

1 MINUTES OF MIFFLINBURG BOROUGH COUNCIL

2 October 16, 2018

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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	

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

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20 Visitors present at this meeting were Jeremiah Allen, Kimberly Hassinger, and George Hassinger.

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23 Motion by: Tod M. Steese

24 Second by: Richard J. Fry

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26 **MOTION: To approve the minutes of the Tuesday, September 18, 2018 regular meeting of**
27 **Mifflinburg Borough Council.**

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29 Approved via unanimous voice vote.

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32 Motion by: Linda L. Lewis

33 Second by: Richard J. Fry

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35 **MOTION: To approve payment of Bill List #2018-10 in the amount of \$493,913.40.**

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

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39 No – None

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42 Mr. Jeremiah Allen, Mifflinburg Cross Country/Track & Field Coach, attended tonight’s meeting to
43 discuss the 2019 Mifflinburg Miracle Mile. Mr. Allen reported that in previous years, the Mifflinburg
44 Miracle Mile, a one-mile footrace now in its fourth year, began on Market Street between 3rd and 4th
45 Street and finished in front of the Mifflinburg Middle School on East Market Street, just past Mabel
46 Street. This event has been successful with some years better than others; proceeds from the 2016 and
47 2017 event benefitted the Chapman family raising a total of about \$2,000.00 over the two (2) years, and
48 proceeds from the 2018 event benefitted Camp Koala raising a total of about \$800.00. This year, the
49 Mifflinburg Cross Country/Track & Field Team is looking to host the 1-mile road race on 8th Street in
50 conjunction with the Rusty Rail Brewing Company located at 5 N. 8th Street, Suite 1. Proceeds from the
51 2019 event will be supporting the Clay Gessner family. Mr. Allen informed Borough Council that he
52 has discussed this event with Mayor Cooney and understands that a Special Use Permit through
53 PennDOT would be required to close a section of 8th Street since it is a state highway; in addition to
54 providing traffic control. Mr. Allen stated that he would follow-up with Ms. Kim Smith at PennDOT to
55 coordinate this event with her as recommended by Mayor Cooney. Additionally, the Mifflinburg Cross
56 Country/Track & Field Team is also looking to use the ball field at the Harry Haney Memorial Park
57 located along N. 8th Street as a staging and stretching area and to use the Mifflinburg Community Park
58 for registration. Mr. Allen clarified that the 2019 Mifflinburg Miracle Mile is scheduled to be held the
59 3rd week in June. A specific date has not yet been determined; the Mifflinburg Cross Country/Track &
60 Field Team is trying to coordinate the date with the business along 8th Street. A discussion was held;
61 Mrs. Hackenberg directed Mr. Allen to reach out to Ms. Kim Smith at PennDOT to coordinate this event
62 with her and to attend the Borough Work Session that is scheduled for Tuesday, November 6, 2018 at
63 7:00 PM if any additional information has been received for Borough Council discussion.

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67 Mr. George and Mrs. Kimberly Hassinger, residents of 2 Ann Street, attended tonight's meeting
68 regarding property damages that occurred at their property during the National Mobile Home Village's
69 sewer line repair work and PennDOT's 8th Street Milling and Resurfacing Project. Mr. Hassinger
70 informed Borough Council that he and his wife lease a lot within the National Mobile Home Village and
71 Mr. Irvin H. Peifer, the mobile home park owner, has begun the required sewer line repairs to his mobile
72 home park that the Borough is requiring him to complete. During the sewer line repair work there were
73 damages that occurred to their landscaping resulting in loss of personal property. He and his wife
74 contacted the Borough regarding reimbursement and the Borough claimed that they were not liable for
75 the damages. Subsequently, they contacted Dave Gutelius Excavating, the independent contractor hired
76 by Mr. Pieffer to do the work, and Mr. Gutelius basically indicated that he is the messenger and he's
77 working for Mr. Pieffer. He and his wife then contacted Mr. Pieffer and Mr. Pieffer indicated that he
78 was ordered by the Borough to make the required repairs and would not pay for any damages caused as
79 a result of the repair work. Mr. Hassinger stated that he and his wife are being left with no other option,
80 but to file a claim in the Magisterial District Court and then let the Magisterial District Judge decide who
81 would be responsible to pay for the damages to their personal property.

82
83 Mr. Rowe reminded Borough Council that the mobile home park owners, North Hills MHC, LLC and
84 National Mobile Home Village, were notified that their infrastructure had become deteriorated causing
85 extraneous (other than sewer) flows to enter into the Borough's sewer collection system and negatively
86 impact our sewer plant. The mobile home park owners were given notice that the deteriorated areas
87 must be repaired. Mr. Rowe reported that Mr. Peifer has hired Dave Gutelius Excavating, Inc. to
88 complete the required repairs to his mobile home park. Mr. and Mrs. Hassinger lease one of the lots
89 adjacent to 8th Street, right where one (1) of the major, probably the biggest repair, is located and it's
90 problematic because all of the utilities are stack on top of one another; the electric line was laid right on
91 top of the water and sewer lines. Mr. Rowe clarified that the sewer line repair work is not a Borough
92 project; the only involvement the Borough has had with this project is they had to replace an electric
93 utility pole that rotted off when Dave Gutelius Excavating, LLC dug the trench. Additionally, the
94 Borough has been present to inspect the repairs made to the park infrastructure.

95
96 Mr. and Mrs. Hassinger voiced their outrage over the disrespect shown to their personal property and the
97 lack of notification received during the repair work; none of the tenants within the mobile home park
98 received any notification informing them of the work. Mrs. Hassinger reported that since the beginning
99 of the work, when the utility companies visited the area to mark the location of their underground
100 facilities, she inquired numerous times about the work scheduled to be completed which no one seemed
101 to know anything about and requested to be notified in advance of the work being completed in order in
102 order to move some of her decorative landscaping; however the only notification that she received was
103 from the construction workers when they showed up to begin digging. Due to disabilities, she has
104 limitations on the amount of work she can do at one time. Mrs. Hassinger expressed that she works very
105 hard to keep her property looking nice on a limited budget and this was a devastating loss for her. Mrs.
106 Hassinger clarified that she's not asking for anyone to do the physical work; all she's asking for is
107 simply two (2) scoops of regular mulch from Fogle's Landscape Supply and two (2) tons of B1 stones
108 from Iddings Quarry Inc. to replace what was lost during the repair work.

109
110 Ms. Lewis offered her sincere apologies for the disrespect Mr. and Mrs. Hassinger experienced during
111 the repair work and stated that as a resident of a mobile home park, you are not supposed to be talking to
112 the contractor; you are supposed to be talking to the park management. The park management or the
113 individual you pay rent to is the one responsible for keeping their tenant(s) informed on what is
114 happening during a contracted project that is occurring on the property. Either Mr. Pieffer or the park
115 management should have notified the tenants within the mobile home park of the work being completed.
116 In addition, Dave Gutelius Excavating Inc. should have also notified the tenant(s) of any personal
117 property that had to be displaced during the work. Ms. Lewis expressed that she believes both Mr.
118 Pieffer and Dave Gutelius Excavating, Inc. would be responsible for the damages because the contractor
119 was working as the landlord's agent at the time that Mr. and Mrs. Hassinger's personal property was
120 damaged.

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133 Mr. Tira explained that the issue in this situation is that the decorative landscaping was placed within the
134 utility right-of-way. The property owner owns all of the land including the utility easements; however,
135 utilities have a right to access that portion of land which has been designated a utility easement. Utility
136 easements almost always exist along streets and along rear lot lines, and sometimes exist between two
137 lots. Keeping utility easements clear helps utility companies perform routine maintenance, construct
138 improvement projects, and repair utility lines during emergencies. Construction is subject to Building
139 Setback Lines, and therefore cannot be built within the easement. Setback lines are shown on your
140 subdivision plan which is available at the County's Planning and Zoning Department. By law, Utilities
141 have the right to mark utility locations in a discrete, non-obtrusive manner, within the boundaries of the
142 utility easement. The type, color and location of these markings are regulated under state law. Although
143 utilities will usually make an effort to limit damage to landscaping, all damages to landscaping located
144 within the boundaries of the utility easement are the responsibility of the land-owner. The easements are
145 in place to provide communities with access to underground electric, water, sewer, telephone, and cable
146 television lines. Developers and utilities design these easements into the plans so everyone in the
147 neighborhood will have access to these utilities. Mr. Tira agreed with Ms. Lewis that Mr. Pieffer or
148 Dave Gutelius Excavating, Inc. would be liable for the damages. If a contractor either intentionally
149 causes damage, or causes damage by not taking reasonable precautions or exercising a normal and
150 expected amount of care, the independent contractor is liable for the damage the contractor does, the
151 same way any individual would, for example, be liable if they carelessly (or intentionally) ran their car
152 into another person's vehicle; however, fault is critical. If the contractor was not being careless or did
153 not deliberately cause damage, the contractor is not responsible. Mr. and Mrs. Hassinger would need to
154 file a suit against both Mr. Pieffer and Dave Gutelius Excavating, Inc. in small claims court and let the
155 judge decide. Mr. Tira stated that as the Solicitor for the Borough, he can't provide Mr. and Mrs.
156 Hassinger with any legal advice; however, residents of mobile home parks in Pennsylvania do have
157 special legal rights under a law called the Mobile Home Park Rights Act (MHPRA).
158

159 Mr. Hassinger inquired about the possibility of obtaining a copy of the minutes from tonight's meeting
160 in order to reference when he and his wife file a suit against Mr. Pieffer and Dave Gutelius Excavating,
161 Inc. Mr. Tira stated that in accordance with Robert's Rules of Order, drafted minutes aren't the official
162 minutes until the members approve them, which is usually at their next monthly council meeting;
163 however he doubts the judge will consider them. When filing a suit, you usually need to provide
164 witnesses and/or documentations and physical evidence that supports your case (i.e. communication
165 between you and the defendant, contracts, receipts, pictures, police reports, etc.). Mrs. Metzger clarified
166 that the next Borough Council meeting is scheduled for Tuesday, November 20, 2018 at 7:00 PM;
167 copies of the minutes will be available on the Borough's website: mifflinburgborough.org after approval
168 of Borough Council.
169

171 Motion by: Tod M. Steese
172 Second by: Linda L. Lewis

174 **MOTION: To approve the Mifflinburg Borough Zoning Report for September 2018 and authorize**
175 **payment to the Central Keystone Council of Governments (CK-COG) in the amount of \$870.21.**

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

179 No – None

182 Mr. Tira announced that Borough Council consideration is requested for Resolution No. 2018-10;
183 Recognizing the ongoing designation of the Mifflinburg Hose Company as the provider of fire
184 protection within the Borough of Mifflinburg and Resolution No. 2018-11; Recognizing the ongoing
185 designation of the Mifflinburg Community Ambulance as the provider of emergency medical services
186 within the Borough of Mifflinburg. Mr. Tira reported that the Borough received correspondence from
187 Ms. Cheryl Stiefel, Executive Director of the Central Susquehanna Regional 9-1-1 System (CSR911),
188 requesting that each municipality provide them with a resolution(s) dictating the primary emergency
189 services coverage for Fire, Police, and EMS. CRS911 is the product of the merged 9-1-1 Centers of
190 Snyder, Union and Upper Northumberland Counties; with this merger CRS911 are starting fresh
191 ensuring they have all the appropriate documentation to allow for seamless responses. Mr. Tira clarified
192 that these resolutions are more of a formality than anything else. Copies of both resolutions have been
193 included in the information tonight. Borough Council action is requested to approve these resolutions.
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199 Motion by: Linda L. Lewis

200 Second by: Richard J. Fry

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202 **MOTION: To approve Resolution No. 2018-10; Recognizing the ongoing designation of the**
203 **Mifflinburg Hose Company as the provider of fire protection within the Borough of Mifflinburg**
204 **and Resolution No. 2018-11; Recognizing the ongoing designation of the Mifflinburg Community**
205 **Ambulance as the provider of emergency medical services within the Borough of Mifflinburg.**

206

207 Approved via unanimous voice vote.

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209

210 Mrs. Hackenberg announced that Borough Council consideration is requested for Resolution No. 2018-
211 12; Approving the proposed Bylaw amendments, Strategic Plan and dues structure of the Pennsylvania
212 Municipal Electric Association, and appointing the voting delegate representative. Mrs. Metzger
213 informed Borough Council that at the Pennsylvania Municipal Electric Association (PMEA) Annual
214 Meeting that was held on Friday, September 14, 2018, the members of PMEA considered proposed
215 Strategic Plan presented by its Strategic Planning Committee, including certain recommendations to
216 amend and restate the PMEA Bylaws and to revise the PMEA dues structure, and by unanimous consent
217 of the PMEA members present it was determined to recommend the adoption and approval of the PMEA
218 Strategic Plan, and the proposed amended and restated PMEA Bylaws, by each of the Borough Councils
219 of the PMEA member Boroughs. This restructuring will significantly increase the dues paid by member
220 municipalities. Currently, the dues for each municipality are based on a set rate per annual kilowatts
221 sold per year. Under the restructuring plan, the dues for each municipality would be recalculated based
222 on the number of electric meters in town. Based on a \$5.00 per meter per year due structure, the
223 Borough's membership dues would increase from \$1,044.96 (in 2018) to approximately \$9,400.00 per
224 year based on the number of meters in the Borough. Mrs. Metzger added that this resolution also
225 appoints voting delegate representatives; this resolution would appoint her as the person authorized to
226 act as the PMEA voting delegate representative of the Borough and Mr. Craig L. Lewis, Borough
227 Electric Forman, as the person to act as the PMEA alternate voting delegate representative, authorized to
228 serve in her absence. Mr. Tira has reviewed the proposed resolution and a copy of the resolution has
229 been included in the information tonight. Borough Council action is requested to approve this
230 resolution.

231

232 Mr. Zimmerman clarified that the Borough is required to pay the annual membership dues in order to
233 remain a PMEA member. Mrs. Metzger confirmed that the Borough is required to pay the annual
234 membership dues in order to remain a PMEA member and explained that currently, the Borough pays
235 the annual membership dues each year, which offers Borough Staff access to an annual conference with
236 information for electric department leaders and town managers. Under the restructuring plan, the PMEA
237 Board of Directors will engage a full-time Executive Director to accomplish the goals of the PMEA
238 Strategic Plan; part of an overall plan to strengthen the organization and its members. This restructuring
239 would improve and expand the services provided by PMEA to its members to include additional
240 resources for Municipal Electric Systems to use for assistance in operational, legislative, and legal
241 matters. PMEA is asking its 35 member municipalities to increase the amount of dues paid to the
242 organization to help cover the costs associated with hiring an Executive Director.

243

244 Motion by: Tod M. Steese

245 Second by: Duane L. Zimmerman

246

247 **MOTION: To approve Resolution No. 2018-12; Approving the proposed Bylaw amendments,**
248 **Strategic Plan and dues structure of the Pennsylvania Municipal Electric Association, and**
249 **appointing the voting delegate representative.**

250

251 Ms. Lewis expressed that she is kind of insulted with the increased contributions paid to PMEA. Mrs.
252 Metzger reiterated that increased contributions would help make PMEA a "more robust" organization
253 that can offer enhanced protections and services to member municipalities. These types of services
254 include advice, counseling and management to municipalities that need it. Other enhancements include
255 increased lobbying efforts to state legislators and the addition of an executive director position at
256 PMEA. A lengthy discussion was held; Mrs. Metzger expressed that while it's a significant increase in
257 dues paid to PMEA, she believes approving the PMEA Bylaws would be a good investment for the
258 Borough of Mifflinburg, and when you compare it to the amount of revenue that the Borough's electric
259 system generates, she thinks it's kind of like a small insurance policy to keep the Borough on track with
260 the electric system. Mrs. Metzger clarified that this resolution needs to be adopted prior to Monday,
261 December 31, 2018.

262

263 Yes – Mr. Steese, Mr. Fry, Mrs. Hackenberg

264

265 No – Mr. Zimmerman, Ms. Lewis

266 Mrs. Metzger informed Borough Council that as previously reported, Utility Engineers, PC has provided
267 a recommendation letter to the Utility Committee regarding a proposed American Municipal Power, Inc.
268 (AMP) Generation Project. The Utility Committee met with Utility Engineers, PC at the Borough Work
269 Session that was held on Tuesday, October 9, 2018 to discuss the Generation Project. During this
270 meeting, Utility Engineers, PC explained the Generation Project as well as the potential benefits and
271 risks of participation in this project. Resolution No. 2018-13; Approving the form and authorizing the
272 execution of a power sales contract with American Municipal Power, Inc. (AMP) and taking other
273 actions in connection therewith regarding participation in the AMP R.I.C.E. Peaking Project has been
274 prepared. A copy of the draft resolution provided has been included in the information tonight.
275 Borough Council action is requested to consider adopting this resolution to participate in this project.
276

277 Ms. Lewis expressed that the biggest risk with participation in this project is once you execute the
278 contract you can't get out of it. Mr. Zimmerman agreed with Ms. Lewis that participation in this project
279 was a risky deal; the Borough would not see any savings for at least eight (8) years, with a payback of
280 fifteen (15) years. Down the road this investment could really help the Borough; however, there is no
281 guarantee or level of confidence. Mr. Zimmerman clarified that if the return would be quicker, he would
282 be all for it. A discussion was held; Mr. Steese made a motion to approve Resolution No. 2018-13;
283 Approving the form and authorizing the execution of a power sales contract with American Municipal
284 Power, Inc. (AMP) and taking other actions in connection therewith regarding participation in the AMP
285 R.I.C.E. Peaking Project. The motion failed for lack of a second.
286

287 Mrs. Metzger informed Borough Council that she has received a request from Mr. Johnny Blake, Pastor
288 for the Mifflinburg Assembly of God Church located at 1001 Market Street, to utilize the Mifflinburg
289 Community Park on Friday, June 7, 2019 from 4:00 PM to 8:00 PM to conduct their annual Community
290 Christian Carnival. The Mifflinburg Assembly of God Church has already completed and submitted the
291 required pavilion reservation forms and paid the \$250.00 security deposit. Borough Council action is
292 requested to approve this request, contingent upon submission of the required certificate of insurance.
293

294 Motion by: Linda L. Lewis

295 Second by: Richard J. Fry
296

297 **MOTION: To approve the Mifflinburg Assembly of God Church's request to utilize the**
298 **Mifflinburg Community Park on Friday, June 7, 2019 from 4:00 PM to 8:00 PM to conduct their**
299 **annual Community Christian Carnival, contingent upon submission of the required certificate of**
300 **insurance.**
301

302 Approved via unanimous voice vote.
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305 Mrs. Metzger informed Borough Council that she has also received a request from Ms. Michaele Kelly,
306 Race Committee/Permit Director, on behalf of the Turkey Trot Race Committee and Fit for Funds, LLC.
307 The Turkey Trot Race Committee and Fit for Funds, LLC are requesting Borough Council permission to
308 utilize the Mifflinburg Community Park and Borough streets on Thanksgiving morning, Thursday,
309 November 22, 2018, in order to conduct the annual "Turkey Trot 5K and Kids' ½ mile Fun Run" event.
310 The Turkey Trot Race Committee and Fit for Funds, LLC has already completed and submitted the
311 required pavilion reservation forms and provided a copy of their certificate of insurance, as well as the
312 security deposit in the amount of \$250.00. Borough Council action is requested to approve this request,
313 Mayor Cooney has already reviewed and approved the proposed race route. Borough Council action is
314 requested on this matter.
315

316 Motion by: Duane L. Zimmerman

317 Second by: Linda L. Lewis
318

319 **MOTION: To authorize the Turkey Trot Race Committee and Fit for Funds, LLC to utilize the**
320 **Mifflinburg Community Park and Borough Streets on Thanksgiving morning, Thursday,**
321 **November 22, 2018 in order to conduct the annual "Turkey Trot 5K and Kids' ½ mile Fun Run"**
322 **event.**
323

324 Approved via unanimous voice vote.
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331 Mr. Rowe reminded Borough Council that they took action at the Tuesday, September 18, 2018 regular
332 Borough Council meeting to approve the Cooperative Agreement between Union County and the
333 Borough of Mifflinburg for the Community Development Block Grant (CDBG) funded Curb Cut
334 Project. In accordance with the Cooperative Agreement the Borough is required to provide the
335 engineering for this work as a match. Mr. Rowe informed Borough Council that he has prepared and
336 solicited Request for Proposals (RFP) for professional engineering assistance for the design and
337 installation of the Curb Cut Project. Two (2) proposals have been received and are as follows:

	<u>HRG, Inc.</u>	<u>LIVIC Civil</u>
340		
341	1. Basemap Preparation	\$ 9,660.00
342	2. Preliminary Design	\$21,480.00
343	3. Final Design	\$ 5,890.00
344	4. Bidding	\$ 1,890.00
345	5. Construction Administration	<u>\$ 5,750.00</u>
346	Total of all work	<u>\$14,625.00</u> - Lump Sum
347		

348 A copy of the tabulation has been included in the information tonight for Borough Council review.
349 Borough Council action is requested to award the Professional Engineering Services Proposal to LIVIC
350 Civil to provide professional engineering services for the design and installation of the Curb Cut Project
351 for a lump sum amount of \$14,625.00

352

353 Motion by: Tod M. Steese

354 Second by: Richard J. Fry

355

356 **MOTION: To award the Professional Engineering Services Proposal to LIVIC Civil to provide**
357 **professional engineering services for the design and installation of the Curb Cut Project for a**
358 **lump sum fee of \$14,625.00.**

359

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

361

362 No – None

363

364

365 Mrs. Metzger clarified that the difference in the price of the Professional Engineering Services Proposals
366 is in the approach of how the Engineers plan complete the work. Instead of doing the survey and design
367 work per intersection, which is what HRG, Inc. was proposing; LIVIC Civil is proposing to perform a
368 limited design with an accurate estimate of quantities and then spend more time in the field with the
369 contractor and the Borough on the backend working together to tailor each location to the field
370 conditions encountered.

371

372 Mr. Rowe reported that he has received the Stormwater Maintenance and Management Agreement
373 between the Borough of Mifflinburg and Legacy Building Products, Inc. for Legacy for Phase 2 of their
374 Parking Expansion Project. Both he and Mr. Tira have reviewed the agreement. Borough Council
375 action is requested to approve this agreement.

376

377 Motion by: Tod M. Steese

378 Second by: Duane L. Zimmerman

379

380 **MOTION: To approve the Stormwater Maintenance and Management Agreement between the**
381 **Borough of Mifflinburg and Legacy Building Products, Inc. for Legacy for Phase 2 of their**
382 **Parking Expansion Project.**

383

384 Approved via unanimous voice vote.

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393 Mr. Rowe provided Borough Council with an update on the status of the Green Light GO Grant Signal
394 Upgrade for Video Detection and Retiming to the traffic signal at Chestnut Street (SR 0045) and Mabel
395 Street/ Meadow Green. Mr. Rowe reminded Borough Council that they took action at the Tuesday, June
396 19, 2018 regular Borough Council meeting to award the Statement of Interests (SOI) for the Green Light
397 GO Grant Project to the partnership of Greenman-Pedersen, Inc. (GPI) and LIVIC Civil, LLC. GPI and
398 its subconsultants, LIVIC Civil, LLC and Tri-State Traffic Data, has provided the Scope of Services
399 proposal for this project. The GPI team is proposing to complete this project for a lump sum fee of
400 \$21,600.00. Mr. Rowe clarified that the fee has increased from the original estimate that the Borough
401 received from the grant. A copy of the proposal has been included in the information tonight. Borough
402 Council action is requested to approve this proposal.

403
404 Motion by: Tod M. Steese
405 Second by: Linda L. Lewis
406

407 **MOTION: To approve the Scope of Services Proposal provided by Greenman-Pedersen, Inc.**
408 **(GPI) and its subconsultants, LIVIC Civil, LLC and Tri-State Traffic Data, to provide**
409 **professional engineering services for the Green Light GO Grant Signal Upgrade for Video**
410 **Detection and Retiming to the traffic signal at Chestnut Street (SR 0045) and Mabel Street/**
411 **Meadow Green for a lump sum fee of \$21,600.00.**

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413 Yes – Mr. Fry, Ms. Lewis, Mr. Steese, Mr. Zimmerman, Mrs. Hackenberg
414

415 No – None
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417
418 Mr. Rowe provided Borough Council with an update on the status of the S. 7th Street Reconstruction
419 Project. Mr. Rowe reported that the Borough has received the closeout documents for the S. 7th Street
420 Reconstruction Project. Borough Council action is requested to accept the closeout documents.
421

422 Motion by: Linda L. Lewis
423 Second by: Richard J. Fry
424

425 **MOTION: To accept the closeout documents for the S. 7th Street Reconstruction Project.**
426

427 Approved via unanimous voice vote.
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429
430 Mr. Rowe provided Borough Council with an update on the status of the N. 8th Street Sewer
431 Repair/Replacement Project. Mr. Rowe reported that the Borough has received the closeout documents
432 for the N. 8th Street Sewer Repair/Replacement Project. Borough Council action is requested to accept
433 the closeout documents.
434

435 Motion by: Linda L. Lewis
436 Second by: Richard J. Fry
437

438 **MOTION: To accept the closeout documents for the N. 8th Street Sewer Repair/Replacement**
439 **Project.**

440 Approved via unanimous voice vote.
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457 Mrs. Metzger reported that Mr. Jason Mitchell, the Borough Public Works Supervisor, has obtained
458 quotes for the Annual Snow Removal Equipment Rental. The quotes were opened on Monday, October
459 15, 2018 at 1:00 PM. There were three (3) quotes received and are as follows:

	<u>Schlegel</u>	<u>Dave Gutelius</u>	<u>Iddings</u>
	<u>Excavating</u>	<u>Excavating, Inc.</u>	<u>Quarry, Inc.</u>
463 Dump w/ Operator			
464 Single-Axle	NO BID	NO BID	\$ 55.00
465 Tandem-Axle	\$ 64.00	NO BID	NO BID
466 Tri-Axel	\$ 65.00	\$ 80.00	NO BID
467 Snow Blower w/ Operator			
468 Tractor/Loader Mounted	NO BID	\$135.00	NO BID

469
470 A copy of the bid tabulation has been included in the information tonight. Borough Council action is
471 requested to award the quotes to the lowest responsible bidder on an as-needed basis for each size/type
472 of equipment specified.

473
474 Motion by: Tod M. Steese

475 Second by: Richard J. Fry

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477 **MOTION: To award the Single-Axle Dump w/ Operator to Iddings Quarry, Inc. in the amount of**
478 **\$55.00; the Tandem-Axle Dump w/ Operator to Schlegel Excavating in the amount of \$64.00; the**
479 **Tri-Axle Dump w/ Operator to Schlegel Excavating in the amount of \$65.00; and the**
480 **Tractor/Loader Mounted Snow Blower w/ Operator to Dave Gutelius Excavating, Inc. in the**
481 **amount of \$135.00 on an as-needed basis for the Annual Snow Removal Equipment.**

482
483 Yes – Ms. Lewis, Mr. Steese, Mr. Zimmerman, Mr. Fry, Mrs. Hackenberg

484
485 No – None

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487
488 Mr. Tira reminded Borough Council that Mr. Andy Keister was present at the Tuesday, September 18,
489 2018 regular Borough Council meeting along with Mr. Rueben Brubaker and Attorney, Brian Kerstetter,
490 Solicitor for Limestone Township, on behalf of Limestone Township Municipal Authority Mr. Keister
491 to see if the Borough would be interested in completely taking over the Limestone Township Municipal
492 Authority (the water and sewer services only) if the Pennsylvania Public Utility Commission (PUC)
493 would be willing to grant the Borough a waiver from falling under the PUC's jurisdiction. Mr. Tira
494 reported that he has researched this matter further and in order to obtain formal approval from the PUC,
495 which would allow the Borough to own and operate the Limestone Township Municipal Authority, the
496 Borough would need to file a petition for the waiver. Mr. Tira informed Borough Council that he has
497 drafted a petition and sent it to Mrs. Metzger for review. Borough Council direction is requested on
498 whether or not they want to proceed with the formal process for approval.

499
500 Mrs. Metzger inquired if there would be filing fees involved with filing a petition for a waiver. Mr. Tira
501 stated that there would be some minimal filing fees involved with filing a petition. Mr. Tira suggested
502 that Borough Council could defer action until the Tuesday, November 20, 2018 regular Borough
503 Council meeting in order to have him reach out to Mr. Kerstetter to see if the Limestone Township
504 Municipal Authority would be willing to incur any and all costs involved with the filing of the petition
505 with PUC.

506
507 Mr. Zimmerman expressed that he feels the Borough needs to work with the Limestone Township
508 Municipal Authority and that they should proceed with the formal process for approval at Limestone
509 Township's expense. Mr. Tira advised Borough Council that prior to filing a petition for a waiver, an
510 agreement should be drafted stating that the Limestone Township Municipal Authority would reimburse
511 the Borough for any and all costs involved with filing a petition. A discussion was held; Mr. Tira
512 clarified that he would reach out to Mr. Kerstetter.

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521

522 Mrs. Metzger reported that as directed by Borough Council at the Tuesday, June 20, 2018 regular
 523 Borough Council meeting, she sent correspondence to Limestone and West Buffalo Townships asking
 524 that they verify the accuracy of their water meters by either providing test results or certification
 525 paperwork for any new meters as per the agreement, with language included to contact the Borough to
 526 obtain the specific meter specifications or to inquire about additional assistance should they wish to
 527 upgrade their meters to be the same as the Borough's meters; asking for a response within sixty (60)
 528 days. West Buffalo Township has notified the Borough that they have obtained pricing from Nexgrid
 529 for new meters and inquired if the Borough would be willing to read the meters each month. This matter
 530 was briefly discussed by Borough Council previously. Mrs. Metzger informed Borough Council that
 531 Nexgrid provided Borough Staff with a demo at the Borough Office and indicated that there was some
 532 new technology (Solar Powered Econet's) that West Buffalo Township could install in their system
 533 which would provide this information. Mrs. Metzger stated that she contacted Mr. Robert Valentine, the
 534 Superintendent at West Buffalo Township, to inform him of this; however no further response has been
 535 received. The Borough sent correspondence dated August 28, 2018 to the Limestone Township
 536 Supervisors and the Limestone Township Municipal Authority notifying them that the Borough will
 537 discontinue water and sewer services to Limestone Township within 24 months (from the date of that
 538 letter) if the Township does not comply with condition 12.A. To date, no official response has been
 539 received. Borough Council direction is requested on whether or not she should proceed with
 540 enforcement. A discussion was held; it was the consensus of Borough Council to direct Mrs. Metzger to
 541 proceed with enforcement.
 542

543 Mrs. Metzger reminded Borough Council that they took action at the Tuesday, August 21, 2018 regular
 544 Borough Council meeting to authorize her to advertise the availability of the five (5) sewer EDUs that
 545 the Pennsylvania Department of Environmental Protection (DEP) granted with the acceptance of the
 546 Borough's revised Corrective Action Plan (CAP) in accordance with Resolution No. 2018-09; a
 547 resolution establishing and adopting a policy for the distribution of connection permits under state,
 548 federal, or other regulatory limitations. Mrs. Metzger reported that the availability of the five (5) EDUs
 549 has been advertised and the deadline to submit applications was Friday, September 28, 2018. There
 550 were six (6) requests received which are as follows:
 551

552	<u>Applicant</u>	<u># of EDU's</u>	<u>Location for</u>
553	<u>Name/Address</u>	<u>Requested</u>	<u>EDU Request</u>
554			
555	Mr. Tim Turner	1 EDU	Lot 12 Merri Lane.
556	Designer Homes of PA	1 EDU	Lot 5 Oak Ave Sub Division
557	Designer Homes of PA	1 EDU	Lot 6 Oak Ave Sub Division
558	Designer Homes of PA	1 EDU	Lot 13 Oak Ave Sub Division
559	Designer Homes of PA	1 EDU	Unspecified Lot Oak Ave Sub Division
560	Designer Homes of PA	1 EDU	Unspecified Lot Oak Ave Sub Division

561
 562 Mrs. Metzger distributed copies of two (2) different spreadsheets which illustrated the ranking for the
 563 EDU requests. Mrs. Metzger explained that she and Mr. Tira have a difference in opinion as to how the
 564 EDU's should be ranked; however the end results are the same either way. Mrs. Metzger clarified that
 565 the confusion was due to one of the questions on the Application Request for Sewer EDU Connections;
 566 on the application it asks if the project (request) would be connected within 45 days, 120 days, or 180
 567 days of issuance of permit. Both of the applicants checked more than one of those boxes which made it
 568 hard since there is a point scale and they all have different points. Mr. Turner's application actually
 569 indicated the proposed completion date; which resulted in a tied score. In accordance with Paragraph IV
 570 of the allocation policy resolution, any projects with the same score will be distributed by using the dates
 571 of the building permit application with the earliest dates being distributed first. Mr. Turner's building
 572 permit application was received on Monday, April 23, 2018 and Designer Homes of PA's building
 573 permit application was received on Saturday, August 18, 2018. Mrs. Metzger pointed out that Designer
 574 Homes of PA only has three (3) active building permits on file at the CK-COG, which means two (2) of
 575 the EDUs they requested don't have active building permits. Mrs. Metzger stated that it's not a
 576 requirement of the resolution that applicants must have an active building permit on file; it's just
 577 something the Borough uses to rank the EDUs. Based on the score achieved using the point scale as
 578 established per Paragraph III of the allocation policy resolution, 1 EDU will go to Mr. Tim Turner and 4
 579 EDU's will go to Designer Homes of PA.
 580

581 Mrs. Hackenberg inquired how Borough Council is supposed to know which one of the unspecified Lots
 582 Designer Homes of PA plans to use. Mr. Tira advised that he indicated to Mr. Metzger that he would
 583 allow Designer Homes of PA to choose which one of the Lots they want to use; however they have to
 584 assign a Lot to the EDU.
 585
 586
 587
 588

589 Motion by: Tod M. Steese
590 Second by: Linda L. Lewis

591

592 **MOTION: To award the five (5) available sewer EDUs granted by the Pennsylvania Department**
593 **of Environmental Protection (DEP) and allocate 1 EDU to Mr. Tim Turner for Lot 12 Merri**
594 **Lane; 3 EDUs to Designer Homes of PA for Lot 5, 6, and 13 Oak Ave Sub Division; and 1 EDU to**
595 **Designer Homes of PA for an unspecified lot in the Oak Ave Sub Division to be designated at the**
596 **time the EDU is to be issued, subject to the following conditions for acceptance as established in**
597 **Resolution No. 2018-09:**

598

- 599 • **Payment of the applicable tapping and connection fees within fifteen (15) days of**
600 **acceptance of the EDU connection permit.**
- 601 • **Payment of applicable sewer rentals upon occupancy of the structure. If the structure**
602 **is not occupied within one (1) year of the date of connection permit issuance, the**
603 **property owner shall pay any applicable reservation of capacity charges as**
604 **established by resolution of the Mifflinburg Borough Council.**
- 605 • **If construction has not been started within 180 days of the date of connection permit**
606 **issuance, then the EDU shall be revoked and the Borough shall return 80% of the**
607 **tapping fee paid by the applicant.**

608

609 Approved via unanimous voice vote.

610

611

612 Mrs. Metzger provided Borough Council with an update on the status of the available Nutrient Credits
613 produced by the Borough's Wastewater Treatment Plant (WWTP) for the 2018 compliance year. Mrs.
614 Metzger reported that she has prepared and solicited requests for proposals for the sale of the available
615 Phosphorus and Nitrogen Credits generated by the Borough's WWTP. There were four (4) proposals
616 received. A copy of the tabulation has been included in the information tonight. Borough Council
617 action is requested to authorize her to accept the bid for the sale of the available Nitrogen Credits from
618 Pine Creek Municipal Authority and negotiate an Agreement of Sale between Pine Creek Municipal
619 Authority and the Borough of Mifflinburg; and to accept the bid for the sale of the available Phosphorus
620 Credits from Newport Borough Authority in the amount of \$666.00 and negotiate an Agreement of Sale
621 between Newport Borough Municipal Authority and the Borough of Mifflinburg.

622

623 Motion by: Tod M. Steese

624 Second by: Richard J. Fry

625

626 **MOTION: To authorize Mrs. Metzger to accept the bid for the sale of the available Nitrogen**
627 **Credits from Pine Creek Municipal Authority for \$23,480.00 and negotiate an Agreement of Sale**
628 **between Pine Creek Municipal Authority and the Borough of Mifflinburg; and to accept the bid**
629 **for the sale of the available Phosphorus Credits from Newport Borough Authority for \$666.00 and**
630 **negotiate an Agreement of Sale between Newport Borough Municipal Authority and the Borough**
631 **of Mifflinburg.**

632

633 Approved via unanimous voice vote.

634

635

636 Mrs. Metzger informed Borough Council that included in the information tonight they received a copy
637 of a request from Mrs. Cherie Ross, Executive Director for the Mifflinburg Heritage and Revitalization
638 Association (MHRA), which reads as follows:

639

640 Dear Borough:

641

642 We discovered a broken Pex pipe in the outbuilding at the Elias Church which flooded the
643 outbuilding floor. It was then repaired. As you can see from our utility bill, this usage is far
644 from normal for us. While paying it in good faith, we are asking that you consider a remission
645 of the sewer portion as the water did not go down drains or toilets or sinks into the sewer
646 system but merely flooded a floor. Thank you for your consideration.

647

648 Sincerely,

649

650 Mrs. Cherie Ross

651 Executive Director

652

653

654

655 Mrs. Metzger reported that in accordance with the existing ordinances, there is nothing written
656 specifically in the ordinance which allows the Borough to grant any kind of forgiveness; what's
657 registered on the meter, is what the Borough bills for. In past experiences, Borough Council has never
658 granted any kind of forgiveness for other residents. It was the consensus of Borough Council to deny
659 this request.

660
661 Mrs. Metzger reported that she has received a preliminary Pole Attachment request from PPL Electric
662 Utilities to connect to approximately 57 Borough of Mifflinburg owned utility poles with their
663 distribution line so that they can address voltage issues in their system. This request would require a
664 Pole Attachment Agreement. This request was referred to Utility Engineers, PC for review. Utility
665 Engineers, PC discussed the risks involved with this during the Utility Committee meeting that was held
666 on Tuesday, October 9, 2018. Borough Council action is requested to consider this Pole Attachment
667 request. A discussion was held; Mr. Zimmerman recommended that for the safety of the Borough
668 Electric Crew, Borough Council should deny this request.

669
670 Motion by: Duane L. Zimmerman

671 Second by: Linda L. Lewis

672
673 **MOTION: To deny PPL Electric Utilities' request to connect to approximately 57 Borough of**
674 **Mifflinburg owned utility poles with their distribution line.**

675
676 Approved via unanimous voice vote.

677
678
679 Mrs. Metzger requested an executive session to discuss potential litigation and personnel matters.

680
681 Mr Cooney informed Borough Council that they received a copy of the Monthly Police Report for
682 September 2018 included in the information tonight.

683
684 Mayor Cooney provided Borough Council with an update on the status of the 2018 Christkindl Market.
685 Mayor Cooney reported that the deadline to submit all required paperwork for the 2018 Christkindl
686 Market was Friday, September 14, 2018. To date, the Borough has received all of the required
687 paperwork, except for the shuttle bus routes.

688
689 Chief Dyroff provided Borough Council with an update on the status of the camera system at the
690 Mifflinburg Community Park. Chief Dyroff reported that he and Mayor Cooney have determined that
691 two (2) of the fixed cameras currently installed at the Mifflinburg Community Park need to be replaced
692 with variable zoom cameras. The cost for the two (2) variable zoom cameras and installation would be
693 \$753.22; additionally there would be an addition monthly professional service fee of \$2.00/month.
694 Chief Dyroff clarified that the original amount approved by Borough Council for the purchase and
695 installation of a camera system at the Mifflinburg Community Park was \$26,692.00 with a monthly
696 service fee of \$111.00/month for three (3) years; however, with the purchase of the two (2) variable
697 zoom cameras the total cost would increase to \$27,445.22 with the monthly service fee increasing to
698 \$113.00/month for three (3) years. Borough Council action is requested to authorize the Mifflinburg
699 Police Department to move forward with the purchase and installation of two (2) variable zoom cameras
700 to upgrade the two (2) fixed cameras at the Mifflinburg Community Park from Select Security for an
701 additional cost of \$753.22; and to approve the increase to the monthly professional service of
702 \$111.00/month to \$113.00/month for three (3) years.

703
704 Motion by: Tod M. Steese

705 Second by: Linda L. Lewis

706
707 **MOTION: To authorize the Mifflinburg Police Department to move forward with the purchase**
708 **and installation of two (2) variable zoom cameras to upgrade the two (2) fixed cameras at the**
709 **Mifflinburg Community Park from Select Security for an additional cost of \$753.22; and to**
710 **approve the increase to the monthly service fee of \$111.00/month with Select Security to**
711 **\$113.00/month for three (3) years.**

712
713 Yes – Mr. Steese, Mr. Zimmerman, Mr. Fry, Ms. Lewis, Mrs. Hackenberg

714
715 No – None

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719
720

721 Chief Dyroff requested Borough Council action to approve the North Central Regional DUI
722 Enforcement Project Conditions of Agreement Grant Extension between the Highway Safety Network,
723 Inc. and the Mifflinburg Police Department dated October 17, 2018, to extend the Cooperation
724 Agreement upon mutual agreement for a period from October 1, 2018 to September 30, 2020. Chief
725 Dyroff explained that the National Highway Traffic Safety Administration (NHTSA) provides funding
726 through a Highway Safety Grant which reimburses local departments for overtime during the campaign.
727 With the execution of this grant extension, the Mifflinburg Police Department will continue to carry out
728 enforcement, public awareness and education within their jurisdiction, as part of the “the North Central
729 Regional DUI Enforcement Project”. Any modification to the original Conditions of Agreement will be
730 added as an Amendment to this Condition of Agreement Grant Extension. Borough Council action is
731 requested on this matter.

732
733 Motion by: Duane L. Zimmerman
734 Second by: Linda L. Lewis

735
736 **MOTION: To approve the North Central Regional DUI Enforcement Project Conditions of**
737 **Agreement Grant Extension between the Highway Safety Network, Inc. and the Mifflinburg**
738 **Police Department dated October 17, 2018, to extend the Cooperation Agreement upon mutual**
739 **agreement for a period from October 1, 2018 to September 30, 2020.**

740
741 Approved via unanimous voice vote.
742
743

744 Chief Dyroff reported that the Mifflinburg Police Department needs to reorder parking tickets. Prior to
745 reordering these parking tickets, Borough Council direction is requested on whether or not they want to
746 remove the three (3) parking ticket boxes along Chestnut Street. Chief Dyroff explained that the parking
747 tickets state “*You may pay this by depositing the proper amount in the envelope and placing it in any*
748 *courtesy box, or by bringing payment to the office located at 120 North 3rd Street*”. Chief Dyroff
749 informed Borough Council that he spoke with Mrs. Tina DeFord, the Borough Police Clerk, to see how
750 often the three (3) parking ticket boxes along Chestnut Street; Mrs. DeFord indicated that the parking
751 ticket boxes are typically not used; combined altogether you may receive one (1) parking ticket in the
752 boxes every other week. Borough Council direction is requested on this matter.

753
754 Motion by: Duane L. Zimmerman
755 Second by: Tod M. Steese

756
757 **MOTION: To remove the three (3) parking ticket boxes along Chestnut Street.**

758
759 Approved via unanimous voice vote.
760
761

762 Chief Dyroff presented Borough Council with some Monthly Highlights for the Mifflinburg Police
763 Department for September 2018.

764
765 Chief Dyroff reported that several of the Mifflinburg Police Officers have expressed concerns about
766 smelling exhaust fumes seeping into the 2016 Ford Police Interceptor 4 Door AWD, the unmarked
767 police vehicle. Subsequent to receiving these reports, the police vehicle was taken to Lewisburg Ford
768 and it was discovered that a recall has been issued for all 2011-2017 Ford Explorer SUVs over reports of
769 exhaust odors and concerns of carbon monoxide exposure. After three (3) days of the police vehicle
770 being at Lewisburg Ford, technicians indicated that they resolved the issue; however, prior to placing the
771 police vehicle back in service, he had one of the firefighters at the Mifflinburg Hose Company test the
772 inside of the vehicle with a carbon monoxide detector and there was still high levels of carbon monoxide
773 being detected in the cabin of the police vehicle. Chief Dyroff clarified that the 2016 Ford Police
774 Interceptor is still covered under warranty and that he would be contacting Lewisburg Ford again
775 regarding this matter. A discussion was held; Chief Dyroff informed Borough Council that he would
776 keep them posted on any updates as they are received.

777
778 Mayor Cooney presented Borough Council with an update for the Mifflinburg Regional Economic
779 Development (MRED) Alliance. Mayor Cooney updated Borough Council on the following businesses
780 in the Borough:

- 781
782
 - The Family Dollar located at 313 E. Chestnut Street has closed up shop and will be
783 reopening up shop as the Dollar Tree.

784
785 Mrs. Hackenberg informed Borough Council that they received a copy of the Engineer’s Report for
786 October 2018 included in the information tonight.
787

788 Mr. Tira requested an executive session to discuss potential litigation.

789

790 Mayor Cooney informed Borough Council that he participated in or will be participating in the
791 following events:

792

793 • The Annual Jack-O-Lantern Contest that is scheduled for Monday, October 22, 2018 at
794 6:30 PM at the Herr Memorial Library located at 500 Market Street.

795 • The Annual Halloween Parade that is scheduled for Thursday, October 25, 2018 at 6:00
796 PM. The parade will form at the Mifflinburg Middle School parking lot at 5:30 PM and
797 travel west on Market Street at 6:00 PM to the west entrance of the High School Gym
798 where the judging will take place.

799 • Trick or Treat night that is scheduled for Wednesday, October 31, 2018 from 6:00 PM -
800 9:00 PM.

801 • The Veteran's Day Service at the Mifflinburg Community Park that is scheduled for
802 Saturday, November 3, 2018 at 11:00 AM.

803 • The League of Women Voters panel discussion that is scheduled for Saturday, November
804 17, 2018.

805 • The Community Christmas Tree Lighting that is scheduled for Sunday, November 25, 2018
806 from 7:00 PM – 8:00 PM.

807

808

809 Mrs. Hackenberg called an executive session to discuss potential litigation and personnel matters. An
810 executive session was held from 8:48 PM to 9:52 PM.

811

812

813 Motion by: Duane L. Zimmerman

814

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

816

817 Approved via unanimous voice vote.

818

819

820 Meeting adjourned at 9:52 PM.

821

822 Respectfully Submitted,

823

824

825 Misty L. Ross

826 Assistant Borough Secretary