

1 MINUTES OF MIFFLINBURG BOROUGH COUNCIL

2 August 20, 2013

3

4	PRESENT	ABSENT
5 Robert O. Brouse, Jr., Council President	X	
6 Betsy K. Robertson, Vice President	X	
7 Benjamin M. Dietrich, Council Member		X
8 Bryan E. Rohland, Council Member	X	
9 Michael E. Snook, Council Member	X	
10 Tod M. Steese, Council Member	X	
11 David M. Cooney, Mayor	X	
12 Jeremiah D. Runkle, Solicitor	X	
13 Douglas R. Bickhart, Chief of Police	X	
14 Margaret A. Metzger, Borough Manager	X	
15 Misty L. Ross, Assistant Secretary	X	

16  
17 The regular meeting of Mifflinburg Borough Council was called to order at 7:00 PM.

18  
19 Visitors present at this meeting were Kathleen Ann Downs and Donald J. Dziadosz.

20  
21 Mr. Brouse conducted a Public Hearing for Ordinance No. 2013-03; Amending the Non-Uniformed  
22 Employees Pension Plan which was previously enacted May 18, 1993, and subsequently amended,  
23 relative to the establishment and maintenance of employee pension, annuity, insurance and benefit fund or  
24 funds, to amend certain provisions of the pension plan or program applicable to the employees of said  
25 Borough. Mr. Runkle stated that the proposed ordinance has been completed and advertised on Saturday,  
26 August 3, 2013. There being no comments or discussion the hearing ended at 7:04 PM.

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29 Motion by: Betsy K. Robertson

30 Second by: Tod M. Steese

31  
32 **MOTION: To approve the minutes of the Tuesday, July 16, 2013 regular meeting of Mifflinburg**  
33 **Borough Council.**

34  
35 Approved via unanimous voice vote.

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38 Motion by: Betsy K. Robertson

39 Second by: Tod M. Steese

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41 **MOTION: To approve the minutes of the Tuesday, August 6, 2013 special meeting of Mifflinburg**  
42 **Borough Council.**

43  
44 Approved via unanimous voice vote.

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46  
47 Mrs. Metzger informed Borough Council that the following invoices are included in Bill List #2013-08:

- 48  
49
- 50 • PA Department of Transportation in the amount of \$22,966.43 for the Chestnut Street Reconstruction Project.
  - 51 • Two (2) Payrolls.
  - 52 • Health Insurance.
  - 53 • American Municipal Power (AMP) in the amount of \$329,016.14.
  - 54 • Mifflinburg Heritage & Revitalization Association (MHRA) in the amount of \$3,460.32.
- 55

56 Mrs. Metzger pointed out that the invoice description on the Voucher Listing for the invoice to MHRA in  
57 the amount of \$3,460.32 indicates that this payment was for the Blueberry Festival; however MHRA was  
58 also reimbursed for Elm Street operation expenditures. Mrs. Metzger clarified that the system can only  
59 select one (1) description for checks with multiple invoices. Borough Council action is requested to  
60 approve payment of Bill List #2013-08 in the amount of \$564,584.83.

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66 Motion by: Betsy K. Robertson  
67 Second by: Michael E. Snook

68  
69 **MOTION: To approve payment of Bill List #2013-08 in the amount of \$564,584.83.**

70  
71 Yes – Mr. Rohland, Mrs. Robertson, Mr. Snook, Mr. Steese, Mr. Brouse

72  
73 No – None

74  
75  
76 Mr. Brouse reported that Borough Council action is requested to adopt Ordinance No. 2013-03;  
77 Amending the Non-Uniformed Employees Pension Plan which was previously enacted May 18, 1993, and  
78 subsequently amended, relative to the establishment and maintenance of employee pension, annuity,  
79 insurance and benefit fund or funds, to amend certain provisions of the pension plan or program  
80 applicable to the employees of said Borough.

81  
82 Motion by: Betsy K. Robertson  
83 Second by: Michael E. Snook

84  
85 **MOTION: To adopt Ordinance No. 2013-03; Amending the Non-Uniformed Employees Pension**  
86 **Plan which was previously enacted May 18, 1993, and subsequently amended, relative to the**  
87 **establishment and maintenance of employee pension, annuity, insurance and benefit fund or funds,**  
88 **to amend certain provisions of the pension plan or program applicable to the employees of said**  
89 **Borough.**

90  
91 Yes – Mrs. Robertson, Mr. Snook, Mr. Steese, Mr. Rohland, Mr. Brouse

92  
93 No – None

94  
95  
96 Ms. Kathleen Ann Downs, a resident located at 238 Walnut Street, attended tonight's meeting with regard  
97 to Borough residents having inside furniture outside. Ms. Downs inquired if there is any Borough  
98 ordinance that prohibits Borough residents from having inside furniture outside. Mayor Cooney reported  
99 that there is nothing in the Mifflinburg Borough Code of Ordinances that prohibits Borough residents  
100 from having inside furniture outside. Mayor Cooney reminded Borough Council that at the Tuesday, July  
101 17, 2012 regular Borough Council meeting he informed them that an individual contacted him to inquire  
102 if a Borough resident is allowed to have inside furniture outside. At this meeting, a discussion was held  
103 regarding establishing an ordinance that prohibits Borough residents to have inside furniture outside.  
104 Mrs. Robertson expressed that she believes there should be regulations to prohibit inside furniture outside.  
105 Mr. Snook disagreed and expressed that he feels Borough Council is trying to micro-manage Borough  
106 residents' property; Mr. Snook stated that everybody has their own personal preferences and Borough  
107 Council is imposing their own personal preference on the rest of the town. Ms. Downs inquired if  
108 Borough Council was in favor of revisiting this matter. Mrs. Robertson clarified that she hasn't noticed  
109 any residents with inside furniture outside and asked Ms. Downs what level of problem she believes this  
110 matter to be. Ms. Downs informed Borough Council that she believes inside furniture outside can be  
111 problematic on two (2) levels which are as follows:

- 112
- 113 1. Pest Infestation; attracts rodents, insects, animals, etc. which tear into the furniture to find  
114 shelter or protection.
  - 115 2. Health Concern; sits outdoors and deteriorates. Problems such as mold and mildew, or  
116 insect and rodent infestations as the materials used in these furniture pieces are not suitable  
117 for outdoor use. Upholstered furniture left to sit out on a porch, deck or patio pose a  
118 significant fire hazard.

119  
120 Ms. Downs expressed that she believes Borough Council should consider establishing an ordinance;  
121 furthermore, she believes she has provided valid reasons as to why an ordinance should be considered.  
122 Mr. Rohland expressed that he doesn't believe this matter is presenting a health concern and if so,  
123 Borough Council can do something else besides micro-managing Borough residents' property. Mr.  
124 Rohland clarified that he doesn't agree with the mentality of telling residents what to do with their  
125 property; this is not a concern to the community at large. Mr. Runkle informed Borough Council that  
126 while they were discussing this matter it occurred to him that the Borough has a Property Maintenance  
127 Code (PMC) which deals with the condition of properties and things like that. When skimming through  
128 the PMC he noticed there's a section which addresses rodent harborage. In accordance with this section  
129 all exterior property shall be kept free from rodent harborage and infestation. Mr. Runkle clarified that  
130 other than this section; he doesn't see anything else in the PMC to address this matter.

131 Mr. Brouse thanked Ms. Downs for attending tonight's meeting and directed her to come back if she  
132 notices a lot of Borough residences that have inside furniture outside or contact the Borough if she notices  
133 rodent harborage.  
134  
135

136 Motion by: Michael E. Snook  
137 Second by: Betsy K. Robertson  
138

139 **MOTION: To approve the Mifflinburg Borough Zoning Report for July 2013 and authorize**  
140 **payment to the Central Keystone Council of Governments (CK-COG) in the amount of \$36.00.**  
141

142 Yes – Mr. Snook, Mr. Steese, Mr. Rohland, Mrs. Robertson, Mr. Brouse  
143

144 No – None  
145  
146

147 Mrs. Metzger provided Borough Council with an update on the Chestnut Street Reconstruction Project.  
148 Don E. Bower, Inc., contractor for the Chestnut Street Reconstruction Project, began work in Phase 4-  
149 from 3<sup>rd</sup> Street to Forest Hill Road on Wednesday, August 7, 2013. Phase 4 work includes full-depth  
150 reconstruction of the street/road, replacement of the water main and services, and replacement of the  
151 curbs and sidewalks and storm water facilities. So far the contractor has completed the main excavation  
152 work, replaced the sewer main located at 3rd Street and Chestnut Street, and started installation of the  
153 water main. The work in this section has been allotted eighty-one (81) days for construction which will  
154 extend until about Thursday, October 31, 2013. As long as construction stays on schedule, the contractor  
155 should be able to complete the final top coat of pavement by the deadline; however if the contractor runs  
156 in to any unforeseen problems that delay construction work, the top coat may have to be deferred until  
157 spring. PennDOT has very specific regulations regarding pavement times and temperatures.  
158

159 Mrs. Metzger reported that Don E. Bower, Inc., contractor for the Chestnut Street Reconstruction Project,  
160 continues to work on sidewalk installation and step replacement in Phase 2- from 8<sup>th</sup> Street to 5<sup>th</sup> Street  
161 and Phase 3- from 5<sup>th</sup> Street to 3<sup>rd</sup> Street. This part of the project has been moving much more slowly  
162 than anticipated. Mrs. Metzger stated that she and the Borough Public Works Supervisor, Mr. Jason  
163 Mitchell, noticed that unlike the previous sections PennDOT left the sidewalks intact even though they  
164 removed the curb and excavated the roadway. PennDOT thought that in case they don't get to the  
165 sidewalks until spring, at least there's not gravel only over the winter months. Mrs. Metzger informed  
166 Borough Council that there was a gentleman who took a tumble on the sidewalks that were uneven along  
167 Chestnut Street in this project area on Monday, August 19, 2013. Mrs. Metzger clarified that she will try  
168 to obtain more information about the incident at the next job conference scheduled for Thursday, August  
169 22, 2013 at 1:00 PM.  
170

171 Mrs. Metzger informed Borough Council that she received an email on the 1<sup>st</sup> day of the new detour route  
172 for the Chestnut Street Reconstruction Project from one (1) of the Mifflinburg Police Officers indicating  
173 there was an accident at the intersection of Forest Hill Road and Chestnut Street due to the fact that there  
174 are two (2) lanes essentially turning into one (1) lane. Individuals who don't read the signs until the last  
175 minute tend to whip their vehicle over towards Forest Hill Road if they're headed West on Chestnut  
176 Street. A request was made to PennDOT to eliminate one (1) of the two (2) lanes. Confirmation has been  
177 received from PennDOT approving the request; however the change hasn't happened. Mrs. Metzger  
178 clarified that she will bring this matter up again at the next job conference that is scheduled for Thursday,  
179 August 22, 2013 at 1:00 PM.  
180

181 Mr. Runkle inquired if there's a functional reason why the traffic signal still cycles at the intersection of  
182 Forest Hill Road and Chestnut Street. Mrs. Metzger reported that the traffic signal is permitted by  
183 PennDOT and requires PennDOT approval in order to change. Mrs. Metzger informed Borough Council  
184 that she has contacted PennDOT; however that's a different department and they haven't gotten back to  
185 her. Mr. Steese expressed that he's not pleased with PennDOT's responsiveness to any of the Borough's  
186 problems lately; their responsiveness has been poor. Mrs. Metzger stated that PennDOT's responsiveness  
187 has been better than she expected; it's always slow when you're dealing with PennDOT because everyone  
188 has a specialty. Mrs. Metzger clarified that she's not making excuses for PennDOT; she's just explaining  
189 their functionality. Otherwise, considering the size of the project and the number of projects they have on  
190 the go, PennDOT has been fairly responsive when the Borough has brought a concern to them.  
191

192 Mrs. Metzger informed Borough Council that PennDOT has submitted Invoice: 033608 004 in the  
193 amount of \$166,731.68 for the Borough's share of the Chestnut Street Reconstruction Project.  
194 Management has reviewed the invoice. A copy of the invoice is included in the information tonight for  
195 Borough Council review. Borough Council action is requested to approve payment of this invoice.  
196

197 Motion by: Betsy K. Robertson  
198 Second by: Bryan E. Rohland

199  
200 **MOTION: To approve payment of Invoice: 033608 004 to PennDOT in the amount of \$166,731.68**  
201 **for the Borough's share of the Chestnut Street Reconstruction Project.**

202  
203 Yes – Mr. Steese, Mr. Rohland, Mrs. Robertson, Mr. Snook, Mr. Brouse

204  
205 No – None

206  
207  
208 Mrs. Metzger provided Borough Council with an update on the status of the official offer for the sale of  
209 some of the Borough's Electrical infrastructure to Elkay, Inc. to allow them to combine their metering at  
210 their 10<sup>th</sup> Street facility. Mrs. Metzger informed Borough Council that Mr. Runkle has prepared a draft  
211 offer; however she hasn't had a chance to review the offer. Mrs. Metzger stated that she will review the  
212 draft offer and requested that the Finance Committee or Utility Committee review the offer as well. Mr.  
213 Brouse directed the Utility Committee to review the draft offer.

214  
215 Mrs. Metzger reported that she and Mr. Brouse have been working with the Eastern Pennsylvania Power  
216 Group (EPPG) to come to terms with PPL Electric Utilities Corporation (PPL) litigation. An update will  
217 be provided during executive session.

218  
219 Mrs. Metzger reminded Borough Council that the Borough's water system is required to complete tri-  
220 annual Lead and Copper testing in 2013 as part of their regulatory requirements as a drinking water  
221 provider. This sampling of residential drinking water is a requirement of the Pennsylvania Department of  
222 Environmental Protection (DEP) and must be accomplished by the Borough every three (3) years. The  
223 Borough must obtain twenty (20) water samples from residents; these water sampling requirements are  
224 very specific and must be obtained according to the instructions included with the sample kit in order to  
225 be considered valid. A minimum 6-hour period during which there is no water use throughout the house  
226 must be achieved prior to sampling; the filling of the sample bottle should be the first draw of the day.  
227 This testing was completed on Tuesday, July 30, 2013. Twenty-five (25) residents were asked to assist  
228 the Borough by drawing a sample from their home. Participating residents will receive copies of their  
229 results via mail. The results will also be filed with DEP as required.

230  
231 Mrs. Metzger reported that the Borough Maintenance Crew has begun some leak detection work on the  
232 Borough's water distribution system. The monthly reports have been trending with a higher unaccounted  
233 for number than normal for the Borough's system. It's likely that there will be some system repairs  
234 required once the problems are located. Some of the leak detection work will be required to be completed  
235 at night.

236  
237 Mrs. Metzger reported that PPL Electric Utilities Corporation (PPL) performed some repairs to their  
238 system that was necessary for the integrity of the PPL electrical infrastructure on Friday, August 16, 2013.  
239 This work required a complete but brief shutdown of electrical service to the entire Borough. PPL  
240 notified the Borough on Wednesday, August 14, 2013 that they would be shutting down electrical service  
241 at 2:00 PM on Friday, August 16, 2013. PPL issued a press release and the Borough did their best to  
242 contact as many businesses as they could, as well as emergency personnel (Fire Company, EMS,  
243 Ambulance Company, etc.). The Mifflinburg Police Department had to assist with obtaining volunteers to  
244 man the traffic signals. This work was suppose to occur from 2:00 PM to 3:00 PM; however the  
245 shutdown didn't occur until 3:00 PM and lasted about thirty-five (35) minutes. Mrs. Metzger informed  
246 Borough Council that PPL will be performing some additional repairs to their system that will also  
247 require a complete but brief shutdown of electrical service to the entire Borough in the near future.

248  
249 Mrs. Metzger reported that the Borough Public Works Supervisor, Mr. Jason Mitchell, has submitted an  
250 application to clean out the intake at the lift stations. The application has been approved and the Borough  
251 is now waiting to schedule the work to be completed over a few days when the water levels and weather  
252 are optimum.

253  
254 Mrs. Metzger reported that the Elm Street Grant Audit has been completed for the Grant period ending  
255 Tuesday, March 12, 2013. This report was submitted to the Pennsylvania Department of Community and  
256 Economic Development (DCED); correspondence was received from DCED requesting additional  
257 information. Mr. Neal Lewis, of Lewis, Barlett, Klees, provided a draft amended report to DCED for  
258 review prior to resubmission. Borough Council action will be requested to accept this audit as amended  
259 once a response has been received from DCED.

260  
261

262 Mrs. Metzger informed Borough Council that she and Mrs. Erin Threet, HRG, Inc., will be meeting with  
263 PennDOT representatives on Wednesday, September 4, 2013 to determine if any additional work or  
264 information is needed from the Borough prior to the Third Street Bridge Relocation Project going out to  
265 bid. Mrs. Metzger expressed that she finds this project very frustrating, the planning stages for the project  
266 have been going on since 2005. The current schedule shows the bids being advertised in November of  
267 2013 with a January of 2014 let date.

268  
269 Mrs. Metzger reminded Borough Council that she reported at the Tuesday, July 16, 2013 regular Borough  
270 Council meeting that she received a 2<sup>nd</sup> noise complaint from a different resident in the Meadow Lane  
271 area. This complaint was again about noise coming from the Elkay, Inc. facilities. The noise complaint  
272 was reported to the Plant Manager at Elkay, Inc. Some residents from Meadow Lane submitted a packet  
273 of information regarding the development of a noise ordinance along with a note; the note didn't list the  
274 names of the residents, however it was designed to represent all of the residents in the Meadow Lane area.  
275 A copy of the note and the information was distributed to Borough Council members. Mr. Runkle was  
276 asked to review the information provided and provide Borough Council with an opinion on this matter at  
277 tonight's meeting. An executive session is requested to further discuss this matter.

278  
279 Mrs. Metzger reminded Borough Council that she re-advertised the Public Works Director position. The  
280 deadline for applications was Friday, July 19, 2013. The Personnel Committee met on Tuesday, July 30,  
281 2013 at 7:00 PM to review the applications and interview candidates. Since so few applications were  
282 received the Personnel Committee is looking into enlisting the services of a job placement agency.

283  
284 Mrs. Metzger informed Borough Council that the Police Negotiating Committee met with Police Union  
285 representatives on Wednesday, July 31, 2013 and again on Wednesday, August 14, 2013 regarding the  
286 contract which would begin in January of 2014. An update will be provided during executive session.

287  
288 Mrs. Metzger reminded Borough Council that the Personnel Committee met on January 4, 2011 regarding  
289 the Arc Flash electrical requirements. The committee is recommending incorporation of the policy into  
290 the safety policy and making the safety policy an incorporated amendment to the Borough personnel  
291 policy with disciplinary accountability for blatant safety violations. The Personnel Committee met on  
292 June 12, 2012 and again on July 9, 2013 to review the plan for providing FR clothing for maintenance  
293 employees as proposed by the Borough Manager. The Arc Flash Study for the Wastewater Treatment  
294 Plant still remains outstanding; this was submitted to Utility Engineers for completion last October. Mrs.  
295 Metzger informed Borough Council that the resolution to adopt the amended safety policy has been  
296 prepared for adoption; however the Safety Committee has requested a few minor changes to the policies.  
297 The resolution to adopt the amended safety policy will be discussed with the Personnel Committee and  
298 then presented for consideration at the Tuesday, September 17, 2013 regular Borough Council meeting.

299  
300 Mrs. Metzger reported that Ms. Sandy Strickler, certified Instructor at Extreme Fitness 24/7 located at 335  
301 E. Chestnut Street, is requesting Borough Council permission to utilize the Mifflinburg Community Park  
302 on Saturday, September 14, 2013 from 9:00 AM - 11:00 AM in order to conduct a "Zumbathon" event.  
303 All proceeds will benefit two (2) local charities: Team Taylor and Justin's Smile. Mrs. Metzger informed  
304 Borough Council that Ms. Strickler already has a security deposit in the amount of \$250.00 and a  
305 certificate of insurance from the Summer Fitness Program that was held in the Mifflinburg Community  
306 Park. Borough Council action is requested on this matter.

307  
308 Motion by: Michael E. Snook  
309 Second by: Bryan E. Rohland

310  
311 **MOTION: To approve Ms. Sandy Strickler's request to utilize the Mifflinburg Community Park on**  
312 **Saturday, September 14, 2013 from 9:00 AM - 11:00 AM in order to conduct a "Zumbathon" event.**

313  
314 Approved via unanimous voice vote.

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327 Mrs. Metzger reminded Borough Council that she sent an email to them regarding the "Extreme Amazing  
328 Race" event that Extreme Fitness 24/7, located at 335 E. Chestnut Street, is looking to conduct. This  
329 event is still in the early planning stages, but the general idea is that the race would begin at Extreme  
330 Fitness 24/7; there would be ten (10) or so fitness challenges that participants would complete throughout  
331 the race; the registration fee would be \$30.00/team; and all proceeds would benefit the Mifflinburg Buggy  
332 Museum located at 598 Green Street and the Elias Center for the Performing Arts located at 212-214 S.  
333 5th Street. Mrs. Metzger expressed that she believes the concept sounds fine; however she's concerned  
334 about whether there are any traffic or safety concerns. Mrs. Metzger reported that she asked Extreme  
335 Fitness 24/7 to provide a copy of the proposed route for the event to Mayor Cooney and Chief Bickhart.  
336 Mrs. Metzger informed Borough Council that Extreme Fitness 24/7 is also looking to utilize the  
337 Mifflinburg Community Park for a rest stop and is requesting that the restrooms be available for the  
338 event. In accordance with Chapter 18 of the Borough Code of Ordinances the dates during which the  
339 recreation area shall be used by the general public shall be April 15 through October 15 of each calendar  
340 year. Borough Council action will be requested on this matter prior to the event.

341  
342 Mrs. Metzger informed Borough Council that the Summer Fitness in the Park program has raised \$340.00  
343 which will be donated to the Mifflinburg Community Park Kid Programs. Mrs. Metzger stated that she  
344 anticipates Ms. Sandy Strickler, certified Instructor at Extreme Fitness 24/7 located at 335 E. Chestnut  
345 Street, will present the check to the Borough sometime next week.

346  
347 Mr. Brouse directed Mayor Cooney and Chief Bickhart to meet with Extreme Fitness 24/7, located at 335  
348 E. Chestnut Street, to review/discuss the proposed route for the "Extreme Amazing Race" event.

349  
350 Mrs. Metzger reported that on Tuesday, July 30, 2013, HRG, Inc. staff met with the Engineer for the  
351 proposed re-development of a portion of the existing Ritz-Craft facility located on 8<sup>th</sup> Street. The  
352 proposed development is known as the Rusty Rail Brew Haus. The meeting was requested by the  
353 Developer's Engineer to introduce us to the proposed project and ask some general questions regarding  
354 design intent. HRG, Inc. provided responses and feedback to the Engineer during the meeting and via  
355 email correspondence dated Wednesday, August 6, 2013. HRG, Inc. anticipate receiving plans for review  
356 in the coming months after zoning issues are addressed.

357  
358 Mrs. Metzger informed Borough Council that she has obtained quantity pricing from Don E. Bower, Inc.,  
359 contractor for the Chestnut Street Reconstruction Project, for paving. Mrs. Metzger explained that the  
360 way the Chestnut Street Reconstruction Project was designed, only the trenches on the side streets were  
361 replaced. The Borough Public Works Supervisor, Mr. Jason Mitchell, and the contractor did some  
362 measuring and looked at expanding about a half block. Mrs. Metzger requested that the Finance  
363 Committee and/or Utility Committee schedule a meeting to review the costs received. Mr. Brouse stated  
364 that he believes that the Finance Committee and the Utility Committee should have a joint meeting and  
365 directed them to schedule a meeting.

366  
367 Mayor Cooney informed Borough Council that they received a copy of the Monthly Police Report for  
368 July 2013 included in the information tonight.

369  
370 Mayor Cooney reported that at the Tuesday, July 16, 2013 Mifflinburg Planning Commission meeting  
371 Mr. Drew Christy expressed his concerns regarding loud noise from car and motorcycle mufflers and  
372 questioned if a sound ordinance would be helpful or if police action would solve the issues. Chief  
373 Bickhart clarified that the noise issue is being caused by the Chestnut Street detour. Chief Bickhart  
374 informed Borough Council that to enforce a noise ordinance, vehicles would have to exceed the noise  
375 standard; a decibel meter would be required to measure sound pressure levels to determine whether they  
376 are within legal noise limits. Chief Bickhart clarified that these meters are expensive. Chief Bickhart  
377 expressed that he doesn't believe this matter is a big concern and once traffic moves back to Chestnut  
378 Street these issues will be resolved.

379  
380 Mr. Runkle informed Borough Council that the Borough has an ordinance for noise regulations. In  
381 accordance with §6-1 of the Mifflinburg Borough Code of Ordinances; Disorderly conduct is hereby  
382 prohibited within the Borough of Mifflinburg. Any person who shall wilfully make or cause to be made  
383 any loud, boisterous and unseemly noise or disturbance, to the annoyance of the peaceable residents  
384 nearby or near to any public street or alley, or public ground in the Borough, whereby the public peace is  
385 broken or disturbed or the traveling public annoyed, shall be guilty of disorderly conduct. Mr. Runkle  
386 stated that the question of course is what does that mean. Mr. Runkle advised Borough Council that he  
387 can't say the Mifflinburg Police Department can't enforce this ordinance, but he believes it would be  
388 difficult. Mr. Runkle clarified that if Borough Council wants to pursue enforcement at this time they  
389 may, but he believes prevailing in such a case would be difficult. If Borough Council wants to address  
390 this matter moving forward, they could revise the ordinance and develop an ordinance that can actually be  
391 enforced. Then the issue of measurement as mentioned by Chief Bickhart earlier in the meeting becomes  
392 the next matter.

393 Chief Bickhart presented Borough Council with some Monthly Highlights for the Mifflinburg Police  
394 Department for July 2013.  
395

396 Chief Bickhart provided Borough Council with an update on the status of the school zones in the  
397 Borough. Chief Bickhart reminded Borough Council that due to the detour route for the Chestnut Street  
398 Reconstruction Project, it was brought to the Mifflinburg Police Department's attention that there is only  
399 one (1) official school zone in the Borough which is located in front of the Mifflinburg Area High School  
400 (75 Market Street); cautionary signs are posted at the Mifflinburg Area Middle (100 Mabel Street) and  
401 Elementary (115 Shipton Street) Schools. In accordance with PennDOT's rules and regulations, the  
402 municipality and/or school district is responsible for conducting an Engineering and Traffic Study to  
403 determine if a school zone can be established, with PennDOT having final approval. If a school speed  
404 zone can be established, PennDOT will issue the application to install flashing warning devices upon  
405 approval of the Engineering and Traffic Study. A permit for electrified installations will be issued to the  
406 municipality upon receipt of the completed application. Chief Bickhart reported that the Engineering and  
407 Traffic Study was completed and submitted to PennDOT on Friday, May 31, 2013. Correspondence was  
408 received from PennDOT on Wednesday, July 3, 2013; PennDOT has approved all of the requests. An  
409 ordinance will be required to establish locations for school zones in the Borough. Chief Bickhart  
410 informed Borough Council that he has been working with Mr. Runkle to prepare an ordinance which will  
411 be included with the other amendments to this section; as well as working with Mrs. Metzger to obtain the  
412 proper signage for the school zone locations. Buffalo Township has donated two (2) flashing signals from  
413 the former Buffalo Crossroads School.  
414

415 Chief Bickhart announced that Buckle Up PA (BUPA), Click it or Ticket, Teen Education and  
416 Enforcement Mobilization is scheduled for Monday, September 9, 2013 through Sunday, September 22,  
417 2013.  
418

419 Chief Bickhart informed Borough Council of the following incidents involving gunman at public  
420 meetings:  
421

- 422 • Monday, August 5, 2013 a gunman opened fire at a Township meeting in Ross Township  
423 Municipal Building, Monroe County killing three (3) people and wounding six (6) others.
- 424 • Tuesday, December 14, 2010 a gunman opened fire at a School Board meeting in Panama  
425 City, Florida.
- 426 • Thursday, February 7, 2008 a gunman opened fire at a City Council meeting in Kirkwood,  
427 Missouri killing six (6) people and wounding two (2) others. This particular incident the  
428 gunman called and told them he was coming to the meeting and he was still able to enter the  
429 council room. A few of the people killed were Police Officers and the Mayor.
- 430 • July 23, 2003 City Councilman James Davis was assassinated by an angry and deeply  
431 troubled individual in the balcony of the Council Chambers at City Hall in Brooklyn, New  
432 York City.  
433

434 Chief Bickhart stated that the reason he is bringing these things up is due to the incident at the Ross  
435 Township Municipal Building, in Monroe County. This could happen here and if Borough Council  
436 doesn't think it can happen here they're only fooling themselves. Chief Bickhart pointed out some safety  
437 issues to Borough Council, the Mayor, and anyone else: when you enter a room, whether it's for a  
438 meeting or you're going out for dinner, it's worth the while to contemplate for a split second if something  
439 happens where am I going, what am I going to do; be alert to the people entering the room. If Borough  
440 Council has ever noticed, when someone's entering the room he's watching who is entering, watching  
441 their hands, and watching just to be sure. Chief Bickhart clarified that if a situation would arise where  
442 someone enters a Borough Council meeting at the Borough Office and has a weapon, Borough Council  
443 would want to exit using the side door.  
444

445 Mr. Runkle inquired why there were approximately four hundred (400) Mifflinburg students running four  
446 (4) across on Maple Street. Mayor Cooney reported that Mifflinburg students were running for fitness  
447 and sports practice. Mayor Cooney informed Borough Council that he spoke with the school director  
448 prior to the detour route for the Chestnut Street Reconstruction Project beginning, indicating that they  
449 may want to consider the following things:  
450

- 451 • Sports practices being in and on the roadway.
- 452 • Students riding their bicycles to and from school.

453  
454 Mr. Runkle stated that he assumed it was preseason and therefore the students were under the direction of  
455 some sort of coach, but with the extensive athletic fields available he doesn't understand why they would  
456 choose this. Mr. Runkle clarified that he had to bring his vehicle to a complete stop because there was  
457 another vehicle coming the other way and he couldn't go around.

458 Mrs. Robertson requested an executive session to discuss Police negotiations.

459  
460 Mr. Snook tentatively scheduled a Finance/Utility Committee meeting for Tuesday, September 10, 2013  
461 at 7:00 PM to review the costs received from Don E. Bower, Inc. for trenching. Mr. Snook directed Mrs.  
462 Metzger to verify that this date would work for Mr. Dietrich.

463  
464 Mr. Rohland reminded Borough Council that there was a Park & Recreation, Street & Alleys Committee  
465 meeting held on Tuesday, August 13, 2013 to further discuss making a request for a permanent traffic  
466 change to PennDOT to convert 3<sup>rd</sup> and 4<sup>th</sup> Streets to one-way streets together with another discussion  
467 about Cherry Alley. Mr. Rohland expressed that he would personally like to schedule a meeting with  
468 PennDOT to discuss this matter. Mrs. Robertson inquired what the consensus of the Park & Recreation,  
469 Street & Alleys Committee was. Mr. Rohland reported that there really wasn't a consensus of the Park &  
470 Recreation, Street & Alleys Committee. Mr. Snook stated that the Park & Recreation, Street & Alleys  
471 Committee decided that it would be hard to make traffic changes right now with the Chestnut Street  
472 Reconstruction Project.

473  
474 Mr. Runkle informed Borough Council that the Borough Manager's Report indicates that the Park &  
475 Recreation, Street & Alleys Committee held another discussion about Cherry Street. Mr. Runkle clarified  
476 that he is only bringing this matter up because he's in the process of drafting an ordinance to amend §17-  
477 114 of the Mifflinburg Borough Code of Ordinances. Mr. Runkle reminded Borough Council that they  
478 took action at the Tuesday, February 19, 2013 regular Borough Council meeting to advertise to amend  
479 §17-114 of the Mifflinburg Borough Code of Ordinances to convert Cherry Street from 4<sup>th</sup> Street to 3<sup>rd</sup>  
480 Street to a one-way street traveling east and inquired if the plan has changed for Cherry Street. A  
481 discussion was held; Mr. Rohland stated that it was the consensus of the Park & Recreation, Street &  
482 Alleys Committee to let Cherry Street as is until the Chestnut Street Reconstruction Project has been  
483 completed.

484  
485 Mr. Snook reminded Borough Council that the Building Committee met on Tuesday, July 2, 2013 at 7:00  
486 PM and again on Tuesday, August 13, 2013 at 7:00 PM to review/discuss the Structural Analysis for the  
487 Mifflinburg Hose Company Building located at 325 Chestnut Street that was prepared by Larson Design  
488 Group.

489  
490 Mr. Rohland provided Borough Council with an update on the Mifflinburg Hose Company Building  
491 located at 325 Chestnut Street. The committee considered the priority of the improvements needed to the  
492 Mifflinburg Hose Company Building and the funding options available. It was the consensus of the  
493 Building Committee to look at completing part of the repairs, such as the roof since that's the most urgent  
494 repair needed, and then budgeting towards completing the repairs that aren't so urgent.

495  
496 Mr. Snook reminded Borough Council that there is a Finance/Utility Committee meeting tentatively  
497 scheduled for Tuesday, September 10, 2013 at 7:00 PM.

498  
499 Mayor Cooney announced that A+ Office Outlet, formerly located at 8 East Chestnut Street, has relocated  
500 to their new location at 26 East Chestnut Street. Mayor Cooney informed Borough Council that he  
501 directed A+ Office Outlet to contact him when they are ready to have their grand opening.

502  
503 Mayor Cooney informed Borough Council that he attended the Mifflinburg Heritage & Revitalization  
504 Association (MHRA) retreat that is held every two (2) years. At this meeting, a discussion was held  
505 regarding the Mifflinburg Regional Economic Development (MRED) Alliance and leveraging the Buffalo  
506 Valley Rail Trail (BVRT). MHRA is moving forward with brochures and literature displays along the  
507 Rail Trail and is looking for someone to build the displays.

508  
509 Mrs. Metzger informed Borough Council that they received a copy of the Engineer's Report for August  
510 2013 included in the information tonight. Mrs. Metzger reported that the Borough is continuing the Long  
511 Term 2 Enhanced Surface Water Treatment Rule (LT2) sampling which began on Tuesday, February 26,  
512 2013 and will continue for one (1) year. The comprehensive annual water level data report for the  
513 Production Well No. PW-2 will be submitted to the Susquehanna River Basin Commission (SRBC) in  
514 early 2014.

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523 Mr. Runkle provided Borough Council with an update on the status of the ordinance revisions with regard  
524 to the no parking ordinance and the stop intersection portion of the ordinance to incorporate Miriam  
525 Street. There were numerous revisions that needed to be made to the ordinance and it needed to be a  
526 more comprehensive amendment. Mr. Runkle reported that the draft amendment is about 95% complete;  
527 a copy of the draft amendment will be provided to Chief Bickhart following tonight's meeting for review.  
528 There are a few details that need to be cleaned-up: what the actual condition is on the streets and  
529 questions as far as where actual "no parking" begins and ends, and things like that. Mr. Runkle stated that  
530 he anticipates an amendment will be finalized within the next month so that at the Tuesday, September  
531 17, 2013 regular Borough Council meeting a motion can be made to advertise. Mr. Runkle informed  
532 Borough Council that one (1) of the questions he has is there's a whole section which refers to parking  
533 meters, to his understanding there are no parking meters located in the Borough anymore. Mr. Runkle  
534 clarified that he can remove this section from the Mifflinburg Borough Code of Ordinance or simply let it  
535 there in case the Borough decides to reinstall parking meters in the future. Mr. Runkle inquired what the  
536 wishes of Borough Council was. A discussion was held; Mr. Brouse expressed that he doesn't believe the  
537 Borough will ever reinstall parking meters and that this section should be deleted. Mr. Runkle stated that  
538 he is inclined to agree with Mr. Brouse, and added that if this section is not going to have any purpose  
539 then it should be removed. Mr. Brouse clarified that it was the consensus of Borough Council to direct  
540 Mr. Runkle to remove this section from the Mifflinburg Borough Code of Ordinance.

541  
542 Mr. Runkle provided Borough Council with an update on the status of the official offer for the sale of  
543 some of the Borough's Electrical infrastructure to Elkay, Inc. to allow them to combine their metering at  
544 their 10<sup>th</sup> Street facility. A draft official offer has been provided to Mr. Metzger; however she hasn't had  
545 a chance to review the offer. Mr. Brouse inquired if the Borough is required to bid the sale of some of the  
546 Borough's Electrical infrastructure to Elkay, Inc. Mr. Runkle informed Borough Council that in  
547 accordance with the Pennsylvania Borough Code if you're selling Borough property over \$1,500.00 you  
548 are required to advertise. Mr. Runkle stated that it seems absurd that the Borough would have to bid the  
549 sale; however he can't find a specific exemption which states the Borough doesn't have to bid. The  
550 Borough can either follow the strict letter of the Borough Code or ignore it and who's going to complain  
551 because who else would want to bid on transformers and poles that are on somebody else's land. Mr.  
552 Runkle expressed that he believes this is just a practical situation that the Borough Code fails to  
553 contemplate, but technically speaking there is no exemption which states the Borough doesn't have to bid.  
554 In any case he will complete the offer.

555  
556 Mr. Runkle provided Borough Council with an update on the status of the Landlord-Tenant Ordinance for  
557 the Borough of Mifflinburg. Mr. Runkle informed Borough Council that he will continue preparing an  
558 edited version of the Landlord-Tenant Ordinance for the Borough of Mifflinburg.

559  
560 Mr. Runkle requested an executive session to discuss potential litigation.

561  
562 Mayor Cooney announced that he attended or will be attending the following events:

- 563  
564
- 565 • The "Artists Among Us" has begun decorating the buffalo for the Union County "Parade of  
566 Buffalos" in celebration of Union County's Bicentennial. The buffalo has been primed; the  
567 Borough Public Works Supervisor, Mr. Jason Mitchell, calls it the "Great White Buffalo".
  - 568 • Will be speaking to the Senior Citizens Group, Club 39, in September.
- 569

570 Mr. Brouse called an executive session to discuss potential litigation and personnel matters. An executive  
571 session was held from 8:25 PM to 10:10 PM.

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573  
574 Motion by: Betsy K. Robertson  
575 Second by: Bryan E. Rohland

576  
577 **MOTION: To authorize participation in the Eastern Pennsylvania Power Group (EPPG) vs. PPL**  
578 **Electric Utilities Corporation (PPL) settlement as presented by Counsel.**

579  
580 Yes -- Mr. Rohland, Mrs. Robertson, Mr. Snook, Mr. Steese, Mr. Brouse

581  
582 No -- None

583  
584  
585 Mr. Brouse informed Borough Council that a letter has been received from Mr. Chuck Hagenbaugh, a  
586 resident located at 824 Chestnut Street, regarding the shade trees. Mr. Brouse recommended that the  
587 Mifflinburg Shade Tree Commission handle this matter since they were appointed to handle it.

588

589 Mr. Rohland reported that in accordance with the Mifflinburg Borough Code of Ordinances no vehicles  
590 shall be permitted to remain parked on the public streets or other public parking area of the Borough of  
591 Mifflinburg for any continuous period in excess of 24 hours. Mr. Rohland expressed that he believes the  
592 24 hour parking limitation should be reconsidered since individuals generally park longer than the limited  
593 time. A discussion was held; Mr. Brouse directed Mr. Rohland to review this section of the Mifflinburg  
594 Borough Code of Ordinances and provide Borough Council with a recommendation if he has one.

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596  
597 Motion by: Michael E. Snook

598  
599 **MOTION: To adjourn the Mifflinburg Borough Council meeting.**

600  
601 Approved via unanimous voice vote.

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603  
604 Meeting adjourned at 10:13 PM.

605  
606 Respectfully Submitted,

607  
608  
609 Misty L. Ross  
610 Assistant Borough Secretary