

**MIDDLEBURG BOROUGH COUNCIL**  
**MEETING MINUTES**  
**Tuesday, May 10, 2022 @ 7:00 p.m.**  
**Page 1**

Meeting Location: Middleburg Borough Building, 13 N. Main Street, Middleburg, PA  
Council Members: Present: Brian Swartz/President, George Price/Vice President, Daniel Faust, James Shull, Brian Pauling, Michael Kerstetter and Mayor Heidi Potter.  
Others Present: Beau Hoffman/Solicitor, Mark Bailey/Police Chief, Michael Thomas/Borough Engineer, Elizabeth Paige/Borough Administrator, Dustin Zechman/Borough Foreman, and Butch Hackenberg/Fire Chief  
Public Present: None

**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 inquired if there were any additions and/or changes to tonight's meeting agenda. Borough Administrator, Elizabeth Paige requested to add a review of the annual rental permit fee to the agenda. Motion by James Shull and seconded by Daniel Faust to approve the agenda with the addition of a review of the annual rental permit fee. Motion carried unanimously.

With approval from the Court of Common Pleas, Snyder County on April 18, 2022, of the petition by the Middleburg Borough Vacancy to appoint Council Member, Brian Pauling. Mayor Heidi Potter administered the oath of office to newly appointed Council Member, Brian Pauling.

Motion made by Daniel Faust and seconded by George Price to approve the April 12, 2022, special meeting minutes and monthly meeting minutes as presented. Motion carried unanimously.

Motion made by George Price and seconded by Brian Swartz to approve the bills paid in April 2022 as presented. Motion carried unanimously.

Motion made by George Price and seconded by Daniel Faust to approve the financial statements as of April 30, 2022, as presented. Motion carried unanimously.

**REPORTS:**

**Borough Engineer – Michael Thomas**

- Borough Engineer, Michael Thomas reviewed the proposed revisions to the 2022 Road Project Estimates, which PennDOT Municipal Services Representative, Brian Haight originally supplied to the Borough. Michael Thomas reviewed the proposed E. Market Street project and discussed proposed changes to the project by breaking out items such as drainage, roadway base repairs, and sidewalk/curb repairs needed before the final paving of the roadway from Stetler Lane to Main Street intersection. Michael Thomas also proposed a change to the Bachman Alley cost estimate from a superpave asphalt wearing course to a 90# scratch coating with a fog seal application, which could be a cost savings for the Borough. Michael Thomas stated the estimate for Railroad Avenue and N. Station Street were okay except the addition of ADA ramps on N. Station Street. Michael Thomas informed Borough Council the 2022 Road Project Bid includes the following statements: "The Borough Council reserves the right to accept and/or reject all or any submitted bids as a complete bid package or as individual bids. The Borough Council reserves the right to add or delete streets from the scope of work.

**MIDDLEBURG BOROUGH COUNCIL**  
**MEETING MINUTES**  
**Tuesday, May 10, 2022 @ 7:00 p.m.**  
**Page 2**

- Borough Engineer, Michael Thomas reviewed the updated sidewalk inspection report of E. Market Street sidewalks and curbs with Borough Council. After the review, Borough Council unanimously approved the property owner at 59 E. Market Street may decide to remove the existing sections of sidewalk from the property or provide a new walkway through the entire property. If the property owner at 59 E. Market Street makes the decision to remove the existing sidewalk sections, then the property owner at 57 E. Market Street may also decide to remove the existing sidewalk from their property or provide a new walkway through the entire property. Borough Council requested the Borough Administrator send a letter to each property owner along E. Market Street addressing their individual sidewalk/curb inspection and supply the option of either scheduling an onsite meeting with the Borough Engineer to discuss the repairs necessary or attending a meeting at the Borough office building with the Borough Engineer and Borough Solicitor, who will address questions about sidewalk inspections and/or ordinance compliance.

**Borough Solicitor – Beau Hoffman**

- Borough Solicitor, Beau Hoffman briefly reported on current Right-to-Know Law changes and informed Borough Council the Council Meeting Policy should be updated in accordance with the Right-to-Know Law. Beau Hoffman stated he will prepare an updated version of the Borough Council Meeting Policy for next month's meeting.
- Borough Solicitor, Beau Hoffman informed new Borough Council members (James Shull and Brian Pauling) about the Borough's adopted social media Policy.
- Borough Solicitor, Beau Hoffman stated he would like to hold an Executive Session to discuss legal matters regarding the Middleburg Yarn building.

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

- Fire Chief, Butch Hackenberg reviewed the current Reliance Hose Co. reports with Borough Council and supplied an update on upcoming fire company events.

**Police Chief – Mark Bailey**

- Police Chief, Mark Bailey reviewed the monthly April 2022 Police Department Reports with Borough Council.
- Police Chief, Mark Bailey provided Borough Council with a brief update on the status of the newly hired part-time officer, Scott Rood.
- Police Chief, Mark Bailey reported on the Police Memorial Service attended by the police department, which was held on Monday, May 9<sup>th</sup> at the State Museum of PA in Harrisburg where former Police Chief Tony Jordan was honored.
- Police Chief, Mark Bailey informed Borough Council the infra-red speed dedication system used by the police department was not working correctly and has been determined to be unrepairable as the system is so outdated.

**MIDDLEBURG BOROUGH COUNCIL**  
**MEETING MINUTES**  
**Tuesday, May 10, 2022 @ 7:00 p.m.**  
**Page 3**

- Police Chief, Mark Bailey reminded Borough Council former Police Chief Tony Jordan will also be honored during the 41<sup>st</sup> National Peace Officers' Memorial Service in Washington, D.C. Police Chief Bailey stated the Middleburg Police Department will be attending this memorial service and Officer Scott Rood will be providing coverage of the police department on Friday, May 13<sup>th</sup> and Saturday, May 14<sup>th</sup>. Police Chief Bailey stated the Memorial Services will be live streamed at the following website: [www.policeweek.org](http://www.policeweek.org)

**Borough Foreman – Dustin Zechman**

- Borough Foreman, Dustin Zechman supplied Borough Council with an update on both the Municipal Authority's water improvements project and sewer project. Dustin Zechman reported the Department of Environmental Protection (DEP) performed an inspection of the water plant improvements on Friday, May 6<sup>th</sup>.
- Borough Foreman, Dustin Zechman informed Borough Council the Municipal Authority approved the purchase of a new trailer for transporting equipment. The Municipal Authority is requesting the Borough Council to budget for the construction of a new salt shed so the existing salt shed area can be repurpose as a storage area for the new trailer.
- Borough Foreman, Dustin Zechman stated the Middleburg Teener League made a request for the Borough to repair the baseball infield, which was damaged last fall. Dustin Zechman informed Borough Council the cost of the material for the baseball infield would be approximately \$1,000. After a brief discussion of budgeted funds, motion made by Brian Pauling and seconded by Daniel Faust to purchase the material for the baseball infield with budgeted recreation park maintenance funds. Motion carried unanimously.

**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 informed Borough Council the Penn Valley Airport Manager contacted the Borough office about appointing a replacement for Middleburg Borough Penn Valley Airport Authority (PVAA) representative, Jack Kircher, who passed away in January 2022. The qualifications to be a PVAA representative are as follows: must be a Borough resident or business owner in the Borough or Borough tax payer or Borough employee. Currently the PVAA members are approving monthly expenditures via email and conducting an in person meeting quarterly. After a brief discussion, Borough Administrator, Elizabeth Paige volunteered to represent Middleburg Borough until Borough Council can find a representative for the PVAA.
- Borough Administrator, Elizabeth Paige reviewed a request for mileage reimbursement for the Municipal Authority Secretary, Jodie Sheaffer, and herself. After a discussion of the possibility of the usage of a Borough vehicle or mileage expense reimbursement for conducting bank deposits, zoning inspections, and posting of the past due water/sewer notices, motion made by Brian Swartz and seconded by George Price to approve mileage expense reimbursement at the current IRS mileage reimbursement rate. Motion carried unanimously. Council President, Brian Swartz requested the Borough Administrator add a revision to the Employee Personnel Manual about mileage expense

**MIDDLEBURG BOROUGH COUNCIL**  
**MEETING MINUTES**  
**Tuesday, May 10, 2022 @ 7:00 p.m.**  
**Page 4**

reimbursement to reimburse the current IRS mileage rate to Borough Employees, whose job descriptions require them to perform job related activities via the usage of their personal vehicle

- Borough Administrator, Elizabeth Paige stated there were thirty-two (32) letters mailed out to rental property owners, who have not scheduled rental inspections, which are due by June 30<sup>th</sup>. Elizabeth Paige informed Borough Council she reached out to the Boroughs of Selinsgrove, Mifflinburg, and Lewisburg, who are currently use the service of the Central Keystone COG to issue annual rental permits, collect the annual rental permit fee and perform rental inspections. Elizabeth Paige stated rental tenants have complained about the rental permit fee included on the quarterly water/sewer bill, which the rental property owner sends to them to pay. Borough Solicitor, Beau Hoffman informed Borough Council the payment of rental permit fee is between the rental property owner and the tenant.

**EXECUTIVE SESSION:** At 8:49 p.m. Council President, Brian Swartz called for an executive session to discuss legal and personnel matters. Brian Swartz called the meeting back to order at 9:12 p.m. with no action by Council required. Council President, Brian Swartz requested the Borough Administrator to print copies of the employee personnel manual with the proposed revisions included along with copies of the proposed employment agreements for the Borough Foreman and Borough Administrator and supply a packet of these copies to each Council member, the Mayor, and Borough Solicitor as soon as possible.

**NEW BUSINESS:**

- Council President, Brian Swartz stated Council reviewed and discussed the Personnel Manual changes and employment agreements for the Borough Foreman and Borough Administrator in the executive session. Brian Swartz requested these matters added on to next month's meeting agenda.
- Council President, Brian Swartz reviewed the resignation letter submitted by Council Vice-President, George Price. Motion made by Brian Swartz and seconded by Daniel Faust to accept the resignation letter of George Price with an effective date of May 31, 2022. Motion carried unanimously. Borough Administrator, Elizabeth Paige stated there are two (2) residents interested in being appointed to Borough Council, which are Donald Zechman Jr. and Beverly Inch. Since Beverly Inch is the current Vacancy Board Chairperson, Borough Solicitor suggested the appointment of Donald Zechman Jr. by petition to the Court of Common Pleas by the Borough Vacancy Board then appointing Beverly Inch to replace George Price at the next meeting. After Council held a brief discussion, Brian Swartz requested the Borough Administrator contact Beverly Inch and then advertise to hold a special meeting of the Borough Vacancy Board on Tuesday, May 17, 2022, at 6:00 p.m. to review and approve the petition to the Court of Common Pleas to appoint Donald Zechman, Jr as a Borough Council member.
- Council President, Brian Swartz called for nominations to appoint a new Council Vice-President due to the resignation of George Price. Motion made by Michael Kerstetter to nominate Council member, Daniel Faust as Council Vice-President and seconded by James Shull. With the nomination being accepted by Daniel Faust, motion carried unanimously. Council President, Brian Swartz requested the Borough Administrator to make the necessary changes to the Borough bank account signature cards by May 31, 2022 to remove George Price and add Daniel Faust as an authorized signer.

**MIDDLEBURG BOROUGH COUNCIL**  
**MEETING MINUTES**  
**Tuesday, May 10, 2022 @ 7:00 p.m.**  
**Page 5**

- Council President, Brian Swartz reviewed the renewal costs of the Borough employee health, vision, and dental insurances effective June 1, 2022. After a brief discussion, motion made by Brian Pauling and seconded by Brian Swartz to renew the Borough employee health, vision, and dental insurances as presented. Motion carried unanimously.
  
- Council President, Brian Swartz reviewed a proposed resolution in support of passage of legislation to end the prohibition imposed on the cannabis plant industry and support the expungement of all criminal charges/judgements associated with previous cannabis enforcement. Borough Council showed no interested in the proposed resolution.

**COUNCIL MEMBER, MAYOR & COMMITTEE REPORTS**

- Council Member, Michael Kerstetter stated there was a concern brought to his attention about the danger of riding bicycles along E. Market Street at the Borough’s boundary line with Franklin Township. After a brief discussion about items from the Kreider property in Franklin Township extending out into the road right-of-way, Borough Administrator informed Borough Council she is unsure how enforcement action could be taken without a legal survey being conducted of the Borough’s boundary line. Borough Council requested the Borough Administrator to contact Franklin Township about the Kreider property.
  
- Community Improvements Committee Chairperson, Heidi Potter supplied a brief report on the proposed mural planned for placement on the side of the thrift store building at the corner of N. Main Street and E. Market Street.

**CORRESPONDENCE, MINUTES, REPORTS:**

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

With no comments or further business to conduct, motion made by James Shull and seconded by George Price to adjourn tonight’s meeting at 9:49 p.m.

Respectfully Submitted,

Elizabeth Paige, Borough  
Administrator/Secretary