

MIDDLEBURG BOROUGH COUNCIL
MEETING MINUTES
Tuesday, July 14, 2020 @ 7:00 p.m.
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Meeting Location: Middleburg Borough Building, 13 N. Main Street, Middleburg, PA
Council Members: Heidi Potter/President, Brian Swartz/Vice President, Judy Lynn, Michael Kerstetter, George Price, Elaine Saunter, Daniel Faust, and Debbie Bilger/Mayor.
Others Present: Beau Hoffman/Solicitor, Chad Thomas/Police Officer, Dustin Zechman/Borough Foreman and Elizabeth Paige/Administrator
Public Present: Boy Scout Troop

CALL TO ORDER: Middleburg Borough Council meeting was called to order by Council President Heidi Potter at 7:00 p.m.

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

Motion made by Daniel Faust and seconded by George Price to approve the June 9, 2020 meeting minutes. Motion carried unanimously.

Motion made by Michael Kerstetter and seconded by Brian Swartz to approve the bills paid in June 2020 as presented. Motion carried unanimously.

Motion made by Judy Lynn and seconded by Brian Swartz to approve the financial statements as of June 30, 2020 as presented. Motion carried unanimously.

REPORTS:

Borough Engineer – Larson Design Group

- Borough Engineer was not present at tonight's meeting. Borough Administrator, Elizabeth Paige reported copies of the "Draft" sidewalk inspection report were delivered to the office today. Borough Engineer, Chris Sheaffer requested the Streets & Sidewalk Committee members review the draft report for any changes or corrections. A final report will be delivered to the office after the review of the draft is completed. Borough Solicitor, Beau Hoffman informed Council once the final sidewalk inspection report is submitted, Council will need to move forward by notifying the property owners of the required repairs and the approved exemption from the 60 day notice to repair due to COVID-19 along with Borough Council/Streets & Sidewalk Committee developing a plan of action to handle the reported sidewalk repairs.

Borough Solicitor – AxRunkle, P.C.

- Borough Solicitor, Beau Hoffman stated the proposed Resolution to adopt rules of procedure before the UCC and IMPC Board of Appeals and appointing individuals to serve on the Board of Appeals will need to be tabled. At this time, only two (2) people have volunteered to serve on the Board of Appeals and the resolution states three (3) regular members and two (2) alternate members should be appointed. Council unanimously agreed to table the proposed resolution until enough members are found to serve on the Board of Appeals.

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Borough Police Officer – Chad Thomas

- Police Officer, Chad Thomas reviewed the monthly police report with Council.
- Police Officer, Chad Thomas stated a “News Release” from the fire company was received stating the 2020 annual carnival has been cancelled along with all related activities.

EXECUTIVE SESSION: Borough Council entered an executive session for a discussion of legal and personnel matters at 7:32 p.m. Council President, Heidi Potter called the meeting back to order at 8:21 p.m. Heidi Potter stated Council reviewed a police department labor matter with the Borough’s labor attorney via teleconference. Motion made by Heidi Potter and seconded by George Price to accept the offer from the police union to approve a one (1) year extension of the existing collective bargaining agreement with the same terms while Borough Council reserves the right to set and approve comp time limits. Motion carried unanimously. Also, Heidi Potter read a letter addressed to Borough Council from Municipal Authority secretary, Beverly Inch informing Council of her plan to retire from her job position by June 2021.

Borough Foreman – Dustin Zechman

- Borough Foreman, Dustin Zechman stated a request to waive the mandatory water/sewer connection by the Borough for the Tyler Watt’s property located at 157 E. Market Street as the required water/sewer connections would be both impractical nor feasible for the Municipal Authority and the property owner. Dustin informed Council the sewer main line is located to the rear of the neighboring properties, which would make the sewer connection impossible without obtaining easements from the neighboring property owners. After a brief discussion, motion made by Judy Lynn and seconded by Michael Kerstetter to approve granting a waiver from the mandatory water/sewer connections for the property located at 157 E. Market Street with the following contingencies: 1) no development of more than a single family residence and 2) an annual inspection of the on-lot sewer system must be performed with a copy of the inspection report submitted to the Borough office.
- Borough Foreman, Dustin Zechman requested permission to have Apache Tree Service trim the trees along E. Market Street with an approximate cost of \$800 to \$1,200. After reviewing the budget, motion made by Michael Kerstetter and seconded by Daniel Faust to approve the trimming of trees along E. Market Street by Apache Tree Service. Motion carried unanimously.
- Council Member, George Price questioned Dustin Zechman about a couple trees laying near the stream along the Creekside Café property. Dustin Zechman stated the Borough will be taking care of cutting those trees up.
- Borough Foreman, Dustin Zechman stated the Borough will be issuing a “Mandatory Water Restrictions Notice” on Wednesday, July 15th. The notice will be advertised in the Snyder County Times, placed on the Borough website, plus a Swift911 alert will be issued.

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NEW BUSINESS:

- Council President, Heidi Potter presented Resolution 2020-05, which authorizes Larson Design Group Engineer/Project Manager, Christopher Sheaffer and Borough Administrator, Elizabeth Paige to execute all documents relating to the PA Flood Mitigation Program Grant for the Stumps Run channel improvements. Motion made by Heidi Potter and seconded by Elaine Saunter to adopt Resolution 2020-05 as presented. Motion carried unanimously.
- Council President, Heidi Potter inquired if Council had any questions or discussion regarding the proposed amendments to Borough Code/Part 5 – Permits & Inspections of Rental Properties. Borough Solicitor, Beau Hoffman stated he reviewed the Ordinance Committee’s proposed revisions and informed Council the revisions make Part 5 easier to understand plus everything is clearly stated. Council Member, Michael Kerstetter ask if the proposed amendments had been sent to any of the rental property owners for review. Borough Administrator, Elizabeth Paige stated no, but the first proposed amendments drafted by the Solicitor were reviewed by a rental property owner prior to the Ordinance Committee completing the updates of the proposed amendments. Motion made by George Price and seconded by Judy Lynn to advertise for a public hearing to consider amending Part 5 of Chapter 5 of the Borough Code. Motion carried unanimously.

COUNCIL MEMBERS/MAYOR/COMMITTEE REPORTS:

- Council Member, Elaine Saunter inquired about the meeting held with the property and homeowners about the Stumps Run Project. Council President, Heidi Potter supplied a brief update on the meeting held on June 23rd with Project Manager/Chris Sheaffer and the homeowners.
- Council Member, Michael Kerstetter inquired as to what the outcome was from the Zoning Hearing held for Craig Gemberling. Borough Administrator, Elizabeth Paige stated the Zoning Hearing was held on Tuesday, June 16th with the Zoning Hearing Board approving Craig & Carol Gemberling’s request for a special exception to operate an “auto repair shop”. Elizabeth Paige informed Council the legal written decision has not been received from the Zoning Hearing Board Solicitor, Brian Kerstetter.
- Council President, Heidi Potter inquired when the term of Mayor Debbie Bilger expires. Mayor Debbie Bilger stated her term will expire on December 31, 2021.
- Council President, Heidi Potter reminded the Borough Committees that budget requests need to be submitted by August. Personnel Committee Chairman, Brain Swartz stated he will email the personnel budget requests to Heidi Potter. Heidi Potter stated she received the Parks & Recreation Committee request but would like to meet with Chairperson, Judy Lynn to discuss the requests submitted.

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BOROUGH ADMINISTRATOR/ZONING OFFICER:

- Borough Administrator, Elizabeth Paige reviewed the Zoning Violation and Zoning Permit reports distributed.
- Borough Administrator, Elizabeth Paige informed Council a copy of the PA State Liquid Fuels Fund 2019 Audit showing no findings was received in the office today.

CORRESPONDENCE, MINUTES AND/OR REPORTS:

- Council President, Heidi Potter inquired if there were any questions or comments on any of the information distributed to Council. With no questions or comments, Heidi Potter called for a motion to adjourn the meeting.

Motion by Heidi Potter and seconded by Daniel Faust to adjourn the meeting at 8:55 p.m.

Respectfully Submitted,
Elizabeth Paige
Borough Administrator/Secretary