

REGULAR MEETING MINUTES  
OF THE MIDDLEBURG BOROUGH COUNCIL

Tuesday, July 11, 2017

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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 (absent), Judy Lynn, Brian Lauver

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,  
Roger & Anita Snook-Residents, Lincoln Kaufman-Director of Planning

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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.

Agenda - James Shull requested additions to and/or approval of the July 11, 2017 Agenda. Ginny requested the addition of Roger & Anita Snook, Borough Residents. A motion was made by Heidi Potter and seconded by Brian Lauver approving the Agenda with the addition as noted. MOTION UNANIMOUSLY CARRIED.

Minutes from the June 13, 2017 Council Meeting - James Shull requested approval of the June 13, 2017 meeting minutes. A motion was made by Michael Kerstetter and seconded by Judy Lynn approving the Minutes as presented. MOTION UNANIMOUSLY CARRIED.

Bills and Financial Statements - James Shull requested a motion to approve the bills and financial statements through July 11, 2017. A motion was made by Judy Lynn and seconded by Heidi Potter approving the bills and financial statements as presented. MOTION UNANIMOUSLY CARRIED.

PUBLIC COMMENTS: NONE

OFFICERS AND OFFICIALS: NONE

Police Report - James Shull noted that everyone has been provided a copy of the police report for the month of June and asked if there were any questions.

Service Electric Cable TV Agreement - Attorney Runkle noted his intentions were to complete a new Agreement between Service Electric and the Borough before Ginny retires at the end of the year.

Letter To United Cerebral Palsy (UCP) - Attorney Runkle circulated copies of the letter he sent to Dan Mauer with UCP on W Willow Ave in regards to their request for handicap and speed limit signage. He noted since the letter was just sent, he has not yet received a response.

Lack of Borough Police Availability - Roger and Anita Snook presented an event that occurred on Sunday, July 9<sup>th</sup> at 2:30 AM. Their neighbor, adjoining the east side of their property, has a swimming pool right next to Roger's house. The homeowners were away for the week on vacation, however, at 2:30 AM Roger and Anita were woken by 5 kids enjoying themselves rather loudly in the pool. Since no Middleburg Police were on duty or on call at that time, Roger contacted 911 and spoke with a state police officer. The officer said he would really like to help them but he couldn't because the offense fell under a Borough ordinance (Disorderly Conduct/Disturbing the Peace). Roger stated he was under the impression that when the Borough police were not on duty or available, the State Police were to handle the calls. The officer explained when it is an ordinance violation, the state police are not allowed to respond. Roger asked if he could just stop by and check things out to see who was in the pool and what was going on but the officer refused. Eventually the kids left, after urinating in the neighbor's bushes!!

Attorney Runkle felt the state police officer could have legally responded under the State Crimes Code for Disorderly Conduct.

Roger feels now that the Borough employs three full time officers that at least one of them should be on call at all times. He asked the Mayor and Council to consider having someone on call, out of respect for the community, when no one is on duty, especially for situations that apply to Ordinance violations.

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Lincoln Kaufman, Director of Snyder Co Planning/Cell Phone Tower - Lincoln introduced himself and noted he was attending tonight's meeting in regards to the proposed cell phone tower which may be placed directly behind the Family Dollar Store located along Rt 104. He circulated copies showing the proposed location of the tower along with other entities such as fencing and a small structure, planned for this location. This project requires approval under land development and since the tower does not totally comply with the setback regulations of the County, they are going to need a waiver along with an approved land development plan. Since the County does the land development for the Borough, they do not want to proceed issuing a waiver without their approval. The proposed tower is 160' tall and the County's required setback is 110% of the height of the tower. Attorney Runkle explained that other municipalities require the owner of the tower to post a bond stating if the tower is ever abandoned there will be money available to tear it down. They are required to maintain that bond for every year the tower remains in place. In Chester County they have a requirement to make the towers look like a tree to disguise them.

Three ideas were noted by Council as follows: 1) move the location of the tower to the corner, 2) shorten the tower, and 3) move it further away from homes. They also agreed that the tower will not provide any benefits for the Borough residents.

Following additional discussion, it was decided the company planning to install the tower should be asked if they have looked for other locations that would work just as well and not require a waiver. Council also agreed between the proposed fencing that will surround the tower, the shed that will house the electronics etc and the tower itself, the project will create an eyesore for the community. Lincoln said he would take all of the Solicitor's and Council's comments into consideration and pass them along to the Planning Commission when the request for a waiver is presented by the cell phone tower people.

Firemen's Carnival & Parade - Police Chief Tony Jordan explained the Firemen's Carnival and parade are coming up soon and he is having problems finding enough fire police in order to meet PENNDOT's requirements to regulate traffic during the parade. He feels a time will come when this issue will be addressed by PENNDOT and the parade permit may no longer be issued. The permit for this year's event is already in hand, so the parade will be able to move forward. The same problem exists at another municipality so they are considering paying for flagger forces services during their parades along with any other event that requires flaggers. Tony said this is something Middleburg might want to consider for the future. Tony noted numerous situations where police and fire police were on hand and prevented serious and even life threatening situations.

Storm Drain Inlet Repair - Dustin Zechman stated while the maintenance crew was working on the reconstruction of a storm water inlet on Sky Theater Alley, they discovered a water line leak. He was hoping to have an estimate from Mid-State to present at tonight's meeting for them to repave in the area of the inlet box, but was unable to get one in time. He feels it will cost somewhere around \$1,500. Michael Kerstetter asked Dustin to make a list of areas around town that need restoration work done. Michael also noted that July 19<sup>th</sup> is the date the PENNVEST board is scheduled to meet to decide who will be awarded grant funding. Hopefully they will award a grant to Middleburg for the storm drain project.

Proposed New Pavilion - Heidi Potter explained that she and Judy Lynn had been discussing appropriate ways to solicit for donations for the proposed pavilion, so that the requests do not come directly from Borough Council. It is felt the Borough requesting donations may present a conflict of interest. They are currently exploring other options to make the pavilion happen but nothing is conclusive at this time. Lincoln Kaufman volunteered to investigate available grant funding through DCNR that did not involve a match and would apply to this project.

Safety Committee - Police Chief Jordan requested a meeting of the Safety Committee. Heidi explained she felt William Hostler would be relieved to be removed from the safety committee because he is already on five committees and does not have enough spare time to serve. James Shull removed William from the safety committee and put himself in his place. Due to minimal response from committee members, a meeting was not scheduled at this time.

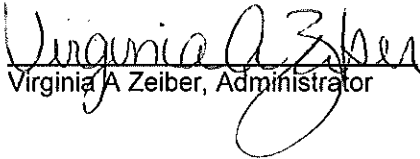
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Executive Session - Council went into executive session at 8:35 PM to discuss personnel issues. The session ended at 9:30 PM.

No action was taken as a result of the session.

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

The meeting adjourned at 9:32 PM.

  
Virginia A Zeiber, Administrator