

REGULAR MEETING MINUTES
OF THE MIDDLEBURG BOROUGH COUNCIL
Tuesday, October 11, 2016
Page 1 of 3

LOCATION OF MEETING: Middleburg Borough Building, 13 North Main Street, Middleburg PA

COUNCIL MEMBERS : James Shull-President, Michael Kerstetter-V.P, Heidi Potter, William Hostler, Judy Lynn, Brian Lauver

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

OTHERS PRESENT : Dustin Zechman-Borough Foreman, Judy Varner-Employee, John Glennly-Penn Valley Airport, Chad Thomas-Police Officer (for a few minutes)

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

Agenda - James Shull requested additions to and/or approval of the October 11, 2016 Agenda as presented. A motion was made by Heidi Potter and seconded by William Hostler approving the Agenda. MOTION UNANIMOUSLY CARRIED.

Minutes from the September 13, 2016 Council Meeting - James Shull requested approval of the September 13, 2016 meeting minutes. A motion was made by Michael Kerstetter and seconded by Brian Lauver approving the September 13, 2016 Minutes as presented. MOTION UNANIMOUSLY CARRIED.

Bills and Financial Statements - James Shull requested a motion to approve the bills and financial statements through October 11, 2016 as presented. A motion was made by Heidi Potter and seconded by Judy Lynn approving the bills and financial statements as presented. MOTION UNANIMOUSLY CARRIED.

PUBLIC COMMENTS: NONE

REPORTS FROM OFFICERS AND OFFICIALS:

Speeding on West Oak Avenue - Mayor Ronald Renshaw said he received a complaint from a concerned citizen regarding speeding on W Oak Ave. The Mayor asked if it would be appropriate to add another stop sign where W. Oak intersects with Spring Alley. He said Tony informed him there is very little space for the police to be able to set up timing devices for speeders. Note was made there were already two stop signs on W Oak and another one on Spring Alley would not be appropriate.

Radar for Municipal Police Depts - Mayor Renshaw also asked everyone to contact their senators and local legislators to encourage them to vote in favor of a bill that would allow the municipal police throughout the state of PA to use radar. This availability would make some of the speeding concerns in the Borough much easier to address and PA is one of the few states that does not allow it.

Penn Valley Airport Presentation - John Glennly explained that the meeting at the Airport had proceeded as planned and Jeremiah Runkle attended as requested. The meeting resulted in additional discussions and concerns. John brought copies of some reports from the Airport which included the 2015 Financial Report, the Engineer's Report, their Monthly Meeting Report, and their Profit and Loss Statement. Heidi Potter asked if there was discussion regarding the percentage of split between the nine stakeholders. John noted there was discussion on it but in the end, the man from USDA came up with the same equal split. This issue is still under consideration and the cost of the project is also being re-evaluated. John noted that since the new board has taken over, there is better management and since Energy has come in as the FBO, the Airport is actually making money. All of the profits shown on the books have already been tagged for certain expenditures.

Later in the meeting, Jeremiah recommended the Borough not make any commitments to the Airport Authority until they have concluded actual costs for their project and an actual breakdown of cost per municipality.

REGULAR MEETING MINUTES
OF THE MIDDLEBURG BOROUGH COUNCIL

Tuesday, October 11, 2016

Page 2 of 3

Larson Design Group/Stormwater Grant - David Walters explained he had been in touch with Senator Gordner regarding the possibility of utilizing grant funding for storm water projects in Middleburg Borough. PENNVEST funds water, sewer and storm water projects. Most funding through PENNVEST is in the form of loans. If the Borough's proposed stormwater project would end up being in the range of \$500,000 to \$1 Million, it may qualify for a grant that would provide 100% of the funding. This means potentially the Borough could resolve the stormwater issues on the West side of town, which would include the Schlieff property, as well as other areas of the Borough. The down side is that the PENNVEST program requires all engineering design be completed, and all permits must be in place, before an application can be filed. The application is quite complex and is normally completed by the engineer it is estimated it will cost between \$5,000 to \$7,000 to prepare. Potentially the Borough could be responsible for approximately \$120,000 in up front costs for things such as engineering and legal expenses. These costs can be included in the grant so if the Borough was approved for the grant funding, the up front costs would be reimbursed. If the Borough did not get the grant, those costs would still be out of pocket for now, but then a future project would be ready for grant submission. PENNVEST automatically rolls the applications over and they meet approximately 4 times per year. The application needs to be submitted approximately two months prior to their meetings. The first step would be defining areas of the Borough that would fit into the \$500,000 to \$1 Million cost. Although this grant program is available currently, it has the potential of going away even 6 months from now.

Michael Kerstetter questioned if State Liquid Fuels could be used for the out of pocket expenses and asked Ginny to look into that option. Ginny stated State Liquid Fuels money has to be spent within the year that the project occurs. She was skeptical whether they would allow use of the money for something that had the potential of a refund from a grant and/or that would not be spent within the year of the project. She will check with Brian Haight on this issue.

David recommended Council give serious consideration to applying for this grant in an effort to resolve the storm water issues throughout the Borough. He will put together a summary for Council's review and possible approval for the November 2016 Council meeting.

Middleburg Yarn Factory - Jeremiah Runkle reminded Council that the violations at the Yarn Factory property relate to the property maintenance code and it appears those violations need to be processed as summary criminal offenses. The violator in this situation is a corporation and you can't put a corporation in jail. The penalties for a summary offense max at \$300, however, it is possible they could be fined \$300 per day for each day the violation continues, each as a separate offense. There might be an independent section of the crimes code that would apply to that idea. The District Attorney is checking further into this situation and will be getting back to Jeremiah to discuss the best way to legally handle this situation.

Dustin noted that roofing materials have blown off of the building and are lying beside the roadway. Someone could drive over them and possibly damage their vehicle. Ginny recommended taking pictures of the roofing debris and then moving it off of the roadway.

Rental Property Inspections/Code Enforcement - Ginny explained she had contacted and met with Marty Sowers, UCC Program Manager with Light Heigel Associates. Marty explained that their company is a direct competitor with the Central Keystone COG and they provide identical services. Their rate just increased to \$60 per hour while the COG's will be increasing to \$61 soon. Light Heigel will take responsibility for contacting all of the property owners (landlords) and billing them for rental inspections, so the Borough does not need to take back those responsibilities as the Keystone COG will now be requiring. Marty has agreed to attend the November Council meeting to do a presentation. Ginny said she would highly recommend dropping the Keystone COG and trying Light Heigel. It was decided to take no action at this time and wait for Marty's presentation at the November meeting and a resolution of rates could also be adopted at that time.

Jeremiah noted this firm is based in Palmyra and has a branch office in Montandon. Code officials, by law, are given the power to hand out citations, just like a police officer would give someone a parking ticket or a citation because you weren't wearing your seat belt. The code officer is supposed to function in a manner that when they see a violation, they hand out a citation, because those things are considered criminal offenses. The Central Keystone COG either has code officials who do not know how to do that, or they are not willing to do it, and that leaves the Borough with the question of how to initiate criminal action. The most efficient way to do it is by issuing a summary non-traffic citation.

REGULAR MEETING MINUTES
OF THE MIDDLEBURG BOROUGH COUNCIL

Tuesday, October 11, 2016

Page 3 of 3

Sign Ordinance Amendments - Jeremiah Runkle reminded Council they had discussed and decided to look into the possibly amending the most recent sign ordinance, based on citizen's complaints. However, he recently read an article about sign regulations that explained a U.S. Supreme Court case about a year ago that dealt with the constitutionality of sign regulations. Since that case was handed down, there have been other cases regarding sign regulations. As a result, there are some organizations that are working on model sign ordinances that would be compliant with the US Supreme Court case. Therefore, unless there is a dire need to amend the Borough sign ordinance right now, Jeremiah recommended waiting to see what these organizations come up with. Otherwise the committee may be spinning their wheels to amend the Borough's ordinance and then having to amend it again to comply with current law. Many other municipalities have older sign ordinances and they will all be required to bring theirs into compliance with a new US Supreme Court law.

Letter from the Snyder County Library - All Council members received a copy of the letter and information from the Snyder County Library Association for their review.

Executive Session - At 8:30 PM an executive session was called by James Shull to discuss personnel issues. The executive session ended at 8:42 PM.

As a result of the executive session, a motion was made by Heidi Potter and seconded by Judy Lynn accepting the AFSCME Union's request to increase the Borough's contribution toward the employee's health insurance deductible rates from \$1,000 for singles to \$1,500, and from \$2,000 to \$3,000 for husband/wife and families. MOTION UNANIMOUSLY CARRIED.

Street & Sidewalk Committee - Dustin Zechman requested the other committee members take a ride around the Borough with him some day in an effort to clarify snow plowing concerns as they relate to the most recently adopted ordinance. Note was made that a copy of the ordinance was included in each mailing of the water/sewer bills for those who live within the Borough. Discussion followed on the new ordinance.

West Willow Avenue - Michael Kerstetter asked Ginny to see if she could locate the most recent information between the Borough and the Snyder County Commissioners regarding their request to make the eastern end of West Willow Avenue one way beside the Sheriff's office. West Willow Avenue has become more of a safety concern in that area for the County Safety Committee and they would like to see it changed to one way. There was concern about which way to make the one way, either turning off of Rt 104 onto W Willow, OR coming out of W Willow onto Rt 104. In the past, Council did not move forward with changing it when the issue was discussed. This situation should be re-evaluated by Council.

Budget Committee - Chairman Heidi Potter noted the budget committee is scheduled to meet on Tuesday, October 18th at 3:30 PM to begin the 2017 budget process. Tim Folk, Authority Board member, has agreed to sit in on the meetings that relate to the water and sewer budgets. Ginny noted she has the DRAFT budgets ready with the exception of requested figures from Dustin and Dave Walters (engineering).

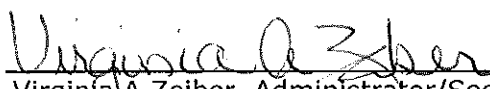
NEW BUSINESS:

Trick or Treat Night - Note was made that Beavertown Borough and Selinsgrove Borough had already scheduled their trick or treat night for Monday, October 31st from 6:00 to 8:00 PM. A motion was made by Michael Kerstetter and seconded by William Hostler for Middleburg Borough's trick or treat night the same, October 31st, from 6:00 PM to 8:00 PM. MOTION UNANIMOUSLY CARRIED.

Fighting for Finley Event - A Walk-A-Thon has been scheduled by the Middleburg VFW Post 5640 for October 29th. This event is a fund raiser for 3 year old Finley Snook who suffers from Pre-B-Cell Acute Lymphoblastic Leukemia. All proceeds go directly to the family to help with Finley's medical bills. The VFW is requesting the Borough's approval to use part of Furnace Road that is located within the Borough for this event. A motion was made by Heidi Potter and seconded by Brian Lauver approving the use of Furnace Road for this event as scheduled. MOTION UNANIMOUSLY CARRIED.

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

The meeting adjourned at 9:15 PM.


Virginia A Zeiber, Administrator/Secretary