

**Meeting Minutes of Middletown Borough Council
January 3, 2017**

The January 3, 2017, 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 President Benjamin Kapenstein.

After the Pledge of Allegiance, the following Council members answered roll call: Dawn Knull, Diana McGlone, Damon Suglia, Robert Reid, Ian Reddinger and Benjamin Kapenstein. Absent: Anne Einhorn. 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.

Public Comment

Janet Kirchner (132 Spruce St) – Ms. Janet Kirchner stated how imperative it is to act on the Medical Marijuana dispensary ordinance noting that only 4 permits are going to be issued in our region.

Darnell Nolen (507 Linden St, Apt 1) – Mr. Darnell Nolen asked how much it would cost to start a new business for the medical dispensary. President Ben Kapenstein indicated he did not know but that someone had been in a few months ago who was interested in putting in a dispensary.

Rachelle Reid (448 Grant St) – Ms. Rachelle Reid indicated she may be a candidate for medical marijuana due to health issues and would appreciate the passing of the medical marijuana ordinance. Ms. Reid expressed her displeasure in being told she had made certain comments regarding a zoning issue stating she did not make such statements and indicated the Zoning Hearing Board should have requested an alternate when there was not a quorum.

Jack Still (37 W Emaus St) – Mr. Jack Still stated the Borough Ordinance states the Zoning Hearing Board is to appoint an alternate if you don't have a quorum. The Zoning Hearing Board did have a quorum at the meeting Ms. Reid is referring to.

Approval of Meeting Minutes – **MOTION** by Dawn Knull, second by Ian Reddinger to approve the December 20, 2016 meeting minutes as presented. Motion carried by a vote of 6 to 0.

Approval of Bills – Councilor Diana McGlone requested the emergency number for the answering service be put on the bills and website. Mr. Klinepeter noted if residents call the Borough office at 902-0706 and follow the prompts, it automatically switches to the answering service and the number will be on the website once the new website is live. **MOTION** by Ian Reddinger, second by Dawn Knull to approve payment of bills as shown

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on the Accounts Payable List dated December 29, 2016, for the period December 20, 2016 through December 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 6 to 0.

Planning Commission– Mr. Kenneth Klinepeter stated he had received a letter from Rodney Horton resigning from the Planning Commission and requested Council accept Mr. Horton’s resignation. **MOTION** by Robert Reid, second by Damon Suglia to accept Rodney Horton’s resignation from the Planning Commission. Motion carried by a vote of 6 to 0.

Approve Advertisement of Parking Ordinance 1335– Mr. Klinepeter noted that Mr. Wilsbach and Councilor Reid worked together with the solicitor to revise the parking ordinance and this ordinance will repeal Chapter 252 of the Borough Code. Mr. Klinepeter requested Council authorize the advertisement of the proposed ordinance. Vice President Suglia asked if the property owners of the Blue Room had been contacted about the loading zone. Mr. Greg Wilsbach noted he had contacted the owners who were very cooperative and dropped the time table for the loading zone considerably. Councilor Knull noted that West Water Street is limited to 30 minute parking from 8 a.m. to 5 p.m. Mr. Wilsbach indicated he spoke with business owners and the proposed ordinance takes into account those requests. Solicitor Adam Santucci noted that the ordinance reflects the fines being increased to \$30, \$60 and \$150. **MOTION** by Robert Reid, second by Ian Reddinger to approve the advertising of the proposed Parking Ordinance 1335. Motion carried by a vote of 6 to 0.

Zoning Hearing Board Appointments – Mr. Klinepeter stated the Zoning Hearing Board is a 3 year term with appointments needing to be staggered according to municipal code so not everyone’s term expires at the same time. Mr. Klinepeter indicated that the appointments for Jack Still and Don Graham have expired and both individuals have expressed a desire to continue to serve on the Zoning Hearing Board. **MOTION** by Dawn Knull, second by Damon Suglia to reappoint John (Jack) Still to the Zoning Hearing Board with a term to expire December 31, 2017. Motion carried by a vote of 6 to 0.

MOTION by Robert Reid, second by Ian Reddinger to reappoint Don Graham to the Zoning Hearing Board with a term to expire December 31, 2018. Motion carried by a vote of 6 to 0.

Mr. Klinepeter noted that Tom Germak’s term has also expired and is unable to serve another term. Rodney Horton has expressed his interest in serving on the Zoning Hearing Board and Rachelle Reid has also indicated she would be willing to serve. **MOTION** by Ian Reddinger, second by Dawn Knull to appoint Rodney Horton to the Zoning Hearing

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Board with a term to expire December 31, 2019. Motion carried by a vote of 5 to 0 with Councilor Reid abstaining.

Mr. Klinepeter noted there is also an opening for an alternate and recommended Rachelle Reid be appointed. Councilor McGlone asked about whether individuals can serve on two different Boards. Mr. Klinepeter stated that only applies to an individual serving on both the Zoning Hearing Board and the Planning Commission. Solicitor Santucci concurred. Ms. Rachelle Reid stated Solicitor Santucci broke the law as he allowed Mike Bowman to serve both on the Zoning Hearing Board and the Police Pension Board. Solicitor Santucci indicated he had no idea what she was referring to.

President Kapenstein stated the appointment of an alternate member will be tabled.

Vacancy Board Appointment – Mr. Klinepeter noted that the Vacancy Board 1 year term of Earl Bright, III expired at the end of December. Councilor Dawn Knull stated she had spoken with Mr. Bright and he was interested in serving another term on the Vacancy Board. **MOTION** by Dawn Knull, second by Ian Reddinger to reappoint Earl Bright, III to the Vacancy Board with a term to expire December 31, 2017. Motion carried by a vote of 6 to 0.

Defined Contribution Service Provider – Mr. Hamer stated the change in investment services requires a Defined Contribution Service Program be selected noting that the Borough presently has accounts that employees can contribute to with both Voya and ICMA-RC. Mr. Hamer noted PFM recommended contacting both organizations in order to check rates and to gauge their interest in serving as investment providers and hopes to have a recommendation to provide to Council at the next meeting.

Investment Advisory Committee– Mr. Klinepeter noted that the new investment services provider also recommended setting up an Investment Advisory Board. Mr. Hamer indicated that currently the Police Pension Board requires a 5-person board with 2 from Council; 2 Police and 1 Neutral. Mr. Hamer recommended the Investment Advisory Board consist of those same members and add 2 members from the Non-Uniform Employees so that the committee would consist of a 7 member board. This committee could potentially meet every 3 months to review investments and discuss with PFM any questions or concerns. Mr. Hamer noted a conference call is scheduled with PFM on Friday to discuss this and other matters. President Kapenstein directed any Council members wishing to volunteer for this committee send an email to Mr. Klinepeter or Mr. Hamer.

Actuarial Letters of Interest for Non-Uniform Pension Plan – Mr. Klinepeter indicated that the change in investment advisors will require stepping away from using Standard as the investment manager and PFM does not provide actuarial services. Mr. Hamer stated that

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Conrad-Siegel is currently the actuary for the police pension fund and the actuary for OPEB is Municipal Finance Partners. Mr. Hamer recommended contacting these 2 firms to gauge their interest in providing actuarial services. Mr. Hamer noted he had contacted McNees Wallace asking if there were any specific requirements the Borough would need to follow to obtain actuarial services and they informed him there were none. Mr. Hamer requested Council give direction as how to proceed. **MOTION** by Ian Reddinger, second by Damon Suglia to authorize staff to contact Conrad-Siegel and Municipal Finance Partners in order to obtain actuarial service information. Motion carried by a vote of 5 to 0 with President Kapenstein abstaining.

PA DCED Home Buy Out Program– Mr. Klinepeter indicated David Gray of DCED had presented to Council in September the option for Middletown to work with the CDBG Disaster Recovery 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. One of the places identified by DCED was Harborton Place. At that time, Council had expressed they did not want to be involved in the program due to the loss of tax and electric revenue as well as the monies spent on upgrading the electric to Harborton Place. Mr. Klinepeter requested Council make a formal decision regarding this matter due to an article that came out in the paper causing some concerns. The program is voluntary with both the Borough and owner of the trailer park both agreeing to participate. The park would then have to be maintained as open space and nothing could be built on the property causing Suez to lose customers which would affect the Borough with the water loss clause in the agreement requiring existing customers to pay higher rates. President Kapenstein questioned the insurance clause in the letter DCED sent. Mr. Klinepeter read the clause which states if the Borough does not participate, assistance would not be available to residents that may want to relocate. **MOTION** by Dawn Knull, second by Ian Reddinger to decline the opportunity to participate in the Hazard Mitigation Grant Program at this time. Motion carried by a vote of 5 to 1 with Councilor Suglia voting against.

Medical Marijuana Ordinance – Mr. Klinepeter noted at the last Council meeting the solicitor recommended waiting on passing this ordinance due to state regulations being prepared to be passed and that Councilor McGlone speak with a partner at McNees to get clarification on the issue. Councilor McGlone noted the changes made to the ordinance meet state requirements specifying that a dispensary and grower processing can only be located in commercial and manufacturing areas. Mr. Klinepeter noted there is a very small window between February and March for permit applications to be submitted to the state. Councilor Reddinger asked if the 1,000 feet limitation will burden businesses wanting to move in. Solicitor Santucci indicated it will limit due to the state requirement of being 1,000 feet away from a daycare or school. **MOTION** by Robert Reid, second by Diana

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McGlone to authorize the advertisement of Ordinance 1336 regarding Medical Marijuana. Motion carried by a vote of 6 to 0.

Proclamation – Mayor John Hoerner– President Kapenstein expressed his sympathy and regrets at the passing of Mayor John Hoerner and read the Proclamation being sent to Highspire Borough in honor of the late Mayor Hoerner who was deeply committed to both family and community serving 11 years as Mayor of Highspire.

Public Comment

Rachelle Reid (448 Grant St) – Ms. Rachelle Reid asked what the ICDA Revitalization Fund balance was. Mr. Hamer indicated the balance was approximately \$436,000. Ms. Reid indicated she understood Officer Rux was appointed to Detective and asked if Council had voted on that issue. President Kapenstein indicated that was being discussed later in Executive Session. Ms. Reid asked if the Civil Service Commission had convened regarding the new Chief of Police. Mayor James Curry, III indicated they had not as the new Chief was hired as an Interim Chief and there is no requirement that they need to meet.

Ms. Reid asked what the outcome of the meeting was with Lower Swatera. President Kapenstein stated it was a good meeting and there are plans to schedule a public meeting in January or early February regarding police regionalization. Ms. Reid indicated regionalization would not work as townships are sprawling whereas boroughs are easy to get around in and Middletown police officers want the same benefits as the townships. President Kapenstein noted if the same or better police service is able to be kept and money saved, it's Council's fiduciary responsibility to explore the idea. Mayor Curry concurred noting that the meeting was mainly to see if there was any interest in regionalization. Ms. Reid asked Councilor Reid how he felt about regionalization. Councilor Reid noted when he was Mayor it was a different era, and he was against regionalization at that time due to the fact he felt the Chief of Middletown at that time should be in charge. Councilor Reid further indicated that currently he would be in favor of regionalization as he has seen other areas who have regionalized get the same service they had prior to regionalization. Ms. Reid expressed the belief the amount of coverage for the Borough would not be adequate if regionalization occurs.

Jenny Miller (227 W Water St) – Ms. Jenny Miller indicated the Annual Craft Fair is being held June 10th.

Darnell Nolen (507 Linden St, Apt 1) – Mr. Nolen expressed his belief that parking at the Puff 'n Snuff should be looked at due to accidents occurring there. Vice President Suglia

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stated that is private property and recommended Mr. Nolen speak to the property owner to see if they could change traffic flow.

Mr. Klinepeter introduced the new Codes Enforcement Officer, Mark Shipkowski, to Council noting the Mark will be obtaining his BCO certification later and will continue working with Commonwealth Code until that time.

Adjournment – President Kapenstein indicated the meeting would adjourn to Executive Session to discuss personnel, labor relations and potential legal litigation matters.

MOTION by Ian Reddinger, second by Dawn Knull to adjourn the meeting. Motion carried unanimously and the meeting was adjourned at 8:10 p.m.



Grace Miller
Borough Secretary