

MIDDLEBURG BOROUGH COUNCIL
MEETING MINUTES
Tuesday, August 14, 2018 @ 7:30 PM
Page 1

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, Brian Swartz, Craig Rodabaugh, Brian Lauver and Susan Kinney/Mayor.
Others Present: Jeremiah Runkle & Beau Hoffman/Solicitor, Tony Jordan/Police Chief, Dustin Zechman/Borough Foreman and Elizabeth Paige/Secretary/Administrator
Public Present: Judy Varner, Linda Harner, Jim Saylor/SEDA-COG, Zachery Smith/Boy Scout, Visiting Scouts: Allison Leonard, Travis Maurer, Dylan Spencer, Cathy Spencer, Micaiah Hostler, Bill Hostler and Thomas Maurer.

Meeting Call to Order – The Middleburg Borough Council meeting was called to order by Council President, Heidi Potter at 7:30 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 Judy Lynn to approve tonight’s meeting agenda with the addition of Jim Saylor, SEDA-COG Transportation Director. Motion carried unanimously.

Motion made by Craig Rodabaugh and seconded by Brian Lauver to approve the 7/10/2018 meeting minutes as distributed. Motion carried unanimously.

Motion made by Brian Swartz and seconded by Michael Kerstetter to approve the bills paid in July 2018 as presented. Motion carried unanimously.

Motion made by Michael Kerstetter and seconded by Craig Rodabaugh to approve the financial statements as of 7/31/2018 as presented. Motion carried unanimously.

7:30 P.M. Public Hearing – Proposed Ordinance No. 2018-335: Regulating the conduct and advertising of yard sales, garage sales and similar types of sales in the Borough and imposing penalties for violations:

Council President, Heidi Potter opened the public hearing for Proposed Ordinance No. 2018-335. Linda Harner addressed several questions about the proposed ordinance to the Council and Solicitor. Council and Solicitor answered Linda Harner’s questions about the proposed ordinance in regards to general regulations, advertising regulations and enforcement. Craig Rodabaugh inquired about the exempt conduct section of the proposed ordinance. Borough Solicitor stated the exempt conduct section addresses any sale conducted by a licensed auctioneer and the Reliance Hose Company No. 1, who is considered a quasi-entity of the Borough. With no further public comments, Heidi Potter closed the public hearing 7:44 pm. Motion made by Judy Lynn and seconded by Craig Rodabaugh to approve Ordinance No. 2018-335. Motion carried unanimously.

MIDDLEBURG BOROUGH COUNCIL
MEETING MINUTES
Tuesday, August 14, 2018 @ 7:30 PM
Page 2

Reports from Engineer, Solicitor, SEDA-COG Transportation Director, Council Members & Mayor:

- Borough Engineer, David Walters updated Council on the current StormWater Project. The contractor, Mid-State Paving, LLC has submitted payment request #2 in the amount of \$20,789.91 for approval. Motion by Craig Rodabaugh and seconded by Brian Swartz to approve Mid-State Paving, LLC payment request #2 in the amount of \$20,789.91. Motion carried unanimously.
- Borough Solicitor, Jeremiah Runkle presented Resolution 2018-07, which will increase the attorney fee from \$120 to \$140 per hour for the purpose of filing a municipal lien. Motion by George Price and seconded by Craig Rodabaugh to approve Resolution 2018-07. Motion carried unanimously.
- Borough Solicitor, Jeremiah Runkle presented a proposed ordinance to the Council for review in regards to the Borough updating the International Property Maintenance Code (IPMC) to the 2018 edition, provide for penalties and fines for a violation of the code and to repeal Ordinance No. 327. At this time, Beau Hoffman of AxRunkle, P.C. reviewed the changes from the currently adopted 2012 IPMC edition to the proposed 2018 IMPC edition. Linda Harner questioned if the Borough is required to advertise and hold a public hearing before each ordinance is approved by Council. Borough Solicitor, Jeremiah Runkle stated under the Pennsylvania Borough Code, each ordinance must be advertised and a public hearing held by the Council before adoption of any ordinance is considered. With no further questions or review required, motion by Craig Rodabaugh and seconded by Judy Lynn to approve the proposed ordinance for advertising and a public hearing to be held at the September 11, 2018 Borough meeting. Motion carried unanimously.
- Borough Solicitor, Jeremiah Runkle informed Council his research regarding the levy of a special road fund tax concluded the special road tax levy is not included in the 30 mills of general purpose tax allowed under the Pennsylvania Borough Code. Borough Administrator, Elizabeth Paige stated the Snyder County Assessment office contacted her about whether the Council wants the special road tax levy included on future interim tax bills. After a brief discussion, motion by Michael Kerstetter and seconded by Craig Rodabaugh to approve the special road tax levy be included on the interim tax bills. Motion carried unanimously.

8:00 P.M. Boy Scout, Zackery Smith – Review of his Scout Project to conduct a yard sale on Snyder County property with proceeds of the yard sale being donated to the Snyder County K9 Unit.

- Boy Scout, Zackery Smith of Troop 419 informed Council he has obtained permission from the Snyder County Commissioners to hold a yard sale on Saturday, October 20, 2018 starting at 9:00 am in the courthouse parking area and if necessary the old M&T parking lot purchased by Snyder County may be

MIDDLEBURG BOROUGH COUNCIL
MEETING MINUTES
Tuesday, August 14, 2018 @ 7:30 PM
Page 3

utilized also. Zackery Smith stated each person participating in the yard sale will be charged a setup fee of \$20.00 per table. Zackery Smith questioned Council if there are any approvals needed from the Borough to conduct this yard sale. Council informed Zackery no approvals are required from Borough and wished him great success with his yard sale project.

Reports from Engineer, Solicitor, SEDA-COG Transportation Director, Council Members & Mayor:

- SEDA-COG Transportation Director, Jim Saylor reported on the 08/03/2018 meeting held with PennDOT, Borough and SEDA-COG representatives on the Stumps Run concerns and possible funding opportunities. Jim Saylor reviewed with Council the following possible funding opportunities: TA Set-Aside, Retroactive Bridge Reimbursement and Multi-modal Transportation. Council President, Heidi Potter requested Jim Saylor to briefly describe the Retroactive Bridge Reimbursement funding process. Jim Saylor provided the following information: the funds come from the state bridge fund (TIP), the Borough would be required to fund the project upfront (Possibly using a PIB loan), the pledge of liquid fuels receipts used as security and reimbursement by PennDOT of 80% of the project from TIP funds (with a possible 3 year window to pay funds). Borough Engineer, Dave Walters stated the Borough should investigate all the possible avenues for funding. Dave Walters stated Larson Design Group would like permission to contact PEMA in regards to possible pre-disaster funding and to develop a scope of work for Stumps Run. Dave Walters stated due to the large scope of work required the project would need to be phased over a period of time to maximize any funding available. After discussion, Council directed the Borough Engineer to investigate the possibility of PEMA funding and to develop a scope of work for Stumps Run.
- Council President, Heidi Potter informed Council she is working on obtaining estimates in regards to the Borough creating a comprehensive plan.
- Council Vice President, Michael Kerstetter offered an apology to the Council and Mayor as he forgot to request permission for the Kiwanis 5K Run Event, which was held on Saturday, August 11th. Michael Kerstetter stated the event was held as planned as he granted permission as Council Vice President.
- Council member, Judy Lynn updated Council on the proposed pavilion for Charles Park. Judy Lynn reported the following: Timber Haven has offered to donate the pavilion building materials, the pavilion foundation work would be done by the Borough plus other estimated construction costs of approximately \$10,000.
- Council member, Brian Lauver requested an executive session to be held in order to discuss personnel matters.

MIDDLEBURG BOROUGH COUNCIL

MEETING MINUTES

Tuesday, August 14, 2018 @ 7:30 PM

Page 4

- Council member, George Price questioned if the brush at the corner of Railroad Avenue and Winey Avenue could be cut back due to poor visibility. Borough Foreman, Dustin Zechman stated he will check out the intersection to see what can be done to clear the brush.
- Council member, Craig Rodabaugh questioned the Borough Code regulations in regards to fencing requirements around swimming pools and the enforcement if there is no fencing. The Borough Code regulations state private swimming pools containing water of more than 24 inches in depth shall be completely surround by a fence or barrier. Borough Administrator, Elizabeth Paige requested Craig Rodabaugh to supply addresses of any property, where a swimming pool is not properly fenced in, and a letter of violation will be sent to the property owner.
- Mayor, Susan Kinney informed Council she held her first meeting with the Borough Police Department and plans to continue to conduct a monthly meeting with the department. Susan Kinney thanked the police department for their cooperation and help during the meeting as she continues to learn the procedures and functions of the police department.

Committee Reports:

- Personnel Committee: Brian Lauer reported the non-uniform contract negotiations are moving forward. A personnel committee meeting is scheduled for Wednesday, August 15th in order to conduct a telephone conference call with the Borough's labor attorney.
- Building & Grounds Committee: George Price reported the Borough building roof and elevator repairs have been completed. Borough Administrator, Elizabeth Paige briefly reported the roof repairs were performed by GSH Installations and the elevator was placed back in service after being inspected by ThyssenKrupp (contracted elevator maintenance company). Elizabeth Paige also reported an insurance claim was filed through the Kilmer Group with Argonaut Insurance.
- Street & Sidewalk Committee: Michael Kerstetter reported the fall walk through of the Borough with SEDA-COG representative, Glenda Ruch to investigate the possibility of obtaining funding for replacing sidewalks has not been scheduled yet. Michael Kerstetter stated he would also like to investigate the possibility of curb replacements with the upcoming PennDOT Route 522 project. Craig Rodabaugh questioned about the possibility of adding more ADA accesses in conjunction with the PennDOT Route 522 project. Borough Foreman, Dustin Zechman stated if PennDOT adds ADA accesses during the project then those ADA accesses will become the responsibility of the Borough to maintain, which can be very costly.
- Budget Committee: Heidi Potter stated the budget committee will be looking to schedule their first meeting late September or early October.

MIDDLEBURG BOROUGH COUNCIL
MEETING MINUTES
Tuesday, August 14, 2018 @ 7:30 PM
Page 5

Borough Foreman, Police Chief & Borough Administrator Reports:

- Borough Foreman, Dustin Zechman reported Snyder County EMA Coordinator, Derick Shambach contacted him about the possibility of placing a storage building on the Borough's maintenance shed property. The emergency management equipment stored in the building would be accessible by the Borough and the County. Derrick Shambach reported the County is willing to pay for half the cost of the storage building with a maximum cost of \$5,000. After a brief discussion about insurance issues and the legality of who would own the building, Solicitor Jeremiah Runkle stated it would probably be better for the Borough to own the building and rent it to the County. Dustin Zechman stated he will contact Derick Shambach in order to obtain further information on the proposed storage building.
- Police Chief, Tony Jordan reviewed the monthly police department report with Council.
- Police Chief, Tony Jordan stated the District Magistrate's Office would like to know if the parking spaces along East Market Street can be enlarged in order to make it easier to bring prisoners from the County to the District Magistrate's Office for hearings. Council unanimously agreed if the zoning code regulations for the number of spaces required can be met then the Borough Foreman should go ahead and enlarge the parking spaces on East Market Street.
- Borough Administrator, Elizabeth Paige questioned the Council as to whether a couple budgeted 2018 donations should be paid out as no donation requests have been received from either organization. After a brief discussion, motion by Michael Kerstetter and seconded by Brian Lauer to pay out the 2018 budgeted donations to the Middleburg Pool and Middleburg Girls Softball Association. Motion carried unanimously.
- Borough Administrator, Elizabeth Paige informed Council she was contacted by Jim Emery of the Central Keystone Council of Governments (CKCOG) to request setting up a meeting with Council members to review the available services of CKCOG. After a brief discussion, Council unanimously agreed the Borough is satisfied with the current services being provided by Light-Heigel & Associates and doesn't wish to make any changes at this time.
- Borough Administrator, Elizabeth Paige informed Council she received the 2018 NIMS Reporting form, which needs to be completed and return to Snyder County EMA Coordinator, Derick Shambach by October 5, 2018. Elizabeth Paige questioned Council who is the appointed Borough EMA Coordinator. Heidi Potter stated Dwayne "Butch" Hackenberg is the Borough EMA Coordinator.

MIDDLEBURG BOROUGH COUNCIL
MEETING MINUTES
Tuesday, August 14, 2018 @ 7:30 PM
Page 6

- Borough Administrator, Elizabeth Paige reported a copy of the 2017 Borough Audit report filed online by Herring, Roll & Solomon PC has been received and is available in the borough office for review. Elizabeth Paige informed Council the Municipal Authority's audit has not been filed and an extension for filing has been granted to Herring, Roll & Solomon PC.

Old Business:

- None

New Business:

- None

Executive Session:

- Borough Council entered into an executive session for personnel matters at 9:29 p.m.
- Council President, Heidi Potter called the meeting back to order at 10:31 p.m. with no action required by Council on the personnel matters discussed.

Other Business:

- Borough Solicitor, Jeremiah Runkle informed Council since Beau Hoffman has joined the law office; they are considering a rotating schedule on who will attend monthly Borough meetings. Also, Jeremiah Runkle stated this is his 7th year working as the Borough Solicitor and would like to thank Council for working together to make the Borough a better place.

Motion by Brian Lauver and seconded by Brian Swartz to adjourn the meeting at 10:38 p.m.

Respectfully Submitted,

Elizabeth Paige
Borough Administrator/Secretary