

**Middletown Borough Council
Meeting Minutes
September 20, 2016**

The September 20, 2016, regular meeting of the Middletown Borough Council was called to order at 7:00 p.m. in Council Chambers at 60 W. Emaus Street, Middletown, Pennsylvania by Council Vice President Damon Suglia.

After the Pledge of Allegiance, the following Council members answered roll call: Anne Einhorn, Dawn Knull, Diana McGlone, Ian Reddinger, Robert Reid and Damon Suglia. Benjamin Kapenstein was present via telephonic conference call. Mr. Kapenstein arrived at the meeting at a later time. Also present were Mayor James H. Curry III, Borough Manager Kenneth Klinepeter, Solicitor Adam Santucci, and Borough Secretary Grace Miller.

Public Comment on Agenda and Other Items – Vice President Suglia stated that Public Comment will be accepted at this time on all items due to the length of the Agenda.

Jack Still (37 W. Emaus St) - Mr. Still noted that regarding DCED on the agenda it would be more beneficial for the community to find other uses for floodplain properties rather than purchasing them.

Rachelle Reid (448 Grant St) – Ms. Reid expressed her concern as an election official that residents are confused as to how the abolishment of wards affects their polling places and requested clarification regarding this be made to residents. Ms. Reid requested this information be made available to residents via newspaper and social media. Mr. Adam Santucci, Borough Solicitor, stated the ordinance eliminating wards for the purposes of Council does not affect polling places for individuals and clarification will be provided through the website.

Mike Bowman (100 Wilson St) – Mr. Bowman indicated that when trees were cut down on Wilson Street, the stumps were not ground out and the sidewalks were not repaired.

Approve Meeting Minutes – August 16, 2016 - **MOTION** by Dawn Knull, second by Ian Reddinger to approve Council meeting minutes for the August 16, 2016, meeting as submitted. Motion carried by a vote of 7 to 0.

Approval of Bills - **MOTION** by Ian Reddinger, second by Dawn Knull to approve payment of bills as shown on the Accounts Payable List dated September 16, 2016, for the period August 12, 2016 through September 16, 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.

MOTION by Ian Reddinger, second by Dawn Knull to approve the reimbursement check from the Middletown Borough Authority to the Middletown Borough for secretarial services of the Authority. Motion carried by a vote of 7 to 0.

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Mayor James Curry asked if funds had been received from GMEDC for the fundraising for fireworks. Mr. Klinepeter confirmed such funds were received and deposited in the fireworks fund.

Make Middletown Beautiful – Councilor Anne Einhorn stated that a landscaping business in town is interested in contributing to landscaping improvements in town if public recognition would be made. Councilor McGlone expressed Council's appreciation for the efforts made in planting flowers in the square and presented certificates and flowers to Jenny Miller, Bob Houser, Doug and Nancy Beer, and Sharon Hoover. Councilor McGlone noted that Sharon Hoover had adopted the police station for beautification and an article was in the Press and Journal regarding her efforts.

Overlay Zoning and IPMC Codes –Ken Klinepeter indicated the Borough had received a grant award from the Tri-County Regional Planning Commission (TCRPC) in the amount of \$47,580 with a local match of \$9,516. This grant is to pay for the development of a revitalization zoning overlay district in the downtown. A draft report was prepared by KSK Architects in November 2015. The TRCPC requires final documents and a presentation be made on November 17, 2016 to meet grant requirements.

Esh McCombie of McNees was present to discuss the required steps in the process and receive direction from Council. Mr. McCombie indicated previous Council had determined the town needs revitalized and was looking for an overlay strategy to encourage businesses downtown and increase property values. The budgeted amount for this was \$47,580 with an 80/20 split between Federal and Middletown funds. Invoices 10 and 11 have not yet been paid and Invoices 1 through 9 must be repaid to TCRPC if the project is not completed. Mr. McCombie noted that the Zoning Ordinance would need amended to reflect guidelines for roofs, trees, and width of sidewalks. The goal is to protect and enhance mixed use character and discourage demolition of buildings of architectural and historical interest. The Overlay would not require changes for current buildings unless there was a complete change in the façade. Mr. McCombie asked if Council wishes to proceed with the project.

Councilor Reid asked what the pay back amount would be. Mr. Klinepeter stated he was unsure of the figure, but would look into it and let Council know. Mr. McCombie recommended Council implement all requirements and move forward with the proposed overlay. Mr. Klinepeter asked who determines which areas are of historical value. Mr. McCombie noted that the Historical Restoration Commission or Council would determine that. President Ben Kapenstein asked if there would be any negative consequences to businesses and requested they be solicited for comments. Mr. McCombie indicated the Ordinance is not to change current properties. President

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Kapenstein asked if this would require more manpower in the Codes office. Mr. Santucci stated there would be added responsibility for enforcement, but until Council decides on the scope of the project that cannot be determined.

Mr. McCombie stated Ordinances related to the Overlay Project are the proposed Ordinances for the Property Maintenance Code; Chapter 114 Construction Code and Revision of Code Enforcement.

Councilor Dawn Knull questioned 302.10 on page 9 regarding the storing of firewood. Councilor Knull expressed her concern regarding the 6" gap requirement between firewood and the ground due to flooding washing it away and the possibility of rodents living underneath the firewood. Councilor Knull indicated her desire to see this requirement eliminated from the code. President Kapenstein asked if Council had objections to this request. Seeing no objections, President Kapenstein indicated the 6" requirement be struck from the Ordinance. Councilor McGlone expressed her appreciation to McNees for their work and noted this will enable proper code enforcement of blighted properties. Councilor McGlone expressed her concern that the overlay is Borough wide and the cost would prohibit residential properties from making improvements. President Kapenstein and Vice President Suglia agreed. Mr. McCombie stated Council needs to make a decision by the November 4 meeting. Councilor Reid stated before a decision is made the payback figure should be known. After some discussion, the Ordinances were tabled to be reviewed at the next meeting.

DCED Presentation on CDBG-DR Buyout Plan – Mr. Klinepeter stated representatives David Gray and Dawn Enrico from the Pennsylvania Department of Community and Economic Development and PEMA are in attendance to discuss the CDBG-DR Buyout Program to voluntarily acquire properties which have sustained severe repetitive losses as identified in the National Flood Insurance Program and permanently convert them to open space.

Mr. Gray stated there are 4 areas in Pennsylvania that are being reviewed for the buyout program with one of those being Caravan Court. He inquired about Council's willingness to participate in the buyout program and noted that PEMA is concerned about whether the redevelopment was done in compliance with the floodplain plan. Mr. Klinepeter stated electrical upgrades had just been made to Harborton Place and there would be a loss of revenue in tax base, electric, and water loss in the lease agreement. Mayor Curry noted that a rough estimate of lost revenue would be \$3,500 per month; \$42,000 per year for water. Mr. Klinepeter stated the Borough would be responsible for the complete project. Mr. Gray indicated there may be some assistance for multi-family housing. Councilor McGlone expressed her concern with the amount of greenspace

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within the Borough. President Kapenstein requested DCED provide a written proposal summary for review.

Downtown Parking – Mr. Klinepeter stated Officer Rux of the Middletown Police Department completed a study of the on-street parking issues associated with certain areas of the downtown business district. Council had solicited input and heard from businesses and residents in an expanded area of the downtown district. Mr. Klinepeter noted that Councilor Reid has taken an active role in this issue and prepared a map of the area for discussion on the issues. Councilor Reid stated the parking problems may be resolved if signage was more clear and more specific as to 2-hour parking during business hours. Councilor Reid recommended increasing the current \$15 fine to \$75. Mayor Curry agreed. Mr. Santucci recommended looking at current Ordinances and implementing proper signage in those areas. Mr. Santucci opined that without proper signage police cannot enforce the ordinance. President Kapenstein requested Greg Wilsbach, Councilor Reid and Mr. Santucci bring information gathered on current parking ordinances to the next meeting.

Reports – Mr. Klinepeter noted that RFP's for the Pension Plan had been received and Council will be required to do a pre-screening of the proposals. President Kapenstein has removed himself from the process due to a conflict of interest. Mr. Klinepeter stated Strawberry Box will be at the October 4th meeting to present the website design for Council's review and feedback. Mr. Klinepeter noted on October 8th around 3-4 p.m. the Freedom from Breast Cancer walk will be coming through town and anyone is welcome to join the walk as it goes through town. Mayor Curry has approved the 5K Zombie Run on October 29th at 7 p.m. starting at the football field. Councilor Knull expressed her concerns regarding the closure of Ann Street for repairs due to 3-4 bus stops along the detour as well as tractor trailers being detoured through residential districts. Mr. Klinepeter stated he will talk to the police and public works about monitoring the roads more closely as well as flashing lights on stop signs during the 3-week period.

Bruce Hamer, Director of Finance and Administration, discussed the importance of developing a comprehensive Policies and Procedure Manual as well as a Records Management Program for Council approval. Mr. Hamer also recommended revising some Internal Control Procedures as soon as possible. President Kapenstein requested Mr. Hamer have it to Council for review for the next meeting.

Mr. Klinepeter indicated Council had a copy of the Police Report with monthly statistics and noted the significant amount of investigations done.

Mr. Wilsbach highlighted the Public Works report for the month of August and recommended a professional rate study for cost of service be done to be used as a

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building block for the Borough's electric rates and enable setting of stable rates in the future.

Councilor McGlone noted that Oak Hills Playground, Hoffer Park and Kid's Castle have been vandalized and requested cameras be re-installed so offenders can be prosecuted.

Minimum Municipal Obligation (Non-Uniformed and Police Pension) – Mr. Klinepeter stated the MMO for the non-uniformed and police pension plans for 2017 budgeting purposes must be approved by Council prior to September 30 of each year. **MOTION** by Ian Reddinger, second by Anne Einhorn to approve the 2017 Minimum Municipal Obligation for the Middletown Borough Non-Uniformed Pension Plan in the amount of \$13,031.47 and the Minimum Municipal Obligation for the Middletown Borough Police Pension Plan in the amount of \$111,413.73. Motion carried by a vote of 7 to 0.

PennDOT Agreement for Emaus Street Water Line Extension – Mr. Klinepeter stated under the Concession Lease Agreement with Suez, Middletown committed to complete the installation of an 8-inch water main for the extension of Emaus Street to Main Street. PennDOT has proposed to complete the water line installation work on behalf of the Borough in order to expedite completion of this phase of their site work prior to paving the road through the new train station property. The estimated cost is \$134,087. **MOTION** by Damon Suglia, second by Ian Reddinger to approve the PennDOT Agreement for installation of an 8-inch water main extension from Emaus Street to Main Street in the amount of \$134,087 conditional upon review of solicitor. Motion carried by a vote of 7 to 0.

Inspection Services for Emaus Street Water Line Extension – Mr. Santucci noted that PennDOT requires daily onsite inspections of the Emaus Street water line project by an engineer hired by the Borough and recommended accepting the \$35,000 proposal. **MOTION** by Damon Suglia, second by Ian Reddinger to accept the proposal from Rettew for onsite daily inspection services for the 8-inch water main extension from Emaus Street to Main Street for a total cost of \$35,000. Motion carried by a vote of 7 to 0.

TENS Financing Options for LED Streetlights – Mr. Klinepeter indicated previous presentations and discussions have been held on this project with revisions to the proposed contract being reviewed by the Borough's attorney. Mr. Santucci noted an email from Crystal Clark from McNees outlining different financing options Council can take with those options being: 1) Cash Outlay of \$500,000; 2) Self-financing; 3) Have Tens secure the financing. Mr. Klinepeter noted that the savings received by this program would be used to pay for the financing. Mr. Greg Wilsbach recommended

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tabling the item while financing is looked into. Mr. Wilsbach expressed his concerns that a luminary study was not completed and the Borough has all different types of lights and how cost may be affected if issues occur. Mr. Santucci stated there should be no impact to the budget. After some discussion, Council President Kapenstein recommended looking at Tens financing and the Borough look into financing options as well.

Appointment for Planning Commission Vacancy – Mr. Klinepeter stated that an application for the vacancy on Planning Commission had been received from Scott Sites. **MOTION** by Damon Suglia, second by Diana McGlone to appoint Scott Sites to the Planning Commission for a 4-year term expiring December 31, 2018. Motion carried by a vote of 7 to 0.

Crime Watch Meeting – Councilor Knull expressed her concerns regarding drug and sex offender issues that are occurring in Middletown. Councilor Knull indicated her desire to make the public aware of these issues and what to look for through a presentation to the community at the Liberty Fire Hall. Councilor Knull noted that she contacted Police Chief Bey who has indicated he has someone who can make the presentation. Two programs that potentially could be utilized are the Drug Work Force and ICE through Harrisburg International Airport (HIA). Councilor Anne Einhorn stated she has similar concerns and has contacted Pennsylvania Crime & Delinquency (PCDE) who deals with education and prevention and is scheduled to meet with a representative on November 1st between 2 and 4 and invited others to attend as well.

Decorations at the Square – Councilor Einhorn indicated she had reached out to some businesses to sponsor quadrants or activities occurring in town. Councilor Einhorn stated a landscaping company would be interested in donating landscaping services before fall, plant, mulch and come back in the spring to do it again if there would be acknowledgement from the Borough for their efforts. Mr. Klinepeter stated there is an ordinance that allows temporary signs for 2 weeks with extensions made by the Borough Manager. Councilors Knull and Einhorn will be gathering volunteers to help decorate Hoffer Park for Christmas.

New Business:

Streetscape Award - Mr. Santucci stated the Dauphin County Planning Commission is considering projects for the Premier Project Awards. The Borough would need to update contact information and resubmit the 2015 application to receive recognition of Streetscape.

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Welcome Packets – Councilor McGlone stated she contemplated going to the Middletown Business Association regarding handing out welcome packets to residents moving into the Borough. She suggested the packet include such information as organizations, places to visit, restaurants, and other information about the community. Mayor James Curry indicated there is currently no Middletown Business Association (MBA) as ICDA would need to advertise and appoint Board Members. Mr. Santucci indicated ICDA needs to pass a resolution to appoint the Board of Directors. Mayor Curry went on to say ICDA needs approval from Council to spend funds for advertising. **MOTION** by Anne Einhorn, second by Dawn Knull to ratify ICDA action to spend funds to advertise for board members to the Middletown Business Association. Motion carried by a vote of 6 to 1 with Councilor Suglia voting no..

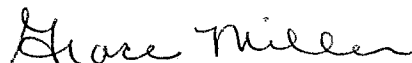
Public Comment

Mike Bowman (100 Wilson St) – Mr. Bowman indicated firewood should be designated as being 10” off the ground to prevent termites. Mr. Bowman stated that \$5,000 was budgeted to put a bathroom in a barn as well as \$15,000 in engineering fees and no work has been done. Mr. Bowman also informed Council that streets are sinking in different areas from Wood Street to Catherine.

Bob Houser (37 Brown Street) – Mr. Houser indicated the Press and Journal had a welcome to Penn State students that could be used as a guide for the Welcome Packet. Mr. Houser asked how votes could be 7-0 when Council President Kapenstein was not in attendance and asked when Council allowed telephonic phone votes. Council President Kapenstein stated Council had previously passed a resolution that votes can be accepted through teleconference or Skype.

Executive Session – President Kapenstein stated an Executive Session would be held following the conclusion of this meeting.

Adjournment - **MOTION** by Ian Reddinger, second by Damon Suglia to adjourn the meeting. Motion carried unanimously and the meeting was adjourned at 9:56 p.m.



Grace Miller
Borough Secretary

