

MIDDLEBURG BOROUGH COUNCIL
MEETING MINUTES
Tuesday, February 13, 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, Brian Swartz, Gary Thomas and Mayor Heidi Potter.
Others Present: Beau Hoffman/Solicitor, Police Chief/Mark Bailey, Borough Foreman/Dustin Zechman, Fire Chief/Scott Reigle, Borough Engineer Rep./Trevor Hess and Borough Administrator/Elizabeth Paige
Public Present: Jim Gahring, Paul Rinck, Donald Klinger, Bobbi Mathias, Diane Klinger, Michael Kerstetter, Brenda Dombrowski, Jonathan Bastian, Rylan Ebright, Kim Ebright

CALL TO ORDER: 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 Gary Thomas to approve the meeting agenda as presented. Motion carried unanimously.

Motion made by Brian Swartz and seconded by Beverly Inch to approve the January 02, 2024, monthly meeting minutes as presented. Motion carried unanimously.

Motion made by Gary Thomas and seconded by James Shull to approve the bills paid in December 2023 and January 2024 as presented. Motion carried unanimously.

Motion made by Brian Swartz and seconded by Gary Thomas to approve the financial statements as of December 31, 2023, and January 31, 2024, as presented. Motion carried unanimously.

Council President, Donald Zechman stated the Borough has adopted a policy for regulating public meetings and public comment, which allocates time as follow: 1) If a member of the public requests to be added to the meeting agenda, then the member will be given up to five (5) minutes to address Council and 2) during the public comment period of the meeting, each member of the public will be allocated three (3) minutes to address Council. Donald Zechman stated since Middleburg Revitalization Committee requested to be added to the agenda, they will be allocated five (5) minutes to address Council.

PUBLIC:

- Middleburg Revitalization Committee (MRC) representative, Brenda Dombrowski questioned Borough Council President if the information packet provided by MRC during the meeting with the Borough's Community Improvements Committee had been distributed to all the Borough Council members. Council President, Donald Zechman stated no, the information was not distributed to the Council members. At this time, Brenda Dombrowski referenced the following: November 2023 Borough Council meeting minutes, MRC meeting minutes, article from The Daily Item newspaper, and an article from the Snyder County Times newspaper. Brenda Dombrowski stated the MRC also made the request at the meeting with Community Improvements Committee to have Borough Council consider the dismissal of Borough employees; Jodie Sheaffer and Elizabeth Paige based on miscommunication of information. Borough Solicitor, Beau Hoffman stated MRC has reached the five (5) minute allocation of time to speak unless Borough Council wishes to allocate further time to MRC. After a brief discussion, Borough Council unanimously agreed no further time will be allocated for MRC.

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- Bobbie Mathis informed Borough Council she is an owner of a Hometown Hero Banner (purchased for her father/James Underhill) and has been paying the annual maintenance fee charged for the banner. Recently, a member of MRC went to her parents' house to inquire if her father would like his Hometown Hero Banner and the maintenance fee paid returned. Bobbie Mathis questioned the MRC members present, why MRC contacted her parents when she is the rightful owner of the banner. Also, Bobbie Mathis inquired if MRC could provide some kind of report on how the maintenance fees collected from the owners of Hometown Hero Banners are being expended. Council President, Donald Zechman informed Bobbie Mathis the Borough Council does not regulate the MRC and she should contact MRC for the answers to her questions.
- MRC Chairperson, Diane Klinger read from an MRC letter addressing the Hometown Hero Banner project, other MRC projects done for the good of the Middleburg community, and the MRC request to have Borough Council consider either requesting the resignation or firing of Borough employee, Jodie Sheaffer. Diane Klinger briefly provided a report on the funds raised/collected by MRC and projects MRC has accomplished with these funds. Diane Klinger questioned Borough Council if any other organization has given or done as much as the MRC has done for the Borough of Middleburg.

OLD BUSINESS:

- Middleburg Borough Community Improvements Committee Chairperson, Beverly Inch read the following: The Community Improvements Committee makes the following recommendation to Council regarding the Hometown Heroes Banner program costs. After reviewing the program and the costs involved, it is apparent that the Borough has been very supportive of this project and the veterans and their families since its inception several years ago. The Borough has absorbed the costs to display the banners each spring and retire them for the winter season along with storing them at the borough building. Because we feel strongly that our veterans and their families should be honored and supported, we are recommending Council reverse its' previous decision to invoice the MRC for the extra costs of this service and assume the same financial responsibility that it has carried in the past. Mayor Heidi Potter stated the recommendation would reverse the Council decision and return to the past practice of invoicing the MRC for the cost of the lift in the Spring when the banners are displayed. Mayor Heidi Potter also informed Council about the required safety procedures (flaggers required to control traffic) to hang/remove the banners along the PennDOT state roads, which has not been followed and could open the Borough up to considerable liability. At this time, a discussion was held among Borough Council, Police Chief Bailey, and Borough Solicitor Hoffman. A question was raised to MRC if they could pay the cost of two (2) lift rentals (Spring/Fall). MRC Chairperson, Diane Klinger answered MRC may be able to cover this cost but then MRC may consider increasing the banner renewal fee. Motion was made by James Shull and seconded by Gary Thomas to approve the recommendation of the Community Improvements Committee. After a roll call vote, the motion was denied unanimously. A motion was made by Brian Swartz and seconded by Gary Thomas to table this matter until next month's meeting and further investigation is conducted regarding the costs for flagger services. Motion carried unanimously.

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REPORTS:

Borough Engineer Representative – Trevor Hess

- Borough Engineer Representative, Trevor Hess reported due to the traffic light replacement project and the need to trench across E. Market Street for the traffic light conduit lines, Council may want to reconsider paving E. Market Street this year. After a brief discussion of paving cost and the current condition of E. Market Street, motion made by Brian Swartz and seconded by Beverly Inch to approve postponing the final paving project for E. Market Street until year 2025. Motion carried unanimously.

Fire Chief – Scott Reigle

- Fire Chief, Scott Reigle presented a report on the current year-to-date activities of the Reliance Hose Company. Borough Administrator, Elizabeth Paige will email the report to Borough Council.
- Fire Chief, Scott Reigle updated Borough Council on the Ambulance Association made the decision to contract with Willam Cameron Engine Company for emergency management services starting with twenty-four (24) hour Advanced Life Support services. Scott Reigle reported the contract for Basic Life Support services has not been finalized yet.

Borough Solicitor – Beau Hoffman

- Borough Solicitor, Beau Hoffman stated he is requesting an “Executive Session” for the discussion of legal matters.

Police Chief – Mark Bailey

- Police Chief, Mark Bailey reviewed the December 2023 and January 2024 monthly police reports with Borough Council.
- Police Chief, Mark Bailey informed Borough Council he is preparing a draft document of Civil Service Rules & Regulations by using Mifflinburg Borough’s copy of Civil Service Rules & Regulations as a template and then submit the draft document to the Middleburg Civil Service Commission for review and comment.
- Police Chief, Mark Bailey reported Snyder County Commissioners have requested to be added to the Middleburg Borough police liability insurance as an additional insured due to Office Chad Thomas being certified to operate the Snyder County drone for emergency services. Police Chief Bailey stated Borough Administrator, Elizabeth Paige has contacted the Borough’s insurance company to find out the cost of adding Snyder County as an additional insured on the police liability insurance. At this time, Police Chief Bailey addressed a question from Michael Kerstetter about the usage of the drone by the police department.
- Police Chief, Mark Bailey informed Borough Council the new police vehicle has been decaled by Middlecreek Signs with new graphics and if the budget permits the other police vehicle graphics will be updated also.

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Borough Foreman – Dustin Zechman

- Borough Foreman, Dustin Zechman reported DEP representative reached out to the Borough due to there being five (5) on lot septic systems within the Borough limits. As a requirement of DEP, the Borough needs to appoint a sewage enforcement officer (SEO) by resolution for the administration of the Sewage Facilities Act. Resolution 2024-09 was presented to appoint Gilbert Picarelli as SEO, and Dominic Picarelli and Leah Haine as alternate SEOs for Middleburg Borough. Motion made by Gary Thomas and seconded by Beverly Inch to adopt Resolution 2024-19 as presented. Motion carried unanimously.
- Borough Council questioned the Borough Foreman, Dustin Zechman about the number of days/hours required to display or remove the Hometown Hero Banners. Dustin Zechman stated it requires two (2) days with approximately five (5) hours each day. The Borough Council inquired if any of the Public Works employees were flagger certified by PennDOT. Dustin Zechman stated Markel Kline and he were certified but not sure if their certifications are still valid.

Borough Administrator/Zoning Officer – Elizabeth Paige

- Borough Administrator, Elizabeth Paige reviewed the zoning violation and IPMC violation reports with Borough Council.
- Borough Administrator, Elizabeth Paige reviewed the 2023 Survey of Financial Condition report with Borough Council.
- Borough Administrator, Elizabeth Paige reviewed a request from the Middleburg Borough Tax Collector, Stacey Hood to approve increasing the tax certification fee from \$5.00 to \$20.00. Motion made by Brian Swartz and seconded by Gary Thomas to approve increasing the tax certification fee charged by the Tax Collector from \$5.00 to \$20.00. Motion carried unanimously.

EXECUTIVE SESSION:

- Council President, Donald Zechman called for an executive session at 8:06 p.m. for a legal discussion of the Sunshine Law and Middleburg Yarn. Donald Zechman called the meeting back to order at 8:19 p.m. with no action by Borough Council required.

NEW BUSINESS:

- Council President, Donald Zechman presented Resolution 2024-05: Appointment of Municipal Authority Member, Brian Pauling. Motion made by Brain Swartz and seconded by Beverly Inch to adopt Resolution 2024-05 as presented. Motion carried unanimously.
- Council President, Donald Zechman announced Borough Council Member, Joseph Mizak resigned his position due to a death in his family. Motion made by Brain Swartz and seconded by Gary Thomas is accept the resignation of Joseph Mizak. Motion carried unanimously.
- Borough resident, James Gahring presented a letter of interest for the open Borough Council position to Borough Council for consideration. After a brief discussion, motion made by Gary Thomas and seconded by Beverly Inch to approve the appointment of James Gahring by Resolution 2024-10. Motion carried unanimously.

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COUNCIL MEMBERS, MAYOR & COMMITTEE REPORTS:

- Council President, Donald Zechman appointed Dustin Zechman to the Buildings, Streets & Sidewalks Committee and appointed Elizabeth Paige to the Zoning/Sign Ordinance Committee to replace Joseph Mizak.
- Council Member, Gary Thomas issued a “Thank you” to the Borough Public Works employees for the excellent job of snow removal after the last storm.
- Zoning/Sign Ordinance Committee Chairman, Brian Swartz requested the Borough Administrator to email the committee members to schedule a date and time for a meeting.

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 Brian Swartz and seconded by James Shull to adjourn tonight’s meeting at 8:28 p.m. Motion carried unanimously.

Respectfully Submitted,

Elizabeth Paige
Borough Administrator/Secretary