

**MIDDLEBURG BOROUGH COUNCIL**  
**MEETING MINUTES**  
**Tuesday, February 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, Judy Lynn, Michael Kerstetter, George Price, Elaine Saunter, Daniel Faust and Debbie Bilger/Mayor.  
Others Present: Beau Hoffman/Solicitor, David Walters/Engineer, Dustin Zechman/Borough Foreman, Tony Jordan/Police Chief and Elizabeth Paige/Administrator  
Public Present: Jamie Swan, Sheriff John Zechman, EMA Coordinator Derick Shambach, Lori Shull, Susan Weaver, Donald Schwalm, Craig Gemberling and Esch McCombie

**Meeting Call to Order** – The Middleburg Borough Council meeting was called to order by Council President Heidi Potter at 7:00 p.m. The meeting began with the Pledge of Allegiance.

Motion made by George Price and seconded by Michael Kerstetter to approve tonight’s meeting agenda with the addition of an Executive Session after Public Comments. Motion carried unanimously.

Motion made by Judy Lynn and seconded by Brian Swartz to approve the January 6, 2020 meeting minutes. Michael Kerstetter abstained from the vote as he was not present at the January meeting, Motion carried with six (6) yea votes.

Motion made by Michael Kerstetter and seconded by Elaine Saunter to approve the bills paid in January 2020 as presented. Motion carried unanimously.

Motion made by Brian Swartz and seconded by George Price to approve the financial statements as of January 31, 2020 as presented. Motion carried unanimously.

**Public Comments:**

- Jamie Swan of the New Hope Baptist Church informed Council the Church would like permission again this year to hold a 5K race day on Saturday, April 11<sup>th</sup> with the closure of a portion of Edmond Avenue from S. Charles Avenue to Furnace Road from approximately 7:30 a.m. to 12 p.m. for the race. Jamie Swan requested the placement of the same type of barricades as supplied by the Borough for the 2019 race. Motion made by Judy Lynn and seconded by George Price to approve the closure of the roads for the 5K race as requested. Motion carried unanimously.
- Snyder County EMA Coordinator, Derick Shambach reviewed several traffic concerns regarding W. Willow Avenue behind the Snyder County Courthouse and Sheriff’s Office. Derick Shambach requested Council to consider making this portion of W. Willow Avenue a one-way street from S. Main Street to S. Charles Avenue. Snyder County Sheriff, John Zechman stated he had approached Borough Council about this request in year 2018. Council President, Heidi Potter stated the minutes from the 2018 meeting stated the Streets & Sidewalk Committee would investigate the request and the option of barriers being installed along the courthouse parking lot to prevent vehicles from pulling directly into traffic. Sheriff

**MIDDLEBURG BOROUGH COUNCIL**

**MEETING MINUTES**

**Tuesday, February 11, 2020 @ 7:00 p.m.**

**Page 2**

Zechman stated the Snyder County Commissioners are willing to purchase any signage and barriers necessary to create the one-way street. Also, the following concerns were discussed: pedestrians crossing the one-way street, the use of the courthouse back door entrances by employees, clearing marking the entrance/exit of the courthouse parking lot and the traffic patterns required in time of flooding. Borough Solicitor, Beau Hoffman recommended Council refer the matter to the Streets & Sidewalks Committee, so all the concerns issued may be addressed and a letter of recommendations sent to the Snyder County Commissioners for consideration and approval.

- **Zoning Hearing Board decision for Craig Gemberling & Zoning Ordinance Amendments affecting the Table of Permitted Uses; Commercial-Services Uses:** Borough Solicitor, Beau Hoffman stated after researching the zoning ordinance amendments, which are sent to a contracted code maintenance company for compilation, an error seems to have occurred during the amendments compilation. The Table of Permitted Uses; Commercial-Services Uses should indicate the permitted use of an automobile repair shop by Special Exception, which requires an application be submitted for a hearing before the Zoning Hearing Board. Beau Hoffman made the recommendation for legal purposes an application for a Special Exception be filed by Craig Gemberling and the hearing fee be waived. Zoning Hearing Board (ZHB) member, Lori Shull read a letter (copy attached to minutes) signed by all the ZHB members, which addressed the Variance application of Craig Gemberling and a recommendation to refund Craig Gemberling all monies paid for costs incurred. After a brief discussion, Beau Hoffman stated Council cannot legally allow a Special Exception without a ZHB hearing taking place and a decision being rendered. Motion made by Brian Swartz and seconded by Judy Lynn to waive the fee for Craig Gemberling to make application for a Special Exception. Motion carried unanimously. Motion made by Michael Kerstetter to refund the ZHB Variance application fee and all legal costs incurred by Craig Gemberling. Motion died due to lack of second. Motion made by Judy Lynn and seconded by Michael Kerstetter to refund the ZHB Variance application fee of \$500 paid by Craig Gemberling. Motion approved with a vote of 3 yeas, 3 nays, 1 abstaining and the Mayor Debbie Bilger voting yea.

**Executive Session:**

- Borough Council entered an executive session for a legal discussion at 7:59 p.m. Council President, Heidi Potter called the meeting back to order at 8:26 p.m. and stated no action needed.

**Public Hearing – Proposed Ordinance No. 2020-347**

- Council President, Heidi Potter opened the public hearing at 8:27 p.m. for proposed Ordinance No. 2020-347, which amends the Police Pension Plan by waiving member contributions. With no public comments, Heidi Potter closed the public hearing at 8:28 p.m. Motion by Brian Swartz and seconded by George Price to adopt Ordinance No. 2020-347. Motion carried unanimously.

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

**Reports:**

- Council President, Heidi Potter distributed the 2019 Total Calls Report for the Reliance Hose Company submitted by Fire Chief, Dwayne Hackenberg. Also, the new 2020 Fire Company events card were distributed in the Council meeting information packet.
- Borough Engineer, David Walters stated the final payment request for the PENNVEST Stormwater Grant was approved. PENNVEST holds a portion of the retainage funds until a final inspection of the project is conducted by DEP. The funds being retained is approximately \$43,000.
- Borough Engineer, David Walters stated the Stumps Run Engineering Agreement revisions were being handled by Larson Design Group's legal counsel and the Borough Solicitor. Borough Solicitor, Beau Hoffman reported the revisions to the agreement have been worked out with Larson Design Group's legal counsel and a revised agreement is being prepared.
- Borough Solicitor, Beau Hoffman informed Council he forgot to send revised Resolution 2020-01 regarding the use of public official's social media accounts to the Borough Administrator for distribution. Beau Hoffman stated he will send revised Resolution 2020-01 so Council can review before next month's meeting.
- Police Chief, Tony Jordan reviewed the monthly police department reports for the months of December 2019 and January 2020. Council member, Brian Swartz questioned the Police Chief if police services are still being provided to the Midd-West School District (MWSD). Tony Jordan stated MWSD has received some assistance from the police department plus a good working relationship has been established with the new school district officer. Borough Administrator, Elizabeth Paige read a note received from Middlecreek Township Supervisor, Judy Varner regarding any further increase in the contracted police service rate for year 2020. Council President, Heidi Potter requested the Borough Administrator send Middlecreek Township Supervisors a letter stating the 2020 contracted police service rate, which was approved at the end of 2019 for 2020 budgeting purposes, will not be increased.
- Police Chief, Tony Jordan reported the total of the 2019 Stop Grant reimbursement and the total of the 2019 Auditor General reimbursement for police services.
- Police Chief, Tony Jordan reported he has contacted three (3) companies regarding traffic control signage. Tony Jordan stated he would like to setup a meeting with the Safety Committee to review the different types of traffic control signage and the pricing.

**MIDDLEBURG BOROUGH COUNCIL**

**MEETING MINUTES**

**Tuesday, February 11, 2020 @ 7:00 p.m.**

**Page 4**

- Borough Foreman, Dustin Zechman reviewed information from a 2013 meeting regarding the former request by Snyder County Commissioners to make W. Willow Avenue one-way from S. Main Street to S. Charles Avenue. After a brief discussion, Council requested the Borough Foreman work on a list of items required to make the one-way street safe and comply with roadway standards along with a map showing the placement of those required items, which will be included in the letter of recommendations to the Snyder County Commissioners.
- Borough Foreman, Dustin Zechman invited the newly elected Council members to contact him if they would like to tour the water or sewer plants.

**Old Business:**

- Council President, Heidi Potter reported two (2) Middleburg Borough residents have agreed to serve on the Property Maintenance Appeal Board. Heidi Potter stated a third member is still needed to fill the board requirements. A brief discussion was held regarding the appeal board member qualifications and terms of appointment. Borough Administrator was requested to contact former Council member, Brian Lauver to find out if he would be willing to serve.
- Council President, Heidi Potter stated a Vacancy Board Chairperson still needs to be appointed. Council questioned the Solicitor if this person could be someone already appointed to another board.

**New Business:** NONE

**Council Members & Mayor & Committee Reports:**

- Council Member, Brian Swartz discussed an email he received regarding the designation of public parks as non-smoking areas. Borough Foreman, Dustin Zechman stated the Borough did adopt a Resolution - "Young Lungs at Play" and signage was posted to designate Charles Park as tobacco-free.
- Mayor, Debbie Bilger informed Council she has been offered the position of Snyder County Director of Elections as Pat Nace will be retiring. Debbie Bilger stated if she accepts the position then when her term as Mayor expires, she will not be eligible to run again for the position of Mayor.

**MIDDLEBURG BOROUGH COUNCIL**  
**MEETING MINUTES**  
**Tuesday, February 11, 2020 @ 7:00 p.m.**  
**Page 5**

**Council Committee Reports:**

- Parks & Recreation Committee: Chairperson, Judy Lynn reported the committee held a meeting on February 6<sup>th</sup> to discuss the upcoming “Community Day”. Also, the committee would like to use the funds being raised for either new playground equipment, a walking path or plantings in the park area. Brian Swartz offered the suggestion of using the funds to offset other recreation donations budgeted by the Borough.
- Council President, Heidi Potter stated she would like to see each committee hold a quarterly meeting. Committees should work on preparing a priority list of things to be accomplished and to submit a list of any items requiring budgeting to the Budget Committee.

**Administrator/Zoning Officer Report:**

- Borough Administrator, Elizabeth Paige reviewed the January 2020 monthly activity report distributed.
- Council President, Heidi Potter requested the Borough Administrator email Robert Garrett regarding the progress on the Middleburg Comprehensive Plan.

Motion made by Brian Swartz and seconded by Judy Lynn to adjourn the meeting at 9:27 p.m.

Respectfully Submitted,

Elizabeth Paige  
Borough Administrator/Secretary