

1 MINUTES OF MIFFLINBURG BOROUGH COUNCIL
2 April 15, 2014

3		PRESENT	ABSENT
4			
5	Michael E. Snook, Council President	X	
6	Beverly L. Hackenberg, Vice President	X – Arrived at 7:31 PM	
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 Dan Pence, Joe Yankowski, Mr. Gusztav Toplenszky, and Linda
20 Vonada.

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23 Motion by: Tod M. Steese
24 Second by: Bryan E. Rohland

25
26 **MOTION: To approve the minutes of the Tuesday, March 18, 2014 regular meeting of**
27 **Mifflinburg Borough Council.**

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29 Approved via unanimous voice vote.

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32 Motion by: Bryan E. Rohland
33 Second by: Tod M. Steese

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35 **MOTION: To approve payment of Bill List #2014-04 in the amount of \$194,101.06.**

36
37 Yes – Mr. Bottiger, Mr. Rohland, Mr. Steese, Mr. Snook

38
39 No – None

40
41
42 Mr. Gusztav Toplenszky, a resident of 105 Meadow Lane, and Ms. Linda Vonada, a resident of 101
43 Meadow Lane, attended tonight's meeting to address Borough Council concerning the noise coming
44 from Elkay, Inc. facilities. Mr. Toplenszky reminded Borough Council that some residents from
45 Meadow Lane submitted a packet of information last year regarding the development of a noise
46 ordinance along with a note that was designed to represent all of the residents in the Meadow Lane area
47 about this problem. At that time, Elkay, Inc. fixed one (1) of the blowers, but then they heard there
48 wasn't an ordinance to enforce this matter so they won't fix the other blowers. Mr. Toplenszky
49 expressed that the noise coming from Elkay, Inc. facilities is unbearable and stated that in accordance
50 with Ordinance No. 293 §6-1; disorderly conduct is hereby prohibited within the Borough of
51 Mifflinburg. Any person who shall willfully make or cause to be made any loud, boisterous and
52 unseemly noise or disturbance, to the annoyance of the peaceable residents nearby or near to any public
53 street or alley, or public ground in the Borough, whereby the public peace is broken or disturbed or the
54 traveling public annoyed, shall be guilty of disorderly conduct. Ms. Vonada stated that she has been a
55 resident of 101 Meadow Lane for the past forty (40) years and has never heard noise like this. The noise
56 started last year and it's just a constant roar that roars right through your house; with this constant roar at
57 night, you can't sleep. Mr. Toplenszky invited Borough Council members to visit his residence and hear
58 the noise for themselves if they don't believe him. Mr. Snook reported that last year he visited the
59 Meadow Lane area with a decibel meter subsequent to receiving the complaints concerning the noise
60 coming from Elkay, Inc. facilities; the noise registered as regular traffic noise.

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67 Mr. Runkle informed Borough Council that the ordinance in which Mr. Toplenszky is referencing is the
68 correct section of the Borough Code that the Borough would look at; this is a standard ordinance and he
69 can tell by the way the ordinance is written that it's an old ordinance. If Borough Council were to draft
70 a new ordinance and get into noise regulations today, there might be specific decimal limits with the
71 technology available to measure these things. Mr. Runkle advised Borough Council that if they choose
72 to enforce this ordinance and Elkay, Inc. chooses to fight it, it would be up to a District Judge to decide
73 whether it meets the facts or not. If Borough Council has to make that case in court, they're going to
74 need testimony from witnesses. Measuring the noise in terms of decimals certainly wouldn't hurt, but
75 there's no specific number in the ordinance. Ultimately it's just a matter of determining whether
76 Borough Council feels they can enforce this ordinance under the current language. The standard is
77 somewhat vague, but it doesn't mean you can't enforce the ordinance, it just means there are no
78 guarantees if you go before a District Judge. A discussion was held; Mr. Rohland volunteered to meet
79 with Mr. Toplenszky and some of the residents from Meadow Lane to look into this matter further. Mr.
80 Rohland stated that he also has a decibel meter that he can use to measure the noise coming from Elkay,
81 Inc. facilities to help determine what could be done. Mr. Rohland obtained Mr. Toplenszky's contact
82 information and stated that he would get in touch with him within the next week or so.

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84
85 Motion by: Tod M. Steese
86 Second by: Bryan E. Rohland

87
88 **MOTION: To approve the Mifflinburg Borough Zoning Report for March 2014 and authorize**
89 **payment to the Central Keystone Council of Governments (CK-COG) in the amount of \$180.00.**

90
91 Yes – Mr. Rohland, Mr. Steese, Mr. Bottiger, Mr. Snook

92
93 No – None

94
95
96 Mrs. Metzger provided Borough Council with an update on the status of the Chestnut Street
97 Reconstruction Project. Mrs. Metzger reported that the Borough has been receiving some additional
98 complaints about the new sidewalks in the Chestnut Street Reconstruction Project area. There have
99 been quite a few reports of cracked sections and problems with ice due to water not draining properly on
100 the roadway. These complaints were forwarded to PennDOT personnel. Mrs. Metzger informed
101 Borough Council that she; Mr. Jason Mitchell, the Borough Public Works Supervisor; PennDOT; and
102 Don E. Bower, Inc., the contractor for the Chestnut Street Reconstruction Project; performed the spring
103 "walk-through" on Wednesday, April 2, 2014. At that time, it was noted that there was approximately
104 500 feet of sidewalks that had cracked and would require replacement. The contractor began this
105 removal and replacement work on Monday, April 7, 2014 and anticipates that this work will take
106 approximately six (6) weeks to complete. The contractor will also be working to complete some of the
107 other punch list items during this time.

108
109 Mrs. Metzger informed Borough Council that PennDOT has submitted Invoice: 033608 010 in the
110 amount of \$6,177.72 for the Borough's share of the Chestnut Street Reconstruction Project.
111 Management has reviewed the invoice. A copy of the invoice is included in the information tonight for
112 Borough Council review. Borough Council action is requested to approve payment of this invoice.

113
114 Motion by: Paul E. Bottiger
115 Second by: Tod M. Steese

116
117 **MOTION: To approve payment of Invoice: 033608 010 to PennDOT in the amount of \$6,177.72**
118 **for the Borough's share of the Chestnut Street Reconstruction Project.**

119
120 Yes – Mr. Steese, Mr. Bottiger, Mr. Rohland, Mr. Snook

121
122 No – None

123
124
125 Mrs. Metzger informed Borough Council that Borough Management has ordered the signs required to
126 enact the one-way ordinance on 3rd Street (as recommended by PennDOT). The Borough Maintenance
127 Employees will be installing these signs this week and they will also be notifying the PennDOT Signal
128 Supervisor so that the Borough can obtain the updated Traffic Signal Permit as well.

129
130
131
132

133 Mrs. Metzger reported that the Department of Conservation and Natural Resources (DCNR) has opened
 134 the 2014 Grant Application period. The Park/Property Committee reviewed some ideas presented by
 135 Mr. Ron Bollinger, Park Director, and has directed the Borough Staff to research these ideas and provide
 136 some potential costs. Mrs. Metzger reminded Borough Council that Mayor Cooney attended the
 137 seminar for this grant to help with the application process. Mrs. Metzger informed Borough Council
 138 that Mr. Wesley Fahringer, the Borough's local DCNR Representative, was contacted and has visited
 139 the proposed site. Subsequent to discussion and review, Mr. Fahringer determined that it would be in
 140 the Borough's best interest to defer their application until 2015 when a more comprehensive application
 141 can be submitted.

142
 143 Mrs. Metzger provided Borough Council with an update on the status of the Borough wide Advanced
 144 Metering Infrastructure (AMI) System. Mrs. Metzger reminded Borough Council that the bids for the
 145 Borough's AMI System were opened on Wednesday, March 12, 2014 at 1:00 PM. There were two (2)
 146 bids received and are as follows:

	<u>Base Bid</u>	<u>Alternate Proposals</u>		<u>Recurring</u>
		<u>No. 2</u>	<u>No. 3</u>	<u>Annual Fees</u>
Mueller Systems	\$625,374.20	\$35,755.20	\$5,864.00	\$28,920.00
Nexgrid	\$610,218.48	\$36,754.86	\$6,118.00	\$ 8,732.50

151
 152 Utility Engineers, PC reviewed the bids and met with the Utility Committee/Borough Council on
 153 Tuesday, April 8, 2014 to discuss the bids received and to present their recommendation for award.
 154 Utility Engineers, PC are recommending that Borough Council take action to award the Base Bid to
 155 Nexgrid in the amount of \$610,218.48.

156
 157 Mr. Dan Pence, of Mueller Systems, informed Borough Council that he is present at tonight's meeting
 158 along with Mr. Joe Yankowski, his distributor for the Borough wide Advanced Metering Infrastructure
 159 (AMI) System Project, regarding the bids received. Mr. Pence reported that he provided Mrs. Metzger
 160 and Mr. Joe Zimmerman, the Borough Electric Foreman, with some information about the competitive
 161 system. Mr. Pence detailed Mueller Systems' concerns with Utility Engineers, PC's recommendation to
 162 award the Base Bid to Nexgrid and suggested that Borough Council look carefully at the costs as well as
 163 the long term costs associated with this system. Mr. Pence recommended that Borough Council have
 164 Nexgrid perform a demonstration pilot like they had Mueller Systems complete; Mueller Systems has
 165 proven that their system works.

166
 167 Mrs. Metzger clarified that Mueller Systems' concerns were forwarded to Utility Engineers, PC and they
 168 are still recommending that Borough Council take action to award the Base Bid to Nexgrid. Mr. Runkle
 169 stated that strictly from a strategic standpoint, Borough Council does not have to take action at tonight's
 170 meeting; Borough Council could defer action until a later date and they would just need to provide a five
 171 (5) day notice of when they plan to award the bid. Mr. Rohland expressed that he believes Mueller
 172 Systems has presented a strong argument and that Borough Council should review the bids received
 173 again. A lengthy discussion was held; Mr. Bottiger stated that since he wasn't present for the meeting
 174 with Utility Engineers, PC to hear both sides for himself, he couldn't in good faith go against the
 175 engineer's recommendation. Mr. Steese agreed with Mr. Bottiger and added that the Borough paid
 176 Utility Engineers, PC to make an unbiased recommendation; Borough Council has their
 177 recommendation and they should stand by it.

178
 179 Motion by: Tod M. Steese
 180 Second by: Paul E. Bottiger

181
 182 **MOTION: To award the Base Bid for the Borough wide Advanced Metering Infrastructure (AMI)**
 183 **System to Nexgrid in the amount of \$610,218.48 as recommended by Utility Engineers, PC.**

184
 185 Yes – Mr. Bottiger, Mrs. Hackenberg, Mr. Steese

186
 187 No – Mr. Rohland, Mr. Snook

188
 189
 190 Mrs. Metzger reported that Utility Engineers, PC also presented information to Borough Council about
 191 the option of authorizing them to pursue pricing for power supply beyond our current contract that
 192 expires December 31, 2017, to help provide more stable pricing for the Borough's electric supply.
 193 Borough Council action is requested to authorize Utility Engineers, PC to pursue options for the
 194 provision of longer term power supply pricing. Mrs. Metzger clarified that the motion is only to
 195 authorize Utility Engineers, PC to pursue options for longer term power supply pricing; any changes to
 196 the contract would require Borough Council approval.

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 198
 199

200 Motion by: Tod M. Steese
201 Second by: Beverly L. Hackenberg

202
203 **MOTION: To authorize Utility Engineers, PC to pursue options for the provision of longer term**
204 **power supply pricing beyond the Borough's electric supply contract that expires December 31,**
205 **2017.**

206
207 Yes – Mr. Steese, Mr. Bottiger, Mrs. Hackenberg, Mr. Rohland, Mr. Snook

208
209 No -- None

210
211
212 Mrs. Metzger reported that the Borough has received an upgraded Pole Attachment Agreement from
213 PPL Utilities for the eight (8) poles owned by PPL that the Borough is attached to. The Pole Attachment
214 fee increased from \$17.22/pole to \$19.22/pole with this revised agreement. This agreement has been
215 forwarded to Mr. Runkle for review and recommendation. Mr. Runkle informed Borough Council that
216 he has reviewed the upgraded Pole Attachment Agreement from PPL Electric Utilities (PPL) would
217 recommend that Borough Council take action to approve this Pole Attachment Agreement.

218
219 Motion by: Beverly L. Hackenberg
220 Second by: Tod M. Steese

221
222 **MOTION: To approve the upgraded Pole Attachment Agreement from PPL Electric Utilities for**
223 **the eight (8) poles owned by PPL that the Borough is attached to.**

224
225 Yes – Mr. Bottiger, Mrs. Hackenberg, Mr. Rohland, Mr. Steese, Mr. Snook

226
227 No -- None

228
229
230 Mrs. Metzger reported that due to the extremely cold winter and the estimated billing used in March
231 2014, some residents have experienced very high electric usage and bills. Many residents have
232 complained about not being able to make full payment of their April bills. This matter was discussed at
233 the Utility Committee meeting and Borough Council action is requested to authorize a one-time waiver
234 of penalties for the April 2014 billing. Mrs. Metzger informed Borough Council that the penalties for
235 the March 2014 billing were about \$3,600.00; the penalties for the April 2014 billing would exceed this
236 amount, but they shouldn't exceed \$5,000.00. Mr. Bottiger expressed that he would be okay with
237 authorizing a one-time waiver of penalties for the April 2014 billing as a good faith effort, but the
238 Borough residents knew they were getting an electric bill and they used it. A discussion was held; due
239 to lack of a motion being made, Mr. Snook moved on.

240
241 Mrs. Metzger informed Borough Council that the Mifflinburg Little League Association is requesting
242 Borough labor and supplies for the installation of an electronic scoreboard at the 8th Street facility. Mr.
243 Ryan Sampsel, the Mifflinburg Little League Association President, has explained that sign-up numbers
244 will require the use of the 8th Street field and in accordance with the Little League rules and regulations
245 require use of an electronic scoreboard. The Mifflinburg Little League Association has the funds to
246 purchase the scoreboard; however they would like the Borough Electric employees to install the
247 equipment since it is on Borough owned property. Mrs. Metzger reminded Borough Council that at the
248 Tuesday, February 18, 2014 regular Borough Council meeting, they took action to authorize the
249 Borough to send correspondence to the Mifflinburg Little League Association clarifying the position of
250 Borough Council with regard to the requests they submitted for consideration with the 2014 Budget and
251 of any future requests as recommended by the Park/Property Committee; one of these requests was that
252 they consider fundraising to match the amount requested from the Borough. Borough Council direction
253 is requested on whether or not the Borough should complete this work.

254
255 Mr. Bottiger expressed that he believes the Mifflinburg Little League Association has done what the
256 Park/Property Committee requested them to do. A discussion was held; Mr. Bottiger inquired what
257 costs would be incurred by the Borough. Mrs. Metzger stated Mr. Jason Mitchell, the Borough Public
258 Works Supervisor, and Mr. Joe Zimmerman, the Borough Electric Foreman, looked at this; however she
259 anticipates that the costs incurred would be under \$1,000.00.

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267 Motion by: Paul E. Bottiger
268 Second by: Beverly L. Hackenberg

269
270 **MOTION: To approve the Mifflinburg Little League Association's request for Borough labor and**
271 **supplies for the installation of an electronic scoreboard at the 8th Street facility.**

272
273 Yes – Mrs. Hackenberg, Mr. Rohland, Mr. Steese, Mr. Bottiger, Mr. Snook

274
275 No – None

276
277
278 Mrs. Metzger reported that the Mifflinburg Kiwanis Club has contacted her regarding the Borough's
279 swimming lesson program. Mrs. Metzger informed Borough Council that the Mifflinburg Kiwanis Club
280 has been supporting the Borough's swimming lesson program for many years and they are concerned
281 with this year's increased fees. The Mifflinburg Kiwanis Club is concerned that they may not be able to
282 help as many swimmers with the tuition as they have in the past; therefore, they are recommending that
283 Borough Council consider allowing only Mifflinburg Area School District students to sign-up first. The
284 Borough's normal policy allows sign-up on a first come first served basis, and passes are sold at either
285 Borough resident or nonresident rates. Borough Council action is requested to set the sign-up policy and
286 to determine what the 'resident' definition will be. Mrs. Hackenberg stated that she directed the
287 Mifflinburg Kiwanis Club to contact Mr. Ron Bollinger, the Park/Pool Director, to see what he
288 recommends. Mrs. Metzger informed Borough Council that Mr. Bollinger sent her an email; Mr.
289 Bollinger indicated that he was okay with having two (2) different sign-up dates. A discussion was held;
290 Mrs. Metzger clarified that the Borough should go along with Mr. Bollinger's recommendations.

291
292 Mrs. Metzger informed Borough Council that Mr. Steven Nogle, one (1) of the Borough's
293 Water/Wastewater Technicians, has submitted his resignation with an effective date of Friday, April 25,
294 2014. Mr. Nogle has been a Borough employee for over twenty-five (25) years. Mrs. Metzger
295 requested Borough Council action to accept Mr. Nogle's resignation and to authorize her to advertise the
296 vacancy for the Water/Wastewater Technician position.

297
298 Motion by: Paul E. Bottiger
299 Second by: Beverly L. Hackenberg

300
301 **MOTION: To accept the resignation of Mr. Steven Nogle as a Water/Wastewater Technician**
302 **effective Friday, April 25, 2014 and to authorize Mrs. Metzger to advertise the vacancy for the**
303 **Water/Wastewater Technician position.**

304
305 Approved via unanimous voice vote

306
307
308 Mrs. Metzger reminded Borough Council that the Water/Wastewater Treatment Plant Operators have
309 resumed the required testing at the Production Well No. PW-2. This testing was required to be
310 suspended during the growing season (May & June) per the conditions of the permit. The reports on this
311 are due by the end of April. Mrs. Metzger reported that Borough Staff has forwarded all necessary
312 information from the piezometers in the monitoring wells to HRG, Inc. for their use in the completion of
313 this report.

314
315 Mrs. Metzger reported that she and Mr. Jason Mitchell, the Borough Public Works Supervisor, have
316 submitted all comments on the design for the Cherry Alley Project and have met with Mrs. Erin Threet,
317 HRG, Inc., to discuss the procuring of easements for this project. It was determined that there are three
318 (3) properties that should enter into easement agreements with the Borough prior to this project work.
319 Mrs. Threet has provided the easement attachment descriptions for Mr. Runkle to use in drafting the
320 official easement documents. Mrs. Metzger requested Borough Council action to approve the easement
321 documents based on Mr. Runkle's recommendation and to direct her as to whether or not the bids can be
322 advertised prior these documents being sign.

323
324 Mr. Runkle informed Borough Council that he has received the easement attachment descriptions and he
325 can certainly draft the easement agreements; however he needs to obtain a legal description from Mrs.
326 Threet. A discussion was held; Mr. Runkle advised Borough Council that they may take action at
327 tonight's meeting to authorize Mr. Metzger to solicit bids for the Cherry Alley Project, with the
328 understanding that there's a risk that the property owners might refuse to sign the easement agreements.

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334 Motion by: Paul E. Bottiger
335 Second by: Tod M. Steese

336
337 **MOTION: To authorize Mrs. Metzger to solicit bids for the Cherry Alley Project.**

338
339 Approved via unanimous voice vote

340
341
342 Mrs. Metzger reported that she and Mr. Jason Mitchell, the Borough Public Works Supervisor, have met
343 with Mr. Ted Strosser, Strosser Architecture & Conservation, Inc., to review the preliminary design for
344 the replacement of the roof at the Mifflinburg Hose Company Building located at 325 Chestnut Street.
345 Mr. Strosser will be providing the final bid documents for review at the end of next week. Borough
346 Council action is requested to solicit bids for this project.

347
348 Motion by: Tod M. Steese
349 Second by: Paul E. Bottiger

350
351 **MOTION: To solicit bids for replacement of the roof at the Mifflinburg Hose Company Building**
352 **located at 325 Chestnut Street.**

353
354 Approved via unanimous voice vote

355
356
357 Mrs. Metzger provided Borough Council with an update on the status of the East Green Street Sewer
358 Manhole Replacement Project. Mrs. Metzger reported that Mrs. Erin Threet, HRG, Inc., has prepared a
359 proposal for the design of the East Green Street Sewer Manhole Replacement Project. Mrs. Metzger
360 reminded Borough Council that this proposal was discussed at the Tuesday, February 18, 2014 regular
361 Borough Council meeting, as well as some other proposals that were obtained by Mr. Rohland. It was
362 the consensus of Borough Council to direct Mr. Rohland to obtain the required information from
363 Coukart & Associates Inc. for the East Green Street Sewer Manhole Replacement Project prior to the
364 Tuesday, March 18, 2014 regular Borough Council meeting; if Coukart & Associates, Inc. couldn't meet
365 the timeline or contract requirements, Mr. Rohland was to contact the private surveyor to see if he could
366 complete the survey to incorporate it into HRG, Inc.'s contract or seek another proposal from a smaller
367 engineering firm. Since this did not happen, Borough Council took action at the Tuesday, March 18,
368 2014 regular Borough Council meeting to engage Coukart & Associates Inc. to survey, design, and
369 prepare bid specifications for the East Green Street Sewer Manhole Replacement Project for the not-to-
370 exceed amount of \$2,400.00, contingent upon a spelled out contract being provided to Mrs. Metzger and
371 the Solicitor for review and approval by Friday, March 28, 2014 at 4:30 PM; if the contract does not
372 spell out everything that is needed, then engage HRG, Inc. to design, prepare bid specifications, and
373 perform construction management for the East Green Street Sewer Manhole Replacement Project for the
374 not-to-exceed amount of \$6,800.00. Mrs. Metzger informed Borough Council that Coukart &
375 Associates Inc. were unable to provide a spelled out contract by the prescribed deadline; therefore she
376 accepted the original offer submitted by HRG, Inc. The survey work is scheduled to begin next week.

377
378 Mrs. Metzger provided Borough Council with an update on the status of the Third Street Bridge
379 Relocation Project. Mrs. Metzger reported that she met with PennDOT Representatives and Union
380 County Officials on Friday, April 11, 2014. At the meeting, PennDOT reported that they will only pay
381 for the sewer utilities to be relocated and that the cost for relocating the water and electric utilities must
382 be paid by either the County or the Borough. A lengthy discussion was held; Mrs. Metzger informed
383 Borough Council that Mr. Shawn McLaughlin, Director at the Union County Planning Commission,
384 suggested that if the Borough is unable to acquire resolution through Mr. Runkle, they should contact
385 Representative Fred Keller (R-Snyder/Union) and ask him to attend a meeting.

386
387 Mrs. Metzger reported that Mr. Jason Mitchell, the Borough Public Works Supervisor, met with the
388 Borough's local PennDOT Service Representative to review the list for the Annual Street and Alley
389 Paving Project. There are a few items to consider in this review which are as follows:

- 390
391 1. When to bid and schedule as some of the areas intersect with the Cherry Alley Project area.
392 2. The proposed work includes quite a bit of tar and chip repairs.
393 3. Some of the proposed areas are near intersections with old style curb and sidewalk work.

394
395 Mrs. Metzger informed Borough Council that these areas have also been marked out on the streets. A
396 copy of the list for the Annual Street and Alley Paving Project has been included in the information
397 tonight for Borough Council review. Mrs. Metzger requested Borough Council action to authorize her
398 to solicit bids for the 2014 Annual Street and Alley Paving Project.

399
400

401 Motion by: Beverly L. Hackenberg
402 Second by: Tod M. Steese

403
404 **MOTION: To authorize Mrs. Metzger to solicit bids for the 2014 Annual Street and Alley Paving**
405 **Project.**

406
407 Approved via unanimous voice vote

408
409
410 Mrs. Metzger provided Borough Council with an update on the status of the New Communities Program
411 Elm Street Project – Phase III. Mrs. Metzger informed Borough Council that she submitted the grant
412 amendment to the Department of Community and Economic Development (DCED); DCED was not
413 willing to review and consider the amendment until the final drawdown of the grant funds was
414 completed. Mrs. Metzger reported that she also submitted the request for funds to help facilitate the
415 processing of the amendment request.

416
417 Mrs. Metzger announced that the Borough will be officially changing over to the new Billing Software
418 the week of April 21-25, 2014. The Borough office will be open for business, but may need to shut
419 down for an hour or so as training and work demands.

420
421 Mrs. Metzger reported that Mr. Runkle has expressed some concern with the language in the Borough's
422 ordinances regarding minimum fine requirements. A copy of the memo from Mr. Runkle is included in
423 the information tonight. Mr. Runkle informed Borough Council that he recently learned of a case where
424 the Commonwealth Court of Pennsylvania ruled that unless a minimum fine is established in an
425 ordinance, the Judge could impose a \$0.00 fine for the violation even where the violation of the
426 ordinance is clear. Most of the Borough's ordinances delineate fines with the wrong wording, "up to
427 \$...", but do not specify the minimum fine amount. Mr. Runkle clarified that this is not an urgent matter;
428 however he wanted to bring this matter to Borough Council's attention. Mr. Runkle recommended that
429 an ordinance be prepared to amend the minimum fine requirements to set an appropriate minimum fine
430 for each violation. A discussion was held; it was the consensus of Borough Council to authorize Mr.
431 Runkle to begin preparing an ordinance amendment for the minimum fine requirements.

432
433 Mrs. Metzger requested an executive session to discuss personnel matters

434
435 Mayor Cooney informed Borough Council that they received a copy of the Monthly Police Report for
436 March 2014 included in the information tonight.

437
438 Mayor Cooney provided Borough Council with an update on the status of the Landlord Ordinance for
439 the Borough of Mifflinburg. Mayor Cooney reported that he met with Mr. Runkle to further discuss the
440 Landlord Ordinance; the next step will be for him and Mr. Runkle to meet with Ms. Rebecca A. Kilps,
441 Office Assistant at the Central Keystone Council of Governments (CK-COG). A Public Safety
442 Committee meeting will be scheduled to further discuss the Landlord Ordinance subsequent to Mayor
443 Cooney meeting with Ms. Kilps.

444
445 Chief Bickhart presented Borough Council with some Monthly Highlights for the Mifflinburg Police
446 Department for March 2014.

447
448 Chief Bickhart reminded Borough Council that the Mifflinburg Police Department participated in the
449 Buckle Up Pennsylvania (BUPA) Teen Seat Belt Mobilization that was held on Monday, March 3, 2014
450 thru Friday, March 21, 2014. The results for the BUPA Teen Seat Belt Mobilization were as follows:

- 451
- 452 • 319 teenagers were contacted.
 - 453 • 45 traffic stops.
 - 454 • 33 traffic citations which included 11 seat belt citations and 11 written warnings.
- 455

456 Chief Bickhart requested an executive session to discuss personnel matters.

457
458 Mayor Cooney presented Borough Council with an update for the Mifflinburg Regional Economic
459 Development (MRED) Alliance. Mayor Cooney informed Borough Council that Day Spa will be
460 opening up shop at the Old Borough Building, located at 333 Chestnut Street.

461
462 Mr. Snook informed Borough Council that they received a copy of the Engineer's Report for April 2014
463 included in the information tonight.

464
465 Mr. Runkle requested an executive session to discuss potential litigation.

466

467 Mr. Runkle informed Borough Council that Mrs. Metzger referred Attorney Brant T. Bowman, an
468 Attorney with Rhoads & Sinon LLP who is representing the Rusty Rail Brew Pub & Restaurant, to him
469 regarding the transfer of a restaurant liquor license into the Borough of Mifflinburg from the Borough of
470 New Berlin. In accordance with the Pennsylvania Liquor Control Board (PLCB) rules and regulations,
471 the transfer of a restaurant liquor license requires municipal approval either by resolution or by
472 ordinance. The receiving municipality must conduct at least one (1) public hearing prior to adoption of
473 the resolution/ordinance to allow interested parties to state their concerns regarding the transfer of the
474 restaurant liquor license into the receiving municipality. Mr. Runkle reported that he has spoken with
475 Attorney Bowman and that he directed Attorney Bowman to email any information he has on this
476 matter. Mr. Runkle stated that he has received the information from Attorney Bowman; however he has
477 not had a chance to review the information. Mr. Runkle clarified that he would review the information
478 received from Attorney Bowman and properly advertise to conduct a public hearing at the Tuesday, May
479 20, 2014 regular Borough Council meeting.
480

481 Mayor Cooney informed Borough Council that he attended the following meetings and events:
482

- 483 • The meeting with the Mifflinburg TV Advisory Board and the Cohen Law Group that was
484 held on Tuesday, April 1, 2014 to discuss the Cable TV Franchise Agreement.
- 485 • The Annual Easter Egg Hunt that the Mifflinburg American Legion Post 410 and the
486 Mifflinburg Moose co-sponsored at the Mifflinburg VFW Carnival Grounds on Saturday,
487 April 5, 2014 at 10:00 AM.
- 488 • Met with Mr. Jason Mitchell, the Borough Public Works Supervisor, and Mr. Wesley
489 Fahringer, the Borough's local Department of Conservation and Natural Resources
490 (DCNR) Representative, regarding the application for the DCNR grant. A walk-through
491 was conducted of the Mifflinburg Community Park. Mayor Cooney reported that Mr.
492 Fahringer was very complimentary; Mr. Fahringer indicated that he was willing to meet
493 with them again to discuss the Borough's ideas and better their chances of receiving the
494 grant for next year.
- 495 • Spoke with the Athenaeum Club last week. The name of the organization, Athenaeum
496 Club, was chosen because the word "Athenaeum" means the study of literature and art.
497 This organization also became known as the Civic Club of Mifflinburg.
498

499 Mayor Cooney informed Borough Council that he will be attending the following meetings and events:
500

- 501 • The Arbor Day celebration that is scheduled for Friday, April 25, 2014 at 10:00 AM at the
502 Mifflinburg Community Park. Mayor Cooney informed Borough Council that he will be
503 issuing a proclamation during the celebration.
- 504 • A meeting with the Union County Go Local "Movement". The Go Local initiative is a
505 movement that inspires and encourages the community to endorse and patronize locally
506 owned and operated businesses and franchises; leveraging various avenues of awareness
507 and strategic partnerships.
- 508 • The Mifflinburg Area High School Prom that is scheduled for May 3, 2013 from 7:00 PM
509 to 11:00 PM at the high school. Promenade will begin at 7:00 PM. The gymnasium will be
510 open for public viewing from 6:00 PM to 6:30 PM.
- 511 • The Girls on the Run of the Greater Susquehanna Valley's Spring 5k Event that is
512 scheduled for Saturday, May 3, 2014 from 6:30 AM to 1:30 PM at the Mifflinburg
513 Community Park.
514
515

516 Mr. Snook called an executive session to discuss potential litigation and personnel matters. An
517 executive session was held from 8:57 PM to 9:44 PM.
518

519
520 Motion by: Beverly L. Hackenberg

521 Second by: Tod M. Steese
522

523 **MOTION: To appoint Mr. Douglas R. Bickhart (Chief of Police), Mr. Ross M. Mitchell (Police**
524 **Officer), and Mr. Mark E. Bailey (Police Officer) to serve on the Police Pension Committee.**
525

526 Approved via unanimous voice vote.
527

528
529 Motion by: Beverly L. Hackenberg
530

531 **MOTION: To adjourn the Mifflinburg Borough Council meeting.**
532

533 Approved via unanimous voice vote.

534 Meeting adjourned at 9:45 PM.
535
536 Respectfully Submitted,
537
538
539 Misty L. Ross
540 Assistant Borough Secretary