

MIDDLEBURG BOROUGH COUNCIL
MEETING MINUTES
Tuesday, September 10, 2024 @ 7:00 p.m.
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Meeting Location: Middleburg Borough Building, 13 N. Main Street, Middleburg, PA
Council Members: Present: Donald Zechman/President, James Shull/Vice-President, Beverly Inch, Brian Swartz, James Gahring, Gary Thomas and Mayor Heidi Potter.
Absent: Virgil Schlieff
Others Present: Borough Solicitor/Beau Hoffman, Police Chief/Mark Bailey, Borough Foreman/Dustin Zechman and Borough Administrator/Elizabeth Paige

Public Present: No public present

CALL TO ORDER & AGENDA APPROVAL:

Middleburg Borough Council meeting called to order by Council President, Donald Zechman at 7:00 p.m. followed by the pledge of allegiance.

Council President, Donald Zechman inquired if there were any additions and/or changes to tonight's meeting agenda. Motion by James Shull and seconded by Gary Thomas to approve the agenda as presented. Motion carried unanimously.

PUBLIC COMMENTS: None

MINUTES, PAID BILLS, FINANCIAL REPORTS:

Motion made by Brian Swartz and seconded by James Shull to approve the August 13, 2024, monthly meeting minutes as presented. Motion carried unanimously.

Motion made by James Shull and seconded by Beverly Inch to approve the bills paid in August 2024 as presented. Motion carried unanimously.

Motion made by Gary Thomas and seconded by Brian Swartz to approve the financial statements as of August 31, 2024, as presented. Motion carried unanimously.

PUBLIC HEARINGS:

- Borough Solicitor, Beau Hoffman open the public hearing at 7:03 p.m. for Ordinance No. 2024-368: An Ordinance of the Borough of Middleburg, amending Chapter 15, Part 201 of the Middleburg Borough Code to amend maximum speed limits on S. Charles Avenue, Edmond Avenue and Church Street. With no public comments or questions, Beau Hoffman closed the public hearing at 7:04 p.m. Motion made by Brian Swartz and seconded by James Shull to adopt Ordinance No. 2024-368 as presented. Motion carried unanimously.
- Borough Solicitor, Beau Hoffman open the public hearing at 7:04 p.m. for Ordinance No. 2024-369: An Ordinance of the Borough of Middleburg, amending Part 9 of Chapter 27 – Zoning of the Middleburg Borough Code as it pertains to the erection, alterations and maintenance of all signs within the Borough of Middleburg and amending Part 16 of Chapter 27 – Zoning as it pertains to table of permitted uses. With no public comments or questions, Beau Hoffman closed the public hearing at 7:05 p.m. Motion made by Gary Thomas and seconded by James Shull to adopt Ordinance No. 2024-369 as presented. Motion carried unanimously.

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REPORTS:

Borough Solicitor – Beau Hoffman

- Borough Solicitor, Beau Hoffman provided a brief update on the status of the Middleburg Yarn building and the legal filing.

Police Chief – Mark Bailey

- Police Chief, Mark Bailey reviewed the August 2024 monthly police reports with the Borough Council.
- Police Chief, Mark Bailey addressed the safety concern of the traffic flow at the intersection of E. Oak Avenue and N. Main Street. Chief Bailey proposed the Borough Council consider making E. Oak Avenue a one-way street entering from N. Main Street. After a brief discussion, Borough Council directed the Borough Solicitor, Beau Hoffman to draft and present an ordinance amending the Borough Code to establish E. Oak Avenue as a one-way street at next month's meeting.
- Police Chief, Mark Bailey addressed the concern of larger vehicles entering and existing W. Oak Avenue. Chief Bailey proposed the Borough Council consider restricting the vehicle size/length traveling on W. Oak Avenue between Old School Road and N. Charles Avenue. After discussing the recent accident caused by a delivery from GNC Foods to Troutman's Meats via a semi-tractor trailer truck, Borough Council decided to table further discussion as the Police Chief has not received a response from GNC Foods about reducing the size of their delivery truck to Troutman's Meats.
- Police Chief, Mark Bailey reviewed the revised Police Officer Applicant Eligibility List submitted by the Middleburg Borough Civil Service Commission. Chief Bailey stated former applicant Trey Toby declined the offer to attend the ACT 120 Certification training at the academy in Wilkes-Barre/Scranton area. Chief Bailey recommended the Borough Council consider hiring Connor Erdley to fill the full-time officer vacancy with a starting wage of \$27.50 through the probationary period. Connor Erdley is currently employed as a part-time police officer by the Middleburg Police Department. Council member Brian Swartz raised a couple concerns regarding the Borough budget and the current Police Contract. Borough Solicitor, Beau Hoffman requested time to review the Police Contract regarding the hiring of a new officer.

Borough Foreman – Dustin Zechman

- Borough Foreman, Dustin Zechman reported borough resident, Sherry Gantt requested a meeting with the Borough Engineer to discuss a stormwater issue at her property located at 561 Maple Avenue. Sherry Gantt is concerned the stormwater pipe located on her property is no longer functioning as intended. Borough Administrator, Elizabeth Paige located a right-of-way document dated October 12, 1962, and signed by the former property owner, Paul Straub, which allowed the Borough to open a ditch and install and maintain a stormwater pipe along the property line. Borough Foreman, Dustin Zechman stated to make repairs or replace the stormwater pipe installed it would now involve Sherry Gantt's property plus three (3) adjoining properties. Borough Solicitor, Beau Hoffman stated if the Borough chooses to pursue correcting the stormwater matter, then legal easements from all four (4) property owners would need to be obtained. Motion by Gary Thomas and seconded by James Shull to have the Borough Foreman to contact all the property owners involved about the easements required and then contact the Borough Engineer about surveying the properties for the necessary easements needed. Motion carried unanimously.

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- Borough Foreman, Dustin Zechman informed Borough Council that the Middleburg Municipal Authority took no further action regarding the Management Agreements.
- Borough Council questioned Borough Foreman, Dustin Zechman about the need to hire another public works employee. After a brief discussion, a motion was made by Beverly Inch and seconded by James Shull to move forward with advertising to hire another public works employee. Motion carried unanimously.

EXECUTIVE SESSION:

- Council President, Donald Zechman called for an executive session at 7:53 p.m. for discussion of legal and personnel matters. Council President, Donald Zechman called the meeting back to order at 8:41 p.m. The following actions were taken:
 - Motion made by James Shull and seconded by James Gahring to hire Connor Erdley as a full-time police officer at a starting wage of \$27.50 throughout the nine (9) month probation period and the Police Chief and Mayor will perform an evaluation of the officer prior to the end of the probationary period and make recommendation to the Borough Council per the Police Contract. Motion carried unanimously.
 - Motion made by Gary Thomas and seconded by James Gahring to approve the Borough Administrator to write a letter to the Middleburg Municipal Authority stating the Borough wishes to continue to work with the Municipal Authority through year 2025 and open discussions about revising the Management Agreements, the need to hire additional personnel, the purchasing of equipment and the sharing of services, personnel, and equipment. Motion carried unanimously.

Borough Administrator/Zoning Officer – Elizabeth Paige

- Borough Administrator, Elizabeth Paige reviewed the year-to-date Zoning Permit Report, Violation Report and Code Enforcement Violation Report with Borough Council.
- Borough Administrator, Elizabeth Paige reviewed the 2025 MMO Reports for the Police and Non-Uniform Pension Plans with Borough Council.
- Borough Administrator, Elizabeth Paige requested approval for Halloween Trick or Treat hours on October 31, 2024, from 6 p.m. to 8 p.m. Motion made by Beverly Inch and seconded by James Shull to approve Trick or Treat hours on October 31, 2024, from 6 p.m. to 8 p.m. Motion carried unanimously.
- Borough Administrator, Elizabeth Paige reviewed the Borough Fall Newsletter with Borough Council. Elizabeth Paige stated the Reliance Hose Company's Fall Festival scheduled for October 3rd – October 5th will be added into the Events section of the newsletter. With no other additions, corrections or changes, Borough Council unanimously approved the Fall Newsletter.
- Borough Administrator, Elizabeth Paige reviewed the email received from Snyder County Chief Clerk, Tony Phillips regarding the future maintenance of the "Cut" property. The Snyder County Commissioners will take over the maintenance of the property if the Borough finishes this year's mowing season. Motion made by Gary Thomas and seconded by Brian Swartz to finish this year's mowing season for the "Cut" property and request a letter from the County regarding the future maintenance. Motion carried unanimously.

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- Borough Administrator, Elizabeth Paige updated Borough Council on the progress of the traffic light replacement project as follows: project bid advertisement to be placed, pre-bid meeting will be held on September 23rd at 1 p.m., opening of bids to take place on October 7th at 10 a.m. and Borough Council's approval to award the bid at the October 8th meeting.

OLD BUSINESS:

- Borough Administrator, Elizabeth Paige reported she contacted Snyder County Conservation District Representative, Tim Hornberger about making application for Dirt & Gravel Road Funds. Elizabeth Paige reported the Borough must have a person certified to participate and apply for funding. The next 2-day certification program is being held in Bradford County on September 25th & 26th from 8 a.m. to 4 p.m. each day. Tim Hornberger stated the Conservation District Office has educational funds available to send someone to the certification program. The certification is good for five (5) years and can be renewed by attending a follow-up seminar. Borough Foreman, Dustin Zechman stated he would not be available to attend the seminar. Elizabeth Paige stated she may be able to attend if Council desires someone to attend. Motion made by Brian Swartz and seconded by Beverly Inch to allow Elizabeth Paige to attend the 2-day certification program if she is available to attend. Motion carried unanimously.

COUNCIL MEMBERS, MAYOR & COMMITTEE REPORTS:

- Budget Committee Chairman, Brian Swartz stated the Personnel Committee needs to meet to work on the 2025 employment agreements for the Police Chief, Borough Foreman and Borough Administrator plus the recommend wages for the part-time employees. Brian Swartz also requested the Buildings, Streets & Sidewalk Committee work on submitting budget figures for any streets and sidewalk projects.
- Mayor Heidi Potter questioned the Borough Foreman if there is any information on the repairs for the large fountain in Charles Park. Borough Foreman, Dustin Zechman stated the fountain's control panel has been sent back to the company for repair or possible replacement and he has not heard anything from the company yet.

CORRESPONDENCE, MINUTES, REPORTS:

- Council President, Donald Zechman 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 Gary Thomas to adjourn tonight's meeting at 9:02 p.m. Motion carried unanimously.

Respectfully Submitted,

Elizabeth Paige
Borough Administrator/Secretary