

MIDDLEBURG BOROUGH COUNCIL
MEETING MINUTES
Tuesday, October 11, 2022 @ 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, Michael Kerstetter, James Shull, Donald Zechman, Joseph Mizak and Mayor Heidi Potter (arrived at 7:15 p.m.). Brian Pauling and Beverly Inch were absent.
Others Present: Beau Hoffman/Solicitor, Police Chief/Mark Bailey, Dustin Zechman/Borough Foreman, Borough Engineer/Meck-Tech, Inc. Representative, Trever Hess and Borough Administrator/Elizabeth Paige
Public Present: Rylan Ebright

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. With an addition requested by Police Chief, Mark Bailey to discuss approval of a grant application and personnel policy adoption, motion by James Shull and seconded by Donald Zechman to approve the agenda. Motion carried unanimously.

Motion made by Brian Swartz and seconded by James Shull to approve the September 13, 2022, monthly meeting minutes as presented. Motion carried unanimously.

Motion made by Michael Kerstetter and seconded by Brian Swartz to approve the bills paid in September 2022, as presented. Motion carried unanimously.

Motion made by James Shull and seconded by Donald Zechman to approve the financial statements as of September 30, 2022, as presented. Motion carried unanimously.

PUBLIC HEARING:

At 7:03 p.m. Council President, Brian Swartz opened the public hearing for Ordinance 2022-360: Amending Part 5 of Chapter 5 of the Borough Code, which regulates rental units. With no public comments, Brian Swartz closed the public hearing at 7:04 p.m. Borough Solicitor, Beau Hoffman briefly reviewed the amendments to Part 5 Sections 5-502 through 5-11 to create a new method for collecting the annual Residential Rental Application/Permit fee now that it will no longer be billed on the property owner's water/sewer bill through the Municipal Authority and amend Section 5-517 to reduce the deadline to appeal to twenty (20) days from the date of the decision by the Code Official. Motion made by Donald Zechman and seconded by James Shull to adopt Ordinance 2022-360. Motion carried unanimously.

PUBLIC:

- Reliance Hose Co. President, Rylan Ebright attended tonight's meeting at the request of Borough Council to discuss the firemen's parade road closures. Rylan Ebright stated the road closures requested by the fire company for the line up of the parade participants were approved by Borough Council at the July 12th Council meeting. Rylan Ebright informed Borough Council the fire company complied with the Borough Council's request to send out a notification to each resident located along the approved roads to be closed about the time of the closure and to inform any resident needing access to their property during the closure to contact the "911" Center, who would then contact the fire company representatives lining up the parade. Rylan Ebright stated no telephone calls were received by the "911" Center during the time of the parade road closures. Council Member, Michael Kerstetter questioned Rylan if one lane of the roads closed could be left open for through traffic and/or if the parade could be lined up by using the Midd-West School parking areas without any road closures. Rylan Ebright informed Borough Council the Midd-West School parking areas are currently used as the

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parade staging area for the all the different fire company apparatus participating in the parade so there would be no room for floats and other parade participants at the parking areas. Rylan Ebright stated if Borough Council decides to allow through traffic on the requested roads for closure of the parade, then the Reliance Hose Co. would request an indemnification from the Borough due to the liability issue based on the number of participants involved in the parade line up. Rylan Ebright also stated no matter what emergency would arise during the parade road closures, the fire company would find a way to respond to that emergency.

REPORTS:

Borough Engineer – Meck-Tech, Inc.

- Meck-Tech, Inc. representative, Trever Hess reported the 2022 Road(s) Project has been completed. Trever Hess reviewed the final payment request from Mid-State Paving, LLC and informed Borough Council the total bid cost of the project was reduced by \$26,754.44 due to changes in quantity of materials used. Borough Administrator, Elizabeth Paige reported the Borough office received several calls complimenting the Borough on the road improvements within the project. Council Member, Michael Kerstetter inquired about how Meck-Tech, Inc. determined where to start the road project on E. Market Street as there currently is no identifying markers of the Borough's boundary near the Kreider property. Trever Hess stated since Franklin Township had seal coated the roadway to their determined boundary point within the Kreider property area prior to the Borough's Road project, this was the boundary point where the Borough project was started. Borough Solicitor, Beau Hoffman stated he researched the Kreider property deeds and based on a survey described within the one property deed, it would appear the Kreider property is totally located within Franklin Township.
- Meck-Tech, Inc. representative, Trever Hess reported after attending a meeting with the Borough Administrator, Mayor and PennDOT representatives to discuss traffic signal grant opportunities, Meck-Tech, Inc. was requested to help with submitting grant application(s) for the traffic signal. Trever Hess stated a traffic light design engineer will be required to prepare the design and scope of work for the grant application(s). Meck-Tech, Inc. reached out to Gannett Fleming, Inc. to request these services. Trever Hess stated Gannett Fleming needs to be approved by Borough Council as the contracted engineer for the traffic light design. With no further discussion, motion made by James Shull and seconded by Michael Kerstetter to approve contracting Gannett Fleming, Inc. as the design engineer for the traffic light grant application(s). Motion carried unanimously.
- Meck-Tech, Inc. representative, Trever Hess discussed the sidewalk improvement final notice required to be sent to the property owners along E. Market Street. Meck-Tech, Inc. is recommending the final notices be mailed out in January 2023 along with Borough Council granting a waiver of the 60-day notice of repairs of the sidewalk and/or curbing due to current economic conditions and availability of contractors thus allowing for a repair deadline of September 30, 2023. After a brief discussion, motion made by Brian Swartz and seconded by James Shull as this is the first-time enforcement of the Maintenance of Sidewalks and Curb ordinance adopted in 2019, a waiver of the 60-day final repair notice will be grant due to current economic conditions and availability of contractors thus allowing for a repair deadline of September 30, 2023. Motion carried unanimously.

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SWEARING IN OF NEW COUNCIL MEMBER:

Mayor Heidi Potter administered the oath of office to newly appointed Council Member, Joseph Mizak.

REPORTS CONTINUED:

Borough Solicitor – Beau Hoffman

- Borough Solicitor, Beau Hoffman reviewed Resolution 2022-07: Increasing the Rental Permit Fee to \$35.00 effective January 1, 2023. With no discussion, motion made by James Shull and seconded by Donald Zechman to adopt Resolution 2022-07 as presented. Motion carried unanimously.
- Borough Solicitor, Beau Hoffman informed Borough Council the District Magistrate hearing for the citations filed against Middleburg Yarn has been rescheduled to November 1, 2022, as requested by Middleburg Yarn. Beau Hoffman stated there is now a schedule conflict with the Borough's Code Enforcement Officer, Marty Sowers so therefore another request to reschedule the November 1, 2022, hearing must be submitted by the Borough.

Police Chief – Mark Bailey

- Police Chief, Mark Bailey reviewed the September 2022 Monthly Police Reports with Borough Council.
- Police Chief, Mark Bailey recommended a review of the Borough Code parking regulations as the police department has been responding to complaints from residents along Schoch Street about parking. After a brief discussion about on street parking, Borough Solicitor, Beau Hoffman recommended a review of the parking regulations be completed by the Buildings, Streets & Sidewalk Committee. Borough Council agreed with the Solicitor's recommendation and requested the Borough Administrator inform Committee Chairman, Brian Pauling as he is absent from tonight's meeting.
- Police Chief, Mark Bailey informed Borough Council a Pennsylvania Commission on Crime and Delinquency (PCCD) grant application has been completed to apply for funding of four (4) body worn cameras, two (2) dash cameras, video/audio surveillance system for the interview room with cloud storage included and one-time retention/recruitment bonuses (Hero Pay) of \$1,200 for the officers. The PCCD grant is 100% reimbursement of funds expended for grant items requested. Mark Bailey informed Borough Council a new personnel policy must be adopted for the body worn cameras prior to submitting the grant. After a brief discussion of the grant and personnel policy, motion made by Donald Zechman and seconded by James Shull to approve the adoption of Personnel Policy #424 for body worn cameras. Motion carried unanimously. Motion made by Donald Zechman and seconded by James Shull to approve the submission of the PCCD grant as presented. Motion carried unanimously.

Borough Foreman – Dustin Zechman

- Borough Foreman, Dustin Zechman reminded Borough Council that PennDOT's current road project letting schedule includes the resurfacing of S. Wausau Drive/SR 104 starting at the Franklin Township/Middleburg Borough line to E. Main Street/SR 522. Plus, if funding is available the resurfacing of E. Main Street/SR 522 from S. Wausau Drive/SR 104 to Swinehart Drive/Franklin Township.

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- Mayor Heidi Potter requested Borough Council to approve having the Borough Foreman remove the electrical lines no longer being used over the square area since the PPL electrical service has been discontinued and the meter removed. Motion made by James Shull and seconded by Brian Swartz to approve having the Borough Foreman remove the electrical lines no longer in use over the square area. Motion carried unanimously.

Borough Administrator – Elizabeth Paige

- Borough Administrator, Elizabeth Paige reviewed the year-to-date Zoning Permits Issued and Violations Report with Borough Council.
- Borough Administrator, Elizabeth Paige reviewed the updated Code Enforcement Report with Borough Council. Elizabeth Paige informed Borough Council she attended the District Magistrate Court hearing for the Nace property (41 S. Main St.) citations today. Elizabeth Paige briefly reviewed the District Magistrate Judge’s findings regarding the three (3) citations filed with Borough Council.

NEW BUSINESS:

- Borough Administrator, Elizabeth Paige briefly reviewed the 2023 Draft Budget with Borough Council. A brief discussion was held regarding the funding budgeted for the E. Main Street curb ramp upgrades. With no other comments or questions at this time, Budget Committee Chairman, Brian Swartz stated the committee will schedule another meeting to discuss and finalize the 2023 Borough Budget before the November Council meeting. If any Council Member has any further comments or questions about the 2023 Borough Budget, they should submit them to the Borough Administrator.

COUNCIL MEMBER, MAYOR & COMMITTEE REPORTS

- Personnel Committee Chairman, Brian Swartz stated a committee meeting needs to be scheduled to discuss outstanding personnel matters.
- Community Improvements Committee Chairperson, Heidi Potter stated funding is still being raised for the proposed mural for the side of the thrift store building, which will also include upgrading the sidewalk along the building.

CORRESPONDENCE, MINUTES, REPORTS:

- Council President, Brian Swartz called for any comments or questions about the Middleburg Municipal Authority draft minutes of September 13, 2022, 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 8:09 p.m.

Respectfully Submitted,

Elizabeth Paige
Borough Administrator/Secretary