

**MIDDLEBURG BOROUGH COUNCIL**  
**MEETING MINUTES**  
**Tuesday, July 13, 2021 @ 7:00 p.m.**  
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Meeting Location: Middleburg Borough Building, 13 N. Main Street, Middleburg, PA  
Council Members: Present were Brian Swartz/President, George Price/Vice President, Elaine Sautner, and Daniel Faust. Absent were Michael Kerstetter, Judy Lynn, and Mayor Heidi Potter.  
Others Present: Beau Hoffman/Solicitor, Mark Bailey/Police Chief, Dwayne Hackenberg/Fire Chief, Dustin Zechman/Borough Foreman, and Elizabeth Paige/ Borough Administrator  
Public Present: Mr. and Mrs. Ricky Burgess, Boy Scouts

**CALL TO ORDER:** Middleburg Borough Council meeting was called to order by Council President, Brian Swartz at 7:05 p.m. following the pledge of allegiance.

**PUBLIC COMMENTS:**

- Ricky Burgess and his wife made the request for the closure of a section of Edmond Avenue from Furnace Road to S. Charles Avenue on August 8<sup>th</sup> from 2 to 3 p.m. for a gender reveal vehicular burnout on the roadway. Ricky Burgess presented a video of a gender reveal vehicular burnout on his laptop to the Borough Council members. Police Chief, Mark Bailey stated his concern would be any liability to the Borough if the event is approved. Borough Solicitor, Beau Hoffman agreed with the Police Chief about the possible liability to the Borough. Council President, Brian Swartz made the motion to approve the road closure request if a waiver of liability for any accident occurring would be signed and Daniel Faust second the motion. Motion vote was as follows: yes/Brian Swartz, yes/Daniel Faust, no/Elaine Sautner, and no/George Price. The motion died due to the tie in voting. Ricky Burgess and his wife thanked the Borough Council for hearing their request.

Motion made by Brian Swartz and seconded by Elaine Sautner to approve the meeting agenda as presented. Motion carried unanimously.

Motion made by Elaine Sautner and seconded by Daniel Faust to approve the June 8, 2021, meeting minutes as presented. Motion carried unanimously.

Motion made by George Price and seconded by Brian Swartz to approve the bills paid in June 2021 as presented. Motion carried unanimously.

Motion made by Daniel Faust and seconded by Elaine Sautner to approve the financial statements as of June 30, 2021, as presented. Motion carried unanimously.

**REPORTS:**

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

- Fire Chief, Dwayne Hackenberg reviewed the year-to-date Reliance Hose Co. #1 reports with Borough Council.
- Fire Chief, Dwayne Hackenberg stated the Fireman’s Carnival will take place as scheduled and the food has been ordered. The Fireman’s Carnival parade permit has not received approval yet.

**Borough Solicitor – Beau Hoffman**

- Borough Solicitor, Beau Hoffman presented the approved loan documents, which need to be signed and returned to Northumberland National Bank for final execution of the loan and deposit of the loan proceeds to the Borough’s checking account.

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- Borough Solicitor, Beau Hoffman stated the last construction easement for Glendale Cemetery Association has been signed for the Stumps Run Project. Council President, Brian Swartz and Borough Secretary, Elizabeth Paige will need to sign the easement on behalf of the Borough before the easement can be recorded.
- Borough Solicitor, Beau Hoffman informed Borough Council about new set of amendments to the PA Sunshine Act, which take effect on August 29, 2021. The Borough is required to post a meeting agenda detailing issues expected to be deliberated and voted on at the meeting, at least 24 hours prior to the public meeting on the Borough's website and at the location of the meeting/Borough office. Beau Hoffman recommended the Borough take action to comply with the new amendments starting with the August meeting agenda.
- Borough Solicitor, Beau Hoffman informed Borough Council about his review/legal opinion of the section of the 2018 International Property Maintenance Code (IPMC) regarding weeds. The notice of violation is for weeds or plant growth in excess of twelve (12) inches and if the property is maintained before the expiration of the deadline required to correct the violation, then that violation is satisfied. Any subsequent growth of weeds or plant growth would require a second violation notice. Beau Hoffman stated the time to correct the violation only needs to be "reasonable" and the Zoning Officer could reduce the timeframe for compliance if that is recommendation of Borough Council.
- Borough Council President, Brian Swartz inquired if the Borough Solicitor had any updated information on the Middleburg Yarn Factory building. Borough Solicitor, Beau Hoffman stated no updates as there has been no response from the Middleburg Yarn Factory's attorney. Beau Hoffman stated he will try to contact their attorney before the next Council meeting.

**Police Chief – Mark Bailey**

- Police Chief, Mark Bailey issued a "Thank You" to everyone, who was able to be present at his swearing in ceremony on July 6, 2021.
- Police Chief, Mark Bailey reviewed the June 2021 monthly police department reports with Borough Council.
- Police Chief, Mark Bailey informed Borough Council there has been no update on the approval of the Fireman's Carnival parade permit. Representative David Rowe's office has offered to make an inquiry about the parade permit approval.
- Police Chief, Mark Bailey informed Borough Council the order has been placed for the new tablets approved for the police vehicles.
- Police Chief, Mark Bailey reported the two (2) fountains plus the lighting have been purchased and delivered to the Borough office. Mark Bailey stated a generous donor purchased the lighting for both fountains. Mark Bailey informed Borough Council the fountains should be installed on Wednesday, July 14<sup>th</sup> if the weather permits.

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- Police Chief, Mark Bailey informed Borough Council he investigated the option of selling the 1995 Chevrolet Caprice and 2000 Chevrolet Impala police vehicles on MuniBid and found quotes are very low for used police vehicles. Mark Bailey obtained following private sale quotes for the two vehicles: 1) \$200 for the Chevrolet Impala, 2) \$750 for the Chevrolet Impala, and 3) \$2,750 for the Chevrolet Caprice. Motion made by George Price and seconded by Daniel Faust to accept the quote of \$750 for the Chevrolet Impala and \$2,750 for the Chevrolet Caprice with funds deposited into the PLGIT Police Vehicle account. Motion carried unanimously.
- Police Chief, Mark Bailey informed Borough Council he will be discussing a change of the color of the police uniforms with the mayor before placing uniform orders for himself and the officers. Mark Bailey stated he would propose navy as the color choice for the new uniforms.

**Borough Foreman – Dustin Zechman**

- Borough Foreman, Dustin Zechman updated Borough Council on the Middleburg Municipal Authority's Water Improvements Project. Dustin Zechman stated since part of the project work requires the flushing of hydrants, the Borough will not be conducting the annual hydrant flushing. Dustin Zechman stated there is still waterline replacement work to be done on Center Street, Schoch Street and Wausau Road. Borough Council questioned what type of paving is required within the project scope. Dustin Zechman stated only the road area trenched for the waterline replacement will be re-paved.

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

- Borough Administrator, Elizabeth Paige reviewed the year-to-date zoning permits issued report and Borough code violations report with Council.
- Borough Administrator, Elizabeth Paige informed Borough Council the Borough/Municipal Authority Procedure Manual is completed as requested by the auditor. The manual will continue to be update with changes or if further clarification is needed.
- Borough Administrator, Elizabeth Paige informed Borough Council of the current 203 rental units registered only 107 annual rental unit renewal permits were submitted for year 2021. Borough Council directed the Borough Administrator to send a notice of violation including the penalty for non-compliance to all property owners, who did not submit an annual rental unit renewal permit.

**NEW BUSINESS:**

- Council President, Brian Swartz reviewed the copy of the proposed Final Order of the Pennsylvania Labor Relations Board regarding the Police Officers Association filing of Unfair Labor Practices. The following affirmative action is hereby requested: a) Rescind the 40-hour cap on compensatory time and return the *status quo ante*; and b) Post a copy of the final order within 5 days of action and order shall remain posted for 10 consecutive days; and c) Furnish the Labor Relations Board an Affidavit of Compliance. Motion made by Brian Swartz and seconded by Elaine Sautner to rescind the motion to set the 40-hour cap on police compensatory time and return the *status quo ante (200 hours)*. Motion carried unanimously.

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**COUNCIL MEMBER & COMMITTEE REPORTS:**

- Council Member, Elaine Sautner stated she reviewed a Pennsylvania State Borough Association (PSBA) alert about the amendments to the Sunshine Act and informed Borough Council there are recognized exceptions to the amended law.
- Council President, Brian Swartz requested the Borough Foreman block off the Charles Park ballfield prior to the upcoming Fireman's Carnival to stop vehicles from parking on the field. Dustin Zechman stated the new pavilion area will also be blocked off as work there will not be completed before the carnival.
- Council President, Brian Swartz questioned the Borough Solicitor if the number of council members can be reduced and what steps must be taken to reduce the number of council members. Borough Solicitor, Beau Hoffman stated he would investigate and report back at the next month's meeting.
- Borough Land Usage Committee Chairman, Brian Swartz informed Borough Council the committee completed the walk through of the Borough property adjoining the maintenance shed property. Brian Swartz reported the property consist of a large number of acres with much of the property in the 100-year flood plain and half within the floodway. Several acres of the property are currently being farmed by adjoining property owner, David Edelman at no cost due. Brain Swartz stated the committee is open to ideas for usage of the property.

With no comments or further business to conduct, motion made by Elaine Sautner and seconded by George Price to adjourn tonight's meeting at 8:17 p.m.

Respectfully Submitted,  
Elizabeth Paige  
Borough Administrator/Secretary