

Meeting Minutes of the Middletown Borough Council
July 19, 2016

The July 19, 2016, regular meeting of the Middletown Borough Council was called to order at 7:00 p.m. by Council President Benjamin Kapenstein.

There was a Moment of Silence for victims of the recent violence in the United States.

After the Pledge of Allegiance, the following Council members answered roll call: Dawn Knull, Diana McGlone, Ian Reddinger, Robert Reid, and Benjamin Kapenstein. Also present were Mayor James H. Curry III, Borough Manager Kenneth Klinepeter, and Management Advisor Bruce Hamer.

Mr. Kapenstein announced the Planning Commission would be holding their first meeting on July 20, 2016, at 7 p.m. and there would be a Council meeting regarding the Elks Building on July 21, 2016, at 6 p.m. Diana McGlone noted the Planning Commission's meeting would be for the purpose of reorganization only.

Report on Executive Session – July 5, 2016 - Mr. Kapenstein reported on an executive session held on July 5, 2016, concerning litigation and personnel. He noted that no action would be taken as a result of that executive session.

Public Comment on Agenda Items

Robin Pellegrini, 51 E. Main Street inquired about the existence of a business association that was to have been formed. It was noted that 15 members were appointed but that a meeting was never held as it was stopped by the prior Council.

Joe Sukel, Foxiana Drive thanked Council for completing the downtown parking study. He asked that consideration be given to some types of parking restrictions. He also referenced a November 8, 2015 article in the Press & Journal concerning the business association previously mentioned. He noted that \$20,000 was appropriated to the ICDA to set up this business association and there are businesses interested in the same.

Carol Kupp thanked Council for completing the downtown parking study.

Approve Meeting Minutes – July 5, 2016 Meeting - **MOTION** by Robert Reid, second by Diana McGlone to approve Council meeting minutes for the July 5, 2016, meeting as submitted. Motion carried by a vote of 3 to 0 with Dawn Knull and Ian Reddinger abstaining.

Meeting Minutes of the Middletown Borough Council

July 19, 2016

Page #2.

Presentation – Make Middletown Beautiful Award – Ms. McGlone stated that this is an annual program and three houses were nominated for the latest award. The winner was selected based upon the most likes on Facebook and the Curb Appeal award was presented to Mike Dalton of Pine Street. Ms. McGlone also noted that Sharon Hoover of Race Street is maintaining the flower bed at the Police Department at the corner of Emaus Street and Race Street.

Approval of Bills – **MOTION** by Dawn Knull, second by Ian Reddinger to approve payment of bills as shown on the Accounts Payable List dated July 14, 2016, for the period July 1, 2016, through July 14, 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 3rd Ward Councilor - Ed Shull – Mr. Kapenstein reported that he received a letter of resignation from Ed Schull as a Councilor. **MOTION** by Robert Reid, second by Dawn Knull to accept with regret the resignation of Ed Shull as a Borough Councilor. Motion carried by a vote of 5 to 0.

Approve Advertisement of 3rd Ward Council Seat Vacancy – Mr. Kapenstein stated the 3rd Ward Council seat vacated by Mr. Shull must be filled by August 18, 2016. He indicated interviews for interested candidates would be conducted by Council on August 3rd with an appointment made at the August 16th meeting. **MOTION** by Ian Reddinger, second by Robert Reid to approve advertisement of the 3rd Ward Council seat vacancy and to solicit letters of interest from candidates for the seat with a deadline for submitting said letters by August 1, 2016.

Mayor Curry thanked the six candidates who applied for the 1st Ward Councilor vacancy. He then stated the ward system is antiquated and should be eliminated. He noted there have been five resignations from Council in the past year. Mayor Curry listed several surrounding communities and noted the number of members on their governing bodies. He opined there should be seven members on Council and now would be a good time to implement an at-large election system.

Robert Reid stated his opposition to this proposition noting there have been three wards with three representatives from each ward for many years.

Mr. Kapenstein then opened the floor for discussion on this proposal.

Meeting Minutes of the Middletown Borough Council
July 19, 2016
Page #3.

David Scully, 11 Mill Street indicated the proposal is a bad idea.

Rachelle Reid, 448 Grant Street stated she is not in favor of the proposal and suggested the matter be placed on the ballot as a referendum.

Jenny Miller, 227 W. Water Street agreed with Mr. Reid's comments on the matter.

Kay Wealand, 131 Keystone Avenue agreed with Rachelle Reid and Councilor Reid further opining the 1st Ward would not get the proper representation.

Ms. McGlone noted this is not the time to bring up this matter with those who have volunteered for the seat.

Mr. Kapenstein offered the idea of keeping the wards and reducing the size of Council to seven members.

Mr. Reid explained how the wards were sized and that population must be proportional for each ward.

Dawn Knull indicated she favors not having wards noting that she works for the entire community.

Kenneth Klinepeter indicated he is not taking a position on the matter but noted there might be a concern about having competition during elections for Council seats or a lack thereof.

Mr. Scully indicated he was offended by an earlier comment made about the question of talent.

Ms. Reid agreed with Ms. McGlone's comments and reiterated allowing the residents to vote on the matter.

Mr. Reid indicated he would not be at the meeting of August 16th.

Motion to approve advertisement of the 3rd Ward Council seat vacancy carried by a vote of 5 to 0.

Meeting Minutes of the Middletown Borough Council
July 19, 2016
Page #4.

Discussion With Candidates – 1st Ward Councilor Vacancy – Council commenced with interviewing the various candidates for the 1st Ward Councilor vacancy. Each candidate was asked why they wished to serve on Council, why they are the candidate best suited for the seat, their opinion on business development, cultivating a college town atmosphere, and availability.

Kathy Winter was the first candidate to speak and at this time all other candidates in attendance temporarily left the Council meeting.

Kathy Winter, 154 W. Water Street referenced a letter she submitted to Council regarding her interest stating she had attended Council meetings over the past five years. She opined the previous administration did not function well because of lack of communication and transparency noting a need for teamwork, communication, and empathy for people. Ms. Winter indicated that students from the nearby Pennsylvania State University need a reason to come into town. She explained her profession is demanding but she can be flexible for attending numerous Council meetings.

Rachelle Reid, 448 Grant Street explained she spent most of her adult life as a caregiver for her parents but also worked for PennDOT and previously served 8 years on Council. She indicated her desire to help people and would be available to serve as she had previously. As to business development particularly as a college town, Ms. Reid explained the need for businesses such a coffee shop and food stores.

Thomas Strohm, 342 S. Catherine Street, candidate for the 1st Ward Council seat, was not in attendance at the meeting.

David Scully, 11 Mill Street indicated as a candidate he does not want to compare himself to others or say he is the best. He noted he was not previously interested in politics but had problems with the police, got to know people better, and has concerns about governmental abuse. Mr. Scully opined the culture of the town is a detriment to developing as a college town noting he senses hostility toward the college and that people do not want it to be a college town. He explained he recently quit his job as a truck driver, is available to serve on Council, and willing to work with all of the community.

Sean Vaccarino, candidate for the 1st Ward Council seat, was not in attendance at the meeting.

Meeting Minutes of the Middletown Borough Council

July 19, 2016

Page #5.

Richard Jeffries, 232 B. Market Street explained he worked for the state for 30 years and has insight into boroughs. He stated he has lived in the community for a long time, knows the town and believes he can help. Mr. Jeffries opined the town does not have a lot to offer college students. He is available to attend up to four meetings per month and can work with the entire community.

Appointment – Olmsted Regional Recreation Board – Mr. Kapenstein noted there is a vacancy on the recreation board due to the resignation of Robert Louer. He indicated that Anne Einhorn has agreed to serve on this board. **MOTION** by Dawn Knull, second by Diana McGlone to appoint Anne Einhorn to the Olmsted Regional Recreation Board as a representative of the Borough of Middletown to replace Robert Louer. Motion carried by a vote of 5 to 0.

Presentation - Act 90 and 2015 Property Maintenance Codes – Ms. McGlone indicated she was foregoing making a formal power point presentation but explained she has been working with attorney Esch Macombie regarding incorporation of provisions of Act 90 and the 2015 Property Maintenance Code into the Borough Code of Ordinances. She is recommending significant changes to the Code including consolidation of several chapters as well as deletion of other chapters in order to effect these changes. Ms. McGlone also discussed the need to perform sidewalk and sewer lateral inspections upon the sale of a property. Mr. Reid reiterated his concerns for weeds growing between the curb and street.

Manager's Report – Mr. Klinepeter reviewed his monthly report noting the contract for Labor Day fireworks has an optional September 4th rain date but provides for a 15% surcharge if this option is elected, the engineering contract for the Square design has been terminated at no additional expense, and the deadline for firms submitting proposals for the Capital Improvement Plan under the Early Intervention Phase 4 grant is July 29th. Mr. Klinepeter also reported on meetings with The Efficiency Network regarding streetlight upgrades and at Londonderry Township regarding the Lytle Farms development.

Public Works Report – Mr. Klinepeter highlighted the Public Works report noting a significant amount of time has been expended on preparing for the MS4 inspection.

Meeting Minutes of the Middletown Borough Council
July 19, 2016
Page #6.

Agreement to Participate in Dauphin County Community Rating System – Mr. Klinepeter discussed this issue by covering in detail the section in his Manager’s Report of July 19, 2016 on this subject. He noted there will be a commitment of effort by the Codes Department in order to achieve compliance necessary to earn the 5% premium discount for homeowners. **MOTION** by Ian Reddinger, second by Dawn Knull to authorize the Borough Manager to sign the agreement signifying the Borough’s commitment to participate in the Dauphin County Community Rating System. Motion carried by a vote of 5 to 0.

Award Contract – Website Update – Mr. Klinepeter reported that proposals were received for this work from Strawberry Box Media and Greg Yoder Graphic Design. It was noted that Mr. Yoder had done the website for the Middletown Public Library. Ms. McGlone indicated she likes the professional image of the Yoder proposal. Additional discussion ensued regarding the merits of both proposals.

MOTION by Diana McGlone, second by Dawn Knull to award a contract for developing a new Borough website to Strawberry Box Media in accordance with the “Service Specification Proposal”, dated June 21, 2016. Motion carried by a vote of 4 to 0 with Ian Reddinger abstaining.

Adopt Ordinance No. 1326 – Intent to Follow Schedules and Procedures for the Disposition of Records – Mr. Klinepeter indicated this ordinance is ready for adoption. **MOTION** by Ian Reddinger, second by Dawn Knull to adopt Ordinance No. 1326, an Ordinance Declaring the Borough’s Intent to Follow the Schedules and Procedures for the Disposition of Records as Set Forth in the Municipal Records Manual. Motion carried by a vote of 5 to 0.

Adopt Ordinance No. 1327 – Amending Ordinance No. 1050 to Provide Notification Requirements – Mr. Klinepeter indicated this ordinance is ready for adoption. **MOTION** by Robert Reid, second by Ian Reddinger to adopt Ordinance No. 1327, an Ordinance Amending Ordinance No. 1050 by Providing Notification Requirements in the Event of Modification or Elimination of the Borough’s Limitations Upon Construction and Use of Private Wells. Motion carried by a vote of 5 to 0.

Discussion – Stipends for Boards and Commissions – Mr. Kapenstein indicated the Solicitor looked into the matter of stipends and determined that only the Planning Commission and Zoning Hearing Board are permitted to receive stipends. Ms. McGlone

Meeting Minutes of the Middletown Borough Council
July 19, 2016
Page #7.

opined that some sort of compensation is in order given the amount of work to be done in the future. A consensus was reached to provide a stipend to both boards of \$50.00 per month per member maximum provided there is a meeting during the month and that the board member attends such meeting.

MOTION by Robert Reid, second by Dawn Knull to approve stipends for the Borough Planning Commission and Zoning Hearing Board in the amount of \$50.00 per month maximum per member provided there is a meeting and with the requirement that the board member must attend the meeting in order to receive the stipend. Motion carried by a vote of 5 to 0.

Discussion – Downtown Parking Study – Mr. Kapenstein stated this study needs to get out to the business community for their input. Mr. Reid noted that limited parking and permit parking should be considered for the area in question. Joe Sukel offered that it is important to enforce any restrictions that are enacted and suggested the possibility of parking along Mill Street across from the electrical substation for commuters. Mr. Kapenstein indicated he would like to get written comments from business owners regarding this matter.

Update and Discussion of ICDA Issues – Ian Reddinger indicated there is a payment due Flyway Excavating that should be acted upon. **MOTION** by Ian Reddinger, second by Dawn Knull to approve payment to Flyway Excavating in the amount of \$451,000 for construction work related to the Streetscape project. Motion carried by a vote of 5 to 0. Mr. Reddinger then reported on the Streetscape project as well as the loan agreement with Tattered Flag.

Ms. McGlone advised there is a need for direction from Council regarding the disposition of ICDA owned properties. After some discussion on this matter there was a **MOTION** by Ian Reddinger, second by Dawn Knull to authorize the ICDA to obtain an appraisal and to list for sale with restrictions the McNair property. Motion carried by a vote of 5 to 0.

Mr. Reddinger reported the reservoir property and AT&T cell tower rental agreement would be transferred to the Borough.

MOTION by Dawn Knull, second by Robert Reid to approve final payment to Lobar Construction for restoring seats at the Elks Theatre. Motion carried by a vote of 5 to 0.

Meeting Minutes of the Middletown Borough Council
July 19, 2016
Page #8.

MOTION by Dawn Knull, second by Diana McGlone to approve a contract extension in the amount of \$98,000 with the firm of Herbert, Rowland & Grubic for construction management services on the Streetscape project. Motion carried by a vote of 4 to 1 with Robert Reid voting no.

Discussion – Grass and Weeds in Public Right of Way – A discussion ensued regarding this matter. Ms. McGlone noted this matter would be handled through recommended code changes. Mr. Klinepeter stated the best practice for managing weed growth in the streets is through the application of herbicides rather than using a weed wacker to remove the same. He noted that he has an applicator's license through which he can supervise chemical application for weed control but that the Borough must first get their business license restored.

Discussion – Over the Street “Welcome Students” Banner – Mr. Klinepeter reported he obtained a price from Get It Now Printing for this banner. There was a discussion concerning the wording on said banner and it was determined the same should state “Welcome Back Students”.

Discussion – Parking Restriction on Wood Street between Detweiler and Nissley – Mr. Klinepeter advised that he received an email from Larry Kapenstein regarding a request to ease parking restrictions on Wood Street. He explained that a motion was passed in 2014 to permit parking along this section of Wood Street during weekend hours but that an ordinance was never enacted on the same. Larry Kapenstein was present in the audience and he indicated that allowing parking during the weekend would provide relief for those attending worship services at the synagogue, which is located at the corner of Wood Street and Water Street. Mr. Kapenstein noted that services are usually held once a month but that high holy days are in September and October. It was agreed to table the matter and have Chief Bey review the situation.

Olmsted Recreation Board Request – Reimbursement of Costs for Pool Maintenance – Susan Klinger, Director for the Olmsted Regional Recreation Board, addressed Council with a request for reimbursement to the Recreation Board in the amount of \$17,994.60 for expenses incurred during 2014 and 2015, primarily for opening and closing the swimming pool located on Union Street. She explained the previous Council did not maintain the pool although it is owned by the Borough. She noted the Recreation Board only operates the pool. She further explained that all monies that might be reimbursed would go back to Borough programs.

Meeting Minutes of the Middletown Borough Council
July 19, 2016
Page #9.

Dawn Knull asked if other communities had been requested to reimburse the board and Mrs. Klinger responded the Borough owns the pool. Ian Reddinger opined the expenses should have been paid by the Borough and recommends making the reimbursement. Mr. Klinepeter explained that although the Borough opened the pool this year that a substantial part of the workforce was laid off previously and there is no guarantee the Borough can get that work done on time in the future. He noted there is a big effort required in opening and closing the pool. **MOTION** by Ian Reddinger, second by Robert Reid to reimburse the Olmsted Regional Recreation Board in the amount of \$17,994.60 for expenses incurred as presented. Motion carried by a vote of 4 to 1 with Dawn Knull voting no.

Vendors at Labor Day Fireworks Display – Ms. Knull inquired about the possibility of having vendors at the Labor Day fireworks display for local fundraising. Mr. Kapenstein suggested that a meeting be held to discuss the issue. After some additional discussion, it was agreed that Ms. Knull could go forward in pursuing this matter.

Public Comment

Kay Wealand, 131 Keystone Avenue questioned whether the Borough considered using intermittent workers similar to the state government in order to meet work requirements. It was noted the union contract with Borough employees contains some language on the use of such employees.

Rachelle Reid, 448 Grant Street questioned Ms. McGlone whether there was a difference between Act 90 and the 2015 International Property Maintenance Code. Ms. McGlone confirmed there is a difference and noted the code officer currently has limited enforcement power on property maintenance issues.

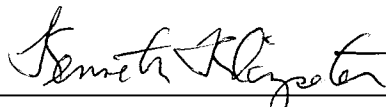
Jack Still, 37 W. Emaus Street inquired about the direction of water flow from the railroad tracks that was discussed earlier in the meeting.

Executive Session – Mr. Kapenstein announced that an executive session would be held for litigation and personnel matters. The meeting was recessed at 10:38 p.m. Ms. McGlone left the meeting at this point. The meeting reconvened at 11:22 p.m.

Meeting Minutes of the Middletown Borough Council
July 19, 2016
Page #10.

Authorization to Settle Lawsuit with Fager-Finkenbinder – **MOTION** by Dawn Knull, second by Ian Reddinger to authorize settlement of the lawsuit filed by Fager-Finkenbinder regarding Right-to-Know requests in accordance with the terms as presented during the executive session. Motion carried by a vote of 4 to 0.

Adjournment - **MOTION** by Dawn Knull, second by Ian Reddinger to adjourn the meeting. Motion carried unanimously and the meeting was adjourned at 11:24 p.m.



Kenneth L. Kinepeter
Borough Secretary