

**REGULAR MEETING MINUTES
OF THE MIDDLEBURG BOROUGH COUNCIL
Tuesday, August 12, 2014
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LOCATION OF MEETING: Middleburg Borough Building, 13 North Main Street, Middleburg PA

COUNCIL MEMBERS : Roger Snook-President, Donald Zechman Jr.-Vice President, Michael Kerstetter, Heidi Potter, William Hostler, James Shull, Susan Kinney

OFFICIALS PRESENT : Virginia "Ginny" A Zeiber-Administrator/Secretary/Zoning Officer, Mayor Ronald Renshaw, Tony Jordan-Police Chief

OTHERS PRESENT : Jeremiah Runkle-Solicitor, Judy Varner-Employee, Brian Lauver-Resident, Matt Swartz-PENNDOT Traffic Unit

Meeting Called to Order - The Middleburg Borough Council meeting was called to order by Roger Snook at 7:30 PM and began with the Pledge of Allegiance to the Flag of the United States of America.

Agenda - Roger Snook requested approval of the August 12, 2014 Agenda as presented. A motion was made by William Hostler and seconded by James Shull approving the Agenda as presented. MOTION UNANIMOUSLY CARRIED.

July 8, 2014 Regular Meeting Minutes & July 29, 2014 Special Meeting Minutes - Roger Snook asked for a motion to approve the July 8, 2014 Minutes and the July 29, 2014 Special Meeting Minutes as presented. A motion was made by Heidi Potter and seconded by Donald Zechman Jr approving both of the Minutes as presented with Susan Kinney abstaining due to nonattendance at the July 8th meeting. MOTION UNANIMOUSLY CARRIED.

Bills & Financial Statements through August 12, 2014 - Roger Snook asked if there were any questions on the financial statements or bills and if not requested a motion to approve them. A motion was made by James Shull and seconded by Heidi Potter approving the financial statements and payment of the bills as presented. MOTION UNANIMOUSLY CARRIED.

PUBLIC COMMENT: NONE

REPORTS FROM OFFICERS AND OFFICIALS:

Plaque for Douglas App - Donald Zechman Jr noted that he now has all of the information for Doug's plaque so it should be completed within the next two weeks. It was decided, due to Doug's health condition, Dustin Zechman and volunteers from Council will visit Doug at his home and present the plaque. Michael Kerstetter noted he would like to be part of the presentation and hoped others would choose to come along.

Junk Complaint - Michael Kerstetter noted he has received complaints about junk on a property located at (Oberdorf's) 311 Schoch Street, Middleburg. He described the property as the garage being so full that the junk flows out the front onto the driveway and there is also junk piled out in the year yard. Neighbors have also expressed their desire to have this situation addressed as soon as possible. Ginny said she would send them a letter the next day.

Susquehanna River Valley Visitors Bureau (SRVVB) Breakfast - Council members and the Mayor received an email with an attached letter regarding the SRVVB breakfast, "Annual Elected Officials Breakfast", scheduled for 8:00 AM on Thursday, November 13th at the Country Cupboard in Lewisburg. Mayor Renshaw said he planned to attend and Heidi Potter said she may decide to attend as well. There is no fee for this event and Ron and Heidi both said they would register themselves.

Matt Swartz - PENNDOT Traffic Unit - Roger introduced Matt Swartz who came to do a short presentation on Middleburg Borough's traffic light intersection at Rts 522 and 104.

Matt explained that sometime around 2009 PENNDOT had made some changes to the phasing and operations of the traffic light at the intersection of Rts 104 and 522 in Middleburg Borough, in an effort to improve traffic flow. On July 9, 2014, PENNDOT representatives again met with Roger Snook and Tony Jordan at the intersection in an effort to see if some additional changes could be made to improve conditions during the hours of higher traffic flows.

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Matt presented different funding avenues that are available to replace and upgrade the entire traffic light area. One available funding source is the ARLE Grant (Automated Red Light Enforcement). This is money available to any municipality within the State of PA and the funds are generated through the automated red light enforcement program which is only operating in Philadelphia right now. Philadelphia is the only location where this type of operation is actually allowed, per legislation. The funds collected from those fines are available for municipal use. A new intersection would include brand new mast arms and controllers, and everything else at the intersection would be upgraded. Pedestrian accommodations as far as ADA concerns would also be a requirement. Unfortunately the cut off period for this grant application period was June 30th.

Middleburg Borough's municipal representatives Brian Haight and Don Free have been able to come up with the next grant availability phase, which they believe to be until June of 2015. Matt advised Council to get on board with a professional design consultant to look into the options of what can be done, as a cost estimate will be required as part of the grant.

The other funding option would be through SEDA COG. Matt said he works very little with SEDA COG so he does not have a contact for them. He will find out who covers the Middleburg area for traffic light issues and get back to Ginny.

The Borough's current system is quite antiquated. The controller cabinet is also dated, although it is not outdated so that it will not be useful any more, but it is living on borrowed time. Even something as small as a power surge could damage it and put it out of commission. Mifflinburg Borough recently upgraded their controller cabinet at a cost of between \$10,000 and \$15,000. That was just to upgrade the controller cabinet and will not change any phasing or timings. It is an upgrade to the cabinet and the equipment inside the cabinet.

The Montoursville District office of PENNDOT has no involvement with reviewing and approving applicants for the ARLE grants as everything goes through their Harrisburg office. Matt again stated that the first thing to do is to get on board with a consultant and make it sound like Middleburg's intersection is the worst one in PA. That is what the municipalities did in the northern section of PA who were awarded this grant. Key words they want to hear are things such as safety, efficiency, delay, antiquated system, etc. Municipalities should ask for enough money to cover the study phase and the implementation and installation of the new equipment. The study phase for Middleburg's intersection would most likely cost somewhere between \$5,000 and \$6,000. If the study phase is included within the grant and it is written appropriately, they will approve it to be included in the grant funding. The most important thing is to get the application submitted in a timely manner, however that does guarantee it will be awarded.

ARLE specifications require a separate consultant for the design aspect than for the inspection aspect, as the designer should never be inspecting their own design. ADA items include the curb ramps, pedestrian signal heads with countdown timers, and brand new signal cabinets which would include a battery backup system in the event of power outages. The only maintenance issue would be on the batteries that operate it. They are just like a boat or car battery and need to be replaced approximately every 5 years. Another upgrade would be video detection. This would include a video unit mounted on the mast arms overhead that would take video footage. This footage cannot be used for anything other than video detection for the vehicles. It cannot be used to record anything as far as robberies, crashes or things like that. It would not be a live feed other than for vehicle detection. There is also software available that can perform traffic counts. None of these with that capability are currently in use within the District 3 area at this time. This information is based on an equipment standpoint. From a timing and phasing standpoint, Matt also feels there are improvements that should be made.

More than likely nothing would be able to be increased at the Middleburg intersection such as turning lanes, etc due to the closeness of the buildings. Matt said someone questioned him as to whether PENNDOT would come in and buy out the buildings that are located too close to the intersection and tear them down to make more room for traffic. He explained that PENNDOT is not in the business of purchasing buildings and tearing them down to enlarge the roadway at intersections, especially in the event that historical and/or environmental issues are involved.

A brand new intersection for Middleburg would most likely cost in the neighborhood of \$250,000 and that does not include any right-of-way takes, any utilities that might need to be moved or worked around, or any drainage issues and things like that. Part of the ARLE grant is the requirement that all ADA upgrades be installed.

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Ginny said she recently read an article on the buttons used by pedestrians allowing them to cross at intersections. The article stated that the use these buttons creates such negative timing issues that most of the municipalities have actually disconnected them. Matt agreed they could do that and that PENNDOT is currently dealing with this situation on Market Street in Lewisburg. This same issue is also currently a problem in Selinsgrove, Towanda and Bloomsburg. There are liability issues in place if a municipality decides to disconnect the buttons so if something bad would happen as a result, they could be liable.

Each year PENNDOT sends out a letter to municipalities reminding them to have their contractor maintain their traffic signals, so each municipality should be checking all of that information on the operations of the signals on a yearly basis.

The ARLE money can be used for upgrading signs, signals or any use that Liquid Fuels funds are approved for. Ginny asked if the grant money could be used for paving. Matt was not sure how that might fit into the drastic need qualification but thought there may be a possibility. He said PENNDOT will assist in any way they can with the grant application for upgrades to the intersection, or in any other way they can to help the Borough.

Tony Jordan said he had two questions. The first one is, will the ARLE grant cover the cost to repave the intersection? Matt said he was not sure but maybe. Tony's second question was, would the ARLE grant include emergency response signals. Matt replied that the emergency response equipment could be included, however although the equipment can be installed at a minimal cost, the cost is significant for the equipment for individual or multiple vehicles. The only area who uses this equipment locally is Lewisburg's intersection at Evangelical Hospital. Often times the equipment is installed at the intersections and then the municipality does not follow through equipping the vehicles because of the cost. Approximately 3 years ago the cost of the equipment per vehicle was in the neighborhood of \$1,000 and it cannot be funded by ARLE grant.

Dustin asked if the coverage for signage was only for the area of the intersection or would it cover replacement of signs throughout the entire town. Matt said it would cover all signs the Borough is responsible for throughout the entire town.

Dustin said since the money that gets put into this pot comes from the violations at the traffic lights in Philadelphia, why don't they implement this same situation in the smaller towns to help fund the pot. Matt said the only area through legislation that is allowed to do it at this time is Philadelphia. Supposedly it is going to be introduced to higher class cities in the area sometime in the near future.

Matt thanked everyone for allowing him to attend the meeting to speak about grant opportunities.

Jeremiah Runkle, Solicitor - Jeremiah explained that within the last 30 days each Council member should have received by email a draft copy of the proposed amendments to numerous sections of the Borough Codes to establish minimum fines. He was hoping, as a result, to receive ideas for changes or authorization to move forward by advertising the language for adoption. He noted this ordinance change does not cover the traffic section or zoning at all as those two areas must be dealt with separately.

Heidi stated she felt Council should go with Jeremiah's recommendations for the changes and Council agreed. Jeremiah said he would then go ahead and advertise the Ordinance for adoption at the September Council meeting.

Jeremiah reminded everyone he will not be able to attend the September meeting as he will be either on vacation or at a training. He will see that Ginny is given a script on how to handle his portion of the September meeting.

Jeremiah said he is still working on the changes to the sign section of the zoning ordinance. Once it has been put into a usable format, it will be presented in draft for review.

The amendment regarding changes to photography studios will be advertised for consideration at the September meeting. They could not get it in for the August meeting because since it is a change to the zoning ordinance, the municipality's planning code requires it be submitted to County Planning for their review and comment, which he has done. They reviewed it and he attended their meeting and explained what it was about. Since they had no comment, he will advertise it.

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Tax Collector Situation - Jeremiah noted he and the Borough had received notification from Fay Hood's Surety Bonding Company that they had approved Cathy Catlin and Gary and Stacy Hood as being deputized. All other required parties within the taxing district have also approved everything, so things are now legally in place for Fay's assistants.

Ginny explained Cathy Catlin has been faithfully delivering the reports and the payments in a timely manner. She delivered one today and asked if she was doing things the way the Borough wanted them done. She is becoming frustrated because Fay has been reprimanding her by constantly reminding her she should make sure she gets everything in on time!! Ginny told Cathy the Borough was very grateful to have her and that she was doing a fine job. Ginny noted she had sent Fay a list of her uncashed paychecks that dated back to early spring requesting she cash them immediately. She has been sending notices to Fay asking her to cash them for months. This week Fay called to ask Ginny if she could reissue one of those checks in an amount of over \$3,000 because she had lost the original one. This is not a situation happening now that she has gotten sick, it has been happening for at least the last 17 years.

Jeremiah stated there is a Bill in front of the House and Senate requiring background checks and mandatory training for tax collectors. Ginny said she saw this information come through PSAB and they are supporting it. He felt if it passed, it would most likely not apply to current tax collectors and would only come into effect with newly elected ones. It would mean if Fay was re-elected for another term, she would be required to fulfill those requirements then.

Reliance Hose Company Report - Dwayne "Butch" Hackenberg read from the Fire Company Report for the month of July. He said that the Carnival went well this year and the dog show is coming up next weekend (August 23rd and 24th) and the Fire Company serves all of the food for that also.

Police Report - Chief Tony Jordan read from the police report for the month of July.

He said that during the Firemen's Parade on Thursday evening two young girls fell off of the back of a 4-wheeler as it was crossing the intersection at the old County jail. One girl has a fractured skull and the other has neck injuries. The parade had to be held up until they could get them off of the roadway.

Tony expressed additional concerns over the past few years about the parade because it is getting more and more difficult to get parade permits approved as a result of a lot of different things. One thing is the lack of fire police and trying to control all of the intersections along the arteries leading into the Borough. Obviously the construction on the new bridge on the New Berlin Highway this year did not help the situation. He had to put someone out on Mitchell Road to try to detour drivers. PENNDOT received a complaint about the parade, which he will need to address as soon as they call him. A trucker indicated he had been sitting for over an hour and a half in traffic and he was not any too happy. This creates a black mark with PENNDOT for the Borough. Tony will be attending a meeting of the Fire Company to address this issue. The problem is that the fire police are all volunteers and you only get whoever wants to show up. It is not a first priority in their lives so you have to take whoever you are lucky enough to get. He said he reached out to Milton, Sunbury and Northumberland through letters requesting assistance through mutual aid for traffic situations. Last year he had help from Sunbury, however this year he did not. Other than that, he received a lot of complaints from people that the parade was too long and many of them actually got up and left. He also feels there should be more control by the Fire Company with registration of cars that are doing nothing more than driving through. They just show up and want to drive through the parade and are allowed to do so.

East Market Street Repairs - Dustin Zechman explained that due to the bridge being out on the New Berlin Highway, East Market Street is seeing a significant increase in traffic which is tearing up the surface. A discussion was held on how much it would cost to upgrade East Market Street and where the money would come from. Dustin felt in order to do the upgrades properly it could cost in the neighborhood of \$400,000. This situation will need further investigation by the street committee.

Sinking Utility Cut on East Main Street - Pauline Buchanan expressed concern about a sinking utility cut in front of her home on East Main Street next to the Swineford Bank. She believes the constant clunking of vehicles across this area is creating cracks in the foundation walls of her house. Since the area of concern is located on State Rt 522, when representatives from PENNDOT were in town Dustin showed it to them. They believe it is an Authority issue since there are utilities located underneath the roadway. Dustin explained all of this to the Authority Board and they decided they were not taking responsibility unless Pauline could show proof that this situation was actually causing her foundation walls to crack. Dustin will explain this to Pauline.

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MMO for the Pension Plan - Ginny explained each Council member had been given a copy of the yearly MMO report for review. This report is required yearly by the PA Municipal Retirement System and is an estimate of salaries for the 2014 year. These estimates will be used to determine the amount owed to the retirement plan by the municipality for the next funding year. The paperwork has to be presented to Council however no action is required. Unless there are comments, she will send everything in to PMRS.

COMMITTEES:

Street & Sidewalk Committee - Roger Snook opened the bids for the paving and tar and chip projects and read them out loud as follows:

Meckley's Limestone Products	\$41,655.40	Paving Only
Mid-State Paving & Excavating	\$44,673.15	Paving Only
Midland Asphalt Materials	\$61,671.33	Tar & Chip Only
Gutelius	\$47,250.00	Paving Only
Fulkroad & Sons	\$47,648.38	Paving Only

At this point a lengthy discussion was held regarding how to proceed as the paving combined with the tar and chipping exceeded the estimated amount as well as the amount of money available at this time for these projects. The condition of East Market Street was also included in this discussion.

A motion was made by Michael Kerstetter and seconded by Heidi Potter to accept the low bid from Meckley's Limestone Products for paving, pending PENNDOT's review and approval of the bid packet. The tar and chip portion of the project will be eliminated for this year. MOTION UNANIMOUSLY CARRIED.

Budget Committee - Roger Snook added Susan Kinney to the Budget Committee.

Parks & Recreation Committee - Heidi Potter said she recently drove by Charles Park and did not observe anything new going on. Dustin said they are waiting until fall to do anything else with that project.

Recreation - 150th Celebration of the Borough - Heidi Potter informed everyone that all of the information for this celebration is now on the web site with the exception of the 5K information. She asked Ginny to check into that and add it. She is hearing a lot of buzz about this event.

Heidi explained that the word "Middleburgh" on the crocks was spelled with the "h" on the end as that was how it was spelled during that time period. There is a misspelled word on the crocks and that is the word sesquicentennial. She said that just makes them more unique and valuable!

Increase in Bonding for the Administrator Position - \$500,000 is the highest amount of coverage the insurance company will go and the premium would be \$975 per year. Currently this position is bonded for \$100,000 and Ginny thought the cost for that was around \$75. She reminded everyone that Josh from Edmiston's Insurance had explained there was additional coverage for this situation included within the actual insurance package and with the two together, it might be sufficient. It was decided not to change the bonding at this time and when a new person takes over the position sometime down the road, it can be explored again. (Clarification following the meeting: \$100,000 bonding for the Administrator position is currently \$225.00 paid as \$75 from each fund.)

Weatherization of the Borough Building - Ginny explained the information in the memo she provided for each Council member. Ty Benner, weatherization specialist from SEDA COG, visited the Borough building with the intention of performing a weatherization test in an effort to find areas of significant heat loss. Even though he had been provided all of the information on the building prior to his visit, such as square footage, heat and electric costs etc, when he arrived he informed Ginny the building was too large for his equipment and that he normally only did residential structures. Due to the size of the Borough building they considered it a commercial structure. He and Ginny walked through the building in an effort to locate any obvious areas that could be improved. He felt everything he would have recommended, such as replacing the furnace, replacing the roof, insulation in the attic and replacing all of the windows in the building, had already been addressed.

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Ty pointed out some major leakage around the basement windows as you can actually see to the outside around the window frame. He recommended either replacing them and caulking well around them or closing some of them off with insulated materials. He also noted the building was most likely not insulated but due to the brick exterior, that would be a very expensive endeavor. Ginny noted the bell tower had also been sealed. Ty said he would send Ginny information on commercial testers.

Ginny asked Council if they were interested in moving forward with the replacement of some of the cellar windows and closing off and insulating others.

Brian Lauver pointed out that during one of the former Council meetings he attended, the wind was blowing outside and the ceiling tiles in the Council room actually lifted and flopped back in place from the force of the wind. He felt there was obviously a large amount of air entering the building from somewhere. He explained that weatherization testers normally do a blower door test with colored smoke and usually that process can find any leaks within the structure.

At this point it was decided to get prices from commercial weatherization testers before taking any action.

Snyder County Tax Claim Bureau Property - Jeremiah explained that according to the letter received by the Borough, the Snyder County Tax Claim Bureau is looking for consent in writing so they can sell the property identified as a .5 acre parcel, Parcel 10-02-049, owned by Dennis R Sprenkle situated along East Market Street within the Borough. The property is currently on the "Repository for Unsold Property" list and Rodderick Metzger of Arlington VA has made an offer of \$100 for the property. The Tax Claim Bureau requires the Borough's consent for this action. Jeremiah recommended giving permission as there is no cost to the Borough and it puts the property back on the tax roll.

A motion was made by Heidi Potter and seconded by Susan Kinney to allow the Tax Claim Bureau to proceed with the sale of this property to the named individual for \$100. MOTION UNANIMOUSLY CARRIED.

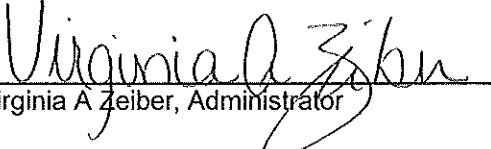
Central Keystone Council of Government Board of Appeals - Ginny presented a Resolution adopting the CKCOG's Board of Appeals to be used in the event there are disputes with the building codes. Otherwise the Borough is required to have their own Board of Appeals. Jeremiah explained he did not feel the word "disseminate" was used appropriately within this document and recommended the language be changed to "decide appeals under". He is recommending this change to all of the municipalities he represents.

A motion was made by Susan Kinney and seconded by William Hostler to adopt the Resolution as presented with the change in language as recommended by the Solicitor. MOTION UNANIMOUSLY CARRIED.

Jason Godek - Farmer - Ginny noted she did not know much about the farming of the approximate 7 acres of land owned by the Borough other than it has been farmed for a long time by Jason Godek. This land is located next to the maintenance shed. Because most people receive a fee for allowing others to farm their land, she wondered if this was something the Council wanted to possibly consider. Dustin Zechman said this property is normally very wet due to the closeness of the creek and the low level of the land and if it isn't farmed it would just grow up into a field requiring additional work for the Borough to keep it mowed. Dustin added that drainage from Furnace Road also goes down into those fields. He said due to that high level of water right now, for example, Jason will most likely not be able to access the land for months. It was decided it was a benefit to the Borough for Jason to farm this property free of charge.

Adjournment - A motion was made by Donald Zechman Jr and seconded by James Shull to adjourn. MOTION UNANIMOUSLY CARRIED.

The meeting adjourned at 9:25 PM.


Virginia A Zeiber, Administrator