

Meeting Minutes of Middletown Borough Council
October 3, 2017

The October 3, 2017, 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 President Damon Suglia.

After the Pledge of Allegiance, the following Council members answered roll call: Damon Suglia, Robert Reid, Dawn Knull, Diana McGlone, and Anne Einhorn. Absent: Ian Reddinger and Benjamin Kapenstein. Also present were Mayor James Curry, III, Borough Manager Kenneth Klinepeter, Solicitor Adam Santucci, Director of Finance and Administration Kevin Zartman, Zoning and Codes Officer Al Geosits and Borough Secretary Grace Miller.

Executive Session – Council President Suglia noted an Executive Session was held September 19, 2017 to discuss real estate, personnel and potential litigation issues with no action being taken.

Public Comment:

Jack Still (37 W Emaus St) – Mr. Still commented on Agenda Item #12 stating that Robert “Fudge” Fallinger had applied for the Zoning Hearing Board vacancy and that Fudge had worked with the Codes Department previously and would be a good fit.

Jenny Miller (227 W Water St) – Ms. Miller commented that she was hearing rumors about Nissley Street being turned into 2-way again and asked if a traffic study is going to be conducted. Mr. Ken Klinepeter noted he had been approached by the land owner who is requesting it be returned to a 2-way street but no recommendations have been made to Council. The Development Plans approved in 2011 shows Nissley Street as a proposed 2-way but legal counsel has indicated Council does not need to make that change. In order to make the change an ordinance would be required and would be advertised. Ms. Miller expressed her concerns of safety if Nissley Street is returned to a 2-way street. Ms. Miller stated that the owner, Nardo, painted the curbing yellow and put up “No Parking” signs and she could find no evidence of an ordinance being passed on Wood Street. Mr. Klinepeter noted the minutes of 2011 show that the triangles were to be made into public parking which has not yet happened. He will have the Public Works Director check into the parking ordinance regarding the “No Parking” signs. Ms. Miller notified Council that someone hit the PennDOT 441 road sign in front of the Historical Museum and there is debris everywhere that needs cleaned up.

Rachelle Reid (448 Grant St) – Ms. Reid asked a number of questions regarding the use of concession money and further asked the solicitor if he was advising Council to

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not honor the binding arbitration agreement so that the police department will disband and can then be regionalized. Solicitor Santucci informed Ms. Reid that the Police Association missed the required filing deadline and Council has fully complied with the arbitration award. Ms. Reid asked since Council appointed members to the Business Association if there is an economic development committee to work with them.

Meeting Minutes – **MOTION** by Dawn Knull, second by Anne Einhorn to approve Council meeting minutes for the September 19, 2017 meetings as submitted. Motion carried 5 to 0.

Approval of Bills – Mr. Klinepeter noted a payment on the Accounts Payable report of \$39,382.97 to the Fire Company informing Council this is the pass through monies that have been received through the grant for the Firemans Relief Fund. **MOTION** by Robert Reid, second by Dawn Knull to approve payment of bills as shown on the Accounts Payable List dated September 27, 2017, for the period September 16, 2017, through September 27, 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.

Resolution 2017-12 – Mr. Klinepeter indicated Alfred Geosits was hired on September 5, 2017 for the Zoning and Codes Official position and Council needs to pass a resolution to appoint him as the Borough's Zoning and Codes Officer. **MOTION** by Dawn Knull, second by Anne Einhorn to adopt Resolution No. 2017-12 appointing Alfred Geosits as the Zoning Officer and Property Maintenance Code Officer of the Borough of Middletown. Motion carried 5 to 0.

Resolution 2017-13 – Mr. Klinepeter noted that Carol Nechemias previously presented to Borough Council requesting a Resolution be passed in support of a Citizens Commission for legislative and congressional redistricting in order to reduce the impact of partisanship. **MOTION** by Anne Einhorn, second by Robert Reid to adopt Resolution No. 2017-13 supporting a Citizens Commission for legislative and congressional redistricting. Motion carried 5 to 0.

Resolution 2017-14 – Mr. Klinepeter noted that Mayor Curry had provided Council information regarding Senate House Bill 745 regarding the use of electronic means for legal notices at the last meeting. **MOTION** by Dawn Knull, second by Anne Einhorn to adopt Resolution No. 2017-15 supporting Senate House Bill 745 to amend the law allowing local government units to publish legal notices via electronic means. Motion carried 5 to 0.

Resolution 2017-15 – Mr. Klinepeter noted that Councilor Kapenstein had presented this proposed resolution at the last meeting asking for Council to show their support for

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nuclear energy. **MOTION** by Dawn Knull, second by Anne Einhorn to adopt Resolution No. 2017-15 supporting nuclear energy in Pennsylvania. Motion carried 5 to 0.

Resolution 2017-16 – Mr. Klinepeter reported the Winter Maintenance Agreement with PennDOT was approved previously and PennDOT is requesting a resolution be passed for a 5-year maintenance agreement from winter 2017 through 2022 due to a lapse in the previous agreement. **MOTION** by Dawn Knull, second by Anne Einhorn to adopt Resolution 2017-16 to enter into a 5-year winter maintenance agreement with PennDOT for the period of winter 2017 through winter 2022. Motion carried 5 to 0.

Halloween Parade – Mr. Klinepeter noted Melody Wilson of the Kiwanis Club requested approval for and the usual staff assistance for their annual Halloween Parade to include our municipal sponsorship for the Penn DOT road closure application. The parade is scheduled for October 16th with a rain date of October 17th. This year the parade route will form around 6 p.m. at Mill Street and run from Race to Water to Union Street starting at 7:00 p.m. **MOTION** by Anne Einhorn, second by Dawn Knull to approve the annual Kiwanis Club Halloween Parade for Monday, October 16, 2017 with a rain date of October 17, 2017 with a start time of 7:00 p.m. Motion carried 5 to 0.

Trick or Treat Night – Mr. Klinepeter noted that the local Chiefs of Police Association have chosen the date for Trick or Treat Night for the County to be Thursday, October 26th from 6 p.m. to 8 p.m. **MOTION** by Dawn Knull, second by Anne Einhorn to establish Trick or Treat Night in the Borough of Middletown for Thursday evening, October 26, 2017 from 6:00 p.m. to 8:00 pm. Motion carried 5 to 0.

Ordinance 1344 (Parks) – Mr. Klinepeter indicated the Park Closing Ordinance has been duly advertised specifying dawn to dusk as the time frame for the parks with exceptions being those with lighted areas and allows the Borough Manager to delegate the responsibility of reserving parks. Councilor McGlone asked how the ordinance would affect the Peer to Peer program with Mr. Klinepeter noting it would allow him to delegate the responsibility to the Rec Board. Solicitor Santucci noted that there are still items that will need to come before Council for approval if it is an event that does not meet the park ordinance. **MOTION** by Dawn Knull, second by Anne Einhorn to adopt Ordinance 1344 modifying the time frame for parks and allowing the Borough Manager to delegate the responsibility of reserving parks. Motion carried 5 to 0.

Ordinance 1345 – Mr. Klinepeter noted Ordinance 1345 amends the ordinance to allow the Borough Manager to live within a 25 mile radius of the Borough. **MOTION** by Dawn Knull, second by Robert Reid to adopt Ordinance 1345 amending Ordinance 1284 allowing the Borough Manager to live within a 25 mile radius of the Borough. Motion carried 4 to 1 with Councilor McGlone voting against.

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Zoning Hearing Board – Mr. Klinepeter indicated staff advertised for the vacant seat on the Zoning Hearing Board and received one application from Robert Fallinger of Ann Street. Councilor McGlone asked if there is going to be an alternate on the Zoning Hearing Board. Mr. Klinepeter noted he would need Council's approval to advertise; Council agreed. **MOTION** by Robert Reid, second by Dawn Knull to appoint Robert Fallinger to the Zoning Hearing Board to fill the remaining term of Rodney Horton with the term expiring December 31, 2019. Motion carried 5 to 0.

Autozone Construction Bond Release/Maintenance Agreement – Mr. Klinepeter reported that HRG conducted an inspection of the Autozone development project on September 7, 2017 in order to verify the reduction of the improvement guarantee. Based upon their inspection, the remaining improvements have been completed. Therefore, a reduction of \$27,278.80, of the remaining balance and release of the financial security conditioned upon Autozone providing the Borough with financial security for the maintenance of the onsite storm improvements in the amount of \$3,732.75 is recommended. **MOTION** by Robert Reid, second by Dawn Knull to release the Construction Bond of \$27,278.80 with Autozone contingent upon receipt of an 18-month maintenance guarantee for storm water improvements in the amount of \$3,732.75. Motion carried 5 to 0.

25 South Union Street – Mr. Klinepeter indicated bid specifications for the sale of the vacant lot located at 25 South Union Street and owned by the Borough have been prepared where the buyer shall be subject to the following conditions (these conditions shall be covenants in the deed to the winning bidder): Buyer shall configure the layout of the lot as shown on Option #3 of the plan enclosed in this bid package titled "Schematic Site Plan Options". The Buyer shall undertake to pave the rear portion of the lot (parking spaces and walkway) consistent with the configuration as shown on Option #3; The lot shall be subject to an easement for public use and right of way covering the front "paved" area and the walkway as shown on Option #3, together with the right of the public to use the rear parking spaces outside of normal business hours; Buyer shall be responsible to safely maintain the front "paved" area and the walkway running to the municipal parking lot at the rear of the lot in accordance with the standards for public sidewalks and walkways as set forth under the Borough code. Councilor Reid asked if the buyer would be informed about the possibility of the closing of the alley. Mr. Klinepeter indicated no plans have been discussed. Mr. Klinepeter noted that the Public Works Director was looking to close the alley from the building to Emaus Street as safety for residents is a concern. Councilor McGlone expressed that the Borough should retain the property as the Borough will lose the ability to have a look of cosmetic cohesion and it could prevent further improvement to the downtown area. **MOTION** by Dawn Knull, second by Anne Einhorn to approve advertisement of the bid specifications

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as presented for the property located at 25 South Union Street. Motion carried 3 to 2 with Councilors McGlone and Einhorn voting against.

Human Relations Commission – Mr. Klinepeter noted that the Human Relations Commission has made a request for the advertisement of two unfilled seats on the Commission. **MOTION** by Dawn Knull, second by Anne Einhorn to approve the advertisement of two vacancies on the Human Relations Commission. Motion carried 5 to 0.

Police Pension Board – Mr. Klinepeter reported that the current Police Collective Bargaining Association calls for a Police Pension Board member from a resident at-large and this position would need to be advertised. **MOTION** by Dawn Knull, second by Anne Einhorn to advertise the vacancy for the Police Pension Board for a resident at-large. Motion carried 5 to 0.

IT Service Contract – Mr. Klinepeter noted a quote for the 2nd year with our current IT provider which will be at a cost of \$5,596.70 per month for 2018. **MOTION** by Dawn Knull, second by Anne Einhorn to renew the IT service contract with IntermixIT for the year 2018 at a cost of \$5,596.70 per month. Motion carried 5 to 0.

Planning Commission – Mr. Klinepeter noted that Steve Cassidy resigned from the Middletown Planning Commission effective September 13, 2017 and Council should accept his resignation and authorize advertisement for the vacancy. **MOTION** by Anne Einhorn, second by Dawn Knull to accept Steve Cassidy's resignation from the Planning Commission and advertise the vacancy. Motion carried 5 to 0.

Councilor Reid asked if Resolution No. 2017-14 in support of the Senate bill is electronic means in conjunction with a media hard copy. Solicitor Santucci noted that the Senate bill provides that notices can be sent to the paper but would not be required as the Senate bill allows municipalities to forego advertising in newspapers. Councilor Reid stated if given the option he would change his vote.

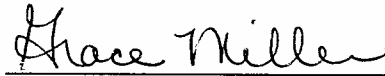
Council convened to Executive Session to discuss personnel and possible litigation at 7:39 p.m. Council reconvened at 8:50 p.m.

MOTION by Dawn Knull, second by Robert Reid to approve the Police Department to add four additional part-time police officers to the complement. Motion carried 5 to 0.

MOTION by Anne Einhorn, second by Robert Reid to conditionally appoint Keegan Wenner and Matthew Cataudella to part-time police officer positions subject to full background checks. Motion carried 4 to 1 with Councilor McGlone voting against.

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Adjournment – **MOTION** by Robert Reid, second by Dawn Knull to adjourn the meeting.
Motion carried unanimously and the meeting was adjourned at 8:54 p.m.



Grace Miller
Borough Secretary