

REGULAR MEETING MINUTES
OF THE MIDDLEBURG BOROUGH COUNCIL
Tuesday, September 12, 2017
Page 1 of 3

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

COUNCIL MEMBERS : James Shull-President (Absent), 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 (Absent), Tony Jordan-Police Chief (Absent)

OTHERS PRESENT : Dustin Zechman-Foreman, Judy Varner-Employee, Jeremiah Runkle-Solicitor

Meeting Called to Order - Due to the absence of James Shull, the Middleburg Borough Council meeting was called to order at 7:30 PM by Michael Kerstetter, Vice President of Council, and began with the Pledge of Allegiance to the Flag.

Agenda - Michael Kerstetter requested additions to and/or approval of the September 12th Agenda. Ginny requested the addition of trick or treat night under new business. A motion was made by Heidi Potter and seconded by Judy Lynn approving the Agenda with the addition. MOTION UNANIMOUSLY CARRIED.

Minutes from the August 8, 2017 Council Meeting - Michael Kerstetter requested approval of the August 8th meeting Minutes. A motion was made by Brian Lauver and seconded by William Hostler approving the Minutes as presented. MOTION UNANIMOUSLY CARRIED.

Bills and Financial Statements - Michael Kerstetter requested a motion to approve the bills and financial statements through September 12, 2017. 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

OFFICERS AND OFFICIALS: NONE

Fire Company Report - Dwayne Hackenberg circulated copies of the Reliance Hose Company #1 monthly report. He noted their community yard sales have been a success and seem to be a growing event. The next scheduled event is fire truck rides for fire prevention week on October 10th.

Michael and others thanked the fire company for the ongoing wonderful job they do for the community and surrounding areas.

ENGINEERING:

Larson Design Group - Borough Engineer David Walters provided a letter report for tonight's meeting which was provided for each Council member.

Report Following The Inspection of the Cemetery Rd Bridge - The Inspection of the Cemetery Road Bridge has been completed by Larson Design Group and a copy of the report was provided to each Council member by email. A paper copy is available in the Borough office. Although the condition of the bridge is not the greatest, at this time no further restrictions are required.

Jeremiah Runkle, Solicitor - PENNVEST Funded Stormwater Project - Jeremiah explained that he and David Walters (Engineer) remain in contact, as necessary, in an effort to complete all easements required for the stormwater project. Jeremiah recommended that once the engineers have completed the design, a public meeting should be scheduled for all of the property owners the Borough will be requiring easement agreements from. The easements could then be signed on the spot during the meeting and he would be sure to have his notary available. He and David Walters agreed getting all of these easements in place could create a 3 to 4 month delay in the project.

Ginny recommended once Larson has completed the design, a drawing could be displayed highlighting the areas of the project so the public can see exactly which properties will be affected. Michael asked Jeremiah to take care of working out a good time for the proposed public meeting with David Walters.

**REGULAR MEETING MINUTES
OF THE MIDDLEBURG BOROUGH COUNCIL
Tuesday, September 12, 2017
Page 2 of 3**

PENNVEST Required Resolution - Jeremiah noted a resolution has been included in each agenda packet for Council's review and approval. PENNVEST is requiring this resolution to be in place for the interim funding to cover engineering and attorney fees for the stormwater project. These costs will be paid from the interim funding and then reimbursed by the PENNVEST grant. After reviewing the resolution, a motion was made by Brian Lauver and seconded by Heidi Potter adopting the resolution as presented. MOTION UNANIMOUSLY CARRIED.

Commitment Letter for Interim Financing - Jeremiah explained two letters were submitted for the interim funding, one from Swineford Nat'l Bank and the second from Northumberland Nat'l Bank. In summary, Northumberland Nat'l Bank offers up to \$250,000 at a fixed rate of 2.81% for a period not to exceed 36 months. They are waiving any bank fees other than \$84 to file a UCC 1 Financing Statement, which gives them a lien against the anticipated grant funds. The only other cost to the Borough would be if the bank requires documents to be drafted by the Borough's Solicitor.

Swineford Bank's offer is 2.67% fixed for a period not to exceed 36 months for not more than \$300,000 with an up front fee of \$1,000 plus any outside counsel fees to draft documents. They want a general pledge of tax revenue and the Borough's ability to tax.

In summary, Northumberland Bank's terms are much simpler in terms of getting it done and their rate is only .14% higher. That means if the Borough borrowed the full \$250,000 and held it for all three years, which most likely will not happen, it would only cost the Borough \$1,050 in interest. Swineford Bank's fine print says that their rate does not lock in until the Borough first draws money, so whatever the rate is at that time is what the Borough will pay. At the moment their proposed rate is 2.67% but if the first draw down does not happen for 60 days, whatever the rate is at that time is what the Borough will be obligated to pay. Swineford has also included an up front fee of \$1,000.

Following a brief discussion, a motion was made by Judy Lynn and seconded by William Hostler to go with Northumberland National Bank's offer. MOTION UNANIMOUSLY CARRIED.

Proposed Communications Tower - Jeremiah explained that the attorney for the company proposing the new communications tower to be built on the Family Dollar Store site in Middleburg believes case law supports the position that they do not need land development approval in order to construct the tower. Jeremiah disagrees and they have therefore been going back and forth regarding this issue. Jeremiah told him he would be meeting with both the Borough and the Snyder Co Planning Commission to discuss the situation and would get back to him with each entity's opinion. Borough Council members were in agreement they continue to stand by their feelings discussed at the last Council meeting that they do not want the tower at the currently proposed location. Jeremiah said he discussed with their attorney the prospect of moving the tower to a more appropriate location, either within the Borough or outside of the Borough, or possibly even on Municipal Authority land. Apparently they feel they have too much money tied up in permits and other costs to change to a different property.

Michael Kerstetter received suggestions from other town residents to bring the Middleburg Yarn Factory property to their attention with the idea they may consider removing the existing structures on that property and construct their tower at that location. Michael spoke with Lincoln Kaufman, Snyder County Planning Director, about this idea so he could present it to the communications tower people the next time he met with them.

COMMITTEES:

Special Committee To Hire A Borough Administrator - Chairman Brian Lauver reported that the committee members appointed to review resumes for the Administrator position are staying after tonight's meeting with the idea of narrowing them down to applicants they would like to interview.

Street and Sidewalk Committee - Chairman Michael Kerstetter received some complaints regarding people blowing their grass clippings out onto Borough streets. He said there is also an individual who regularly cleans out his mower deck in the middle of the roadway leaving all of the clumps of grass lying in the street. He plans on addressing these situations directly with the people in hopes they will stop doing it. Dustin noted that people also regularly blow their leaves out into the roadways and that creates additional issues.

REGULAR MEETING MINUTES
OF THE MIDDLEBURG BOROUGH COUNCIL
Tuesday, September 12, 2017
Page 3 of 3

Jeremiah responded that Chapter 20-101 thru 20-208 of the Borough Code specifically lists grass clippings and leaves, among other items, noting they are not allowed to be placed on Borough streets in any manner. A penalty for these violations is also in place.

A discussion was held about Robert Hall being witnessed on numerous occasions regularly delivering his grass clippings and lawn debris by wheelbarrow across private properties and dumping it at the end of N Shuman Street along the creek. He has also been witnessed dumping his yard debris on the Lutheran Church's property. Ginny recommended Jeremiah write a letter to Robert Hall informing him this is an illegal act and he needs to stop or he will be fined. Michael Kerstetter said he would discuss this situation personally with Robert in hopes of working it out in that manner first, rather than starting with the threat of a fine.

Budget Committee - Discussion on budgeting for 2018 resulted in a decision to wait until the end of the 3rd Quarter to put together the proposed draft budgets. The committee will then need to meet during October to finalize the three draft budgets with the idea of presenting them at the November meeting for approval and advertising. The budgets could then be adopted in final at the regular December meeting.

Landlord Ordinance - A short discussion resulted in tabling the proposed landlord ordinance at this time, as it was thought the Borough was not yet ready for such aggressive enforcement.

Police Report - A police report was provided for each Council member, however, no officers were available at the meeting to address with any questions.

NEW BUSINESS:

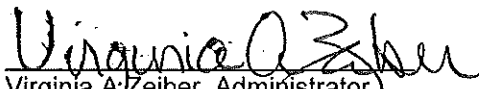
Minimum Municipal Obligation (MMO) Reports - The MMO Reports for the non-uniform employees, as well as the police department employees, were presented to Council at this evening's meeting.

Changing Medigap Plans - Ginny noted she had changed from Highmark Medigap Plan F to a less costly plan called Thrivent Plan F for the last three months of 2017. This change will create a savings for the Borough through the end of the year and also for her once she has retired and is paying it on her own.

Trick Or Treat - A short discussion was held regarding trick or treat night. A motion was made by Brian Lauver and seconded by Judy Lynn to schedule October 31st from 6:00 PM to 8:00 PM as trick or treating hours for Middleburg Borough. MOTION UNANIMOUSLY CARRIED.

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

The meeting adjourned at 8:41 PM.


Virginia A. Zeiber, Administrator