

**MIDDLEBURG BOROUGH COUNCIL**  
**MEETING MINUTES**  
**Tuesday, August 15, 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, Brian Pauling, Beverly Inch, James Shull, Michael Kerstetter and Mayor Heidi Potter. Absent was Joseph Mizak.  
Others Present: Beau Hoffman/Solicitor, Police Chief/Mark Bailey, Borough Foreman/Dustin Zechman, Fire Chief/Dwayne Hackenberg and Borough Administrator/Elizabeth Paige  
Public Present: William Reese, Middleburg Revitalization Committee Members – Don Klingler, Diane Klingler and Faye Aurand

**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. Motion by Brian Swartz and seconded by Brian Pauling to approve the meeting agenda with the addition of a Subdivision Plan Review under New Business. Motion carried unanimously.

Motion made by Brian Swartz and seconded by James Shull to approve the July 11, 2023, monthly meeting minutes as presented. Motion carried unanimously.

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

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

**PUBLIC:**

- Middleburg Revitalization Committee (MRC) President, Diane Klingler stated after receiving Borough Council's approval to move forward with a project to upgrade and include more ADA compliant pieces of playground equipment in the Charles Park playground area, the MRC met with DCNR representative, Wes Fahringer to discuss how to write grants and learn what grants might be available. MRC would now like to include a walking path from the playground/pavilion area to extend around the lake as part of the project. Plus, MRC would like to apply for a DCNR grant basis on recommendations shared by Wes Fahringer. Since the Borough owns the property (recreation park area) where the project would take place, Wes Fahringer stated the Borough would need to approve sponsoring the project. Also, MRC requested the Borough Council to consider budgeting monies in the year 2024 budget to be used towards the grant application matching funds and approve the Borough Engineer to do the site plan work for the project along with developing an estimated project cost. After a discussion regarding the walking path construction, 2024 grant application process, and matching grant funds, Borough Council directed the Borough Administrator to contact the Borough Engineer to request a price quote by next month's meeting on the development of a feasibility study and a project scope to complete the 2024 grant application. Further discussion to be continued at next month's meeting.
- Borough resident, William Reese stated he spoke with Borough Foreman, Dustin Zechman about the possibility of archery hunting on the Borough's property located behind the maintenance shed located on Furnace Road. After a brief discussion, Borough Council requested the Borough Solicitor to do a waiver of liability and bring it to next month's meeting for review.

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**REPORTS:**

**Borough Engineer/Meck-Tech, Inc. – Via Borough Administrator, Elizabeth Paige**

- Borough Engineer representative, Trever emailed and requested the Borough Administrator to present the Change Order Request from Mid-State Paving to change the original substantial completion date for the E. Market Street Drainage Project from July 31, 2023, to September 15, 2023, due to delays in the production of structures needed for the project. Motion made by Donald Zechman and seconded by Beverly Inch to approve the change order request from Mid-State Paving as presented. Motion carried unanimously.

**Borough Solicitor – Beau Hoffman**

- Borough Solicitor, Beau Hoffman informed the Borough Council the Magisterial District Court Hearing for the citations issued against Middleburg Yarn Processing Co., Inc. is scheduled for Thursday, August 17, 2023, at 10:00 a.m. Beau Hoffman stated he will email Borough Council once the hearing is completed and a decision is rendered by District Magisterial Judge, Bo Trawitz.

**Police Chief – Mark Bailey**

- Police Chief, Mark Bailey reviewed the June 2023 monthly police reports with Borough Council.
- Police Chief, Mark Bailey informed Borough Council a Civil Service Commission must be established if the Borough employs more than three (3) full-time police officers. Chief Bailey stated the recent hiring of Nathan Fisher as a full-time police officer has brought the number of full-time officers to three (3). If the Borough is considering hiring another full-time officer to fill the vacant position left by former Officer David Shaffer, then the Borough would need to establish a Civil Service Commission. Borough Solicitor, Beau Hoffman stated a Civil Service Commission needs to be established by the adoption of a Borough ordinance and the commission members appointed by Resolution along with an oath of office being taken by the commission members. The Civil Service Commission shall consist of three (3) commissioners, who shall be qualified electors of the Borough. Beau Hoffman suggested an alternate member also be appointed. After a brief discussion, motion made by Donald Zechman and seconded by Brian Pauling to approve the Borough Solicitor to draft the required Borough Ordinance and Resolution for next month's meeting. Motion carried unanimously. Also, the Borough Council requested the Borough Administrator to reach out to Labor Attorney, Langdon Ramsburg at McNees, Wallace & Nurick, LLC to request a draft of rules and regulations for the Civil Service Commission
- Borough Administrator, Elizabeth Paige stated since the Borough is working on drafting the 2024 Budget, Borough Council should consider whether there will be an increase in the hourly Contracted Police Service Rate for year 2024. After a brief discussion, a motion was made by Brian Swartz and seconded by Brian Pauling to increase the hourly Contracted Police Service rate from \$70.00 to \$75.00 per hour effective January 1, 2024. Motion carried unanimously.

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

- Borough Administrator/Zoning Officer, Elizabeth Paige reviewed the updated Borough Code Violation Reports and Zoning Permit Report with Borough Council. Mayor Heidi Potter requested Elizabeth Paige to check on the property located at 241 W Market Street.

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**EXECUTIVE SESSION:**

- Council President, Brian Swartz called for an executive session at 7:40 p.m. for the discussion of personnel matters. Brian Swartz called the meeting back to order at 7:52 p.m. with no action taken.

**NEW BUSINESS:**

- Borough Administrator, Elizabeth Paige reviewed the Grace Hassinger Family Trust Subdivision Plan submitted to the Snyder County Planning Commission with the Borough Council. After a brief review of the plan, Borough Council unanimously agreed there are no comments to be submitted to the Snyder County Planning Commission regarding the Grace Hassinger Family Trust Subdivision Plan.

**REPORTS CONTINUED:**

**Fire Chief – Dwayne Hackenberg**

- Fire Chief, Dwayne Hackenberg reviewed the year-to-date Reliance Hose Company call report with Borough Council. Dwayne Hackenberg reported the firemen's carnival figures are not available yet.
- Fire Chief, Dwayne Hackenberg reported the fire company recently closed out a state grant for the purchase of firefighting equipment. Dwayne Hackenberg also stated the fire company has been awarded a DCNR 50/50 Grant for fire equipment.

**Borough Foreman – Dustin Zechman**

- Borough Foreman, Dustin Zechman reported the 2022 budgeted truck purchase/order has finally gone through and the truck chassis will now be sent to Bradco for the installation of the box and equipment.
- Borough Foreman, Dustin Zechman informed Borough Council the PennDOT Road Project (Route 522/Route 104) was awarded to HRI, Inc. and most of the road work is scheduled to be performed at night.
- Borough Foreman, Dustin Zechman reviewed the Act 14 Notification letter from the Municipal Authority's engineer, Larson Design Group for the upcoming Sewage Collection System Rehabilitation Project with the Borough Council.

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

- Borough Council Member, Donald Zechman questioned Police Chief, Mark Bailey about how the parade detours went. Police Chief, Mark Bailey provided a brief report on the parade detours and informed Borough Council that each year the Borough Foreman is requested to provide and place cones plus road barricades at various intersections within the Borough. Chief Mark Bailey stated there needs to be a decision about whose responsibility it is to place the cones and barricades onto the roadway before the parade. Borough Solicitor, Beau Hoffman recommended Borough Council consider forming a Parade Committee next year at the January reorganization meeting.

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- Mayor Heidi Potter informed Borough Council she was unable to ride in the parade as Donald Meredith's car broke down right before the start of the parade.
- Personnel Committee Chairperson, Brian Swartz stated he will be contacting the members to set up a meeting.
- Community Improvements Chairperson, Heidi Potter informed Borough Council the mural to be placed on the thrift shop building wall is scheduled for placement in September.
- Budget Committee Chairperson, Heidi Potter stated the committee is waiting for figures from the police department and public works department plus 2024 wage information from the Personnel Committee.

**CORRESPONDENCE, MINUTES, REPORTS:**

- Council President, Brian Swartz called for any comments or questions regarding the Middleburg Municipal Authority draft minutes of July 11, 2023, and the email notice from PennDOT.

With no comments or further business to conduct, motion made by Brian Swartz and seconded by Brian Pauling to adjourn tonight's meeting at 8:15 p.m. Motion carried unanimously.

Respectfully Submitted,

Elizabeth Paige  
Borough Administrator/Secretary