

**MIDDLEBURG BOROUGH COUNCIL**  
**MEETING MINUTES**  
**Tuesday, March 8, 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/President, George Price/Vice President, Michael Kerstetter and Daniel Faust. Absent: Heidi Potter/Mayor.  
Others Present: Beau Hoffman/Solicitor, Mark Bailey/Police Chief, Dustin Zechman/Borough Foreman, and Elizabeth Paige/Borough Administrator  
Public Present: Blake Tharp/Boy Scout, Scott Tharp, Brian Pauling, James Shull, and Rylan Ebright

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

Council President, Brian Swartz announced the Fire Chief, Dwayne Hackenberg will not be attending tonight's meeting. So therefore, the Fire Chief's report should be deleted from the agenda. Motion made by George Price and seconded Daniel Faust to approve the meeting agenda with the deletion of the Fire Chief's report. Motion carried unanimously.

Motion made by Brian Swartz and seconded by Daniel Faust to approve the February 8, 2022, monthly meeting minutes as presented. Motion carried unanimously.

Motion made by Michael Kerstetter and seconded by George Price to approve the bills paid in February 2022 as presented. Motion carried unanimously.

Motion made by Daniel Faust and seconded by Brian Swartz to approve the financial statements as of February 28, 2022, as presented. Motion carried unanimously.

**PUBLIC COMMENTS:**

- Boy Scout, Blake Tharp presented his Eagle Scout Project to build a pavilion type structure at the fire company grounds for the Boy Scouts to use. Blake Tharp informed Council he has reviewed and received approval from the fire company for his proposed Eagle Scout Project. Also, the Snyder County Conservation District office has reviewed the proposed project. After answering questions about the proposed project, Blake Tharp requested the Borough Council to waive the Borough's zoning permit fee. Motion made by Daniel Faust and seconded by George Price to waive the Borough's zoning permit fee for the proposed Eagle Scout Project by Blake Tharp.
- Middleburg resident, Brian Pauling introduced himself to Borough Council and expressed his interest in filling one of the open positions on Borough Council.
- Middleburg resident, James Shull introduced himself to Borough Council and expressed his interest in filling one of the open positions on Borough Council. James Shull also informed the Borough Council he had previously served a term on Council.

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**REPORTS:**

**Borough Solicitor – Beau Hoffman**

- Borough Solicitor, Beau Hoffman stated the Council has thirty (30) days from the acceptance of the resignation letter of former Council member, Judy Lynn to appoint a resident/registered elector of the Borough to fill the remaining term of office or to the next municipal election at which time an eligible individual shall be elected to the office for the remainder of the term. Beau Hoffman informed Borough Council the other two (2) open positions on Council, which remained unfilled after the last municipal election, are past the deadline by which Council or the Vacancy Board would have been able to appoint a member to fill either position. If Council wants to pursue appointing a person to fill either position, Council will need to petition the Court of Common Pleas to fill one or both positions. At this time, George Price informed Borough Council and the Solicitor that due to a move by his employer he would be resigning from Borough Council by May 31, 2022. Beau Hoffman stated Council will again have thirty (30) days from the acceptance of the resignation to appoint a resident/registered elector by resolution.

**EXECUTIVE SESSION** - At 7:20 p.m. Council President, Brian Swartz called for an executive session to discuss personnel and legal matters. Brian Swartz called the meeting back to order at 7:36 p.m. with the following motions being put forth by Borough Council:

- Motion made by Brian Swartz and seconded by Daniel Faust to adopt Resolution 2022-05 appointing James Shull to fill the vacancy of former Council member, Judy Lynn. Motion carried unanimously.
- Motion made by Brian Swartz and seconded by George Price to seat Brian Pauling on Borough Council as a non-voting member and direct the Borough Solicitor to petition the Court of Common Pleas to appoint Brian Pauling to one of the open Council positions. Motion carried unanimously.

**REPORTS CONTINUED:**

**Borough Solicitor – Beau Hoffman**

- Borough Solicitor, Beau Hoffman reviewed the letter dated February 25, 2022 to Attorney Davidson regarding the Middleburg Yarn building and informed Borough Council no response was received from Attorney Davidson as requested. Beau Hoffman reported the Middleburg Police Department reported to the Borough Administrator a contractor was parked behind the Middleburg Yard building site on Friday, March 4<sup>th</sup> and informed the police officer he was reviewing the building as he had been awarded the demolition contract for the building.
- Borough Solicitor, Beau Hoffman reviewed a draft ordinance to amend Chapter 21, Part 1: Snow and Ice Removal of the Middleburg Borough Code, which regulates the removal of snow and ice from sidewalks. After a brief review and discussion, Borough Council recommended revising the one noted change to state “each 12 month period beginning on October 1<sup>st</sup> of each year” instead of per year. Motion made by Daniel Faust and seconded by George Price to direct the Solicitor to make the revision as noted by Council and to advertise the ordinance for a public hearing at next month's meeting. Motion carried unanimously.

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- Borough Solicitor, Beau Hoffman reviewed a draft ordinance to amend Chapter 15, Part 213: Engine Suppression, Brake Retarders and Engine Brakes of the Middleburg Borough Code. Beau Hoffman stated the addition of SR 3008, Paxtonville Road, from the Middleburg Borough municipal boundary to the SR 104 intersection has been added as requested and per approval of PennDOT District 3-0. With no comments, motion made by George Price and seconded by Brian Swartz to direct the Solicitor to advertise the ordinance for public hearing at next month's meeting. Motion carried unanimously.

**Police Chief – Mark Bailey**

- Police Chief, Mark Bailey reviewed the monthly February 2022 Police Department Reports with Borough Council.
- Police Chief, Mark Bailey Informed Borough Council the Police Policy Manual updating process with Lexipol has begun. Police Policy Manual updates for Chapters 1 and 2 were reviewed with the Borough Solicitor, Beau Hoffman and are now ready for Council approval. Beau Hoffman stated the Mayor was not available to review the updates but the Mayor was emailed the updates and okayed them for approval. Mark Bailey stated until the entire manual is updated, this will be an ongoing process throughout the year. With no comments or questions, motion made by Daniel Faust and seconded by George Price to approve the Police Policy Manual updates for Chapters 1 and 2. Motion carried unanimously.
- Police Chief, Mark Bailey reviewed security concerns, which were brought to the attention of the Borough Administrator by the Middleburg Librarian, Lisa Steffen. After a discussion of the security concerns, Borough Council requested the Police Chief to investigate the cost of installing a security camera in the elevator lobby and directed the Borough Administrator to request the Middleburg Librarian to turn off the public Wi-Fi access when the library is not open. If the public Wi-Fi access is not available, there would be no reason for people to loiter around the Borough building and would eliminate one of the security concerns.

**Borough Foreman – Dustin Zechman**

- Borough Foreman, Dustin Zechman supplied the Council with updates on both the Municipal Authority's water improvements project and sewer project.
- Borough Foreman, Dustin Zechman informed Borough Council he was able to order the utility box for the new borough truck but will have to wait for 2023 truck pricing to place the new truck order.
- Borough Foreman, Dustin Zechman reported the game commission supplied him with a couple of names for people, who are permitted to trap muskrats. Dustin Zechman stated he contacted one person, who is not interested and left a message for the other person to supply pricing if interested. Borough Council requested Dustin to report back next month regarding the pricing to trap the muskrats.

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

- Borough Administrator, Elizabeth Paige reviewed the 2022 Zoning Permit Report with Borough Council.
- Borough Administrator, Elizabeth Paige informed Borough Council State Auditor, Vicki Baker completed the 2020 State Liquid Fuels Audit on February 23, 2022. There were no audit findings.
- Borough Administrator, Elizabeth Paige reviewed the 2022 Bidding Thresholds supplied by PennDOT Municipal Services Supervisor, Greg Dibble.
- Borough Administrator, Elizabeth Paige reviewed the draft of the 2022 Spring Newsletter. Elizabeth Paige reported Snyder County EMC, Derick Shambach contacted the Borough about joining the Snyder County alert system once the Borough's contract with SWIFT911 expires. Elizabeth Paige informed Borough Council the cost to join the Snyder County System will be sufficiently less than renewing the SWIFT911 alert system contract. Also, Derick Shambach granted the Borough access to the Snyder County alert system along with uploading all current Borough contact information, which gives the Borough time to transition from the SWIFT911 system.

**OLD BUSINESS:**

- Buildings, Streets & Sidewalks Committee Chairman, Daniel Faust requested the Borough Administrator send the committee members the previous email sent listing the comments from the Sidewalk Inspection report regarding the E. Market Street property sidewalks. Daniel Faust stated he would like to schedule a committee meeting to discuss the sidewalks along E. Market Street and prepare a recommendation on how to proceed with the E. Market Street roadway project. Borough Foreman, Dustin Zechman made the recommendation to require sidewalk prepares be completed this year and bid only the E. Market Street base road repairs with the final road wearing course being applied in year 2023. At this time, Council President, Brian Swartz requested the committee to move forward with holding a meeting to prepare a recommendation to be present at next month's meeting.

**COUNCIL MEMBER & COMMITTEE REPORTS:**

- Council Member, James Shull informed Borough Council he is having problems with the rental property tenants on N. Charles Avenue parking in the public parking in front of his property. James Shull stated he has spoken with the rental property owner, who intends to improve his tenant's parking area this year. James Shull suggested Borough Council consider limiting the time for parking or to eliminate public parking along N. Charles Avenue. Police Chief, Mark Bailey stated he will look at the public parking along N. Charles Avenue and access the possibility of painting park spaces. Borough Foreman, Dustin Zechman stated his recommendation would be to eliminate the public parking along N. Charles Avenue due to the width of the road, the steep incline, and the fire hydrant location.

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- Council President, Brian Swartz stated he would like to add James Shull to the Personnel Committee and the Community Improvements Committee. Also, Brian Swartz stated he is adding Brian Pauling to the Buildings, Streets & Sidewalks Committee.
- Personnel Committee Member, Brian Swartz reported the committee meet with Dustin Zechman and Elizabeth Paige to review draft employment agreements. Brian Swartz stated the Personnel Committee will need to meet again to finalize the employment agreements for Dustin Zechman and Elizabeth Paige.
- Snyder County Tax Collection Committee Alternate Member, Michael Kerstetter reported he attended the February 24, 2022 meeting. Michael Kerstetter provided a brief report on the business conducted by the committee at the meeting. Based on the 2022 proposed budget, budgeted contributions will be proportional to the earned income tax revenue received by the municipality and the school districts. Borough Administrator, Elizabeth Paige reported Middleburg Borough's contribution invoice was received and paid at the beginning of March.

**CORRESPONDENCE, MINUTES or REPORTS:**

- Council President, Brian Swartz called for any questions or comments regarding the February 8, 2022, Municipal Authority meeting minutes or the PennDOT Notice about the upcoming traffic counting.

With no comments or further business to conduct, motion made by George Price and seconded by Daniel Faust to adjourn tonight's meeting at 9:14 p.m.

Respectfully Submitted,

Elizabeth Paige, Borough  
Administrator/Secretary