

MINUTES OF MIFFLINBURG BOROUGH COUNCIL
January 17, 2017

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	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	
Margaret A. Metzger, Borough Manager	X	
Robert M. Rowe, Borough Project Manager	X	
Misty L. Ross, Assistant Secretary	X	

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

There were no visitors present at this meeting.

Motion by: Tod M. Steese
Second by: Richard J. Fry

MOTION: To approve the minutes of the Tuesday, December 20, 2016 regular meeting of Mifflinburg Borough Council, as corrected.

Approved via unanimous voice vote.

Motion by: Paul E. Bottiger
Second by: Duane L. Zimmerman

MOTION: To approve payment of Bill List #2016-13 in the amount of \$123,269.10.

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

No – None

Motion by: Paul E. Bottiger
Second by: Duane L. Zimmerman

MOTION: To approve payment of Bill List #2017-01 in the amount of \$159,443.91.

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

No – None

Motion by: Tod M. Steese
Second by: Richard J. Fry

MOTION: To approve the Mifflinburg Borough Zoning Report for December 2016 and authorize payment to the Central Keystone Council of Governments (CK-COG) in the amount of \$891.90.

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

No – None

67 Motion by: Paul E. Bottiger
68 Second by: Tod M. Steese

69
70 **MOTION: To adopt Resolution No. 2017-01; Setting the salary for the Borough Manager.**

71
72 Yes – Mr. Zimmerman, Mr. Bottiger, Mr. Fry, Mr. Steese, Mrs. Hackenberg

73
74 No – None

75
76
77 Mr. Runkle provided Borough Council with an update on the status of the Pole Attachment Agreement
78 for Windstream Communications. Mr. Runkle reported that sometime last week Windstream
79 Communications scheduled a telephone conference through his office; however he postponed the
80 conference to see if Borough Council wants him to proceed with Windstream Communications or if they
81 want to wait until a new solicitor has been appointed. A discussion was held; it was the consensus of
82 Borough Council to direct Mr. Runkle to proceed with Windstream Communications.

83
84 Mrs. Metzger reported that Mr. Runkle will be preparing a Pole Attachment Agreement for the
85 Mifflinburg Area School District's (MASD) for attachments to some of the Borough's poles. Mrs.
86 Metzger explained that the MASD has experienced some additional problems with their fiber connection
87 recently and contacted Borough Management to see if they could connect a new fiber line using this
88 same route. Borough Management researched this request and found that the MASD fiber is already
89 over lashed on Windstream's fiber, so this would not be an option. This information was provided to the
90 MASD and they were informed that they could probably request to add their new fiber on the other side
91 of these poles if they were interested. The MASD's contractor was concerned with the width of this
92 easement and was going to do a more detailed look at this issue. The MASD has since approached
93 Borough Management and requested to file an application. Mrs. Metzger stated that her plan is to
94 provide the MASD with the same form that the Borough has with their Pole Attachment Agreement with
95 Service Electric except to waive the fees.

96
97 Mr. Runkle advised Borough Council that if they're going to waive the fees for the MASD, they should
98 do it on some defined basis that the Borough ends up with in the minutes or documented in a letter to the
99 MASD, so that the Borough doesn't have requests in the future where they're in an awkward position.

100
101 Motion by: Duane L. Zimmerman
102 Second by: Paul E. Bottiger

103
104 **MOTION: To authorize Mr. Runkle to prepare a Pole Attachment Agreement with the**
105 **Mifflinburg Area School District (MASD) to add their new fiber on the other side of the**
106 **Borough's poles and waive the fees since they're simply replacing existing attachments and**
107 **historically the Borough has never charged a fee before.**

108
109 Approved via unanimous voice vote.

110
111
112 Mrs. Metzger provided Borough Council with an update on the status of the trees in the Harry Haney
113 Park, located along N. 8th Street. Mrs. Metzger reported that Mr. Martin Melville, Melville Forestry
114 Services, has completed the Borough's portion of the required tree removal at the Haney Park, but still
115 has some cleanup to complete. Mr. Melville's cleanup will not involve removing all of the tree tops and
116 branches, only the grass access area and removal of the larger logs. Borough Council direction is
117 requested with regard to how much cleanup is expected since this is a wooded area. Mr. Rowe detailed
118 the areas of concern that he discussed with Mr. Melville. Mrs. Metzger stated that she thinks the area
119 adjacent to the stream needs to be at least cleaned out a little more. Mrs. Metzger informed Borough
120 Council that the Borough has been contacted by several parties, including Borough Employees that are
121 interested in using these tree tops for fire wood; however this has not been permitted in the past.

122
123 Motion by: Paul E. Bottiger
124 Second by: Richard J. Fry

125
126 **MOTION: To authorize Mrs. Metzger at her discretion to allow anyone interested in the tree tops**
127 **at the Harry Haney Park to take them as long as they sign a liability waiver.**

128
129 Mayor Cooney expressed that he thinks Borough employees should have first dibs on the wood
130 regardless of whether they live in the Borough or not. Mr. Zimmerman disagreed and indicated that
131 there is enough wood at the Harry Haney Park for numerous individuals.

132 Mrs. Metzger stated that she thinks there should be a stipulation that the individuals can't take
133 equipment into the woods and they have to be finished by the end of February in order to ensure that
134 things are cleaned up for the Fishing Derby. Mr. Bottiger directed Mrs. Metzger to create a list of the
135 stipulations that she wants and then attach it to the liability waiver.
136

137 Mr. Zimmerman recommended that the Borough give Mr. Melville at least (2) two weeks to complete
138 his work before allowing anyone to start getting the tree tops.
139

140 Mr. Rowe clarified that Mr. Melville is required to remove the two (2) designated trees and cleanup the
141 parking area next to the Pump Station.
142

143 Mayor Cooney directed Borough Management to ensure that the Mifflinburg Police Department gets a
144 list of the individuals permitted to get the tree tops at the Harry Haney Park.
145

146 Approved via unanimous voice vote.
147
148

149 Mrs. Metzger reported that Mr. Rowe and Mr. Jason W. Mitchell, the Public Works Supervisor, met
150 with a PennDOT representative on October 18, 2016 to discuss the work outlined in the letter that
151 PennDOT plans to complete on some of the State Routes located in the Borough in 2018. Mrs. Metzger
152 informed Borough Council that she sent a letter to PennDOT noting the Borough's concerns for this
153 work and then she and Mr. Rowe met with Mr. John Stetts, PennDOT Project Manager, on January 11,
154 2017 to discuss the comments they provided and show PennDOT these areas. PennDOT will provide
155 the Borough with more detail about the design by June 30, 2017. It's likely that the Borough will need
156 to enter into a Reimbursement Agreement with PennDOT to participate in this project.
157

158 Mrs. Metzger reported that Mr. Rowe has prepared a Request for Proposals (RFP's) for the engineering
159 design of the Mulberry Alley Reconstruction Project. Borough Council action is requested to authorize
160 Mr. Rowe to solicit the RFP's so that the work can be awarded at the Tuesday, February 21, 2017
161 regular Borough Council meeting.
162

163 Motion by: Paul E. Bottiger
164 Second by: Tod M. Steese
165

166 **MOTION: To authorize Mr. Rowe to solicit the Request for Proposals (RFP's) for the engineering**
167 **design of the Mulberry Alley Reconstruction Project.**
168

169 Approved via unanimous voice vote.
170
171

172 Mrs. Metzger provided Borough Council with an update on the status of the quote from HA Thomson
173 for Cyber Liability Insurance. Mrs. Metzger reported that there was a Committee meeting held on
174 Tuesday, January 3, 2017 at 7:00 PM. Mr. B.J. Giangliulio, Jr., President of HA Thomson, was present
175 at this meeting to explain the Cyber Liability Policy coverage and cost. It was the consensus of the
176 Committee to not do anything with the Cyber Liability Policy. Borough Council action is requested on
177 this matter.
178

179 Motion by: Paul E. Bottiger
180 Second by: Tod M. Steese
181

182 **MOTION: To not do anything with the quote from HA Thomson for Cyber Liability Insurance.**
183

184 Approved via unanimous voice vote.
185
186

187 Mrs. Metzger reminded Borough Council that they took action at the Tuesday, December 20, 2016
188 regular Borough Council meeting to offer employment to Mr. David Gessner at the starting wage of
189 \$16.00/hour under the terms of the AFSCME employment agreement, as a Water/Wastewater III
190 Technician Apprentice, contingent upon successful completion of the required pre-employment testing
191 and criminal and child abuse clearances and require the attainment of Class B CDL licenses within 6-
192 months of active employment, Sewer Operator licenses within one (1) year and Water Operator licenses
193 within two (2) years. Mr. Metzger requested that Borough Council take action to amend the offer of
194 employment to allow Mr. Gessner an additional three (3) months to obtain his Class B Sewer License,
195 based on the information obtained since the December meeting. Mrs. Metzger clarified that all other
196 terms would remain the same.
197
198

199 Motion by: Tod M. Steese
200 Second by: Paul E. Bottiger

201
202 **MOTION: To amend the offer of employment to Mr. David Gessner to allow him an additional**
203 **three (3) months to obtain his Class B Sewer Operator licenses, with all other terms to remain the**
204 **same.**

205
206 Approved via unanimous voice vote.

207
208
209 Mrs. Metzger requested an executive session to discuss personnel matters and potential litigation.

210
211 Mayor Cooney informed Borough Council that they received a copy of the Monthly Police Report for
212 December 2016 included in the information tonight.

213
214 Mayor Cooney announced that the new Chief of Police for the Mifflinburg Police Department, Mr.
215 Frederick Dyroff III, will begin work on Monday, February 13, 2017.

216
217 Mr. Steese requested an executive session to discuss personnel matters.

218
219 Mr. Zimmerman reported that Borough Council discussed the Borough's utility billing rates at the work
220 session that was held on Tuesday, January 3, 2017 at 7:00 PM. It was determined to wait to have the
221 study done until the Borough changes their utility bills.

222
223 Mayor Cooney presented Borough Council with an update for the Mifflinburg Regional Economic
224 Development (MRED) Alliance. Mayor Cooney provided Borough Council with the following updates:

- 225
- 226 • There is an individual interested in opening a new retail store downtown.
 - 227 • Top Notch Salon will be relocating from 1008 Chestnut Street to 373 Chestnut Street.
- 228

229 Mrs. Metzger informed Borough Council that they received a copy of the Engineer's Report for January
230 2017 included in the information tonight.

231
232 Mayor Cooney informed Borough Council that he participated in or will be participating in the
233 following meetings or events:

- 234
- 235 • Officiated a wedding on New Year's Eve, Saturday, December 31, 2016.
 - 236 • Met with some new landlords who purchased a rental property in the Borough to explain
237 the Borough's Landlord Ordinance.
 - 238 • He will be attending the Blue Ribbon Ceremony that is scheduled for Friday, January 20,
239 2017 at the Mifflinburg Area Intermediate School. Mayor Cooney reported that he will be
240 issuing a Proclamation during the Ceremony.
- 241

242 Mrs. Hackenberg called an executive session to discuss potential litigation and personnel matters. An
243 executive session was held from 7:48 PM to 9:29 PM.

244
245
246 Motion by: Tod M. Steese
247 Second by: Paul E. Bottiger

248
249 **MOTION: To authorize Mrs. Metzger to advertise the vacancy for a Maintenance Worker II**
250 **position.**

251
252 Approved via unanimous voice vote.

253
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255 Motion by: Tod M. Steese
256 Second by: Richard J. Fry

257
258 **MOTION: To hire Mr. Matt Wells and Miss Maura McGlaughlin as Co-Directors for the 2017**
259 **season at the Mifflinburg Community Park/Pool with a salary of \$5,275.00 each, with the Head**
260 **Lifeguards getting \$0.50/hr. additional.**

261
262 Yes – Mr. Bottiger, Mr. Fry, Mr. Steese, Mr. Zimmerman, Mrs. Hackenberg

263
264 No – None

265 Motion by: Tod M. Steese
266 Second by: Paul E. Bottiger

267
268 **MOTION: To appoint Mr. Ryan Tira as the Borough Solicitor for Borough Council and the**
269 **Mifflinburg Planning Commission for 2017 with an hourly rate of \$150.00/hr. effective**
270 **Wednesday, March 1, 2017.**

271
272 Yes – Mr. Fry, Mr. Steese, Mr. Bottiger, Mrs. Hackenberg

273
274 No – Mr. Zimmerman

275
276
277 Motion by: Tod M. Steese

278
279 **MOTION: To adjourn the Mifflinburg Borough Council meeting.**

280
281 Approved via unanimous voice vote.

282
283
284 Meeting adjourned at 9:36 PM.

285
286 Respectfully Submitted,

287
288
289 Misty L. Ross
290 Assistant Borough Secretary