

MIDDLEBURG BOROUGH COUNCIL

MEETING MINUTES

Tuesday, May 09, 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, Brian Pauling, James Shull and Mayor Heidi Potter.
Others Present: Trever Hess/Borough Engineer Representative, Beau Hoffman/Solicitor, Police Chief/Mark Bailey, Borough Foreman/Dustin Zechman, Fire Chief/Dwayne Hackenberg and Borough Administrator/Elizabeth Paige
Public Present:

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 meeting agenda with the addition of the Middleburg Revitalization Committee's sign proposal under NEW BUSINESS. Motion carried unanimously.

Motion made by Joseph Mizak and seconded by James Shull to approve the April 11, 2023, monthly meeting minutes as presented. Motion carried unanimously.

Motion made by James Shull and seconded by Beverly Inch to approve the bills paid in April 2023, as presented. Motion carried unanimously.

Motion made by James Shull and seconded by Joseph Mizak to approve the financial statements as of April 30, 2023, as presented. Motion carried unanimously.

PUBLIC HEARING - Ordinance No 363: Abandoning any and all rights, title and interest in an unopened alley located where the south side of Bachman Street and W. Willow Avenue intersect.

- Council President, Brian Swartz opened the public hearing at 7:03 p.m. With no public comments, Brian Swartz closed the public hearing at 7:04 p.m. Mayor Heidi Potter commented the first page of the ordinance requires two (2) corrections as follows: Market Street should be W. Market Street and Willow Avenue should be W. Willow Avenue. Borough Solicitor, Beau Hoffman stated Ordinance No. 363 was advertised as required and all property owners adjacent to said unopened alley were given fifteen (15) days written notice, as required by law. Beau Hoffman informed the Borough Council no comments were received from any of the adjacent property owners. Motion made by Brian Swartz and seconded by Brian Pauling to approve Ordinance No. 363 with the two (2) foregoing mentioned corrections to the first page of the ordinance. Motion carried unanimously.

REPORTS:

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

- Borough Engineer Representative, Trever Hess presented and reviewed the bid results of the 2023 Drainage Project for E. Market Street. The apparent low bidder is Mid-State Paving & Excavating with a total bid quote of \$71,779.75. After a brief discussion of the bid results, a motion was made by Donald Zechman and seconded by James Shull to approve the bid quote of \$71,779.75 from Mid-State Paving & Excavating for the 2023 Drainage Project for E. Market Street. Motion carried unanimously.

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- Borough Engineer Representative, Trever Hess informed Borough Council that RiteWay Inc. has not been adhering to the 48 HOUR NOTICE requirement of the Sidewalk/Curb Permit Application. RiteWay Inc. provide no notice and only a 2-hour notice for inspections prior to the pouring of the Snyder County property sidewalks/curbs and no notice for inspection prior to the pouring of the Malaney property sidewalks/curbs. After a brief discussion, Borough Council requested the Borough Administrator to send a Failure to Comply Notice to RiteWay Inc. about the requirement of the 48 HOUR NOTICE prior to the pouring of sidewalks/curbs so the forms can be inspected by the Borough Engineer. Trever Hess left the meeting at 7:20 p.m.

Borough Solicitor – Beau Hoffman

- Borough Solicitor, Beau Hoffman reported the Code Enforcement Officer, Marty Sowers is inquiring with the District Magisterial Judge about the process for filing for an administrative search warrant and there is no update on the status of the citations filed against Middleburg Yarn.

Police Chief – Mark Bailey

- Police Chief, Mark Bailey reviewed the April 2023 monthly police reports with Borough Council.
- Police Chief, Mark Bailey reported on the COPS Hiring Program grant, which he and the Borough Administrator were working together to submit. Chief Bailey stated he discovered the grant cannot be submitted as the Middleburg Borough Police Department is not an accredited agency.

Borough Administrator – Elizabeth Paige

- Borough Administrator, Elizabeth Paige reviewed the updated Borough Code Violation Report and Zoning Permit Report with Borough Council.
- Borough Administrator, Elizabeth Paige reviewed and provided an update on the 2023 Notice of Violations Report for Code Enforcement Officer, Marty Sowers.
- Borough Administrator, Elizabeth Paige informed Borough Council about the renewal of the current Borough employee health insurance policy for the coverage period of June 1, 2023, to May 31, 2024. The renewal of the health insurance policy was budgeted for a possible 15% increase with the actual increase only being 4%.

EXECUTIVE SESSION:

- Council President, Brian Swartz called for an executive session at 7:30 p.m. for the discussion of personnel matters. Brian Swartz called the meeting back to order at 7:54 p.m. and the following action being taken:

1) Motion made by Brian Swartz and seconded by James Shull for the implementation of the proposed “Full-Time Hourly Wage Table” for the purpose of hiring a new full-time officer. The full-time hourly wage table will be calculated by using the current senior officer’s base wage rate as established by the Collective Bargaining Agreement (CBA). A newly hired full-time police officer’s starting wage will be calculated at 75% for the first year of service, 85% the second year of service, 90% the third year of service, 95% the fourth year of service, and 100% the fifth year of service. Motion carried unanimously.

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2) Motion made Brian Swartz to extend an offer of full-time employment to part-time Officer Michael Mitchell as follows: Starting wage for first year (2023) will be \$45,0000 and then 85% the second year of service, 90% the third year of service, 95% the fourth year of service, and 100% the fifth year of service as previously adopted by the "Full-Time Hourly Wage Table" along with two (2) years of service credit for the determination of vacation time (10 days) with year 2023 vacation time being pro-rated. Motion was seconded by James Shull and carried unanimously.

REPORTS CONTINUED:

Fire Chief – Dwayne Hackenberg

- Fire Chief, Dwayne Hackenberg reviewed the year-to-date fire company reports and informed Borough Council about the 2023 DCED Grant applied for by the Reliance Hose Company. Also, Dwayne Hackenberg updated Borough Council on the upcoming events scheduled by the fire company.
- Fire Chief, Dwayne Hackenberg reported he is working on his certification as the Emergency Management Coordinator (EMC) for Middleburg Borough. Dwayne Hackenberg encouraged any Council member, who has not taken the basic NIMS training, to do so online. Dwayne Hackenberg stated he will provide a safety message for the next Borough newsletter, which will provide him with credit towards his certification.

Borough Foreman – Dustin Zechman

- Borough Foreman, Dustin Zechman reported there still is no truck chassis available for the truck equipment ordered from Bradco Supply Co. Dustin Zechman stated he would like to place the truck purchase on hold until new government pricing is available but would like to obtain pricing for a new tractor purchase.
- Borough Foreman, Dustin Zechman informed Borough Council he was approached by a borough resident, who would like to place bat house/boxes at the pond in Charles Park. After a brief discussion, Borough Council unanimously agreed to allow the Borough Foreman to advise the resident on the placement of the bat house/boxes.

NEW BUSINESS:

- Borough Council reviewed an email from Middleburg Revitalization Committee (MRC) member, Adam Dietz proposing a new "Welcome to Middleburg" sign in the grassy area by the bridge at the intersection of Route 104 and 522. MRC had hoped to replace the four (4) existing signs along the roadways leading into the borough but were deterred by the complicated and overwhelming process of getting new signs approved based on the new requirements mandated by the PA State Highway Beautification Act. After a lengthy discussion of the sign proposal and review of the three (3) possible sign designs, Borough Council unanimously agreed the Community Improvements Committee Chairperson, Heidi Potter should contact MRC member, Adam Dietz to discuss the proposed sign details and express most Council members would be in favor of sign design "A" of the possible three (3) designs.

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COUNCIL MEMBER, MAYOR & COMMITTEE REPORTS:

- Council Member, James Shull proposed the question whether the Borough Council should be considering an ordinance update to address the new trend of Airbnb's and short-term rentals.
- Mayor Heidi Potter stated since she was not available to attend the April meeting, she would like to revisit the issues of the parking at the Middleburg Hotel. Heidi Potter made the recommendation to post the end of the existing sidewalk area along N. Station Street to Beaver Avenue as a "No Parking" zone. After a brief discussion regarding of the parking situation, Council President, Brian Swartz recommended the Buildings, Streets & Sidewalks Committee review the parking matter further and bring any recommendations back to Borough Council.
- Community Improvements Committee Chairperson, Heidi Potter informed Borough Council the committee is working on a couple projects.

CORRESPONDENCE, MINUTES, REPORTS:

- Council President, Brian Swartz called for any comments or questions regarding the Middleburg Municipal Authority draft minutes of April 11, 2023, shared with Borough Council.

With no comments or further business to conduct, motion made by James Shull and seconded by Brian Swartz to adjourn tonight's meeting at 8:42 p.m. Motion carried unanimously.

Respectfully Submitted,

Elizabeth Paige
Borough Administrator/Secretary