

MIDDLEBURG BOROUGH COUNCIL
MEETING MINUTES
Tuesday, September 13, 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, Beverly Inch, and Mayor Heidi Potter. Donald Zechman Jr. arrived at 7:35 p.m. Brian Pauling was absent.
Others Present: Jeremiah Runkle/Solicitor, Dwayne "Butch" Hackenberg/Fire Company Chief, Elizabeth Paige/Borough Administrator, and Dustin Zechman/Borough Foreman
Public Present: Joesph Mizak and Donald Meridith

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 the addition of a discussion about the Glendale Cemetery Association entrance by the Borough Foreman, motion by James Shull and seconded by Beverly Inch to approve the agenda. Motion carried unanimously.

Motion made by Brian Swartz and seconded by James Shull to approve the August 09, 2022, monthly meeting minutes as presented. Motion carried unanimously.

Motion made by James Shull and seconded by Michael Kerstetter to approve the bills paid in August 2022, as presented. Motion carried unanimously.

Motion made by Brian Swartz and seconded by Beverly Inch to approve the financial statements as of August 31, 2022, as presented. Motion carried unanimously. Borough Administrator, Elizabeth Paige reviewed updated information on the borough accounts with Borough Council.

PUBLIC COMMENT:

- Joseph Mizak introduced himself to Borough Council and expressed his interest to fill the current vacancy on Borough Council. Joseph Mizak provided a brief history about himself to the Borough Council. Borough Administrator, Elizabeth Paige questioned Joseph if he is a registered voter of the borough and has resided for at least one year in the borough. Joseph Mizak answered yes to both.
- Donald Meredith reviewed his letter sent to Congressman Fred Keller about the Middleburg Yarn building. Donald Meredith stated the Borough Administrator has updated him on the steps being taken by Borough Council regarding the Middleburg Yarn building. Borough Solicitor, Jeremiah Runkle stated citations have been filed with at the District Magistrate's regarding the IPMC violations by the Code Enforcement Officer.

REPORTS:

Fire Chief – Dwayne "Butch" Hackenberg

- Fire Chief, Butch Hackenberg provided and reviewed the year-to-date fire company reports with Borough Council. Butch Hackenberg updated Borough Council on a state grant application filed by the fire company, briefly reviewed the carnival proceeds, and informed Council the annual campaign contributions are up from the previous year. With no questions from Borough Council, Butch Hackenberg left the meeting at 7:19 p.m.

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EXECUTIVE SESSION: At 7:20 p.m. Council President, Brian Swartz called for an executive session to discuss personnel matters. Brian Swartz called the meeting back to order at 7:54 p.m. Motion made by Brian Swartz and seconded by James Shull to appoint Joseph Mizak by Resolution 2022-06 to fill the vacancy on Borough Council. Motion carried unanimously. Brian Swartz announced there is action necessary on the other personnel matters discussed.

REPORTS CONTINUED:

Police Chief – Mark Bailey (Not Present at Tonight’s Meeting)

- Mayor Heidi Potter reviewed the August 2022 Monthly Police Reports with Borough Council.
- Borough Administrator, Elizabeth Paige informed Borough Council the Police Chief is proposing an increase of \$5.00 per hour to the Contracted Police Service Rate for year 2023. After a brief discussion, motion made by Donald Zechman Jr. and seconded by James Shull to increase the 2023 Contracted Police Service rate by \$5.00 per hour effective January 1, 2023. Motion carried unanimously.
- Council Member, James Shull provided a copy of a fact sheet about rules for new electric vehicles to be given to the Police Chief.

Borough Foreman – Dustin Zechman

- Borough Foreman, Dustin Zechman informed Borough Council the contractor for the Glendale Cemetery Association new driveway entrance removed the curbing along E. Market Street and hit the stormwater inlet placed by Mid-State Paving LLC as part of the E. Market Street project. Dustin Zechman stated he has meet with the contractor on site and informed him that he must replace the curbing for Mid-State Paving LLC to pave the road. Dustin Zechman also provided the contractor a copy of the Snyder County’s SALDO “Stormwater Exemption Criteria and Notes.” Dustin Zechman stated the Borough Engineer strongly recommended there be a collection pipe placed by the contractor that would tie directly into the inlet as opposed to the water running down the driveway and into the inlet placed on the upstream side of the driveway per the request of the Glendale Cemetery Association. Dustin Zechman informed Borough Council the contractor was not instructed to place a collection pipe but was instructed to slope the driveway towards the stormwater inlet.

Borough Administrator – Elizabeth Paige

- Borough Administrator, Elizabeth Paige reviewed the year-to-date Zoning Violation Report with Borough Council. Elizabeth Paige also reviewed the updated Notice of Violations Report from Code Enforcement Officer, Marty Sowers of Light-Heigel & Associates. Borough Solicitor, Jeremiah Runkle stated the shrubbery at the corner of W. Willow Avenue and S. Main Street has been cut back, which provides for the safety of existing traffic. Council member, Michael Kerstetter inquired what is happening with the junk vehicles at the Kreider property along E. Market Street. Elizabeth Paige stated since the Borough Solicitor’s letter dated June 9, 2022, Kreider did push back the junk vehicles and automotive parts along the road and within the public right-of-way. Code Enforcement Officer, Marty Sowers of Light-Heigel & Associates was taken to the property on September 9, 2022, to take photos. Marty Sowers will be contacting the Borough Solicitor to discuss what action the Borough would like to take next.

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- Borough Administrator, Elizabeth Paige reviewed the “Draft” Fall newsletter with Borough Council. With no corrections or additions to the newsletter, Elizabeth Paige will inform the Municipal Authority Secretary to make copies and mail out the FALL newsletter.
- Borough Administrator, Elizabeth Paige reviewed the Minimum Municipal Obligation (MMO) for the Uniform (Police) Pension Plan and the Non-Uniform Pension Plan with Borough Council.
- Borough Administrator, Elizabeth Paige reviewed the qualifications to form a Workplace Safety Committee, which would allow the Borough to receive a 5% reduction on the workers compensation insurance policy premium. After a brief discussion, Borough Council unanimously agreed there is no interest in forming a Workplace Safety Committee.

OLD BUSINESS:

- Borough Administrator, Elizabeth Paige reviewed proposed Ordinance No. 2022-360, which amends Part 5 of Chapter 5 of the Borough Code regulating rental units. Elizabeth Paige also discussed increasing the annual rental permit fee collected, which will no longer be collected through the quarterly water/sewer billing. The annual rental permit fee for each rental unit will be collected when the property owner of each rental property submits the Residential Rental Application/Permit by the first day of February of each calendar year. After reviewing the proposed ordinance, motion made by Brian Swartz and seconded by James Shull to increase the rental permit fee to \$35.00 and advertise for a public hearing at next month’s meeting for Ordinance No. 2022-360. Motion carried unanimously.
- Borough Foreman, Dustin Zechman inquired if anyone from the Borough had contacted the property owners along Stumps Run about the replacement of their bridges. Borough Administrator, Elizabeth Paige stated Borough Council had made the decision to waiver zoning permits for the bridge replacements. Borough Council requested the Borough Foreman to contact the residents about the placement of their bridge supports away from the stormwater retaining wall.

NEW BUSINESS:

- Council President, Brian Swartz reviewed the proposed AFSCME Contract proposals with the Borough Council. Motion made by James Shull and seconded by Brian Swartz to accept and approve the proposed AFSCME Contract proposals as presented. Motion carried unanimously. Brian Swartz requested the Borough Administrator email the AFSCME union representative and arbitrator about the Borough Council’s decision.

COUNCIL MEMBER, MAYOR & COMMITTEE REPORTS

- Council President, Brian Swartz reported he received a request for Borough Council to consider making either the intersection of Center Street or S. Shuman Street with E. Main Street right turn only during the time Midd-West Schools open and close each school day. After a brief discussion, Borough Council unanimously agreed there will be no changes made at either intersection.

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- Council Member, Donald Zechman Jr. informed Borough Council that he walked along Wagenseller Street and Thomas Avenue, which the fire company requested use of for staging the firemen's parade. Donald Zechman Jr. stated both sides of each street were used and there was no way for the residents to enter or exit their homes. Borough Administrator, Elizabeth Paige stated Borough Council granted the fire company permission to closed both streets from 4:30 to 8:30 p.m. with the condition that the fire company send out notices to each resident along streets with the time of closure and a contact phone number in case any resident needed to exist or enter their home during the road closure. Council Member, Michael Kerstetter stated he received a phone call from one of the residents about the road closure and their driveway being blocked. After a brief discussion, Borough Council requested the Borough Administrator contact Fire Company President, Rylan Ebright about attending next month's meeting to discuss the option of closing only one side of the streets for next year's parade.
- Personnel Committee Chairman, Brian Swartz informed the committee members a meeting will be scheduled to discuss the Police Chief's employment agreement and discuss a 2023 raise for the Police Department Secretary.
- Community Improvements Committee Chairperson, Heidi Potter supplied a brief update on the proposed mural for the side of the thrift store building.
- Budget Committee Chairman, Brian Swartz stated a budget meeting to review the water and sewer budgets has been scheduled for Tuesday, September 20th at 5:30 p.m.

CORRESPONDENCE, MINUTES, REPORTS:

- Council President, Brian Swartz called for any comments on the minutes or correspondence shared with Borough Council.

With no comments or further business to conduct, motion made by James Shull and seconded by Donald Zechman Jr. to adjourn tonight's meeting at 9:24 p.m.

Respectfully Submitted,

Elizabeth Paige
Borough Administrator/Secretary