

MINUTES OF MIFFLINBURG BOROUGH COUNCIL
January 19, 2016

| | PRESENT | ABSENT |
|--|---------|----------------------|
| Beverly L. Hackenberg, Council President | X | |
| Tod M. Steese, Vice President | X | |
| Troy A. Berkheiser, Council Member | X | |
| Paul E. Bottiger, Council Member | X | |
| Richard J. Fry, Council Member | X | |
| Duane L. Zimmerman, Council Member | X | |
| David M. Cooney, Mayor | X | |
| Jeremiah D. Runkle, Solicitor | X | |
| Douglas R. Bickhart, Chief of Police | X | |
| Margaret A. Metzger, Borough Manager | X | |
| Robert M. Rowe, Borough Project Manager | | X-Arrived at 7:05 PM |
| Misty L. Ross, Assistant Secretary | X | |

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

Visitors present at this meeting were Johnny Blake, Eric Bergmueller, and Johnathan Bergmueller.

Mrs. Hackenberg conducted a Public Hearing for Ordinance No. 2016-01; Adopting a 403(b) Plan for the benefit of its non-uniformed employees and amending Chapter 1 *Administration and Government, Part 7 General Employee Benefits, Subpart B Deferred Compensation Plan* to freeze participation in that existing plan.

Mr. Runkle informed Borough Council that this ordinance is kind of complex because it has to do with retirement. Mr. Runkle explained that the Borough to this point has had a Deferred Compensation Plan, also known as a 457 Plan, which references the Internal Revenue Code section under which it was adopted. For a variety of reasons the Borough is choosing to freeze or terminate participation in that plan. Any contributions that have been made by the Borough employees will still remain and the employees will have access to those contributions under the terms of the existing plan as they retire. Mr. Runkle clarified that this ordinance would freeze participation in the 457 Plan and establish a 403(b) Plan which is very similar to the 457 Plan, just a different Internal Revenue Code section.

Mrs. Metzger stated that Ms. Sarah Ivy was supposed to be present at tonight's meeting to any answer questions on the proposed ordinance; however she was unable to attend tonight's meeting due to personal reasons. Ms. Ivy indicated that she would be available via telephone during tonight's meeting to answer any questions they may have on the proposed ordinance.

There being no further comments or discussion the hearing concluded at 7:05 PM.

Motion by: Troy A. Berkheiser
Second by: Paul E. Bottiger

MOTION: To adopt Ordinance No. 2016-01; Adopting a 403(b) Plan for the benefit of its non-uniformed employees and amending Chapter 1 *Administration and Government, Part 7 General Employee Benefits, Subpart B Deferred Compensation Plan* to freeze participation in that existing plan.

Mrs. Metzger detailed the costs associated with the establishment of the 403(b) Plan and clarified that these costs are much higher than the costs associated with the 457 Plan. A lengthy discussion was held; Mr. Runkle expressed that he believes it begs the question on whether Borough Council should even consider adopting a 403(b) Plan; if it's not cost effective from where the employees sit, why should the Borough subsidize that.

Mr. Runkle advised Borough Council that they are under no obligation to provide a 403(b) Plan to the non-uniformed employees; the only real value of establishing the 403(b) Plan was to try to continue to present an option to the non-uniformed employees going forward that was similar to the 457 Plan. If Borough Council opts not to establish a 403(b) Plan, to merely freeze the 457 Plan, they have to amend the proposed ordinance and advertise for a Public Hearing at the Tuesday, February 16, 2016 regular Borough Council meeting.

Yes – None

No – Mr. Berkheiser, Mr. Bottiger, Mr. Fry, Mr. Steese, Mr. Zimmerman, Mrs. Hackenberg

36 Motion by: Troy A. Berkheiser
37 Second by: Paul E. Bottiger

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39 **MOTION: To adopt Resolution No. 2016-07; Recognizing formally and publicly the contributions of**
40 **Mr. Duane L. Zimmerman and wish him well in his retirement.**

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42 Approved via unanimous voice vote.

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45 Motion by: Tod M. Steese
46 Second by: Paul E. Bottiger

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48 **MOTION: To approve the minutes of the Tuesday, December 15, 2015 regular meeting of**
49 **Mifflinburg Borough Council.**

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51 Approved via unanimous voice vote.

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54 Motion by: Tod M. Steese
55 Second by: Troy A. Berkheiser

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57 **MOTION: To approve the minutes of the Monday, January 4, 2016 reorganizational meeting of**
58 **Mifflinburg Borough Council.**

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60 Approved via unanimous voice vote.

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63 Motion by: Troy A. Berkheiser
64 Second by: Richard J. Fry

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66 **MOTION: To approve payment of Bill List #2016-01 in the amount of \$382,658.01.**

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68 Yes – Mr. Fry, Mr. Steese, Mr. Zimmerman, Mr. Berkheiser, Mr. Bottiger, Mrs. Hackenberg

69
70 No – None

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72
73 Rev. Johnny Blake, pastor for the Mifflinburg Assembly of God Church, attended tonight's meeting to
74 request Borough Council permission to utilize the Mifflinburg Community Park to conduct a free
75 Community Christian Carnival on Friday, June 24, 2016. Rev. Blake informed Borough Council that the
76 Mifflinburg Assembly of God Church would need most of the day to set up but were thinking of having an
77 advertised time for the event from 4:00 PM to 8:00 PM. Rev. Blake expressed that the Mifflinburg
78 Assembly of God Church really appreciates Borough Council's permission to conduct this event the past
79 two (2) years; they have received lots of positive feedback from the Community about the event including
80 many donations of food and prizes last year from area businesses. This year the Mifflinburg Assembly of
81 God Church is planning for over 500 people to enjoy free food, prize drawings, inflatables, balloon
82 animals, a basketball competition and live entertainment. The Mifflinburg Assembly of God Church has
83 already submitted and completed the required paperwork as well as the security deposit in the amount of
84 \$250.00. Borough Council action is requested to approve this event.

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86 Motion by: Troy A. Berkheiser
87 Second by: Paul E. Bottiger

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89 **MOTION: To approve the Mifflinburg Assembly of God Church's request to utilize the Mifflinburg**
90 **Community Park on Friday, June 24, 2016 from 4:00 PM to 8:00 PM to conduct a Community**
91 **Christian Carnival.**

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93 Mr. Bottiger inquired about a certificate of insurance for this event. Rev. Blake informed Borough Council
94 that they should have received a copy of the request letter included in the information tonight which states
95 that a certificate of insurance will be provided to the Borough once this event has been approved.

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97 Approved via unanimous voice vote.

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:00 Boy Scout, Johnathan Bergmueller, introduced himself and informed Borough Council that he is present at
:01 tonight's meeting to observe the meeting in order to achieve his merit badge.

:02

70 Mrs. Metzger requested that a Park & Rec Committee meeting be scheduled to review and discuss the
71 following items:

- 72
- 73 – The admission rates for the 2016 season at the Mifflinburg Community Pool.
- 74 – The Athletic Use Agreement with the Mifflinburg Swim Team, the Mifflinburg Little League
75 Association and the Harry F. Haney Memorial Park Association.
- 76 – The Field Lighting Agreements with the Mifflinburg Little League Association and the Harry
77 F. Haney Memorial Park Association.
- 78

79 Mrs. Metzger reminded Borough Council that last year they discussed billing the Christkindl Market of
80 Mifflinburg, Inc. for the electric used during the Christkindl Market. The electric used during the 2015
81 Christkindl Market was calculated to be about \$1,120.00. Mrs. Metzger stated that this isn't something the
82 Borough has done in the past and requested Borough Council direction on whether she should bill the
83 Christkindl Market of Mifflinburg, Inc. for the electric used during the 2015 Market or wait until 2016 to
84 provide notification to the Christkindl Market of Mifflinburg, Inc.

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86 Mr. Zimmerman informed Borough Council that the electric used during the 2015 Christkindl Market was
87 a legitimate, metered expense, and he doesn't believe the Christkindl Market of Mifflinburg, Inc. will have
88 a problem paying for it.

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90 Motion by: Duane L. Zimmerman

91 Second by: Tod M. Steese

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93 **MOTION: To authorize Mrs. Metzger to bill the Christkindl Market of Mifflinburg, Inc. for the**
94 **electric used during the 2015 Christkindl Market.**

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96 Mr. Bottiger stated that he believes the Borough should wait until 2016 to provide notification to the
97 Christkindl Market of Mifflinburg, Inc. A lengthy discussion was held; Mr. Zimmerman and Mr. Steese
98 both withdrew their motion to authorize Mrs. Metzger to bill the Christkindl Market of Mifflinburg, Inc. for
99 the electric used during the 2015 Christkindl Market.

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01 Motion by: Paul E. Bottiger

02 Second by: Duane L. Zimmerman

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04 **MOTION: To notify the Christkindl Market of Mifflinburg, Inc. that the Borough of Mifflinburg will**
05 **begin billing them for the electric used during the Christkindl Market starting with the 2016 Market.**

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07 Approved via unanimous voice vote.

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10 Mrs. Metzger requested an executive session to discuss several personnel matters.

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12 Mayor Cooney reported that there was a Public Safety Committee meeting held on Tuesday, January 12,
13 2016 at 7:00 PM to review and discuss the 2015 Christkindl Market. The following safety measures are
14 being recommended for the 2016 Christkindl Market:

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- 16 • All shuttle buses to drop off at 6th & Market Streets, the same as the 2015 Christkindl Market.
- 17 • All Christkindl Market entrances to have a 20 foot buffer, free of decorations and vendor
18 equipment, from the corner of any street (15 feet from crosswalk lines, if applicable).
- 19 • Huts, buildings, tents, and other structures to be spaced to allow for firefighter access (a 3 foot
20 space, to be clearly marked with yellow caution tape, every 3 huts-or the equivalent spacing,
21 throughout the Christkindl Market). These spaces are to be kept clear of all debris and vendor
22 items as well.
- 23 • Flaggers/Crossing Guards to be staffed at all times that the Christkindl Market is open as
24 follows: 2 flaggers at 4th & Market Streets, 1 flagger at 5th & Chestnut Streets, 1 flagger at 6th
25 & Market Streets, and 1 flagger to provide relief to the others at regular intervals.
- 26 • Proper Borough and PennDOT permits must be obtained for any gatherings, parades, or
27 processions.
- 28 • No additional street closures are recommended for the 2016 Christkindl Market.
- 29 • No expansion in space or size is recommended for the 2016 Christkindl Market.
- 30 • All required paperwork must be submitted to the Borough 12 weeks prior to the Christkindl
31 Market (September 15, 2016). This paperwork includes: the proposed Christkindl Market
32 layout, shuttle bus routes, parade routes and permits, contract with flagging company or
33 independent flaggers, and certificates of insurance for the Christkindl Market and any
34 contracted service providers (i.e. flaggers, security, shuttle service, etc.).
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.03 Mrs. Hackenberg informed Borough Council that they received a copy of the Engineer's Report for January
.04 2016 included in the information tonight.

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.06 Mr. Runkle requested an executive session to discuss personnel matters.

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.08 Mayor Cooney informed Borough Council that he participated in or will be participating in the following
.09 meetings or events:

- .11 • A meeting with Rev. Ted Justice, pastor for the St. John's United Church of Christ, located at
.12 417 Market Street, regarding the needs of the community.
- .13 • A meeting with the Mifflinburg Little League Association.

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.16 Mrs. Hackenberg called an executive session to discuss potential litigation and personnel matters. An
.17 executive session was held from 9:31 PM to 10:15 PM.

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.20 Motion by: Troy A. Berkheiser
.21 Second by: Paul E. Bottiger

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.23 **MOTION: To approve the Act 195 Employment Agreement with The American Federation of State,
.24 County and Municipal Employees, AFL-CIO District House of 86, Local 3133, for the period of
.25 January 1, 2016 through December 31, 2019 as presented.**

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.27 Approved via unanimous voice vote.

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.30 Mr. Zimmerman informed Borough Council that he has received numerous complaints about the street
.31 conditions in the Borough during the last snow fall. Mr. Zimmerman stated that he thinks the Borough
.32 Employees need to be a little more diligent with the streets. Mrs. Metzger pointed out that one (1) of the
.33 issues that the Borough has is that Route 304 and Route 104 are State Routes and the Borough won't plow
.34 these roads unless there is an accident with injuries or other emergency.

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.37 Motion by: Paul E. Bottiger

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

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.41 Approved via unanimous voice vote.

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.44 Meeting adjourned at 10:22 PM.

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.46 Respectfully Submitted,

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.49 Misty L. Ross
.50 Assistant Borough Secretary