

MIDDLEBURG BOROUGH COUNCIL
MEETING MINUTES
Tuesday, November 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 Swart/President, Donald Zechman/Vice-President, Beverly Inch, James Shull, and Michael Kerstetter. Mayor Heidi Potter and Joseph Mizak attended via teleconference. Absent was Brian Pauling.
Others Present: Beau Hoffman/Solicitor, Police Chief/Mark Bailey, Borough Foreman/Dustin Zechman, Fire Chief/Dwayne Hackenberg and Borough Administrator/Elizabeth Paige
Public Present: Diane & Don Klingler, Brenda Dombrowski, Jim Aurand and Jodie Sheaffer

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. Council President, Brian Swartz requested to add under "New Business – 2024 Budget Review" the approval of the 2024 wage increases for non-contracted employees. Borough Solicitor, Beau Hoffman noted the correction of the next meeting date listed. Motion by Brian Swartz and seconded by James Shull to approve the meeting agenda with the addition and correction previously mentioned. Motion carried unanimously.

Motion made by Brian Swartz and seconded by James Shull to approve the October 10, 2023, monthly meeting minutes as presented. Motion carried unanimously.

Motion made by Brian Swartz and seconded by Beverly Inch to approve the bills paid in October 2023 as presented. Motion carried unanimously.

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

PUBLIC:

- Middleburg Revitalization Committee (MRC) President, Diane Klingler reported MRC investigated the usage of the organization's 501(c)3. MRC is responsible for all activities and reporting conducted with their assigned 501(c)3 status, so therefore no outside individuals or organizations may use their 501(c)3 status. Council President, Brian Swartz inquired if someone could join the MRC to introduce a new project to the committee. Diane Klingler explained the process adopted by MRC's by-laws for new members to join the committee. Borough Solicitor, Beau Hoffman inquired if MRC allows someone who is not a member to introduce a new project idea for the MRC to consider taking on. Diane Klingler stated the MRC welcomes new project ideas, but the committee would like to evaluate the viability of any new project idea before the committee votes to take on the project. MRC Treasurer, Brenda Dombrowski reviewed the past project accomplishments of the committee with Borough Council at this time.
- Jodie Sheaffer, a concerned purchaser of six (6) Hometown Hero Banners sold and maintained by the Middleburg Revitalization Committee (MRC), presented a request for Borough Council to consider taking on the future responsibility of maintaining/installing the banners. After a brief review and discussion of the memo provided by Jodie Sheaffer, Mayor Heidi Potter questioned what maintenance costs are covered by the maintenance fee charged by the MRC as the memo notes the MRC is only reimbursing the Borough for the one-time lift rental for installing the banners. MRC President, Diane Klingler stated MRC considers the Hometown Hero Banners project to be a fund-raising type of project. Council Member, James Shull stated he would not consider collecting a maintenance fee as a fund raiser. Borough Solicitor, Beau Hoffman stated he would like to review the documents being used by the MRC to sell a banner and collect an annual maintenance fee. Beau Hoffman recommended the Borough Council hold an executive session to further discuss this request as a legal matter.

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REPORTS:

Fire Chief - Dwayne "Butch" Hackenberg

- Fire Chief, Dwayne Hackenberg reviewed the year-to-date fire company call report and reported on the upcoming fire company events.

Borough Solicitor – Beau Hoffman

- Borough Solicitor, Beau Hoffman stated he would like to discuss both the Middleburg Yarn report and the revisions to the signage section of the Zoning Ordinance in an executive session as legal matters.
- Borough Solicitor, Beau Hoffman reviewed Resolution 2023-08: Establishing a Civil Service Commission and appointing individuals to serve on the commission. Beau Hoffman informed the Borough Council there needs to be three (3) qualified electors of the Borough to serve on the commission. Currently, Police Chief Mark Bailey has two (2) qualified electors (John Stetler and Gary Thomas) willing to serve on the commission. Beau Hoffman stated a third qualified elector is still needed for the establishment of the commission. Mayor Heidi Potter stated she had emailed Council Member, Brian Pauling about serving but did not receive any reply. Police Chief, Mark Bailey inquired if Jim Aurand, who was attending tonight's meeting, would be interested in serving on the commission. Jim Aurand replied he needs more information about the commission before he can decide. Borough Administrator, Elizabeth Paige stated she would email Jim Aurand information about the Borough establishing a Civil Service Commission.
- Borough Solicitor, Beau Hoffman reviewed the amendments to Chapter 21, Part 2 of the Middleburg Borough Code regulating maintenance of sidewalks and curbs to clarify that curbs are required along any required sidewalk and to adopt an approved contractor list, which will be maintained by the Borough Administrator. After a brief discussion of the amendments, motion made by James Shull and seconded by Brian Swartz to approve the Borough Solicitor to make the amendments as reviewed plus adding a clause, which allows a property owner to be added to the approved contractor list via the same process as a contractor, and then advertise the ordinance for a public hearing at the December meeting.
- Borough Solicitor, Beau Hoffman reviewed the boundary change and reporting processes, which were amended through Act 41 of 2022 with Borough Council. Beau Hoffman stated this may be helpful if the Borough Council wants to make an agreement with Franklin Township by ordinance to adjust the municipal boundary along E. Market Street near the Kreider property, where the current existing boundary is unclear and the current ongoing property maintenance issue at the Kreider property.

Police Chief – Mark Bailey

- Police Chief, Mark Bailey reviewed the October 2023 monthly police report with Borough Council.
- Police Chief, Mark Bailey reviewed a memo emailed to Borough Council members regarding the purchase of a 2023 Ford Police Interceptor (Explorer) in stock at Fred Beans Ford of Doylestown. Chief Bailey stated this vehicle will replace the 2013 Ford Explorer, which will be reassigned to the School Resource Officer (SRO) position at the Midd-West School District (MWSD). In anticipation of MWSD approving the second SRO position, the Police Department would assign the 2008 Ford Crown Victoria to this officer, who will most likely be stationed at the West Snyder Elementary School. Chief Bailey reviewed a comparison of police department budget figures vs. contracted services revenue for the years 2022, 2023 and 2024 with Borough Council. At this time, Chief Bailey requested Borough Council approve the purchase of the 2023 Ford Police Interceptor by using the funds in the Police Department

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PLGIT account and allocate the expenditure of \$20,113.82 from the police department contracted services programs surplus funds to complete the purchase and upfitting of the new vehicle. Mayor Heidi Potter recommended the Borough Council to move forward with the purchase of the new vehicle and consider the purchase as an investment for the Borough. After a brief discussion of the budgeting for the purchase and upfitting of the new vehicle, motion made by James Shull and seconded by Beverly Inch to move forward with the purchase of the 2023 Ford Police Interceptor from Fred Beans Ford of Doylestown and adjust the 2024 Budget to expend funds to upfit the vehicle. Motion carried unanimously.

- Police Chief, Mark Bailey informed Borough Council the Mid-West School District (MWSD) approved the “Agreement and Terms of Tuition - Reimbursement for Educational Activities – Armed Security to School Resource Officer (SRO)” with the recommended changes discussed at last month’s meeting. Chief Bailey presented the signed agreement from the MWSD for Borough Council’s approval. Motion made by Brian Swartz and seconded by Beverly Inch to approve the “Agreement and Terms of Tuition - Reimbursement for Educational Activities – Armed Security to School Resource Officer (SRO)” presented by MWSD. Motion carried unanimously.

Borough Foreman – Dustin Zechman

- Borough Foreman, Dustin Zechman informed Borough Council the Municipal Authority along with the Department of Environment Protection (DEP) are investigating concerns at the water treatment plant property regarding the activities taking place on a neighboring property. Dustin Zechman stated if anyone receives public concerns about the water treatment plant, they should contact him.
- Borough Foreman, Dustin Zechman reported he was contacted by PennDOT regarding the request for a road repair at E. Main Street and Center Street. PennDOT stated the contractor for the E. Main Street road project performed and completed all the road work specified within the road project contract. Dustin Zechman stated he received a quote of \$1,260.00 from Mid-State Paving, LLC to perform the road repair at E. Main Street and Center Street. Motion made by Donald Zechman and seconded by James Shull to approve the quote of \$1,260.00 from Mid-State Paving, LLC to perform the road repair at E. Main Street and Center Street. Motion carried unanimously.
- Borough Foreman, Dustin Zechman reported the parking spaces on E. Main Street have been painted but the yellow curbs have not been painted yet. Dustin Zechman reported a space was eliminated by the school crosswalk, but he noticed a car continues to park as if there is still a parking space there. Police Chief, Mark Bailey stated a sign indicating “No Parking” must be installed for enforcement to be performed by the police department.

Borough Administrator/Zoning Officer – Elizabeth Paige

- Borough Administrator/Zoning Officer, Elizabeth Paige reviewed the updated Borough Code Violation Reports with Borough Council.
- Borough Administrator, Elizabeth Paige reviewed the 2024 Meeting Schedule and requested a motion to advertise the meeting schedule. Motion made by Brian Swartz and seconded by James Shull to approve the 2024 Meeting Schedule for advertisement. Motion carried unanimously.

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OLD BUSINESS:

- Borough Administrator, Elizabeth Paige reviewed the email regarding the renewal of the USPS lease of parking spaces from the Borough. JLL, Lease Manager was able to get USPS to increase their offer by 8% to \$2068.00/yr. for the base term, averaging a 2% rent increase each year. Also, the renewal options will be a 10% increase from the base rent. After a brief discussion, motion made by Brian Swartz and seconded by James Shull to approve the renewal of the USPS lease and to approve Resolution 2023-07 authorizing Council President, Brian Swartz as the Borough's representative to execute the lease for the parking spaces. Motion carried with five (5) yes votes and a no vote from Michael Kerstetter.

EXECUTIVE SESSION:

- Council President, Brian Swartz called for an executive session at 8:41 p.m. for the discussion of legal matters. Brian Swartz called the meeting back to order at 9:32 p.m. with no action taken. Brian Swartz requested the Borough Administrator include the formation of a "Sign Committee" to the January 2, 2024, meeting agenda. Borough Council's Community Improvements Committee will review the concern about the MRC Hometown Hero Banners and make a recommendation to Council at next month's meeting.

NEW BUSINESS:

- Borough Administrator, Elizabeth Paige presented the proposed 2024 Borough Budgets for the Borough Council members to review. Elizabeth Paige reported there were no public comments received. After a brief review and discussion, Borough Council requested the Borough Administrator to revise the 2024 Borough Budget to include the upfitting of the new police vehicle and increase the hydrant expense due to the water rate increase approved by the Municipal Authority. The revised 2024 Budget should be emailed to the Budget Committee members for review and approval of the 2024 Budget to be placed on the December meeting agenda.
- Personnel Committee Chairman, Brian Swartz reported the proposed 2024 Budget includes 3% salary increases for the Police Chief, Borough Foreman and Borough Administrator along with a fifty (50) cent wage increase for the part-time Police Department Secretary and the Municipal Authority Secretary. Motion made by Brian Swartz and seconded by James Shull to approve the wage increases as presented in the proposed 2024 Budget. The motion was carried unanimously with Donald Zechman abstaining from voting on the Borough Foreman's salary increase due to person conflict.
- Borough Administrator, Elizabeth Paige reviewed the draft of the 2023 Winter Newsletter with Borough Council. The Budget Committee requested the addition of a clause under the adopted 2024 Borough Budget notice stating, "The only increase for 2024 will be the Road Fund Tax, which will increase by 1 mill."
- Borough Administrator, Elizabeth Paige presented the Scope of Work and the Agreement for Consulting Engineering Services from Gannett Fleming, Inc. for the Traffic Signal Design Project, which will be completed with the Green Light-Go Grant awarded to the Borough. Motion made by James Shull and seconded by Brian Swartz to approve the Scope of Work and the Agreement for Consulting Engineering Services from Gannett Fleming, Inc. for the Traffic Signal Design Project. Motion carried unanimously.

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COUNCIL MEMBERS, MAYOR & COMMITTEE REPORTS:

- Council Member, Michael Kerstetter inquired if the Borough should consider the purchase of a leaf vacuum machine for the annual leaf collection. Borough Foreman, Dustin Zechman stated there maybe recycling grant funds available for the purchase of a leaf vacuum machine. Dustin Zechman stated he will investigate and report back on the availability of recycling grant funds.
- Council President, Brian Swartz stated the Buildings, Streets & Sidewalks Committee should be looking at moving forward with the next phase of sidewalk repairs (W. Market Street).

CORRESPONDENCE, MINUTES, REPORTS:

- Council President, Brian Swartz 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 Donald Zechman to adjourn tonight's meeting at 9:52 p.m. Motion carried unanimously.

Respectfully Submitted,

Elizabeth Paige
Borough Administrator/Secretary