

MIDDLEBURG BOROUGH COUNCIL
MEETING MINUTES
Tuesday, June 14, 2022 @ 7:00 p.m.
Page 1

Meeting Location: Middleburg Borough Building, 13 N. Main Street, Middleburg, PA
Council Members: Present: Vice President/Daniel Faust, James Shull, Brian Pauling, Michael Kerstetter, Donald Zechman, Beverly Inch, and Mayor Heidi Potter. Absent was Brian Swartz.
Others Present: Beau Hoffman/Solicitor, Mark Bailey/Police Chief, Elizabeth Paige/Borough Administrator, Dustin Zechman/Borough Foreman, plus Trever Hess and Scott Shambach of Meck-Tech, Inc.
Public Present: Brenda Dombrowski and Diane Klingler

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

Council Vice President, Daniel Faust inquired if there were any additions and/or changes to tonight's meeting agenda. Borough Administrator, Elizabeth Paige requested the addition of Stumps Run Project completion. Motion by James Shull and seconded by Brian Pauling to approve the agenda with the addition of Stumps Run Project completion. Motion carried unanimously.

Motion made by James Shull and seconded by Brian Pauling to approve the May 10, 2022, monthly meeting minutes as presented. Motion carried unanimously. Motion made by Brian Pauling and seconded by James Shull to approve the May 17, 2022, special meeting minutes as presented. Motion carried unanimously.

Motion made by Michael Kerstetter and seconded by James Shull to approve the bills paid in May 2022 as presented. Motion carried unanimously.

Motion made by Daniel Faust and seconded by Brian Pauling to approve the financial statements as of May 31, 2022, as presented. Motion carried unanimously.

Motion made by Daniel Faust and seconded by Brian Pauling to appoint Beverly Inch to Borough Council to fill the vacancy due to the resignation of George Price. Roll call vote: Daniel Faust – yes, James Shull – yes, Brian Pauling – yes and Michael Kerstetter – no. Motion carried with three (3) yes and one (1) no votes. Mayor Heidi Potter administered the oath of office to newly appointed Council Member, Beverly Inch.

With approval from the Court of Common Pleas, Snyder County on May 19, 2022, of the petition by the Middleburg Borough Vacancy to appoint Council Member, Donald Zechman. Mayor Heidi Potter administered the oath of office to newly appointed Council Member, Donald Zechman.

PUBLIC COMMENTS:

- Middleburg Revitalization Committee (MRC) members, Diane Klingler and Brenda Dombrowski presented the following three (3) requests for approval to Borough Council: 1) Request to place luminaries around the park lake on Borough property on the last night of Fireman's carnival. Motion made by James Shull and seconded by Daniel Faust to approve the request to place luminaries around the park lake on Borough property on the last night of Fireman's carnival. Motion carried unanimously. 2) Approval to place a flag pole/memorial area on the Borough's property by the park lake near the current electrical service for the lake fountains. After a brief discussion of the proposed project, Borough Council unanimously agreed to table approval of the project until the Borough Foreman is

MIDDLEBURG BOROUGH COUNCIL
MEETING MINUTES
Tuesday, June 14, 2022 @ 7:00 p.m.
Page 2

present to answer questions about the proposed project site, and 3) Request for approval to close S. Charles Avenue and Edmond Avenue to conduct a “Home for the Holidays Festival” on Saturday, November 19, 2022. Council Member, Michael Kerstetter commented the MRC should inform the owner of VanHorn’s Auto Body about the road closure as the business has a rear driveway entrance located off S. Charles Avenue. Motion made by Donald Zechman and seconded by Daniel Faust to approve the road closure of S. Charles Avenue and Edmond Avenue as requested. Motion carried unanimously.

REPORTS:

Borough Engineer/Meck-Tech, Inc.

- Meck-Tech, Inc. representatives, Trever Hess and Scott Shambach reviewed the 2022 Road Project Bid results with Borough Council. Trever Hess informed Borough Council after receiving PennDOT’s requirements for the crosswalks located at N. Station Street, the Borough Engineer decided to remove all the sidewalk work from the bid package. Trever Hess reported the overall low bidder for each project is Mid-State Paving, LLC. Trever Hess and Scott Shambach briefly reviewed the steps on how the road project would move forward once the approved contractor is issued a notice to proceed. Also, Scott Shambach requested the Borough Administrator send notification letters to all residents along the project roads to notify them about the upcoming road work and request the residents to maintain a 15 MPH speed existing/entering their properties while the road project work is performed by Mid-State Paving, LLC. At this time Trever Hess and Scott Shambach addressed questions from Council, motion made by James Shull and seconded by Brian Pauling to award the 2022 Borough Road Project Bid Contract to Mid-State Paving, LLC for the base bid quote of \$219,862.25 per the bid award results presented. Motion carried unanimously.

Borough Solicitor – Beau Hoffman

- Borough Solicitor, Beau Hoffman reviewed a safety concern brought to his attention and recommended Borough Council consider adding a provision to Chapter 10, Part 1 of the Borough Code, which state something like: *No vegetation shall interfere with the visibility at road intersections nor shall any vegetation exceed 36 inches in height above the center line of the road when placed at a road intersection.* After a brief discussion, Borough Council unanimously agreed the Solicitor should draft a proposed ordinance amendment and advertise for a public hearing at next month’s meeting.
- Borough Solicitor, Beau Hoffman reviewed the letter from McNees Wallace & Nurick LLC to Attorney Davidson, who is representing Middleburg Yarn. If no response received by June 20, 2022, the Borough would send notice of violation to Middleburg Yarn about the property.
- Borough Solicitor, Beau Hoffman updated Borough Council about the letter sent to Brenda Kreider, property owner about the storage of junk vehicles and automotive parts along E. Market Street and within the public right-of-way. Since the properties are located within Franklin Township, the Borough will work cooperatively with Franklin Township to ensure compliance with the local ordinances.
- Borough Solicitor, Beau Hoffman stated he is working with the Borough Engineer on drafting a Road Cut Ordinance and amending the current Sidewalk Ordinance.

MIDDLEBURG BOROUGH COUNCIL
MEETING MINUTES
Tuesday, June 14, 2022 @ 7:00 p.m.
Page 3

- Borough Solicitor, Beau Hoffman informed Borough Council the substantial completion date of the Stumps Run Project was May 31, 2022. After consulting with Chris Sheaffer of Larson Design Group about the project contractor, LandServ not completing all the work, the Borough needs to determine what action to take. Chris Sheaffer recommended the following options: 1) Authorize an extension of the contract with a new completion date, and 2) Threaten with liquidated damages per Section 4.02 of the agreement, which is \$500.00 for each day outside of the contract. After a brief discussion, motion made by Brian Pauling and seconded by Michael Kerstetter to extend the contract completion date until July 15, 2022, withhold the final payment until the project work is completed, and if the work is not completed by July 15, 2022, the Borough will begin imposing the \$500/per day penalty authorized by Section 4.02 of the contract. Motion carried unanimously.

Police Chief – Mark Bailey

- Police Chief, Mark Bailey reviewed the monthly May 2022 Police Department Reports with Borough Council.
- Police Chief, Mark Bailey informed Borough Council that Tyrone Borough Police Department is willing to sell their Enradd speed timing device “as is” to Middleburg Borough for \$750.00. Chief Bailey reported the Enradd device is in good working condition.
- Police Chief, Mark Bailey reported the “End of Watch Ride to Remember”, which is a group of motorcycle riders from the state of Washington escorting a 40’ trailer across the country to honor fallen officers from the prior year, will be riding into Middleburg Borough and stopping at Every Occasion Venue on Wednesday, July 27th at 3 p.m. honoring fallen Chief of Police, Tony Jordan. The Middleburg Police Department will be serving hot dogs, chips, and a drink (everything was generously donated for the event).

Borough Foreman – Dustin Zechman

- Borough Foreman, Dustin Zechman reported on the status of the various Municipal Authority projects.
- Borough Foreman, Dustin Zechman reported on a walk through conducted with PennDOT representatives. PennDOT supplied the following letting schedule: 2023 letting for the resurfacing of E. Main Street from Swinehart Drive to Route 104, 2024 letting for the resurfacing of Route 104 from Dinius Avenue to Watertower Road and 2025 letting for micro-resurfacing of W. Market Street.
- Borough Council discussed the Middleburg Revitalization Committee’s request for approval to place a flag pole/memorial area on the Borough’s property by the park lake near the current electrical service for the lake fountains with the Borough Foreman. Borough Foreman, Dustin Zechman offered the following recommendations: 1) restrict the size of the project area, 2) inquire about who will be doing the electrical work for supplying the power to the project site, and 3) the location of the site may require the installation of a retaining wall.

MIDDLEBURG BOROUGH COUNCIL
MEETING MINUTES
Tuesday, June 14, 2022 @ 7:00 p.m.
Page 4

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 the draft copy of the Summer Borough Newsletter. Elizabeth Paige noted a couple minor corrections to the newsletter, which will be made before the final printing of the newsletter.
- Borough Administrator, Elizabeth Paige informed Borough Council the current balance of the delinquent per capita tax, which is collected by Berkheimer Tax Innovations, is \$2,125.50. Elizabeth Paige requested Borough Council approve writing off the collection of the delinquent per capita tax balance. Motion made by Brian Pauling and seconded by James Shull to approve writing off the collection of the delinquent per capita tax balance. Motion carried unanimously.
- Borough Administrator, Elizabeth Paige provide Borough Council with an update on the cost of the May 2022 Cleanup days.

OLD BUSINESS:

- Council Vice President, Daniel Faust called for discussion and/or approval of the Personnel Manual changes as distributed. With no discussion, motion made by Brian Pauling to approve the changes to the Personnel Manual as presented. Council member, Michael Kerstetter requested an executive session to further discuss the personnel manual changes.

EXECUTIVE SESSION: At 8:48 p.m. Council Vice President, Daniel Faust called for an executive session for personnel matters. Daniel Faust called the meeting back to order at 9:31 p.m. and called for a second to the previous made motion by Brian Pauling. With no second, the motion died. Motion made by Michael Kerstetter and seconded by James Shull to amend the change entitled “Spousal Medical Insurance” to be effective per any employee hired after 01/01/2022 and all other changes approved as presented. With Donald Zechman abstaining due to personal conflict, motion carried.

- Council Vice President, Daniel Faust called for the approval of the employment agreement for the Borough Foreman, Dustin Zechman. Council member, Michael Kerstetter requested an executive session to discuss the counter offers of the employment agreement for Dustin Zechman.

EXECUTIVE SESSION: At 9:39 p.m. Council Vice President, Daniel Faust called for an executive session for personnel matters. Daniel Faust called the meeting back to order at 9:49 p.m. Motion made by Daniel Faust and seconded by Brian Pauling to approve the employment agreement for the Borough Foreman as presented. With Donald Zechman abstaining due to personal conflict, motion carried.

- Council Vice President, Daniel Faust called for the approval of the employment agreement for the Borough Administrator, Elizabeth Paige. Motion made by Daniel Faust and seconded by Beverly Inch to approve the employment agreement for the Borough Administrator as presented. Motion carried unanimously.

**MIDDLEBURG BOROUGH COUNCIL
MEETING MINUTES
Tuesday, June 14, 2022 @ 7:00 p.m.
Page 5**

NEW BUSINESS:

- Borough Administrator, Elizabeth Paige reviewed the insurance renewal proposal for the Borough and the Municipal Authority from The Kilmer Group. The annual overall insurance premium increase for the policy coverage of 7/1/2022 to 7/1/2023 is \$5,489.00. After a brief discussion of the insurance coverage increases, motion made by James Shull and seconded by Donald Zechman to approve the insurance renewal proposal from The Kilmer Group. Motion carried unanimously.

COUNCIL MEMBER, MAYOR & COMMITTEE REPORTS

- Council Member, James Shull stated the light on the side of the Borough Office is on 24/7 and suggested the light be changed to dusk to dawn. James Shull would like to request a “Children at Play” sign be installed on Charles Avenue as he received a concern from a resident.

CORRESPONDENCE, MINUTES, REPORTS:

- Council Vice President, Daniel Faust briefly reviewed the correspondence, minutes and reports received.

With no comments or further business to conduct, motion made by James Shull and seconded by Brian Pauling to adjourn tonight’s meeting at 9:58 p.m.

Respectfully Submitted,

Elizabeth Paige, Borough
Administrator/Secretary