

MIDDLEBURG BOROUGH COUNCIL
MEETING MINUTES
Tuesday, March 14, 2023 @ 7:00 p.m.
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Meeting Location: Middleburg Borough Building, 13 N. Main Street, Middleburg, PA
Council Members: Present: Brian Swartz/President, Donald Zechman/Vice-President, Michael Kerstetter, James Shull, Beverly Inch, Joseph Mizak, Brian Pauling and Mayor Heidi Potter.
Others Present: Beau Hoffman/Solicitor, Police Chief/Mark Bailey, Borough Foreman/Dustin Zechman and Borough Administrator/Elizabeth Paige
Public Present: Barry & Diane Fry, Tabbetha VanHorn-Price, Fred Moyer, Ken Hassinger

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 James Shull and seconded by Brian Pauling to approve the agenda with the removal of the Fire Chief's report and the addition of a grant discussion under the Police Chief's report. Motion carried unanimously.

Motion made by James Shull and seconded by Beverly Inch to approve the February 14, 2023, monthly meeting minutes as presented. Motion carried unanimously.

Motion made by Michael Kerstetter and seconded by Brian Swartz to approve the bills paid in February 2023, as presented. Motion carried unanimously.

Motion made by James Shull and seconded by Joseph Mizak to approve the financial statements as of February 28, 2023, as presented. Motion carried unanimously.

PUBLIC COMMENTS:

- Diane & Barry Fry informed Borough Council they obtained very high price quotes to replace/repair the sidewalks/curbs at 41 E. Market Street. Diane Fry stated they were not sure if completing the sidewalk/curb request by the deadline of September 30, 2023, would be possible. Diane Fry inquired if there was any possible grant funding available. Borough Administrator, Elizabeth Paige stated the Borough had contacted SEDA-COG last year about assistance for the residents to replace/repair their sidewalks. Each property owner would need to contact SEDA-COG about making application for possible grant funding. Diane & Barry Fry thanked Borough Council for the information and left the meeting.
- Freeburg Borough Mayor, Fred Moyer & Manager, Tabbetha VanHorn-Price inquired if Borough Council would be able to provide Contracted Police Services to Freeburg Borough. Council President, Brian Swartz stated this possibility had been addressed previously with Freeburg Borough. At that time, Borough Council had decided it was not feasible due to the limits of the police department staffing. Brian Swartz stated the police department staffing is currently down one full-time officer and until the staffing issues are resolved there would be no way to offer additional Contracted Police Services. Mayor Fred Moyer requested if more police staffing becomes available in the future would the Borough contact Freeburg Borough to discuss providing Contracted Police Services. Fred Moyer & Tabbetha VanHorn-Price left the meeting.

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REPORTS:

Borough Solicitor – Beau Hoffman

- Borough Solicitor, Beau Hoffman stated the Borough office received a request regarding the procedures for vacating a street laid out (paper street) but never open to public access. Beau Hoffman reviewed with Borough Council the following two (2) options available for vacating a street: 1) By ordinance or 2) By the majority of the property owners abutting upon the area not opened as a street petitioning Borough Council. At this time, Beau Hoffman answered several questions from property owner, Ken Hassinger and Borough Council about the procedure to petition for vacating the unopen street located at the southern end of Bachman Avenue off W. Willow Avenue.
- Borough Solicitor, Beau Hoffman reported the Code Enforcement Officer, Marty Sowers filed 15 citations at the Magisterial District Judge's office on Monday, March 13, 2023, for the various Middleburg Yarn violations.

Police Chief – Mark Bailey

- Police Chief, Mark Bailey reviewed the February 2023 monthly police reports with Borough Council.
- Police Chief, Mark Bailey stated the wording change has been approved by PennDOT for the Borough's letter for the 2023 Parade Permit Application. A brief discussion was held regarding the parade line up and the closure of Borough streets. Mayor Heidi Potter will contact Fire Company President, Rylan Ebright to discuss the parade line up. Motion made by Brian Swartz and seconded by Joseph Mizak to submit the 2023 Parade Permit Application. Motion carried unanimously.
- Police Chief, Mark Bailey informed Borough Council the PCCD Grant application for the funding of the body cameras was denied. A new grant application was made for funding for the body cameras through a Police Force Grant for small rural or tribal communities.
- Police Chief, Mark Bailey informed Borough Council about the new 2023 COPS Hiring Program (CHP) grant, which is a competitive award program designed to provide funding directly to law enforcement agencies to hire and/or rehire additional career law enforcement officers in an effort to increase their community policing capacity. After a brief discussion, motion made by Donald Zechman and seconded by Joseph Mizak to approve application by the Police Chief for the 2023 COPS Hiring Program (CHP) grant. Motion carried unanimously.

Borough Administrator – Elizabeth Paige

- Borough Administrator, Elizabeth Paige reviewed the Borough Zoning Violation report and the Code Enforcement Violation report with Borough Council.
- Borough Administrator, Elizabeth Paige reviewed the draft of the Borough Spring Newsletter with Borough Council. Mayor Heidi Potter supplied two (2) wording corrections to the newsletter. With no further corrections, changes or additions, the Spring Newsletter will be corrected and printed out for mailing with the first quarter water/sewer bills.

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EXECUTIVE SESSION:

- Council President, Brian Swartz called for an executive session at 7:40 p.m. for the discussion of legal and personnel matters. Brian Swartz called the meeting back to order at 8:38 p.m. Motion made by Brian Swartz and seconded by Joseph Mizak to re-open the current police contract for negotiations. Motion carried unanimously.

REPORTS CONTINUED:

Borough Foreman – Dustin Zechman

- Borough Foreman, Dustin Zechman informed Borough Council the Route 104/Route 522 PennDOT resurfacing project will be moving forward this year. Dustin Zechman stated PennDOT has not informed him about who will have to pay for the stormwater drainage inlets and cross pipes within the project area. A brief discussion was held about the stormwater drainage inlet near the intersection of the school parking area. There is a concern that a sump pump may be connected into this stormwater drainage inlet. Dustin Zechman stated PennDOT does not allow sump pump connections to stormwater inlets within a state roadway. If the Borough addresses this concern, then PennDOT will probably want the overhead down spouts addressed also. Dustin Zechman will obtain a copy of the PennDOT regulations regarding sump pump connections and overhead down spouts along PennDOT roadways.

NEW BUSINESS:

- Borough Council President, Brian Swartz presented Resolution 2023-04: Adoption of the Risk Assessment & Management Policy. After a brief review of the Risk Assessment & Management Policy, motion made by James Shull and seconded by Brian Pauling to adopt Resolution 2023-04 approving the Middleburg Borough Risk Assessment & Management Policy. Motion carried unanimously.

COUNCIL MEMBER, MAYOR & COMMITTEE REPORTS:

- Council Member, James Shull reported he has informed Police Chief Bailey about recent compliments he received regarding the good job being done by the police department. James Shull stated he has a concern about the performance of some of the Borough Council Committees, which do not hold meetings or present any information on ways to improve the Borough. James Shull stated when he was on Borough Council previously there had been discussion about the development of a 10-year plan for the Borough, which should definitely be investigated once again.
- Buildings, Streets & Sidewalks Committee Chairman, Brian Pauling stated he will be attempting to schedule a committee meeting to discuss and investigate the matter at the Middleburg Hotel, which has been brought to his attention.

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- Community Improvements Chairperson, Heidi Potter informed Borough Council the mural project is moving forward and upon completion of the mural project, there are plans to replace the sidewalks also.
- Budget Committee Chairman, Brian Swartz requested the Borough Committees to start reviewing and/or discussing any 2024 budget requests, which should then be submitted to the Borough Administrator for distribution to the Budget Committee.
- Snyder County Tax Collection Committee Representative, Heidi Potter reported she attended the annual committee meeting on February 22, 2023. The Borough should be receiving an invoice for the annual municipal 2023 Budget Contribution to the committee.

CORRESPONDENCE, MINUTES, REPORTS:

- Council President, Brian Swartz called for any comments or questions regarding the Middleburg Municipal Authority draft minutes of February 14, 2023, and the PennDOT District 3-0 Spring Newsletter shared with Borough Council.

With no comments or further business to conduct, motion made by James Shull and seconded by Joseph Mizak to adjourn tonight's meeting at 9:02 p.m. Motion carried unanimously.

Respectfully Submitted,

Elizabeth Paige
Borough Administrator/Secretary