

MIDDLEBURG BOROUGH COUNCIL
MEETING MINUTES
Tuesday, June 19, 2018 @ 6:00 PM
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Meeting Location: Middleburg Borough Building, 13 N. Main Street, Middleburg, PA
Council & Mayor: Heidi Potter/President, Michael Kerstetter/Vice President, Judy Lynn, George Price III, and Brian Swartz.
Others Present: Jeremiah Runkle/Solicitor, Chad Thomas/Police Officer, Dustin Zechman/Borough Foreman and Elizabeth Paige/Secretary/Administrator
Public Present: Judy Varner, Gene Goss, Aaron Woodruff, Josh Edmiston, Leon F. Spangler, Linda Harner, Susan Geyer, Kevin and Betty Klinger

Meeting Call to Order – The Middleburg Borough Council meeting was called to order by Council President, Heidi Potter at 6:05 PM. The meeting began with the Pledge of Allegiance to the Flag of the United States of America.

Motion made by George Price and seconded by Brian Swartz to approve tonight’s meeting agenda as presented. Motion carried unanimously.

Motion made by Michael Kerstetter and seconded by George Price to approve the 5/8/2018 meeting minutes as distributed. Motion carried unanimously.

Motion made by Brian Swartz and seconded by Heidi Potter to approve the bills paid in May 2018 as presented. Motion carried unanimously.

Motion made by Brian Swartz and seconded by Michael Kerstetter to approve the financial statements as of 5/31/2018 as presented. Motion carried unanimously.

Public Comments

- Borough resident, Betty Klinger reported to Council that she is searching for a way to replace the wall behind the properties along Stumps Run on East Market Street, which the first 150’ of the wall was put in place as a continuation of the Cemetery Road bridge abutment wall. Mrs. Klinger stated during her research of the properties she has learned of the historic nature of the properties along with the history behind the naming of Stumps Run. Mrs. Klinger stated several years ago the Borough’s engineer, Larson Design Group prepared a cost estimate for the replacement of the bridge on Cemetery Road over Stumps Run. Mrs. Klinger stated due to the amount of debris and sediment now in Stumps Run, has the Borough considered having Stumps Run dredged. Mrs. Klinger stated she has contacted Glenda Ruch, Community Development Director of SEDA-COG, who will be attending the July 10, 2018 Borough meeting to discuss possible funding opportunities along with Transportation Director, Jim Saylor. Michael Kerstetter briefly updated the Council on the Borough’s history regarding having a feasibility study for the possible replacement of the Cemetery Road Bridge plus ongoing inspections of the bridge performed by Larson Design Group. Heidi Potter stated if there is some kind

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of funding available for a replacement project of the wall and bridge, the Borough would be interested in helping to investigate the possibility. Borough Solicitor, Jeremiah Runkle recommended Betty Klinger contact the Snyder County Planning Director, Lincoln Kaufman as there is a new initiative by the Department of Environmental Protection to have all Counties enact a Stormwater Management Plan, which identifies how stormwater is being managed. At this time, Michael Kerstetter stated he would also like to recognize Betty and Kevin Klinger as outstanding Borough residents, who are always willing to lend a helping hand to others.

- Property owner, Gene Goss stated Stumps Run is located directly behind his commercial property. Due to the recent rain events and condition of Stumps Run, the alley behind his property is being undermined by the high water events, which is now causing deterioration of his commercial property foundation. After a brief discussion about the condition of Stumps Run, Council agreed to continue the search for flood control funding possibilities in order to work on improving Stumps Run.

Borough Insurance Renewal Proposals

- Josh Edmiston of Edmiston's Insurance presented Council a breakdown of the insurances that are scheduled to renew on 07/01/2018 with Employers Mutual Casualty Co. and AmTrust. Josh Edmiston stated the total insurance premium this year reflects a \$256.00 decrease from last year. Josh Edmiston briefly reviewed the various schedules of insurance within the Employers Mutual Casualty Co. insurance policy with a total premium of \$32,413.00. The AmTrust workers' compensation insurance policy renewal premium of \$30,492 increased by \$1,911 due to an experience modification change. Josh Edmiston informed Council the Borough could realize a 5% savings if a safety committee was setup and safety meetings were conducted.
- Aaron Woodruff of The Kilmer Group, who is a partner of the Keystone Insurers Group, introduced himself and provided a brief overview of insurance services offered. Aaron Woodruff reviewed the insurance premium summary information, which was based on the current insurance coverage from Edmiston's Insurance/Employers Mutual Casualty Co. and the recommended insurance coverage being offered by The Kilmer Group/Argonaut Insurance Co. Aaron Woodruff pointed out the following differences in the types of coverage being offered: 1) Commercial Property Liability would be blanket coverage with 90% coinsurance instead of individual coverage with 100% coinsurance and 2) Municipal Liability and Cyber/Data Compromise coverages have been added. The total insurance policy premium with Argonaut Insurance Co. is \$25,639. Aaron Woodruff stated if the Council decided to change to The Kilmer Group as the Borough's insurance broker, the workers' compensation insurance policy by AmTrust could stay with Edmiston Insurance or be transferred by naming The Kilmer Group as the Borough's insurance broker on record.

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- Motion made by Brian Swartz and seconded by George Price to approve the insurance renewal proposal by The Kilmer Group, which provides for a substantial savings to the Borough. Motion carried unanimously.

Reports from Engineer, Solicitor, Council Members & Mayor:

- Borough Engineer, David Walters was not present at tonight's meeting. Borough Foreman, Dustin Zechman reported the pre-construction meeting for the storm water project was held on Wednesday, June 13, 2018 with the notice to proceed being issued to Mid-State Paving effective Monday, June 25, 2018.
- Heidi Potter reported she attended the Municipal Leaders Meeting held by Representative Fred Keller in May. Heidi Potter informed Council she inquired if Representative Fred Keller could help to investigate the possibility of a bypass around Middleburg being placed onto the state transportation improvement program. Heidi Potter reported she meet with Snyder County Planning Director, Lincoln Kaufman and found out Middleburg Borough has no comprehensive plan. Heidi stated Council may want to investigate how to go about getting a comprehensive plan done for the Borough.
- Michael Kerstetter informed Council about the unexpected recent passing of Franklin Township Secretary/Treasurer, Paula Snook. Michael Kerstetter stated he thought maybe the Council would consider allowing the Borough Administrator, Elizabeth Paige to help out Franklin Township with office duties. Elizabeth Paige stated she was contacted by Supervisor Karl Zerbe on Friday, June 15th. Elizabeth Paige informed Council she went to Franklin Township's office on Saturday, June 16th to help out by entering invoices and printing checks. Jeremiah Runkle informed Council Elizabeth Paige is employed by the Borough with a description of duties to perform and hours to be worked. Jeremiah Runkle recommended if Franklin Township wants to employ Elizabeth Paige then it should be separate from her employment with the Borough. Council agreed with the Solicitor's recommendation.

7:30 PM Public Hearing of Proposed Ordinance 2018-335 "Middleburg Borough Yard Sale Ordinance"

- Jeremiah Runkle opened the public hearing for proposed ordinance 2018-335 "Middleburg Borough Yard Sale Ordinance" at 7:35 p.m. The following public comments were received: 1) Linda Harner – What is the purpose of the proposed ordinance? Heidi Potter answered due to the public outcry regarding the placement of yard sale signs, which currently the sign ordinance only allows for the yard sale signs to be placed on the property where the yard sale is taking place. 2) Leon Spangler – Yard sale signs should be the responsibility of the property owner and not a local government issue. Mr.

Spangler also felt the proposed ordinance may adversely affect the number of yard sale advertisements placed in the Shopper and Snyder County Times due to the proposed ordinance fees

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for the placement of yard sale signs. Mr. Spangler questioned if there was a way to compromise and not charge a fee to a property owner, who is not placing any yard sale signs other than on their own property. Jeremiah Runkle stated the reason for the new proposed ordinance was to address the initial problem of no off site placement of yard sale signs. The new proposed ordinance was written in an attempt to better balance the control and enforcement of yard sales and the signage for those yard sales. 3) Susan Guyer – What happens in the case of a rental property? Jeremiah Runkle stated the ordinance requires the person conducting a yard sale to obtain a permit for the yard sale and placement of any yard sale signage. With no further public comments, Jeremiah Runkle closed the public hearing for the proposed ordinance at 8:30 p.m.

- Jeremiah Runkle stated if Council is considering any major revisions to the proposed ordinance then the proposed ordinance may not be adopted tonight. After Council approves making any major revisions to the proposed ordinance, the proposed ordinance would need to be re-advertised for another public hearing. Heidi Potter thanked those who attended tonight's public hearing on the proposed ordinance as she appreciates hearing comments and concerns from the public. Brian Swartz stated he felt the Council should take another look at the ordinance based on tonight's public comments. George Price stated as a new member to Council, he also felt the public comments were good and the proposed ordinance should be reviewed. Heidi Potter recommended the re-enactment of the sign committee to review tonight's public comments and to recommend possible revisions to the proposed ordinance. Council unanimously agreed to the re-enactment of the sign committee.

Reports from Engineer, Solicitor, Council Members & Mayor Continued:

- George Price stated he received a complaint from a Borough resident regarding the old silk mill. Heidi Potter stated the Council had tabled investigating any further enforcement action in regards to the old silk mill until after the Storm Water Project grant funding was received. Jeremiah Runkle informed Council the cost of property maintenance enforcement action will be high. Jeremiah Runkle stated he could consult with a legal firm, who deals with property maintenance enforcement, to find out how to proceed forward. After a brief discussion, Council directed Jeremiah Runkle to consult with the legal firm on how to proceed forward with the property maintenance enforcement.
- Brian Swartz reported at the corner of Schoch Street and South Wausau Road there is a small tree growing out from the bank, which interferes with site distance when existing Schoch Street. The Borough Foreman stated he will investigate the problem and either the Borough will remove the obstruction or the property owner will be contacted. Brian Swartz requested if the no parking sign on

Pine Street by the borough building could be moved as it is not very visible. After a brief discussion, Council directed the Borough Foreman to move the sign.

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Committee Reports:

- Personnel Committee: Brian Swartz reported the committee consulted with the labor attorney to review the non-uniform employee contract and how to proceed forward with negotiations. At this time, the Borough's labor attorney will be contacting the AFSCME representative to setup a meeting date for review of any proposed contract changes from the employees.
- Building & Grounds Committee: Police Officer, Chad Thomas questioned if there is any plans for repairing the garage roof on the borough building, which is leaking and/or the garage wall, which is deteriorating. The Borough Foreman stated the borough building garage roof is leaking due to nail pops and the wall deterioration is from when the borough used the garage to store salt road material but has not changed since the previous year's inspection of the wall.
- Parks & Recreation Committee: Brian Swartz informed Council the Eagle Scout, who was approved by Council for the dog park project in Charles Park, is waiting for project approval by the Boy Scout Council.

Borough Foreman, Police Chief & Borough Administrator Reports:

- Borough Foreman, Dustin Zechman informed Council the flushing of hydrants in the Borough has started.
- Borough Foreman, Dustin Zechman informed Council even though there is no formal agreement in place, during emergency public works situations the Borough does provide assistance to Beavertown Borough. Dustin Zechman stated no actual repair work is performed by Borough employees just technical type assistance to locate leaks and such.
- Police Officer, Chad Thomas reviewed the monthly police department report with Council.
- Borough Administrator, Elizabeth Paige informed Council the Special Road Fund Tax of 0.5 mills adopted for year 2018 was not placed on the 2018 tax billings to the Borough property owners. Jeremiah Runkle stated he was notified by the Borough Administrator about the error on the 2018 tax billings. At this time, the Snyder County Assessment Office cannot correct the error of the tax not added to the spring tax bills. Jeremiah Runkle stated the Borough Administrator should notify the Snyder County Assessment Office of the tax by sending a copy of the section of the Borough Code, which addresses the Special Road Fund Tax.

- Borough Administrator, Elizabeth Paige informed Council the audit of state funding for years 2015, 2016 and 2017 was completed on May 22, 2018 with no findings.

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- Borough Administrator, Elizabeth Paige reviewed the information sheet in regards to notifying residents/property owners and tenants to sign up for the emergency notifications from SWIFT911 with the Council. With two recommended changes to the information sheet, the Council unanimously approved sending the information sheet along with the next quarterly municipal billing and a separate mailing to registered tenants.

Old Business:

- Jeremiah Runkle informed Council he has not had time to review the changes of the 2018 vs 2012 International Property Maintenance Code (IMPC) submitted by Light-Heigel & Associates, Inc. At this time, Borough Administrator reported Section 106 of the adopted IMPC needs to be amended to include limits for violation penalties under local law. Jeremiah Runkle stated he will investigate violation penalties section further with the Borough Administrator and Police Department.
- Request for contracted police services by Freeburg Borough was tabled with no action taken.

New Business:

- None

Executive Session:

- Borough Council entered into an executive session for personnel and legal matters at 9:26 p.m.
- Council President, Heidi Potter called the meeting back to order at 10:13 p.m. Motion by Brian Swartz and seconded by Judy Lynn to approve the 2018 Employment Agreement for Police Chief, Tony Jordan. Motion carried unanimously. Motion by Brian Swartz and seconded by George Price to approve the increase of contracted municipal police services from \$40.00 to \$45.00 per hour effective September 1, 2018. Motion carried unanimously.

Motion by Judy Lynn and seconded by George Price to adjourn the meeting at 10:20 p.m.

Respectfully Submitted,

Elizabeth Paige

Borough Administrator/Secretary