

**Meeting Minutes of Middletown Borough Council**  
**June 20, 2017**

The June 20, 2017, regular meeting of the Middletown Borough Council was called to order at 7:02 p.m. in Council Chambers at 60 W. Emaus Street, Middletown, Pennsylvania by Council President Damon Suglia.

After the Pledge of Allegiance, the following Council members answered roll call: Dawn Knull, Diana McGlone, Anne Einhorn, Damon Suglia, Robert Reid, Benjamin Kapenstein and Ian Reddinger. Also present were Borough Manager Kenneth Klinepeter, Public Works Director Greg Wilsbach, Interim Police Chief George Mouchette, Solicitor Adam Santucci, Bruce Hamer and Borough Secretary Grace Miller.

Public Comment:

Bob Houser (37 Brown St) – Mr. Houser indicated he was there to represent the Bob Smith Detachment of Marine Corp League who would like to continue the banner program with a Saturday, July 1 deadline noting that to date there were 12 requests. The League would be working on a postmark basis whereby if the envelope is postmarked July 2 or later, the application would be sent back to the applicant. Banners are \$85 and the Borough has agreed to hang the banners. Checks should be made to the Bob Smith Detachment.

2016 Audit Presentation – Mr. Klinepeter introduced Brian Marchuk from Brown Schultz Sheridan & Fritz who performed the audit for both the Borough and the ICDA. Mr. Marchuck presented to Council both the Borough and the ICDA audit findings stating that both were issued a clean opinion.

Approve Meeting Minutes – MOTION by Ian Reddinger, second by Dawn Knull to approve the June 6, 2017 meeting minutes as submitted. Councilor McGlone requested the minutes be modified to include the actual statements she had read at the last meeting indicating she would forward them to the Borough Secretary. **MOTION** by Ian Reddinger, second by Dawn Knull to amend the previous motion to approve the June 6, 2017 meeting minutes with the addition of Councilor McGlone's statements read at the June 6, 2017 meeting. Motion carried 7 to 0.

Approval of Bills – **MOTION** by Dawn Knull, second by Ben Kapenstein to approve payment of Borough bills as shown on the Accounts Payable List dated June 6, 2017, for the period June 5, 2017 through June 20, 2017 and the ICDA Accounts Payable List dated May 11 and June 16, 2017 for the period April 19, 2017 through June 20, 2017 to ratify approval of such bills already paid and to authorize the appropriate officials to take required actions to make said payments. Motion carried 7 to 0.

Adopt Ordinance 1342 – Mr. Klinepeter noted that Ordinance 1342 amends the Civil Service Commission rules for the written testing scores for the promotion above police officer. **MOTION** by Benjamin Kapenstein, second by Anne Einhorn to adopt Ordinance 1342 amending the Civil Service Commission Rules and Regulations as presented. Motion carried 6 to 1 with Councilor McGlone voting against.

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**Manager Report: Woodland Hills Phase 1** – Mr. Klinepeter indicated that Thomas Kile of H-T Partners was in attendance regarding Woodland Hill Phase 1 financial security. Mr. Kile is requesting approval for financial security to be obtained for Phase I site work but not for financial security for the construction of the apartment building as that will be completed by another contractor who would post the required security for that work. Mr. Thomas Kile indicated H-T Partners will be putting in the infrastructure and would have financial security for that. PennDOT has permitted and approved the curbing and widening of Vine and Union Streets and that portion of the project will commence this summer. Final approval is pending on the site work for Sage Blvd. and the sewer and water projects. Phase 2 comes off Phase 1 and will be presented at the Planning Commission on June 28 for approval consideration of 29 lots. Council requested this item be placed on the July 5<sup>th</sup> agenda.

**Fireworks** – Mr. Klinepeter indicated he had received 3 proposals with 1 of the proposals being a no bid. The proposal received from Zambelli was for \$18,000 and Pyrotechnico proposed \$14,000. Proposals received used the same specifications. Mayor James Curry noted Zambelli did the fireworks last year and they were higher than the other bid that came in. Mayor Curry asked if the Tattered Flag had dropped off their donation for fireworks. Staff indicated they would check. Solicitor Adam Santucci indicated the low bid for 2016 failed to have the correct insurance coverage which is why Zambelli was awarded the bid. Council requested this item be placed on the July 5<sup>th</sup> agenda.

**Parking (29 N Union St)** – Mr. Klinepeter noted that Mr. Knaub had attended the last meeting requesting relief from the 2-hour parking limit on 29 and 37 N. Union Street. Mr. Klinepeter indicated he spoke with Code Enforcement regarding 3 cars being able to park on the street and was informed that Mr. Knaub was allowed to have a 3 car reduction as has the ability to park on the street but does not guarantee parking on the street with no restrictions. Mr. Klinepeter recommended the removal of the 2-hour parking on the West Side of Union between Spring and Emaus Streets if Council would like to give relief to Mr. Knaub's parking issue, cautioning this might cause problems with the businesses and other tenants. After some discussion, Solicitor Santucci recommended the owner shuffle his parking or charge his tenants for parking. President Suglia asked that Mr. Knaub be contacted and ask him to revise his parking restrictions and explain why.

**DCNR Peer to Peer Grant** – Mr. Klinepeter indicated that a copy of the Peer to Peer report discussing work done on the DCNR Grant Program was distributed to Council. This project looks at creating a Park/Recreation Department for a full-time position working out of the school district offices and would mirror how Parks/Recreation are being run in surrounding municipalities. The Parks/Recreation Department would take control of all facilities in the surrounding municipalities and incorporate more of the school properties into the program. Each municipality would still own and be responsible for maintaining their own facilities. Councilor Kapenstein asked how funding is calculated. Mr. Klinepeter noted funding is based on population with the school providing more ancillary support.

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**Wharton Avenue** – Mr. Klinepeter noted that complaints are still being received regarding truck traffic on Wharton Avenue. Public Works had put up signs which do not seem to have helped. Mr. Klinepeter recommended putting weight restrictions on Wharton, Roosevelt and Grandview so police can enforce the traffic issue. Mayor Curry asked if trucks are using this route due to the tight turn from the bridge asking if more signage could be installed. Councilor Reddinger recommended Ann Street be added to the weight restrictions. Mr. Klinepeter noted that a meeting is being held with PennDOT Friday at 10:30 regarding Ann Street. Council requested an Ordinance be drafted regarding weight limits and added to the next meeting agenda.

Mr. Klinepeter indicated Woodland Hills Phase 2 will be presented to Council at the July workshop with approval/disapproval to be decided at the August business meeting. Mr. Klinepeter recognized staff for their assistance in getting rate reductions on the Workman's Comp insurance. Penn Waste will be delivering recycle cans free of charge to residents this week and will be distributing educational door hangers regarding recycling in mid-July.

Mr. Klinepeter noted that Angela Lloyd had contacted the Borough office in regards to fulfilling the vacancy on the Human Relations Commission. Mayor Curry stated he would highly recommend Ms. Lloyd for the position. Council requested the appointment to the Human Relations Commission be added to the agenda for the next meeting. Mr. Klinepeter informed Council that MEA is preparing to submit the remediation report for the long standing clean up of the underground storage tanks and hopes DEP will accept closure on this project noting the report includes a covenant that no wells will ever be drilled in that area.

**M&H Railroad** – Mr. Klinepeter indicated M&H Railroad is requiring a one time application fee of \$1,000. for a Right of Way agreement for the crossing of electric lines over their property as Federal law allows the railroad to control crossings where liability is an issue. This agreement would not have any annual fees, but in the future if Middletown would sell or lease the electric system, that would no longer apply. Council requested this be added to the agenda for the next meeting.

Mr. Klinepeter noted that he recently attended a workshop at Penn State with PennDOT and Amtrak discussing low cost, short term improvements through the Intermodal Grant Program. Councilor McGlone noted that ICDA submitted a grant application for that in 2015 with Solicitor Santucci noting that the grant application had been rejected. Councilor Reid commented that the Borough property across from the train station needs to be improved. Mayor Curry recommended having a mural painted on the building. Councilor Kapenstein questioned as to whether the property was addressed in the Capital Plan. Mr. Klinepeter noted that the capital plan recommends an assessment be done of the buildings.

**SRBC** – Mr. Klinepeter indicated he had attended an SRBC hearing where a permit waiver was requested for aquifer testing for Wells 1 through 4. The Commissioners

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agreed to look at the request and tabled it until their meeting that will be held in 3 months in New York.

Finance Report – Mr. Bruce Hamer noted Council received a schedule for the 2018 budget which shows a draft budget to be completed by October 27 with tentative acceptance on November 8 and final adoption at the December 5<sup>th</sup> meeting. Once the draft is completed, meetings will need to be held the following week. Mr. Hamer recommended a policy discussion of major expenses so staff can incorporate those items in the budget. Mr. Klinepeter indicated possible increases in operations may require a need to adjust the tax rate. Mr. Hamer noted there are a couple of Borough owned properties that are not currently tax exempt and believes could be and needs a statement from the Borough authorizing someone to represent Council to the Board of Appeals recommending the Finance Director be appointed to represent the Borough. President Suglia concurred. Mr. Klinepeter noted that notification was received that some properties need certificates of elevation for flood properties as 4 properties were previously dropped from the flood insurance policy. Mr. Klinepeter asked Council if they want these properties covered for flood insurance. President Suglia asked if it were dropped due to the properties being shelters. Mr. Hamer noted that the Finance Director had prepared the financial reports that were included in Council's packet.

Public Works Report – Mr. Greg Wilsbach requested approval for the engineering associated with the LED project which would include new ADA ramps and LED lights from Union Street to the entrance of Wood Street. Mr. Wilsbach noted public works will do the lights, but the concrete would need to be done by a contractor. Councilor Kapenstein asked how the project was in relation to the budget with Mr. Wilsbach noting that 75% of the project is complete. Sycom will train staff once all lights are installed. Lights installed at the Penn State campus allow students to hit a panic button causing strobe lighting within a certain number of feet. Councilor Reid commented on the pot holes at the boat landing indicating the sign says its owned by the Fish & Boat Commission and maintained by the Borough. Mr. Wilsbach indicated he has been in contact with Maintenance Division 4 requesting funds for repairs. Councilor McGlone asked what plan is being followed for the LED project. Mr. Wilsbach noted the engineer will provide a conceptual drawing. Councilor McGlone stated Dewberry did a conceptual drawing for Emaus Street previously. Solicitor Santucci noted that the conceptual drawing was presented to PennDOT. Mr. Klinepeter indicated the conceptual plan and costs for the proposal are a very small cost of up to \$2,000. Solicitor Santucci indicated the engagement process can start with additional information being provided later. Mr. Klinepeter noted that HRG was asked for a cost estimate and proposed twice the amount of the proposal before Council. Council requested this item be placed on the next meeting agenda.

Mr. Wilsbach commended Public Works staff for doing an incredible job taking care of the parks along with painting, sanding and power washing graffiti noting that the parks are not well lit and recommended Council look at closing the parks at dusk. Mr. Klinepeter noted the current Ordinance addresses the closing time as 10 p.m. and recommended revisiting the time. Councilor Reid commented on discarded shopping

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carts around town. Mr. Klinepeter indicated a directive would be given to staff to pick them up and take them to the shop until they can be returned. Councilor Kapenstein asked about cameras in the park. Mr. Klinepeter noted IT has looked at this and wants to be able to tie everything in to the police surveillance cameras. Chief Mouchette noted that IT had planned to attend the meeting tonight to discuss the camera issue but he had requested they postpone their presentation. Mr. Klinepeter asked if the cameras being looked at are mobile cameras. Chief Mouchette indicated they were and can be moved. Mr. Wilsbach asked if Council would want to look at changing the times for the park closings. Councilor Knull recommended changing the time to dusk. After some discussion, Solicitor Santucci indicated he would have a draft drawn up and sent to Mr. Wilsbach showing all parks open from dawn to dusk with the exception of Hoffer Park which will close at 10 p.m.

Mr. Klinepeter noted the April and May informational reports from South Central EMS were provided to Council in their packets.

Banner Program – **MOTION** by Councilor McGlone, second by Robert Reid to approve Bob Smith Detachment to handle the banner applications with an end date of July 1, 2017. Mr. Houser indicated the Bob Smith Detachment #784 Marine Corp League is national, nonprofit 501© 3 and operates on the premise of helping veterans and has agreed to help out for just this year in the hopes that future banner sales will be handled by the VFW or Legion. Councilor Knull noted that Council voted on 50 flags as the maximum on July 1<sup>st</sup>. Mr. Houser commented that there are plenty of poles to hang banners on. Councilor Reddinger noted that Public Works will give Mr. Houser the number of available poles and that's how many banners can be placed. President Suglia noted that the \$85 charge includes the cost of brackets. Councilor Reddinger asked how many poles can accept banners. Mr. Wilsbach indicated he was asked to look at a certain area of town and in doing so came up with 50 poles. There are plenty of poles in other areas of town noting there are 1200 poles in Middletown. Mr. Houser asked Council to waive or amend the motion capping the purchase of banners at 50. Mayor Curry asked if the Borough is expected to purchase brackets when the people are paying \$85. President Suglia stated the brackets are included in the \$85. Solicitor Santucci recommended Mr. Houser come to the July meeting with how many banners are to be purchased and if above 50, Council can take action on the hanging of the banners at that time. Solicitor Santucci recommended Mr. Houser look for contributions to cover the purchase of brackets due to procurement issues. Mayor Curry noted that if 50 brackets are purchased by the Borough, it will only be \$50 under the procurement law. Councilor Einhorn agreed with Solicitor Santucci's recommendation. Motion carried 6 to 1 with Councilor Reddinger voting against.

Zoning Overlay - Councilor McGlone asked for an update on the Zoning Overlay. Mr. Klinepeter noted that Esch McCombie of McNees had been requested to draft an ordinance. Solicitor Santucci noted he would follow up with Mr. McCombie.

Loan Program - Councilor McGlone asked for status of the loan program as Council input is needed to move forward. Councilor Kapenstein indicated someone needs to

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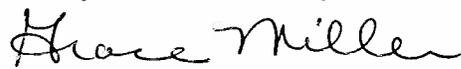
run the program. Currently drafting rules and regulation but staff will need to handle the work going forward. Councilor McGlone asked Council who would review the applications and what the dollar amount for the first round would be and whether Council had decided if applicants would be both residential and rentals. Councilor Kapenstein indicated the loan terms and uses need to be decided and expressed concern regarding uses of the loan. Councilor McGlone indicated she had provided a list for the overseeing body to make determinations regarding the loans. Councilor Kapenstein recommended setting up a committee. President Suglia suggested Councilors Kapenstein and McGlone be the committee with Councilor McGlone recommending the Planning Commission or ICDA run the program. Councilor Kapenstein asked why Council would give someone else permission to spend the Borough's money. Mr. Klinepeter noted the Homestead Loan was set up with Council making the decisions. Councilor Kapenstein recommended starting a committee. Councilor Reddinger indicated a financial institution loans money and these loans should be made using their playbook noting that 5 people would need to be hired to run the program and indicated he wanted nothing to do with the program. President Kapenstein noted the Finance Director can run the program. Mayor Curry asked who's responsible if someone doesn't make payment. President Suglia appointed Councilors Kapenstein, McGlone and Einhorn as the committee to oversee the Loan Program.

Councilor Knull indicated she had requested information from staff regarding what has been spent on the banner program. There is currently \$2,200. in the banner fund with \$2,086 being taken out of the Beautification Fund to purchase the brackets. President Suglia asked why funds were taken from the Beautification Fund as had understood the funds received for the banner program would be used to purchase items needed for the banner program. Mr. Klinepeter indicated if the expense were rebooked to show the funds as being used from the banner program, there would be approximately \$200 left in the banner fund from donations. President Suglia recommended using those funds to purchase some type of storage containers to hold the banners. **MOTION** by Dawn Knull, second by Benjamin Kapenstein to transfer \$2,086.61 from the Banner Fund to reimburse the Beautification Fund. Motion carried 7 to 0.

Executive Session – President Suglia convened the meeting at 9:17 to Executive Session to discuss real estate and personnel issues. Council reconvened at 10:22 p.m.

**MOTION** by Ian Reddinger, second by Benjamin Kapenstein to nominate George Mouchette to the Civil Service Commission for a non-competitive appointment to the position of Chief of Police. Motion carried 7 to 0.

Adjournment – **MOTION** by Dawn Knull, second by Robert Reid to adjourn the meeting. Motion carried unanimously and the meeting was adjourned at 10:23 p.m.



Grace Miller  
Borough Secretary