

**Meeting Minutes of the Middletown Borough Council**  
**March 15, 2016**

The March 15, 2016, regular meeting of the Middletown Borough Council was called to order at 7:00 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, Ed Shull, Damon Suglia, Greg Wilsbach, and Benjamin Kapenstein. Also present were Mayor James H. Curry III, Borough Secretary Bruce Hamer, Solicitor Adam Santucci, and Special Legal Counsel James Diamond.

Public Comment on Agenda Items

**MOTION** by Greg Wilsbach, second by Anne Einhorn to move the Public Comment section of the agenda to the beginning of the meeting and to add new business at the end of the meeting. Motion carried by a vote of 9 to 0.

Don Moyer, 404 Penn Street representing the Middletown Area Baseball Association requested that Borough equipment be used to deliver infield material to the baseball fields. He noted that chalk for the fields had been previously procured from the Borough. He further requested that electric be provided to the Met-Ed Concession Stand and for permission to install a concession stand at Frey Field. Mr. Kapenstein indicated a meeting would be needed to resolve these matters.

David Grabuloff, 120 N. Union Street distributed to Borough Council a document captioned Borough of Kulpmont Air Pollution Control Ordinance requesting that an air quality ordinance be considered for enactment. Mr. Kapenstein indicated that Borough Council would take a look at this proposal.

David Black, 134 N. Union Street thanked the Borough Council for the quick response to the Right to Know request concerning the crematory matter. He distributed to Council a three page document captioned 208 N. Union Street – Zoning Determination – additional information/notes. He noted the document does not contain any identifying information and requested an answer from the Borough as to who wrote the document and what is its purpose. \_

Melissa Goodling, 420 Woodland Avenue commented on the MABA.

Lisa Graham, 127 N. Pine Street stated she is opposed to the crematory. She further indicated she was representing the Blue Raider Club who is interested in conducting a

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5K Run. Mr. Kapenstein responded she should make a request to Borough Council on this matter.

Martha Black, 134 N. Union Street invited Borough Council to a public awareness event to be held on March 24, 2016, from 6:30 p.m. to 8:30 p.m. at The Event Place.

Raymond Jones, 140 N. Pine Street reported that six No Crematory signs were taken from Pine Street locations, noting that he had designed the signs.

Rachelle Reid, 448 Grant Street referenced discussion at the recent Historical Restoration Commission meeting and inquired about an ordinance to prohibit furniture on front porches. She also inquired about when the property at Mattis Avenue would be torn down.

Martha Black, 134 N. Union Street asked if the Solicitor wrote the unidentified document previously referenced. Mr. Santucci stated no.

Approval of Minutes – **MOTION** by Robert Louer, second by Dawn Knull to approve Council meeting minutes for the January 25, 2016, Emergency Meeting, January 25, 2016, Special Meeting, February 2, 2016, February 9, 2016, and February 16, 2016, meetings as submitted. Motion carried by a vote of 9 to 0.

Resignation of Assistant and Acting Public Works Superintendent – Chris Burkholder – **MOTION** by Robert Reid, second by Dawn Knull to accept with regrets the resignation of Chris Burkholder as Assistant and Acting Public Works Superintendent effective April 8, 2016. Motion carried by a vote of 9 to 0. Mr. Kapenstein thanked Mr. Burkholder for his work in the transition period.

Appointments to Historical Restoration Commission - **MOTION** by Dawn Knull, second by Damon Suglia to appoint John Grayshaw, Bobbi Bright, Nancy Taxweiler, and Joanna Cain to the Historical Restoration Commission. Motion carried by a vote of 9 to 0. Mr. Santucci indicated that terms of office will have to be assigned for each appointee. Mr. Kapenstein stated that action can be taken at the next meeting. Ms. McGlone opined that records of the Historical Restoration Commission should be kept in the Borough offices.

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Appointments to Olmsted Recreation Board – Mr. Kapenstein noted that two members from Council are needed to fill vacancies as well as a member of the public.

Approve Municipal Domestic Animal Protective Services Agreement – 2016 – Discussion ensued on this matter with concerns being raised about Middletown Borough potentially having to pay for animals not owned by Borough residents that are dropped off. **MOTION** by Greg Wilsbach to table action on this matter.

Approve Inventory Audit Agreement – Mr. Kapenstein explained the purpose of the inventory noting that two companies had responded to the RFP, which was approved in November. A discussion ensued with concerns being raised including one regarding coordination of this project with the Streetscape project. **MOTION** by Greg Wilsbach to table action on this matter. Mr. Wilsbach requested a presentation be made to Council on this subject.

Approve Cemetery Fence Replacement Project – **MOTION** by Greg Wilsbach, second by Robert Reid to approve a proposal from BMW Fences and Decks, dated January 29, 2015, in the amount of \$1,200 to replace sections of fence at the cemetery at Pine and High Streets. Mayor Curry questioned whether ownership of the property had been confirmed. Mr. Santucci opined that ownership is an open question. Mr. Kapenstein noted that minutes from a Council meeting in 1966 indicate the Borough would provide for maintenance of the subject property. Motion carried by a vote of 9 to 0.

Authorization to Transfer Account Custodian – Police Pension Plan – Mr. Kapenstein explained this matter concerned transferring Police Pension Plan investment assets from Royal Alliance to Fidelity. The change is from one custodian to another and the Investment Manager will remain the same. **MOTION** by Greg Wilsbach, second by Anne Einhorn to authorize Sam Lynch, Finance Director to execute the Asset Transfer Form to authorize transfer of Police Pension Plan investment assets from Royal Alliance to Fidelity. Motion carried by a vote of 9 to 0

Approve Resolution No. 648 – Approve Grant Application for Phase 4 Early Intervention Program – Mr. Kapenstein reported on receiving a call from Marita Kelly at the Pennsylvania Department of Community and Economic Development regarding availability of funding under the Early Intervention Program. He indicated the application deadline is March 31<sup>st</sup>. A discussion ensued regarding an application for funding to prepare a Capital Improvement Program for various Borough facilities. It was noted that

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the Borough's share would not exceed 50% of the project costs under the grant. Mr. Santucci explained that an RFP would be needed for selecting a consultant to do the study if funding is received. **MOTION** by Robert Louer, second by Greg Wilsbach to approve Resolution No. 648, a resolution authorizing the Council President to submit a grant application for Phase 4 Early Intervention Program. Motion carried by a vote of 9 to 0.

Approve Resolution No. 649 – Modify Employment Terms for Management Advisor – **MOTION** by Greg Wilsbach, second by Anne Einhorn to approve Resolution No. 649, a resolution modifying the employment terms for the Management Advisor. Motion carried by a vote of 9 to 0. Mr. Wilsbach thanked Mr. Hamer for his additional efforts during this transition period. Ms. Knull provided an update on the hiring process for the Borough Manager position.

Authorize Advertisement of Proposed Ordinance Abolishing the Planning Committee and Establishing a Planning Commission - **MOTION** by Damon Suglia, second by Diana McGlone to authorize advertisement of the proposed ordinance abolishing the Planning Committee and establishing a Planning Commission. Motion carried by a vote of 8 to 1 with Robert Louer voting no. Ms. McGlone explained the purpose of the planning commission and indicated that applications for filling positions on the commission would commence after the ordinance is approved.

Discussion on Route 230 Paving Project – Mr. Kapenstein reported that milling work is projected to begin the week of March 28 with paving to commence the week of April 4. A discussion then ensued about detour signs for the Streetscape project. It was noted that vehicles are parking inside the construction zone although the Borough did not authorize the street closing. After some additional discussion it was determined the Mayor should advise the Police Chief to enforce parking restrictions in this area.

Discussion on Bylaws Amendment – ICDA – A discussion ensued on this matter during which Mr. Santucci indicated an ordinance should be done to restrict this Authority's activities in accordance with Council's wishes, that ICDA bylaws should be redone in accordance with the proposed changes, and members should not be replaced immediately but wait until the projects are completed. Ms. McGlone provided an update on ICDA activities. It was noted that Damon Suglia was appointed as ICDA Chairman.

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It was also noted that a 5<sup>th</sup> person should be appointed to the Board. Mr. Kapenstein reported on his meeting with the Chancellor at Pennsylvania State University regarding having a representative from the university on the ICDA. Mayor Curry opined he likes the compromise solution if checks and balances are in place. He noted the Elks project is one he would like to see go forward. It was further noted the current ICDA projects should be completed by September.

Approval of Bills – **MOTION** by Damon Suglia, second by Anne Einhorn to approve payment of bills as shown on the Accounts Payable List dated March 14, 2016, for the period February 27, 2016, through March 15, 2016, to ratify approval of such bills already paid, and to authorize the appropriate officials to take required actions to make said payments. After some additional discussion, **MOTION** by Damon Suglia, second by Anne Einhorn to amend the motion to exclude from approval invoices from Frontier, Neighborhood Dispute Services, and Windstream. Motion carried by a vote of 9 to 0.

Update on Borough Website – Ms. McGlone reported that application has been made for an IT intern from Pennsylvania State University for updating the Borough's website. It was noted that one individual is interested. She discussed some issues regarding the process of updating the website.

Proposal for After Hours Answering Service – Mr. Wilsbach reported that three companies were looked at for an after-hours answering service. Mr. Santucci remarked that a procedure needs to be established on who decides whether and when calls out of Borough personnel are to be made. Mr. Wilsbach then inquired about advertising for a First Class Lineman. At this point, Mr. Suglia provided a report on labor negotiations. It was noted that Mr. Santucci would have additional information at the next meeting on this matter.

Discussion on Use of Clergy in Meeting Ceremony – Mr. Louer indicated he would like to see clergy attend the meeting as was done in the past. Mr. Kapenstein noted the clergy's involvement should be non-denominational. Mr. Einhorn added this function should not be exclusionary. It was determined that contact would be made with the Council of Churches regarding this matter.

Remediation Action on Underground Storage Tank at Borough Garage – A discussion ensued regarding a proposal by MEA to change the existing remediation agreement on

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this project from a statewide standard to a site specific standard. Mr. Santucci recommended holding off on any action at this time. **MOTION** by Dawn Knull, second by Anne Einhorn to authorize Benjamin Kapenstein to execute documents to pay MEA for outstanding invoices for work previously performed on this project. Motion carried by a vote of 9 to 0. Mr. Wilsbach suggested MEA make a presentation to Council on this project.

The meeting was recessed at 9:36 p.m. for an executive session for purposes of personnel and potential litigation.

The meeting reconvened at 10:37 p.m. Mr. Kapenstein announced that additional executive sessions would be held on March 28 and April 4 to conduct interviews for open positions.

Adjournment – **MOTION** by Anne Einhorn, second by Dawn Knull to adjourn the meeting. Motion carried unanimously and the meeting was adjourned at 10:38 p.m.

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Bruce Hamer  
Borough Secretary

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