

Meeting Minutes of the Middletown Borough Council
July 5, 2016

The July 5, 2016, regular 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, Diana McGlone, Robert Reid, Damon Suglia, and Benjamin Kapenstein. Also present were Mayor James H. Curry III, Borough Manager Kenneth Klinepeter, Solicitor Adam Santucci, and Management Advisor Bruce Hamer. Dawn Knull, Ian Reddinger, and Ed Shull were absent.

Public Comment on Agenda Items –

Bob Hauser, 37B Brown Street commented that whatever is done on the proposed Square project should be kept simple. He also noted the Elks Building is a historical structure and it should be moved forward on.

Kay Wealand, 131 Keystone Avenue thanked Council for their efforts. She indicated the Square has been in the same condition for a long time and now is not the right time to be making changes noting the history of Middletown as the oldest community in Dauphin County should be preserved. She favors something being done with the Elks property and also is in favor of hiring a grants writer.

Rachelle Reid, 448 Grant Street questioned about the cost of flowers at the Square. Mr. Kapenstein advised the cost was \$996.00. Ms. Reid questioned what action would be taken since Council had not authorized this purchase. Mr. Kapenstein indicated that Council plans to do nothing at this point. Mayor Curry suggested that a policy should be developed on purchasing.

Robin Pelligrini, 51 E. Main Street indicated she agrees with Mr. Hauser and Kay Wealand about the Square and Elks Building. She also expressed concerns that traffic is being directed out of town because of the road closure due to the Streetscape project. Robert Reid asked about the installation of signage to redirect traffic to the downtown area. Mr. Hauser suggested the purchase of some inexpensive signs to direct such traffic.

Diane Harris, 205 Rear S. Union Street inquired about the proposed testing of ducks for disease. Mr. Kapenstein confirmed that the water would not be tested as a part of this effort.

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Jenny Miller, 227 W. Water Street commented that the flowers at the Square are beautiful.

Approve Meeting Minutes – June 7, 2016 and June 21, 2016 - **MOTION** by Diana McGlone, second by Anne Einhorn to approve Council meeting minutes for the June 7 and June 21, 2016, meetings as submitted. Motion carried by a vote of 5 to 0.

Approval of Bills – Diana McGlone inquired about the dry cleaning invoice and was advised the bill was for cleaning police uniforms. Mr. Kapenstein noted the invoice from Susquehanna Group Advisors was higher in May. Ken Klinepeter indicated there were requests from various officials for their services.

MOTION by Damon Suglia, second by Robert Reid to approve payment of bills as shown on the Accounts Payable List dated June 30, 2016, for the period June 17, 2016, through July 1, 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 5 to 0.

Approve Resignation of 1st Ward Councilor Robert Louer – Mr. Kapenstein reported that Robert Louer submitted a notice of resignation from Council effective July 1, 2016.

MOTION by Robert Reid, second by Anne Einhorn to accept with regret the resignation of Robert Louer as a Borough Councilor. Motion carried by a vote of 5 to 0.

Approve Advertisement of 1st Ward Council Seat Vacancy – Mr. Kapenstein reviewed the timeframe for filling the Council vacancy noting the seat must be filled by August 4, 2016. An advertisement seeking candidates for the position will have a deadline of July 18, 2016, with candidate interviews to be held at the July 19, 2016, meeting. **MOTION** by Robert Reid, second by Damon Suglia to approve advertisement of the 1st Ward Council seat vacancy and solicit letters of interest from candidates for the seat with a deadline for submitting said letters by July 18, 2016. Motion carried by a vote of 5 to 0.

HRG Presentation – Conceptual Plan for Square – Mr. Kapenstein reported he asked a representative from Herbert Rowland & Grubic to not attend this evening's meeting on the conceptual plan for the Square and rather would open the floor for discussion on whether to continue with the project. Damon Suglia suggested the matter be reconsidered for another vote. Mr. Reid noted the work has already been approved.

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Mr. Klinepeter indicated an initial concept drawing is drafted and the action at this point would be to stop the project from moving forward. Ms. McGlone opined the Square needs redone just not at this time. She recommended the conceptual plan be referred to the planning commission for its consideration. Solicitor Santucci noted there is no clear termination provision in the contract with HRG for said work.

MOTION by Damon Suglia, second by Anne Einhorn to terminate the contract with Herbert Rowland & Grubic for the Middletown Square Project Concept Development as depicted in a letter proposal dated June 21, 2016. Mr. Reid questioned what is being cancelled to which Mr. Kapenstein advised the contract for the concept plan. Mayor Curry noted there is a termination provision in the proposal for failure to perform. Motion carried by a roll call vote of 5 to 0.

USDA Wildlife Services to Trap and Test Ducks for Disease – Mr. Klinepeter explained he was contacted by the United States Department of Agriculture for permission to enter onto Borough lands to trap, test, and then release ducks and geese for the purpose of testing the same for disease. **MOTION** by Robert Reid, second by Diana McGlone to authorize the Borough Manager to sign on behalf of the Borough of Middletown a Work Initiation Document for Wildlife Damage Management with the United States Department of Agriculture on property located along South Union Street and Susquehanna Street. Motion carried by a vote of 5 to 0.

Adopt Ordinance No. 1324 – Prohibiting Parking Except for Firefighters Responding to a Call – Mr. Klinepeter advised the proposed ordinance covers parking restrictions for two or three spaces in front of the Liberty Fire Company. The ordinance has been advertised and is ready for adoption. **MOTION** by Robert Reid, second by Damon Suglia to adopt Ordinance No. 1324, an Ordinance Amending Chapter 252 of the Borough Code Dealing With Vehicles and Traffic, Prohibiting the Parking of Vehicles, Except Those Parked by Firefighters When Responding to a Call, Along the Eastern Side of Adelia Street at and South of the Intersection of Adelia Street and Cattell Street. Motion carried by a vote of 5 to 0.

Adopt Ordinance No. 1325 – Amending the Non-Uniformed Defined Contribution Pension Plan – Mr. Klinepeter stated the proposed ordinance changes the form of pension from a defined benefit plan to a defined contribution plan for non-union employees hired after January 1, 2016, and for non-uniformed union employees hired after May 17, 2016. **MOTION** by Damon Suglia, second by Anne Einhorn to adopt

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Ordinance No. 1325, an Ordinance Relative to the Establishment and Maintenance of Employees' Pension, Annuity, Insurance and Benefit Fund or Funds, to Amend Certain Provisions of the Pension Plan or Program Applicable to Non-Police Employees of the Borough. Motion carried by a vote of 5 to 0.

Adopt Resolution No. 2016-22 – Authorizing the Borough Manager to Apply for a Credit Card – Mr. Klinepeter explained the Borough currently does not have a credit card and there are instances, such as when training expenses are incurred, that a credit card would be advantageous. He noted the Manager, Chief of Police, and Public Works Director would be the only individuals authorized to use the card. Ms. McGlone inquired about any old credit cards. Mr. Klinepeter indicated they were closed previously.

MOTION by Robert Reid, second by Anne Einhorn to adopt Resolution No. 2016-22, a Resolution Authorizing the Borough Manager to Apply For and Obtain a No-Rewards VISA Account with PNC Bank. Motion carried by a vote of 5 to 0.

Award Contract – Human Resources (Early Intervention Program Phase 3) – Mr. Klinepeter explained the Early Intervention Program Phase 3 grant, which was scheduled to terminate on June 30, 2016, has been extended to June 30, 2017, and that there is about \$37,500 of unexpended funds available for continuing the human resources project begun pursuant to this grant. He advised that a proposal was received from Nancy Hess to continue this work. Mr. Kapenstein expressed appreciation to the Pennsylvania Department of Community and Economic Development for extending the grant agreement. Bruce Hamer explained that project funding is a 90% state and 10% local share.

MOTION by Anne Einhorn, second by Damon Suglia to award a contract for human resources consulting services to N. J. Hess Associates, LLC in accordance with “A Proposal for Human Resource Consulting Services”, dated June 30, 2016, with said project being part of the Early Intervention Program Phase 3 Grant. Motion carried by a vote of 5 to 0.

Approve Green Light Go Grant Agreement – Mr. Klinepeter advised this agreement provides for \$7,500 in funding to install camera systems at traffic signals to replace the traffic loops in the pavement, which are not functioning properly. The funding is a 50% state and 50% local share with the Pennsylvania Department of Transportation managing the project. He noted the grant is for three traffic signal locations although

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one of the locations at Union Street and Emaus Street already has a camera system as a result of the Streetscape project. Mr. Klinepeter questioned whether Council wishes to table action at this time or conditionally approve the grant agreement based upon funding for two locations. **MOTION** by Robert Reid, second by Diana McGlone to conditionally approve the Green Light Go grant agreement based upon installations at Main Street and Union Street and Main Street and Vine Street. Motion carried by a vote of 5 to 0.

Planning Commission Stipends – Mr. Kapenstein opened the floor for discussion on this topic. Mr. Reid inquired about the stipend previously paid to the Authority Board and was advised it was \$100.00 per month. Mayor Curry opined that no stipends should be provided. Mr. Kapenstein indicated some amount of stipend should be paid. Ms. McGlone noted the planning commission was provided a stipend in the past and that members could refuse the same if they chose to. Anne Einhorn suggested there should be consistency with the other boards. It was determined that a resolution would be needed to enact a policy on such payments. Mr. Santucci advised that no stipend should be paid to the Police Civil Service Commission. Mr. Kapenstein indicated this matter can be considered further at the next meeting.

Conditional Offer of Employment for Full-Time Police Officer – Mr. Santucci stated the Council had authorized hiring a full-time police officer and he explained the process for such hiring. He noted that Tyler Zehring was the only applicant and he had met the qualifications for appointment. **MOTION** by Robert Reid, second by Anne Einhorn to make a conditional offer of employment to Tyler Zehring as a full-time police officer conditioned upon successful completion of the remaining background check. Motion carried by a vote of 5 to 0.

Approve Capital Purchase for Harborton Place Service Upgrade – Mr. Klinepeter explained the Borough is contractually obligated to provide an upgraded electric service to Harborton Place. There is a \$150,000 allocation to the Electric Capital Fund that is available for use. Mr. Santucci indicated this work is part of a 2015 settlement and the owners of this property are close to finishing their upgrade within the park. **MOTION** by Anne Einhorn, second by Robert Reid to approve a capital purchase to upgrade primary electrical distribution service for Harborton Place of 23 pole mount transformers at a cost of \$38,935.00 and 13,500 feet of various sized wire at a cost of \$30,112.00 for a total cost of \$69,047, to be purchased from Westco under CoStars contract 008-029

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and said purchase to made from Fund 03, account 03-442-740 Capital Outlay/Equipment. Motion carried by a vote of 5 to 0.

Proposals for September 3, 2016 Fireworks Display – Mr. Klinepeter reported that three proposals were solicited and two bidders were responsive. He noted the bid from Pyrotecnico provided the vendor would assist with obtaining permits whereas the other bidder would obtain all required permits. Mr. Santucci indicated the Council could approve either bid. Mayor Curry presented a check from the Booster Club in the amount of \$19,786.27 for use by the Borough in funding the fireworks display.

MOTION by Diana McGlone, second by Anne Einhorn to award a contract to Zambelli Fireworks in the amount of \$18,000 for a fireworks display to be conducted September 3, 2016, in accordance with the proposal as submitted with a condition the contract for services shall hold the Borough of Middletown harmless of any incident occurring as a result of said presentation. Motion carried by a vote of 5 to 0.

Approval of Hazardous Waste Disposal – Suez Audit of Wastewater Plant Supplies – Mr. Klinepeter advised that in accordance with the concession agreement the Borough is responsible for expenses associated with removal of some hazardous waste materials previously found at the wastewater treatment plant. He noted these materials would be removed by Univar ChemCare at an estimated expense of \$6,610. **MOTION** by Damon Suglia, second by Anne Einhorn to approve payment to Univar Chemcare for the removal of hazardous waste materials at the wastewater treatment plant at an estimated expense of \$6,610. Motion carried by a vote of 5 to 0.

Recreation Board Vacancy – Mr. Kapenstein noted a vacancy now exists on the Olmsted Regional Recreation Board due to the resignation of Robert Louer.

Alliance for the Bay – Mr. Kapenstein indicated he was contacted by Londonderry Township Manager Steve Letavic about joining a coalition administered by the Alliance for the Chesapeake Bay, which provides opportunities for grant activities and opportunities for compliance with MS4 standards. The program requires a commitment to work with three or more neighboring municipalities on this project. Mr. Klinepeter noted this effort is designed to lay groundwork for storm water management activities. **MOTION** by Robert Reid, second by Anne Einhorn to authorize the Borough to participate in this program. Motion carried by a vote of 5 to 0.

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National Night Out – Mr. Kapenstein noted that National Night Out would be held on August 2, 2016.

Downtown Parking Study – Mr. Reid inquired about the status of the downtown parking study. Mr. Klinepeter indicated this matter would be placed on the July 19th meeting agenda. Mr. Santucci suggested the Council seek public and business input into appropriate parking restrictions that might be considered.

Municipal Parking Signs – Ms. McGlone inquired about the status of municipal parking signs. Mr. Klinepeter indicated the Public Works Director is making arrangements for purchase of the same.

ICDA Property Disposition – Ms. McGlone discussed potential interest in subdividing the McNair property. A discussion ensued on the same during which Mr. Santucci opined the Borough should get out of the landlord business noting possible issues with the Borough being permitted to collect rents that did not have a public purpose. After some additional discussion, **MOTION** by Diana McGlone, second by Damon Suglia to authorize the ICDA to explore the possibility of subdividing, appraising, and selling the McNair building. Motion carried by a vote of 5 to 0.

Public Comment

Bob Hauser, 37B Brown Street thanked Council for having open discussions. He suggested looking at the traffic signal at Ann Street and Wood Street as part of the Green Light Go grant agreement, commented the planning commission stipend should not be a per meeting fee, and the fireworks proposal was awarded to the lowest responsible bidder.

Executive Session – Mr. Kapenstein announced that an executive session would be held following the meeting for litigation and personnel.

Adjournment - **MOTION** by Damon Suglia second by Anne Einhorn to adjourn the meeting. Motion carried unanimously and the meeting was adjourned at 8:47 p.m.



Kenneth L. Klinepeter
Borough Secretary