

**REGULAR MEETING
OF THE MIDDLEBURG BOROUGH COUNCIL
Tuesday, February 11, 2014
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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, Natalie Riley, Michael Kerstetter, Heidi Potter, William Hostler, James Shull

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

OTHERS PRESENT : Dustin Zechman-Borough Foreman, Judy Varner-Employee, Jeremiah Runkle-Solicitor, Brian Lauver, Dwayne Hackenberg-Fire Chief

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 approval of the February 11th Agenda as presented. Natalie Riley pointed out a correction under New Business #5 that PMRS should be changed to PSAB. A motion was made by Natalie Riley and seconded by Michael Kerstetter approving the Agenda with the correction. MOTION UNANIMOUSLY CARRIED.

Minutes - Reorganization Meeting Minutes from Monday, January 6, 2014 and Special Meeting Minutes from Tuesday, January 28, 2014 - Roger Snook asked for a motion to approve the Minutes as presented. A motion was made by Donald Zechman Jr and seconded by Heidi Potter approving both sets of minutes as presented. MOTION UNANIMOUSLY CARRIED.

Bills & Financial Statements through February 11, 2014 - Roger Snook asked if there were any questions on the financial statements or bills and if not requested a motion to approve them. A motion was made by Natalie Riley and seconded by William Hostler approving payment of the bills and the financial statements as presented. MOTION UNANIMOUSLY CARRIED.

Assistance for Heating Oil - Natalie Riley explained the Authority has unanimously agreed to provide \$800 each (totaling \$1,600) from the water fund and the sewer fund for the 2014 year to be applied toward the heating oil bill for the Borough building.

PUBLIC COMMENTS:

Borough's Web Site - Brian Lauver asked what the progress was on the Borough's web site design. Ginny explained she had provided all of the information they requested and the Web Master is supposed to be working on it. Brian asked if customers will be able to pay water and sewer bills through the new web site. Ginny noted the site was intended to be an information only site and that was all it would provide. She added that the Borough does not even take credit card payments here in the office and never has. Brian recommended looking into the on line and credit card payments.

REPORTS FROM OFFICERS AND OFFICIALS:

Photo I.D.'s - Natalie Riley explained she had asked Dustin to make sure all of the Borough employees got their photo ID's as we have the availability through the 911 Center for up to 30 people at no cost to the Borough. The photo ID's are also available to Council and Authority members, should they desire to get one.

Tandem Trailers - Michael said he had information on a concern expressed at a former Council meeting regarding tandem trailers being allowed in Pennsylvania. He found out these trailers are allowed in PA on all numbered traffic routes that have edge lines. Natalie said she had seen them on State Legislative Route 522. Michael noted that is an appropriate road with edge lines so they would be allowed. They are also allowed in other locations but only with a special permit.

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Jeremiah Runkle, Solicitor - Rental Property Inspection Fees - Jeremiah presented a resolution for adoption regarding residential rental inspection fees. The reason these fees are done by resolution and not ordinance is so they can easily be updated annually, as required. What is clarified in this resolution is the cost for inspection and he has attempted to come up with an appropriate number, not knowing how long each inspection would take. The resolution provides that the fee will be based on the time spent and indicates a one hour minimum.

Ginny explained she had emailed Jeremiah prior to the meeting requesting the hourly rate be changed to the COG's current rate of \$60 per hour, rather than \$59 as shown on the resolution. Following a rather lengthy discussion on the most appropriate way to charge for the inspections to be fair to the landlord and the Borough as well, all Council members agreed that Jeremiah should rewrite the language to reflect that the rental inspection fee would be a cost recovery situation. He will have this resolution revised and ready for adoption at the March 2014 meeting. Jeremiah noted that if the COG comes along and changes its rates, the Borough will need to adopt a new resolution addressing the change.

Outdoor Wood-Burning Furnaces - Jeremiah explained that DEP does currently regulate the outdoor wood burning furnaces. He said the question is, do you want additional Borough regulations which can be more stringent, as municipalities cannot be less stringent. There are state regulations for Phase II and Non-Phase II furnaces. As he understands it, Phase II is cleaner. Non-Phase II furnaces are required to be at least 150 feet from the nearest property line. That would mean there would be very few properties within the Borough that could meet that requirement. If it is a Phase II, they are required to be a minimum of 50 feet from any property line.

Natalie asked if the existing furnaces would be grand-fathered and the new ones would have to fit those guidelines. Jeremiah felt that would be correct. That would be something the Borough could change in a local ordinance by taking the position that the older ones are not grand-fathered. You could reasonably say something like at the end of the furnace's reasonable life or within a certain number of years from the adoption of the ordinance, it would have to be relocated to comply with the required location on the property. The other issue with living with DEP's regulations only is the question of enforcement. If they are the only ones with regulations, then the Borough would rely on DEP's enforcement. This means if there is a problem, either a neighbor or the Borough would need to contact DEP for action. If the Borough adopts their own ordinance, then enforcement becomes a Borough issue. Enforcement would incur more time and cost to the Borough. There is no right or wrong, just whatever the Borough wants to do.

Ginny asked if the Borough chooses to stay with DEP regulations only and someone applies for a zoning permit for a wood-burning furnace, would she need to contact DEP and let them know so they could enforce their regulations? Jeremiah said there is no permitting required from DEP as it is a complaint driven process regarding meeting requirements. It is not an approval driven process. In other words, if someone installs a wood burning furnace and then someone complains, then DEP would apply their regulations. Jeremiah added that the Borough could require proof of the manufacturer's estimated life of the furnace or the Borough could provide some type of inspection that certified each furnace is still working properly and up to the Borough's standards. Its all about outdoor emissions creating environmental problems for people.

Dustin explained that the Phase II furnaces are the newer ones that have emission controls that burn the gasses before they are released into the air.

Following additional discussion on this matter, Council decided to stay with DEP's regulations at this time and not create their own ordinance.

Tax Ordinance for 2014 - Jeremiah presented a 2014 tax millage ordinance stating the real estate tax millage and the lighting millage for the 2014 year. He noted that even though nothing has changed since 2013, the law requires a new ordinance be adopted yearly. The ordinance cannot be adopted tonight because it has to be advertised first. A motion was made by Natalie Riley and seconded by Heidi Potter to advertise the ordinance as required for adoption at the March meeting. MOTION UNANIMOUSLY CARRIED.

Resolution for Police Officer David Shaffer's Wage - Ginny explained Jeremiah had prepared a resolution about a situation with David Shaffer's wage rate. As noted in the August 2013 minutes, Chief Tony Jordan presented a request during an executive session, to increase Officer David Shaffer's salary by one dollar an hour. At that time David was making \$11.25 per hour. As a result of that executive session a motion was unanimously passed by Council to increase David's hourly rate to \$12.50 per hour. This is correctly stated in the minutes but was an incorrect motion simply made by mistake.

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The Borough's auditor caught the mistake as she noticed on the information submitted to payroll that David's hourly rate being paid after the August meeting was actually \$12.25 per hour. She requested Ginny play the tape of the minutes from the August meeting to verify what was actually said. The auditor (Christine), Ginny and Tony all listened to the tape which clearly stated an increase to \$12.50 per hour. Christine asked that Ginny consult with the Solicitor for an appropriate way to correct the situation. As a result Jeremiah prepared and provided a resolution to be considered for adoption tonight detailing what happened and correcting it. Ginny read the resolution out loud to the entire Council. It explained that David was supposed to be paid \$12.25 and that he was in fact correctly paid \$12.25 but that motion was stated incorrectly and should have stated the increase be \$12.25 per hour rather than \$12.50 per hour..

A motion was made by Natalie Riley and seconded by James Shull to adopt the resolution as presented correcting the motion made at the August 13, 2013 meeting to reflect the \$12.25 pay rate to David Shaffer as intended. MOTION UNANIMOUSLY CARRIED.

Reliance Hose Company Report - Dwayne Hackenberg read the information from the fire report for the month of February.

Dwayne explained the Fire Company received a grant from the State Fire Commission's Office in the approximate amount of \$13,000 to be put toward new equipment.

Dwayne said he will be checking with Derrick at the 911 Center for NIMS 700 classes which will be held at the Fire Company building. Whenever the Fire Company receives federal funding, they have to show that they are NIMS certified in order to legally qualify for the money. He said the class takes about one hour and consists of a slide presentation and a test at the end. The class is also available on line, should anyone wish to take it that way.

Dwayne and Jeremiah had a discussion about requirements for Hazardous Mitigation Plans. Dwayne will check with Derrick at 911 to be sure Middleburg Borough is in compliance with what they have currently. This relates to increases in flood insurance coverage costs. Jeremiah stated he would hate to see property owners' rates increase simply because the Borough failed to take a simple action to prevent it.

Mandatory Seminar for Sewer Licensed Operators - Dustin Zechman explained that Markel Kline is scheduled to attend a seminar on securing treatment plant facilities which is required to be taken by all sewer licensed operators. The class will be at the VFW in Selinsgrove on February 19th. Every licensed operator is required to complete this course within their first cycle or they lose their license.

Dustin noted the first week in March is the Annual Water/Wastewater Conference in State College and someone will be attending that again this year.

Middleburg Yarn Factory - Dustin noted that the water at the Middleburg Yarn Factory was turned off but now it is back on following the Yarn Factory's request to do so. Jeremiah will explain this situation in more detail during the executive session.

Police Chief Tony Jordan - Tony read from the monthly police report which had been provided to each Council member and the Mayor via email prior to the meeting.

Tony requested a motion for approval for the Memorial Day Parade scheduled for May 26, 2014 beginning at approximately 5:30 PM. Roger Snook noted there was a service scheduled at the cemetery following the parade. A motion was made by Natalie Riley and seconded by William Hostler to allow the Memorial Day Parade to move forward as scheduled. MOTION UNANIMOUSLY CARRIED.

Pill/Medication Collection - Natalie Riley asked Tony how the medication collection was coming along. Tony stated there have been a lot of medications placed in the drop box indicating a lot of people are using it.

Revvng Motor - Natalie explained to Tony that someone has been revving their motor at 2:00 AM at Harvey's Gas Station and requested he look into it.

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Running Red Lights & U-Turns at the Traffic Light - Roger explained he observes drivers regularly running the red light at the intersection of Routes 522 and 104 and Natalie stated she has observed drivers regularly making U-turns at the traffic light mostly when parked in front of Subway. Roger said he had asked Tony about that situation and Tony explained that as long as there is no signage indicating "No U-Turns", it is allowed. Natalie stated that the drivers of vehicles doing the u-turns normally come from the Subway side of West Market Street.

Larson Design Group Engineering Report - Ginny provided each Council person with a copy of an engineering report from engineer David Walters. Natalie explained David also presented his thoughts about replacing the water main lines leaving the water plant with larger ones in an effort to provide more pressure to the system. These pipes are approximately 100 years old and may have developed considerable restrictions by this time that are most likely creating water pressure issues.

Dustin explained that the SRBC is now in control of the well project and when it can move forward. 72 hour pump tests have to be completed to see what kind of yields the well can produce. Once that has been done, SRBC will determine how much water can be drawn from the well and how much well protection area will be required surrounding it which is dependent on that yield.

Personnel Committee - AFSCME Union Contract - Natalie Riley stated that copies of the new AFSCME Union Contract beginning in 2013 have been provided to each Council person. Since no one contacted either Michael Kerstetter or herself with any questions on the contract language prior to tonight's meeting, she is of the assumption there are no questions and everyone is ok with it. At this time the committee recommends adopting the non-uniform Union Contract as presented. Although it is dated January 1, 2013, all changes in salaries and benefits will begin retroactive to January 1, 2014.

A motion was made by Heidi Potter and seconded by Michael Kerstetter to accept and adopt the Union Contract as written. MOTION UNANIMOUSLY CARRIED.

Job Descriptions - Natalie explained that Dustin and Ginny had reviewed the job descriptions for each of their departments and made revisions bringing them up to date. Natalie made a motion to accept the job descriptions as presented. The motion was seconded by Heidi Potter. MOTION UNANIMOUSLY CARRIED.

Natalie added that this motion does not include the job descriptions that apply to the Police Department, as they have not yet been reviewed or updated by the committee.

Natalie stated that the new Labor Attorney, Adam Santucci, has been very easy to work with. He asked that she pass on to this Council the commendation that he was quite impressed with the Borough's ability to pull things together by getting them in order and correct. He stated the Council should pat themselves on the back.

Natalie said that she and Michael had completed the annual reviews for both Dustin and Ginny. Dustin said he has only completed one review and gave that copy to the personnel committee. Natalie encouraged Dustin, Tony and Ginny to attempt to complete their annual reviews by the middle of February each year.

New Addition to the Maintenance Shed - Roger Snook felt photos should be taken of the new addition to the maintenance shed and a small article written up about it to show the citizens where some of their money is being spent in a positive way. Jeremiah suggested contacting the Chamber of Commerce as they would most likely do something that would end up in the Daily Item. Roger felt this type of thing creates good P R for the Borough.

Updating of the Borough's Signage Language - Note was made that the updating of the language for signage throughout the Borough has been an ongoing issue and needs to be addressed in a more timely manner. Jeremiah stated this would be a big project. Donald Zechman Jr stated the committee would try to get together with him to get it done.

Street & Sidewalk Committee - Michael Kerstetter stated that the sidewalk situation on West Market Street is pending and he has no additions to that situation.

Dustin said he had received an additional complaint about a sidewalk situation in front of Pauline Buchanan's house. A lady actually tripped and fell as a result of a raised section of the sidewalk and wanted to bring it to someone's attention. Ginny asked if Pauline Buchanan was aware of the incident. Dustin was not sure and only knew that employees at the Pharmacy said they were contacting people informing them it was not their responsibility. They felt it was the Borough's responsibility to do something about it.

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Natalie stated the Borough's only responsibility would be to inform the property owner of the raised sidewalk situation and let her know she is required to repair her sidewalk to be in compliance. Ginny was directed to send a letter to the property owner and let her know they are responsible for the repair.

Donald Zechman Jr asked if the Borough was required to clean off someone's sidewalk after they had already done so and a Borough truck came along and pushed snow back onto it. Ginny said as far as she knew it was the same as with PENNDOT's plowing. If the sidewalk is cleared and then PENNDOT comes along and pushes snow onto it, the property owner is required to clean it off. Donald stated, "So then the Borough does not have to take care of clearing that person's sidewalk?" Natalie noted if she had a sidewalk out front, PENNDOT would be plowing it shut all of the time and she would be responsible for clearing it again.

Dustin stated in regard to the situation Donald was describing, the man had a legitimate complaint. Even though the property owner went about it the wrong way, his complaint was appropriate and the Borough needed to correct the situation.

Parks & Recreation Committee - Chairperson Heidi Potter stated as far as she knew, due to the inclement weather, nothing much has been happening with the Charles Park upgrades. Dustin stated they had removed a few trees but other than that, nothing more can be done until there is no more snow and the ground thaws.

Scobie Duck Problem - Roger Snook stated the Borough is still soliciting for someone to remove the Scobie ducks who have made the Middleburg Pond their home. They came and they multiplied and they are pooping all over vehicles parked in the County parking lot and elsewhere. The Commissioners have expressed their extreme objection to this situation on numerous occasions. At one point there had been a discussion about a controlled shoot but no action has been taken in this direction. It would be nice to find someone to remove the ducks and relocate them.

Replacement of the Bridge on the New Berlin Hwy - Donald Zechman Jr expressed his concerns regarding possible problems with parents who park at Wayside Bible Church to attend soccer games across the road. When the detour is in place for PENNDOT's bridge replacement project on the New Berlin Highway, as scheduled, drivers will no longer be able to cross through the parking lot to get to the soccer field. This project is currently scheduled to let in March of 2014 and construction is anticipated to begin in June and take approximately 3 months to complete. The project will generate an 8 mile detour. Dustin said PENNDOT is starting tomorrow with clearing for the project.

NEW BUSINESS:

Donation from Dave Middleswarth - Michael Kerstetter reported he had spoken to both the Wagner family and Dave Middleswarth and his wife Ann, and the only one in favor of the street's name change is Dave. All but Dave have already changed their addresses to the Stahl Street address on their driver's licenses and other legal documents and are therefore not in favor of changing everything back. Gary Wagner did give some indication that following the passing of Mrs Grimm, who is not in very good health, the change would not be so much work, so he may then be in favor. Michael mentioned that to Dave who agreed to let his request go at this time until after her passing.

Soon thereafter a donation check in the amount of \$25,000 was received from Dave Middleswarth. The money comes from a foundation where he has \$25,000 per year to give. Dustin said originally Dave stated he was interested in having the money used to purchase new Christmas decorations for the Borough and asked Dustin what he wanted. Dustin told him it wasn't what he wanted, it was what Dave wanted the money to be used for.

Heidi Potter explained this type of situation was brought up at the recent Borough's training workshop she attended and the Borough is not allowed to accept money from anyone that is contingent on the Council voting a certain way. It is considered an ethics issue. If Dave is expecting the Council to change the street name and then donate money for that purpose, it cannot be accepted as such. If the money is donated with the idea the Borough can use it as they see fit and then they decide to change the name of the street and it is not contingent on the donation, it can be changed. The donator can, however, designate where the donated money is to be spent. Dustin said he asked Dave what if he gives the money and then the street name does not get changed. Dave stated it would still be a donation to the Borough.

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Natalie recommended Jeremiah prepare a letter to Dave stating what is legal regarding the donation and copy it to the Borough Council. This would show that Dave was made aware of the legalities of the donation and could respond if he so desired. Jeremiah recommended he send a letter clearly stating that the Borough appreciates the donation however it cannot be accepted with any conditions and if that is acceptable the Borough will retain the funds. The letter will also indicate if the Borough does not hear from Dave after 15 days of receipt of that letter, it will be considered he understands the situation and that the Borough should keep the donation.

Tony Jordan suggested considering putting the money into the rehabilitation of the pond as it benefits kids and everyone. In the summertime there is a tremendous amount of activity over there versus benefits from Christmas decorations. He is not saying the Borough should not ever get new Christmas lights, but upgrading the lake would create a larger benefit to more people. He suggested things like an agitator/fountain placed in the center of the pond and a walking trail around the pond. The lake is an icon for Middleburg as other surrounding towns don't have anything like it. You see a lot of people using it and the Chip Plant happens to be right across the street so it would essentially benefit them too.

Natalie also recommended placing a gazebo next to the pond so people could have lunch there or any other activities.

Following additional discussion on the situation it was decided that Jeremiah would clarify the restrictions of the donated funds in a letter to Dave Middleswarth, as suggested above, and see what Dave has to say as a result. Ginny recommended Jeremiah include in his letter that the Council is considering upgrading the pond to get his thoughts regarding that use of the donation.

TCC Committee (Tax Collection Committee) - Roger explained since Barbara Megahan is no longer on Council a new representative for this committee must be appointed. The committee meets normally only once per year and a meeting has already been scheduled for February 19, 2014 at 7:00 PM in the basement meeting room of the courthouse. It was thought that this committee decides who the tax collector will be for the Earned Income Tax. Following some discussion, a motion was made by Donald Zechman Jr and seconded by Michael Kerstetter appointing Heidi Potter as the representative from the Borough to replace Barbara Megahan. MOTION UNANIMOUSLY CARRIED.

County Liquid Fuels - Ginny presented the amount for County Liquid Fuels for the 2014 year in the amount of \$1,265.00. This grant must be spent on road products. A motion was made by Natalie Riley and seconded by James Shull for the County Liquid Fuels funds to be used for road salt, cinders or paving products. MOTION UNANIMOUSLY CARRIED.

\$500 for Eye and Dental Situation - Ginny explained a situation with Heidi Moyer's request for eye and dental reimbursement. Heidi had lasik eye procedure done in 2013 and paid the total bill of \$5,000 during that year. During the 2014 year she has followup visits scheduled that were already included in the \$5,000 2013 payment but she would like reimbursement out of her \$500 for 2014 for those two visits. Prior to the Council meeting Ginny consulted with Labor Attorney Adam Santucci who recommended requesting a bill from Heidi's doctor for each visit showing what it would have cost had she been billed during the 2014 year. If a bill from the doctor was presented, Heidi could be reimbursed up to the \$500 for the 2014 year as requested.

Ginny stated she wanted to present this situation to Council so they were aware and in agreement with this conclusion. All council members and Jeremiah agreed, if Heidi can provide documented proof of the cost of each visit from the doctor, she can be reimbursed as requested.

Middleburg's 150 Years as a Borough - Ginny explained she had contacted PSAB (the Borough's Association) and they are planning to send a representative to the Borough's March 11th regular Council meeting to present a 150 years as a Borough award.

Roger noted it is already February and the Borough is going to receive a plaque from PSAB. The Mayor has some musical entertainment things lined up for the carnival grounds. This year the Borough is 150 years old and he feels something more should be done to celebrate this event. He feels it is sad there is such a milestone of 150 years and all that is being done is the receipt of a nice plaque. He wondered if anyone else realized the Borough has been here for 150 years and noted they most likely did not.

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Following a lengthy discussion, it was decided to create a committee to try to put something together as a larger celebration/recognition of the 150 year event. Heidi Potter volunteered to head the committee by putting together citizens of the community from other organizations in town, such as the Women's Club, to come up with some ideas and implement them. Since this event would most likely be done in the fall of this year, it was decided to contact PSAB and attempt to move their visit to later in the year, such as July or August. An effort should be made to have them here prior to the proposed event but closer to it. Ginny noted she contacted the Daily Item reporter who has agreed to attend the meeting when PSAB comes to present the plaque. If we wait until an event has been planned and scheduled, the Daily Item will include that information in their article as free advertisement for the Borough.

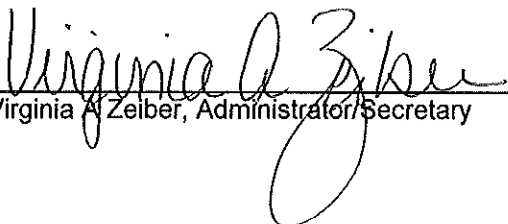
Disposal of Borough Records - Ginny presented a list of records legally able to be disposed of and requested a motion to approve of their disposal. A motion was made by Michael Kerstetter and seconded by Natalie Riley to dispose of the records as listed. MOTION UNANIMOUSLY CARRIED.

Executive Session - Council went into executive session to discuss personnel matters at 9:43 PM. The executive session ended at 11:04 PM.

As a result of discussion during the executive session, a motion was made by Natalie Riley to increase Dustin Zechman and Virginia Zeiber's salary by \$2,800 each retroactive to the first payroll of 2014. The motion was seconded by Michael Kerstetter. MOTION UNANIMOUSLY CARRIED.

Natalie Riley stated there will be corrections to the benefits language in the Personnel Manual, Section 601.00 dealing with non-union full time employees. This language will supersede the previous language. A motion was made by Heidi Potter to accept the proposed language based on the recommendations of Adam Santucci, Labor Attorney, retroactive to January 1, 2014. The motion was seconded by William Hostler. MOTION UNANIMOUSLY CARRIED.

Adjournment - A motion was made by Natalie Riley and seconded by Heidi Potter to adjourn. The meeting adjourned at 11:07 PM. MOTION UNANIMOUSLY CARRIED.


Virginia A. Zeiber, Administrator/Secretary