

1 MINUTES OF MIFFLINBURG BOROUGH COUNCIL

2 June 19, 2018

3

4

	PRESENT	ABSENT
5 Beverly L. Hackenberg, Council President	X	
6 Tod M. Steese, Vice President	X	
7 Paul E. Bottiger, Council Member	X	
8 Richard J. Fry, Council Member	X	
9 Linda L. Lewis, Council Member	X	
10 Duane L. Zimmerman, Council Member	X	
11 David M. Cooney, Mayor	X	
12 Frederick C. Dyroff III, Chief of Police		X
13 Ryan M. Tira, Solicitor	X	
14 Margaret A. Metzger, Borough Manager	X	
15 Robert M. Rowe, Borough Project Manager	X	
16 Misty L. Ross, Assistant Secretary	X	

17

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

19

20 Visitors present at this meeting were Ryan Sabo, Erin Threet, and Alan C. Wagner.

21

22 Mrs. Hackenberg conducted a Public Hearing for Ordinance No. 2018-03; Amending Chapter 29,
23 Zoning, by amending the official Zoning Map, as adopted pursuant to the Code of Ordinances of the
24 Borough of Mifflinburg. Mr. Tira reported that the proposed amendments to the Zoning Ordinance and
25 Map have been advertised for Borough Council consideration at tonight's meeting. This ordinance
26 outlines nine (9) proposed changes. Borough Council consideration is requested to approve one (1) or
27 two (2), or all nine (9) of the changes; or to leave them as they are. Mr. Tira clarified that Borough
28 Council action would not be permitted to make any wholly new changes that have not been advertised.

29

30 Mr. Rowe distributed copies of the draft Zoning Map which detailed the nine (9) areas being changed.
31 Mr. Rowe recapped that the current Zoning Map needed to be updated to provide a better quality map
32 online and make it easier to use by tying it to the tax parcels; and amended to reflect the desired and
33 current uses of real property within the Borough in a manner consistent with the overall comprehensive
34 plan of the Borough of Mifflinburg. The Mifflinburg Planning Commission has reviewed the current
35 Zoning Map, prior Zoning Map amendments, the current uses of real property, and the overall
36 comprehensive plan of the Borough of Mifflinburg and are recommending the following changes:

- 37
- 38 1. Industrial Park Road/SR0045. The General Commercial (GC) District boundary line will
39 be the western edge of the Mifflinburg Borough Right of Way on the West side of
40 Industrial Park Road. The GC boundary shall coincide with the Mifflinburg Borough's
41 property line along Chamber's Spring.
 - 42 2. 3 S. 11th Street (Parcel number 010-031-045). Entire parcel will be located in the General
43 Commercial (GC) District.
 - 44 3. Market Street East of SR0104 (10th Street) (Parcel number 010-031-072). Change first
45 two parcels on South side of Market Street from Residential Urban (RU) to Residential
46 Suburban (RS) District.
 - 47 4. Mifflinburg Area High School (Parcel number 010-027-182). The parcel is currently split
48 between Residential Urban (RU) District and Residential Suburban (RS) District. The
49 parcel will become completely within the RS District.
 - 50 5. Legacy Building (18 N. 10th Street) (Parcel number 010-031-001). The parcel is currently
51 split between the Commercial Manufacturing (CM) District and the General Commercial
52 (GC) District. The parcel will become completely within the CM District.
 - 53 6. Sholley Ball Fields (East of N. 8th Street) (Parcel number 010-029-009). The parcel will
54 become part of the Open Space and Recreation (OSR) District.
 - 55 7. Ryan Sabo Parcels (Located between N. 8th Street and N. 4th Street) (Parcel numbers 010-
56 025-011 and 010-025-017). These parcels will become part of the Open Space and
57 Recreation (OSR) District.
 - 58 8. Esra Zimmerman Parcel (Parcel number 010-029-005). The portion of this tax parcel
59 located to the North of Buffalo Creek will become part of the Open Space and Recreation
60 (OSR) District.
 - 61 9. Mary Koons Development (N. 3rd Street) (Parcel numbers 010-025-11.3 and 010-025-
62 11.7). Two parcels were developed for residential purposes as part of a subdivision. The
63 two parcels will become part of the Residential Suburban (RS) District.
- 64
65
66
67

68 Mr. Rowe added that this amendment would also change the name of the Central Business District; the
69 Zoning District previously referred to as the Central Business District will now be identified and labeled
70 as the Downtown District (DD). Notice of the Public Hearing was posted on the affected tracts or areas
71 being rezoned and mailed via first class mail in accordance with Section 908 of the Pennsylvania
72 Municipalities Planning Code, Act of 1968, P.L. 805, No. 247 and there were no oppositions.
73

74 Mr. Ryan Sabo, property owner of 510 N. 4th Street, informed Borough Council that Mr. Rowe and Mr.
75 Don Bowman, Chairman of the Mifflinburg Planning Commission, approached both him and Mr. Geoff
76 Goodenow, Coordinator for the Merrill Linn Land and Waterways Conservancy, with regard to the
77 zoning changes. Mr. Sabo stated that initially, he was requesting that these parcels of land (located
78 between N. 8th Street and N. 4th Street) be rezoned to become part of the Open Space and Recreation
79 (OSR) District; however, due to recent changes in his life, he is now considering farming the portion of
80 his land that is located East of 4th Street which is currently in wildlife habitat. Mr. Rowe had directed
81 him to contact Ms. Makenzie Stover, Zoning Officer at the Central Keystone Council of Governments
82 (CK-COG), to see whether or not this would be permitted within the OSR District. Ms. Stover indicated
83 that she had some concerns with any kind of commercial operation in the OSR District and
84 recommended that this parcel of land become part of the Agricultural (A) District instead. Mr. Sabo
85 requested that Borough Council deny part of change #7, to leave the parcel of land West of 4th Street in
86 the Open Space and Recreation (OSR) District since part of the Koons Trail is located on it and it makes
87 sense, and avoid spot zoning the two (2) parcels of land East of 4th Street by allowing the one parcel of
88 land to remain in the Agricultural (A) District and then changing the other parcel of land that is currently
89 in the Residential Suburban (RS) District to become part of the Agricultural (A) District. Mr. Tira
90 reiterated that this change could not be made at tonight's meeting since it has not been advertised; Mr.
91 Sabo would need to submit a separate application down the road. Mrs. Metzger inquired who would be
92 responsible to pay any and all costs incurred for the amendment. Mr. Tira stated that Mr. Sabo would be
93 responsible to pay any and all costs incurred since he is the one requesting the amendment to the
94 ordinance. A discussion was held; Mr. Tira advised Borough Council that they could take action at
95 tonight's meeting to adopt the ordinance with the deletion of the proposed changes number 7 and 8.
96

97 There being no comments or discussion the hearing concluded at 7:24 PM.
98

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

102 **MOTION: To adopt Ordinance No. 2018-03; Amending Chapter 29, Zoning, by amending the**
103 **official Zoning Map, as adopted pursuant to the Code of Ordinances of the Borough of**
104 **Mifflinburg with the deletion of the proposed changes number 7 and 8 as requested by Mr. Sabo.**
105

106 Approved via unanimous voice vote.
107
108

109 Motion by: Paul E. Bottiger
110 Second by: Linda L. Lewis
111

112 **MOTION: To approve the minutes of the Tuesday, May 15, 2018 regular meeting of Mifflinburg**
113 **Borough Council.**
114

115 Approved via unanimous voice vote.
116
117

118 Motion by: Linda L. Lewis
119 Second by: Paul E. Bottiger
120

121 **MOTION: To approve payment of Bill List #2018-06 in the amount of \$875,704.47.**
122

123 Yes – Mr. Bottiger, Mr. Fry, Ms. Lewis, Mr. Steese, Mr. Zimmerman, Mrs. Hackenberg
124

125 No – None
126
127
128
129
130
131
132

133 Mr. Alan C. Wagner, Owner of Wagner's Surveying, LLC located at 512 Chestnut Street, announced
134 that he is present at tonight's meeting on behalf of Legacy Building Products, Inc. Legacy Building
135 Products, Inc. is proposing Phase 2 of the land development which consists of the construction of
136 additional parking and also to alleviate any or more issues that may occur with residents in the area; as
137 well as the construction of a pavilion type structure that will serve as an outdoor serving area for food
138 and beverages during events associated with the Rusty Rail Restaurant located at 5 N 8th Street, Suite 1.
139 The pavilion type structure will be approximately thirty-five feet (35') by seventy-two feet (72') at the
140 eastern end of the property. Mr. Wagner reported that Legacy Building Products, Inc. has recently filed
141 an application for a variance request to §29-407.2.A.5(a) "Minimum Front Setbacks" of the Mifflinburg
142 Borough Zoning Ordinance for the property (Tax Parcel #010-029-023.00000) located at 103 N. 8th
143 Street that is in the Commercial Manufacturing Zoning District. The Mifflinburg Zoning Hearing Board
144 held a Public Hearing on Tuesday, June 12, 2018 at 7:00 PM at the Borough Office to consider this
145 request. At the conclusion of the hearing, the Board unanimously granted Legacy Building Products,
146 Inc.'s request for a variance from the front yard setback requirements of fifteen feet (15') to ten feet
147 (10'). Mr. Wagner informed Borough Council that prior to tonight's meeting, he submitted a formal
148 request via email to Mr. Rowe which reads as follows:

149
150 Legacy Building Products, Inc., of 5 N. 8th Street, Mifflinburg, Pennsylvania, is in the process
151 of designing a pavilion type structure on a tract of land situated in the Borough of Mifflinburg
152 on a parcel of land identified as Parcel Identification Number (PIN) 010-029-023.0000. The
153 structure that is being proposed will serve as an outdoor serving area for food and beverages
154 associated with the Rusty Rail Restaurant. Sanitary sewer service and water will be required
155 for the structure based on the proposed use.

156
157 Legacy Building Products, Inc. has been made aware of the current moratorium on sanitary
158 sewer connections within the Borough. They have also been made aware of a utility and street
159 construction project on N. 8th Street.

160
161 Legacy Building Products, Inc. is requesting a sewer connection (lateral stub) to be installed to
162 serve the future pavilion. Legacy is requesting the lateral stub at this time to avoid excavation
163 of 8th Street in the future after reconstruction has been completed.

164
165 Legacy Building Products, Inc. shall pay the connection fee for the proposed lateral stub as
166 required by the Borough. The required payment for the EDU's will be made when sewer
167 connections become available and upon completion and approval of the required land
168 development plan for the structure.

169
170 Thank you for your attention to this matter.

171
172 Sincerely,
173 Alan C. Wagner, P.L.S

174
175 Mr. Tira cautioned Borough Council that his only concerns are with regard to the current sewer
176 connection prohibition that the Pennsylvania Department of Environmental Protection (DEP) has issued;
177 as to whether or not this action would be considered to be in compliance with the current prohibition and
178 whether or not this action would require DEP's approval. Mrs. Erin Threet, HRG, Inc., suggested that a
179 letter could be sent to DEP to verify that this action would be considered to be in compliance with the
180 current sewer connection prohibition. Mr. Zimmerman stated that he thinks the letter to DEP should
181 also explain that Borough Council plans to allow Legacy Building Products, Inc. to add a lateral
182 connection point on 8th Street for future utilization since the Borough is under contract to complete
183 sewer repairs in 8th Street in this area in advance of PennDOT's 8th Street Bridge Deck Replacement and
184 Milling and Resurfacing Project. A discussion was held; Mr. Tira advised Borough Council that if they
185 are going to take action to approve this at tonight's meeting, the motion should be contingent upon the
186 following conditions:

- 187
188
- 189 • That DEP does not object to the request.
 - 190 • That the lateral only be constructed no more than ten feet (10') out of the State's right-of-
191 way on 8th Street and be completely capped off (future connection will require a
192 substantially longer lateral pipe).
 - 193 • That no connection or guarantee of a connection until the prohibition is lifted or EDUs
194 become available.

195 Mr. Rowe reported that in accordance the Borough Code of Ordinance, before connecting to the
196 Borough's sewer system, the owner of new and improved properties shall pay the Borough connection
197 fees, customer facilities fees, and tapping fees. Mr. Rowe inquired how the Borough would address
198 these fees. Mrs. Metzger clarified that payment of the connection fees, customer facilities fees, and
199 tapping fees would be due and payable at the time the Land Development Plan has been submitted and
200 application is made to make any such connection to the sewer system, in order to determine the number
201 of EDU's needed.

202

203 Motion by: Tod M. Steese

204 Second by: Linda L. Lewis

205

206 **MOTION: To approve Legacy Building Products, Inc.'s request to add a lateral connection point**
207 **on 8th Street for future utilization by the pavilion type structure they plan to construct at 103 N.**
208 **8th Street; contingent upon the conditions that DEP does not object to the request, that the lateral**
209 **only be constructed no more than ten feet (10') out of the State's right-of-way on 8th Street and be**
210 **completely capped off, and that no connection or guarantee of a connection until the prohibition is**
211 **lifted or EDUs become available**

212

213 Approved via unanimous voice vote.

214

215

216 Motion by: Tod M. Steese

217 Second by: Paul E. Bottiger

218

219 **MOTION: To approve the Mifflinburg Borough Zoning Report for May 2018 and authorize**
220 **payment to the Central Keystone Council of Governments (CK-COG) in the amount of \$2,003.88.**

221

222 Yes – Mr. Fry, Ms. Lewis, Mr. Steese, Mr. Zimmerman, Mr. Bottiger, Mrs. Hackenberg

223

224 No – None

225

226

227 Mrs. Metzger informed Borough Council that she received a request from Ms. Susan Payne, a registered
228 nurse and Coordinator of Perinatal Bereavement Services at the Evangelical Community Hospital, to
229 utilize the Mifflinburg Community Park on Saturday, September 29, 2018 from 7:00 AM - 3:00 PM to
230 conduct Evangelical's Annual Walk for Remembrance and Hope. In accordance with Chapter 18 of the
231 Borough Code of Ordinances the dates during which the recreation area shall be used by the general
232 public shall be April 15th through October 15th of each calendar year; pavilion reservations are accepted
233 May 15th through September 15th of each calendar year. The Evangelical Perinatal Bereavement Team
234 has already completed and submitted the required pavilion reservation forms and they will provide the
235 appropriate deposit and certificate of insurance upon approval of the event. Borough Council action is
236 requested to approve this event, contingent upon submission of the security deposit in the amount of
237 \$250.00 as well as a certificate of insurance.

238

239 Motion by: Tod M. Steese

240 Second by: Linda L. Lewis

241

242 **MOTION: To approve the Evangelical Perinatal Bereavement Team's request to utilize the**
243 **Mifflinburg Community Park on Saturday, September 29, 2018 from 7:00 AM - 3:00 PM, to**
244 **conduct Evangelical's Annual Walk for Remembrance and Hope, contingent upon submission of**
245 **the security deposit in the amount of \$250.00 as well as a certificate of insurance.**

246

247 Approved via unanimous voice vote.

248

249

250 Mrs. Metzger announced that the Borough has prepared the annual application for a Pennsylvania
251 Council on the Arts (PCA) Grant to help support the 2019 Summer Concert Series that are held at the
252 Mifflinburg Community Park. This grant is through the Pennsylvania Partners in the Arts (PPA). The
253 grant requests grant reimbursement for 50% of the projected concert costs for the next season. Borough
254 Council action is requested to authorize the submission of this application.

255

256

257

258

259

260

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

263

264 **MOTION: To authorize the submission of the application for a Pennsylvania Council on the Arts**
265 **(PCA) Grant for the 2019 Summer Concert Series that are held at the Mifflinburg Community**
266 **Park.**

267

268 Approved via unanimous voice vote.

269

270

271 Mrs. Metzger reported that Chief Dyroff was approached by Transitions with the opportunity to
272 participate in a new grant opportunity, the STOP (Services • Training • Officers • Prosecutors) Violence
273 Against Women Formula Grant Program (STOP Grant Program). The STOP Grant Program encourages
274 the development and strengthening of effective law enforcement and prosecution strategies to address
275 violent crimes against women and the development and strengthening of victim services in cases
276 involving violent crimes against women. This grant program was briefly discussed at the Borough
277 Work Session that was held on Tuesday, June 5, 2018. The grant program provides a reimbursement to
278 local law enforcement for the time that they spend enforcing domestic issues. The Mifflinburg Police
279 Department previously participated in the STOP Grant Program, however the funding was discontinued
280 until now. The grant limit for the current year is \$6,800.00. Mr. Tira has reviewed the STOP Grant
281 Program Agreement and Borough Council action is requested to authorize the Mifflinburg Police
282 Department to participate in this grant program.

283

284 Motion by: Paul E. Bottiger

285 Second by: Linda L. Lewis

286

287 **MOTION: To authorize the Mifflinburg Police Department to participate in the STOP (Services •**
288 **Training • Officers • Prosecutors) Violence Against Women Formula Grant Program offered by**
289 **Transitions.**

290

291 Approved via unanimous voice vote.

292

293

294 Mrs. Metzger informed Borough Council that included in the information tonight they received a copy
295 of the letter confirming the action taken by the Mifflinburg Zoning Hearing Board at the conclusion of
296 the Public Hearing held on Tuesday, June 12, 2018 at 7:00 PM. As reported by Mr. Alan C. Wagner,
297 the Mifflinburg Zoning Hearing Board unanimously granted Legacy Building Products, Inc.'s request
298 for a variance from the front yard setback requirements of fifteen feet (15') to ten feet (10'). As the
299 Mifflinburg Zoning Hearing Board has 45 days from June 12th to issue the formal opinion, any
300 opponents desiring to appeal this action, should advise the Board, through their solicitor, Preston L.
301 Davis of Davis, Davis & Kaar, by Tuesday, June 26, 2018 to permit the preparation of the opinion.

302

303 Mrs. Erin Threet, HRG, Inc., provided Borough Council with an update on the status of the Mulberry
304 Alley Reconstruction Project. Mrs. Threet reported that the final completion inspection went well. The
305 only thing that is outstanding to closeout that contract is receipt of record drawings. HRG, Inc. has
306 received Payment Application No. 2, the final payment application, in the amount of \$11,475.00. HRG,
307 Inc. has reviewed the payment application and is recommending that Borough Council take action to
308 approve the final payment application, contingent upon receipt of those record drawing.

309

310 Motion by: Paul E. Bottiger

311 Second by: Linda L. Lewis

312

313 **MOTION: To approve Payment Application No. 2 - Final from Fairchild Brothers, Inc. for the**
314 **Mulberry Street Reconstruction Project in the amount of \$11,475.00, contingent upon receipt of**
315 **the record drawings.**

316

317 Yes – Ms. Lewis, Mr. Steese, Mr. Zimmerman, Mr. Bottiger, Mr. Fry, Mrs. Hackenberg

318

319 No – None

320

321

322

323

324

325

326 Mrs. Metzger announced that the pre-construction meeting for the S. 7th Street Reconstruction Project
327 was held on Thursday, June 14, 2018 at 8:30 AM. Work is slated to begin following the 4th of July
328 holiday. The project is expected to be completed within sixty (60) days. Residents in the project area
329 will be notified of the schedule. Mr. Rowe noted that Dave Gutelius Excavating, Inc. contacted him
330 earlier today via telephone; starting next Tuesday, June 26, 2018 a tree removal company will be there to
331 remove the two (2) large trees adjacent to the street.
332

333 Mr. Tira provided Borough Council with an update on the status of the Utility Dedication information
334 for Mr. Dave Gutelius's 8th Street Development.
335

336 Mrs. Metzger provided Borough Council with an update on the status of the Green Light GO Grant
337 Project. Mrs. Metzger reported that in preparation for the Green Light GO Grant Project to update the
338 traffic signal at Meadow Green, Mabel and Chestnut Streets, the Borough is required by PennDOT to
339 receive Statement of Interests (SOI) from a minimum of three (3) engineering firms. Mr. Rowe has been
340 working with PennDOT to obtain the required SOI. To date, only one (1) response has been received
341 from LIVIC Civil. Mr. Rowe informed Borough Council that PennDOT contacted him earlier today and
342 indicated that Borough Council may proceed with awarding the SOI for this project to partnership of
343 GPI and LIVIC Civil. The only thing he needs to do is to document from the other engineering firms
344 who didn't submit a SOI and why they didn't submit. Mrs. Rowe clarified that this is a two (2) year
345 contract. Borough Council action is requested to award the SOI for this project.
346

347 Motion by: Linda L. Lewis

348 Second by: Paul E. Bottiger
349

350 **MOTION: To award the Statement of Interests (SOI) for the Green Light GO Grant Project to**
351 **the partnership of GPI and LIVIC Civil.**
352

353 Approved via unanimous voice vote.
354
355

356 Mrs. Metzger announced that the Borough has replaced all of the new smart water meters in the
357 Mifflinburg Water System. Mrs. Metzger informed Borough Council that it has been brought to her
358 attention that Limestone Township and West Buffalo Township have not replaced or tested any of their
359 meters since they were originally installed. Borough Council action is requested to support putting the
360 Townships on notice to verify the accuracy of their water meters by either providing test results or
361 certification paperwork for any new meters. Language for this has been included in the Intermunicipal
362 Agreement. Borough Council direction is requested on whether or not they want to offer to provide
363 assistance with replacement (at the Townships expenses) should the Townships wish to upgrade their
364 meters to be the same as the Borough's meters. The other alternative would be to require the Townships
365 to install a master meter pit which should have been installed already under the Intermunicipal
366 Agreement; the Borough would be responsible for half of the costs incurred for the installation.
367

368 Mrs. Metzger reported that the Borough is also still awaiting copies of the as-built construction maps for
369 the Township's sewer and water systems that are connected to the Mifflinburg system as requested in
370 previous correspondence and as written in the Intermunicipal Agreement. This information was
371 supposed to be provided by the end of April so that the Borough could provide the information to the
372 Pennsylvania Department of Environmental Protection (DEP) with their Corrective Action Plan (CAP).
373 Additionally, DEP has responded to the submission of the CAP and Mifflinburg's 2017 Annual
374 Wasteload Management Report ("Chapter 94 Report") via correspondence dated Monday, May 7, 2018.
375 This response contained three comments, one of which was directly related to the tributary municipality
376 connections, and specifically lack of information relating to flow from those connections. There was no
377 information for the tributary municipalities submitted with the Chapter 94 Report. This information is
378 required to be included in Mifflinburg's annual report. In accordance with 25 Pa. Code §94.12(b)
379 "permittees of sewer systems which contribute sewage flows to the plant shall submit information to the
380 permittee of the plant as required to facilitate preparation of the annual report". The Townships have
381 been notified via correspondence dated Tuesday, May 22, 2018 requesting that they provide a Chapter
382 94 Report submission for their system by no later than Saturday, July 14, 2018 to allow Mifflinburg
383 sufficient time to make our supplemental submission to DEP. Both of the Townships have responded
384 and she referred them to Mrs. Erin Threet, HRG, Inc. Mrs. Metzger added that the Borough's Sanitarian
385 contacted Limestone Township about the testing and reporting requirements that they're supposed to be
386 completing, but they're not. Mrs. Metzger explained that as a subsequent system the Townships have
387 certain requirements that are imposed by DEP regulations. §4.04 of the Intermunicipal Agreement
388 requires compliance with these and all applicable laws.
389
390
391

392 A lengthy discussion was held; it was the consensus of Borough Council to direct Mrs. Metzger to send
393 a cordial letter to the Townships asking that they verify the accuracy of their water meters by either
394 providing test results or certification paperwork for any new meters as per the agreement, with language
395 included to contact the Borough to obtain the specific meter specifications or to inquire about additional
396 assistance should they wish to upgrade their meters to be the same as the Borough's meters.
397

398 Mrs. Metzger reported that she has forwarded some questions from the Borough Work Session that was
399 held on Tuesday, May 1, 2018 to Mr. Tira for advice and direction. One (1) of these questions is
400 regarding whether or not construction should be permitted during a connection prohibition. Mrs.
401 Metzger reminded Borough Council that Mr. Rodney D. Neitz, Building Code Official for the Central
402 Keystone Council of Governments (CK-COG), was present at the Borough Work Session to discuss
403 whether or not it would be possible to allow property owner's to proceed with the construction during a
404 connection prohibition, but not connect to the Mifflinburg sewer system; the CK-COG would issue the
405 building permit, but they wouldn't issue the occupancy permit which certifies a building's compliance
406 with applicable building codes and other laws, and indicates it to be in a condition suitable for
407 occupancy. This matter was discussed at the Tuesday, May 15, 2018 regular Borough Council meeting
408 and Ms. Read recommended that Borough Council defer action on this matter until after discussing this
409 matter with Mr. Tira. Mrs. Erin Threet, HRG, Inc., expressed that she believes this would be the same
410 as with Legacy Building Products, Inc. and the Borough should include this in the letter to the
411 Pennsylvania Department of Environmental Protection (DEP) to verify that this action would be
412 considered to be in compliance with the current sewer connection prohibition. A discussion was held;
413 Mr. Tira clarified that it was the consensus of Borough Council to include this in the letter to DEP.
414

415 Mrs. Metzger announced that the Wastewater Treatment Plant has experienced another overflow event.
416 The overflow occurred from Monday June 11 through Tuesday, June 12, 2018. This overflow was
417 properly reported to DEP via the 24-hour response line and the required five (5) day letter was filed with
418 DEP. This overflow was the result of over three (3) inches of rain falling in less than 24 hours and the
419 membranes experiencing additional packing issues. Membrane pressures (TMP's) were at below
420 average levels in advance of the rain, but drastically increased as soon as the plant flows increased. The
421 Plant Operators contacted Evoqua during the rainfall event and reported the issues in advance of the
422 actual overflow; however the membranes did not recover sufficiently enough to handle the heavy flows.
423 Evoqua personnel were on site Wednesday, June 13 through Friday, June 15, 2018 to troubleshoot the
424 issue, and additional Evoqua Staff are expected the week of June 18th to clean out the membranes. Mrs.
425 Metzger clarified that updates would be provided as they become available.
426

427 Mr. Zimmerman stated that the Wastewater Treatment Plant will continue to have overflow problems
428 until the Borough locates the inflow and infrastructure problems and repairs them. Mr. Zimmerman
429 expressed that he really thinks the Borough needs to bring in another engineering firm to analyze the
430 entire Wastewater Treatment Plant (WWTP) facility in order to obtain a 2nd opinion. Mrs. Metzger
431 clarified that she doesn't disagree with Mr. Zimmerman however, Borough Council previously
432 authorized the Borough to enter into a contract with the Consultant Engineering Firm, AECOM, for a
433 review of the membranes at the WWTP; and authorized Avista Technologies to perform a membrane
434 autopsy. Mrs. Erin Threet, HRG, Inc., reiterated that since the new membranes have been installed, the
435 membranes are experiencing packing issues that Evoqua can't understand. Membrane pressures
436 (TMP's) were at below average levels in advance of the rain, but drastically increased as soon as the
437 plant flows increased. TMP's went from 1.5 to 12 within a ½ hour time; from normal dry weather flows
438 to an almost instantaneous peak and then it was sustained until the next day. A lengthy discussion was
439 held; Mrs. Metzger informed Borough Council that there is a meeting scheduled with DEP
440 Representatives on Monday, June 25, 2018 at 9:00 AM to review and discuss this information and to
441 clarify exactly what is needed for the revised Corrective Action Plan (CAP).
442

443 Mrs. Metzger provided Borough Council with an update on the status of the N. 8th Street Sewer
444 Repair/Replacement Project. Mrs. Metzger reported that Borough Management has awarded the N. 8th
445 Street Sewer Repair/Replacement Project to Fairchild Brothers, Inc. as approved at last month's
446 meeting. Mr. Rowe participated in a meeting with PennDOT, Fairchild Brothers, Inc., and Seedway to
447 plan the work schedule for this project. The schedule initially proposed by PennDOT would have
448 worked best, however this schedule was not approved by New Enterprise Stone and Lime Co., Inc., the
449 prime contractor for PennDOT's bridge work. As of right now, it appears that Fairchild Brothers, Inc.
450 will be working around the same time frame as New Enterprise Stone and Lime Co., Inc. Mrs. Metzger
451 explained that when PennDOT contractors complete their work on State owned roads, they take
452 ownership of the road during that contract time. Based on the timing of the work, although PennDOT is
453 not officially requiring it, New Enterprise Stone and Lime Co., Inc. has asked that flowable fill be used
454 in lieu of standard fill in order to prevent trench settlement due to the short duration between the
455 Borough's utility work and the PennDOT paving project.
456
457

458 Mr. Rowe informed Borough Council that he and HRG, Inc. have reviewed this request and agree that
459 this is the best way to ensure that the roadway does not settle. Fairchild Brothers, Inc. has prepared
460 Change Order No. 1 in the amount of \$36,519.20 to replace all type 2A fill with flowable fill and
461 Borough Council action is requested to approve this change order. Mr. Rowe clarified that the original
462 contract amount was for the lump sum amount of \$156,373.00; however, the new contract amount
463 including this change order will be \$192,892.20.

464
465 Motion by: Paul E. Bottiger
466 Second by: Linda L. Lewis

467
468 **MOTION: To approve the Change Order No. 1 from Fairchild Brothers, Inc. for the N. 8th Street**
469 **Sewer Repair/Replacement Project in the amount of \$36,519.20.**

470
471 Yes – Mr. Steese, Mr. Zimmerman, Mr. Bottiger, Mr. Fry, Ms. Lewis, Mrs. Hackenberg

472
473 No – None

474
475
476 Mrs. Erin Threet, HRG, Inc., provided Borough Council with an update on the status of the Oak Avenue
477 Sanitary Sewer Main Replacement Project. Mrs. Threet reported that Dave Gutelius Excavating, Inc.,
478 the contractor for the Oak Avenue Sanitary Sewer Main Replacement Project, has completed all work
479 associated with their contract. HRG, Inc. has received Change Order No. 3, the final change order, for a
480 decrease in the contract price in the amount of \$3,272.70. This change order reconciles the difference
481 between the estimate bid quantities and the final quantities as determined by the Engineer per the
482 General Conditions. HRG, Inc. has reviewed the change order and is recommending that Borough
483 Council take action to approve this change order.

484
485 Motion by: Paul E. Bottiger
486 Second by: Duane L. Zimmerman

487
488 **MOTION: To approve Change Order No. 3 – Final from Dave Gutelius Excavating, Inc. for the**
489 **Oak Avenue Sanitary Sewer Main Replacement Project for a decrease in the contract price in the**
490 **amount of \$3,272.70.**

491
492 Yes – Mr. Zimmerman, Mr. Bottiger, Mr. Fry, Ms. Lewis, Mr. Steese, Mrs. Hackenberg

493
494 No - None

495
496
497 Mrs. Erin Threet, HRG, Inc., reported that HRG, Inc. has also received Payment Application No. 3, the
498 final payment application for the Oak Avenue Sanitary Sewer Main Replacement Project, in the amount
499 of \$12,810.00. HRG, Inc. has reviewed the payment application and is recommending that Borough
500 Council take action to approve this change order, contingent upon receipt of their updated insurance
501 certificate and then issuance of the closeout documents.

502
503 Motion by: Paul E. Bottiger
504 Second by: Linda L. Lewis

505
506 **MOTION: To approve Payment Application No. 3 - Final from Dave Gutelius Excavating, Inc. for**
507 **the Oak Avenue Sanitary Sewer Main Replacement Project in the amount of \$12,810.00,**
508 **contingent upon receipt of their updated insurance certificate and issuance of the closeout**
509 **documents.**

510
511 Yes – Mr. Bottiger, Mr. Fry, Ms. Lewis, Mr. Steese, Mr. Zimmerman, Mrs. Hackenberg

512
513 No – None

514
515
516 Mrs. Metzger requested Borough Council authorization to submit a Community Development Block
517 Grant (CDBG) Application through the Pennsylvania Department of Community and Economic
518 Development (DCED) for the sewer main repair portion of the Hickory Street Sewer Replacement
519 Project. This grant is due July 10, 2018.

520
521
522
523
524

525 Motion by: Paul E. Bottiger
526 Second by: Linda L. Lewis

527

528 **MOTION: To approve the submission of the Community Development Block Grant (CDBG)**
529 **Application through the Pennsylvania Department of Community and Economic Development**
530 **(DCED) for the sewer main repair portion of the Hickory Street Sewer Replacement Project.**

531

532 Yes – Mr. Fry, Ms. Lewis, Mr. Steese, Mr. Zimmerman, Mr. Bottiger, Mrs. Hackenberg

533

534 No – None

535

536

537 Mrs. Metzger provided Borough Council with an update on the status of the proposed Mifflinburg Dog
538 Park at the Harry Haney Park. Mrs. Metzger reported that Mr. Luis Montesinos has contacted her with
539 regard to the proposed Dog Park. Mr. Luis Montesinos requested that another copy of the draft Use
540 Agreement between the Borough of Mifflinburg and the Mifflinburg Dog Park Association be sent to
541 him. It's anticipated that Mr. Montesinos will be present at the Tuesday, July 17, 2018 regular Borough
542 Council meeting. Additionally, Mr. Montesinos has decided against forming a 501(c)(3) to avoid filing
543 a tax return every year. Mrs. Metzger clarified that she would forward another copy of the draft
544 agreement to Borough Council for review following tonight's meeting.

545

546 Mrs. Metzger announced that the next Borough Work Session is scheduled for Tuesday, July 3, 2018
547 and inquired whether or not Borough Council wanted to reschedule this work session for Tuesday, July
548 10, 2018. It was the consensus of Borough Council cancel the Borough Work Session for July unless
549 something comes up.

550

551 Mrs. Metzger requested an executive session to discuss potential litigation.

552

553 Mayor Cooney informed Borough Council that they received a copy of the Monthly Police Report for
554 May 2018 included in the information tonight.

555

556 Mayor Cooney presented Borough Council with an update for Public Safety. Mayor Cooney informed
557 Borough Council that he participated in the following events:

558

- 559 • The Mifflinburg Miracle Mile that was held on Thursday, June 7, 2018 from 5:30 PM to
560 7:30 PM. Everything went very well with the event and there were no issues.
- 561 • The Mifflinburg Safety Fair that was held on Wednesday, June 13, 2018 from 5:00 PM to
562 8:00 PM at the Mifflinburg Community Park. There were several hundred people who
563 attended this event and numerous local agencies on hand for people to learn more about,
564 including: Life Flight Helicopter, State Police Helicopter and Horse Mounted Unit,
565 Motorcycle Unit, Pennsylvania Army National Guard rock climbing wall, Buffalo Valley
566 Regional Police, Union County Sherriff's Office, Pennsylvania Game Commission,
567 Transitions, PennDOT, and many others. Mayor Cooney stated that this year's Safety Fair
568 was very successful and was one of the most successful Safety Fair ever.

569

570 Mayor Cooney announced that Chief Dyroff is absent from tonight's meeting; he is attending the
571 Pennsylvania Chiefs of Police Association (PCPA) 105th Annual Education & Training Conference at
572 the Kalahari Resorts and Conventions in the Pocono Mountains.

573

574 Mayor Cooney reported that he and Chief Dyroff have met with the Co-Stars approved vendor Select
575 Security at the Mifflinburg Community Park regarding the camera system at the Park. In order to
576 provide video coverage of the Park to include the pavilions, pool, inside of the pool house, baseball
577 field, monument, tennis courts, and parking lot Select Security is proposing a camera system that has
578 eighteen (18) cameras as well as a new network video recorder. The cost for the camera and installation
579 would be \$26,692.00. Additionally there would be a monthly professional service fee of \$244.00/month
580 for cleaning and adjustment of equipment. Select Security has indicated that they are willing to waive
581 this fee for the remaining months of 2018; the fee would start in January of 2019. Mayor Cooney
582 informed Borough Council that \$35,000.00 has been included in the 2018 Budget for the camera system
583 leaving a remaining balance of \$8,308.00 which would cover the service contract for three (3) years to
584 include 2021. Mayor Cooney clarified that an additional \$476.00 would need to be included in the 2021
585 Budget to cover the entire year. Borough Council approval is requested to authorize the Mifflinburg
586 Police Department to move forward with the purchase and installation of the camera system at the Park
587 and to enter into the Professional Service Contract with Select Security, a Co-Stars approved vendor.

588

589

590

591 A lengthy discussion was held regarding what was included with the Professional Service Contract and
592 the warranty for the equipment. Mr. Steese directed Mayor Cooney to obtain an itemize breakdown of
593 the fees associated with the Professional Service Contract. Mr. Tira suggested that Mayor Cooney
594 circulate the proposal obtained from Select Security to Borough Council members since it may answer a
595 lot of their questions. It was the consensus of Borough Council to table action on this matter until the
596 Tuesday, July 17, 2018 regular Borough Council meeting to verify what exactly is included with the
597 Professional Service Contract and how long the commitment of the warranty was for.
598

599 Mr. Zimmerman informed Borough Council that one (1) of the Passport Portable PA System at the
600 Mifflinburg Community Park doesn't work. Mr. Troy Berkheiser, Owner of K&S Music Center LLC
601 located in Williamsport, PA, has offered to look at the Passport Portable PA System and provide an
602 analysis on whether or not it can be repaired. It was the consensus of Borough Council to allow Mr.
603 Berkheiser to look at the Passport Portable PA System.
604

605 Mr. Zimmerman announced that Schaefer Pyrotechnics which includes him will be doing the 4th of July
606 firework display at the Mifflinburg Community Park.
607

608 Mayor Cooney presented Borough Council with an update for the Mifflinburg Regional Economic
609 Development (MRED) Alliance. Mayor Cooney updated Borough Council on the following businesses
610 in the Borough:
611

- 612 • Whispering Willow Primitives and Antiques located at 451 Chestnut Street will be closing
613 up shop.
- 614 • Spoke to the individuals opening up Oma's Antique Emporium at the old Tastecraft Market
615 located at 315 Chestnut Street; they're getting ready for their interior renovations.
- 616 • Mr. Mike Snook opened up Outshined Promotion at the old N.A.S.H. (National Auction
617 Supply House) building located at 304 Chestnut Street.
618

619 Mayor Cooney informed Borough Council that he participated in or will be participating in the
620 following events:
621

- 622 • The Mifflinburg Safety Fair that was held on Wednesday, June 14, 2017 from 5:00 PM to
623 8:00 PM at the Mifflinburg Community Park. Mayor Cooney publically thanked Mr. Paul
624 Bottiger for donating the GEO Metro used during the vehicle extraction demonstration and
625 the Mifflinburg Hose Company for conducting the demonstration. Mayor Cooney stated
626 that the Mifflinburg Hose Company's vehicle extraction demonstration is one of the main
627 attractions at the Safety Fair; crowds of people gather every year to watch as members of
628 the Mifflinburg Hose Company cut apart a car.
- 629 • Represented the Borough at the Annual Memorial Day Parade and service that was held on
630 Monday, May 28, 2018. Mayor Cooney acknowledged Ms. Linda Lewis; Ms. Lewis was
631 the guest speaker and she did a wonderful job.
632

633
634 Mrs. Hackenberg called an executive session to discuss potential litigation. An executive session was
635 held from 8:58 PM to 9:25 PM.
636

637
638 Motion by: Tod M. Steese
639

640 **MOTION: To adjourn the Mifflinburg Borough Council meeting.**
641

642 Approved via unanimous voice vote.
643

644
645 Meeting adjourned at 9:25 PM.
646

647 Respectfully Submitted,
648

649
650 Misty L. Ross
651 Assistant Borough Secretary