

1 MINUTES OF MIFFLINBURG BOROUGH COUNCIL

2 October 21, 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 Heidi Criswell, Aaron Criswell and Tyler Berkheiser.

20  
21  
22 Motion by: Beverly L. Hackenberg

23 Second by: Troy A. Berkheiser

24  
25 **MOTION: To approve the minutes of the Tuesday, September 16, 2014 regular meeting of**  
26 **Mifflinburg Borough Council.**

27  
28 Approved via unanimous voice vote.

29  
30  
31 Motion by: Beverly L. Hackenberg

32 Second by: Troy A. Berkheiser

33  
34 **MOTION: To approve the minutes of the Tuesday, September 30, 2014 special meeting of**  
35 **Mifflinburg Borough Council.**

36  
37 Approved via unanimous voice vote.

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39  
40 Motion by: Troy A. Berkheiser

41 Second by: Beverly L. Hackenberg

42  
43 **MOTION: To approve payment of Bill List #2014-10 in the amount of \$1,018,973.83.**

44  
45 Mrs. Metzger informed Borough Council that Bill List #2014-10 is higher this month due to the  
46 following:

- 47 • Three (3) payrolls.
- 48 • The 2014 Non-Uniformed and Police Pension Plan Minimum Municipal Obligation.
- 49 • Construction Bills.
- 50 • Fireman's Relief.
- 51 • Wastewater Treatment Plant Repair Bills

52  
53 Yes – Mr. Berkheiser, Mrs. Hackenberg, Mr. Rohland, Mr. Steese, Mr. Snook

54  
55 No – None

56  
57  
58 Motion by: Beverly L. Hackenberg

59 Second by: Tod M. Steese

60  
61 **MOTION: To approve the Mifflinburg Borough Zoning Report for September 2014 and authorize**  
62 **payment to the Central Keystone Council of Governments (CK-COG) in the amount of \$180.00.**

63  
64 Yes – Mrs. Hackenberg, Mr. Rohland, Mr. Steese, Mr. Berkheiser, Mr. Snook

65  
66 No – None

67 Mrs. Metzger provided Borough Council with an update on the status of the replacement of the roof at  
68 the Mifflinburg Hose Company Building located at 325 Chestnut Street. Mrs. Metzger reported that T-  
69 Ross Brothers, the contractor for this project, has requested a time extension through Friday, October 31,  
70 2014 to complete this work due to a delay with the order of materials. Mrs. Metzger clarified that the  
71 original contract specified the date for completion as Monday, October 13, 2014. Borough Council  
72 action is requested to consider this request.  
73

74 Motion by: Beverly L. Hackenberg  
75 Second by: Troy A. Berkheiser  
76

77 **MOTION: To approve T-Ross Brothers' request for a time extension through Friday, October 31,**  
78 **2014 to complete the replacement of the roof at the Mifflinburg Hose Company Building located**  
79 **at 325 Chestnut Street.**  
80

81 Mrs. Hackenberg inquired if the Borough could assess penalties if the project is not completed on time.  
82

83 Mr. Runkle stated that whether or not the Borough could assess penalties depends on what the contract  
84 states.  
85

86 Approved via unanimous voice vote.  
87  
88

89 Mrs. Metzger provided Borough Council with an update on the status of the Cherry Alley  
90 Reconstruction Project. Mrs. Metzger reported that Dave Gutelius Excavating, Inc., the contractor for  
91 this project, began construction on Monday, August 25, 2014. All sanitary sewer and storm sewer work  
92 has been completed. The base paving is expected to be completed by Friday, October 31, 2014. Mrs.  
93 Metzger informed Borough Council that Payment Application No. 1 was inadvertently overpaid by  
94 Borough Staff; the original amount requested was paid rather than the amount approved by Borough  
95 Council at the Tuesday, September 16, 2014 regular Borough Council meeting. Payment Application  
96 No. 2 has been submitted which corrects the overpayment. A copy of the Payment Application has been  
97 included in the information tonight for Borough Council review. This Payment Application has been  
98 reviewed by Mrs. Erin Threet, HRG, Inc., and Mr. Jason Mitchell, the Borough Public Works  
99 Supervisor, and is recommended for payment. Borough Council action is requested to approve Payment  
100 Application No. 2 to Gutelius Excavating, Inc. in the amount of \$200,549.16.  
101

102 Motion by: Troy A. Berkheiser  
103 Second by: Beverly L. Hackenberg  
104

105 **MOTION: To approve Payment Application No. 2 to Gutelius Excavating, Inc. for the Cherry**  
106 **Alley Reconstruction Project in the amount of \$200,549.16.**  
107

108 Yes – Mr. Rohland, Mr. Steese, Mr. Berkheiser, Mrs. Hackenberg, Mr. Snook  
109

110 No – None  
111  
112

113 Mrs. Metzger informed Borough Council that there was contaminated soil found during the Cherry  
114 Alley Reconstruction Project. The appropriate authorities were notified and measures are being taken  
115 for proper testing and disposal. Dave Gutelius Excavating, Inc. has been handling this work and will be  
116 providing a change order for these costs as well as a bill.  
117

118 Mrs. Metzger provided Borough Council with an update on the status of the East Green Street Sewer  
119 Line and Manhole Replacement Project. Mrs. Metzger reported that Schlegel Excavating has completed  
120 the project and submitted Payment Application No. 1 in the amount of \$16,900.00. Borough  
121 Management has reviewed the Payment Application and is recommending payment. Borough Council  
122 action is requested on this matter.  
123

124 Motion by: Beverly L. Hackenberg  
125 Second by: Troy A. Berkheiser  
126

127 **MOTION: To approve Payment Application No. 1 in the amount of \$16,900.00 to Schlegel**  
128 **Excavating for the East Green Street Sewer Line and Manhole Replacement Project.**  
129

130 Yes – Mr. Steese, Mr. Berkheiser, Mrs. Hackenberg, Mr. Rohland, Mr. Snook  
131

132 No – None  
133

134 Mrs. Metzger pointed out that Bill List No. 2014-10 signifies there was a payment of more than just the  
135 \$16,900.00 to Schlegel Excavating. Mrs. Metzger explained that during the course of the East Green  
136 Street Manhole Replacement Project, storm water pipe had to be replaced and relocated. Borough  
137 Management approved this work and the invoice for the pipe was prepared separate from the bid price  
138 since it wasn't part of the contract and there wasn't a line item included in the contract for this work.  
139

140 Mrs. Metzger provided Borough Council with an update on the status of the New Communities Program  
141 Elm Street Project – Phase III. Mrs. Metzger reported that Larson Design Group has completed the  
142 design for the project. Borough Management has reviewed the proposed design and is recommending  
143 that Borough Council take action to authorize the bid of this project. The bid deadline is scheduled for  
144 Friday, December 12, 2014. The project is scheduled to begin Sunday, March 1, 2015 and be completed  
145 by Thursday, May 14, 2015. The grant completion date is Tuesday, June 30, 2015. Borough Council  
146 action is requested to solicit bids for the New Communities Program Elm Street Project – Phase III.  
147

148 Motion by: Troy A. Berkheiser  
149 Second by: Beverly L. Hackenberg  
150

151 **MOTION: To solicit bids for the New Communities Program Elm Street Project – Phase III.**  
152

153 Approved via unanimous voice vote.  
154  
155

156 Mrs. Metzger reminded Borough Council that at the Tuesday, August 19, 2014 regular Borough Council  
157 meeting it was unanimously determined to convert Apple Alley to a one-way street traveling north on a  
158 trial basis. Mrs. Metzger reported that the trial one-way traffic change for Apple Alley has been in place  
159 for approximately sixty (60) days. Borough Council action is requested to authorize Mr. Runkle to  
160 advertise an ordinance amending §17-114 of the Mifflinburg Borough Code of Ordinances to convert  
161 Apple Alley to a one-way street traveling north amending the Ordinance.  
162

163 Mayor Cooney recommended that Borough Council take action to convert Apple Alley to a one-way  
164 street traveling north permanently by amending the Ordinance.  
165

166 Motion by: Beverly L. Hackenberg  
167 Second by: Tod M. Steese  
168

169 **MOTION: To authorize Mr. Runkle to advertise an ordinance amending §17-114 of the**  
170 **Mifflinburg Borough Code of Ordinances to convert Apple Alley to a one-way street traveling**  
171 **north and conduct a Public Hearing at the Tuesday, November 18, 2014 regular Borough Council**  
172 **meeting.**  
173

174 Approved via unanimous voice vote.  
175  
176

177 Mr. Runkle inquired if the street name is actually Apple Alley and not Apple Street. Chief Bickhart and  
178 Mrs. Metzger both stated that they believe the street name is Apple Alley. Mr. Runkle stated that he  
179 would research the Borough Code to ensure that the street name is Apple Alley prior to preparing an  
180 ordinance.  
181

182 Mrs. Metzger reported that she requested PennDOT to complete a traffic study at the State Route 45 and  
183 4<sup>th</sup> Street intersection to determine if there should be any turning restrictions or other measures put into  
184 place, due to an increasing number of accidents with trucks turning at this intersection. PennDOT began  
185 the traffic study and it will take up to forty-five (45) days to complete. Mrs. Metzger informed Borough  
186 Council that she will notify them once the information has been received.  
187

188 Mrs. Metzger provided Borough Council with an update on the status of the Wastewater Treatment  
189 Plant. Mrs. Metzger reported that normal operations have been restored at the plant. The Pennsylvania  
190 Department of Environmental Protection (DEP) completed an inspection on Tuesday, October 14, 2014;  
191 she, Mr. Dave Moroskie, Plant Operator, Mrs. Erin Threet, HRG, Inc., Mr. Rohland, Borough Council  
192 Member, were in attendance for the inspection. A discussion was held; Mrs. Metzger informed Borough  
193 Council that she received the Consent Assessment of Civil Penalty (CACP) from the Pennsylvania  
194 Department of Environmental Protection (DEP) on Monday, October 20, 2014. Further information will  
195 be provided during executive session.  
196  
197  
198  
199

200 Mrs. Metzger reported that she requested assistance from Mrs. Erin Threet, HRG, Inc., to review the  
201 most recent Discharge Monitoring Report (DMR) to ensure that the Borough is meeting all performance  
202 requirements as stipulated in their permit and to see if the Borough is generating surplus Nutrient  
203 Credits. Mrs. Threet has reported that the Wastewater Treatment Plant is functioning very well and as a  
204 result is generating what could amount to 17,500 Nutrient Credits. At the current market price, the  
205 Borough could generate approximately \$17,500.00 for the sewer fund if they were to register and certify  
206 these credits. Borough Council action is recommended to authorize Mrs. Threet to proceed with the  
207 work necessary to register and verify these credits so that the Borough can look to sell these in 2016.  
208

209 Motion by: Beverly L. Hackenberg

210 Second by: Troy A. Berkheiser

211  
212 **MOTION: To authorize Mrs. Erin Threet, HRG, Inc., to proceed with the work necessary to**  
213 **register and verify the surplus Nutrient Credits being generated at the Wastewater Treatment**  
214 **Plant so that the Borough can look to sell these Credits in 2016.**  
215

216 Approved via unanimous voice vote.  
217  
218

219 Mrs. Metzger informed Borough Council that she has received a request from Michael Kelly, Race  
220 Committee/Permit Director, on behalf of the Turkey Trot Race Committee and Fit For Funds, LLC. The  
221 Turkey Trot Race Committee and Fit For Funds, LLC are requesting Borough Council permission to  
222 utilize the Mifflinburg Community Park and Borough streets on Thanksgiving morning, Thursday,  
223 November 27, 2014, in order to conduct the annual "Turkey Trot 5K and Kids' ½ mile Fun Run" event.  
224 This event is held to raise funds for the Mifflinburg Lacrosse Teams and would be the same as in 2013.  
225 In accordance with Chapter 18 of the Borough Code of Ordinances the dates during which the recreation  
226 area shall be used by the general public shall be April 15<sup>th</sup> through October 15<sup>th</sup> of each calendar year.  
227 Borough Council action is requested to approve this event and authorize the use of Borough facilities  
228 since this event is occurring after the official date for closure.  
229

230 Motion by: Beverly L. Hackenberg

231 Second by: Bryan E. Rohland

232  
233 **MOTION: To authorize the Turkey Trot Race Committee and Fit For Funds, LLC to utilize the**  
234 **Mifflinburg Community Park and Borough Streets on Thanksgiving morning, Thursday,**  
235 **November 27, 2014, in order to conduct the annual "Turkey Trot 5K and Kids' ½ mile Fun Run"**  
236 **event; contingent upon submission of the required paperwork, as well as the security deposit in**  
237 **the amount of \$250.00.**  
238

239 Approved via unanimous voice vote.  
240  
241

242 Mrs. Metzger reported that she has been working with Mr. Brenton Horting, Hartman Employee  
243 Benefits, Inc. (Health Insurance Consultant for the Borough), to obtain renewal pricing for the  
244 Borough's Health Insurance Policies. The Borough's Health Insurance Policies are set to renew on  
245 Monday, December 1, 2014. Mr. Horting solicited premiums on the Borough's behalf and a meeting  
246 was held prior to tonight's meeting for all of Borough Council to hear about the options available for the  
247 Borough and to learn more about the affordable care act and how it will affect the Borough. Borough  
248 Council action is requested to renew Health Insurance with Capital Blue Cross for the PPO 1000/100,  
249 Option 1 RX plan with the Health Reimbursement Accounts (HRA) the same as the previous year for  
250 the Borough of Mifflinburg and accept the 4% decrease in premiums.  
251

252 Motion by: Beverly L. Hackenberg

253 Second by: Troy A. Berkheiser

254  
255 **MOTION: To authorize Mrs. Metzger to renew Health Insurance with Capital Blue Cross for the**  
256 **PPO 1000/100, Option 1 RX plan with the Health Reimbursement Accounts (HRA) through Prime**  
257 **Pay the same as the previous year for the Borough of Mifflinburg and accept the 4% decrease in**  
258 **premiums.**  
259

260 Yes – Mr. Berkheiser, Mrs. Hackenberg, Mr. Rohland, Mr. Steese, Mr. Snook

261  
262 No -- None  
263  
264

265 Mrs. Metzger reported that she has received an updated Pennsylvania Intergovernmental Risk  
266 Management Association (PIRMA) Intergovernmental Contract (IGC) – Edition 1/2015. Mr. Runkle  
267 has review the contract and Borough Council action is requested to approve the updated contract.  
268

269 Motion by: Beverly L. Hackenberg

270 Second by: Troy A. Berkheiser

271  
272 MOTION: To approve the updated Pennsylvania Intergovernmental Risk Management  
273 Association (PIRMA) Intergovernmental Contract (IGC) – Edition 1/2015.  
274

275 Yes – Mrs. Hackenberg, Mr. Rohland, Mr. Steese, Mr. Berkheiser, Mr. Snook

276  
277 No – None

278  
279 Mrs. Metzger requested an executive session to discuss potential litigation and personnel matters.  
280

281  
282 Mrs. Metzger informed Borough Council that the Borough is preparing to remove approximately twenty  
283 (20) dead trees at the Mifflinburg Community Park. Borough Council direction is requested on this  
284 matter. A lengthy discussion was held; Mr. Snook directed Mrs. Metzger to contact some loggers and  
285 tree services to determine pricing.  
286

287 Mrs. Metzger reminded Borough Council that there was a Budget meeting held on Tuesday, October 7,  
288 2014 to consider the 2015 Budget requests received. Mrs. Metzger informed Borough Council that she  
289 is working to compile the 2015 Budget and will have a draft ready for their review at the next budget  
290 meeting which is scheduled for Tuesday, October 28, 2014 at 7:00 PM.  
291

292 Mayor Cooney informed Borough Council that they received a copy of the Monthly Police Report for  
293 September 2014 included in the information tonight.  
294

295 Chief Bickhart presented Borough Council with some Monthly Highlights for the Mifflinburg Police  
296 Department for September 2014.  
297

298 Mr. Runkle provided Borough Council with an update on the status of the Landlord Ordinance for the  
299 Borough of Mifflinburg. Mr. Runkle stated that he expects to have the ordinance circulated for Borough  
300 Council review prior to the Tuesday, November 18, 2014 regular Borough Council meeting.  
301

302 Chief Bickhart announced the following upcoming events:  
303

- 304 • The Annual Halloween Parade is scheduled for Monday, October 27, 2014 at 6:30 PM.  
305 The parade will form at 6:00 PM at the Mifflinburg Area Middle School located at 100  
306 Mable Street, travel west on Market Street, and end at the Mifflinburg Area High School  
307 located at 75 Market Street.
- 308 • Trick or Treat night is scheduled for Friday, October 31, 2014 from 6:00 PM - 9:00 PM.  
309

310 Mrs. Hackenberg requested an executive session to discuss personnel matters.  
311

312 Mr. Berkheiser reminded Borough Council that there is a Budget meeting scheduled for Tuesday,  
313 October 28, 2014 at 7:00 PM.  
314

315 Mr. Snook informed Borough Council that they received a copy of the Engineer's Report for October  
316 2014 included in the information tonight.  
317

318 Mr. Runkle requested an executive session to discuss potential litigation.  
319

320 Mr. Runkle provided Borough Council with an update on the revisions to Chapter 5 of the Zoning  
321 Ordinance. Mr. Runkle reported that the proposed amendment has been finalized and will be forwarded  
322 to the Union County Planning Department for their review. Mr. Runkle clarified that there is a thirty  
323 (30) day comment period required.  
324

325 Mr. Runkle informed Borough Council that he has been working on the Borough's Utility Collection  
326 Process for the past year. Mr. Runkle stated that his future associate has researched this matter and  
327 developed some models; the information is on his desk for his review.  
328  
329  
330

331 Mr. Runkle provided Borough Council with an update on the status of the Third Street Bridge  
332 Relocation Project. Mr. Runkle reported that he and Mrs. Metzger met with PennDOT Representatives  
333 and Union County Officials to discuss the Third Street Bridge Relocation Project on Wednesday,  
334 October 8, 2014. The outcome of the meeting was that PennDOT finally got the message that Union  
335 County and the Borough of Mifflinburg would like their Counsel to meet with PennDOT's Counsel to  
336 hash out who can pay for what as it relates to the relocation of the utilities on Third Street. Mr. Runkle  
337 stated that he and Mr. Ryan Tira, the Union County Solicitor, are trying to schedule a meeting with  
338 PennDOT's Counsel (in Harrisburg).

339  
340 Mayor Cooney announced that he attended a meeting with some individuals from the Central Keystone  
341 Council of Governments (CK-COG) and the Mifflinburg Heritage & Revitalization Association  
342 (MHRA) at the Little Log House located at 308 Market Street. Mayor Cooney reported that MHRA  
343 would like to open up a Visitor's Center or a Welcome Center at the Little Log House. It was  
344 determined that MHRA is allowed to open up a Visitor's Center or a Welcome Center at the Little Log  
345 House; however they would be required to make the building handicap assessable. MHRA is unsure  
346 whether they want to incur the costs to make the necessary repairs when there is some confusion to who  
347 owns the property. Mr. Runkle stated that this matter is confusing; the public records at the Union  
348 County Court House indicate that the Borough owns the property. There is a lease agreement between  
349 the Union County Foundation and the Borough, which may have expired since it's been merged into the  
350 First Community Foundation Partnership (FCFP); the lease agreement itself indicates that the Borough  
351 owns the property, but within the lease it's almost as though the Borough acknowledges that the Union  
352 County Foundation owns the structure. A lengthy discussion was held; Mr. Runkle expressed that he  
353 believes Borough Council has the following two (2) options:

- 354 1. A long term lease agreement between MHRA and the Borough that MHRA is comfortable  
355 with prior to expending any more money on the building.
- 356 2. The Borough transfers the title to the real estate to MHRA on the condition of a long term  
357 lease agreement back for the parking lot.

358  
359  
360 Mr. Runkle clarified that Steinbacher Enterprises or the Union County Foundation (whoever paid the  
361 \$22,000.00) may have some kind of equitable claim; however, legally the title didn't transfer, the  
362 Borough owns the land and the building. Borough Council action is not required; Mayor Cooney  
363 attained an answer that he can communicate to MHRA and it's up to MHRA on what they want to do.

364  
365  
366 Mr. Snook called an executive session to discuss potential litigation and personnel matters. An  
367 executive session was held from 8:22 PM to 10:48 PM.

368  
369  
370 Motion by: Beverly L. Hackenberg  
371 Second by: Troy A. Berkheiser

372  
373 **MOTION: To pay Mr. Steve Nogle \$400.00 for settlement of any claims brought against the**  
374 **Borough.**

375  
376 Yes – Mr. Rohland, Mr. Steese, Mr. Berkheiser, Mrs. Hackenberg

377  
378 No – Mr. Snook

379  
380  
381 Motion by: Beverly L. Hackenberg  
382 Second by: Bryan E. Rohland

383  
384 **MOTION: To accept Mr. Matthew Williams's letter of resignation from the Mifflinburg Planning**  
385 **Commission**

386  
387 Approved via unanimous voice vote.

388  
389  
390 Motion by: Beverly L. Hackenberg  
391 Second by: Tod M. Steese

392  
393 **MOTION: To offer employment to Mr. Ryan L. Stahl as Project Manager's position.**

394  
395 Approved via unanimous voice vote.

396  
397

398 Motion by: Troy A. Berkheiser

399  
400 **MOTION: To adjourn the Mifflinburg Borough Council meeting.**

401  
402 Approved via unanimous voice vote.

403  
404 Meeting adjourned at 10:50 PM.

405  
406 Respectfully Submitted,

407  
408 Misty L. Ross  
409 Assistant Borough Secretary  
410  
411