

Meeting Minutes of the Middletown Borough Council
February 9, 2016

The February 9, 2016, special meeting of the Middletown Borough Council was called to order at 7:02 p.m. by Council President Benjamin Kapenstein. After the Pledge of Allegiance, the following Council members answered roll call: Anne Einhorn, Dawn Knull, Robert Louer, Diana McGlone, Robert Reid, Damon Suglia, Greg Wilsbach, and Benjamin Kapenstein. Ed Shull was absent due to work commitments. Also present were Mayor James H. Curry III, Borough Secretary Bruce Hamer and Solicitor Adam Santucci.

Report on Executive Session – February 2, 2016 - At this time President Kapenstein reported on an executive session held on February 2, 2016 regarding personnel matters and potential litigation. He announced that action will be taken later on agenda items 3, 4, and 5. Mr. Kapenstein also announced that an executive session would be held following adjournment this evening regarding potential litigation and personnel matters.

Public Comment on Agenda Items – There were no comments on the agenda.

Final Adoption of Amended 2016 Budget - Mark Morgan of Susquehanna Group Advisors gave an overview of the proposed amended budgeting noting that Council had chosen Version Two of the options previously discussed. He indicated the allocation for contribution to the Fire Department had inadvertently been shown under the Fire Marshall line item.

A discussion ensued concerning elimination of the Sewer Administrator position in the budget. Mr. Louer inquired about reimbursement from Suez. It was noted the position currently held by Chris Burkholder would be eliminated at an estimated savings of \$115,000. Mr. Morgan also indicated that a \$60,000 allocation was included in the budget for legal services to handle matters related to administration of the water-sewer lease with Suez.

MOTION by Greg Wilsbach, second by Anne Einhorn to adopt in its final form the amended 2016 budget as presented and previously advertised. Motion carried by a vote of 6 to 2 with Mr. Reid and Mr. Kapenstein voting no.

Adopt Proposed Ordinance No. 1319, Real Estate Tax Ordinance – **MOTION** by Anne Einhorn, second by Greg Wilsbach to adopt Ordinance No. 1319, an ordinance fixing the real estate tax rate for the year 2016. Mr. Hamer noted the proposed ordinance was

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advertised as required in the January 31, 2016, edition of the Patriot-News. Motion carried by a vote of 6 to 2 with Mr. Louer and Mr. Reid voting no.

Discussion on Electric Rate Ordinance – Mr. Morgan stated Council had previously authorized advertisement of an ordinance to increase the electric rate. He explained the current ordinance provides for rates to be based upon the cost of power plus a \$.04 per kilowatt adder. The current ordinance does not provide a mechanism for increasing the rates and that Mr. Santucci and he are working to develop a revised ordinance to address this matter. Mr. Morgan indicated the new rate would be \$.116 per kilowatt hour for residential and \$.106 per kilowatt hour for commercial customers.

Ms. McGlone asked about the effective date of the rate increase and was advised it is proposed to become effective with billing cycles one and four. Mr. Reid asked about notification to the public of the proposed increase.

Mr. Wilsbach stated there needs to be a professional rate study in the future for establishing electric rates. Mr. Wilsbach and Mr. Morgan then offered background information on the components that make up the electric rate. It was noted the proposed ordinance as being discussed should be ready for consideration by March 1.

MOTION by Damon Suglia, second by Dawn Knull to authorize advertisement of an electric rate ordinance. Motion carried by a vote of 7 to 1 with Mr. Reid voting no.

Authorization to Advertise for Public Works Director – Mr. Hamer sought clarification on whether the position title was to be Public Works Director or Public Works Superintendent. It was determined the position would be known as Public Works Director with applications to be accepted within 30 days. **MOTION** by Dawn Knull, second by Robert Reid to authorize an advertisement for the purposes of soliciting resumes from applicants for the position of Public Works Director. Motion carried by a vote of 8 to 0.

Authorization to Advertise for Codes Officer – Ms. McGlone indicated that authorization to advertise for this position was previously given at the meeting of January 19, 2016. It was noted that one opening for a part-time Codes officer exists in addition to the full-time position. The part-time position handles matters concerning property maintenance. It was agreed that advertisements would be placed for two job openings.

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Resolution No. 645 – Modify Employment Terms for Management Advisor – Mr. Hamer explained the purpose of this resolution was to revise a previously adopted resolution concerning his hiring as a temporary employee in the position of Management Advisor. This resolution would authorize Mr. Hamer to work up to 40 hours per week in order to address some of the additional administrative and managerial workload created by a current number of vacancies in the management staff. No other changes would be made to his terms of employment. **MOTION** by Anne Einhorn, second by Greg Wilsbach to adopt Resolution No. 645, a resolution modifying the terms and conditions of employment for the position of management advisor. Motion carried by a vote of 8 to 0.

Appointment of Right to Know Officer - Mr. Kapenstein stated this matter was discussed with staff and Linda Houser would accept this role in an acting capacity. It was noted this appointment would be temporary only until new management staff, presumably the next Borough Manager, would be hired and on the job. Mr. Hamer indicated that it is likely the Borough Solicitor will be called upon regularly to provide counsel on addressing right to know requests as such requests often require a legal review before a response can be prepared. Mr. Wilsbach commended Ms. Houser for accepting these additional responsibilities at this time.

MOTION by Robert Reid, second by Greg Wilsbach to appoint Linda Houser as the Acting Right to Know Officer. Motion carried by a vote of 8 to 0.

Scheduling Conflict with February 16, 2016 Meeting – Mr. Kapenstein stated there is an event being sponsored by Dauphin County that conflicts with the next scheduled Council meeting. He inquired as to whether the next meeting should be cancelled. After some discussion, Mr. Wilsbach indicated he would attend the Dauphin County event as a representative of the Borough and it was agreed to hold the February 16th Council meeting as originally scheduled.

Zoning Hearing Board Application – Ms. Knull discussed that Jack Still had inquired about a change to the application used for hearings before the Zoning Hearing Board. Ms. McGlone suggested these questions could be answered once the Planning Commission is back in place.

Cash Balances/Fire Tax – Mr. Morgan distributed information on cash balances currently held in Borough funds as well as information on the fire tax previously levied.

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He provided an explanation about the revenue that was received from this tax. It was determined that a discussion should be held with representatives from the Fire Department regarding the budget and funding provided by the Borough.

MOTION by Robert Reid, second by Greg Wilsbach to amend the 2016 budget by adding a \$9,000 allocation to the contribution to Fire Department. After additional discussion, **MOTION** by Greg Wilsbach to retract the original motion. The motion died for a lack of second.

Website Design – Ms. McGlone indicated she is looking at the possibility of redesigning the Borough website and would be reaching out to the Pennsylvania State University to establish internships to complete the work.

Public Comment

Lori Shafaye, 101 W. Main Street indicated she resides at the corner of Main and Spring Streets. She expressed a concern that residents along Main Street are parking on Spring Street and has a particular concern for a volunteer fire company member residing on Spring Street who is not able to park near his residence. A discussion ensued about the possibility of designating spaces for volunteer firefighters so their vehicles would be readily accessible to them in the event of an emergency. Mrs. Shafaye also brought up the issue of fire companies charging fees for their services.

Mike Bowman, 100 Wilson Street questioned the validity of Council's actions asserting that Affidavits of Residency were not available at the time new Council members were sworn in. He also questioned the need for performing a study concerning establishment of electric rates.

Troy White, 24 Beechwood Drive stated concern about a large oak tree across the street from his property that is dying and dropping large branches. He requested the Borough look into the possibility of having the tree removed. Mr. Santucci indicated that the property owner can remove the tree assuming the same is in the right of way.

Rachelle Reid, 448 Grant Street questioned about removal of the safe door in Borough Hall. Mr. Kapenstein replied that Police Chief Bey is undertaking the process of

investigating this matter. She also noted the Shade Tree Commission was available to handle matters concerning dangerous trees. Some discussion then ensued about the possibility of re-establishing the Shade Tree Commission.

Raymond Jones, 140 N. Pine Street inquired about the process for rejecting a permit. Mr. Reid responded the Council is engaging counsel to address these matters. Mr. Kapenstein also reiterated the need for counsel on the same. Ms. McGlone inquired whether Mr. Jones had the current zoning ordinance in his possession.

Jessica Hunt, 139 N. Pine Street inquired about the process concerning applications of zoning compliance. Mr. Santucci provided an explanation on the process noting that a property is not posted in instances where the only request is for a zoning permit.

David Grabuloff, 120 N. Union Street inquired about the Zoning Officer researching case law in the matter of determining zoning compliance for the crematory.

Jenny Miller, 227 W. Water Street inquired about the Zoning Map Overlay. Mr. Santucci indicated the previous Council had directed him to prepare an ordinance on this matter and he has asked the new Council for direction on this issue.

Adjournment –**MOTION** by Damon Suglia, second by Dawn Knull to adjourn the meeting. Motion carried and the meeting was adjourned at 8:22 p.m.

Bruce Hamer
Borough Secretary