

1 MINUTES OF MIFFLINBURG BOROUGH COUNCIL

2 November 18, 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 There were no visitors present at this meeting.

20
21
22 Motion by: Tod M. Steese
23 Second by: Beverly L. Hackenberg

24
25 **MOTION: To approve the minutes of the Tuesday, October 21, 2014 regular meeting of**
26 **Mifflinburg Borough Council.**

27
28 Approved via unanimous voice vote.

29
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31 Motion by: Troy A. Berkheiser
32 Second by: Paul E. Bottiger

33
34 **MOTION: To approve payment of Bill List #2014-11 in the amount of \$924,090.87.**

35
36 Yes – Mr. Berkheiser, Mr. Bottiger, Mrs. Hackenberg, Mr. Steese, Mr. Snook

37
38 No – None

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40
41 Motion by: Beverly L. Hackenberg
42 Second by: Troy A. Berkheiser

43
44 **MOTION: To approve the Mifflinburg Borough Zoning Report for October 2014 and authorize**
45 **payment to the Central Keystone Council of Governments (CK-COG) in the amount of \$120.00.**

46
47 Yes – Mr. Bottiger, Mrs. Hackenberg, Mr. Steese, Mr. Berkheiser, Mr. Snook

48
49 No – None

50
51
52 Mrs. Metzger provided Borough Council with an update on the status of the replacement of the roof at
53 the Mifflinburg Hose Company Building located at 325 Chestnut Street. Mrs. Metzger reported that T-
54 Ross Brothers, the contractor for this project, requested a substantial completion meeting which was
55 held on Monday, November 3, 2014. Work was completed by Wednesday, November 5, 2014. Change
56 Order No. 1 has been submitted in the amount of \$741.74 for the replacement of rotted materials under
57 the decorative façade roof; as well as Payment Application No. 1 and Partial Release and Waiver of
58 Liens in the amount of \$37,386.38. Both the Change Order and the Payment Application have been
59 reviewed by Mr. Ted Strosser, Strosser Architecture & Conservation, Inc., and Borough Management
60 and are recommended for approval. Borough Council action is requested on this matter.

61
62 Mr. Steese expressed that he believes the motion to approve Change Order No. 1 and Payment
63 Application No. 1 and Partial Release and Waiver of Liens should be subject to T-Ross Brothers
64 cleaning-up the back door at the Mifflinburg Hose Company Building located at 325 Chestnut Street.
65 Mrs. Metzger clarified that this is not the final payment.

66
67

68 Motion by: Beverly L. Hackenberg
69 Second by: Paul E. Bottiger

70
71 **MOTION: To approve Change Order No. 1 to T-Ross Brothers in the amount of \$741.74 for the**
72 **replacement of rotted materials under the decorative façade roof; as well as Payment Application**
73 **No. 1 and Partial Release and Waiver of Liens in the amount of \$37,386.38 for the replacement of**
74 **the roof at the Mifflinburg Hose Company Building located at 325 Chestnut Street.**

75
76 Yes – Mrs. Hackenberg, Mr. Steese, Mr. Berkheiser, Mr. Bottiger, Mr. Snook

77
78 No – None

79
80
81 Mrs. Metzger informed Borough Council that she would contact Mr. Ted Strosser with regard to the
82 mess that T-Ross Brothers made of the back door at the Mifflinburg Hose Company Building located at
83 325 Chestnut Street.

84
85 Mrs. Metzger provided Borough Council with an update on the status of the Cherry Alley
86 Reconstruction Project. Mrs. Metzger reported that Dave Gutelius Excavating, Inc., the contractor for
87 this project, began construction on Monday, August 25, 2014. The substantial completion walk-through
88 meeting was held on Wednesday, October 29, 2014. A tentative list of items for completion has been
89 prepared by Mrs. Erin Threet, HRG, Inc., and will be withheld from this month's payment application.
90 The items on this list do not include the winterization items that are being completed in order to defer
91 the top coat until 2015. Payment for these punch list items will be made in full upon reaching final
92 completion and inspection by Mrs. Threet and Borough Management. Change Order No. 2 has been
93 submitted in the amount of \$3,524.62 for the costs to remove the contaminated soil discovered during
94 the project; as well as Payment Application No. 3 in the amount of \$107,823.00. Both the Change Order
95 and the Payment Application have been reviewed by Mrs. Erin Threet, HRG, Inc., and Mr. Jason
96 Mitchell, the Borough Public Works Supervisor, and are recommended for payment. Borough Council
97 action is requested to approve Change No. 2 prior to approving Payment Application No. 3.

98
99 Motion by: Beverly L. Hackenberg
100 Second by: Troy A. Berkheiser

101
102 **MOTION: To approve Change Order No. 2 to Dave Gutelius Excavating, Inc. in the amount of**
103 **\$3,524.62 for the costs to remove the contaminated soil discovered during the Cherry Alley**
104 **Reconstruction Project.**

105
106 Yes – Mr. Steese, Mr. Berkheiser, Mr. Bottiger, Mrs. Hackenberg, Mr. Snook

107
108 No -- None

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110
111 Motion by: Beverly L. Hackenberg
112 Second by: Paul E. Bottiger

113
114 **MOTION: To approve Payment Application No. 3 to Dave Gutelius Excavating, Inc. in the**
115 **amount of \$107,823.00 for the Cherry Alley Reconstruction Project.**

116
117 Yes – Mr. Berkheiser, Mr. Bottiger, Mrs. Hackenberg, Mr. Steese, Mr. Snook

118
119 No -- None

120
121
122 Mrs. Metzger reported that the Borough has solicited quotes for the Annual Snow Removal Equipment
123 Rental. The quotes were opened on Tuesday, October 21, 2014 at 1:00 PM. There were three (3) quotes
124 received and are as follows:

	<u>Schlegel</u>	<u>Dave Gutelius</u>	<u>Iddings</u>
	<u>Excavating</u>	<u>Excavating, Inc.</u>	<u>Quarry, Inc.</u>
125			
126			
127	Dump w/ Operator		
128	Single-Axle	NO BID	\$ 66.00
129	Tandem-Axle	\$54.50	\$ 77.00
130	Tri-Axle	\$64.50	\$ 82.00
131	Snow Blower w/ Operator		
132	Tractor/Loader Mounted	NO BID	\$130.00
			NO BID

133 A copy of the bid tabulation is included in the information tonight for Borough Council review.
134 Borough Council action is requested to award the quotes to the lowest responsible bidder on an as-
135 needed basis for each size/type of equipment specified.
136

137 Motion by: Beverly L. Hackenberg
138 Second by: Paul E. Bottiger
139

140 **MOTION: To award the Single-Axle Dump w/ Operator to Iddings Quarry, Inc. in the amount of**
141 **\$50.00; the Tandem-Axle Dump w/ Operator to Schlegel Excavating in the amount of \$54.50; the**
142 **Tri-Axle Dump w/ Operator to Schlegel Excavating in the amount of \$64.50; and the**
143 **Tractor/Loader Mounted Snow Blower w/ Operator to Dave Gutelius Excavating, Inc. in the**
144 **amount of \$130.00 on an as-needed basis for the Annual Snow Removal Equipment.**
145

146 Mr. Steese inquired why the Annual Snow Removal Equipment Rental quotes are awarded to three (3)
147 different bidders. Mrs. Metzger explained the procedure for the Annual Snow Removal Equipment
148 Rental and expressed that this way has worked better for the Borough in previous years.
149

150 Yes – Mr. Bottiger, Mrs. Hackenberg, Mr. Steese, Mr. Berkheiser, Mr. Snook
151

152 No – None
153
154

155 Mrs. Metzger informed Borough Council that Allegheny Electric Cooperative, Inc. has presented the
156 Borough with an updated Agreement for Electric Service for NYPA Niagara and St. Lawrence power
157 and energy for approval and signature. Utility Engineers, PC has reviewed the updated agreement and is
158 recommending that Borough Council take action to execute the agreement as presented and continue to
159 receive federal preference power. A copy of the review letter and recommendation from Utility
160 Engineers, PC is included in the information tonight for Borough Council review. Borough Council
161 action is requested on this matter.
162

163 Motion by: Beverly L. Hackenberg
164 Second by: Paul E. Bottiger
165

166 **MOTION: To execute the updated Agreement for Electric Service between Allegheny Electric**
167 **Cooperative, Inc. and the Borough of Mifflinburg for NYPA Niagara and St. Lawrence power and**
168 **energy as presented.**
169

170 Yes – Mrs. Hackenberg, Mr. Steese, Mr. Berkheiser, Mr. Bottiger, Mr. Snook
171

172 No – None
173
174

175 Mrs. Metzger informed Borough Council that the Finance Committee has reviewed and balanced the
176 2015 tentative budget for the Borough of Mifflinburg. A copy of the tentative budget was emailed to
177 Borough Council members prior to tonight's meeting. Borough Council action is requested to adopt the
178 2015 tentative budget for the Borough of Mifflinburg with revenues in the amount of \$18,623,820.00
179 and to authorize her to advertise the availability of the budget for public inspection in accord with the
180 Borough Code prior to final budget adoption at the Tuesday, December 16, 2014 regular Borough
181 Council meeting.
182

183 Motion by: Troy A. Berkheiser
184 Second by: Beverly L. Hackenberg
185

186 **MOTION: To adopt the 2015 tentative budget for the Borough of Mifflinburg with revenues in the**
187 **amount of \$18,632,820.00 and to authorize Mrs. Metzger to advertise the availability of the budget**
188 **for public inspection in accord with the Borough Code prior to final budget adoption at the**
189 **Tuesday, December 16, 2014 regular Borough Council meeting.**
190

191 Yes – Mr. Steese, Mr. Berkheiser, Mr. Bottiger, Mrs. Hackenberg, Mr. Snook
192

193 No – None
194
195
196
197
198

199 Mrs. Metzger reminded Borough Council that she requested PennDOT to complete a traffic study at the
200 State Route 45 and 4th Street intersection to determine if there should be any turning restrictions or other
201 measures put into place, due to an increasing number of accidents with trucks turning at this intersection.
202 Mrs. Metzger reported that she has received a letter from PennDOT; PennDOT has completed the traffic
203 study using their turning software and determined that there should be a turning restriction for trucks
204 longer than 40 ft. (meaning trucks longer than 40 ft. on State Route 45 wouldn't be permitted to turn
205 right onto 4th Street and the other way around as well). PennDOT has not provided an alternative route.
206 Mrs. Metzger informed Borough Council that she has discussed this matter with Mr. Jason Mitchell, the
207 Borough Public Works Supervisor, Chief Bickhart, and Mayor Cooney. Mrs. Metzger expressed that
208 she is struggling with where trucks longer than 40 ft. would go, and would like to obtain some more
209 information. A discussion was held; Mrs. Metzger clarified that no changes will be made until after
210 receiving clarification from PennDOT.

211
212 Mrs. Metzger reported that the Borough and will continue leaf pick-up through Wednesday, December
213 3, 2014, in order to transition the trucks for use with the Christkindl Market set-up and winter season.

214
215 Mrs. Metzger reported that Nexgrid has shipped the Econet devices and will be on site November 19-21,
216 2014 to provide assistance with installation and to provide training to Borough Employees for use of the
217 related software. Mrs. Metzger informed Borough Council that the Borough Office may need to close
218 occasionally during the training for an hour or so.

219
220 Mrs. Metzger reported that she, Mr. Jason Mitchell, the Borough Public Works Supervisor, and Mayor
221 Cooney were invited to attend a demo in Mechanicsburg for sewer line pipe electro-sensing by Mrs.
222 Erin Threet, HRG, Inc. This demo was very interesting and informative. Mrs. Metzger informed
223 Borough Council that she requested Mrs. Threet to try to set-up a demo in Mifflinburg, in order for the
224 Borough to see the technology at work in the Borough.

225
226 Mrs. Metzger announced that she received the final fully executed Consent Assessment of Civil Penalty
227 (CACP) from the Pennsylvania Department of Environmental Protection (DEP).

228
229 Mrs. Metzger reported that Mr. Ron Bollinger, the Park Director, has prepared the 2014 Mifflinburg
230 Community Park/Pool Report. A copy of the report is included in the information tonight for Borough
231 Council review. Borough Council action is requested to re-appoint Mr. Ron Bollinger as Park Director
232 and Mr. Matt Wells as Assistant Park Director for the 2015 Season at the Mifflinburg Community
233 Park/Pool. Mrs. Metzger informed Borough Council that the Borough did not receive the state arts grant
234 from the Pennsylvania Council on the Arts, a state agency funded by the Commonwealth of
235 Pennsylvania and the National Endowment for the Arts, a federal agency, for the 2015 concert series. A
236 preliminary concert schedule is near completion for the 2015 season. Many of the groups have
237 requested an increase in rate for the 2015 concert. New performers are being considered for the summer
238 concert series. Mr. Bollinger is requesting Borough Council direction on the 2015 concerts and what, if
239 any, changes should be made.

240
241 Motion by: Beverly L. Hackenberg
242 Second by: Paul E. Bottiger

243
244 **MOTION: To re-appoint Mr. Ron Bollinger as Park Director and Mr. Matt Wells as Assistant**
245 **Park Director for the 2015 season at the Mifflinburg Community Park/Pool.**

246
247 Mrs. Hackenberg inquired if Mr. Bollinger or Mr. Wells is asking for an increase in salary. Mrs.
248 Metzger clarified that at this time the motion is only to re-appoint Mr. Bollinger and Mr. Wells.

249
250 Approved via unanimous voice vote

251
252
253 Mrs. Metzger informed Borough Council that she prepared an updated budget vs. actual report for the
254 Elm Street Program and shared it with the Mifflinburg Heritage & Revitalization Association (MHRA).
255 After review, it was determined that an amendment to the grant budget may be necessary to shift some
256 of the less used items to cover the remaining expenditures. Mrs. Metzger reported that she contacted the
257 Department of Community and Economic Development (DCED) to see if they would entertain an
258 amendment to address the budget and an extension to ensure that the New Communities Program Elm
259 Street Project – Phase III is completed on time. DCED is willing to allow an amendment, but prefer that
260 only one (1) amendment be completed; DCED is suggesting that we wait to submit our request until
261 after we open the bids for the Elm Street Project – Phase III. Borough Council action will be requested
262 at either the Tuesday, December 16, 2014 regular Borough Council meeting or the Tuesday, January 20,
263 2015 regular Borough Council meeting to authorize a grant amendment.

266 Mrs. Metzger requested an executive session to discuss potential litigation and personnel matters.

267

268 Mrs. Metzger informed Borough Council that the contract with the Lycoming County Resource
269 Management for the disposal of municipal sewage sludge expires on Wednesday, December 31, 2014.
270 Lycoming County Resource Management is proposing to renew this agreement for two (2) years at the
271 same rate. The contract will be forwarded to Mr. Runkle for review.

272

273 Mrs. Metzger provided Borough Council with an update on the status of the removal of approximately
274 twenty (20) dead trees at the Mifflinburg Community Park. Mrs. Metzger reported that Mr. Jason
275 Mitchell, the Borough Public Works Supervisor, has contacted some loggers and tree services to
276 determine pricing. Some of the trees at the Mifflinburg Community Park are fairly large and the
277 Borough Maintenance Employees can't handle the complete take down of the trees on their own. The
278 logger that was in to look at the trees indicated that he's not interested in cutting the trees down;
279 however he would be interested in bidding on the logs. The logger expressed that he believes the
280 Borough would have one (1) load of logs and that the cost of the timber would be about \$1,000.00. The
281 logs would have to be cut and piled at a location that the logger could reach with his trucks. The rest of
282 the trees, branches, etc. could be sold for firewood; there is no way of knowing for sure what you might
283 possibly gain. The quote received to hire a tree service to get to this point was \$2,000.00 to \$2,500.00
284 and that's with the Borough Maintenance Employees completing a majority of the labor (grinding the
285 stumps, removing the brush, stacking the potential firewood and the logs, preparing bid documents,
286 etc.). The quote received to hire a tree service to complete all of the work required except the grinding
287 of the stumps was \$4,000.00 to \$4,500.00. Borough Council direction is requested on this matter.

288

289 Mr. Runkle advised Borough Council that they may do either of the options for the removal of
290 approximately twenty (20) dead trees at the Mifflinburg Community Park since the information received
291 demonstrates that net value is \$0.00. Mr. Bottiger expressed that he believes Borough Council should
292 just pay the \$4,000.00 to \$4,500.00 to have a tree service complete all of the work except the grinding of
293 the stumps. A discussion was held; Mr. Runkle recommended that Borough Council take action to
294 authorize Mrs. Metzger to enter into a contract satisfactory to her for a price not to exceed \$4,500.00.

295

296 Motion by: Beverly L. Hackenberg

297 Second by: Tod M. Steese

298

299 **MOTION: To authorize Mrs. Metzger to enter into a contract for the removal of approximately**
300 **twenty (20) dead trees at the Mifflinburg Community Park satisfactory to her for a price not to**
301 **exceed \$4,500.00.**

302

303 Yes – Mr. Berkheiser, Mr. Bottiger, Mrs. Hackenberg, Mr. Steese, Mr. Snook

304

305 No – None

306

307

308 Mayor Cooney informed Borough Council that they received a copy of the Monthly Police Report for
309 October 2014 included in the information tonight.

310

311 Chief Bickhart presented Borough Council with some Monthly Highlights for the Mifflinburg Police
312 Department for October 2014.

313

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

315

316 Mayor Cooney presented Borough Council with an update for the Mifflinburg Regional Economic
317 Development (MRED) Alliance. Mayor Cooney reported that MRED is currently working to finalize a
318 campaign called "Made in Mifflinburg".

319

320 Mr. Snook informed Borough Council that they received a copy of the Engineer's Report for November
321 2014 included in the information tonight.

322

323 Mr. Runkle provided Borough Council with an update on the status of the Third Street Bridge
324 Relocation Project. Mr. Runkle reported that there is a meeting scheduled for Thursday, November 20,
325 2014 in Harrisburg for him, Mr. Ryan Tira, the Union County Solicitor, and Mr. Shawn McLaughlin,
326 AICP, Director for the Union County Planning Commission, to meet with some representatives from
327 PennDOT and their Counsel.

328

329 Mr. Runkle provided Borough Council with an update on the status of Apple Alley. Mr. Runkle
330 reported that the ordinance amending §17-114 of the Mifflinburg Borough Code of Ordinances to
331 convert Apple Alley to a one-way street traveling north has been completed and will be ready for
332 Borough Council adoption at the Tuesday, December 16, 2014 regular Borough Council meeting.

333 Mr. Runkle provided Borough Council with an update on the status of the Landlord Ordinance for the
334 Borough of Mifflinburg. Mr. Runkle reported that the ordinance has been updated and a copy of the
335 ordinance has been emailed to Borough Council for review prior to tonight's meeting. The Landlord
336 Ordinance has been named the Residential Rental Unit Ordinance. Mrs. Metzger expressed that she
337 believes it would be better if Borough Council were to conduct a Public meeting prior to adopting the
338 Residential Rental Unit Ordinance in order to provide the residents with proper notice and time to
339 comply with the ordinance. A lengthy discussion was held; Mr. Runkle stated that he and Mayor
340 Cooney need to schedule a meeting to further discuss the Residential Rental Unit Ordinance prior to the
341 Tuesday, December 16, 2014 regular Borough Council meeting.

342
343 Mr. Runkle requested an executive session to discuss potential litigation.

344
345 Mayor Cooney informed Borough Council that he participated in or will be participating in the
346 following meetings or events:

- 347
- 348 • The Annual Jack-O-Lantern Contest that was held on Wednesday, October 22, 2014 from
349 7:00 PM – 8:00 PM at the Mifflinburg Community Park.
 - 350 • Emceed the Annual Halloween Parade Costume Contest that was held on Monday, October
351 27, 2014 at the Mifflinburg Area High School located at 75 Market Street.
 - 352 • Was a judge for the Ruff's Readers "Read To Your Pet" photo contest that was held on
353 Wednesday, October 29, 2014 at the Herr Memorial Library located at 500 Market Street.
 - 354 • Represented the Borough at the Veteran's Day Service that was held at the Mifflinburg
355 Community Park on Tuesday, November 11, 2014.
 - 356 • The Community Christmas Tree Lighting that is schedule for Sunday, November 30, 2014
357 from 7:00 PM – 8:00 PM with the actual "switching on the lights" at 7:30 PM. New this
358 year will be the Christmas Yule Log Contest.
- 359

360
361 Mr. Snook called an executive session to discuss potential litigation and personnel matters. An
362 executive session was held from 8:14 PM to 9:32 PM.

363
364
365 Motion by: Troy A. Berkheiser

366
367 **MOTION: To adjourn the Mifflinburg Borough Council meeting.**

368
369 Approved via unanimous voice vote.

370
371
372 Meeting adjourned at 9:32 PM.

373
374 Respectfully Submitted,

375
376
377 Misty L. Ross
378 Assistant Borough Secretary