

**MIDDLEBURG BOROUGH COUNCIL**  
**MEETING MINUTES**  
**Tuesday, April 12, 2022 @ 7:00 p.m.**  
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Meeting Location: Middleburg Borough Building, 13 N. Main Street, Middleburg, PA  
Council Members: Present: Brian Swartz/President, George Price/Vice President, Michael Kerstetter, Daniel Faust, James Shull, Brian Pauling, and Mayor Heidi Potter  
Others Present: Beau Hoffman/Solicitor, Mark Bailey/Police Chief, Dustin Zechman/Borough Foreman, and Elizabeth Paige/Borough Administrator  
Public Present: Kim Ebright

**CALL TO ORDER:** Middleburg Borough Council meeting called to order by Council President, Brian Swartz at 7:02 p.m. followed by the pledge of allegiance.

Council President, Brian Swartz announced Fire Chief, Dwayne Hackenberg will not be attending tonight's meeting. So therefore, the Fire Chief's report was deleted from the agenda. Plus, the following additional items were requested to be added to the agenda: 1) Police Chief – Approval for the hiring of a part-time officer, 2) Borough Administrator – Approval to attend online training regarding rental properties and 3) Mayor Heidi Potter – Review of a Proclamation for National Gun Violence Awareness Day. Motion made by James Shull and seconded Daniel Faust to approve the meeting agenda with deletion of Fire Chief's report and the additions as requested. Motion carried unanimously.

Mayor Heidi Potter administered the oath of office to newly appointed Council member, James Shull.

Motion made by George Price and seconded by Daniel Faust to approve the March 8, 2022, monthly meeting minutes as presented. Motion carried unanimously.

Motion made by Michael Kerstetter and seconded by George Price to approve the bills paid in March 2022 as presented. Motion carried unanimously.

Motion made by Daniel Faust and seconded by George Price to approve the financial statements as of March 31, 2022, as presented. Motion carried unanimously.

**PUBLIC COMMENTS:**

- Glendale Cemetery Association representative, Kim Ebright informed Borough Council the Cemetery Association is ready to start the construction of the new entrance to the cemetery located off East Market Street. Kim Ebright stated he spoke with the Borough Foreman about the drainage inlet box, which is required to be installed at the new entrance to catch stormwater runoff. Kim Ebright stated since Borough Council is still reviewing options for the East Market Street Road Project, the Cemetery Association is requesting permission from the Borough to allow their contractor to install the drainage inlet box at the new entrance with the payment of \$10,000 from the Borough for the installation as promised in the Borough's Road project budget. After a brief discussion, motion made by James Shull and seconded by George Price to allow the Glendale Cemetery Association to have their contractor install the drainage inlet box with the cost of installation not exceeding the budgeted amount of \$10,000 payable by the Borough. Motion carried unanimously.

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**PUBLIC HEARING:**

- Council President, Brian Swartz opened the public hearing for Ordinance No. 2022-357: Amending Chapter 21, Part 1 of the Middleburg Borough Code regulating the removal of snow from sidewalks by an owner or occupant of the premises following any snowfall and Ordinance No. 2022-358: Amending Chapter 15, Part 213 of the Middleburg Borough Code regarding engine suppression, brake retarders and engine brakes at 7:09 p.m. With no public present for the hearing, Brian Swartz closed the public hearing at 7:10 p.m. Motion made by George Price and seconded by Daniel Faust to approve the adoption of Ordinance No. 2022-357 as amended. Motion carried unanimously. After a brief discussion about the engine brake retarder prohibition on S.R. 3008 (Paxtonville Road) from the municipal boundary line to the S.R. 104 (Wausau Road) intersection, motion made by James Shull and seconded by Daniel Faust to approve the adoption of Ordinance No. 2022-358 as amended. Motion carried unanimously.

**REPORTS:**

**Borough Solicitor – Beau Hoffman**

- Borough Solicitor, Beau Hoffman informed Borough Council he had nothing new to report regarding the Middleburg Yarn building demolition.

**Police Chief – Mark Bailey**

- Police Chief, Mark Bailey reviewed the monthly March 2022 Police Department Reports with Borough Council.
- Police Chief, Mark Bailey informed Borough Council the Fraternal Order of Police, Pennsylvania State Lodge will be conducting its annual Police Memorial Service on Monday, May 9<sup>th</sup> at the State Museum of PA in Harrisburg with former Police Chief Tony Jordan being honored during the service. Police Chief Bailey stated the Middleburg Police Department will be attending the ceremony to honor former Police Chief Tony Jordan.
- Police Chief, Mark Bailey informed Borough Council former Police Chief Tony Jordan will also be honored during the 41<sup>st</sup> National Peace Officers' Memorial Service on Sunday, May 15<sup>th</sup> in Washington, D.C. Police Chief Bailey stated the Middleburg Police Department will also be attending this memorial service for former Police Chief Tony Jordan.
- Police Chief, Mark Bailey informed Borough Council the solar panel has been attached to the traffic control sign located in front of Burger King.
- Police Chief, Mark Bailey reported the approximate cost to purchase and install three (3) additional security cameras to the Borough building security system will be \$250 to \$300. After a brief discussion, motion by James Shull and seconded by Daniel Faust to approve the purchase of three (3) additional security cameras (1 camera installed in the elevator lobby and 1 camera installed on each side of the building outside).

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- Police Chief, Mark Bailey informed Borough Council there was three (3) applications received for the part-time police officer position. Police Chief Bailey reported earlier tonight Mayor Heidi Potter and himself conducted interviews with two (2) of the applicants. At this time, Police Chief Bailey supplied Borough Council with a brief review of the qualifications of each applicant interviewed. Police Chief Bailey requested a brief recess of tonight's meeting so he could talk to the Mayor about making a recommendation to hire one of the applicants interviewed.

Council President, Brain Swartz called for a recess of the meeting at 7:20 p.m. to allow the Police Chief and Mayor to discuss the possible recommendation to hire one of the applicants interviewed. Brian Swartz called the meeting back to order at 7:26 p.m.

- Police Chief, Mark Bailey made the recommendation to hire applicant, Scott Rood for the part-time police officer position. After a brief discussion, motion made by Daniel Faust and seconded by George Price to hire Scott Rood as the part-time police officer as recommended effective immediately. Motion carried unanimously.

**Borough Administrator/Zoning Officer – Elizabeth Paige**

- Borough Administrator, Elizabeth Paige reviewed the 2022 Zoning Permit and Violation Report with Borough Council.
- Borough Administrator, Elizabeth Paige requested approval to apply for the 2022 County Aid Funds in the amount of \$1,265.00 for the purchase of various road materials via the PennDOT dotGrants system. Motion made by Brain Swartz and seconded by James Shull to approve having the Borough Administrator apply for the 2022 County Aid Funds in the amount of \$1,265.00 for the purchase of various road materials via the PennDOT dotGrants system. Motion carried unanimously.
- Borough Administrator, Elizabeth Paige reviewed the 2022 Spring Cleanup Price Quote with Borough Council. Elizabeth Paige reported four (4) vendors were contacted for a price quote to provide roll off container service for the Spring Cleanup and only one vendor, Hometown Disposal submitted a price quote. Borough Council unanimously approved the price quote received from Hometown Disposal.
- Borough Administrator, Elizabeth Paige reviewed the price quotes received for the installation of mini-split units in the Borough office building. Elizabeth Paige reviewed Borough Code, Chapter 14, Section 1402(d) – Purchases made by council, which shall not require advertising, bidding, or price quotations includes the purchase of particular types, models or pieces of new equipment desired by council, which are patented and manufactured or copyrighted products. After brief discussion of the price quotes, motion made by Daniel Faust and seconded by George Price to approve the price quote \$21,481.31 from Affordable Fuels for the installation of mini-split units in the Borough office building. Motion carried unanimously.
- Borough Administrator, Elizabeth Paige requested permission to attend an online training: "Establishing Rental Property Inspection Programs" presented by Pennsylvania State Association of Boroughs. Borough Council unanimously approved the online training request from the Borough Administrator as training funds are available in the 2022 Budget.

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**Borough Foreman – Dustin Zechman**

- Borough Foreman, Dustin Zechman supplied Borough Council with an update on both the Municipal Authority's water improvements project and sewer project.
- Borough Foreman, Dustin Zechman informed Borough Council he was able to find a person interested in trapping the muskrats for the price of \$100, which will be paid by the Middleburg Revitalization Committee. Dustin Zechman also reported the fountains have been repaired and installed back into the lake at Charles Park.
- Borough Foreman, Dustin Zechman informed Borough Council he would like to purchase a trailer to transport the skid steer and mowers as a state police trooper recently stopped him to inform him the skid steer must have a municipal plate to be driven on the road. Dustin Zechman stated he will obtain pricing on the purchase of a trailer and report back at next month's meeting.

**EXECUTIVE SESSION:** At 7:58 p.m. Council President, Brian Swartz called for an executive session to discuss personnel matters. Brian Swartz called the meeting back to order at 9:04 p.m. and stated there is no action necessary.

**OLD BUSINESS:**

- Buildings, Streets & Sidewalks Committee Chairman, Daniel Faust reported the Committee would like the sidewalks along E. Market Street repaired before the final paving of E. Market Street can be completed. After holding a discussion, Council agreed the Borough Administrator should contact the Borough Engineer to schedule a walk through and marking of the sidewalk repairs/replacements along E. Market Street. A letter addressing the necessary sidewalk repairs/replacements will be mailed to each property owner including a special meeting date to allow the property owners to discuss their sidewalk repairs with the Borough Engineer and Committee members.
- Buildings, Streets & Sidewalks Committee Chairman, Daniel Faust reviewed the revised 2022 Road Project Estimates, which eliminated the wearing course and ADA ramp work on E. Market Street but added a superpave/wearing course placement to Railroad Avenue, Bachman Alley and N. Station Street. The new estimated 2022 Road Project work is \$222,664.00. After a brief discussion of including the Glendale Cemetery Association drainage inlet box, motion made by James Shull and seconded by Daniel Faust to approve the revised 2022 Road Project Estimates and to move forward with advertising for bids. Motion carried unanimously.

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**NEW BUSINESS:**

- Council President, Brian Swartz presented and recommended the adoption of a Risk Assessment & Management Policy, which is a recommendation made by the auditors. Brian Swartz stated he will be appointing Elizabeth Paige, Heidi Potter, and himself to a committee to review and identify risks and the impact of each risk on the Borough. Motion made by George Price and seconded Daniel Faust to adopt the Risk Assessment & Management Policy as presented. Motion carried unanimously.
  
- Mayor Heidi Potter presented a proclamation that would declare the first Friday in June (June 3, 2022) to be National Gun Violence Awareness Day. With no interest shown in the proclamation, Mayor Heidi Potter withdrew the proclamation.

**COUNCIL MEMBER, MAYOR & COMMITTEE REPORTS**

- Council President, Brian Swartz stated he will be removing George Price from all the Council Committees effective immediately as Council Member, George Price will be tending his resignation at the next month's meeting.

**CORRESPONDENCE, MINUTES, REPORTS:**

- Council President, Brian Swartz briefly reviewed with Borough Council the correspondence, minutes and reports received.

With no comments or further business to conduct, motion made by James Shull and seconded by Brian Swartz to adjourn tonight's meeting at 9:38 p.m.

Respectfully Submitted,

Elizabeth Paige, Borough  
Administrator/Secretary