

**REGULAR MEETING
OF THE MIDDLEBURG BOROUGH COUNCIL
Tuesday, March 11, 2014
Page 1 of 5**

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

COUNCIL MEMBERS : Roger Snook-President (Absent), Donald Zechman Jr.-Vice President, Natalie Riley, Michael Kerstetter, Heidi Potter (Absent), 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

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

Agenda - Donald Zechman Jr. requested approval of the March 11th Agenda as presented. A motion was made by Natalie Riley and seconded by James Shull approving the Agenda as presented. MOTION UNANIMOUSLY CARRIED.

February 11, 2014 Minutes - Donald Zechman Jr. asked for a motion to approve the Minutes as presented. A motion was made by Michael Kerstetter and seconded by Natalie Riley approving the minutes as presented. MOTION UNANIMOUSLY CARRIED.

Bills & Financial Statements through March 11, 2014 - Donald Zechman Jr. 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.

PUBLIC COMMENTS:

Borough's Web Site - Brian Lauver asked if there was any progress on the creation of the Borough's web site. Ginny explained she had provided the photographs the designer had requested, however, when he tried to use them they were not the right pixel sizes he required. She will now have to take new photos and submit them in hopes they will work. If he is unable to use the new photos, the Borough may be forced to pay a graphic designer to create the new web page design. Ginny intends to discuss with the web master the ability to pay water/sewer bills on line using a credit card.

Brian asked if the approved minutes would be posted monthly on the new web site. Ginny said that was something she specifically wanted to be able to provide, so they will be there.

Street Sign Replacement - Brian Lauver requested the street sign be replaced at the corner of Bachman Alley and West Oak Avenue. Dustin explained that a new sign has been ordered for this location but they have not been doing anything with signs due to the frozen ground. Brain asked if Dustin had it on his schedule to replace the Bachman Alley sign, weather permitting, and Dustin confirmed he did.

REPORTS FROM OFFICERS AND OFFICIALS:

Sidewalks - Natalie explained that the sidewalk next to the Borough building along Pine Street has a raised area on one of the sections recently replaced by PENNDOT and it has created a tripping hazard. Dustin said he hopes it will drop back down when the ground thaws and if not, they will try to do something about it. Natalie asked if there was something that could be done to patch it in the meantime in an effort to avoid an accident. Dustin said he and Michael Kerstetter would work on a game plan. He said the sidewalk did the same thing last year but went back down when the ground thawed. Dustin added that almost all of the newer handicap ramp locations, recently constructed by PENNDOT, have raised in areas because of the freezing weather.

**REGULAR MEETING
OF THE MIDDLEBURG BOROUGH COUNCIL
Tuesday, March 11, 2014
Page 2 of 5**

Michael Kerstetter said he and Dustin had taken a look at the sidewalks on East Main Street, however they did not speak directly with Pauline Buchanan. They did talk with Wendell Clouser, who lives next to Pauline, and they also spoke with Mike Wagner, Middleburg Pharmacy owner. Wendell did not feel there were any issues with his sidewalk and felt that the areas of concern were located on the Pharmacy's property. Michael agreed they appeared to be on Mike Wagner's property. Mike indicated he had already contacted a contractor about getting a bid to bring his sidewalk into compliance.

Michael also spoke with Buddy Schenck, owner of the Hotel Middleburger, and told him the Borough has not received a complaint about his sidewalk, but he felt it was only fair to examine his sidewalks too. Buddy agreed to take a look at his sidewalks to see what needed to be done to bring them into compliance.

Ginny said Pauline Buchanan called her following the receipt of the letter she sent about her sidewalk. Pauline intends to have a concrete contractor come and repair the sidewalk in front of her home as weather permits. Her sidewalks were recently replaced and she feels the job was not done properly or they would not have raised like they did. In the meantime she painted the lifted areas so they would catch the attention of pedestrians.

Natalie suggested, since the three properties are all located within the same area, the property owners should get together and hire the same contractor. This could save them a lot of money. Michael noted Buddy talked about hiring Richard Knouse and Mike at the Pharmacy planned on hiring Gutelius Excavating.

Tax Ordinance - Solicitor Jeremiah Runkle explained the tax ordinance had been properly advertised for consideration and adoption at tonight's meeting. Before acting on it, he asked for any public comment, explaining this was an ordinance setting the tax millage rates for 2014. Following no public comment, a motion was made by Natalie Riley and seconded by William Hostler to adopt the ordinance as presented. MOTION UNANIMOUSLY CARRIED.

Resolution to Set Rental Inspection Fees - Jeremiah Runkle noted this resolution has been changed to language that provides cost recovery for the Borough. The Central Keystone COG's current rate is \$60 per hour. If they change their rate in the future, it will be easy to adopt a new resolution to include those changes. A motion was made by Natalie Riley and seconded by James Shull to adopt the resolution as presented. MOTION UNANIMOUSLY CARRIED.

Middleburg Yarn Factory - Jeremiah said the only change in this situation since the last meeting is he did communicate to Attorney Potter that the Yarn Factory would be responsible for the \$50 turn on fee for the sprinkler system. Jeremiah actually left that message on his voice mail but never heard back from Attorney Potter. Ginny said she told Bev to bill them but she is not sure if she did it. She will check with her.

Photo I.D.'s from 911 Center - Dustin Zechman explained none of the Borough employees have gotten their photo I.D.'s yet from the 911 Center. He hopes to have that accomplished by the next Council meeting.

Middleburg's Sewer Plant Featured In Magazine - Dustin explained PA Rural Water is an organization the Authority belongs to and they publish a quarterly magazine called the Keystone Tap. The Keystone Tap is going to be featuring Middleburg's sewer plant in their next publication. The magazine features two municipal sewer plants per year and two municipal water plants per year. He wanted everyone to be sure to read the article.

Cameras at the Water Plant - Dustin noted half of the new camera system has been installed at the water plant. There are two more cameras to be installed but they are on back order. It is anticipated this job will be completed within the next two weeks.

Water Leak - Dustin said the water leak they have been looking for was found today and they will be repairing it tomorrow. It is located up on the hill on Mary Lauver's property.

Larson Design Group Report - Natalie Riley described the following as had been presented by Dave Walters at the Authority meeting and as shown on his monthly report: the new well project and payments to be made, Dinius Avenue sewer extension issues regarding the connections of two private properties, finalization and closing of the PENNVEST Loan, proposed hydraulic upgrades at the reservoir in an attempt to correct water pressure issues at Mary Lauver's property, purchasing a new water storage tank, replacing the piping installed in 1903 that transfers treated water out of the water plant, and replacing the deteriorated water main that comes from the old water storage tank area.

**REGULAR MEETING
OF THE MIDDLEBURG BOROUGH COUNCIL
Tuesday, March 11, 2014
Page 3 of 5**

The Chapter 94 Reports have been completed for the 2013 year. These reports are due to DEP by March 31st each year.

Natalie gave Ginny a copy of the Larson Design Group report for the file.

Personnel Committee Report - Natalie reported that the Borough still does not have a contract signed by the Union because they wanted to retype it into their own system. Ginny and Natalie went over the entire contract word for word looking for grammatical corrections. Those changes were submitted to the Labor Attorney and he then forwarded them to Union Rep Von Treas. The last we heard from Von Treas is the contract is being retyped at their Harrisburg location. All Union benefits as stated in the new contract have been retro'd to January 1, 2014 based on the Borough signing the contract. This was recommended by the Borough's Labor Attorney, Adam Santucci, showing good faith on the part of the Borough. At this point the Borough is waiting for the Union to provide a signed document.

Personnel Evaluations - Dustin is working toward completing the maintenance employees evaluations. One, Douglas App's, has been completed and submitted to the committee. He is working on a better format that fits the maintenance crew situation more accurately. Natalie noted the current format was designed as a generic personnel appraisal form but the Borough does not need to use it if there is something that works better for them.

Dustin reported that Douglas App had back surgery on Monday. The surgery went well and the last he heard Doug was in recovery.

Personnel Employee Manual - Natalie noted the personnel committee, along with the Labor Attorney, have been working on updating the Employee Personnel Manual. She proofed the first draft for grammatical errors and next, she and Michael Kerstetter plan to get together and proof it based on content. They will most likely recommend deleting the CDL portions as the Borough has never required CDL licensing and does not have equipment that requires it.

Amending the Signage Language - Donald Zechman Jr. asked Jeremiah when he wanted to get together to start the process of amending the language regarding signs allowed in the Borough. Jeremiah said he would need to check his schedule and get back with him but that it could not be a Monday or a Tuesday evening as he is booked with meetings those nights. Thursday evenings are normally good. Jeremiah stated he felt Ginny should be involved in the process as she is the one who has to enforce the language as well as the person most involved on a daily basis. Jeremiah will check his schedule and get back to the committee and Ginny.

Street & Sidewalk Committee - Michael Kerstetter said by the next meeting he hopes to have some information for the property owners and the complainant regarding condition of the sidewalks on West Market Street.

Donald Zechman Jr. asked Dustin how many streets he felt were in need of repaving other than Thomas Avenue. Donald noted the end of Thomas Avenue is in pretty bad shape. Dustin said as a result of the harsh winter, there are many roads that should be resurfaced.

Natalie noted there is approximately \$82,000 available in the State Liquid Fuels PLGIT account for street repairs. Since money out of the general fund budget has already been designated to be set aside for a new backhoe, the 20% designated as being allowed to be used for equipment, is now available to be used for paving.

Donald Zechman Jr. asked Michael Kerstetter to get the committee together as soon as weather permits to look at the roads. Dustin said some of the raised areas of the streets have already begun to go back down due to the ground thawing.

Natalie asked if it would pay to use the tar and chip process as she felt it would be less costly than asphalt. Michael Kerstetter said he was going to propose that treatment for some of the streets, especially those without curbing. Within curbed areas the stone will collect at the curb and the maintenance crew can then pick them up much easier. Often times they do not recommend streets without curbing because the stones fly every which way and also are thrown into lawns but for the price it is a good thing to use. If something is not done soon to seal some of the streets, major repairs will be required.

Natalie asked what the negatives were for creating the asphalt curbs up on the hill to direct the stormwater away from properties. Dustin said the Borough still uses them in some areas but it depends on where the curbs direct the water.

Budget Committee - Natalie noted the budgets are in good shape at this time.

**REGULAR MEETING
OF THE MIDDLEBURG BOROUGH COUNCIL
Tuesday, March 11, 2014
Page 4 of 5**

Middleswarth Letter - Jeremiah read out loud from the letter he wrote to Dave Middleswarth, which had been mailed on February 14, 2014.

Dustin said he spoke personally with Dave Middleswarth informing him he would be receiving a letter from Jeremiah and what it would contain. Dave told Dustin he was fine with using his donation of \$25,000 toward the proposed upgrades to the lake and surrounding area and to be sure to inform Council. It was decided the money would be placed in a new PLGIT account and designated for upgrades to the lake and the surrounding area.

It was concluded replacement of the stand pipe area should be a priority as it is in a deteriorated condition and there is the possibility of it failing and draining the pond. Ginny will contact Dave Walters to discuss this situation to see what would be required. Dave had stated at an earlier time that professional engineering would be required for this upgrade.

Dustin informed Council that at one time the Fish and Boat Commission told him that if the carp and the snapping turtles were removed from the lake, they would stock it with bass. They would require that the Borough follow up yearly with maintenance regarding ongoing removal and control of the carp and turtles. Nothing further has been discussed with them.

Scobie Ducks - Ginny noted she was told there are two Scobie ducks left at the lake, even though the rescue person indicated they had removed all of them. She will check with her to see if they intend to return for them.

Chief Tony Jordan - Police Report - Tony Jordan arrived at 8:01 PM and read from the police report for February 2014. A copy of this report was also included in each agenda packet.

NEW BUSINESS:

Beverly Loudy's Request to Amend the Zoning Ordinance - Ginny explained she had received a verbal request from Beverly to amend the "Table of Allowed Commercial Uses" portion of the Zoning Ordinance to permit photography studios in the R-4 District. Ginny recommended Beverly submit her request in the form of a letter, which she did. Ginny read the letter out loud which indicated her request. Beverly lives at 131 Furnace Road in a ranch home. She would like to move her studio from its current Main Street location, where she rents, to her home. She plans to enlarge one of her bedrooms and turn it into a studio. Ginny explained this use is already allowed in some Districts of the Borough but not R-4 which is where her home is located.

Jeremiah explained there are three ways to do this, should Council choose to approve the request.

"Conditional Use". The applicant still has to go through the process of a hearing in front of the Borough Council and then they make the decision. The reason some communities don't choose to implement the Conditional Use option is because people that sit on governing bodies normally prefer to insulate themselves from decisions that might be controversial and give them a bad rap. This could potentially cause them not to be voted back into office during the next election so they would rather put it off on the Zoning Hearing Board. It depends on how much control the governing body wants to exercise. If they want to exercise more control, they can include the Conditional Use option.

"Special Exception" - If Borough Council wants less control and also create a barrier between the decision and the political process, then the Special Exception option should be used. An "S" designation would represent a "Special Exception" is required. This would entail a \$500 down payment from the applicant, along with their application for a Zoning Hearing. The applicant would then present their request to the Zoning Hearing Board for a decision. The governing body always has the option of appealing any decision made by the Zoning Hearing Board.

An "X" designation would indicate the use is allowed in that District.

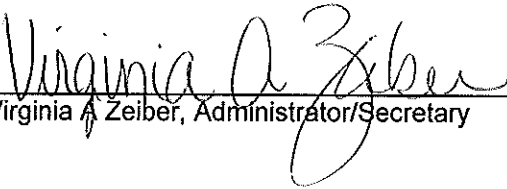
Following discussion on this matter and advice from the Solicitor to include some reasonable restrictions since it is a residential district, a motion was made by Natalie Riley to include the photographic studio, as already stated in the Table of Allowed Commercial Uses, up to 500 square feet with an "X" designation in the R-4 District. An additional line would allow the same studio up to 1,000 square feet by Special Exception and an "S" designation. Also Beverly Loudy will be required to pay the entire cost to amend the ordinance. The motion was seconded by James Shull. MOTION UNANIMOUSLY CARRIED.

REGULAR MEETING
OF THE MIDDLEBURG BOROUGH COUNCIL
Tuesday, March 11, 2014
Page 5 of 5

Ginny asked Jeremiah if it would be legal for the applicant to move forward with her project based solely on the motion rather than waiting until the amendment was actually in place. Jeremiah said it is NOT legal for her to do that because the law at the moment is what is stated in the ordinance and until it is amended, there is no new law allowing it.

Adjournment - A motion was made by James Shull to adjourn. The motion was seconded by William Hostler. MOTION UNANIMOUSLY CARRIED.

The meeting adjourned at 8:31 PM.



Virginia A. Zeiber, Administrator/Secretary