

Meeting Minutes of Middletown Borough Council
December 20, 2016

The December 20, 2016, regular meeting of the Middletown Borough Council was called to order at 7:03 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, Damon Suglia, Robert Reid, and Ian Reddinger. Absent: Benjamin Kapenstein. Also present were Mayor James H. Curry III, Borough Manager Kenneth L. Klinepeter, Director of Finance and Administration Bruce Hamer, Public Works Director Greg Wilsbach, Solicitor Adam Santucci, and Borough Secretary Grace Miller.

Vice President Suglia stated Council would be recessing to Executive Session to discuss personnel and legal matters. After some discussion, **MOTION** by Robert Reid, second by Diana McGlone to amend the Agenda to move Executive Session to the end of the meeting. Motion carried by a vote of 6 to 0.

Public Comment

Rachelle Reid (448 Grant St) – Ms. Rachelle Reid asked for the names of the individuals being voted on for Zoning Hearing Board. Vice President Suglia indicated the individuals interested in serving were Rodney Horton and Rachelle Reid. Ms. Reid noted that an individual cannot sit on the Planning Commission and Zoning Hearing Board at the same time.

Approval of Meeting Minutes – Councilor Anne Einhorn noted the minutes should reflect the last name of Ellen Willenbacher. **MOTION** by Dawn Knull, second by Robert Reid to approve the December 6, 2016 meeting minutes with corrections made as noted above. Vice President Suglia abstained. Motion carried by a vote of 5 to 0.

Neighborhood Dispute Settlement – Jacob Kanagy and Kay Pickering of Neighborhood Dispute Settlement were in attendance to assure Council steps were being taken to ensure proper mediation is conducted and appreciated the relationship shared with Middletown. Ms. Pickering indicated referrals are received from the police, code officers, and the District Justice and wants to continue that relationship. Vice President Suglia thanked Mr. Kanagy and Ms. Pickering for coming in.

Approval of Bills – **MOTION** by Ian Reddinger, second by Dawn Knull to approve payment of bills as shown on the Accounts Payable List dated December 19, 2016, for the period December 3, 2016 through December 19, 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 6 to 0.

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MOTION by Dawn Knull, second by Ian Reddinger to ratify approval of payments of bills for the ICDA as shown on the Accounts Payable List dated December 19, 2016 for the period December 1, 2016 through December 19, 2016 and to authorize the appropriate officials to take required actions to make said payments. Motion carried by a vote of 6 to 0.

Flyway Excavating Payment #14 – Mr. Bruce Hamer indicated the Flyway Excavating invoice for Payment #14 of the Streetscape Project in the amount of \$88,999.22 has been received and approved by HRG engineers. Approval of this payment would leave a retainage of \$165,804.80 as some work still needs to be completed with Mr. Hamer noting that the retainage will not be released until the punch list has been completed. **MOTION** by Dawn Knull, second by Ian Reddinger to authorize payment to Flyway Excavating in the amount of \$88,999.22 for the Streetscape Project. Motion carried by a vote of 6 to 0.

Councilor McGlone asked why no electric was provided for from Spring Street to Emaus Street. Mr. Greg Wilsbach, Public Works Director, stated the engineer did not appear to think it was needed as it was not included in the design plans. Mr. Klinepeter indicated he would check the plans, noting that current staff was not involved in the original planning. Councilor McGlone asked if the monies were being paid from ICDA funds. Mr. Hamer stated the monies are being paid from the Liquid Fuels Fund and Capital Projects Fund as some of the ICDA funds were transferred to the Borough.

Approve Dauphin County Infrastructure Bank Loan – Mr. Bruce Hamer stated there was a loan with the Dauphin County Infrastructure Bank in the amount of \$1.5 million for the Streetscape Project that requires an annual payment of \$153,857.61. **MOTION** by Dawn Knull, second by Robert Reid to approve the loan payment of \$153,857.61 to the Dauphin County Infrastructure Bank regarding the Streetscape Project. Motion carried by a vote of 6 to 0.

Manager Report – Mr. Klinepeter noted that Council may wish to discuss the draft Marijuana Ordinance the Planning Commission has reviewed as the attorney has recommended waiting for state law to be adopted as the model ordinance may be challenged. Mr. Adam Santucci indicated there are a number of concerns regarding potential regulations recommending medical pharmaceutical dispensaries be considered on a case by case basis under either the conditional use procedure or a variance and suggested Councilor McGlone talk with Esch McCombie of McNees to discuss particulars. Councilor McGlone indicated the state will be issuing 50 licenses in the state of Pennsylvania for outpatient procedure medical facilities.

Mr. Klinepeter reported that he and the Public Works Director met with SARAA regarding plans for a runway rehabilitation project starting in the spring. They do have existing right-of-ways for the runway approach. Trees will be removed in an area off of Susquehanna

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Street and the Sunset Golf Course and have applied for a stream crossing permit and will be building a temporary road on the vacant properties they own. There will be another meeting with the contractor to determine the best route through town to remove the trees.

Mr. Klinepeter stated there have been challenges with the transition from 2K to the new IT service provider noting challenges in getting information from 2K. Mr. Klinepeter noted the new IT service provider recommended a separate backup for archived items in order to save costs.

Councilor Einhorn asked what the status was of the Zoning Overlay. Mr. Klinepeter noted the presentation was made to the Tri-County Regional Planning Commission meeting grant requirements and the Zoning Overlay was provided to the Planning Commission for comments. Once the Planning Commission reviews the plan and provides Council with recommendations, Council will need to decide if they wish to adopt the plan in its entirety or partially as some requirements may be too onerous and costly. Tri-County has stated the plan does not need to be adopted as grant requirements have been met. Councilor Suglia asked what the time frame is before Council would hear from the Planning Commission. Dave Grabuloff of the Planning Commission indicated comments would be presented to Council at the beginning of February. Councilor McGlone noted that zoning needs updated as it currently prohibits development.

Finance Report – Mr. Hamer stated that the Borough has a number of funds, some which need to be kept separate, but others that could potentially be combined noting that one fund could be labeled Community Economic Development Fund and have funds in one bank account with different funds delineated through the accounting software. Mr. Hamer indicated that the 2015 Audit was distributed in its final form and a kickoff meeting for the 2016 Audit is scheduled with Brown Schultz Sheridan and Fritz for the following day with the audit being completed in April. Mr. Hamer indicated the 2014 Single Audit had been filed appropriately and noted transfers to be made from the OPEB Trust Fund to reimburse the Pooled Cash Fund for retirement payments will now be done on an annual basis in December.

Mayor Curry asked if the Fireworks Fund had been kept as a separate fund. Mr. Hamer indicated it would be run through the General Fund with a line item for payments made for fireworks with funds from donations being put in a separate asset account under the Community and Economic Development Fund. Mayor Curry expressed his concern that funds be kept separate. Mr. Hamer explained that accounts set up for specific purposes will show as a line item under the Community and Economic Development Fund. Councilor Reid asked if donations could be set up as tax deductible. Attorney Santucci indicated a 501c3 would need to be set up in order to do that. Councilor McGlone suggested working with non-profits in a collaborative effort with the non-profit groups collecting donations rather than the Borough. Councilor McGlone asked where the loan

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repayment funds from Tattered Flag were going. Mr. Hamer noted repayment funds are shown in the General Fund Revenue in the Budget. Councilor McGlone recommended using loan repayment funds from Tattered Flag to expand the Homestead Loan Program offering loans to businesses and individuals to make improvements to their properties. Mr. Hamer noted he will be meeting with the new auditors and will ask these types of questions. Councilor Reid asked if the Landis Fund was still in place. Mr. Hamer said it was but was not clear as to what the original purpose of the fund was.

Public Works – Mr. Greg Wilsbach stated staff spent a lot of time decorating for Christmas during the month. Councilor Suglia recommended leaving the tree lit all the time. Mr. Wilsbach noted the tree is lit from 5 p.m. to 7 a.m.

Mr. Wilsbach indicated Council had received a copy of the engineering letter regarding stormwater issues at the Westporte Shopping Center and he will be having a meeting to try to resolve the issue. Mr. Wilsbach noted that 80 tons of salt (\$5,000) were used during the small snowfall that occurred indicating that the new truck being purchased will have a spreader that will be able to regulate the amount of salt being put down. Councilor Knull noted that where PennDOT had plowed intersections snow piles caused trouble getting out on to the streets. Mr. Klinepeter stated Mr. Wilsbach was going to have a meeting with staff going over what worked, what didn't work and what should be done next time.

Police – Mr. Klinepeter noted the number of citations written and that Chief Bey had attended the Crime Watch meeting. Councilor Knull stated six officers and the Chief attended the first Crime Watch meeting with seven officers attending the second meeting and thanked the officers for showing the community that they care. Councilor Knull indicated the next meeting will be held January 19, 2017, 6 p.m. at the Rescue Hall and will be having citizens run the meetings.

Mayor Curry asked what the status was on the security camera issue. Mr. Klinepeter noted the need to start over with IntermixIT as there will need to be a cost proposal for special projects and indicated he would contact Chief Bey to get the information he received on the cameras. Councilor Reid asked about body cameras with Mayor Curry noting that body cams are very expensive. Mr. Klinepeter stated IT would need renegotiated as that would require extensive backup storage. Mr. Klinepeter recommended implementing a separate IT contract for the police. Mayor Curry indicated he would like cameras added to a couple of areas in town.

EMS – Mr. Klinepeter noted the EMS report shows the total number of calls for October with the average response time being 4 minutes.

Winter Weather Maintenance Plan – Mr. Klinepeter noted that he and Public Works Director, Greg Wilsbach, had reviewed the plan and made minor revisions. Mayor Curry asked who is responsible for disseminating snow emergency information to the radio

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station. Mr. Klinepeter indicated the Mayor calls snow emergencies according to the Ordinance with more internal issues being handled by the Manager and/or Borough Secretary. **MOTION** by Anne Einhorn, second by Dawn Knull to accept the Winter Weather Maintenance plan with revisions dated December 20, 2016. Motion carried by a vote of 6 to 0.

HIA Tree Trimming – Mr. Klinepeter indicated the map provided refers to what he spoke about earlier in his report regarding the tree trimming project HIA will be undertaking in the spring and noted HIA will also be installing grasses for links at the Sunset Golf Course. Mr. Wilsbach stated HIA is required by FAA to maintain trees at a certain height noting the trees on the map marked in red are being taken down and HIA is looking to use Swarr Alley for their entryway as there is a curb cut there which they will restore.

Codification of Ordinances – Mr. Klinepeter stated the budget reflects the cost to codify Borough Ordinances and requested implementing an annual schedule to ensure updates to Ordinances are done. **MOTION** by Ian Reddinger, second by Robert Reid to approve codification of codes through General Code and establish an annual update schedule of Ordinances. Motion carried by a vote of 6 to 0.

Network Attached Storage Device (NAS) – Mr. Klinepeter noted that the Borough's new IT provider recommended purchasing a NAS device in the amount of \$972.96 to backup archived items rather than paying additional storage fees. Councilor Reddinger asked what the estimated savings would be with the purchase of this device. Mr. Klinepeter stated the Borough was paying over \$9,000 per month to the previous IT provider and paying \$4,200. to the new IT provider. **MOTION** by Diana McGlone, second by Anne Einhorn to purchase a Network Attached Storage Device in the amount of \$972.96 to backup archived information. Motion carried by a vote of 6 to 0.

Delinquent Account Policy – Mr. Hamer recommended implementing a more definitive policy relating to overdue accounts. Staff has been using a couple of different approaches with one approach being a payment arrangement when an individual can't pay by the due date but could pay at a later date. Another approach is having individuals sign a contract where they agree to pay a specified amount over a certain period of time until the delinquent account is up-to-date. Mr. Hamer asked for Council's direction on how they wish to handle these types of issues. Council Knull recommended either waiving the \$60 reconnect fee or lowering the fee during winter months. Mr. Wilsbach noted most of the delinquent accounts are the same individuals and the reconnect fee has cut down the number of shut-offs. Solicitor Santucci recommended being consistent and the reconnect fee could be built into the Ordinance. Mr. Hamer asked Mr. Santucci if the current Ordinance that allows for a \$50 past due for shut-offs could be revised by Resolution. Mr. Santucci stated yes, Council can change the policy by Resolution. Vice President Suglia asked Mr. Hamer to draft a policy and present it to Council.

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Establish Community & Economic Development Fund – Mr. Hamer indicated this fund was discussed previously under the Finance Report. Vice President Suglia asked if this fund was to be like an umbrella fund with separate line items listed under it. Mr. Hamer stated that was correct in that he is looking to combine multiple funds into a fund named Community & Economic Development Fund which would then show the segregated monies.

Care-A-Van – Mr. Klinepeter stated he had received a call and an email from Communities that Care asking for a contribution from the Borough towards their Care-A-Van program. Mr. Klinepeter noted the Borough has contributed to this program in the past using the Landis Fund. Vice President Suglia noted that \$400 was donated in 2002. **MOTION** by Robert Reid, second by Anne Einhorn to donate \$1,000 to the Care-A-Van program using funds from the General Fund. Motion carried by a vote of 6 to 0.

Civil Service Commission – Mr. Klinepeter noted that Mr. Lewis Whittle had submitted a letter resigning from the Civil Service Commission. Mr. Klinepeter stated he had spoken with Todd Webb who indicated he would be willing to serve full-time on the Civil Service Commission and the position for an alternate would need to be re-advertised. **MOTION** by Robert Reid, second by Ian Reddinger to accept the resignation of Lewis Whittle from the Civil Service Commission. **MOTION** by Robert Reid, second by Dawn Knull to appoint Todd Webb to the Civil Service Commission. Motion carried by a vote of 6 to 0.

Vacancy Board – Mr. Klinepeter stated Earl Bright, III is currently serving a 1-year term with the term expiring at the end of December and has not yet responded as to whether or not he would be interested in being reappointed. Councilor Knull indicated she had not been able to contact Mr. Bright but would try to touch base with him prior to the next meeting. Tabled until the next meeting.

Parking Ordinance – Mr. Klinepeter noted the parking ordinance will be addressed at the next meeting due to questions and changes that need to be made per the solicitor. Mr. Santucci asked if Council would be increasing the fees. After some discussion, Council agreed to change the parking fine for the first offense from \$15 to \$30; second offense from \$30 to \$60 and third or subsequent offense from \$75 to \$150. Mr. Santucci indicated the Ordinance would be updated to reflect those changes.

Public Comment

Janet Kirchner (132 Spruce St) – Ms. Janet Kirchner asked if there were any plans to replant trees in the Borough. Mr. Wilsbach indicating he is looking to reactivate the Shade Tree Commission and is looking at installing some trees on Borough property. Ms.

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Kirchner stated the Borough keeps saying it cannot make changes on the website yet was able to update website to reflect house decorating contest. Mr. Klinepeter stated he was speaking about network passwords, not the website. Ms. Kirchner noted the News Tab has not been updated since 2015. Mr. Klinepeter indicated a new contractor has been engaged to revamp the website. Ms. Kirchner stated her hope that the funds the Borough has set aside for the Elks will be preserved for the Elks. Mr. Hamer stated by Council's determination monies received from the cell tower lease rental are being set aside for the Elk Theater. Ms. Kirchner asked if the \$20,000 for Council Chambers is for technology and furniture. Vice President Suglia indicated those funds were for sprucing up in general. Ms. Kirchner expressed she likes the old timey feel and is against new furniture although new paint and technology would be helpful. Mr. Kirchner went on to say there is a "No Parking" sign at the bus stop in front of Karns when there is a marked spot already delineated. Mr. Wilsbach noted the sign is required with Councilor Knull stating the bus continues to stop there.

Rachelle Reid (448 Grant St) – Ms. Rachelle Reid recommended increasing the parking fines to \$60, 90 and \$120.

Jenny Miller (227 W Water St) – Ms. Jenny Miller indicated her agreement with the parking fines being raised and noted she was glad to see the Historical Overlay is being reviewed.

Maria Frisby (507 Linden St) – Ms. Maria Frisby thanked Council for doing a good job and asked when recognition was going to be made to those individuals saved from the burning car. Councilor Knull stated Council is waiting until they are out of the hospital. Ms. Frisby noted she agrees with raising the parking fines as it will create a deterrent.

Kay Wealand (131 Keystone Ave) – Ms. Kay Wealand expressed her appreciation to the Mayor and Public Works for the decorations and tree stating it has been very positive for the community. Ms. Wealand indicated she hoped that same commitment and enthusiasm would be directed to the Elks. Mayor Curry stated that at the ICDA meeting the Elks Theater was talked about at length with discussions ending with recommendations being made that a group put a proposal together and present it to the ICDA.

Darnell Nolen (507 Linden St, Apt 1) – Mr. Darnell Nolen commented on the van that stays parked in front of Kuppy's Diner and on the traffic not stopping at the Giant parking lot. Vice President Suglia noted that the Giant parking lot is private property.

Jack Still (37 W Emaus St) – Mr. Jack Still thanked Council for moving the Executive Session to the end of the meeting.

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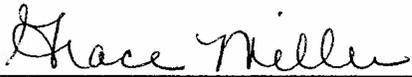
Vice President Suglia stated Council would be recessing to Executive Session at this time (9:15) to discuss legal and personnel matters. Meeting reconvened at 10:42 p.m.

Zoning Hearing Board – Vice President Suglia noted that appointments to the Zoning Hearing Board would be tabled until the next meeting.

MOTION by Ian Reddinger, second by Anne Einhorn to reject the Water Report provided by Suez to Borough Council and the related request for a Capital Cost Recovery Charge. Motion carried by a vote of 6 to 0.

MOTION by Diana McGlone, second by Ian Reddinger to approve the proposed resolution of the Suez Capital Cost Recovery Charge request proposed by Borough staff and authorize Council President to work with the solicitor to finalize a written agreement with Suez. Motion carried by a vote of 6 to 0.

Adjournment - **MOTION** by Dawn Knull, second by Anne Einhorn to adjourn the meeting. Motion carried unanimously and the meeting was adjourned at 10:45 p.m.



Grace Miller
Borough Secretary