

## Meeting Minutes of Middletown Borough Council July 18, 2017

The July 18, 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 Councilor Benjamin Kapenstein.

After the Pledge of Allegiance, the following Council members answered roll call: Anne Einhorn, Robert Reid, Ian Reddinger, Benjamin Kapenstein and Dawn Knull via telephone. Absent: Diana McGlone and Damon Suglia. Also present were Mayor James Curry, III, Borough Manager Kenneth Klinepeter, Solicitor Adam Santucci, Director of Finance and Administration Kevin Zartman, Public Works Director Greg Wilsbach, Interim Chief George Mouchette and Borough Secretary Grace Miller.

Report on Executive Session – Councilor Benjamin Kapenstein reported that an Executive Session was held on July 5, 2017 in regard to personnel, labor, and litigation and that no action was taken.

### Public Comment:

Bob Houser (37B Brown Street) – Mr. Houser noted he found errors on the Borough website and will continue to peruse to see if more can be found. Saturday, Fred Buss the barber, will have been in business in Middletown 54 years.

Greg Wilsbach (719 Spruce Street) – Mr. Wilsbach suggested Council recognize Mr. Buss' 54 years of service by a proclamation by the Mayor. Council concurred.

Approve Meeting Minutes – **MOTION** by Robert Reid, second by Ian Reddinger to approve the July 5, 2017 meeting minutes as presented. Motion carried 5 to 0.

Approval of Bills – **MOTION** by Ian Reddinger, second by Robert Reid to approve payment of bills as shown on the Accounts Payable List dated July 13, 2017, for the period June 22, 2017 through July 13, 2017 and to approve payment of the ICDA bills as shown on the Accounts Payable List dated July 13, 2017 for the period June 22, 2017 through July 13, 2017 and to ratify approval of such bills already paid and to authorize the appropriate officials to take required actions to make said payments. Motion carried 5 to 0.

Glad Tidings Special Events Request – Andrew Jordan, Youth Pastor of Glad Tidings, was in attendance to ask approval to use the park as Glad Tidings is looking to hold three outdoor events for the youth to build relationships with the event in October being held at the MCSO. These events will entail live music, communicator and giveaways. Originally had looked at Hoffer Park but due to sound and the proximity of homes located near the park, are now requesting the use of Susquehanna Street Park. Mr. Klinepeter noted the rules of the park state the uses of the park must be inherent to the nature of the park. As recently discussed by Council, the hours at the park are being reviewed due to vandalism and Glad Tidings is requesting the park until 10 p.m. The sound issue is in the rules for all parks and Council needs to keep in mind fall ball may be held at the Susquehanna Street Park at the time of these events. Council Reddinger asked about the carnival using the park with Mr. Klinepeter noting they come to Council and get approval. Mr. Jordan indicated that 9 p.m. would be the cut off time for the event and had requested the park until 10 p.m. for cleanup. If any complaints are received, will immediately shut down to resolve the issue. Mr. Klinepeter informed Mr. Jordan the Borough does not handle the scheduling for the MCSO and asked that he contact the Olmsted Rec Board for that event. Councilor Kapenstein asked if the two events in the park were scheduled for September 9 and October 21. Mr. Jordan indicated those were the times

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being requested for the park and noted they would like to hold the event on the 18<sup>th</sup> there as well but that would be based on the weather. Councilor Knull asked about the need for road closures and policing. Councilor Kapenstein asked Mr. Jordan what he is looking for from the Borough. Mr. Jordan indicated he did not think roads needed closed as the event is mostly attended by students who will walk and all the vehicles would be down far past the boat dock. Mr. Klinepeter indicated there is football practice in the fall and is not aware of the dates suggesting use of Hoffer Park would be a better choice if Council approves and indicated Glad Tidings is also requesting park fees be waived. Councilor Reid recommended Mr. Jordan contact the people around the park to inform them of the event. Solicitor Santucci noted that whatever Council decides, they must make clear in the approval of what time it must end. Mr. Jordan indicated he would ensure students know they must vacate the premises after 9 p.m. Council indicated this item should be added to the agenda.

Manager's Report – Mr. Klinepeter noted on July 11, 2017, Councilor Knull and himself met with representatives from the Middletown Area School District, Lower Swatara Township and the Borough of Royaltown to review and discuss the DCNR Peer to Peer Technical Assistance Project Study Report. A key component would be the hiring of a full time parks and recreational director, provision for a better variety of programs for all ages, school buildings and grounds open for community use, coordination of public-private partnerships, a central source for information and communication, potential for more grant dollars, and the sharing of indirect costs and administrative expenses. All parties expressed an interest in moving forward with discussion regarding the cost sharing analysis developed by the CFO of the Middletown Area School District. This analysis will be shared with Council once received from the District. There may be a slight increase in our annual contribution provided the program can generate the appropriate revenues over the proposed 5 year agreement. Included in the packet received by Council is a summary of the program benefits, copy of the proposed agreement and by-laws. Mr. Klinepeter indicated the pool would not be included in the agreement, only the parks and the buildings. Councilor Knull noted Council should keep in mind that currently the Rec Board pays for chemicals that are needed as well as for the part-time secretary. If Council went with this program, the Borough would be running the pool. Councilor Reddinger asked if other municipalities were currently helping with the cost of the pool. Councilor Knull indicated \$3,000 is contributed by Royaltown, \$10,000 from Lower Swatara and \$10,000 from the Borough for the Rec Board. Councilor Kapenstein asked what the cost is to run the pool with Councilor Knull indicating she would provide that information at the next meeting.

Mr. Klinepeter noted a School Board member made an inquiry into the possibility of placing exercise equipment in the basement area of the Main Street gym to operate a fitness center for the public. The insurance underwriter has been asked to give an opinion on the affect this may have on our rates.

**Letter of Credit Release – MASD** - Mr. Klinepeter indicated the Middletown Area School District has requested the release of their Letter of Credit No. 583 with the Middletown Borough Authority in the amount of \$256,410.00 for the water service line construction at the new High School. Documentation was requested from our engineer and Suez to confirm that they are in agreement with the release of the financial security. Suez has confirmed the project as satisfactorily complete; however they have not received record plans from the District. Mr.

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Klinepeter recommended putting this on the agenda to approve the release of the Middletown School District Letter of Credit No. 583 contingent upon receipt of documentation from Suez acknowledging receipt of the project record plans.

**Letter of Credit Release – Nittany Place** - Mr. Klinepeter noted that Lift Development on behalf of Spring Street Property, LP has requested the fourth and final release of their Letter of Credit No. D0006610 for the remaining amount of \$6,100 of the original total of \$200,710.76 for the Spring Street Student Housing Project known as Nittany Place. Mr. Klinepeter recommended this be an agenda item for the approval of the fourth and final release of the Spring Street Property, LP Letter of Credit No. D0006610 in the amount of \$6,100 leaving a balance of \$0.00

**Middletown Pool** - Mr. Klinepeter indicated the Olmsted Recreation Board Director has requested funds for the replacement of chemical feed pumps at the pool. The requested amount is \$585 for the large pool and \$369 for the baby pool for a total of \$954.00. This expenditure was not anticipated or provided for in the 2017 budget. Councilor Reddinger asked if anyone had talked with Lower Swatara about sharing costs. Councilor Knull asked why only one estimate was obtained. Mr. Klinepeter indicated he did not know and understood the existing pumps were owned by the company who previously was providing the chemicals to the pool. Council recommended tabling this item and requesting a written request with more than one estimate. Councilor Knull concurred and indicated she would take care of it.

Mr. Klinepeter informed Council he received a phone call from a representative from Seven Sorrows thanking Council and staff for the support provided for their annual car show.

**Frey Village** - Mr. Klinepeter indicated the final records plans for the Frey Village Preliminary/Final Land Development Plan dated September 5, 2014 were not recorded with the County. In addition, a signed copy of the Developers Agreement for this project is needed. Council will need to sign off on the "Record Plan Cover Sheet" and the developer's agreement in order for the owner to record the plans with the County. Mr. Klinepeter recommended Council approval of signature on the Developers Agreement and the plan cover sheet of the Preliminary/Final Land Development Plan for Frey Village Retirement Community dated September 5, 2014 to be added to the agenda. Council concurred.

Mr. Klinepeter noted that representatives for Diakon Lutheran Social Ministries have requested a release of their Letter of Credit No. SB149856 in the amount of \$613,971.00 for the completed Land Development improvement project at Frey Village. The project was completed at Frey Village in 2015 and our engineer has inspected the project and recommends release of the financial security and recommended this be put on the agenda for approval contingent upon the Borough receipt of a copy of the recorded Land Development Plan.

**Fuel Bids** - Mr. Klinepeter noted that staff developed vehicle fuel purchase specifications and advertised for bids. One bid was received for the purchase of vehicle fuel on July 17, 2017 recommending this item be placed on the agenda for approval of the lowest responsible bidder

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for fuel purchases for the period of September 1, 2017 through December 31, 2019. Councilor Reddinger asked why only one bid was received. Mr. Klinepeter indicated the bid required the fuel be within a certain range with most fuel suppliers being retailers. The Borough Secretary talked to Loves and Rutters in addition to Sheetz.

**Woodland Hills Phase II** - Mr. Klinepeter indicated Miller Associates submitted the Woodland Hills Phase II plans on behalf of H-T Partners for review for Final approval. Dauphin County Planning Commission, Suez, Public Works and Zoning/Codes Department reviewed the plans and submitted comments to our Planning Commission for review. The Planning Commission recommendation for a conditional approval of Phase 2 Woodland Hills was provided to Council in their packet. Mr. Klinepeter noted that McNees had sent a letter indicating that prior preliminary approval was given regarding the driveway recommendation and must be accepted. Mr. Klinepeter recommended this be placed as an agenda item for conditional approval of Woodland Hills Phase 2 - Final Subdivision Plan. Council concurred.

**Woodland Hills Phase I** – Mr. Klinepeter noted that a storm water operation and maintenance agreement is necessary prior to construction of the Woodland Hills Phase I project. This agreement documents the landowner's responsibility to meet Borough and State requirements. Mr. Klinepeter recommended this be placed on the agenda for approval and signature by Council President. Council concurred.

**EIP Phase III** – Mr. Klinepeter indicated the Nancy Hess of Hess Associates has made some preliminary recommendations regarding codes/zoning, customer service, and delinquent electric payments. Ms. Hess will be at the August workshop meeting to present her recommendations to Council and answer any questions.

**Ordinance 1343 Weight Restrictions** – Mr. Klinepeter indicated Ordinance 1343 amending Chapter 252-18 regarding weight restrictions on West Roosevelt Avenue, Wharton Avenue and Grandview Avenue will be advertised in the July 19, 2017 edition of the Press and Journal and requested this be placed on the agenda for adoption. Council concurred.

**Fighting Addiction Middletown Style (FAMS)** – Mr. Klinepeter noted that FAMS is requesting approval to use Hoffer Park on September 23 for an event where they will be holding raffles and have vendors. FAMS is a non-profit organization providing support and education to families about heroin/opioid addictions. Solicitor Santucci noted FAMS has requested a 1-day license from the Department of Treasury. Councilor Kapenstein noted this is a great cause and asked it be placed on the agenda.

Mr. Klinepeter noted that the Homecoming Parade being held on October 14, 2017 has asked for the assistance of Public Works and the Police to help with the route.

Mr. Klinepeter indicated the Public Works Director, Councilor Reddinger and himself met with PennDOT to discuss an Ann Street for South Union Street swap in ownership and maintenance responsibilities. It was a productive meeting and PennDOT is open to the proposal; however,

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they want to explore funding sources and make a comprehensive review of the traffic and pedestrian safety issues between Ann Street and the site of the new train station before they engage in an agreement with the potential of work or possible ownership switch happening in 2019. Councilor Reid expressed his displeasure with the length of time until the road would be repaired. Councilor Kapenstein asked if the Borough could pave and get reimbursed. Mr. Klinepeter indicated not and noted PennDOT was very pointed about working together cooperatively and wants to include Penn State and HIA Harrisburg in the talks with the possibility of improving pedestrian safety at the train station and student housing on Wood Street. Councilor Reddinger noted that potentially a lot could be accomplished. Mr. Klinepeter indicated he was positive and optimistic that an agreement could be reached and access to the bridge improved cautioning it will be another month before a meeting can be set up between all the entities. Councilor Reid commented that someone had noted how beautiful the downtown area was and then pointed across the street at Bunky's. Councilor Reid asked when something is going to be done about this eyesore. Mr. Klinepeter noted that the Codes Department was lining up a structural engineer to look at the property. Councilor Reid asked if any more thought was given to beautification of the property across from the train station. Mr. Klinepeter indicated it had been thought about but no additional ideas have been produced. Mr. Wilsbach indicated new stone will be put down and some arborvitae noting nothing can be done to the bank due to erosion. Mr. Wilsbach noted that staff has also been cleaning up trash in the area along Genesis Court.

Finance Report – Mr. Kevin Zartman indicated staff would be meeting to kick off the 2018 budget season on Monday, July 31<sup>st</sup>. Mr. Zartman indicated he was looking for direction from Council on some of the “big picture” items in order to begin formulating the budget asking if Council wants to remain consistent with last year's transfer from the electric fund to the general fund (approximately \$1.3m) or if Council wants to consider using excess fund balances from the general and electric funds to fund capital projects. Mr. Zartman inquired as to whether Council would consider using debt service to fund capital projects indicating the use of borrowed money could be considered when looking to fund capital projects. Councilor Reid noted that electric service will need to be run to Woodland Hills. Mr. Wilsbach indicated he did not have a cost on that yet but the costs done previously showed a 7-10 year timeframe for payback. Councilor Reid asked what the cost would be if Spruce Street substation is upgraded to be used for distribution to the entire Borough. Mr. Wilsbach noted that was being evaluated as a capital improvement project but the Borough wants the redundancy it currently has. Mr. Wilsbach noted that flood insurance paid for the Mill Street substation not PEMA. Mr. Zartman recommended a 5 to 10 year plan be compiled prioritizing the capital projects. Councilor Kapenstein indicated the excess funds could be used in combination with capital projects and debt. Mr. Klinepeter recommended looking at debt on the electric side where it would be self-liquidating noting that Woodland Hill Phase I has a developer with a Memorandum of Understanding to build the apartment buildings and the transformers may need purchased this year as the developer is looking at starting to build in September. The Borough is waiting for electric load information to know the size of transformers needed. Mr. Wilsbach noted the developer will need electric two months after starting.

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**Consolidation of Funds 17 and 43** - Mr. Zartman noted staff is looking to consolidate the monies from fund 17 (electric sinking fund) and fund 43 (electric debt service fund) all into fund 17 indicating that he had contacted both the solicitor and auditor to ensure both funds contain dollars that can be used for electric capital projects. Consolidating the funds into one will simplify keeping track of those dollars.

**Billing and HR Policies** - Mr. Zartman noted staff is currently working with Nancy Hess with regard to updating billing/collection processes and some HR policies.

**Disposition of Records and Electronic Equipment** - Mr. Zartman indicated staff compiled a list of financial records and old electronic equipment that are eligible for disposition requesting Council pass a resolution at the August 2<sup>nd</sup> meeting allowing for the proper disposition of said records. As part of the equipment disposition, any hard drives or memory devices will be destroyed. Equipment would be taken to the Dauphin County Recycling Center. Council expressed concern regarding information being lost on the hard drives. Mr. Wilsbach noted all hard drives had been wiped clean except for two and indicated he has all information from the hard drives.

**2017 Auditor Recommendation** - Mr. Zartman recommended that at the August 2<sup>nd</sup> council meeting approving BSSF as the auditor for the Borough's 2017 audit.

Councilor Kapenstein asked if the budget meetings could be done earlier recommending 20 to 30 minutes be allowed for during the workshop meeting. Mr. Klinepeter noted that the Fire Department will be coming to that meeting to discuss capital costs with Council Kapenstein requesting a list of capital projects be brought to the workshop meeting. Mayor Curry cautioned Council about the possibility of needing an increase in the tax rate this year noting the last tax increase was 7-8 years ago.

Public Works Report – Mr. Wilsbach indicated staff had been spraying weeds through the town with 90-95% being done. Curbs are being painted but unsure as to whether all can be completed this year so focusing on the highly visible areas. Paving is being conducted on the alleys around Peter's apartments and notices will be passed out next week. Mr. Wilsbach noted the electric bond monies referred to earlier by the Director of Finance was to be used for the replacement of the electric bucket truck which will be out of service this year as the boom is 25 years old and will no longer be certified.

Mr. Wilsbach requested approval for the tree trimming award and advertising of the park ordinance be placed on the agenda. Council concurred.

Mr. Wilsbach noted the he and the Director of Finance have been discussing the Capital Improvement Projects and requested 2 or 3 Council members meet with them to look at which projects to undertake and how to finance them. Councilor Kapenstein noted that Councilors Reddinger, Reid and himself would be interested in being on such a committee and indicated he would talk with the Council President to see how he felt about it.

Councilor Reid asked who is responsible for maintenance at the boat landing. Mr. Wilsbach noted that maintenance at the boat landing in regards to trash collection and grass cutting is done by the Borough. Blacktop is a totally different issue noting that he had contacted the PA

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Boat Commission to see if they would provide the \$35,000 for the blacktop and Public Works would put it down for them.

South Central EMS Report – Mr. Klinepeter noted that Council had received in their packet an informational report from South Central EMS.

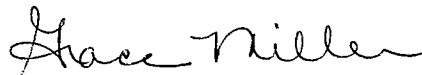
New Business – Mayor Curry requested the IT provider be contacted about a laptop with a webcam being placed in Council chambers to livestream to Facebook or the website indicating Council needs to be cognizant of those who wish to attend the meetings but cannot be there. Mr. Klinepeter recommended staying away from media as you can't block or remove anything and the Borough would have to make a major investment in order to provide enough memory to save the video due to Right to Know issues. After some discussion, Mr. Klinepeter indicated he would contact the IT provider and get information.

Councilor Knull asked what the status was on surveillance cameras. Mr. Klinepeter indicated the police were taking the lead on that and had put the brakes on for some reason. Chief George Mouchette noted a presentation will be coming in a couple of weeks.

Mayor Curry noted he had received an anonymous email from someone who won a drawing for a police body cam, doesn't want it and would like to donate it to the police department and requested this be put on the agenda. Chief Mouchette stated the Dauphin County District Attorney has stated no body cams are allowed in the County. Solicitor Santucci noted there are a lot of impediments to the body cam issue. Mayor Curry asked if the Borough were allowed to accept gifts. Solicitor Santucci noted the Borough is allowed to accept gifts and recommended the gift, if accepted, be given to the District Attorney.

Councilor Knull stated that National Night Out is August 1<sup>st</sup> and volunteers are needed and welcomed asking that anyone interested in helping contact either herself or Jenny Miller.

Adjournment – Councilor Kapenstein stated the meeting will be adjourned to Executive Session to discuss personnel, labor and real estate matters. **MOTION** by Ian Reddinger, second by Anne Einhorn to adjourn the meeting to Executive Session. Motion carried unanimously and the meeting was adjourned at 8:25 p.m.



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Grace Miller  
Borough Secretary

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