

Meeting Minutes of the Middletown Borough Council
May 3, 2016

The May 3, 2016, regular meeting of the Middletown Borough Council was called to order at 7:03 p.m. by Council President Benjamin Kapenstein.

After the Pledge of Allegiance, the following Council members answered roll call: Anne Einhorn, Dawn Knull, Diana McGlone, Robert Reid, Ed Shull, Damon Suglia, and Benjamin Kapenstein. Also present were Mayor James H. Curry III, and Borough Secretary Bruce Hamer. Robert Louer was absent.

Report on May 2, 2016 Executive Session - Mr. Kapenstein reported on an executive session held on May 2, 2016, concerning personnel, litigation, and labor relations, and stated that two actions were needed as a result of the executive session.

MOTION by Robert Reid, second by Dawn Knull to authorize Police Chief Bey to take actions as necessary to develop a list of eligible candidates for promotion to position of Sergeant. Motion carried by a vote of 7 to 0.

MOTION by Dawn Knull, second by Anne Einhorn to engage the law of Eckert Seamans as counsel for the Librandi electric power matter at a rate of \$250.00 per hour. Motion carried by a vote of 6 to 1 with Diana McGlone voting no.

Mayor James Curry entered the meeting at this time.

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

Approval of Minutes - **MOTION** by Robert Reid, second by Dawn Knull to approve Council meeting minutes for the January 19, 2016, April 5, 2016, and April 19, 2016, meetings as submitted. Motion carried by a vote of 7 to 0.

Presentation – Woodland Hills Development – Thomas and Greg Kile – Thomas and Greg Kile presented information regarding the proposed Woodland Hills development. Howard Boyd, a partner in the project, was also present. They stated the property was purchased in 2004, contains 168 acres, and has preliminary plan approval. PennDOT permits for access at Union Street near the Middletown Swim Club and at Vine Street off Woodland Avenue have been obtained. The Final Plan for Phase 1, which would be apartments, is approved and could be started with a Letter of Credit and Developer's Agreement. There a total of 10 phases in the project. Diana McGlone inquired about provisions for electric service and was advised the system was designed.

Meeting Minutes of the Middletown Borough Council

May 3, 2016

Page #2.

Appointment – 2nd Ward Councilor Vacancy – Mr. Kapenstein called for nominations to fill the 2nd Ward Councilor vacancy. Robert Reid nominated Leslie Givler. Dawn Knull nominated Ian Reddinger. Diana McGlone nominated Ed Egenrieder. A roll call vote on the nominations was as follows: Mrs. Einhorn – Ian Reddinger, Ms. Knull – Ian Reddinger, Ms. McGlone – Ed Egenrieder, Mr. Reid – Leslie Givler, Mr. Shull – Ian Reddinger, Mr. Suglia – Ian Reddinger, and Mr. Kapenstein – Ian Reddinger. Mr. Reddinger was appointed to the 2nd Ward Councilor position with 5 votes, 1 vote for Leslie Givler, and 1 vote for Ed Egenrieder.

Mr. Reddinger signed an Affidavit of Residency, took an Oath of Office administered by Mayor Curry, and then took his seat as a Councilor. Mr. Kapenstein thanked everyone who applied for the position.

Executive Session – Mr. Kapenstein announced an executive session would be held at this time for personnel, litigation, and labor relations matters. The meeting was recessed at 7:20 p.m. The meeting reconvened at 8:30 p.m. **MOTION** by Diana McGlone, second by Anne Einhorn to approve disciplinary action against Sergeant James Bennett of a thirty (30) days suspension without pay in addition to administrative leave time served, a reduction in rank from Sergeant to Patrolman, and completion of substance abuse counseling. Motion carried by a roll call vote of 7 to 1 with Mr. Reid voting no.

Ordinance No. 1322 Amending Non-Uniform Pension Plan Incorporating Defined Contribution Plan for New Hires – **MOTION** by Dawn Knull, second by Damon Suglia to adopt Ordinance No. 1322, an Ordinance Amending the Non-Uniform Pension Plan Incorporating a Defined Contribution Plan for New Hires. Motion carried by a roll call vote of 8 to 0.

Ordinance No. 1323 Revising Manager Ordinance Concerning Residency – **MOTION** by Anne Einhorn, second by Dawn Knull to adopt Ordinance No. 1323, an Ordinance Revising the Manager Ordinance Concerning Residency. Motion carried by a roll call vote of 8 to 0.

Adopt Resolution No. 2016-17 – Appointment of Signatories to Sign Checks – Bruce Hamer explained the purpose of this resolution was to provide for the President or Vice-President and Secretary or Assistant Secretary as signatories on Borough checks. **MOTION** by Robert Reid, second by Dawn Knull to adopt Resolution No. 2016-17, a Resolution to Appoint Signatories to Sign Checks. Motion carried by a vote of 8 to 0.

Meeting Minutes of the Middletown Borough Council
May 3, 2016
Page #3.

Approve Creation of Administrative Assistant Position and Authorize Advertisement Seeking Applicants – Mr. Kapenstein explained the purpose and need for this position. **MOTION** by Anne Einhorn, second by Dawn Knull to approve creation of a position of Administrative Assistant and to authorize advertisement seeking applicants for the position. Motion carried by a vote of 8 to 0.

ICDA Resignation – Damon Suglia – **MOTION** by Damon Suglia, second by Diana McGlone to accept with regret the resignation of Damon Suglia as a member of the Middletown ICDA effective April 30, 2016. Motion carried by a vote of 8 to 0.

Recreation Board Issues – Ms. Knull reported that the Borough would be taking turns with the other municipalities and school district in mowing at the swimming pool with the Borough mowing and mulching during the months of May and September. **MOTION** by Dawn Knull, second by Anne Einhorn to direct the Public Works Department to complete said tasks as agreed to. Motion carried by a vote of 8 to 0.

Request for Handicapped Sign – Paulene Jones – After a short discussion, President Kapenstein indicated this matter would be tabled until the process for handling such requests could be determined.

Borough Website – Ms. McGlone stated that a decision needs to be made on revamping the website. She indicated that options include using a web generation tool, such as Wix or GoDaddy for approximately \$500, which would allow updates to be done in house or to contract to a web design firm at an estimated cost of \$10,000 to \$15,000. Ms. McGlone opined it is difficult to change the existing website and recommended creating a new one.

She also provided information on historical costs for utilizing 2K Networking as an IT service, noting the \$8,000 per month expense, and suggesting termination of the contract. Mr. Kapenstein indicated he had no problems with their service but agreed the cost was high. He further noted that representatives from 2K wanted to meet to discuss their services.

Ms. McGlone then discussed having a student to design the website conceptually. Mr. Reddinger stated he had a Penn State student do a website for his business for about \$1,000. **MOTION** by Ian Reddinger, second by Anne Einhorn to approve design of a website for under \$1,000 using a Penn State intern. After some additional discussion,

Meeting Minutes of the Middletown Borough Council
May 3, 2016
Page #4.

MOTION by Ian Reddinger, second by Anne Einhorn to amend the motion to explore all options for completing design of a website. Motion carried by a vote of 8 to 0.

RFP – Electric Rate and Usage Study – Ms. McGlone made a Power Point presentation concerning a comprehensive electric cost of service and retail rate design study. She indicated the proposal must meet objectives to develop a Power Cost Adjustment mechanism, true up of power cost adjustment and design of electric rates, and develop a long-term financial plan to identify current and projected rate adjustments. The study should include a comparison of rates with other power suppliers. Mr. Reddinger inquired about renewable sources for power and availability of grants for the same.

Act 90 – Ms. McGlone made a Power Point presentation regarding Act 90, which took effect in 2011. The law provides mechanisms for municipalities to use to enforce their property maintenance codes against properties that are in serious code violation or buildings determined to be a public nuisance by appropriate officials. Her presentation listed several potential actions that may be taken after no substantial steps have been taken by a property owner after six months from the date of an order to correct violations. Her presentation indicated this could be another means for addressing blighted and abandoned properties in Middletown and would be done by amending the Borough Zoning Ordinances. Mr. Kapenstein indicated Mr. Santucci could explore the possibility of such an ordinance.

Seasonal Employees – **MOTION** by Robert Reid, second by Dawn Knull to authorize advertisement for seasonal employees for the period May through September at a rate of \$10.00 per hour with such employees to be at least eighteen years old. Motion carried by a vote of 8 to 0.

Mr. Shull left the meeting at approximately 9:25 p.m.

Discussion – Police Manpower – Mayor Curry reported that Chief Bey has been asking for additional manpower. He opined that if Council and the community want to have community policing the same must be paid for. Mayor Curry reported that no officers were on duty last Saturday from 3 p.m. to 11 p.m. and explained why this situation occurred. He summarized some statistics on policing requirements and asked that consideration be given for at least one more officer in addition to the one already approved.

Meeting Minutes of the Middletown Borough Council

May 3, 2016

Page #5.

Chief Bey reiterated the manpower shortages noting there is not proper supervision and officers are routinely working extra shifts. Mr. Reid opined the Police Department has been understaffed for years and the Borough cannot rely on mutual aid. A general discussion ensued about the need for additional police services and the means to pay for the same.

Appointment to ICDA – Mr. Suglia indicated that he resigned from the ICDA due to lack of available time and recommended adding a member to the board. **MOTION** by Damon Suglia, second by Robert Reid to appoint Ian Reddinger as a member on the ICDA Board. Motion carried by a vote of 7 to 0. Mrs. Einhorn suggested the Council advertise to have other people from the community participate in the ICDA. _

Ann Street Restoration - Mr. Kapenstein indicated an estimated expense for this project would be 350,000. He also noted that concession money or Liquid Fuels funds could be used on the ICDA project. Mr. Reid questioned the repair of some sidewalk in the project area. Dan Standish from Suez indicated the same was a temporary repair. It was noted that Suez is not yet finished fixing the road.

Approve Change Orders and Final Payment – Contract 14-5 – **MOTION** by Dawn Knull, second by Anne Einhorn to restate prior action taken at the April 19, 2016, Council meeting by approving Change Order No. 8 for Contract 14-5 with Doli Construction Corporation in the amount of \$32,231.34, to approve Change Order Number Final for Contract 14-5 with Doli Construction Corporation for a credit of \$94,988.22, to approve Final Application for Payment for Contract 14-5 with Doli Construction Corporation in the amount of \$96,467.84, and to authorize and direct the appropriate Borough officials to take actions necessary to implement these approvals. Motion carried by a vote of 7 to 0. Mr. Kapenstein expressed his displeasure with the circumstances surrounding the need for Council to take action on this matter.

Approval of Bills – Mayor Curry expressed concern regarding the lack of details in the legal services bills. Ms. Knull inquired about when the copier lease is done. **MOTION** by Dawn Knull, second by Damon Suglia to approve payment of bills as shown on the Accounts Payable List dated April 29, 2016, for the period April 2, 2016, through April 29, 2016, to ratify approval of such bills already paid, and to authorize the appropriate officials to take required actions to make said payments. Motion carried by a vote of 7 to 0.

Meeting Minutes of the Middletown Borough Council
May 3, 2016
Page #6.

Statement from Newly Appointed Borough Manager – President Kapenstein asked Kenneth Klinepeter, newly appointed Borough Manager, to offer any comments at this time. Mr. Klinepeter stated it is an honor and a privilege to have been appointed to this position and looks forward to meeting with Council to discuss concerns and issues. He indicated he would be in the office tomorrow at 8 a.m. to begin his work.

Public Comment

Rodney Cook, 46 Wharton Avenue referenced a newspaper article concerning Ann Street noting there is a need to eliminate truck traffic on Wharton Avenue. He also expressed concerns for grass growing along Few Avenue.

Jack Still, 37 W. Emaus Street commented on the Ann Street matter.

Rachelle Reid, 448 Grant Street asked about money available in the Liquid Fuels Fund and discussed the cost of paving Ann Street. Mr. Kapenstein referenced a process in planning for future projects.

Mike Dalton, 237 N. Pine Street opined the Elks Theatre matter needs to be addressed noting the ICDA has more power than the Borough. Mayor Curry indicated he does not believe there are sufficient funds available.

Melissa Goodling, 420 Woodland Avenue inquired whether the Borough would be paving with its own work force.

Jenny Miller, 227 W. Water Street inquired about any information on the zoning overlay. She was advised there is no update at this time.

Mayor Curry announced the downtown parking study is completed._

Adjournment – **MOTION** by Robert Reid, second by Damon Suglia to adjourn the meeting. Motion carried unanimously and the meeting was adjourned at 10:17 p.m.

Kenneth L. Klinepeter
Borough Secretary _