

**MIDDLEBURG BOROUGH COUNCIL**  
**MEETING MINUTES**  
**Tuesday, July 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, Daniel Faust, James Shull, Brian Pauling, Michael Kerstetter, Donald Zechman, and Beverly Inch. Mayor Heidi Potter was absent.  
Others Present: Beau Hoffman/Solicitor, Mark Bailey/Police Chief, Elizabeth Paige/Borough Administrator, Dwayne Hackenberg/Fire Chief, Dustin Zechman/Borough Foreman, plus Michael Thomas and Trever Hess of Meck-Tech, Inc.  
Public Present: Brenda Dombrowski, Diane Klingler, Shannon Rudy, Roger Snook, Anita Snook, Jeff Bought and Craig Gemberling.

**CALL TO ORDER:** Middleburg Borough Council meeting called to order by Council President, Brian Swartz at 7:00 p.m. followed by the pledge of allegiance.

Council President, Brian Swartz announced one addition to the meeting agenda for the review of the energy rate renewal. Brian Swartz inquired if there were any other additions or changes to tonight's meeting agenda. Motion made by James Shull and seconded by Daniel Faust to approve the agenda with the addition of the review of the energy rate renewal. Motion carried unanimously.

Motion made by James Shull and seconded by Brian Pauling to approve the June 14, 2022, monthly meeting minutes as presented. Motion carried unanimously.

Motion made by Michael Kerstetter and seconded by Daniel Faust to approve the bills paid in June 2022 as presented. Motion carried unanimously.

Motion made by Daniel Faust and seconded by Beverly Inch to approve the financial statements as of June 30, 2022, as presented. Motion carried unanimously.

**PUBLIC COMMENTS:**

- Middleburg Revitalization Committee (MRC) members, Diane Klingler and Brenda Dombrowski informed Borough Council the memorial flag area would consist of a 4' x 4' flag pole pad along with 2 or 4 sections of 8' open rail fencing plus landscaping. After a brief discussion about the memorial flag area request from MRC, motion made by James Shull and seconded by Daniel Faust to allocate a 20'x 20' area to the proposed memorial flag area near the electrical service for the fountains at Charles Park Lake.
- Shannon Rudy, SEDA-COG Project Coordinator informed Borough Council she is working on a CDBG application to replace the playground equipment at Shade View. Shannon inquired if the Borough would allow its workforce to tear down the old playground equipment and install the new. Borough Council questioned the Borough Foreman about the availability of his workers. Borough Foreman, Dustin Zechman stated at this time the availability of his workers is limited. Borough Council questioned the Borough Solicitor about liability of the borough workers performing the tear down and installation of the playground equipment. Borough Solicitor, Beau Hoffman recommended the Borough request an indemnification agreement if the borough workers performed the tear down and installation of the playground equipment. At this time, Borough Council requested Shannon provide more information about the amount of work hours required for the project plus would an indemnification agreement be provided for the project. Shannon Rudy will investigate and provide Council with more information.

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- Anita and Roger Snook requested Borough Council to consider granting them a waiver from the ADA ramp requirement of the sidewalk ordinance at the driveway end of their property as there will be no further sidewalks beyond their property on E. Market Street. Borough Engineer, Michael Thomas informed Borough Council an ADA ramp will need to be installed by the Borough at the Stetler Lane intersection with the Snook's property. Michael Thomas recommended removal of the Snook's sidewalk as there is no further sidewalks beyond their property plus it would also save the Borough the cost of installing an ADA ramp at Stetler Lane intersection. After a brief discussion, motion made by James Shull and seconded by Daniel Faust to grant a waiver of the ADA ramp requirement at the driveway end of the Snook property as there is no additional sidewalks beyond the property plus the Borough Engineer will be recommending no sidewalk installation required beyond Stetler Lane with the proposed sidewalk plan being developed. Motion carried unanimously. Anita and Roger Snook discussed a drainage issue at the rear of their property along E. Oak Avenue and inquired if the issue could be addressed with the upcoming drainage project for Stetler Lane. Borough Foreman, Dustin Zechman informed Borough Council the unopen alley located behind the Snook property is not maintained by the Borough. Borough Solicitor, Beau Hoffman recommended the Borough Engineer and himself investigate the status of E. Oak Avenue and the unopen alley before Council makes any further decisions about the drainage project. Borough Council directed the Borough Solicitor and Borough Engineer to further investigate the status of E. Oak Avenue.
  
- Council President, Brian Swartz reviewed an email by Rylan Ebright of the fire company to request approval of the closure of Wagenseller Street and Thomas Avenue on August 11<sup>th</sup> for the firemen's parade lineup from 4:30 p.m. to the end of the parade. After a brief discussion, motion by Brian Swartz and seconded by James Shull to approve the closure of Wagenseller Street and Thomas Avenue on August 11<sup>th</sup> from 4:30 p.m. to 8:30 p.m. for the parade lineup plus the fire company's parade coordinator must send out a notification to each resident located along these streets to inform them of the closure and provide a contact phone number in case there is a need to exit their property during the approved road closure. Borough Administrator, Elizabeth Paige stated she will email Rylan Ebright to inform him of the Council's decision regarding the approved road closures.
  
- Jeff Bought requested Borough Council to approve the closure of W. Willow Avenue from Furnace Road to property of Terry Kline property at 212 W. Willow Avenue from 7 a.m. to 2 p.m. as a public auction will be taking place on Thursday, August 18<sup>th</sup> at 209/211 W. Market Street plus the empty lot off W. Willow Avenue. Jeff Bought informed Borough Council he contacted the Health Department Office along W. Willow Avenue and understands access to the building must be maintained during the sale. After a brief review of the location, motion made by Daniel Faust and seconded by Beverly Inch to approve the road closure as requested by Jeff Bought. Motion carried unanimously.

**PUBLIC HEARING:** Council President, Brian Swartz opened the public hearing at 8:05 p.m. for proposed Ordinance No. 2022-359: An ordinance regulating vegetation at intersections in the Borough of Middleburg and imposing penalties for violations of the ordinance. Borough Solicitor, Beau Hoffman briefly reviewed the proposed ordinance with Borough Council. With no public comments, the public hearing was closed at 8:12 p.m. Motion made by Daniel Faust and seconded by Donald Zechman to adopt Ordinance No. 2022-359 as presented. Motion carried unanimously.

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**REPORTS:**

**Borough Engineering Firm/Meck-Tech, Inc. - Michael Thomas and Trever Hess**

- Michael Thomas reviewed the notes from the onsite sidewalk reviews plus the meeting held with the Borough Solicitor and residents of E. Market Street regarding sidewalk replacement and/or repairs. Michael Thomas stated the biggest concern of the residents was the availability of contractors to do the required sidewalk replacement and/or repairs. Borough Solicitor, Beau Hoffman stated no final 60-day notices required by the ordinance have been sent out to any of the property owners. Also, Michael Thomas stated there was requests to allow monolithic pouring of the sidewalk and curb. Michael Thomas recommended the Borough Council not allow monolithic pours as the ordinance states no monolithic pouring of sidewalk and curbing is allowed. Michael Thomas reviewed a letter from the IGA owner, who is requesting a waiver from installing sidewalks and to remove the existing curb to widen the entrance to the parking lot and to allow lining of a pedestrian walkway. Michael Thomas recommended the Borough Council to approve the waiver request from the IGA. Also, Michael Thomas informed Borough Council the property owner of 42 E Market Street has a unique situation with the curbing along the property due to a utility pole, which will not allow the property owner to line up the curbing per the ordinance requirements. Motion made by Michael Kerstetter and seconded by James Shull to approve the waiver request from IGA as presented plus a waiver from the curbing requirement for the property owner at 42 E. Market Street. Motion carried unanimously. Michael Thomas informed Borough Council he will work with the Borough Administrator to develop a permit application as a permit is required per the ordinance. After a brief discussion, Borough Council requested Meck-Tech, Inc. present a preliminary map of the recommended sidewalk installations at next month's meeting.
- Trever Hess informed Borough Council the Notice to Proceed to Mid-State Paving, LLC was mailed on June 27, 2022. Trever Hess stated Mid-State Paving, LLC must provide notice at least 14 days prior to the first day of starting work. Trever Hess discussed the possibility of fog sealing E. Market Street project area and Bachman Alley after the road project is completed this year. Borough Foreman, Dustin Zechman recommended Borough Council approve Meck-Tech to seek bids for the fog sealing this year. After a brief discussion of the 2022 road project, motion made by Brian Swartz and seconded by Brian Pauling to approve Meck-Tech, Inc. to proceed with seeking bids for fog sealing of E. Market Street and Bachman Alley. Motion carried unanimously.

**Fire Chief – Dwayne “Butch” Hackenberg**

- Fire Chief, Butch Hackenberg reported there has been 91 fire company calls to date. Plus, Butch Hackenberg supplied a brief update on the upcoming firemen's carnival.

**Borough Solicitor – Beau Hoffman**

- Borough Solicitor, Beau Hoffman reviewed the Notice of Violation mailed to Middleburg Yarn Processing by the Borough's Code Enforcement Officer, Marty Sowers. Beau Hoffman stated the attorney on record for Middleburg Yarn Processing has not responded to any of the emails sent or to the correspondence sent by Esch McCombie of McNees Wallace & Nurick, LLC.

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**Police Chief – Mark Bailey**

- Police Chief, Mark Bailey reviewed the monthly June 2022 Police Department Reports with Borough Council.
- Police Chief, Mark Bailey informed Borough Council the Enradd speed equipment purchased is working well plus Auto Zone donated a new battery pack needed for the equipment.
- Police Chief, Mark Bailey supplied a reminder about the “End of Watch Ride to Remember” event on Wednesday, July 27<sup>th</sup> at 3 p.m. honoring fallen Chief of Police, Tony Jordan.

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

- Borough Administrator, Elizabeth Paige reviewed the updated 2022 Zoning Permit and Violation Reports with Borough Council.
- Borough Administrator, Elizabeth Paige reviewed a report she compiled on the information obtained from the 3 online webinars attended on Rental Property Inspection Program hosted by the Pennsylvania State Association of Boroughs.
- Borough Administrator, Elizabeth Paige stated Navigate Power Energy Consultant, Ernie Horning contacted her about the Borough’s energy rate renewal, which will take effective April 2023. At this time, Elizabeth Paige reviewed the energy renewal rates provided by Ernie Horning. Motion made by Brian Swartz and seconded by James Shull to approve renewing the energy rate effective April 2023 for 36 months at the rate of .07945 per kwh. Motion carried unanimously.

**OLD BUSINESS:**

- Council President, Brian Swartz informed Borough Council the final payment request from LandServ Inc. for the Stumps Run Project has been submitted by Chris Sheaffer of Larson Design Group for approval. Motion made by Brian Swartz and seconded James Shull to approve the final payment from LandServ Inc. for the Stumps Run Project submitted by Chris Sheaffer of Larson Design Group. Motion carried unanimously.

**NEW BUSINESS:**

- Council President, Brian Swartz reviewed the letter from the Municipal Authority Solicitor, Robert Slivinski regarding the Municipal Authority’s request to remove the rental permit fee and cleanup fee from the quarterly water/sewer billing effective January 1, 2023, as the Municipal Authority has no authorization by law to enforce the collection of Borough fees. After a brief discussion, Borough Council requested the Borough Administrator to develop a plan on how to collect the rental permit fee starting in year 2023. Borough Council discussed budgeting the 2023 Cleanup cost but may need to consider collecting a charge for larger items dropped off.

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**COUNCIL MEMBER, MAYOR & COMMITTEE REPORTS**

- Council Vice President, Daniel Faust submitted his letter of resignation to Borough Council. After a brief discussion, Council President, Brian Swartz requested the approval of the resignation letter be placed on next month's meeting agenda.
- Council Member, James Shull stated he has noticed the curb and street markings on Charles Avenue along with several other borough streets need to be repainted.
- Council Member, Brian Pauling stated he notice a tree down in Middle Creek near the bridge at the intersection of Route 522 and Route 104. Borough Foreman, Dustin Zechman stated he will investigate the down tree and removal.

**CORRESPONDENCE, MINUTES, REPORTS:**

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

With no comments or further business to conduct, motion made by James Shull and seconded by Daniel Faust to adjourn tonight's meeting at 9:32 p.m.

Respectfully Submitted,

Elizabeth Paige, Borough  
Administrator/Secretary