motion to authorize the Council President and the Borough Solicitor to engage the appropriate authorities and begin a dialogue with the Swatara Township police department and report back to Council by the December 7, 2015 council meeting.**

Councilor Sites stated that you are singling out Swatara Township because they were the main one listed. He stated he is not against that, but recommends we include Lower Swatara and reach out to them as well.

Councilor Sullivan stated it is the better savings for the Borough at 26%.

Mr. Konek stated the merger does not require all parties to act simultaneously and can happen regardless of what any particular agency does.

The motion was seconded by Councilor Bowman and approved by a 4-3 vote with Councilors Sites, Brubaker and Einhorn dissenting.

**Councilor Sites made a motion to enter into merger discussions with Swatara and Lower Swatara Townships and authorize the Council President and Borough Solicitor to discuss.**

Councilor Einhorn commented that she knows we are not committing ourselves to do something, but she still would like to know more of what the people in town think of merging police forces.

The motion was seconded by Councilor Bowman and approved by a 5-2 vote with Councilors Brubaker and Einhorn dissenting.

**Councilor Sites made a motion to adjourn.** It was seconded by Councilor Bowman and approved by unanimous consent. At 8:42 p.m., the meeting was adjourned.

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Borough Secretary