

**REGULAR MEETING MINUTES
OF THE MIDDLEBURG BOROUGH COUNCIL
Tuesday, September 8, 2015
Page 1 of 5**

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 : Dustin Zechman-Foreman, Judy Varner-Employee, Jeremiah Runkle-Solicitor, Brian Lauver-Resident, David Walters-Engineer

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 September 8, 2015 Agenda as presented. A motion was made by William Hostler and seconded by Michael Kerstetter approving the Agenda. MOTION UNANIMOUSLY CARRIED.

Regular Meeting Minutes for August 11, 2015 - Roger Snook asked for a motion to approve the Minutes as presented. A motion was made by James Shull and seconded by Michael Kerstetter approving the August 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 September 8, 2015 as presented. A motion was made by Susan Kinney and seconded by William Hostler approving payment of the bills and financial statements. MOTION UNANIMOUSLY CARRIED.

OFFICIALS:

Middleburg Revitalization Committee - Heidi Potter requested permission of Council for this committee to work on upgrading and possibly replacing some of the Borough's Christmas decorations. They are suggesting the possibility of replacing some of the most deteriorated decorations with lighted live green wreaths. It was recommended Heidi and the committee members take a look at the decorations and what all they feel would be required to rehabilitate them and also get a cost for live wreaths. Dustin noted Mrs Knapp and her group did extensive rehabilitations on the ornaments last year. He said there could be a problem hanging live wreaths because all of the brackets are different. Heidi and the committee hoped to be able to add something new each year and suggested using live wreaths entirely at some point, however, it would be done as a gradual process. Donald Zechman Jr recommended the live wreaths be purchased at the Buffalo Valley Tree Auction, as they would have the best price. Heidi will look further into this situation and get back to Council.

EXECUTIVE SESSION:

7:40 PM Council went into an executive session to discuss legal matters. The session ended at 8:02 PM. No action was taken as a result of this executive session.

ENGINEERING:

Larson Design Group/David Walters, P.E. - Standpipe Replacement Project - Dave noted they are waiting to get appropriate bonds from the contractor. Once they arrive, the agreement can be signed. Chris Sheaffer from Larson's Selinsgrove office will work with the contractor and Dustin and get started on this project.

ARLE Grant - The ARLE grant is still pending. Decisions are not made until October.

New Well Project - SWIP testing and production is going well. SWIP testing will continue until November 25th.

**REGULAR MEETING MINUTES
OF THE MIDDLEBURG BOROUGH COUNCIL
Tuesday, September 8, 2015
Page 2 of 5**

Dollar General Store - Dave Walters said he reviewed the plans for sewer connection for the proposed new Dollar General Store which will be built on the BJ Burnley property. The Dollar General Store engineers made the requested revisions to the plans and resubmitted them. Both Dave and Dustin have reviewed and approved these revised plans. Authority Solicitor Robert Slivinski will be issuing a "will serve" letter for sewer to the Dollar General Store so they can move forward with their project.

Dave recommended the Borough adopt a "developer's agreement" where money would be put into escrow from a developer for things like when the Borough's engineer is asked to review the developer's plans. Jeremiah agreed with Dave's recommendation. Ginny noted she has always invoiced the developer for this type of engineering time, however, there are no actual agreements available. Jeremiah said an application fee should be established for the escrow account to be included in the developer's agreement. The escrow amount would be established according to the cost of the project, such as a percentage of the project cost. Dave said the engineering firm is not allowed to bill the developer directly in these situations, since they work for the municipality. They are required to bill the municipality and then the municipality bills the developer. Jeremiah said the developer's agreement should be established by the Municipal Authority Board. He has a developer's agreement he uses all of the time and he felt Robert Slivinski most likely would also have a generic sample. Jeremiah's agreement is not tailored specifically for water and or sewer. It can also be used for land development. Dave recommended putting this on the Authority's agenda for October.

SOLICITOR:

Proposed Landlord Ordinance - Jeremiah noted this is only on the agenda because it is a pending matter. Committee Chairman William Hostler explained that he has been unable to find a time that all committee members are available to meet. He will try to get this group together before the October Council meeting.

Proposed Spouting Ordinance - Michael Kerstetter noted he had intended to get together with the street and sidewalk committee to review the situation throughout the Borough regarding the overhead spoutings. Dustin took a survey of the number of overhead spoutings throughout the Borough and found 23. These spoutings dump storm water directly onto sidewalks and streets in a manner that creates ice build up. Michael hopes to be able to meet with this committee before the October meeting.

Donald Zechman Jr expressed his concern as to how some of the property owners would correct the situation. Ginny noted she talked to someone who works for a construction firm that actually does this type of work and they said you just use a concrete saw and cut out an area of sidewalk wide enough for the appropriate size pipe. The pipe is laid in the open cut area and run out through the curbing onto the street and covered back up. This way the water drains nicely onto the edge of the street and runs along the curbing into storm drain outlets. This correction eliminates ice build ups during winter months that create hazardous conditions for pedestrians and also keeps the water from splashing all over the roadway, also creating hazardous conditions for drivers.

PUBLIC COMMENTS:

Ventrac Tractor Accessories - Dustin Zechman noted at the August meeting he had requested permission to purchase accessories for the Ventrac tractor. At that meeting Council asked him to approach the Authority Board to see if they would be willing to split the cost in thirds between the general fund, the sewer fund, and the water fund.

He presented it tonight to the Authority and their response was that they would be willing to pay half of the cost split between the water and sewer fund and the general fund would pay the other half. Since the total cost for the accessories is approximately \$15,000, that would mean the general fund would pay \$7,500 and the water and sewer funds would pay \$3,750 each.

**REGULAR MEETING MINUTES
OF THE MIDDLEBURG BOROUGH COUNCIL
Tuesday, September 8, 2015
Page 3 of 5**

Michael Kerstetter asked Dustin his feelings regarding how much of this piece of equipment and the new accessories would be used more like half and half, or in thirds, or what. Dustin felt the snow blower would be used more for Borough purposes and the sweeper part will be used more for water and sewer project cleanups. He noted the uses for the proposed equipment is endless, so it is difficult to divide it out exactly. He said the Authority feels that just because they have both water and sewer, they should not be obligated to pay two thirds of the cost. They feel they should be paying half as the Authority and the Borough should pay the other half.

Jeremiah noted that the approach to this that actually makes sense is the question Michael asked, which was which entity is going to use it the most. He added this could change day to day or month to month as some days/months each entity will use it more.

Dustin noted for bookkeeping purposes it is much easier to simply split equipment purchases in thirds, especially since the maintenance of all of the equipment is split evenly in thirds and so is labor. It would be impossible to keep track of the use of the equipment on an hour to hour basis.

Council agreed and noted the half and half scenario may end up setting a precedent and they were not in favor of it. They requested taking this back to the Authority Board for further consideration. Heidi Potter confirmed with Dustin that there are other pieces of equipment being used primarily for water and sewer, yet the general fund shares one third of their cost to purchase and maintain, so things even themselves out in the end.

Management Agreement - Jeremiah Runkle recommended asking the Authority Board how they are progressing with creating a new Management Agreement which should be in place by the beginning of the 2016 year. Ginny said she has not received anything from them to date.

Plantings for Charles Park - Dustin explained he received a quote from Shaffer Landscapes for a 12 to 14 foot Canaan Fir to be permanently planted at the intersection of Rts 104 and 522 where the large cut tree is placed each Christmas season. The quote is \$575.00 plus a \$25.00 delivery fee. This includes a 1 year warranty on the tree and removal of debris created by Shaffer Landscaping during installation of the tree. Shaffer recommended the Canaan tree for this location as it requires the least amount of maintenance. The tree will not be delivered until mid or late November.

A motion was made by Heidi Potter and seconded by Susan Kinney to purchase the Canaan Fir as stated above. MOTION UNANIMOUSLY CARRIED.

New Plantings at Charles Park - Dustin explained that as part of the grant funded project at Charles Park, the retention basin requires a specific number of plants and specific types of plants placed in designated locations.

He ordered the required plants from Shaffer Landscapes at a cost of \$2,231.20. This price includes a 20% discount for all of the planting material which is covered under the grant. The cost for Shaffer to do 100% of the planting is \$2,119.50 with a 1 year warranty on all of the plants. If the Borough plants them, the warranty is void. The grant will not reimburse the Borough to pay someone else to do the planting. Shaffer's proposal includes excavating holes for individual plants as needed, installing screened topsoil mixture into planting bed area, installing new plant material as per drawing, installing soil amendments into backfill as needed, edging circles around newly installed plants, mulching to a depth of approximately 3", and removal of all debris created by Shaffer Landscapes during installation of plant material. The grant will either pay for the labor and not the plants or pay for the plants and not the labor. Depending on how the line item money is distributed for the grant, following DCNR's regulations, we may already be over with the labor and materials for the retention pond. The cost of the plants is under the budgeted amount by \$600. Ginny noted that normally at the end of a grant, the line items that are under the specified amount are adjusted by the items that ran over. Hopefully this grant will work that way.

Dustin recommended hiring Shaffer Landscapes to do the plantings. He said the maintenance crew is busy trying to finish the park project before the end of the year, and also if Shaffer does the planting, the warranty is included. Ginny noted this money will come from the general fund. In the end of the project, any money refunded from the grant will go back into the general fund. Unfortunately, we do not know how much that will be at this time.

A motion was made by William Hostler and seconded by Heidi Potter for Shaffer Landscapes to do the plantings as stated above. MOTION UNANIMOUSLY CARRIED.

**REGULAR MEETING MINUTES
OF THE MIDDLEBURG BOROUGH COUNCIL
Tuesday, September 8, 2015
Page 4 of 5**

Trinity United Methodist Church Request for Road Closing - Ginny explained that Bev Inch requested permission for her church to close a portion of Spade Alley on October 17th from 8:00 AM to 3:00 PM for a basketball tournament in their parking lot. They would like to cone off the parking lot beginning at the sharp corner behind the Bridgeside Café to the small section of street called Church Street, next to the church. The question was asked how the residents would access the back of their properties as there is nowhere else for them to park. Ginny said church representatives could simply move the cones whenever the residents need to access their parking areas. It was determined only three residents would be affected, and they would be Mrs Weber and the two Ficken properties.

A motion was made by Heidi Potter and seconded by William Hostler allowing the church to close the area of Spade Alley as requested. They will need to cone off the north end of the area in a manner that motorists can continue to use Church Street and the three property owners must be notified ahead of time by letter. MOTION UNANIMOUSLY CARRIED.

Zoning Hearing Board Resolution - Jeremiah explained he had provided a sample resolution so that when Zoning Hearing Board members are appointed or reappointed, it would be done properly by resolution. Ginny said that in the past the Councils have simply made a motion appointing the members. Jeremiah stated each time a member's term expires, they need to be reappointed and it should be done by resolution. He recommended for the 2016 year, reappointing the entire Zoning Hearing Board during the reorganization meeting using the new resolution.

Police Report - Note was made that everyone received an emailed copy of the police report.

New Hire for Maintenance Department - James Shull made a motion, based on Dustin and the personnel committee's recommendation, to hire Donald Erb Jr as a full time employee on the maintenance crew at a starting salary of \$10.00 per hour. The motion was seconded by Susan Kinney. MOTION UNANIMOUSLY CARRIED. Donald will receive all full time benefits after his 90 day probation period, as stated in the AFSCME Union Contract.

Personnel Committee - Roger Snook explained that Michael Kerstetter asked to be removed from the personnel committee. Since he is also on the budget committee, he feels this sometimes creates a conflict of interest. Roger appointed Donald Zechman Jr to replace Michael on the personnel committee.

Streets & Sidewalks - Michael Kerstetter noted that Dustin contacted Meckley's Limestone about the eroded area on Grand Street. The erosion is not due to any fault of Meckley's recent paving. This area had moisture infiltrate the existing road surface that undermined the old blacktop. This was not known until some time after the new paving had been placed. Meckley's and G & R Charles will be submitting estimates to make the required repairs.

Sidewalk at 249 W Market St - Michael noted that following inspection of committee members, the replacement and repairs to areas of the sidewalk and curbing at the 249 West Market Street property have been satisfactorily repaired, following the Borough's mandate.

Sidewalks Throughout the Community - Roger asked if the street and sidewalk committee had any plans to look at other sidewalks throughout the Borough and mandate some of them be repaired or replaced. Michael stated he has hesitation to go out and look because it would most likely create letters going out of the Borough office at an express rate and he hesitates to put such a burden on the residents unless a complaint is made. Once a complaint has been made, the committee will look at that area.

Roger asked if the committee had any intention of reviewing the Borough's sidewalk ordinance to see if any amendments may need to be made. Michael noted that if the ordinance states sidewalks must be replaced when they are 1/4 inch out of alignment, then it should be addressed. Jeremiah looked up the sidewalk ordinance and found nothing mentioned about 1/4 inch. It was concluded the 1/4 inch was stated in PENNDOT's specifications and the Borough's ordinance refers to PENNDOT's specifications to be followed.

REGULAR MEETING MINUTES
OF THE MIDDLEBURG BOROUGH COUNCIL
Tuesday, September 8, 2015
Page 5 of 5

UNFINISHED BUSINESS:

Snapping Turtles - Heidi Potter explained she has not been able to find anyone interested in trapping or catching the snapping turtles at the lake. She asked if Council wished to place something in the newspaper to see if anyone would respond. Ginny reminded everyone that Marsha Moore, reporter for the Daily Item, had already put an article in the newspaper about the turtle situation inviting anyone interested to contact the Borough. Since no one called, it was decided the issue was dead for lack of interest.

Sandy Ebrigh'ts Concern Regarding Vandalism - Tony Jordan said the police had arrested the kids who carved things on the picnic tables at the Firemen's Field Carnival Grounds. They are still trying to find out who did the other destructive acts at that location.

Amended Timekeeping Policy - A copy of the amended timekeeping policy had been included in the agenda packets at several former meetings. Ginny read out loud the existing timekeeping policy and the amended language. A motion was made by James Shull and seconded by William Hostler adopting the amended timekeeping policy language to be updated in the personnel manual as presented. MOTION UNANIMOUSLY CARRIED.

Resolution - James Shull explained he had forwarded the information on the resolution to the labor attorney for his review and he has not heard back from him to date. The resolution will be discussed again at another meeting.

New Copier - Ginny presented a lease to purchase agreement on a new color copier for the police department that included maintenance, parts and labor for a 5 year period with a \$1 buyout at the end. The cost per month will be \$116.84. The new copier is a Ricoh MPC2503. The cost to purchase the copier outright at COSTARS pricing would be \$5440.00 with the installation. Then there would still be a monthly maintenance fee that includes all parts, labor, service and toner.

Since the Borough office MP2851 copier has now been paid off, the monthly maintenance fee will be \$64.80 per month. This too would include all parts, labor and supplies.

A motion was made by Heidi Potter and seconded by Donald Zechman Jr to accept the lease/purchase agreement for the new color copier for the police department, and keep the existing MP2851 for the Borough office as presented above. MOTION UNANIMOUSLY CARRIED.

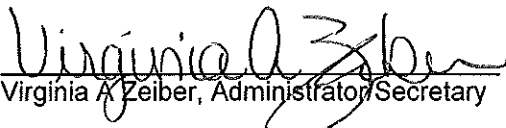
Audit Agreements for the 2015 Year - Agreements were presented from Herring, Roll and Solomon for the 2015 year audit. The cost is the same as the 2014 year with the general fund audit at \$5,100 and the Authority (water and sewer funds) Audit at \$5,800. A motion was made by Michael Kerstetter and seconded by Susan Kinney appointing Herring, Roll and Solomon to do the 2015 audits at the costs presented. MOTION UNANIMOUSLY CARRIED.

Codification - Ginny included an agreement proposal from the General Code group who does the codification of ordinances for the Borough. Since this has not been done in some time, and quite a few ordinances have been adopted during that time, the cost is estimated to be between \$4,365 and \$4,995. \$12,049.20 has been set aside in the PLGIT Codification account for codification upgrades. A motion was made by Susan Kinney and seconded by William Hostler accepting the agreement as presented. MOTION UNANIMOUSLY CARRIED.

EXECUTIVE SESSION: Council went into an executive session at 9:20 PM to discuss personnel issues. The session ended at 10:34 PM. No action was taken as a result of this executive session.

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

The meeting adjourned at 10:35 PM.


Virginia A. Zeiber, Administrator/Secretary