

**MIDDLEBURG BOROUGH COUNCIL**  
**MEETING MINUTES**  
**Tuesday, September 14, 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, Michael Kerstetter, Daniel Faust, Judy Lynn, and Mayor Heidi Potter.  
Others Present: Beau Hoffman/Solicitor, Mark Bailey/Police Chief, Christopher Sheaffer/Engineer, Dustin Zechman/Borough Foreman, and Elizabeth Paige/Borough Administrator  
Public Present: Kim Ebright, John Kreighbaum and Evan Stearns

**CALL TO ORDER:** Middleburg Borough Council meeting called to order by Council President, Brian Swartz at 7:02 p.m. following the pledge of allegiance.

Motion made by George Price and seconded by Daniel Faust to amend and approve the meeting agenda with the addition of a discussion and possible motion to increase the 2022 rate for Contracted Police Services. Motion carried unanimously.

**PUBLIC COMMENTS:**

- Glendale Cemetery Association members, Kim Ebright and John Kreighbaum informed Borough Council about the plan to install a new access roadway for the cemetery located off East Market Street (across the street from the entrance to the PBS plant). Kim Ebright stated after contacting the Borough Administrator, Borough Foreman and Snyder County Planning Director about permitting and planning requirements. The Glendale Cemetery Association contacted the Borough Foreman about an approximate price to install a stormwater drainage as required by the Snyder County Land Development & Planning Ordinance. Borough Foreman, Dustin Zechman quoted an approximate cost of \$5,000 - \$6,000 for installing the required stormwater drainage. Kim Ebright requested the Borough Council to consider installing and paying for the required stormwater drainage as the Glendale Cemetery Association still has concerns about the cemetery access especially during the winter months once the Stumps Run Project is completed and the Cemetery Road bridge removed. Solicitor Beau Hoffman stated Borough Council cannot act on this matter tonight as all actions need to be included on the meeting agenda per the new PA Sunshine Law Mandate. After a brief discussion regarding the new access roadway and stormwater drainage, Council President stated the request from the Glendale Cemetery Association should be placed on next month's meeting agenda for discussion and consideration of possible action by the Borough Council.

Motion made by Daniel Faust and seconded by George Price to approve the August 10, 2021, meeting minutes as presented. Motion carried unanimously.

Motion made by Judy Lynn and seconded by Brian Swartz to approve the bills paid in August 2021 as presented. Motion carried unanimously.

Motion made by Michael Kerstetter and seconded by Brian Swartz to approve the financial statements as of August 31, 2021, as presented. Motion carried unanimously.

**REPORTS:**

**Fire Chief – Dwayne “Butch” Hackenberg (Not present)**

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**Borough Engineer – Chris Sheaffer**

- Borough Engineer, Chris Sheaffer introduced Evan Stearns from LandServ, Inc., who would like to discuss a Change Order Request to be added to the Stumps Run Stream Relocation Project. Evan Stearns distributed a timeline of project information for review along with Change Order Request form with the scope of work to be added to the project. After review by Evan Stearns, Solicitor Beau Hoffman stated LandServ's legal counsel contacted him about the Change Order Request and a possible appeal if the Change Order Request was not approved. Borough Council members questioned both Evan Stearns and Borough Engineer, Chris Sheaffer about the project bid documents and Change Order Request. At 7:46 p.m. Borough Council President, Brian Swartz called for an Executive Session for legal discussion of the Change Order Request from LandServ, Inc. Council President, Brian Swartz called the meeting back to order at 7:56 p.m. Motion made by Daniel Faust and seconded by George Price to approve the Change Order Request as presented by LandServ, Inc. with a net change of \$17,800.00 to the Stumps Run Stream Relocation Project. Motion carried unanimously.
- Borough Engineer, Chris Sheaffer informed Borough Council the removal of a utility pole located on Barry Fry's property, which is presenting construction issues with the Stumps Run Stream Relocation Project. PPL will relocate the pole at no cost to the Borough as it is located within the Borough's project area. PPL stated the pole relocation will not take place until September 25<sup>th</sup>, which may delay the work in this area of the project.
- Borough Engineer, Chris Sheaffer informed Borough Council Payment Request No. 2 from LandServ, Inc. was received and reviewed by Larson Design, Inc. The payment request was emailed to the Borough Administrator, Elizabeth Paige for payment processing.

**Borough Solicitor – Beau Hoffman**

- Borough Solicitor, Beau Hoffman informed Borough Council the draft Ordinance Amendment to the 2018 IPMC regarding weeds is ready but should be placed on next month's meeting agenda.
- Borough Solicitor, Beau Hoffman stated he has legal matters to discuss with Borough Council in an Executive Session.

**Police Chief – Mark Bailey**

- Police Chief, Mark Bailey reviewed the monthly Police Department Reports with Borough Council.
- Police Chief, Mark Bailey stated he has been investigating options to update the Police Department Policies/Procedures Manual. Mark Bailey stated Lexipol was contacted about providing a price proposal to update the Police Department Policies/Procedures Manual based on three (3) full-time officers in the department. Mark Bailey informed Borough Council the price proposal of \$32,345.40 from Lexipol also includes 12 months of training exercises for the officers. Mark Bailey requested consideration of including the Lexipol price proposal in the 2022 Police Department Budget. Mayor, Heidi Potter stated during a recent training session she attended regarding police department policies/procedures that the liability of not having updated policies/procedures could come back on the Borough. Borough Solicitor, Beau Hoffman suggested since the Borough retains the service of

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McNees Wallace & Nurick, LLC that the Borough Administrator contact them about obtaining a price proposal from them to update the Police Department Policies/Procedures Manual. Borough Council unanimously agreed to have the Borough Administrator contact McNees Wallace & Nurick, LLC for a price proposal.

- Police Chief, Mark Bailey stated the current billing rate for 2021 Contracted Police Services for Beavertown Borough, Middlecreek Township and McClure Borough is \$60.00 per hour of service. Council President, Brian Swartz recommended a \$5.00 per hour increase for year 2022 Contracted Police Services based on the increase cost of health insurance and wage increases for year 2022. After a brief discussion, motion made by George Price and seconded by Daniel Faust to increase the current 2021 rate of \$60.00 per hour to \$65.00 per hour for year 2022 Contracted Police Services provided to Beavertown Borough, Middlecreek Township and McClure Borough. Motion carried unanimously. Borough Administrator was directed to send a letter of notification regarding the 2022 rate increase to each municipality.
- Police Chief, Mark Bailey informed Borough Council the new police vehicle will be ready for pickup soon.

**Borough Foreman – Dustin Zechman**

- Borough Foreman, Dustin Zechman updated Borough Council on the Middleburg Municipal Authority's Water Improvements Project. Dustin Zechman stated the contractor has done only base repairs to the roads with the final road paving taking place later. Dustin Zechman informed Borough Council since there is no Borough ordinance requiring road cut permits, there is no way to make the contractor complete the road repairs in a timelier manner. Borough Administrator, Elizabeth Paige questioned the Borough Solicitor about adapting the Monroe Township's Road cut ordinance for consideration and possible adoption by Borough Council. Borough Solicitor, Beau Hoffman stated he check on adapting Monroe Township Road cut ordinance and requested an ordinance review be placed on next month's meeting agenda.
- Borough Foreman, Dustin Zechman stated after the last storm there was a couple trees down in the recreation park area. Dustin Zechman informed Borough Council he contacted Apache Tree Service, George Long for a quote on cleaning up the down trees. George Long told Dustin he would do the tree cleanup at no cost to the Borough. Borough Council requested the Borough Administrator send a letter of thanks to George Long for the tree cleanup service.

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

- Borough Administrator, Elizabeth Paige presented the updated Borough code violations report and informed Borough Council there was no zoning permits issued in the month of August.
- Borough Administrator, Elizabeth Paige reviewed a letter of response from Tonia Brubaker regarding the possible Rental Property violation at 152 Dinius Avenue. After reviewing the letter and brief discussion of the rental property ordinance regulations, motion made by Brian Swartz and seconded by George Price to grant a waiver based on the letter regarding the 152 Dinius Avenue property and affidavit stating a family member is residing in the house with no funds being exchanged for rent or property expenses. Motion carried unanimously.

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- Borough Administrator, Elizabeth Paige reviewed the Pennsylvania Municipal Retirement System required Minimum Municipal Obligation worksheets for Plan Year 2022 for the police officer and borough employee pension plans.
- Borough Administrator, Elizabeth Paige reviewed the “Draft” of the Fall Newsletter with Borough Council. Elizabeth Paige stated the hours for Trick or Treating in the Borough will be 6 p.m. – 8 p.m. on Saturday, October 30<sup>th</sup>. Mayor Heidi Potter requested a minor change of the wording in Mayor’s message.
- Borough Administrator, Elizabeth Paige informed Borough Council the approximate cost for the phone service at the Borough maintenance shed is \$350.00 per year. After a brief discussing the phone service necessity with the Borough Foreman, Borough Council unanimously agreed the phone service cost will remain in the year 2022 Budget.
- Borough Administrator, Elizabeth Paige informed Borough Council the 2020 Audit Reports prepared by Herring, Roll & Solomon, P.C. should be completed by September 30, 2021.

**EXECUTIVE SESSION:** Borough Council entered an executive session for the discussion of personnel and legal matters at 8:49 p.m. Council President, Brian Swartz called the meeting back to order at 9:50 p.m. with no action being taken by Borough Council.

**OLD BUSINESS:**

- Council President, Brian Swartz announced the discussion of health insurance cost savings was conducted during the executive session with no action required at this time.

**NEW BUSINESS:**

- Council President, Brian Swartz reviewed the resignation of Council Member, Elaine Sautner effective immediately. Motion made by Brian Swartz and seconded by Daniel Faust to accept the resignation of Council Member, Elaine Sautner. Motion carried unanimously. Borough Solicitor, Beau Hoffman informed Borough Council they have thirty (30) days from the date of resignation acceptance to appoint someone to fill the vacancy.
- Council President, Brian Swartz opened a discussion of the usage of Borough lands for hunting in the 2021 hunting season. After a brief discussion, the Borough Council unanimously decided to have the Borough Foreman post the Borough lands with “No Hunting” posters for the 2021 hunting season.

**COUNCIL MEMBER & COMMITTEE REPORTS:**

- Buildings & Grounds Chairman, George Price ask the Borough Administrator if there was any response to the email for a price quote to replace the elevator shaft roof from GHS, Inc. Borough Administrator, Elizabeth Paige stated she has received no response from GHS, Inc. Mayor Heidi Potter suggested contacting John Merroth for price quote to replace the elevator shaft roof. Elizabeth Paige will send John Merroth an email about obtaining a price quote.

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- Budget Committee Chairperson, Heidi Potter stated the committee has started conducting meetings. After a brief discussion, Heidi Potter stated the next Budget Committee meeting will be held on Tuesday, September 21<sup>st</sup> at 4 p.m.
- Council President, Brian Swartz stated the Borough Land Usage Committee can be dissolved and be removed from the meeting agenda.

**Correspondence, Minutes or Reports:**

- Council President, Brian Swartz called for any questions or comments of the correspondence, minutes or reports included on tonight's meeting agenda.

With no comments or further business to conduct, motion made by Judy Lynn and seconded by Daniel Faust to adjourn tonight's meeting at 10:03 p.m.

Respectfully Submitted,  
Elizabeth Paige  
Borough Administrator/Secretary