

MIDDLEBURG BOROUGH COUNCIL

MEETING MINUTES

Tuesday, April 11, 2023 @ 7:00 p.m.

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Meeting Location: Middleburg Borough Building, 13 N. Main Street, Middleburg, PA
Council Members: Present: Brian Swart/President, Donald Zechman/Vice-President, Michael Kerstetter, Beverly Inch, Joseph Mizak, and Brian Pauling. Absent: James Shull and Mayor Heidi Potter.
Others Present: Trever Hess/Borough Engineer Representative, Beau Hoffman/Solicitor, Police Chief/Mark Bailey, Borough Foreman/Dustin Zechman and Borough Administrator/Elizabeth Paige
Public Present: Barry & Diane Fry

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. Motion by Brian Pauling and seconded by Joseph Mizak to approve the meeting agenda as presented. Motion carried unanimously.

Motion made by Brian Pauling and seconded by Brian Swartz to approve the March 14, 2023, monthly meeting minutes as presented. Motion carried unanimously.

Motion made by Donald Zechman and seconded by Brian Pauling to approve the bills paid in March 2023, as presented. Motion carried unanimously.

Motion made by Brian Swartz and seconded by Joseph Mizak to approve the financial statements as of March 31, 2023, as presented. Motion carried unanimously.

PUBLIC COMMENTS:

- Diane & Barry Fry requested approval from Borough Council to enlarge the entrance to the existing driveway at 41 E. Market Street by an additional 5-6 feet. After a brief discussion of the request to enlarge the driveway entrance, Borough Administrator/Elizabeth Paige noted Barry & Diane Fry are not the legal deeded owners of the property. Borough Solicitor, Beau Hoffman recommended if Borough Council approves the enlargement of the driveway entrance, then a signed letter from the current legally deeded property owners should be submitted to the Borough office along with the required sidewalk/curb permit application for the repairs/replacement of the sidewalks at 41 E. Market Street. Motion to approve the request to enlarge the existing driveway by an additional 5-6 feet at 41 E. Market Street along with a letter of approval being submitted to the Borough office from the current legally deeded property owners was made by Donald Zechman and seconded by Brian Pauling. Motion carried unanimously. Diane & Barry Fry left the meeting at 7:13 p.m.

REPORTS:

Borough Engineer/Meck-Tech, Inc. – Trever Hess

- Borough Engineer Representative, Trever Hess presented and reviewed the 2023 Drainage Project for E. Market Street with Borough Council. After the review of the project, Trever Hess requested Borough Council approve advertising the project for sealed bids. Motion by Brian Pauling and seconded by Joseph Mizak to approve the advertising of the 2023 Drainage Project for E. Market Street. Motion carried unanimously. Trever Hess left the meeting at 7:31 p.m.

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Borough Solicitor – Beau Hoffman

- Borough Solicitor, Beau Hoffman reported the Code Enforcement Officer, Marty Sowers stated there has been no hearing date scheduled for the citations filed against Middleburg Yarn at the Magisterial District Judge's office. Beau Hoffman informed Borough Council since the property owner has failed or refused to permit entry and free access to the structure as requested by Marty Sowers, he advised Marty Sowers to file a complaint and petition with the District Magistrate for an order of compliance with the inspection requirement of Section 5-704. Right of Entry of the Middleburg Borough Code.
- Borough Solicitor, Beau Hoffman stated the Borough received a petition from a majority of the property owners requesting the Borough to vacate an unopen street (paper street) laid out at the intersection of Bachman Street and W. Willow Avenue but never open to public access. Beau Hoffman informed Borough Council a public hearing must be schedule after receipt of the petition along with a 15-day notice to all property owners abutting the unopen street and a 15-day notice of the public hearing in a newspaper of general circulation. Following the public hearing, the Borough Council shall either by motion deny the petition or by ordinance vacate the street. At this time, Borough Council directed the Borough Solicitor to move forward with the necessary notices for the public hearing and to prepare an ordinance if Council motions to vacate the street.

Police Chief – Mark Bailey

- Police Chief, Mark Bailey reviewed the March 2023 monthly police reports with Borough Council.
- Police Chief, Mark Bailey reminded Borough Council one of the main purposes for providing Contracted Police Services to other municipalities is to help offset the cost of the third full-time police officer of the Borough. Chief Bailey also provided an example of the benefit of the third full-time officer when scheduling police coverage for both the Borough and Contracted Police Service areas. Chief Bailey requested Borough Council consider this information when the personnel discussion for hiring the third full-time officer is held.
- Police Chief, Mark Bailey stated the 2023 Parade Permit Application has been approved. PennDOT District 3-0 has stated the 2023 Road Project Bid for Routes 522 & 104 will include a clause, which will state that no road work will be conducted the week of the Firemen's Carnival. Council President, Brian Swartz reminded Borough Council that no approval for road closures within the Borough has been submitted by the fire company. At this time, Borough Council reviewed the email response regarding the fire company parade line-up. Chief Bailey stated the fire company also must supply him with information regarding the number of volunteers/people available for conducting the required road closures for the parade detour route. Chief Bailey stated he will email Fire Company President, Rylan Ebright about road closures and staffing for the required road closures for the parade detour route.

Borough Foreman – Dustin Zechman

- Borough Foreman, Dustin Zechman reviewed the letter received from PennDOT dated March 21, 2023, regarding a damaged storm sewer cross pipe under Route 104 and the required response letter prepared by the Borough Administrator. Dustin Zechman informed Borough Council the damage was not a result of the Municipal Authority's water project but was brought to the attention of PennDOT during the water project. Dustin Zechman informed Borough Council he received a quote of \$2,545.00 from Mid-State Paving, LLC to repair the cross pipe as discussed with PennDOT District 3-0 Permits Manager, Cory Kodish. Motion made by Brian Pauling and seconded by Donald Zechman to approve the quote received from Mid-State Paving, LLC. Motion carried unanimously.

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EXECUTIVE SESSION:

- Council President, Brian Swartz called for an executive session at 8:00 p.m. for the discussion of personnel matters. Brian Swartz called the meeting back to order at 8:49 p.m. Motion made by Brian Swartz and seconded by Brian Pauling to increase Officer Chad Thomas's 2023 annual wage to \$58,500.00 with a one-time payment of the wage difference from January 1, 2023, to April 9, 2023, being paid with the next scheduled payroll run. The annual wage increases for the year 2024 and year 2025 shall remain at 3% per year as stated in the current police contract. The following clause shall be removed from Section C. Wages – The starting salary for any new employee hired after the date of the issuance of this Award shall be \$34,000. After 1 year of employment this shall be increased to \$36,000. The following wording shall be added to Section C. Wages – The starting salary for any new employee hired after the date of the issuance of this Award will be negotiated by the Police Chief. Motion carried unanimously.
- The Borough Council questioned Police Chief, Mark Bailey, about when the sponsored Police Cadet will graduate and begin working for the police department. Police Chief Bailey stated Police Cadet Yoder will graduate in December 2023. Police Chief Bailey informed the Council he is collaborating with Cadet Yoder to schedule ride alongs so he can observe police department procedures. Also, the Borough Council discussed the current full-time police officer position opening with Police Chief Bailey. Police Chief Bailey stated at this time Michael Mitchell is the only candidate for the full-time police officer position. Police Chief Bailey stated based on tonight's motion he will start to discuss the full-time police officer position with Michael Mitchell.

REPORTS CONTINUED:

Borough Administrator – Elizabeth Paige

- Borough Administrator, Elizabeth Paige reviewed the updated Borough Code Violation Report with Borough Council. Elizabeth Paige reported no zoning permits were issued for the month of March 2023.
- Borough Administrator, Elizabeth Paige informed Borough Council only one price quote was received for the 2023 Cleanup. The price quote of \$295.00 per roll-off container with a \$68.50 per ton disposal fee and a \$75.00 delivery fee per startup container was received from Disposal Management Services, Inc. After a brief discussion, motion made by Brian Swartz and seconded by Brian Pauling to approve the price quote received from Disposal Management Services, Inc. for the 2023 Cleanup. Motion carried unanimously.
- Borough Administrator, Elizabeth Paige reminded all Borough Council members, who have not filed the State Ethics Commission Form, to complete and submit the form by the due date of May 1, 2023.
- Borough Administrator, Elizabeth Paige informed Borough Council she is working on the renewal of the Borough's insurances and the renewal of the Borough employee health insurance plan. Elizabeth Paige stated she will be holding a telephone review of the employee health insurance plan with the Borough's broker on Wednesday, April 26th at 9:30 a.m. if any Council member wishes to attend.

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OLD BUSINESS:

- Council President, Brian Swartz stated the Fire Company parade line-up email response was already reviewed during the Police Chief's report given earlier tonight.

COUNCIL MEMBER, MAYOR & COMMITTEE REPORTS:

- Buildings, Streets & Sidewalks Committee Chairman, Brian Pauling informed Borough Council that Donald Zechman and himself completed an onsite observation at the Middleburg Hotel regarding the traffic flow, deliveries and parking issues, which were brought to the committee's attention at last month's meeting. Donald Zechman and Brian Pauling both agreed if the Middleburg Hotel customers do not park within the restricted/signed areas the issue of traffic flow at the Middleburg Hotel should not be any greater than what already exists.

CORRESPONDENCE, MINUTES, REPORTS:

- Council President, Brian Swartz called for any comments or questions regarding the Middleburg Municipal Authority draft minutes of March 14, 2023, shared with Borough Council.

With no comments or further business to conduct, motion made by Brian Pauling and seconded by Brian Swartz to adjourn tonight's meeting at 9:14 p.m. Motion carried unanimously.

Respectfully Submitted,

Elizabeth Paige
Borough Administrator/Secretary