

**MIDDLEBURG BOROUGH COUNCIL**  
**MEETING MINUTES**  
**Tuesday, August 11, 2020 @ 7:00 p.m.**  
**Page 1**

Meeting Location: Middleburg Borough Building, 13 N. Main Street, Middleburg, PA  
Council Members: Heidi Potter/President, Brian Swartz/Vice President, Michael Kerstetter, George Price, Elaine Sautner, Daniel Faust, and Debbie Bilger/Mayor.  
Others Present: Beau Hoffman/Solicitor, Tony Jordan/Police Chief, Dustin Zechman/Borough Foreman and Elizabeth Paige/Administrator  
Public Present: Hank Chiarkas and Ken Hassinger

**CALL TO ORDER:** Middleburg Borough Council meeting was called to order by Council President Heidi Potter at 7:03 p.m.

Motion made by George Price and seconded by Daniel Faust to approve tonight's meeting agenda. Motion carried unanimously.

Motion made by Elaine Sautner and seconded by Brian Swartz to approve the July 14, 2020 meeting minutes. Motion carried unanimously.

Motion made by Brian Swartz and seconded by Elaine Saunter to approve the bills paid in July 2020 as presented. Motion carried unanimously.

Motion made by Heidi Potter and seconded by Daniel Faust to approve the financial statements as of July 31, 2020 as presented. Motion carried unanimously.

**PUBLIC:**

- Council President, Heidi Potter stated the "The Quarterback Club of Midd-West High School" emailed the Borough Administrator requesting to withdraw the request to display individual photos of the high school football players on poles throughout the Borough.

**PUBLIC HEARING – Proposed Ordinance No. 350:** Amending Part 5 of Chapter 5 of the Borough Code, which regulates rental units by providing for regular inspection and permitting of the units and imposes penalties for violation thereof.

- Council President, Heidi Potter open the public hearing at 7:06 p.m. Borough Solicitor, Beau Hoffman stated the proposed ordinance was properly advertised in the Snyder County Times on July 31, 2020. Heidi Potter stated a letter addressing a concern about Section 5-506. Local Agent Designation was received from rental property owner, Bill Burns. Rental property owner, Hank Chiarkas addressed his concern about too much verbiage and language in the proposed ordinance. Hank Chiarkas would like the Borough to reconsider charging the annual rental permit fee of \$25.00 for each rental unit. Rental property owner, Ken Hassinger address his concern about too many legal restrictions, rules, and regulations within the proposed ordinance. Council Member, Elaine Sautner stated the ordinance committee, who reviewed and revised the proposed ordinance, tried to address the rental property owners concerns issued from the last meeting along with changes to the inspection section of the ordinance but also keeping safety as the top concern of the Council. Elaine Sautner stated the committee also addressed changing the wording of the proposed ordinance to help clear up the verbiage of the ordinance. Borough Solicitor, Beau Hoffman stated AxRunkle drafted the Mifflinburg Borough rental property ordinance and the proposed ordinance is not any more intrusive or complicated than Mifflinburg Borough's ordinance. With no further comments, Heidi Potter closed the public hearing at 7:28 p.m. Council Member, George Price thanked Hank Chiarkas and Ken Hassinger for attending the meeting and voicing their concerns. Motion made by Heidi Potter and seconded by George Price to adopt Ordinance No. 350. Motion carried unanimously.

**MIDDLEBURG BOROUGH COUNCIL**  
**MEETING MINUTES**  
**Tuesday, August 11, 2020 @ 7:00 p.m.**  
**Page 2**

**REPORTS:**

**Borough Solicitor – AxRunkle, P.C.**

- Borough Solicitor, Beau Hoffman reviewed an overview of the Sunshine Act with Council. Beau Hoffman recommended the Council consider adopting a Public Comment Policy like the sample policy contained within the overview of the Sunshine Act information provided. Council President, Heidi Potter requested Council to review the information/policy with a follow up discussion at the next monthly meeting.

**Borough Police Chief – Tony Jordan**

- Police Chief, Tony Jordan reviewed the monthly police report with Council.
- Police Chief, Tony Jordan stated the Safety Committee held a meeting on Monday, August 10, 2020. A traffic control signage vendor attended the meeting to demonstrate traffic control signage to the Safety Committee. The Safety Committee is recommending the vendor be invited to the next monthly meeting if Council still has interest in purchasing traffic control signage.
- Police Chief, Tony Jordan reviewed a letter of request from Mafioso Motorsports LLC/Peter Picciurro to close South Charles Avenue from Willow Avenue to Edmond Street on September 5, 2020 as permission has been granted to hold a truck show at the fire department carnival grounds. Time of the event has not been established (approximately 11 am to 4 pm). After a brief discussion, motion made by Heidi Potter and seconded by Daniel Faust to approve the requested road closure and to recommend the event follow the issued state health guidelines. Motion carried unanimously.
- Police Chief, Tony Jordan informed Council a law suit against the Borough by Gene Stilp has been filed in the United States District Court Middle District of Pennsylvania to challenge the Borough's ordinance violating his First Amendment right to publicly burn political flags as a form of political protest. Borough Solicitor, Beau Hoffman was supplied with a copy of the legal filing received by the Police Chief on August 11, 2020. Beau Hoffman advised the Council the legal filing should be submitted to the Borough's Insurance agent/carrier as a general liability insurance claim.

**Borough Foreman – Dustin Zechman**

- Borough Foreman, Dustin Zechman informed Council he has received a request from a neighboring property owner near the Borough Maintenance Shed to archery hunt the Borough property behind the maintenance shed. Dustin Zechman stated based on a past ruling by Council the property has been posted "No Hunting". After a discussion of safety, Council directed Dustin to inform any individual, who wants to make a request for permission to archery hunt to submit a signed written request with a waiver of liability clause by the next monthly meeting in order for Council to review and make a decision whether to grant approval for archery hunting.

**MIDDLEBURG BOROUGH COUNCIL**  
**MEETING MINUTES**  
**Tuesday, August 11, 2020 @ 7:00 p.m.**  
**Page 3**

- Borough Foreman, Dustin Zechman informed Council he received pricing through a CoStars Vendor for the purchase of a new dump truck of approximately \$105,000.00, which if the order is placed now will not be delivered and invoiced until February or March 2021. After a discussion of the purchase funding and review of the Borough financial report, motion made by Heidi Potter and seconded by George Price to move forward with the purchase of the new dump truck. Motion carried unanimously.
- Borough Foreman, Dustin Zechman informed Council the construction project for the proposed picnic pavilion by the Middleburg Revitalization Committee has begun with the electrical service being put in place and pavilion construction to start the week of August 17<sup>th</sup>.
- Borough Foreman, Dustin Zechman informed Council PennDOT's paving project start date for along N. Main Street to the bridge at Route 104 has been delayed.
- Borough Foreman, Dustin Zechman informed Council the Municipal Authority's PennVEST application is now pending approval at the January 2021 PennVEST meeting, as a Uniform Environmental Report is required to be submitted with the application. Dustin Zechman also informed Council the Municipal Authority has been approved for a Community Development Block Grant in the amount of \$179,950 with the Municipal Authority funding the engineering fees and contingency costs of approximately \$30,000.

**EXECUTIVE SESSION:** Borough Council entered an executive session for a discussion of legal and personnel matters at 8:13 p.m. Council President, Heidi Potter called the meeting back to order at 9:30 p.m. and stated no action is required.

**COUNCIL MEMBERS/MAYOR/COMMITTEE REPORTS:**

- Council President, Heidi Potter stated she has received budgeting information from the Personnel Committee, Parks & Recreation Committee and Safety Committee. Heidi Potter inquired if the Building & Grounds Committee and Streets & Sidewalks Committee have held meetings and worked on budget proposals. Heidi Potter stated she is looking to schedule the first Budget Committee meeting in mid to late September.
- Building & Grounds Chairman, George Price stated the committee held a meeting and reviewed the following various items for budgeting: Split cooling/heating units for the Borough offices, new carpeting for the Police Department, the Police Garage roof, walls and proposed entrance and a new cinder shed at the Borough Maintenance Building.
- Council inquired if Mayor Debbie Bilger was aware of the Snyder County Commissioners plans for the old bank parking lot at the square as the Council would like to see green space included. Mayor Debbie Bilger stated she will inquire about the parking lot and report back at next month's meeting.

**MIDDLEBURG BOROUGH COUNCIL**  
**MEETING MINUTES**  
**Tuesday, August 11, 2020 @ 7:00 p.m.**  
**Page 4**

- Streets & Sidewalks Chairman, Michael Kerstetter reported the committee held meetings. Michael Kerstetter submitted a project estimate sheet received from PennDOT Municipal Representative, Brian Haight for the paving of East Market Street, which the committee decided needed top priority. Michael Kerstetter reported if PennDOT does not include the AD ramps in their South & East Main Street project the Borough should consider budgeting for upgrading the ramps at approximately \$5,000 per ramp. Borough Foreman, Dustin Zechman stated he has been in contact with PennDOT about the AD ramp replacements but has not heard anything on timeline replacement requirements. Committee Member, Elaine Sautner stated the committee is working on a plan, which would group the streets and sidewalks together so both can be addressed at the same time. Elaine Sautner stated properties with grass/weed violations along S. Main Street and E. Main Street were noted during the committee's review and were reported to the Zoning Officer to be addressed. Elaine Sautner stated the committee noted overhead down/drainage spouting as a concern. Borough Solicitor, Beau Hoffman stated the Sidewalk Ordinance prohibits anything from crossing over the sidewalk, if it is not at least 6 foot 8 inches above the sidewalk. Beau Hoffman stated the Municipal Authority Rules & Regulations do not allow for stormwater discharge to be combined into the public sewer. Borough Foreman, Dustin Zechman stated none of the stormwater boxes are connected into the public sewer system and the Borough is the owner of the stormwater system. Borough Administrator, Elizabeth Paige stated she submitted the committee's concerns to the engineer, who replied to address the observation comments related to the ordinance in the sidewalk report that a meeting should be scheduled to discuss the comments between the committee, the Solicitor and himself.

**BOROUGH ADMINISTRATOR/ZONING OFFICER:**

- Borough Administrator, Elizabeth Paige reviewed the Zoning Violation and Zoning Permit reports distributed.
- Borough Administrator, Elizabeth Paige stated a copy of the Zoning Hearing Board Decision for the Craig & Carol Gemberling was included with tonight's meeting information.
- Borough Administrator, Elizabeth Paige informed Council the 2019 Municipal Authority Audit has been completed and submitted to the Municipal Authority. A copy of the 2019 Audit Management letter and the Summary Financial Report was distributed to Council for review.

With no further comments or questions about the correspondence, minutes or reports provided with the meeting information. Motion made by George Price and seconded by Brian Swartz to adjourn the meeting at 9:52 p.m.

Respectfully Submitted,  
Elizabeth Paige  
Borough Administrator/Secretary