

**REGULAR MEETING MINUTES
OF THE MIDDLEBURG BOROUGH COUNCIL
Tuesday, July 14, 2015
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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 (absent), Michael Kerstetter, Heidi Potter, William Hostler, James Shull, Susan Kinney (absent)

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

OTHERS PRESENT : Dustin Zechman-Foreman, Judy Varner-Employee, Jeremiah Runkle-Solicitor, Dwayne Hackenberg-Fire Chief, Brian Lauver-Resident, David Walters-Engineer, Craig and Vicki Bahn, Caleb and Ashley Eia, Bill Fegley, Representative Fred Keller (came at end of mtg)

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 additions, and or approval of the July 14, 2015 Agenda as presented. Ginny noted Bill Fegley should be added under New Business. A motion was made by James Shull and seconded by William Hostler approving the Agenda with the addition. MOTION UNANIMOUSLY CARRIED.

Regular Meeting Minutes for June 9, 2015 - Roger Snook asked for a motion to approve the regular June 9, 2015 meeting minutes as presented. A motion was made by Heidi Potter and seconded by Michael Kerstetter approving the June 9th minutes. MOTION UNANIMOUSLY CARRIED.

Payment of Bills & Approval of Financial Statements - Roger Snook asked for a motion approving payment of the bills and financial statements through July 14, 2015 as presented. A motion was made by Michael Kerstetter and seconded by James Shull approving payment of the bills and financial statements. MOTION UNANIMOUSLY CARRIED.

PUBLIC COMMENTS: NONE

OFFICERS & OFFICIALS:

Snapping Turtles - Heidi Potter noted two people had requested permission to trap snapping turtles at the pond. She is hoping they were able to acquire the appropriate permits and are working diligently at trapping the turtles. Heidi asked if anyone at the Borough knew the status of the trapping. Ginny stated Heidi would need to contact the individuals to check on their progress, as she had not heard from anyone and no one has been seen at the pond trapping.

Use of Fire Company Grounds - Mayor Ronald Renshaw said he would like to thank the Fire Company for the use of their grounds for the Sunbury Band concert the end of last month. The band liked the venue and enjoyed performing there. The event was well attended.

Snyder County Library Board - Mayor Ronald Renshaw noted he received a call last night that the Snyder Co Library Board is looking for people to serve. Interested individuals may contact Janet Lachford.

Jeremiah Runkle, Solicitor:

Proposed Ordinance to Abandon Alleys - Jeremiah opened the advertised public hearing and explained this was about an ordinance to abandon a portion of several unopened alleys or streets within the Borough. The ordinance has been advertised twice in the Snyder County Times announcing a public hearing tonight at 7:30 PM. At this time Jeremiah offered to take public comments or questions.

Following answering several questions regarding which alleys were being abandoned, a motion was made by Michael Kerstetter and seconded by William Hostler adopting the ordinance as presented. MOTION UNANIMOUSLY CARRIED.

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Transient Retail Businesses - Jeremiah explained that at the last Council meeting questions arose regarding the establishment of a fee for a permit for transient retail businesses, sometimes referred to as a Peddler's Permit. Since a fee appears to never have been established by ordinance or resolution, a motion was made by Heidi Potter and seconded by Michael Kerstetter to set a fee of \$50 for the permit. This will be included on the appropriately designated fee schedule. MOTION UNANIMOUSLY CARRIED.

Gutters/Spouting - Jeremiah stated that at a previous meeting Council had expressed interest in a regulation for appropriate installation of spouting draining storm water off of homes and buildings. At that time he supplied Ginny with ordinance language from another Borough where the appropriate placement of spouting is already being regulated. He asked if Council had a chance to review the language. Ginny noted that the Borough has quite a few of these spouting situations and that language should also be included to mandate all storm gutters be brought into compliance with no grand-fathering allowed. It was decided to table this issue until the August meeting, so everyone had a chance to review the language.

Medical Marijuana - Jeremiah explained that the Borough had received correspondence from a PA Association of Boroughs (PSAB) representative requesting Middleburg to adopt a resolution to support the adoption of State Senate Bill #3 proposing legalization of medical Marijuana. It appears that the gentleman, who sent the email requesting the adoption of the resolution, was requested to do so by the general membership of PSAB at their last Conference. The requester is a member of the Board of Directors, the Executive Committee, the Finance Committee, Strategic Action Committee, and the Resolution of Policy Committee for PSAB. Everyone received a copy of the Senate Bill for review prior to tonight's meeting. It is presumed the resolutions will be presented to the Legislature in support of this proposed Bill. Following discussions on this request, it was decided not to take any action at this time.

2012 International Property Maintenance Code (PMC) - Ginny explained she had received a letter from the Central Keystone Council of Governments (Keystone COG) noting they were now going to be using the 2015 version of the International Property Maintenance Code. Since Middleburg Borough amended their former ordinance designating the use of the 2012 PMC, it was decided the updates were normally minimal and there was no need to change to the 2015 PMC. The COG is required to use whichever version of the International PMC has been adopted by each municipality. Ginny will check to see what was changed for 2015 and notify the COG they will need to continue to use the 2012 version for Middleburg.

Risk Management Policy - Following this year's audit, a recommendation was made by the auditor for Middleburg Borough to adopt a Risk Management Policy. This is not something that is required, only recommended. As a result, Ginny contacted several other local municipalities and none of them have a Risk Management Policy. Two simple versions were presented for Council's consideration, one printed from the Internet and the other provided by the auditing firm, Herring & Roll. Jeremiah recommended contacting Lewisburg Borough to see what they use. It was decided to include this situation on the next agenda for further consideration.

Reliance Hose Company Report - Fire Chief Dwayne Hackenberg circulated copies of the Fire Company's report for June for review. He reviewed the report out loud for Council.

Stormwater Issues - Dustin Zechman noted that recently, during a severe rain event where several inches of rain fell, the Schliegs contacted him. Dustin visited their property along Furnace Road and took photos after the storm. They told him it was the worst they had ever seen. A pond had been created in their rear yard that was several feet deep in some areas and approximately one foot up their fence. The water even picked up their concrete statues. The water was entering their basement and at that time was approximately 1 foot deep, even though they were continuously pumping it out. Dustin offered to bring them one of the Borough's trash pumps, but they felt the pump they were using would keep up with the water adequately. The water had not gotten into their furnace at that point, which was their major concern. Ginny noted they had contacted her recently indicating they were replacing areas of the existing fence, due to the water damage. The rear yard is surrounded by a 6 foot white vinyl fence.

Part Time Summer Help - Dustin noted the part time summer helper, Donald Erb Jr, began working for the Borough on Monday, July 6th. He also works part time at Lowes and so far is working out well for the Borough.

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Letter of Resignation - Dustin read the following resignation letter dated July 10, 2015:

"Dustin, Please accept this letter as my formal notice of resignation from my current position with Middleburg Borough. My last day of employment will be July 26, 2015. I am willing to work on a part time basis if it works with my new work schedule. Thank you for the opportunity to work with you. Sincerely, Heidi Moyer"

Dustin said Heidi has gotten full time employment with the Snyder County Prison. He recommended keeping her on the payroll in case there is an emergency until a new person is hired. Ginny will advertise for a full time employee to replace Heidi.

A motion was made by Heidi Potter and seconded by James Shull to accept Heidi Moyer's resignation as presented and to keep her on the payroll part time for emergencies until someone is hired to replace her. MOTION UNANIMOUSLY CARRIED.

Police Report - Tony Jordan noted everyone should have a copy of the police report for June. Heidi asked why the Middleburg Police Department did not publish their crime reports in the newspaper like other municipalities do. Tony said they do publish their information.

David D Walters, P.E./Larson Design Group (LDG)- Engineering Reports:

Lake Overflow (Standpipe Replacement) Project - Dave stated the Borough will be receiving bids until Monday, July 28th at 3:30 PM, for the lake overflow project. A special meeting of Borough Council has been scheduled for 5:30 PM on Tuesday, July 28, 2015 in the Borough Council room for the opening and award of the bids. Chris Sheaffer, engineer from the Selinsgrove LDG office, will be attending that meeting as Dave will be out of town. Ginny asked for a show of hands to indicate whether or not there would be a quorum able to attend this meeting. The idea of having a special meeting is to be able to award the bids in a timely manner in an effort to move the project along.

Traffic Signal (ARLE) Grant Application - Dave said this grant application was submitted prior to the due date of June 30, 2015. According to the web site, these grants are typically awarded in August/September.

Stormwater Study - A survey crew from LDG is scheduled to be in the Borough next week. The rainy weather has put them a bit behind schedule. Weather permitting, they will try to make it the beginning of the week. Once that information is gathered, they will be able to look at some alternatives and create a game plan to address the storm water problems along West Willow Avenue.

So far they have observed there is a great deal of stormwater running onto the Schlieg property from the drainage area behind their rear yard. This is due to two 15" storm sewers, one coming off of Rt 522 at the end of West Willow Avenue, one coming off of East Raleigh Avenue, and an 18" storm sewer that comes down Bachman Alley and discharges into the same drainage area. This creates a significant force from Rt 522 that contributes to the problem. There is a 15" storm sewer located in the rear yard of the Schlieg property that is unable to keep up with these flows. It is surmised at this time an additional storm sewer will need to be installed to collect the excessive amount of water.

SWIP Monitoring of the New Well - Dave noted the SWIP monitoring of the new well continues. LDG intends to move forward with submitting the public water supply permit for the well, but they need to coordinate that with DEP to find out when they will actually accept it, as it is required to be tied into the SWIP monitoring program.

Water Allocation Permit - LDG submitted a Growing Greener Grant Application on July 9th to assist the Authority with the metering costs which they are required to implement as part of the Water Allocation Permit. The grant would cover 70% of the cost, which is around \$28,000, leaving the Authority with the remaining cost. Most importantly, the Authority will be able to begin monitoring the flows from all three of their water sources. This will allow LDG to evaluate the area for other sources of water, and analyze the unaccounted for water throughout the system. Dave recommended the Authority postpone that study until next year so the money can be appropriately budgeted.

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COMMITTEES:

Building & Grounds Committee - Ginny gave everyone copies of the two bids she received for rehabilitation of the upstairs room and hallway and the small porch area outside of the foyer EXIT door. One bid was from Nate Zechman and the other from Cam Shaffer. She recommended the committee take some time to review the bids and make their decision at the special meeting already scheduled for July 28, 2015 at 5:30 PM.

Street & Sidewalk Committee - Michael Kerstetter noted that Mid State Paving has completed their base repairs as part of the 2015 paving project and he feels the workmanship is good, maybe not excellent, but good. The seal coat project will be completed soon also.

Heidi Potter thanked those Council members who took quick action on the street paving situation in an effort to get it done in a timely manner and within the amount of money available.

Dustin stated the paving project quantities will most likely be more than estimated or bid because everyone thought Railroad Avenue was 4" thick and it turned out to be 11". Other areas also required a little more material.

Budget Committee - Michael Kerstetter said he had met the new part time employee, Donald Erb Jr, and he hopes he will work out for part time summer help. He was hired in an effort to get more accomplished during the summer months.

Playground Committee - Dustin explained with all of the rain they have been unable to complete the storm water retention area at the Charles Park Playground. He talked to a man from DCNR who handles the grants, and that person told him when grant recipients request time extensions due to unforeseen situations, they are normally granted with no problem. Dustin felt confident that once they are able to get the soil in for the retention pond area, everything else should move along fairly quickly.

Michael said he was near the park on Monday night and noticed the kids were having a lot of fun but some of that fun included jumping and playing in the retention pond water.

Hope's Haven 5K Request - Caleb Eia requested permission to use the Borough's streets in the area of Charles Park and the Firemen's field to hold a 5K Run on October 3, 2015. Caleb noted he had already contacted the Fire Company and reserved their carnival grounds, as they had no events scheduled at that time. Following a short discussion on this request, Council asked that Caleb submit a certificate of insurance for this event. A motion was made by James Shull and seconded by Michael Kerstetter to approve the request for the 5K to be held on October 3, 2015 following receipt of the insurance certificate. MOTION UNANIMOUSLY CARRIED.

Request to Amend the Borough's Rental Ordinance - Bill Fegley explained he and his wife own the rental property on West Market Street where the Subway Restaurant is located. He asked Council if they would consider amending the ordinance that applies to public housing. He noted Mifflinburg already has a "two or three strikes and you are out" policy. On the last strike, the police would become involved. Before renting to anyone, the landlord is required to do a background check. The landlord then reviews the rules with their prospective tenant. The strike policy means, as an example, if a tenant put their trash in the hallway of the rental property or violated any other property maintenance codes, they would be warned and that would be "strike one". If they did something again, it would be "strike two" and they would be evicted. The background checks on all tenants are required because if there is a felony drug charge against them within the past 7 years, they would not be permitted to rent a property within the Borough limits. Bill noted this will most likely ruffle a lot of feathers in the community, however, he is not concerned about that as he is more concerned about cleaning up the community. He feels there is currently a major problem with people and drugs in the parking lot area of his building. These changes may not eliminate all of the problems but they will start to improve the community. As this policy is enforced, the community should start to see the nuisance properties getting cleaned up.

Just this week his building was vandalized. Someone was jumping from roof to roof, tearing off many of the shingles on the roof and throwing them toward the courthouse and on nearby parked vehicles. The State Police responded but have not caught the people yet.

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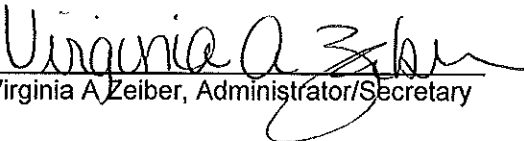
Jeremiah explained that Mifflinburg Borough has been implementing their ordinance and regards it as a progressive move. He noted that Berwick Borough has a similar ordinance and they also require any prospective renter to stop into the Borough office and give a significant amount of information on themselves before moving into the community.

Following Jeremiah's additional explanations of Mifflinburg's Ordinance, Michael Kerstetter asked him to provide the Middleburg Council members with a copy for their review and consideration. Bill Fegley noted something needs to be done in an effort to clean things up in Middleburg Borough before they get worse. As surrounding communities begin to adopt the Landlord Ordinance, it will force undesirable renters into communities who do not have this law.

State Representative Fred Keller - Approximately 20 minutes before the end of the Council meeting Representative Keller showed up. He spoke at length about the State budget and additional issues going on within the government.

Adjournment - A motion was made by James Shull and seconded by William Hostler to adjourn. MOTION UNANIMOUSLY CARRIED.

The meeting adjourned at 9:24 PM.


Virginia A. Zeiber, Administrator/Secretary