

**MIDDLEBURG BOROUGH COUNCIL**  
**MEETING MINUTES**  
**Tuesday, October 10, 2023 @ 7:00 p.m.**  
**Page 1**

Meeting Location: Middleburg Borough Building, 13 N. Main Street, Middleburg, PA

Council Members: Present: Brian Swartz/President, Donald Zechman/Vice-President, Beverly Inch, James Shull, Michael Kerstetter and Mayor Heidi Potter. Absent were Joseph Mizak and Brian Pauling.

Others Present: Beau Hoffman/Solicitor, Police Chief/Mark Bailey, Borough Foreman/Dustin Zechman, and Borough Administrator/Elizabeth Paige

Public Present: Don Meredith, Len & Bea Prosseda, Don & Diane Klingler, and Dan Price

**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. Borough Administrator, Elizabeth Paige requested to add the review of the Draft 2024 Borough Budget. Motion by Brian Swartz and seconded by James Shull to approve the meeting agenda with the addition of reviewing the Draft 2024 Borough Budget under New Business. Motion carried unanimously.

Motion made by Brian Swartz and seconded by Beverly Inch to approve the August 15, 2023, monthly meeting minutes as presented and to approve the September 12, 2023, meeting cancellation notice. Motion carried unanimously.

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

Motion made by Brian Swartz and seconded by James Shull to approve the financial statements as of August 31, 2023, and the financial statements as of September 30, 2023, as presented. Motion carried unanimously.

**PUBLIC:**

- Don Meredith inquired about the progress of the project presented to Borough Council regarding the placement of solar light poles with flower baskets. Council President, Brian Swartz stated Ryan & Jenelle VanHorn are still investigating the different options of this project. Don Meredith offered a "Thank You" to Borough Council regarding the help to Glendale Cemetery to install the new cemetery entrance. Don Meredith offered Borough Council suggestions on the stormwater issues regarding Time Alley and the area of Center Street, Stahl and Shambach Streets. Don Meredith stated he will be displaying a banner regarding the Middleburg Yarn property. Borough Administrator/Zoning Officer, Elizabeth Paige stated Don Meredith may be required to obtain a zoning permit to display his banner.
- Len & Bea Prosseda inquired about the right-of-way to the Middleburg Municipal Authority water tower property as the roadway is currently in total disrepair due to numerous water washouts. Borough Foreman, Dustin Zechman stated there is a deeded right-of-way for the roadway to the Middleburg Municipal Authority water tower from current property owner Craig Gable. Borough Solicitor, Beau Hoffman stated the Borough Foreman should contact the Municipal Authority Solicitor and inform him of the roadway situation so a meeting can be setup to discuss the right-of-way with Len & Bea Prosseda.

**MIDDLEBURG BOROUGH COUNCIL**  
**MEETING MINUTES**  
**Tuesday, October 10, 2023 @ 7:00 p.m.**  
**Page 2**

- Middleburg Revitalization Committee (MRC) President, Diane Klingler stated she was present to hear from the Borough Engineer about the quote for the feasibility study for the proposed MRC recreation park project. At this time, Borough Engineer representative, Trever Hess presented an estimated quote of \$4,000 for the feasibility study for the proposed MRC recreation park project and reviewed the details of what would be included in the feasibility study. Council President, Brian Swartz stated the 2024 Borough Budget is very tight for funds and if the feasibility study is approved then the funds would need to be taken from the Borough's capital investment fund. Council members, James Shull and Beverly Inch stated they would be in favor of moving forward with the feasibility study as proposed. Motion was made by Donald Zechman and seconded by James Shull to budget for the feasibility study in the 2024 Borough Budget. Motion carried unanimously.
  
- Middleburg Revitalization Committee (MRC) President, Diane Klingler reported Ryan & Jenelle VanHorn reviewed their proposal, which would include the installation of forty (40) decorative solar powered street lights with a planter basket along Main Street. Ryan & Jenelle VanHorn were requesting the MRC to consider the use of their 501c3 nonprofit organization status to apply for a grant for the proposed solar powered street lights. Diane Klingler stated after a lengthy discussion about the proposed project, MRC informed Ryan & Jenelle VanHorn no decision could be made as not all the MRC members were present and there may be further questions about the proposed project.
  
- Property owner, Dan Price informed Borough Council he had the Borough Engineer out to inspect his sidewalk forms at 16-18 E. Market Street on October 5, 2023. Dan Price stated he was informed by Trever Hess of Meck-Tech, Inc. (Borough Engineer) that he would need to install curbing separate from the sidewalk slabs. Dan Price stated to Borough Council he had been informed during a review of his sidewalks with Meck-Tech, Inc. that he would not need to install curbing. Trever Hess stated he did not recall this conversation and referred Dan Price to the Borough Code of Ordinances. Dan Price argued the Borough Ordinance does not state curbing is required. At this time, the Borough Solicitor, Beau Hoffman reviewed the Borough Ordinance and referenced Section 21-206: Construction and Maintenance Specifications of the ordinance, which refers to PennDOT Publication 408, latest edition. Beau Hoffman stated if Dan Price were just repairing/performing maintenance to the sidewalk then no curbing would be required but since Dan Price has chosen to replace entire sections of his sidewalk then curbing would be required per the ordinance requirements. Dan Price stated since he is not replacing all the sidewalk sections in front of his property, he would like to request a waiver from installing curbing. After a brief discussion, a motion was made by Mike Kerstetter and seconded by Brian Swartz not to grant the requested waiver of Dan Price. Motion carried unanimously.

**REPORTS:**

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

- Borough Engineer representative, Trever Hess informed Borough Council the final inspection of the E. Market Street Drainage Project has been completed. Trever Hess stated a second change order to the contract has been requested by Mid-State Paving, LLC. The change order is to adjust quantities of material used by \$4,683.93, which brings the total contract amount to \$76,463.68. Trever Hess presented payment request #01 dated August 31, 2023, which had not been submitted previously and payment request #02 dated September 25, 2023, both are being submitted for approval. Motion made by Brian Swartz and seconded by James Shull to approve the second change order, payment request #01 and payment request #02 as presented. Motion carried unanimously.

**MIDDLEBURG BOROUGH COUNCIL**  
**MEETING MINUTES**  
**Tuesday, October 10, 2023 @ 7:00 p.m.**

**Page 3**

- Borough Engineer representative, Trever Hess reported he held an onsite meeting with Christopher Brouse of 414 Center Street about stormwater drainage issue being experienced at the property. Trever Hess stated he was able to recommend an option to Christopher Brouse about how to deal with the stormwater drainage issue at 414 Center Street. Trever Hess stated no other property owners have reached out to the Borough office about consulting with Meck-Tech, Inc. about stormwater issues.

**Borough Solicitor – Beau Hoffman**

- 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 willing to serve on the commission. Beau Hoffman stated one (1) member of the commission may be a member of the Borough Council. After a brief discussion, Mayor Heidi Potter stated she would reach out to Council member, Brian Pauling about serving as a commission member. Council President, Brian Swartz stated Resolution 2023-08 should be remain on the meeting agenda for next month's meeting.
- Borough Solicitor, Beau Hoffman informed the Borough Council the Magisterial District Judge found Middleburg Yarn guilty on all fifteen (15) citations entered and the total fines imposed equal \$8,098.05. Beau Hoffman reviewed an email received from Middleburg Yarn's attorney regarding the option to demolish and dispose of the building. Beau Hoffman reviewed his response to the email and informed Borough Council he will now move forward with contacting Esch McCombie of McNees, Wallace & Nurick, LLC regarding the next steps to be taken.

**Police Chief – Mark Bailey**

- Police Chief, Mark Bailey reviewed the August 2023 and September 2023 monthly police reports with Borough Council.
- Police Chief, Mark Bailey reviewed the Joint Municipal Agreement for Law Enforcement Services regarding Spring Township authorizing Middleburg Borough Police Department to provide law enforcement services to the Midd-West School District within Spring Township in accordance with the School Resource Officer (SRO) agreement. Borough Solicitor, Beau Hoffman presented Resolution 2023-10, which approves the contract for municipal services with Spring Township for the SRO. Motion made by Donald Zechman and seconded by Brian Swartz to approve Resolution 2023-10. Motion carried unanimously.
- Police Chief, Mark Bailey informed Borough Council he met with Midd-West School District (MWSD) officials to discuss the possibility of MWSD sending their armed security officer to the police academy. MWSD officials informed Police Chief Bailey if the school board approves sending the security officer to the police academy, then the school district would like to request coverage from the Middleburg Borough Police Department while the security officer is attending the police academy. After a lengthy discussion about the possible request for police coverage, Solicitor Beau Hoffman recommended Borough Council make a motion regarding the police coverage the Borough is willing to provide to the MWSD. Motion made by Brian Swartz and seconded by James Shull stating Middleburg Borough is willing to provide additional hours of police coverage while the MWSD security officer, Jacob Girton attends the police academy provided that after fulfilling the police academy and all requirements to serve as a municipal police officer, Jacob Girton shall reimburse the Middleburg Police Department hour for hour of police coverage provided to MWSD while he was at the police academy, as a part-time Middleburg police officer at the current part-time officer rate of pay. If Girton does not match the number of hours Middleburg provided while he was at the police academy, MWSD shall reimburse the Middleburg Borough for the remaining hours of police coverage provided while Girton attended the police academy. Motion carried unanimously.

**MIDDLEBURG BOROUGH COUNCIL**  
**MEETING MINUTES**  
**Tuesday, October 10, 2023 @ 7:00 p.m.**  
**Page 4**

**Borough Foreman – Dustin Zechman**

- Borough Foreman, Dustin Zechman recommended the Borough Council consider amending the Sidewalk Ordinance to include a clause stating sidewalk and curb maintenance/replacement must be completed by an approved contractor designated by the Borough.
- Borough Foreman, Dustin Zechman informed Borough Council he noticed the contractor for the PennDOT paving project of Main Street left an area of offset at Center Street when the tie-ins of the side streets were completed. Dustin Zechman recommended Borough Council members to file a complaint on PennDOT's website about the Center Street tie-in. Council President, Brian Swartz requested the Borough Administrator email a link to the PennDOT website so Council members can file complaints. Dustin Zechman informed Borough Council he could obtain an estimate from Mid-State Paving, LLC to repair the tie-in if PennDOT does not require the contractor to repair the tie-in.

**Borough Administrator/Zoning Officer – Elizabeth Paige**

- Borough Administrator/Zoning Officer, Elizabeth Paige reviewed the updated Borough Code Violation Reports and Zoning Permits Issued Report with Borough Council.
- Borough Administrator, Elizabeth Paige informed Borough Council the Pennsylvania Municipal Retirement System 2024 plan year minimum municipal obligation (MMO) worksheets for the Borough's non-uniform and uniform pension plans have been completed and submitted. The MMO worksheets reflect the year 2024 expected pension plan financial obligations.

**NEW BUSINESS:**

- Borough Administrator, Elizabeth Paige reviewed information regarding the renewal of the United States Postal Service (USPS) parking space lease for another five (5) years with renewal options for two (2) additional consecutive terms of five (5) years. After a discussion of the lease terms, Borough Council requested the Borough Administrator to contact and inform Jones Lang LaSalle Americas, Inc. (JLL), who has been contracted to represent the USPS during the leasing transaction process, the Borough Council will not approve/sign the renewal of the lease as presented. Middleburg Borough Council is willing to accept the five (5) year lease term with the option to renew for two (2) additional five (5) year terms, but the Annual Rent amount proposed must be increased each year of the five (5) year lease term along with the optional lease terms being structured in the same manner.
- Borough Administrator, Elizabeth Paige presented a draft of the 2024 Borough Budgets for the Borough Council members to review. Elizabeth Paige stated the estimated engineering fee of \$4,000 for the feasibility study for the MRC recreational project will be added to the draft budget. Elizabeth Paige requested the Borough Council to approve advertising the draft of the 2024 Borough Budgets for public comments, which will be placed on next month's meeting agenda to be addressed. Motion made by Beverly Inch and seconded by Brian Swartz to advertise the draft of the 2024 Borough Budgets for public comments. Motion carried unanimously.

**MIDDLEBURG BOROUGH COUNCIL**  
**MEETING MINUTES**  
**Tuesday, October 10, 2023 @ 7:00 p.m.**  
**Page 5**

**COUNCIL MEMBERS, MAYOR & COMMITTEE REPORTS:**

- Council President, Brian Swartz questioned Borough Foreman, Dustin Zechman when the Borough paints the parking space markings on E. Main Street across from the school could more space be added by the crosswalks as he has received several concerns about the traffic not being able to see the students entering the crosswalks. Dustin Zechman stated since E. Main Street is a state roadway, he will investigate the PennDOT requirement for the distance between the crosswalk and a parking space.
- Council Member, Donald Zechman informed Police Chief, Mark Bailey the members of the Moose are extremely pleased with the job performance of the Midd-West School District SRO, Nathan Fisher.
- Mayor Heidi Potter reported she was contacted by the Penn Valley Airport Authority (PVAA), who was inquiring if the Borough has found a municipal representative to serve on the PVAA and if the Borough would be budgeting a 2024 contribution. Heidi Potter stated she informed the PVAA the 2024 Borough Budget is very tight and did not think a contribution to the PVAA would be possible.
- Personnel Committee Chairman, Brian Swartz stated the committee has agreed on the following salary and wage increases for year 2024: Dustin Zechman, Mark Bailey and Elizabeth Paige will receive a 3% increase to their current annual salary. Cam Ferguson and Jodie Sheaffer will receive a \$0.50 per hour increase in their current wage. Brian Swartz requested the Borough Administrator add the approval of the salary and wage increases for year 2024 to next month's meeting agenda.

**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 Brian Swartz and seconded by Beverly Inch to adjourn tonight's meeting at 9:25 p.m. Motion carried unanimously.

Respectfully Submitted,

Elizabeth Paige  
Borough Administrator/Secretary