

Meeting Minutes of the Middletown Borough Council
April 19, 2016

The April 19, 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, and Benjamin Kapenstein. Also present were Mayor James H. Curry III, Borough Secretary Bruce Hamer, and Solicitor Adam Santucci.

Report of Executive Sessions – April 5, 7 and 13, 2016 – Mr. Kapenstein reported executive sessions were held on April 5, 7, and 13, 2016, concerning personnel, litigation, and labor relations. Action including agenda items 6, 7, 8, 9, 10 and 11, would be considered this evening.

Public Comment on Agenda Items - There were no public comment on the agenda items.

Presentation – Suez Donation to MABA – Dawn Knull reported the MABA had asked for scoreboards for the Met Ed Field and Oak Hills Field and Suez stepped forward with a contribution in the amount of \$1,600 to cover the cost of the same. Dan Standish representing Suez presented Don Moyer representing the MABA with a ceremonial check signifying the contribution being made.

Presentation – 2014 Audit - Kimberly Stank and Michael Stewart from the firm of Zelenkofske Axelrod LLC were present to discuss the 2014 audit of Borough finances. Ms. Stank reviewed the Independent Auditors' Report for 2014 and provided comment on sections in the report. She indicated the Borough has chosen not to provide a Management Discussion and Analysis. Ms. Stank then reviewed a letter to Borough Council dated March 4, 2016, concerning the audit. Mr. Kapenstein asked about commencement of the 2015 audit. Ms. Stank indicated that work would start the week of May 23 and would include about six weeks of field work.

Executive Session – Mr. Kapenstein announced the meeting would be recessed for an executive session concerning personnel and litigation matters. The meeting was recessed at 7:10 p.m. The meeting reconvened at 7:59 p.m.

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Presentation – Make Middletown Beautiful Campaign – Before beginning her presentation, Ms. McGlone announced the 3rd Annual Kickin’ It for PA Wounded Warriors would be held on May 29, 2016, at Sunset Park. She noted this event previously raised \$5,000. She then proceeded with a power point presentation concerning the beautification program highlighting an Adopt a Flower Bed program that would run from May through September. She noted there would be quarterly contests. At this time she presented a Certificate for Residential Curb Appeal to Larry and Sandy Robbins as well as Certificates to the businesses of Reliance Therapy and Black Horse Grille.

Adopt Resolution No. 2016-12 – Renumbering Resolutions for 2016 - Mr. Hamer explained the purpose of this action was to establish a new numbering system for resolutions and this resolution was to establish new numbers for each resolution passed thus far in 2016. **MOTION** by Dawn Knull, second by Robert Reid to adopt Resolution No. 2016-12, a Resolution Renumbering All Resolutions Enacted in 2016 in Order to Establish a New Numbering System for Resolutions. Motion carried by a vote of 8 to 0.

Authorize Advertisement of Proposed Modifications to Manager Ordinance – Mr. Kapenstein indicated this proposed ordinance would establish a requirement for the Borough Manager to be a resident within the boundaries of the Middletown Area School District. **MOTION** by Anne Einhorn, second by Dawn Knull to authorize advertisement of an ordinance establishing a requirement the Borough Manager must reside within the limits of the Middletown Area School District. Motion carried by a vote of 7 to 1 with Mr. Louer voting no. Ms. McGlone opined there is no need for a residency requirement with current available technology.

Appointment - Borough Manager – Mr. Kapenstein explained the hiring process for the Borough Manager position noting there were a total of 29 applicants of which eight were initially selected for a telephone interview. From there the field was reduced to four who were interviewed by Council in executive sessions. The field was further reduced to two candidates from which a selection was made. **MOTION** by Robert Reid, second by Anne Einhorn to make a conditional offer of employment to Kenneth L. Klinepeter to the position of Borough Manager effective May 4, 2016, in accordance with the Terms and Conditions of Employment discussed in executive session and to authorize the Council President to execute on behalf of the Borough an Employment Agreement with Mr. Klinepeter providing for the terms and conditions of employment with the Borough of Middletown. Motion carried by a vote of 7 to 1 with Diana McGlone voting no.

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Resignation - Borough Secretary – **MOTION** by Robert Reid, second by Dawn Knull to accept the resignation of Bruce Hamer as Borough Secretary effective upon adjournment of the Council meeting to be held May 3, 2016. Motion carried by a vote of 8 to 0. It was noted that Mr. Hamer will continue to be employed in the position of Management Advisor until completion of an appropriate transition period working with the new Borough Manager.

Appointment - Borough Secretary – **MOTION** by Dawn Knull, second by Anne Einhorn to conditionally appoint Kenneth L. Klinepeter as the Borough Secretary effective May 4, 2016 in accordance with the Terms and Conditions of Employment discussed in executive session. Motion carried by a vote of 8 to 0.

Appointment - Right to Know Officer - **MOTION** by Dawn Knull, second by Anne Einhorn to conditionally appoint Kenneth L. Klinepeter as the Right to Know Officer effective May 4, 2016 in accordance with the Terms and Conditions of Employment discussed in executive session. Motion carried by a vote of 8 to 0.

Adopt Resolution No. 2016-13 – Designation of Agent for HMGP - **MOTION** by Anne Einhorn, second by Dawn Knull to adopt Resolution No. 2016-13, a Resolution naming Kenneth L. Klinepeter as the Designated Agent for PEMA Hazard Mitigation Grant Program project numbers 1, 2, 3, 5, 6, 7, 9, and 4099 effective May 4, 2016, in accordance with the Terms and Conditions of Employment discussed in executive session. Motion carried by a vote of 8 to 0.

Adopt Resolution No. 2016-14 – Management Benefits Policy – Mr. Kapenstein explained this action concerns new policy for non-union employees of the Borough. **MOTION** by Robert Louer, second by Dawn Knull to adopt Resolution No. 2016-14, a Resolution revising benefits for exempt employees hired after January 1, 2016. Motion carried by a vote of 8 to 0. _

Agreement – Snow Emergency Expense Reimbursement – Mr. Hamer explained that a standard agreement must be entered into with the Pennsylvania Emergency Management Agency in order to obtain reimbursement for extraordinary expenses incurred during Winter Storm Jonas. **MOTION** by Robert Louer, second by Dawn Knull to authorize entering into a Public Disaster Assistance Agreement with the Pennsylvania Emergency Management Agency for reimbursement of expenses related to Winter Storm Jonas. Motion carried by a vote of 8 to 0.

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Resolution No. 2016-15 – Designation of Agent for Snow Emergency Expense

Reimbursement – It was explained that an agent must be designated to act on behalf of the Borough in relation to the subject Public Disaster Assistance Agreement. Mr. Kapenstein indicated a willingness to serve in that capacity. **MOTION** by Damon Suglia, second by Anne Einhorn to adopt Resolution No. 2016-15, naming Benjamin Kapenstein as the Designated Agent for the disaster number FEMA-4267-DR-PA. Motion carried by a vote of 8 to 0.

Resolution No. 2016-16 – Authorization to File With PUC – Mr. Kapenstein explained that a court decision has been handed down denying an injunction request filed by the Borough Authority concerning its dissolution. He noted there are 49 customers outside the Borough limits and it has been determined a filing should be made with the Pennsylvania Public Utility Commission concerning future treatment of said customers. **MOTION** by Robert Reid, second by Damon Suglia to adopt Resolution No. 2016-16, a Resolution of the Borough Council of the Borough of Middletown, Dauphin County, Pennsylvania, Regarding Extraterritorial Water and Wastewater Service. Motion carried by a vote of 7 to 1 with Mr. Louer voting no.

Contract 14-5 – Route 230 Project – It was reported that action is needed on two change orders and a final payment to Doli Construction, which have been reviewed by engineering representatives from Herbert, Rowland and Grubic. **MOTION** by Robert Louer, second by Robert Reid to approve two change orders and authorize final payment to Doli Construction regarding Contract 14-5. Motion carried by a vote of 8 to 0.

Purchase of Power – Mr. Kapenstein indicated there is a need to start the process for renewing an agreement for the purchase of power. Mr. Santucci noted that options can be explored through an informal bidding process by reaching out to existing power providers. A new contract would be effective January 1, 2017. **MOTION** by Robert Louer, second by Anne Einhorn to authorize McNees, Wallace, and Nurick to explore options for securing a new agreement for purchasing electrical power. Motion carried by a vote of 8 to 0.

Compensation Adjustment – Linda Houser – **MOTION** by Anne Einhorn, second by Dawn Knull to approve an increase in compensation for Linda Houser, Assistant Finance Director, in the amount of \$1.50 per hour retroactive to January 1, 2016. Motion carried by a vote of 8 to 0.

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Possible Financing of Ann Street Paving – **MOTION** by Robert Reid, second by Ann Einhorn to authorize staff to explore costs of paving and financing options for Ann Street. A discussion ensued regarding the use of Ann Street by heavy vehicular traffic. Mr. Louer indicated he would put together some information on the users of this street. Motion carried by a vote of 8 to 0. _

Request For Proposals for Independent Audit – **MOTION** by Diana McGlone, second by Damon Suglia to authorize a Request for Proposals to conduct a separate independent audit on Borough finances for the period ending through December 30, 2014. Motion carried by a vote of 7 to 1 with Mr. Louer voting no.

Historical Restoration Commission Files – Ms. McGlone inquired whether the files of the Historical Restoration Commission had been returned to Borough Hall. It was noted that Jenny Miller had recently attempted to schedule a time to bring the files to the Borough Hall and such arrangements would be made in the near future.

Security Deposits for Use of MCSO – Ms. McGlone inquired about the process for having security deposits for use of the MCSO and suggested the matter be looked into. Mr. Santucci suggested Ms. Knull may want to take that matter up with the Recreation Board.

Public Comment

Mike Bowman, 100 Wilson Street questioned whether the Borough would be under jurisdiction of the PUC after the Authority is dissolved. Mr. Kapenstein replied that in his opinion the Borough would not. Mr. Bowman asked Mayor Curry why he has not ordered the flag flown at half staff. Mayor Curry indicated he was not aware it was his authority to make such an order. Mr. Bowman noted he agreed there is a problem with heavy trucks on Ann Street.

Ian Reddinger, 281 E. Main Street introduced himself indicating he has filed an application for filling the 2nd Ward Councilor vacancy.

Jack Still, 37 W. Emaus Street questioned whether Suez got a permit to work on Ann Street.

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Rachelle Reid, 448 Grant Street commented regarding an occupancy permit for Union and Ann Street noting that she previously worked for PennDOT and that agency did not perform work on Ann Street. She also inquired about the possibility of establishing public garden plots on vacant FEMA lots.

Adjournment – **MOTION** by Dawn Knull, second by Robert Louer to adjourn the meeting. Motion carried unanimously and the meeting was adjourned at 8:53 p.m. _

Bruce Hamer
Borough Secretary