

MIDDLEBURG BOROUGH COUNCIL
MEETING MINUTES
Tuesday, December 12, 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, Beverly Inch, James Shull, Brian Pauling, Joseph Mizak and Mayor Heidi Potter, and Joseph Mizak. Absent was Michael Kerstetter.
Others Present: Beau Hoffman/Solicitor, Police Chief/Mark Bailey, Borough Foreman/Dustin Zechman, Fire Chief/Dwayne Hackenberg and Borough Administrator/Elizabeth Paige
Public Present: None

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 James Shull to approve the meeting agenda as presented. Motion carried unanimously.

Motion made by Brian Swartz and seconded by James Shull to approve the November 14, 2023, monthly meeting minutes as presented. Motion carried unanimously.

Motion made by Brian Swartz and seconded by Beverly Inch to approve the bills paid in November 2023 as presented. Motion carried unanimously.

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

PUBLIC HEARING: ORDINANCE NO. 2023-364: Amending Chapter 21, Part 2 of the Middleburg Borough Code Regulating Maintenance of Sidewalks and Curbs to clarify that curbs are required along all required sidewalks and to adopt an approved contractor list to be maintained by the Borough Administrator. Council President, Brian Swartz open the public hearing at 7:03 p.m. With no public present and no comments/questions by Borough Council members, Brian Swartz closed the public hearing at 7:04 p.m. Motion made by James Shull and seconded by Joseph Mizak to adopt Ordinance No. 2023-364. Motion carried unanimously.

REPORTS:

Fire Chief - Dwayne "Butch" Hackenberg

- Fire Chief, Dwayne Hackenberg distributed and reviewed the year-to-date fire company call report. Dwayne Hackenberg informed the Borough Council he decided not to seek re-election for the position of Fire Chief, but he will continue to serve as a fire company firefighter. Effective January 2024, the new Fire Chief will be Scott Reigle. At this time, Borough Council thanked Dwayne Hackenberg for his years of service as the Reliance Hose Co. Fire Chief.

Borough Solicitor – Beau Hoffman

- Borough Solicitor, Beau Hoffman stated he is requesting an "Executive Session" for the discussion of the following two (2) agenda items: 1) Next Steps with Middleburg Yarn and 2) Independent Contractor/Consultant Agreement with Community Networking Resources, LLC (Re: Middleburg Yarn).
- Borough Solicitor, Beau Hoffman reviewed the ruling of the Commonwealth Court on the Sunshine Act offering only three (3) exceptions allowing action on matters not previously listed on the meeting agenda, which are: 1) emergency business, 2) de minimis business not involving fund expenditure or entering into a contract, and 3) de minimis business raised by a resident/taxpayer during the meeting that does not involve fund expenditure or entering into a contract.

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Police Chief – Mark Bailey

- Police Chief, Mark Bailey reviewed the November 2023 monthly police report with Borough Council.
- Police Chief, Mark Bailey reported the new 2023 Ford Police Interceptor vehicle has been delivered. Chief Bailey informed the Borough Council the up-fitting costs for the 2023 Ford Police Interceptor budgeted in the 2024 Budget have increased from \$15,000 to \$20,000 since the costs were based on previous equipment quotes received. After a discussion of the up-fitting vehicle costs included in the 2024 Budget, motion made by James Shull and seconded by Donald Zechman to approve increasing the budget line for the vehicle up-fitting costs to \$20,000. Motion carried unanimously.
- Police Chief, Mark Bailey reported Cadet, Alexander Yoder will be graduating from the Police Academy this week and has been riding along to become familiar with the police department routine. Chief Bailey requested approval to hire Alexander Yoder as a part-time officer, which would allow Alexander Yoder to complete his tuition-related service hours conditions of the Cadet Agreement. Council President, Brian Swartz stated funds were budgeted to hire Alexander Yoder effective January 1, 2024. After the Borough Solicitor reviewed the Cadet Agreement and a brief discussion of the remaining current year's budget funds, motion made by James Shull and seconded by Donald Zechman to hire Alexander Yoder as a part-time police officer. Motion carried unanimously.
- Police Chief, Mark Bailey informed Borough Council the Midd-West School District (MWSD) has reported Jacob Girton was unable to qualify to attend the upcoming Act 120 Police Academy training term. Therefore, the Police Department will not need to provide any extra coverage to MWSD until later in 2024 for Jacob Girton's attendance of the Act 120 Police Academy training term.

Borough Foreman – Dustin Zechman

- Borough Foreman, Dustin Zechman inquired what the recommendation of the Borough's Community Improvements Committee was for the Middleburg Revitalization Committee's Hometown Hero Banners. Dustin Zechman stated the MRC has contacted him to find out if there would be any costs for the installation of the banners when the Borough removes the Snowflake lights and winter banners. Community Improvements Committee Chairperson, Heidi Potter stated the committee would like to meet with the MRC members to further discuss the Hometown Hero Banners, so she will be contacting them. At this time, the Borough Council agreed all future requests for upcoming community projects will be directed to the Community Improvements Committee for review and recommendation.

Borough Administrator/Zoning Officer – Elizabeth Paige

- Borough Administrator, Elizabeth Paige reviewed the Municipal Election results for new Borough Council members. Beverly Inch was elected to a four-year term on Borough Council. Both Donald Zechman and James Shull received enough write-in votes and have agreed to serve a four-year term on Borough Council. Gary Thomas received enough write-in votes and has agreed to serve a two-year term on Borough Council. There still are two (2) vacant Borough Council positions, which can be filled within 30 days by Borough Council or within fifteen (15) additional days by the Vacancy Board. At this time, Joseph Mizak informed Borough Council he would be willing to accept an appointment to one of the vacant positions. Borough Council requested Joseph Mizak to attend the January 2, 2024, meeting to accept an appointment to Borough Council.
- Borough Administrator/Zoning Officer, Elizabeth Paige reviewed the IPMC & Zoning Violation reports plus the year-to-date Zoning Permits issued report with Borough Council.

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- Borough Administrator/Zoning Officer, Elizabeth Paige reported members of the Zoning Hearing Board (ZHB) and IPMC/UCC Appeal Board with expiring terms have been contacted about serving another term on their respective boards. Elizabeth Paige stated a new Solicitor will need to be appointed to serve as the ZHB Solicitor. Borough Solicitor, Beau Hoffman offered the names of three (3) law firms as options for the ZHB Solicitor appointment. Borough Council requested the Borough Administrator to reach out to the three (3) law firms suggested by the Borough Solicitor.

OLD BUSINESS:

- Council President, Brian Swartz reviewed Resolution 2023-08: Creating the Middleburg Borough Civil Service Commission and appointing individuals to serve on the Commission. A brief discussion was held regarding the following individuals to serve on the Commission: Gary Thomas (2-year term), John Stetler (4-year term), and Brian Pauling (6-year term). At this time, a motion was made by Brian Swartz and seconded by Joseph Mizak to adopt Resolution 2023-08 with the fore-mentioned individuals appointed to serve on the Commission. Motion carried unanimously.
- Council President, Brian Swartz stated 2024 Budget was revised by the Borough Administrator as requested and reviewed by the Budget Committee. Based on an approved motion earlier to increase the costs to upfit the new police vehicle from \$15,000 to \$20,000, the 2024 Budget expenses will need to be increased by \$5,000, which will also increase the amount of funds transfer from the Borough's Capital PLGIT Funds account. With no further discussion, motion made by James Shull and seconded by Joseph Mizak to approve the 2024 Budget as presented and adjusted. Motion carried unanimously.

EXECUTIVE SESSION:

- Council President, Brian Swartz called for an executive session at 7.58 p.m. for the discussion of following legal matters: 1) Next Steps with Middleburg Yarn and 2) Independent Contractor/Consultant Agreement with Community Networking Resources, LLC (Re: Middleburg Yarn). Brian Swartz called the meeting back to order at 8:16 p.m. with the following actions taken:
 - Motion made by Brian Swartz and seconded by Beverly Inch to approve the Cooperation Agreement with Middleburg Yarn Processing Co., Inc. (Middleburg Yarn). Motion carried unanimously.
 - Motion made by Brian Swartz and seconded by Joseph Mizak to approve the Independent Contractor/Consultant Agreement with Community Networking Resources, LLC (Re: Middleburg Yarn). Motion carried unanimously.
 - Motion made by Brian Swartz and seconded by James Shull to approve McNeese Wallace & Nurick, LLC to move forward with a compliant on behalf of the Borough based on the Neighborhood Blight Reclamation and Revitalization Act (NBRRA) in the Court of Common Pleas of Snyder County if Middleburg Yarn does approve and sign the Cooperation Agreement and the Independent Contractor/Consultant Agreement with Community Networking Resources, LLC. Motion carried unanimously.

NEW BUSINESS:

- Borough Administrator/Zoning Officer, Elizabeth Paige reported the deadline date for the property owners of E. Market Street with sidewalk repairs/replacement required was September 30, 2023. The Borough Council had granted one waiver of the deadline date to Barry and Diane Fry as they were in the process of purchasing the property from Adam Simmonds and William Humphries. At this time, Elizabeth Paige reported property owner, Daniel Price had submitted a Sidewalk/Curb Permit Application dated September 18, 2023. Mr. Price attended the October 10th meeting to request a waiver of the monolithic construction of curbs and/or sidewalks. Borough Council denied the request.

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Elizabeth Paige reported Daniel Price has not completed his sidewalk/curb replacements per the deadline set forth in the notice dated January 9, 2023. After a brief discussion, motion made by Brain Pauling and seconded by Beverly Inch to approve the Borough Solicitor to send a letter of violation to property owner, Daniel Price stating the sidewalks/curbs must be completed by January 31, 2024 or the Borough will take action per the Borough Code of Ordinances, Chapter 21 – Street & Sidewalks; Section 21-208. Borough to Act at Expense of Property Owner. Motion carried unanimously.

COUNCIL MEMBERS, MAYOR & COMMITTEE REPORTS:

- Council Vice President, Donald Zechman reported he has noticed there is still vehicles parking in the unmarked spaces by the school crosswalk area. Police Chief, Mark Bailey stated a crosswalk sign being placed there may help prevent vehicles from parking there. A brief discussion about the parking along N. Station Street by the Middleburg Hotel was also held.

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 Donald Zechman and seconded by Joseph Mizak to adjourn tonight's meeting at 8:58 p.m. Motion carried unanimously.

Respectfully Submitted,

Elizabeth Paige
Borough Administrator/Secretary