

**MIDDLEBURG BOROUGH COUNCIL**  
**MEETING MINUTES**  
**Tuesday, February 8, 2022 @ 7:00 p.m.**  
**Page 1**

Meeting Location: Middleburg Borough Building, 13 N. Main Street, Middleburg, PA  
Council Members: Present: Brian Swartz/President, George Price/Vice President via telephone, and Daniel Faust. Absent: Michael Kerstetter and Heidi Potter/Mayor.  
Others Present: Beau Hoffman/Solicitor, Mark Bailey/Police Chief, Dustin Zechman/Borough Foreman, Fire Chief/Dwayne "Butch" Hackenberg, Art & Michael Thomas/Borough Engineer and Elizabeth Paige/Borough Administrator  
Public Present: Chuck Steininger/Snyder County Commissioner and Jenelle VanHorn.

**CALL TO ORDER:** Middleburg Borough Council meeting called to order by Council President, Brian Swartz at 7:00 p.m. following the pledge of allegiance.

Motion made by Daniel Faust and seconded Brian Swartz to approve the meeting agenda as presented. Motion carried unanimously.

**PUBLIC COMMENTS:**

- Snyder County Commissioner, Chuck Steininger reviewed a request from the Commissioners to have the parking space closest to the traffic light in front of the new county courthouse addition designated as a loading/unloading zone space for the county courthouse by the Borough Council. At this time, Chuck Steininger addressed questions from the Council members regarding the request for a designated loading/unloading zone space. Police Chief, Mark Bailey stated he does support the request to establish a loading/unloading zone space on W. Market Street as other businesses located along W. Market Street utilize their rear entrance for deliveries. Based on safety concerns and the limited amount of parking spaces along W. Market Street, Council unanimously decided not to grant the Commissioners request as presented.
- Jenelle VanHorn informed Council she came to the meeting to discuss proposed project of painting a mural on the building at 1 E. Market Street as she would like to help beautify the borough. Jenelle informed Council she has contacted PennDOT about approval for painting the mural along a state highway. Jenelle stated she will be looking into grants to help with the project and has already contacted an artist to design the mural, which would consist of images depicting the history of the borough. Jenelle stated she will be presenting the idea to the Middleburg Revitalization Committee (MRC) at their next meeting and is hoping to partner with MRC on grant opportunities for the project. Council members were in unanimous agreement to see the project move forward.

Motion made by Daniel Faust and seconded by George Price to approve the January 3, 2022, organization meeting minutes and monthly meeting minutes as presented. Motion carried unanimously.

Motion made by George Price and seconded by Brian Swartz to approve the bills paid in December 2021 and January 2022 as presented. Motion carried unanimously.

Motion made by George Price and seconded by Daniel Faust to approve the financial statements as of December 31, 2021, and January 31, 2022, as presented. Motion carried unanimously.

**MIDDLEBURG BOROUGH COUNCIL**  
**MEETING MINUTES**  
**Tuesday, February 8, 2022 @ 7:00 p.m.**  
**Page 2**

**REPORTS:**

**Borough Solicitor – Beau Hoffman**

- Borough Solicitor, Beau Hoffman informed Council he has received no further information from the attorney for Middleburg Yarn regarding the demolition of the building. Beau Hoffman recommended sending a formal letter to Middleburg Yarn from Ecsh McCombie of McNeese Wallace & Nurick LLC regarding the property maintenance violations. Council unanimously agreed with the recommendation of the Borough Solicitor.

**Borough Engineer – Art & Michael Thomas/Meck-Tech, Inc.**

- The newly contracted Borough Engineer, Art Thomas introduced himself and his son, Michael to the Council and then provided background information about his firm Meck-Tech, Inc. Art Thomas informed Council there would be no charge for their meeting attendance at tonight's meeting as he understood the Borough had contracted Meck-Tech, Inc. on an as needed basis for engineering services. At this time, Council reviewed current 2022 proposed projects, which may require engineering services from Meck-Tech, Inc.

**Fire Chief – Dwayne “Butch” Hackenberg**

- Fire Chief, Butch Hackenberg reviewed the 2021 and 2022 Reliance Hose Company reports distributed to Council. Also, Butch Hackenberg updated Council on the upcoming events planned by the Reliance Hose Company.

**Police Chief – Mark Bailey**

- Police Chief, Mark Bailey reviewed the monthly December 2021 and January 2022 Police Department Reports with Borough Council.
- Police Chief, Mark Bailey informed Council the PennDOT Parade Permit for the firemen's parade on Thursday, August 11, 2022, is ready for approval and submission. Motion made by Brian Swartz and seconded by Daniel Faust to approve the submission of the parade permit to PennDOT for approval. Motion carried unanimously.
- Police Chief, Mark Bailey requested Council's approval to start the process for the hiring of a part-time police officer as budgeted in the 2022 Borough Budget. Motion made by Brian Swartz and seconded by George Price to approve the hiring of the part-time police officer by the Police Chief as requested. Motion carried unanimously.
- Police Chief, Mark Bailey reviewed Borough Code Section 21-101: Snow and Ice Removal with Council regarding the allowable time of forty-eight (48) hours before any citation can be issued. Mark Bailey recommended the Council consider allowing twelve (12) hours to remove the snow or ice from a sidewalk before issuance of a citation. Council President, Brian Swartz requested the Police Chief work with the Community Improvements Committee and Borough Solicitor on amending Section 21-101 of the Borough Code as recommended.

**MIDDLEBURG BOROUGH COUNCIL**  
**MEETING MINUTES**  
**Tuesday, February 8, 2022 @ 7:00 p.m.**  
**Page 3**

**Borough Foreman – Dustin Zechman**

- Borough Foreman, Dustin Zechman requested Council to grant him approval to start the process for ordering a new truck per the 2022 Budget allowance. Motion made by Daniel Faust and seconded by George Price to allow the Borough Foreman to start the process for ordering a new truck per the 2022 Budget allowance. Motion carried unanimously.
- Borough Foreman, Dustin Zechman supplied the Council with updates on both the Municipal Authority's water improvements project and sewer project.
- Borough Foreman, Dustin Zechman informed Council about the Middleburg Revitalization Committee's (MRC) concern on the reinstallation of the fountains in Charles Park Lake and damage to the fountains electrical wiring caused by muskrats. After a brief discussion, Council recommended Dustin Zechman contact the PA Game Commission about a way to control the muskrats at the lake. Also, MRC would like the Borough's approval to include the baseball dugouts in the proposed beautification mural project presented earlier by Jenelle VanHorn. Council unanimously agreed to allow the use of the baseball dugouts as part of the proposed mural project.

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

- Borough Administrator, Elizabeth Paige reviewed the Notice of Violation of the Borough's Property Maintenance Code prepared by the Code Enforcement Officer, Marty Sowers and placard posting at 204 S Shuman Street, Middleburg. The property owner contacted Marty Sowers to request an extension of the appeal date of the violation notice. Borough Solicitor, Beau Hoffman informed Council the Notice of Violation dated January 14, 2022, stated "Application for appeal must be filed in writing within 20 days after the decision, notice or order was served. Failure to appeal this Notice may constitute a waiver of certain rights." Beau Hoffman questioned Elizabeth Paige if the Borough received a written application for appeal along with the \$600 appeal fee? Elizabeth Paige responded no written appeal application form the property owner was received by the Borough. Beau Hoffman recommended the Council not grant the request for extension of the appeal deadline and to have Elizabeth Paige write a letter to property owner regarding the Council's decision. At this time, Council unanimously approved the recommendation of the Borough Solicitor and requested the Borough Administrator to write a letter to the property owner regarding the Council's decision.
- Borough Administrator, Elizabeth Paige reviewed the monthly borough accounts report with Council.

**NEW BUSINESS:**

- Council President, Brian Swartz reviewed the letter of resignation from Council Member, Judy Lynn. Motion made by George Price and seconded by Daniel Faust to accept the letter of resignation from Judy Lynn. Motion carried unanimously. Borough Solicitor, Beau Hoffman informed Council there is 30 days for the Council to appoint someone qualified to the open position then there is an additional 15 days for the vacancy board to fill the open position.

**MIDDLEBURG BOROUGH COUNCIL**  
**MEETING MINUTES**  
**Tuesday, February 8, 2022 @ 7:00 p.m.**  
**Page 4**

- Council President, Brian Swartz stated last year PennDOT approved an engine brake retarder prohibition on Paxtonville Road from the Borough boundary line to the intersection at State Route 104, but the Borough did not take any action based on the lack of budgeted funds. Brian Swartz inquired if Council wanted to take the necessary action to implement the engine brake retarder prohibition, which would require the Borough to amend Section 15-213 of the Borough Code and purchase the necessary signage per PennDOT's sign details provided to the Borough. After a brief discussion, Council requested the Borough Solicitor and Police Chief work together on amending Section 15-213 of the Borough Code to include the implementation of the engine brake retarder prohibition on Paxtonville Road.

**COUNCIL MEMBER & COMMITTEE REPORTS:**

- Personnel Committee Chairman, Brian Swartz informed Council the Committee will be working on the non-uniform employment agreements for the Borough Foreman and Borough Administrator.
- Buildings, Streets & Sidewalk Committee will be investigating the E. Market Street sidewalk repair recommendations from the 2020 Sidewalk Inspection Report. Then the Committee will make a recommendation on how to proceed with the E. Market Street upgrade project or if Council should consider a different road upgrade project for this year.

**CORRESPONDENCE, MINUTES or REPORTS:**

- Council President, Brian Swartz called for any questions or comments regarding the January 11, 2022, Municipal Authority meeting minutes.

With no comments or further business to conduct, motion made by Brian Swartz and seconded by Daniel Faust to adjourn tonight's meeting at 8:44 p.m.

Respectfully Submitted,

Elizabeth Paige, Borough  
Administrator/Secretary