

1 MINUTES OF MIFFLINBURG BOROUGH COUNCIL
2 May 20, 2014
3

4	PRESENT	ABSENT
5 Michael E. Snook, Council President	X	
6 Beverly L. Hackenberg, Vice President	X	
7 Troy A. Berkheiser, Council Member	X	
8 Paul E. Bottiger, Council Member	X	
9 Bryan E. Rohland, 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 Murrie Zlotziver, Amy Stoak, Joyce Bielski, Karen Fritz, and
20 Richard Schrader.

21
22 Mr. Snook conducted a Public Hearing for Resolution No. 2014-03; a resolution approving the transfer
23 of a Restaurant Liquor License (No. R-21101) into the Borough of Mifflinburg from the Borough of
24 New Berlin. Mr. Runkle informed Borough that tonight's Public Hearing was advertised on May 2 and
25 May 9, 2014 in the Union County Times and that he has proof of publication. Mr. Runkle clarified the
26 purpose of tonight's Public Hearing is to allow interested parties to state their concerns regarding the
27 transfer of the restaurant liquor license into the receiving municipality. There being no further
28 comments or discussion the hearing concluded at 7:03 PM.

29
30 Motion by: Beverly L. Hackenberg
31 Second by: Paul E. Bottiger

32
33 **MOTION: To adopt Resolution No. 2014-03; A resolution approving the transfer of a Restaurant**
34 **Liquor License (No. R-21101) into the Borough of Mifflinburg from the Borough of New Berlin,**
35 **County of Union, Commonwealth of Pennsylvania.**

36
37 Approved via unanimous voice vote.

38
39
40 Motion by: Tod M. Steese
41 Second by: Beverly L. Hackenberg

42
43 **MOTION: To approve the minutes of the Tuesday, April 15, 2014 regular meeting of Mifflinburg**
44 **Borough Council.**

45
46 Approved via unanimous voice vote.

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48
49 Motion by: Troy A. Berkheiser
50 Second by: Beverly L. Hackenberg

51
52 **MOTION: To approve payment of Bill List #2014-05 in the amount of \$983,613.59.**

53
54 Yes – Mr. Berkheiser, Mr. Bottiger, Mrs. Hackenberg, Mr. Rohland, Mr. Steese, Mr. Snook

55
56 No – None

57
58
59 Mrs. Metzger provided Borough Council with an update on the status of the New Communities Program
60 Elm Street Project -- Phase III. Mrs. Metzger informed Borough Council that she received the grant
61 amendment to the Elm Street Agreement from the Department of Community and Economic
62 Development (DCED) and the check for the remaining Operational and Residential Reinvestment funds.
63 Borough Council action is requested to authorize the Borough Council President, Mr. Michael E. Snook,
64 to sign the grant amendment.
65
66
67

68 Motion by: Beverly L. Hackenberg

69 Second by: Troy A. Berkheiser

70

71 **MOTION: To authorize the Borough Council President, Mr. Michael E. Snook, to sign the grant**
72 **amendment to the Elm Street Agreement for the New Communities Program Elm Street Project –**
73 **Phase III.**

74

75 Approved via unanimous voice vote.

76

77

78 Mrs. Metzger reported that Larson Design Group has prepared a proposal for the additional survey and
79 design work necessary for the additional Elm Street areas that were added to the scope of the latest Elm
80 Street Residential Reinvestment Grant work. The cost for this work is a lump sum of \$12,500.00.
81 Borough Council action is requested on this proposal.

82

83 Motion by: Troy A. Berkheiser

84 Second by: Beverly L. Hackenberg

85

86 **MOTION: To approve the proposal submitted by Larson Design Group for additional survey and**
87 **design work for the additional Elm Street areas added to the scope of the latest Elm Street**
88 **Residential Reinvestment Grant work for a lump sum of \$12,500.00.**

89

90 Yes – Mr. Bottiger, Mrs. Hackenberg, Mr. Rohland, Mr. Steese, Mr. Berkheiser, Mr. Snook

91

92 No – None

93

94

95 Mrs. Metzger reported that she received a letter from the Gutelius House Museum, located at 5th and
96 Green Streets, which reads as follows:

97

98 The Gutelius House Museum, which is owned and operated by Preservation Mifflinburg, Inc.,
99 is applying for a Community Development Block Grant (CDBG). The Gutelius House
100 Museum provides programs for Borough residents. These programs highlight the importance
101 of the Gutelius family in the history of Mifflinburg while describing the culture of the 1800s.
102 In order to finish our application we need your help.

103

104 We are requesting three (3) things:

105

- 106 1. A GIS Map showing the boundaries of the Borough.
- 107 2. A list of all residential addresses that use Borough electricity.
- 108 3. A letter of support from the Borough for the grant application.

109

110 The Gutelius House Museum needs to replace the roof, restore the attic and 2nd floor, add a
111 bake oven, and work on the garage. We would appreciate your help with our application for
112 funds.

113

114 Sincerely,

115 Karen Fritz – Board President

116

117 A copy of the letter is included in the information tonight. Borough Council action is requested on this
118 matter.

119

120 Mrs. Karen Fritz, Gutelius House Museum Board President, informed Borough Council that
121 Preservation Mifflinburg, Inc., is applying for a Community Development Block Grant (CDBG) through
122 SEDA-Council of Governments (SEDA-COG). In order to apply for funding, Preservation Mifflinburg,
123 Inc., has to complete an American Community Survey (ACS). Mrs. Fritz detailed the requests being
124 submitted and expressed that Preservation Mifflinburg, Inc. are really hoping to apply for and receive
125 the CDBG funding. A discussion was held; Mrs. Metzger requested legal advice from Mr. Runkle with
126 regard to distributing customer information. Mr. Runkle stated that he would research this matter under
127 the Pennsylvania Right-to-Know Law (open records law). Mr. Runkle advised Borough Council that
128 they may take action at tonight's meeting to approve the Gutelius House Museum's requests contingent
129 upon disclosure under Pennsylvania's Right-to-Know Law.

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135 Motion by: Bryan E. Rohland
136 Second by: Beverly L. Hackenberg

137
138 **MOTION: To approve the Gutelius House Museum's requests as outlined in their letter**
139 **contingent upon disclosure under the Pennsylvania Right-to-Know Law (open records law).**

140
141 Approved via unanimous voice vote.

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143
144 Mrs. Metzger clarified that she would notify Mrs. Fritz of what Mr. Runkle finds under the Pennsylvania
145 Right-to-Know Law (open records law).

146
147
148 Motion by: Bryan E. Rohland
149 Second by: Paul E. Bottiger

150
151 **MOTION: To approve the Mifflinburg Borough Zoning Report for April 2014 and authorize**
152 **payment to the Central Keystone Council of Governments (CK-COG) in the amount of \$180.00.**

153
154 Yes – Mrs. Hackenberg, Mr. Rohland, Mr. Steese, Mr. Berkheiser, Mr. Bottiger, Mr. Snook

155
156 No – None

157
158
159 Mrs. Metzger reminded Borough Council that Mr. Gusztav Toplenszky, a resident of 105 Meadow Lane,
160 and Ms. Linda Vonada, a resident of 101 Meadow Lane, attended the Tuesday, April 15, 2014 regular
161 Borough Council meeting to address Borough Council concerning the noise coming from Elkay, Inc.
162 facilities. Mr. Rohland volunteered to meet with Mr. Toplenszky and some of the residents from
163 Meadow Lane to look into this matter further and report back to Borough Council with his findings. Mr.
164 Rohland informed Borough Council that he met with Mr. Toplenszky and some of the residents from
165 Meadow Lane with a decibel meter; the noise registered as 53 decibels at Elkay, Inc. facilities and 51
166 decibels at Mr. Toplenszky's residence. A discussion was held; Mr. Rohland requested Borough
167 Council support to allow him to speak with Elkay, Inc. to research this matter further. Mr. Berkheiser
168 suggested that Borough Council invite Elkay, Inc. to a Borough Council meeting. Mr. Rohland
169 volunteer to speak with Elkay, Inc. and ask them to attend the Tuesday, June 17, 2014 regular Borough
170 Council meeting. Mr. Snook directed that this matter be kept on the agenda for next month.

171
172 Mrs. Metzger reported that the Borough Maintenance Employees have installed the signs required to
173 enact the one-way ordinance on 3rd Street (as recommended by PennDOT). A discussion was held; Mrs.
174 Metzger informed Borough Council that there is a meeting scheduled with Mr. Steve Muchler, Assistant
175 Traffic Engineer at PennDOT District 3-0, regarding the sign placement, due to a complaint from one of
176 the property owners.

177
178 Mr. Berkheiser informed Borough Council that he received a complaint regarding the yellow line on 3rd
179 and 4th Streets (where these streets adjoin to Rt. 304); the yellow lines that are supposed to be on the
180 road are missing. Mr. Berkheiser inquired who is responsible for maintaining the lines on the road.
181 Mrs. Metzger reported that PennDOT is responsible for maintaining the lines on the road. Mr.
182 Berkheiser inquired if Mrs. Metzger could contact PennDOT regarding this matter. Mrs. Metzger stated
183 that she believes this work is probably on PennDOT's maintenance schedule; however she will mention
184 it to Mr. Muchler at the meeting.

185
186 Mrs. Metzger reported that the Borough Maintenance Employees have uncovered, cleaned and prepared
187 the Mifflinburg Community Swimming Pool for filling. The pool itself was in pretty good shape;
188 however the pump needed some work. The Borough Maintenance Employees fixed the pump, but now
189 the Borough needs to complete a clean water sample and obtain the results prior to the pool opening.
190 It's anticipated that the pool will be ready in time for the season opening on Saturday, May 24, 2014.

191
192 Mrs. Metzger provided Borough Council with an update on the status of the Borough wide Advanced
193 Metering Infrastructure (AMI) System. Mrs. Metzger reported that notice-of-award has been issued to
194 Nexgrid for the AMI Project and a tentative scope of work was presented to the Borough for review.
195 Mrs. Metzger informed Borough Council that both she and Mr. Jason Mitchell, the Borough Public
196 Works Supervisor, as well as Utility Engineers, PC, have reviewed the tentative scope of work and
197 provided comments and questions to Nexgrid and are awaiting a response.

198
199
200

201 Mrs. Metzger reported that she was contacted by Sunesys, Inc. about a potential Pole Attachment
202 Agreement for approximately eighty-five (85) poles. Mr. Joe Zimmerman, the Borough Electric
203 Foreman, has reviewed the proposed route and the work required and provided comment. All of this
204 information has been forwarded to Mr. Runkle for review and direction. Mr. Runkle informed Borough
205 Council that he has received and reviewed the information. Borough Council has two (2) choices in
206 how to proceed which are as follows:

- 207
- 208 1. Hire Attorney, Dan Cohen of the Cohen Law Group (they were hired to negotiate with Atlantic
209 Broadband) to handle this matter (negotiate the agreement, draft the agreement, etc.).
- 210 2. Have him draft the agreement; he works off the Borough's existing Pole Attachment Agreement
211 and learn about it and sort it out.
- 212

213 Mr. Runkle provided Borough Council with an update on the status of the Cable TV and Franchise
214 Agreements with Atlantic Broadband and Windstream. A lengthy discussion was held; Mr. Runkle
215 stated that the other thing Borough Council could do is direct Sunesys, Inc. to propose a Pole
216 Attachment Agreement, and he can review and make changes to the agreement and contact Attorney
217 Cohen with any questions he may have. It was unanimously decided by Borough Council to direct
218 Sunesys, Inc. to propose a Pole Attachment Agreement and then Mr. Runkle would review and make
219 changes to the agreement and contact Attorney Cohen with any questions.

220

221 Mrs. Metzger informed Borough Council that Mr. Jarad Seidel has submitted his resignation on
222 Tuesday, April 29, 2014. Borough Council action is requested to accept Mr. Seidel's resignation.

223 Motion by: Beverly L. Hackenberg
224 Second by: Tod M. Steese

225

226

227 **MOTION: To accept the resignation of Mr. Jarad Seidel as of Tuesday, April 29, 2014.**

228

229 Approved via unanimous voice vote

230

231

232 Mrs. Metzger informed Borough Council that Mr. Ron Bollinger, Park Director, is requesting that two
233 (2) additional employees be hired for the 2014 Season at the Mifflinburg Community Pool which are as
234 follows:

- 235
- 236 1. Ms. Sierra Martin
- 237 2. Mr. Michael Renard.
- 238

239 These additional employees are needed due to the limited schedule of some of the other employees.
240 Borough Council action is requested to hire these two (2) individuals.

241

242 Motion by: Beverly L. Hackenberg
243 Second by: Paul E. Bottiger

244

245 **MOTION: To hire Ms. Sierra Martin and Mr. Michael Renard for the 2014 Season at the**
246 **Mifflinburg Community Pool.**

247

248 Approved via unanimous voice vote

249

250

251 Mrs. Metzger requested an executive session to discuss personnel matters

252

253 Mrs. Metzger provided Borough Council with an update for the Production Well No. PW-2. Mrs.
254 Metzger reported that the first annual report summarizing the results for the Production Well No. PW-2
255 has been submitted and HRG, Inc. has been in conversation with the Susquehanna River Basin
256 Commission (SRBC) regarding some questions.

257

258 Mrs. Metzger reported that due to the very heavy rainfall event the Borough's Wastewater System
259 experienced a sanitary sewer overflow event on Friday, May 16, 2014. Mrs. Metzger stated that she
260 submitted the violation to the Department of Environmental Protection (DEP) and will follow-up with
261 the required five (5) day letter and await DEP's response with any sanctions. Mrs. Metzger informed
262 Borough Council that Mrs. Erin Threet, HRG, Inc., provided operational review and troubleshooting as
263 well as assistance in reporting to DEP following the overflow event that occurred. It should be noted
264 that peak flows of 8.7 MGD were recorded at the Wastewater Treatment Plant during this event. This
265 peak is approximately 12.5 times the Borough's average daily flow (0.7 MGD reported in 2013).
266 "Typical" peaking factors for wet weather events are closer to 4 or 5 in systems this size.

267 Mrs. Metzger provided Borough Council with an update on the Cherry Alley Project. Mrs. Metzger
268 reported that the Cherry Alley Project has been advertised and bids are due by Thursday, June 12, 2014
269 at 3:00 PM. Mrs. Metzger informed Borough Council that Mr. Runkle has prepared the draft easement
270 agreements for the properties requiring one in the Cherry Alley Project area; she and Mr. Jason Mitchell,
271 the Borough Public Works Supervisor, will be meeting with the property owners to review these
272 agreements in the near future.

273
274 Mrs. Metzger provided Borough Council with an update on the replacement of the roof at the
275 Mifflinburg Hose Company Building located at 325 Chestnut Street. Mrs. Metzger reported that the
276 replacement of the roof at the Mifflinburg Hose Company Building has been advertised for bids and the
277 pre-construction meeting was held on Tuesday, May 6, 2014. Bids for this project are due by Friday,
278 May 23, 2013 at 3:00 PM. The anticipated construction start date is Monday, June 16, 2014 and the
279 anticipated date for substantial completion is Friday, August 29, 2014. Mrs. Metzger informed Borough
280 Council that a special Borough Council meeting may be required to award the bids.

281
282 Mrs. Metzger provided Borough Council with an update on the status of the East Green Street Sewer
283 Manhole Replacement Project. Mrs. Metzger reported that Mrs. Erin Threet, HRG, Inc., has completed
284 the survey work and preliminary design for the East Green Street Sewer Manhole Replacement Project.
285 HRG, Inc. will be providing preliminary plans to Borough Management for review and comment. Mrs.
286 Metzger requested Borough Council action to authorize her to solicit bids for this project once the plans
287 are finalized.

288
289 Motion by: Beverly L. Hackenberg
290 Second by: Troy A. Berkheiser

291
292 **MOTION: To authorize Mrs. Metzger to solicit bids for the East Green Street Sewer Manhole**
293 **Replacement Project once the plans are finalized.**

294
295 Approved via unanimous voice vote

296
297
298 Mrs. Metzger reported that she met with PennDOT Representatives and Union County Officials on
299 Friday, April 11, 2014 to discuss the Third Street Bridge Relocation Project. PennDOT reported that
300 they will only pay for the sewer utilities to be relocated and that the cost for relocating the water and
301 electric utilities must be paid by either the County or the Borough. Mr. Runkle provided Borough
302 Council with an update on the status of the Third Street Bridge Relocation Project. A lengthy discussion
303 was held; Mrs. Metzger informed Borough Council that Mr. Shawn McLaughlin, Director at the Union
304 County Planning Commission, suggested that if the Borough is unable to acquire resolution through Mr.
305 Runkle, they should contact Representative Fred Keller (R-Snyder/Union) and ask him to attend a
306 meeting.

307
308 Mrs. Metzger reported that the Borough officially converted to the new 'Eagle' billing program
309 provided by Logics, Inc. The program is running, but seems to have too many bugs and is requiring
310 substantial support and assistance to perform daily tasks. We are continuing to work through this
311 process.

312
313 Mrs. Metzger reported that the Borough Office Staff has also received training for the new Financial
314 Package from Logics, Inc. staff. It is anticipated that this conversion will either take place at the end of
315 May or will be deferred until August depending on the report writing capabilities of the new system
316 which is still under development.

317
318 Mayor Cooney informed Borough Council that they received a copy of the Monthly Police Report for
319 April 2014 included in the information tonight.

320
321 Mayor Cooney provided Borough Council with an update on the status of the Landlord Ordinance for
322 the Borough of Mifflinburg. Mayor Cooney reported that he and Mr. Runkle met with Ms. Rebecca A.
323 Kilps, Office Assistant at the Central Keystone Council of Governments (CK-COG). A Public Safety
324 Committee meeting will be scheduled to further discuss the Landlord Ordinance.

325
326 Chief Bickhart presented Borough Council with some Monthly Highlights for the Mifflinburg Police
327 Department for April 2014.

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332

333 Chief Bickhart informed Borough Council that the Mifflinburg Police Department participated in or will
334 be participating in the following events:

- 335
- 336 • The Buckle Up PA Project (BUPA), Click it or Ticket Campaign, that is scheduled for
337 Monday, May 20, 2013 thru Sunday, June 9, 2013.
- 338 • The D.A.R.E Graduation that was held on Thursday, May 22, 2014 at 1:00 PM at the
339 Mifflinburg Area High School.
- 340 • The Annual Memorial Day Ceremony that is scheduled for Monday, May 26, 2014 at 6:00
341 PM at the Mifflinburg Community Park/Pool.
- 342 • The Mifflinburg Safety Fair that is scheduled for Wednesday, June 4, 2014 from 5:00 PM
343 to 8:00 PM at the Mifflinburg Community Park.

344 Mrs. Hackenberg requested an executive session to discuss personnel matters.

345

346 Mayor Cooney presented Borough Council with an update for the Mifflinburg Regional Economic
347 Development (MRED) Alliance. Mayor Cooney provided Borough Council with an update on the
348 following businesses in the Borough:

- 349
- 350
- 351 1. La Esperanza (or "The Hope") Day Spa will be opening up shop at the Old Borough
352 Building, located at 333 Chestnut Street.
- 353 2. Service 1st Credit Union will be opening up shop at the Old bus garage, located at 52 E.
354 Chestnut Street.
- 355 3. The Tattoo Shop, located at 449 Chestnut Street, has closed up shop.

356

357 Mr. Snook informed Borough Council that they received a copy of the Engineer's Report for May 2014
358 included in the information tonight.

359

360 Mr. Runkle reported that he has researched distributing customer information under the Pennsylvania
361 Right-to-Know Law (open records law) and he can't find any Right-to-Know Law exemptions for
362 Utility Customers' names and addresses. Mr. Runkle expressed that he believes Utility Customers'
363 names and addresses are public record as long as the Borough doesn't distribute Driver's License, Social
364 Security, or Account Numbers. Mr. Runkle directed the Borough to go ahead and provide a list of all
365 residential addresses that use Borough electricity to the Gutelius House Museum as requested.

366

367 Mr. Runkle reminded Borough Council that at the Tuesday, April 15, 2014 regular Borough Council
368 meeting he expressed some concern with the language in the Borough's ordinances regarding minimum
369 fine requirements. Mr. Runkle informed Borough Council that the minutes from Tuesday, April 15,
370 2014 regular Borough Council meeting state that it was the consensus of Borough Council to authorize
371 him to begin preparing an ordinance amendment for the minimum fine requirements; however he has a
372 different recollection of the outcome to that conversation. Mr. Runkle requested Borough Council
373 clarification. A discussion was held; Borough Council clarified that Mr. Runkle should not begin
374 preparing an ordinance amendment for the minimum fine requirements unless directed to in the future

375

376 Mr. Runkle provided Borough Council with an update on the revisions to Chapter 5 of the Zoning
377 Ordinance. Mr. Runkle reported that the Mifflinburg Planning Commission have finished with their
378 revisions and formally took action at their meeting to recommend to Borough Council that they take
379 action to adopt Chapter 5 as revised. A discussion was held; Mr. Runkle directed Mayor Cooney to ask
380 Ms. Pamela Mabus, Community Planner at the Union County Planning Department, to email the revised
381 document to Borough Council members for review.

382

383 Mayor Cooney informed Borough Council that he participated in or will be participating in the
384 following meetings or events:

- 385
- 386 • The driving scene for the comedy series titled "Gary Saves the Graveyard" that was held on
387 Thursday, April 17, 2014 from 7:00 PM to 11:00 PM.
- 388 • The Arbor Day celebration that was held on Friday, April 25, 2014 at 10:00 AM at the
389 Mifflinburg Community Park. Mayor Cooney stated that he issued a proclamation during
390 the celebration. Mr. Gerald Hoy, the District Forester for Union County, inspected the
391 Emerald Ash Trees in the Park and marked them accordingly to which trees he believes
392 should be dealt with first.
- 393 • Distributed awards at the Girls on the Run of the Greater Susquehanna Valley's Spring 5k
394 Event that was held on Saturday, May 3, 2014 from 6:30 AM to 1:30 PM at the Mifflinburg
395 Community Park.
- 396 • The 4th of July Committee meeting that will be held to discuss the Annual 4th of July
397 festivities at the Mifflinburg Community Park. Mayor Cooney clarified that he will be
398 attending the meeting with regard to the "Mifflinburg's Got Talent!" competition.

399 Mayor Cooney announced that the Mifflinburg Safety Fair is scheduled for Wednesday, June 4, 2014
400 from 5:00 PM to 8:00 PM at the Mifflinburg Community Park.

401

402

403 Mr. Snook called an executive session to discuss potential litigation and personnel matters. An
404 executive session was held from 8:53 PM to 9:54 PM.

405

406

407 Motion by: Beverly L. Hackenberg

408

409 **MOTION: To reimburse Mr. Steve Nogle for \$10.00/day for accumulated sick time using a side
410 agreement.**

411

412 The motion to reimburse Mr. Steve Nogle for \$10.00/day for accumulated sick time using a side
413 agreement died due to lack of a second.

414

415

416 Motion by: Beverly L. Hackenberg

417 Second by: Paul E. Bottiger

418

419 **MOTION: To authorize a \$2.05/hour increase in pay to Mr. Dave Moroskie.**

420

421 Yes – Mr. Rohland, Mr. Steese, Mr. Berkheiser, Mr. Bottiger, Mrs. Hackenberg, Mr. Snook

422

423 No – None

424

425

426 Motion by: Troy A. Berkheiser

427

428 **MOTION: To adjourn the Mifflinburg Borough Council meeting.**

429

430 Approved via unanimous voice vote.

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432

433 Meeting adjourned at 9:56 PM.

434

435 Respectfully Submitted,

436

437

438 Misty L. Ross

439 Assistant Borough Secretary