

1 MINUTES OF MIFFLINBURG BOROUGH COUNCIL

2 May 21, 2013

3
4 PRESENT ABSENT

5 Robert O. Brouse, Jr., Council President
6 Betsy K. Robertson, Vice President
7 Benjamin M. Dietrich, Council Member
8 Bryan E. Rohland, Council Member
9 Michael E. Snook, Council Member
10 Tod M. Steese, Council Member
11 David M. Cooney, Mayor
12 Jeremiah D. Runkle, Solicitor
13 Douglas R. Bickhart, Chief of Police
14 Margaret A. Metzger, Borough Manager
15 Misty L. Ross, Assistant Secretary

X
X
X
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X
X

16
17 The regular meeting of Mifflinburg Borough Council was called to order at 7:30 PM.

18
19 Visitors present at this meeting were Thomas E. Sauers, Thomas A. MacDonald, and Matt J. Sauers.

20
21
22 Motion by: Tod M. Steese
23 Second by: Michael E. Snook

24
25 **MOTION: To approve the minutes of the Tuesday, April 16, 2013 regular meeting of Mifflinburg**
26 **Borough Council.**

27
28 Approved via unanimous voice vote.

29
30
31 Mrs. Metzger provided Borough Council with a brief overview of Bill List #2013-05. Borough Council
32 action is requested to approve payment of Bill List #2013-05 in the amount of \$508,676.78.

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

36
37 **MOTION: To approve payment of Bill List #2013-05 in the amount of \$508,676.78.**

38
39 Yes – Mr. Rohland, Mr. Snook, Mr. Steese, Mrs. Robertson

40
41 No – None

42
43
44 Mr. Thomas E. Sauers, Executive Director/Building Code Official; Mr. Thomas A. MacDonald, Code
45 Enforcement Officer; and Mr. Matt J. Sauers, Director of Planning and Zoning for the Central Keystone
46 Council of Governments (CK-COG) introduced themselves to Borough Council. Mr. Tom Sauers
47 provided Borough Council with an update presentation on the following properties that are located in the
48 Borough:

- 49
50 • 218 Chestnut Street.
51 • 403 Thompson Street.
52 • 1 Oak Avenue.
53

54 Mr. Tom Sauers informed Borough Council that copies of the information provided during tonight’s
55 update presentation has been provided to Mrs. Metzger. A discussion was held; Chief Bickhart inquired if
56 the CK-COG has any policies or procedures for items (weapons, money, etc.) found at a property that has
57 been deemed uninhabitable or condemned. Mr. Tom Sauers stated that the CK-COG doesn’t have any
58 policies or procedures for items (weapons, money, etc.) found at a property that has been deemed
59 uninhabitable or condemned; the CK-COG contacts the local Police Department or the State Police.
60 Chief Bickhart expressed that he believes a policy should be drafted to establish procedures for items
61 (weapons, money, etc.) found at a property that has been deemed uninhabitable or condemned, and
62 suggested that he and Mr. Tom Sauers should get together to begin drafting a policy.
63
64
65

66 Mr. Thomas E. Sauers, Executive Director/Building Code Official for the Central Keystone Council of
67 Governments (CK-COG), informed Borough Council that the CK-COG has done some restructuring
68 around the office; Mr. Thomas A. MacDonald, Code Enforcement Officer for the CK-COG, will serve as
69 the Borough's Code Enforcement Officer. Mr. Tom Sauers requested an executive session to discuss
70 personnel matters.

71

72

73 Mrs. Robertson called an executive session to discuss personnel matters. An executive session was held
74 from 7:40 PM to 7:46 PM.

75

76

77 Mr. Runkle clarified that his position has and which continues to be that Borough Council doesn't have
78 the authority to condemn or not condemn a property located in the Borough; it's the same as with the
79 Borough's Zoning Officer, Borough Council doesn't make decisions about whether or not to issue a
80 zoning permit. In accord with the *International Property Maintenance Code of the Borough of*
81 *Mifflinburg*; the code official is hereby authorized and directed to enforce the provisions of this code. The
82 code official shall have the authority to render interpretations of this code and to adopt policies and
83 procedures in order to clarify the application of its provisions. Such interpretations, policies and
84 procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures
85 shall not have the effect of waiving requirements specifically provided for in this code. The Borough
86 contracts with the Central Keystone Council of Governments (CK-COG) to enforce the provisions of this
87 code. Mr. Thomas E. Sauers, Executive Director/Building Code Official for the CK-COG informed
88 Borough Council that the CK-COG will always notify the Borough prior to condemning a property that is
89 located in the Borough.

90

91 Mrs. Robertson informed Borough Council that there are two (2) Mifflinburg Borough Zoning Reports
92 this month; one (1) report is for March 2013 and the other report is for April 2013. Copies of both reports
93 have been included in the information tonight for Borough Council review. Borough Council action is
94 requested to approve these reports.

95

96 Motion by: Michael E. Snook

97 Second by: Tod M. Steese

98

99 **MOTION: To approve the Mifflinburg Borough Zoning Report for March 2013 and authorize**
100 **payment to the Central Keystone Council of Governments (CK-COG) in the amount of \$30.16 and**
101 **the Mifflinburg Borough Zoning Report for April 2013 and accept the payment from the Central**
102 **Keystone Council of Government (CK-COG) in the amount of \$21.00.**

103

104 Yes – Mr. Snook, Mr. Steese, Mr. Rohland, Mrs. Robertson

105

106 No – None

107

108

109 Mr. Runkle provided Borough Council with an update on the status of the ordinance amending Chapter 21
110 of the Mifflinburg Borough Code of Ordinances which regulates the placement of banners in the public
111 right-of-way of streets, roads and alleys located in the Borough. A copy of the draft ordinance amendment
112 has been included in the information tonight for Borough Council review. Mr. Runkle informed Borough
113 Council that the sign section of the Borough's Zoning Ordinance already addresses horizontal banners
114 across streets and reads as follows:

115

116 Temporary over-the-street banners announcing a campaign, drive or event of a civic,
117 philanthropic, educational or religious organization shall be allowed, provided that the
118 Borough is held harmless from any and all liability which may arise from any damage or
119 injury caused by such banner. A certificate of liability insurance shall be provided to the
120 Borough a minimum of 30 days prior to the proposed placement of such sign and before a
121 permit is issued. Where applicable, written documentation of PennDOT approval for said
122 over-the-street banners shall be required.

123

124 Mr. Runkle expressed that he believes this section applies to all horizontal banners whether they are over
125 a state route or non-state route. The proposed amendment only addresses state route banners, but
126 specifically doesn't address non-state routes banners. Borough Council can either proceed with the
127 ordinance amendment as drafted and it would render this section useless, with regard to banners over state
128 routes, or they take care of this now in which case Borough Council would need to provide some direction
129 with regard to what regulations they want for banners over non-state routes. Mrs. Robertson expressed
130 that she believes Borough Council should take care of this now.

131 Mr. Runkle clarified that the ordinance amendment only allows horizontal banners in the Borough; the
132 resolution sets the streets locations, insurance requirements, fees, etc. Mr. Runkle recommended that
133 Borough Council doesn't specify the street locations in the ordinance since they will probably change
134 from time to time and then the Borough will have to incur costs to have the streets updated. A discussion
135 was held; Mr. Runkle inquired if he should revise the ordinance amendment to include all horizontal
136 banners at whatever locations Borough Council sets by resolution as well as all vertical banners without
137 regard for whether it's a state route or non-state route. Mr. Steese expressed that he likes the ordinance
138 amendment currently on the table and believes that Borough Council should go with whatever Mr. Runkle
139 advises or believes is right. Mr. Runkle stated that he believes it's cleaner to address everything under one
140 section. Borough Council action is requested to authorize advertisement of the ordinance amendment and
141 to conduct a Public Hearing at the Tuesday, June 18, 2013 regular Borough Council meeting at 7:00 PM.

142
143 Motion by: Bryan E. Rohland

144 Second by: Tod M. Steese

145

146 **MOTION: To authorize Mr. Runkle to advertise the ordinance amending Chapter 21 of the**
147 **Mifflinburg Borough Code of Ordinances which regulates the placement of banners in the public**
148 **right-of-way of streets, roads and alleys located in the Borough with the changes as discussed to**
149 **include all horizontal banners at whatever locations Borough Council sets by resolution as well as**
150 **vertical banners without regard for whether it's a state route or non-state route; and to conduct a**
151 **Public Hearing on Tuesday, June 18, 2013 at 7:00 PM.**

152

153 Approved via unanimous voice vote.

154

155

156 Mr. Runkle provided Borough Council with an update on the status of the following ordinances for the
157 Borough of Mifflinburg:

158

- 159 • The Landlord-Tenant Ordinance; Mr. Runkle informed Borough Council that he hasn't had a
160 chance to work on this ordinance. Mayor Cooney stated that he still needs to provide Mr.
161 Runkle with a copy of the information for the Borough of Beavertown that he obtained from
162 Ms. Rebecca A. Kilps, Office Assistant at the Central Keystone Council of Government
163 (CK-COG), in order to continue preparing an edited version of the Landlord-Tenant
164 Ordinance for the Borough of Mifflinburg.
- 165 • The ordinance revisions with regard to the no parking ordinance and the stop intersection
166 portion of the ordinance to incorporate Miriam Street; there were numerous revisions that
167 needed to be made to the ordinance and it needed to be a more comprehensive amendment.
168 Mr. Runkle informed Borough Council that the ordinance amendment is about 95%
169 complete. Chief Bickhart inquired if an ordinance is required to establish locations for
170 school zones in the Borough. Mr. Runkle stated that he would have to look into this matter
171 in order to determine whether or not an ordinance is required to establish locations for school
172 zones in the Borough; if an ordinance is required, Borough Council should draft an ordinance
173 at this time in order to include the ordinance with the other amendments to this section.
- 174 • The electric ordinance to allow for customer-owned generation; Mr. Runkle informed
175 Borough Council that he has reviewed the draft ordinance; however he has a few questions
176 regarding the ordinance. A discussion was held; Mrs. Metzger stated that she would
177 schedule a phone conference with the Borough's Electrical Consultant, Mr. Jim Havrilla of
178 Utility Engineers, PC, prior to the Tuesday, June 18, 2013 regular Borough Council meeting
179 to answer Mr. Runkle's questions. Borough Council action is requested to authorize Mr.
180 Runkle to advertise the electric ordinance and to conduct a Public Hearing at the Tuesday,
181 June 18, 2013 regular Borough Council meeting.

182

183 Motion by: Tod M. Steese

184 Second by: Michael E. Snook

185

186 **MOTION: To authorize Mr. Runkle to advertise the electric ordinance to allow for customer-owned**
187 **generation and to conduct a Public Hearing on Tuesday, June 18, 2013 at 7:00 pm.**

188

189 Approved via unanimous voice vote.

190

191

192 Mrs. Metzger reminded Borough Council that there is a resolution attached to the electric ordinance to
193 allow for customer-owned generation; however the resolution doesn't require Borough Council action.

194

195 Mrs. Metzger informed Borough Council that the first invoice has been received from the Pennsylvania
196 Department of Transportation (PennDOT) for the Borough's share of the Chestnut Street Reconstruction
197 Project. Invoice: 033608 001 has been submitted in the amount of \$256,989.28. A spreadsheet has been
198 prepared to help monitor each line item to make sure the Borough's not exceeding the line item amounts
199 or any totals. Borough Council action is requested to approve payment of this invoice.

200

201 Motion by: Michael E. Snook

202 Second by: Tod M. Steese

203

204 **MOTION: To approve payment of Invoice: 033608 001 to the Pennsylvania Department of**
205 **Transportation (PennDOT) in the amount of \$256,989.28 for the Borough's share of the Chestnut**
206 **Street Reconstruction Project.**

207

208 Yes – Mr. Steese, Mr. Rohland, Mr. Snook, Mrs. Robertson

209

210 No – None

211

212

213 Mrs. Metzger reminded Borough Council that the Utility Committee considered a proposed project to sell
214 some of the Borough-owned electrical infrastructure to Elkay Manufacturing Co., to allow them to
215 combine services. This proposal was prepared by the Borough Electrical Foreman, Mr. Joe Zimmerman,
216 and the Borough's Electrical Consultant, Mr. Jim Havrilla of Utility Engineers, PC, and would allow
217 Elkay Manufacturing Co., to purchase some of the Borough's infrastructure in an attempt to combine
218 services and ultimately reduce some of their electricity costs. The consultant for Elkay Manufacturing
219 Co., Mr. Carmen M. Andreoli, was present at the Tuesday, April 16, 2013 regular Borough Council
220 meeting and informed Borough Council that he had a meeting scheduled with Elkay Manufacturing Co.
221 on Wednesday, April 17, 2013 to evaluate the numbers and determine whether or not the numbers are
222 even likely to be palatable prior to the Borough incurring costs to draft an offer for consideration by Elkay
223 Manufacturing Co. Mrs. Metzger informed Borough Council that Mr. Andreoli has contacted her and has
224 indicated that Elkay Manufacturing Co. is interested in the possible purchase of assets to combine their
225 services. Borough Council action is requested to authorize Mrs. Metzger to work with Mr. Runkle to draft
226 an offer for this asset sale.

227

228 Motion by: Michael E. Snook

229 Second by: Bryan E. Rohland

230

231 **MOTION: To authorize Mrs. Metzger to work with Mr. Runkle to draft an offer for the asset sale**
232 **to sell some of the Borough-owned electrical infrastructure to Elkay Manufacturing Co., to allow**
233 **them to combine services.**

234

235 Approved via unanimous voice vote.

236

237

238 Mrs. Metzger informed Borough Council that she has received an email from Ms. Sandy Strickler; Ms.
239 Strickler together with some of the other instructors at Extreme Fitness, located at 335 E. Chestnut Street,
240 are requesting Borough Council permission to utilize the Mifflinburg Community Park to hold some
241 exercise classes. The instructors are interested in doing this free of charge, but having a fee or
242 donation/class for participants in order to raise some funds for the kids programs or a splash hop at the
243 end of summer. If approved, these classes will be offered on Tuesday evenings at 7:00 PM, weather
244 permitting. The first class would be held on Tuesday, June 4, 2013. If classes are successful, they may
245 want to offer other classes as well. All proceeds from exercise class would be donated to the Mifflinburg
246 Community Park/Pool. A copy of the email is included in the information tonight for Borough Council
247 review. Mrs. Metzger clarified that the instructors have the proper insurance for the exercise class and
248 will pay the security deposit as long as it is reimbursable. Borough Council action is requested to approve
249 this activity at the park.

250

251 Motion by: Tod M. Steese

252 Second by: Michael E. Snook

253

254 **MOTION: To approve Ms. Sandy Strickler's request to utilize the Mifflinburg Community Park to**
255 **hold some exercise classes on Tuesday evenings at 7:00 PM, weather permitting.**

256

257 Approved via unanimous voice vote.

258

259 Mrs. Metzger reported that the Mifflinburg Area Elementary School is requesting Borough Council
260 permission to close the Mifflinburg Community Swimming Pool early on a Friday night to conduct a
261 Summer Reading Program Swim Party at the Mifflinburg Community Pool. Mrs. Metzger informed
262 Borough Council that she spoke with Mr. Ron Bollinger, Park/Pool Director; Mr. Bollinger indicated that
263 the Mifflinburg Area Elementary School conducted the swim party last year, but the pool didn't close
264 early. Mrs. Metzger explained that people pay for season passes so they can swim; the Borough tries not
265 to close the pool any more than they have to. Mr. Bollinger is recommending that Borough Council offer
266 the Mifflinburg Area Elementary School a private party on a Saturday morning which would allow them
267 to be able to have the pool to themselves or to have the swim party that would extend beyond 8:00 PM
268 when the pool closes. Mr. Steese inquired if Mr. Bollinger needs Borough Council direction since he's
269 the Park/Pool Director. Mrs. Metzger clarified that the request is coming to Borough Council; Mr.
270 Bollinger already informed the Mifflinburg Area Elementary School that he didn't want to close the pool
271 early, but they could take it to Borough Council to overrule his request.

272

273 Motion by: Tod M. Steese

274 Second by: Michael E. Snook

275

276 **MOTION: To deny the Mifflinburg Area Elementary School's request to close the Mifflinburg**
277 **Community Pool early to conduct a Summer Reading Program Swim Party.**

278

279 Mr. Rohland inquired if the Mifflinburg Community Pool can be left open to season pass holders while
280 the Mifflinburg Area Elementary School conducts their Summer Reading Program Swim Party.

281

282 Mrs. Metzger stated that the Mifflinburg Community Pool can be left open to season pass holders while
283 the Mifflinburg Area Elementary School conducts their Summer Reading Program Swim Party, but that's
284 not what the Mifflinburg Area Elementary School want.

285

286 Approved via unanimous voice vote.

287

288

289 Mrs. Metzger informed Borough Council that Mr. Brouse directed her to bring up the proposed
290 reconstruction project on Cherry Alley between Third Street and Forest Hill Road at tonight's meeting.
291 Mrs. Metzger reminded Borough Council that the 2013 Budget includes costs for the engineering and
292 design work for the proposed reconstruction project. Request for Proposals (RFP) for the design and
293 engineering work should be prepared prior to the 2014 Budget preparation in order to have adequate cost
294 estimates for budgeting purposes. This work should help address some of the issues found during the
295 smoke testing completed in 2012. Borough Council action is requested to authorize Mrs. Metzger to
296 prepare a RFP for the design and engineering work for the proposed reconstruction project. Mrs. Metzger
297 clarified that it would be at least two (2) months until she has the time to prepare the RFP.

298

299 Motion by: Bryan E. Rohland

300 Second by: Michael E. Snook

301

302 **MOTION: To authorize Mrs. Metzger to prepare a Request for Proposals (RFP) for the design and**
303 **engineering work for the proposed reconstruction project on Cherry Alley between Third Street**
304 **and Forest Hill Road to address some of the issues found during the smoke testing completed in**
305 **2012.**

306

307 Mayor Cooney inquired if the proposed reconstruction project on Cherry Alley between Third Street and
308 Forest Hill Road will include underground infrastructure work. Mrs. Metzger clarified that reconstruction
309 projects always includes underground infrastructure work if possible.

310

311 Mrs. Metzger informed Borough Council that the Borough has intentionally postponed the 2013 Annual
312 Street and Alley Paving Project since they may opt to incorporate some additional paving work
313 necessitated by the Chestnut Street Reconstruction Project.

314

315 Approved via unanimous voice vote.

316

317

318 Mrs. Metzger reported that she has a few informational items to discuss in executive session and inquired
319 if Borough Council needs to have a quorum. Mr. Runkle informed Borough Council that in accord with
320 Robert's Rules of Order, the only business that can be taken care of without a quorum is to fix the time to
321 which to adjourn, adjourn, and recess the meeting.

322

323

324 Chief Bickhart requested Borough Council action to donate all of the abandoned/recovered bicycles that
325 are being stored by the Mifflinburg Police Department in the Borough building to the Union-Snyder
326 County Drug Court Treatment Program.

327

328 Motion by: Bryan E. Rohland

329 Second by: Michael E. Snook

330

331 **MOTION: To authorize the donation of the abandoned/recovered bicycles being stored by the**
332 **Mifflinburg Police Department to the Union-Snyder County Drug Court Treatment Program.**

333

334 Approved via unanimous voice vote.

335

336

337 Mr. Rohland inquired if Borough Council needs to conduct an executive session. Mr. Rohland suggested
338 that Borough Council could adjourn tonight's meeting and stay after the meeting has been adjourned to
339 discuss the items for executive session. Mr. Runkle stated that Mr. Rohland had a good point since
340 Borough Council doesn't take minutes during executive session and the meeting ends when there is no
341 longer a quorum.

342

343 Mr. Steese apologized to Borough Council for any inconveniences that he may have caused at tonight's
344 meeting.

345

346 Mrs. Metzger clarified that Borough Council could discuss the informational items for executive session
347 after tonight's meeting has been adjourned.

348

349

350 Motion by: Michael E. Snook

351

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

353

354 Approved via unanimous voice vote.

355

356

357 Meeting adjourned at 8:28 PM.

358

359 Respectfully Submitted,

360

361

362 Misty L. Ross

363 Assistant Borough Secretary