

MIDDLEBURG BOROUGH COUNCIL

MEETING MINUTES

Tuesday, April 9, 2024 @ 7:00 p.m.

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Meeting Location: Middleburg Borough Building, 13 N. Main Street, Middleburg, PA
Council Members: Present: Donald Zechman/President, James Shull/Vice-President, Beverly Inch, Gary Thomas, James Gahring and Mayor Heidi Potter. Absent was Brian Swartz. Petitioned member, Virgil Schlieff was present.
Others Present: Beau Hoffman/Solicitor, Police Chief/Mark Bailey, Borough Foreman/Dustin Zechman, and Borough Administrator/Elizabeth Paige
Public Present: Donald Meredith, Diane Klingler, Don Klingler, and Paul Rinck

CALL TO ORDER & AGENDA APPROVAL:

Middleburg Borough Council meeting called to order by Council President, Donald Zechman at 7:00 p.m. followed by the pledge of allegiance.

Council President, Donald Zechman inquired if there were any additions and/or changes to tonight's meeting agenda. Motion by James Shull and seconded by James Gahring to approve the agenda as presented. Motion carried unanimously.

PUBLIC COMMENTS:

- Donald Meredith requested to defer his time for public comment to later in the meeting (under New Business).

MINUTES, PAID BILLS, FINANCIAL REPORTS:

Motion made by James Shull and seconded by Gary Thomas to approve the March 12, 2024, monthly meeting minutes as presented. Motion carried unanimously.

Motion made by Beverly Inch and seconded by James Gahring to approve the bills paid in March 2024 as presented. Motion carried unanimously.

Motion made by James Shull and seconded by Gary Thomas to approve the financial statements as of March 31, 2024, as presented. Motion carried unanimously.

REPORTS:

Borough Solicitor – Beau Hoffman

- Borough Solicitor, Beau Hoffman reported Middleburg Yarn was served with the filed court complaint.

Police Chief – Mark Bailey

- Police Chief, Mark Bailey reviewed the March 2024 monthly police reports with Borough Council.
- Police Chief, Mark reported the police department will be applying for "Aggressive Driving" grant funds, which are currently available.
- Police Chief, Mark Bailey reported the police department received a \$5,000.00 donation towards police equipment expenses from the A.B.A.T.E. organization.
- Police Chief, Mark reported the Middleburg Borough Police Commission held a meeting on Monday, April 8, 2024. The Police Commission reviewed and approved the Civil Service Rules & Regulations.

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Borough Administrator/Zoning Officer – Elizabeth Paige

- Borough Administrator, Elizabeth Paige reviewed with Borough Council the past due invoice for playground equipment installation mailed to Middleburg Revitalization Committee (MRC). Elizabeth Paige reported MRC has not submitted payment for the invoice, which is now over 90 days past due. Elizabeth Paige informed Borough Council the MRC had received a Battram Community Funds Grant in the amount of \$5,000 towards the cost and installation of the ADA playground equipment. Elizabeth Paige questioned if the MRC received grant funds for the playground equipment installation, then why is the invoice for the playground equipment installation not being paid? Council President, Donald Zechman ask Diane Klingler, MRC Chairperson if she would like to address the question regarding the invoice payment. Diane Klingler stated MRC is “green” at grant writing and the Battram Community Funds Grant of \$5,000 did not cover the total cost of the playground equipment purchased. Plus, Diane Klingler referenced the Borough Council meeting minutes of June 13, 2023, when the MRC requested Borough Council’s support toward the purchase and installation of playground equipment and Borough Council approved by motion to support the MRC recreation park project. Council Member, Gary Thomas stated in his opinion the invoice charges are acceptable, and payment should be made. Council Member, Beverly Inch stated in the past the Borough had provided the usage of a truck or piece of equipment at no charge, so she would recommend removing the charge for the usage of the truck. Borough Solicitor, Beau Hoffman stated the Borough Council may enter an Executive Session to discuss the legal process to collect the past due invoice.

EXECUTIVE SESSION:

- Council President, Donald Zechman called for an executive session at 7:22 p.m. for discussion of the legal process to collect the past due invoice. Borough Solicitor, Beau Hoffman called the meeting back to order at 7:29 p.m. with no action required on the legal process of collecting the past due invoice. Motion made by Gary Thomas and seconded by James Gahring to rescind the charge for the usage of the pickup truck and skid loader from the playground equipment installation invoice to MRC. Motion carried unanimously. Borough Council directed the Borough Administrator, Elizabeth Paige to send a revised invoice to the MRC for payment. Borough Solicitor, Beau Hoffman made MRC Chairperson, Diane Klingler aware the Borough has adopted a Fee Schedule for the usage of Borough equipment and Borough employee labor, which will be charged when any organization or person is requesting the Borough’s assistance to accomplish project work.
- Borough Administrator, Elizabeth Paige reviewed the PennDOT application for County Aid with Borough Council. Motion made by James Shull and seconded by Gary Thomas to approve the application for County Aid as presented. Motion carried unanimously.
- Borough Administrator, Elizabeth Paige reviewed the Code Enforcement Officer’s Notice of Violation report with Borough Council. Code Enforcement Officer, Marty Sowers recommended granting Rebekah Smith an extension of time for the replacement of siding until October 31, 2024, as requested but with the condition that the property must be maintained and kept free of rubbish accumulation, or the extension of time will be revoked, and citations will be filed. Motion made by Gary Thomas and seconded by Beverly Inch to grant the extension of time as recommended by Marty Sowers. Motion carried unanimously. Code Enforcement Officer, Marty Sowers recommended a Zoning Violation Notice be sent to Jason Walter as it appears he is conducting a No-Impact Home-Base business and is not complying with the requirements to conduct the accessory zoning use of the property. Borough Administrator/Zoning Officer, Elizabeth Paige provide a copy of the Zoning Violation Notice mailed to Jason Walter as recommended by the Marty Sowers. Mayor Heidi Potter stated the accumulation of rubbish at the Walter property should continue to be monitored by the Code Enforcement Officer.

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- Borough Administrator, Elizabeth Paige reviewed the 2024 Permits Report and Zoning Violation Report with Borough Council.

Borough Foreman – Dustin Zechman

- Borough Foreman, Dustin Zechman stated the purchase of a Ventrac mower and truck were included in the year 2023 Budget. The Middleburg Municipal Authority made the motion to move forward with the purchase of the Ventrac mower and truck with the usage of the Municipal Authority funds transferred to the PLGIT Major Equipment account. Also, any additional funds needed for the purchases will be covered by the 2024 Municipal Authority Budget. Dustin Zechman stated he would like approval to keep and maintain the old Ventrac mower as a spare. Motion made by Beverly Inch and seconded by Gary Thomas to approve maintaining and keeping the old Ventrac mower as a spare.
- Borough Foreman, Dustin Zechman reported William Burns, property owner of 21 S Main Street has posted signs at the rear of the property along Spade Alley near the area referred to as the “creek cut”. Dustin Zechman stated the Borough in the past several years has mowed the “creek cut” area. Since the property owner is now posting signs in the “creek cut” area, does the Borough need to continue mowing the “creek cut” area? Borough Solicitor, Beau Hoffman stated the Borough should not be maintaining or mowing private property as it would raise insurance liability issues for the Borough. The Borough would not be responsible for mowing the property unless there is a recorded easement agreement. After a brief discussion, motion made by James Shull and seconded by James Gahring to send letters to the property owners on both sides of the “creek cut” area and inform them of their responsibility to maintain and mow their property along the “creek cut” area. Dustin Zechman stated there is a maintenance agreement with Snyder County about maintenance of the “creek cut” running from the recreation park lake across the County property along the municipal recreation park property. The “creek cut” then traverses across the VanHorn property to the stormwater pipe under S. Main Street. Borough Solicitor, Beau Hoffman stated he would like to review the maintenance agreement with Snyder County.
- Borough Foreman, Dustin Zechman reported public works employee, Judy Varner has obtained flagger certification.

OLD BUSINESS:

- Buildings, Streets, & Sidewalks Committee Chairman, Gary Thomas informed Borough Council the committee performed an onsite inspection of Schoch Street. Based on the onsite inspection of Schoch Street, the committee is making a recommendation not to make any changes regarding the parking of vehicles along Schoch Street. Borough Solicitor, Beau Hoffman reminded Borough Council if there is no parking prohibition on Schoch Street then vehicles may park on both sides of the street. Police Chief, Mark Bailey stated without the parking prohibition there can be no enforcement and traffic issues plus animosity between the neighbors will likely continue on Schoch Street. After a brief discussion, Borough Council unanimously decided not to pursue any parking prohibition on Schoch Street at this time.

NEW BUSINESS:

- Resident Donald Meredith held a lengthy discussion with Borough Council about various stormwater drainage issues in the Borough. Borough Solicitor, Beau Hoffman stated Borough Council has directed the Borough Engineer to address stormwater issues as residential concerns are raised.

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- Borough Administrator, Elizabeth Paige questioned MRC Chairperson, Diane Klingler if the Committee has discussed scheduling time with the Borough Engineer to perform the feasibility study for the proposed walking path project as the Borough budgeted \$4,000.00 in the 2024 Budget to conduct the feasibility study. Diane Klingler stated there has been no further discussion of the proposed walking path project by the committee. Elizabeth Paige stated if the MRC is not planning to expend the budgeted funds, then those funds could be allocated toward other Borough projects.

COUNCIL MEMBERS, MAYOR & COMMITTEE REPORTS:

- Council Member, Gary Thomas questioned if any code enforcement action could be taken against Middleburg Yarn regarding the debris coming from their building and accumulating on their property. Borough Solicitor, Beau Hoffman stated no code enforcement action can be taken as the Borough has filed a court complaint against Middleburg Yarn. Borough Council can direct the Borough Foreman to cleanup the debris while the Borough Solicitor checks to see if the fees for the debris clean up can be added as part of the legal filing against Middleburg Yarn. Borough Council unanimously agreed the Borough Foreman should move forward with cleaning up the debris around the Middleburg Yarn property and report the time expended for the debris clean up to the Borough Administrator.
- Vice President, James Shull stated he was reviewing the Middleburg Borough Code of Ordinances and would like to recommend the Borough consider budgeting for a review and update of the ordinances as many seem outdated. Borough Solicitor, Beau Hoffman stated he assisted with the update of Monroe Township's ordinances, and it took approximately six (6) years to complete. Beau Hoffman recommended if the Borough wants to review and update the Borough Code of Ordinances, it would be advantageous to hire an outside firm, who specializes in ordinance updates.
- Buildings, Streets & Sidewalks Committee Chairman, Donald Zechman stated the committee needs to move forward with a review of the Borough's streets and start developing a plan to budget for future street repairs and paving projects. Also, the committee should review and plan for the next phase of sidewalk inspections and repairs to be completed.

CORRESPONDENCE, MINUTES, REPORTS:

- Council President, Donald Zechman called for any comments or questions regarding the correspondence, minutes or reports provided to Borough Council for review.

With no comments or further business to conduct, motion made by James Shull and seconded by Gary Thomas to adjourn tonight's meeting at 8:38 p.m. Motion carried unanimously.

Respectfully Submitted,

Elizabeth Paige
Borough Administrator/Secretary