

MIDDLEBURG BOROUGH COUNCIL

MEETING MINUTES

Tuesday, June 13, 2023 @ 7:00 p.m.

Page 1

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, James Shull and Mayor Heidi Potter. Absent was Brian Pauling.
Others Present: Beau Hoffman/Solicitor, Police Chief/Mark Bailey, Borough Foreman/Dustin Zechman, and Borough Administrator/Elizabeth Paige
Public Present: Christopher Brouse, Nicole Hook, Pat Stauffer, Barry Fry, Diane Fry, Donald Meredith, Diane Klingler, Don Klingler, Faye Aurand, Jim Aurand and Brenda Dombrowski

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 Swartz and seconded by James Shull to approve the meeting agenda as presented. Motion carried unanimously.

Motion made by Brian Swartz and seconded by James Shull to approve the May 09, 2023, monthly meeting minutes and the June 01, 2023 special meeting minutes as presented. Motion carried unanimously.

Motion made by Brian Swartz and seconded by James Shull to approve the bills paid in May 2023, as presented. Motion carried unanimously.

Motion made by Brian Swartz and seconded by James Shull to approve the financial statements as of May 31, 2023, as presented. Motion carried unanimously.

PUBLIC:

- Middleburg Revitalization Committee (MRC) Chairperson, Diane Klingler stated the MRC is working on a recreation park project, which will include adding new ADA playground equipment along with the replacement of some of the older playground equipment at Charles Park. Diane Klingler reported MRC has received a Battram Community Fund Grant for ADA playground equipment. MRC will be using these grant funds to purchase and add three (3) new pieces of ADA playground equipment to the park playground. Diane Klingler also reported a second grant application has been submitted for playground equipment, but the grant funds have not been awarded yet. Diane Klingler stated MRC is requesting Middleburg Borough Council's support of the MRC recreation park project to replace and add new playground equipment at Charles Park by budgeting funds toward the purchase of new equipment or help with the installation of the new playground equipment. Council President, Brian Swartz requested the Borough Administrator to note the request for funds in the upcoming 2024 Budget. Borough Foreman, Dustin Zechman stated the public works employees may be able to assist with the installation of some smaller pieces of playground equipment. Motion made by Brian Swartz and seconded by James Shull to support the MRC recreation park project. Motion carried unanimously. The Borough Council also unanimously agreed to support the MRC efforts by adding events, fund raisers and project news to the quarterly Borough newsletter.
- Middleburg resident, Donald Meredith offered a "Thank You" to Borough Council for their assistance in helping the Glendale Cemetery Association with the installation of the new entrance to the cemetery and for Borough Council's continued efforts regarding the Middleburg Yarn building property maintenance. Donald Meredith stated he has been discussing the option of proposing the placement of a pedestrian bridge across Stumps Run to all access to the Glendale Cemetery and currently he has

MIDDLEBURG BOROUGH COUNCIL

MEETING MINUTES

Tuesday, June 13, 2023 @ 7:00 p.m.

Page 2

three (3) interested sponsors, who would donate funds towards the bridge structure. At this time, Borough Council members held a brief discussion about the proposed option of the placement of a pedestrian bridge across Stumps Run. Council member, Beverly Inch stated she would support Donald Meredith's proposal of appointing a committee to investigate the need, feasibility and liability of the proposed placement of a pedestrian bridge across Stumps Run to allow access to the Glendale Cemetery. Council President, Brian Swartz requested the Borough Community Improvements Committee move forward with proposed investigation and to report back to the Borough Council at the August 15th meeting.

- Borough residents, Barry and Diane Fry stated they are in the process of purchasing the property at 41 E. Market Street from Adam Simmonds. Diane Fry informed Borough Council they are aware of the notification from the Borough to have the sidewalk and curbing repaired/replaced at the property by September 30, 2023. Based on the financing of the property purchase, Diane Fry requested the Borough Council to grant an extension of time for the sidewalk and curbing repair/replacement. After a brief discussion, motion made by Donald Zechman and seconded by James Shull to grant an extension until October 31, 2023, for the sidewalk and curbing repair/replacement at 41 E. Market Street. Motion carried unanimously.
- Chris Brouse informed the Borough Council he was speaking on behalf of Nicole Hook, who is the property owner at 414 Center Street. Chris Brouse stated he has been filing complaints with the Borough Foreman, Dustin Zechman and the Borough Office over the past eight (8) years about the stormwater issue occurring at Nicole Hook's property. Chris Brouse reviewed cellphone videos of the stormwater issue at the property with several of the Council members. At this time, there was a lengthy discussion about the various stormwater issues taking place in the area of Stahl Street, Center Street, Shambach Street, and Wagenseller Street. Borough Solicitor, Beau Hoffman suggested the Borough Council request the Borough Engineer along with the assistance of the Borough Foreman to conduct a review of the stormwater issues and report back on any possible feasible solutions. Motion made by Brian Swartz and seconded by James Shull to request the Borough Engineer with the assistance of the Borough Foreman to conduct a professional study of the stormwater issues and report back on any possible feasible solutions along with any temporary solutions, which may assist Nicole Hook in dealing with the stormwater at her property.
- Jim and Faye Aurand, whose property is located at the corner of Paxtonville Road and Time Alley, requested the Borough Council to also consider addressing the stormwater issue on Time Alley, which is currently not paved. Borough Foreman, Dustin Zechman stated the last major storm caused a major washed out of Time Alley with the stone and debris from the alley ending up in the yard of Jim and Faye Aurand. Jim Aurand stated he has placed landscape timbers on his property along Time Alley to help protect his property from the stormwater wash outs. Borough Foreman, Dustin Zechman requested the Borough Council add Time Alley as part of the stormwater review to be conducted by the Borough Engineer. Motion made by Brian Swartz and seconded by James Shull to include Time Alley in the stormwater review to be conducted by the Borough Engineer. Motion carried unanimously.

REPORTS:

Borough Solicitor – Beau Hoffman

- Borough Solicitor, Beau Hoffman informed the Borough Council a hearing has been scheduled by the Magisterial District Judge on July 10, 2023, at 1:30 p.m. regarding the citations filed against Middleburg Yarn Processing Co. by the Borough Code Enforcement Officer, Marty Sowers.

MIDDLEBURG BOROUGH COUNCIL

MEETING MINUTES

Tuesday, June 13, 2023 @ 7:00 p.m.

Page 3

Police Chief – Mark Bailey

- Police Chief, Mark Bailey reviewed the May 2023 monthly police reports with Borough Council.
- Police Chief, Mark Bailey provided an update on the negotiations with the Midd-West School District regarding the proposed agreement to provide a School Resource Officer (SRO). Chief Mark Bailey stated the Midd-West School District has updated the proposed agreement to a term of five (5) school calendar years starting with the 2023-2024 school year and shall terminate on June 30, 2028. Chief Mark Bailey informed the Borough Council he has a former police officer/Nathan Fisher, who is interested in being hired full-time to the Middleburg Borough Police Department to fill the SRO position. Chief Mark Bailey stated he would recommend hiring Nathan Fisher full-time with a starting annual wage of \$58,500.00 to fill the SRO position. Chief Mark Bailey stated the next Midd-West School District Board meeting will be held on June 26, 2023. Chief Mark Bailey stated if Borough Council is interested in moving forward with the proposed SRO Agreement, then he would like to hire the interested officer on a part-time basis as soon as possible to prepare him for the SRO position when the school year begins. Borough Solicitor, Beau Hoffman stated Borough Council will need to adopt the SRO Agreement by Resolution, which he can prepare and email to the Borough Administrator for signing. Chief Mark Bailey requested Borough Council to also consider raising the part-time police officer pay rate from \$20.00 per hour to \$25.00 per hour. After a brief discussion, a motion was made by Brian Swartz and seconded by Joseph Mizak to hire Nathan Fisher as recommended by Chief Mark Bailey and to increase the part-time police officer pay rate from \$20.00 per hour to \$25.00 per hour effective the next payroll period. Motion carried unanimously. Motion made by Donald Zechman and seconded by Joseph Mizak to approve by Resolution 2023-06 the proposed SRO Agreement between Midd-West School District and the Borough of Middleburg. Motion carried with a vote of five (5) yeas and one (1) nay by Council Member, Michael Kerstetter.

Borough Foreman – Dustin Zechman

- Borough Foreman, Dustin Zechman reported an insurance claim was filed for the storm damage in the recreation park, where several trees came down and destroyed a piece of playground equipment. Plus, a tree fell onto the water standpipe tank fence, which was also reported with the insurance claim.
- Borough Foreman, Dustin Zechman informed Borough Council the Municipal Authority purchased the manhole risers/frames, which were needed for the PennDOT resurfacing project of Route 522 (E. Main Street) and Route 104 (Wausau Road) resurfacing project. Dustin Zechman stated when he informed PennDOT about the manhole risers/frames being available, PennDOT informed him the project may not happen this year.

Borough Administrator – Elizabeth Paige

- Borough Administrator, Elizabeth Paige reviewed the updated Borough Code Violation Reports and Zoning Permit Report with Borough Council. Elizabeth Paige reported Code Enforcement Officer, Marty Sowers is requesting Borough Council to grant an extension to the property owner of 179 W. Willow Avenue to replace the rotting siding on the building. After discussion of the violation compliance taken thus far by the property owner, motion made by Brian Swartz and seconded by James Shull to grant an extension to May 30, 2024 for the replacement of the siding only, but all other violations must be remediated as stated in the violation notice. Motion carried unanimously.

MIDDLEBURG BOROUGH COUNCIL

MEETING MINUTES

Tuesday, June 13, 2023 @ 7:00 p.m.

Page 4

- Borough Administrator, Elizabeth Paige reviewed the draft of the Summer Newsletter with Borough Council. Council President, Brian Swartz requested the addition of any information obtained from the Middleburg Revitalization Committee.
- Borough Administrator, Elizabeth Paige reported due to an increase in the number of people using the recreation park facilities (ballfield, picnic pavilion, dog park and playground), there may be a need for the placement of a second portable toilet in the park. Elizabeth Paige stated she contacted Richard's Portable Toilet Service and was informed a second portable toilet would cost \$80.00 per month. After a brief discussion, motion made by Brian Swartz and seconded by James Shull to have a second portable toilet placed in the park through October 2023. Motion carried unanimously. Brian Swartz requested the Borough Administrator to make a note for the 2024 Budget to budget for one (1) portable toilet for twelve (12) months and the second portable toilet for six (6) months.

OLD BUSINESS:

- Council President, Brian Swartz stated the May 9, 2023, motion no longer needs to be rescinded as part-time Police Officer Michael Mitchell is no longer interested in the offer made for full-time employment.

NEW BUSINESS:

- Borough Administrator, Elizabeth Paige reviewed the renewal quote for the Borough & Municipal Authority insurances. Borough Foreman, Dustin Zechman had a couple questions from the Municipal Authority about the optional coverage offered by the pollution liability policy. After a brief review of the pollution liability policy coverage, Dustin Zechman acting on behalf of the Municipal Authority approved the optional coverage of a pollution liability policy. Motion made by Donald Zechman and seconded by Brian Swartz to approve the renewal of the Borough & Municipal Authority insurances with the optional coverage of a pollution liability policy. Motion carried unanimously.
- Borough Administrator, Elizabeth Paige reviewed the road closure request from the Reliance Fire Company for the staging of the Firemen's Parade on August 10th. Police Chief, Mark Bailey informed Borough Council he had met with fire company representatives prior to this meeting to discuss if there was staffing available for traffic control duties and he was informed there is no staffing available. After a brief discussion, Borough Council agreed to the closure of Thomas Avenue, but all other streets must have one lane open for traffic flow. The Borough Council requested the Borough Administrator email Rylan Ebright to request his attendance at the July 11th meeting to discuss the proposed parade staging road closures further.

CORRESPONDENCE, MINUTES, REPORTS:

- Council President, Brian Swartz called for any comments or questions regarding the Middleburg Municipal Authority draft minutes of May 09, 2023, or the notification received from Service Electric Cablevision.

With no comments or further business to conduct, motion made by James Shull 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