

1 MINUTES OF MIFFLINBURG BOROUGH COUNCIL

2 December 18, 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 There were no visitors present at this meeting.

21

22

23 Motion by: Richard J. Fry

24 Second by: Paul E. Bottiger

25

26 **MOTION: To approve the minutes of the Tuesday, November 20, 2018 regular meeting of**

27 **Mifflinburg Borough Council.**

28

29 Approved via unanimous voice vote.

30

31

32 Motion by: Linda L. Lewis

33 Second by: Paul E. Bottiger

34

35 **MOTION: To approve payment of Bill List #2018-12 in the amount of \$167,869.64.**

36

37 Yes – Mr. Bottiger, Mr. Fry, Ms. Lewis, Mr. Zimmerman, Mr. Steese

38

39 No – None

40

41

42 Motion by: Richard J. Fry

43 Second by: Paul E. Bottiger

44

45 **MOTION: To approve the Mifflinburg Borough Zoning Report for November 2018 and authorize**

46 **payment to the Central Keystone Council of Governments (CK-COG) in the amount of \$2,039.15.**

47

48 Yes – Mr. Fry, Ms. Lewis, Mr. Zimmerman, Mr. Bottiger, Mr. Steese

49

50 No – None

51

52

53 Mr. Steese announced that Borough Council consideration is requested for Resolution No. 2018-17;

54 Appointing Drew Christy to the Central Keystone Council of Governments.

55

56 Motion by: Paul E. Bottiger

57 Second by: Richard J. Fry

58

59 **MOTION: To adopt Resolution No. 2018-17; Appointing Drew Christy to the Central Keystone**

60 **Council of Governments.**

61

62 Approved via unanimous voice vote.

63

64

65

66 Mr. Steese announced that Borough Council consideration is requested for Resolution No. 2018-18;  
67 Amending the established and adopted schedule of fees and rates under the Mifflinburg Borough Water  
68 System Ordinance. Mrs. Metzger clarified that this resolution includes the 3% increase in rates to  
69 support what was included for the 2019 Budget. The increased rates will take effect with the February  
70 1, 2019 billing.

71  
72 Motion by: Paul E. Bottiger  
73 Second by: Linda L. Lewis  
74

75 **MOTION: To adopt Resolution No. 2018-18; Amending the established and adopted schedule of**  
76 **fees and rates under the Mifflinburg Borough Water System Ordinance.**

77  
78 Approved via unanimous voice vote.  
79

80  
81 Mr. Steese announced that Borough Council consideration is requested for Resolution No. 2018-19;  
82 Amending the established and adopted schedule of fees and rates under the Mifflinburg Borough Sewer  
83 System Ordinance. Mrs. Metzger clarified that this resolution includes the 4% increase in rates to  
84 support what was included for the 2019 Budget. The increased rates will take effect with the February  
85 1, 2019 billing.

86  
87 Motion by: Paul E. Bottiger  
88 Second by: Richard J. Fry  
89

90 **MOTION: To adopt Resolution No. 2018-19; Amending the established and adopted schedule of**  
91 **fees and rates under the Mifflinburg Borough Sewer System Ordinance.**

92  
93 Approved via unanimous voice vote.  
94

95  
96 Mr. Tira provided Borough Council with an updated on the status of the Memorandum of Understanding  
97 (MOU) between the Limestone Township Municipal Authority and the Borough. Mr. Tira reported that  
98 he has provided the MOU to Limestone Township for their consideration. It's anticipated that  
99 Limestone Township will take action at their meeting which is scheduled for tonight to approve the  
100 MOU. Mr. Tira clarified that the MOU covers that Limestone Township Municipal Authority is willing  
101 to incur any and all costs involved with the filing of the petition with the PUC regardless of the  
102 outcome; with language included in the agreement that the Limestone Township Municipal Authority  
103 would begin the sewer lateral inspections and testing of the Township's infrastructure subsequent to  
104 receiving formal approval from the PUC.  
105

106 Mrs. Metzger reported that Lycoming County Resource Management Services has contacted her  
107 regarding the Waste Disposal Agreement contract for the disposal of municipal sewage sludge. The  
108 current contract expires on Monday, December 31, 2018. Lycoming County Resource Management  
109 Services is proposing to renew this agreement for two (2) years with all rates to remain the same. A  
110 copy of the agreement has been included in the information tonight. Mr. Tira has reviewed the contract  
111 and Borough Council action is requested to approve the Fifth Amendment to the Waste Disposal  
112 Agreement contract.  
113

114 Motion by: Paul E. Bottiger  
115 Second by: Richard J. Fry  
116

117 **MOTION: To approve the Fifth Amendment to the Waste Disposal Agreement contract with**  
118 **Lycoming County Resource Management for the disposal of municipal sewage sludge for two (2)**  
119 **years with all rates to remain the same.**

120  
121 Approved via unanimous voice vote.  
122

123  
124  
125  
126  
127  
128  
129  
130

131 Mr. Rowe reported that he has received two (2) requests for release of Improvements Guarantees. The  
132 first request was from Mr. Dominick T. Adamo, Owner/Director of Dominick T. Adamo Funeral Home,  
133 for his new Funeral Home located at 16 Walnut Streets. As requested, HRG, Inc. performed an  
134 inspection of the site on Wednesday, November 28, 2018 to determine the extent of completion of items  
135 contained within the Irrevocable Letter of Credit No. 24000000392 issued by Jersey Shore State Bank  
136 on Friday, September 16, 2016. Based on HRG, Inc.'s visit to the site, and subsequent additional photo  
137 documentation, they are recommending a release of the remaining balance of \$28,500.00 from the  
138 original amount of \$137,000.00, as all work has been completed per the plan. Borough Council action is  
139 requested to approve Improvements Guarantee Reduction #2 as recommended by HRG, Inc.

140  
141 Motion by: Richard J. Fry  
142 Second by: Linda L. Lewis

143  
144 **MOTION: To approve Improvements Guarantee Reduction #2 to release the remaining**  
145 **balance of \$28,500.00 of Mr. Dominick T. Adamo's Improvements Guarantee for his new**  
146 **Funeral Home located at 16 Walnut Streets.**

147  
148 Yes – Ms. Lewis, Mr. Zimmerman, Mr. Bottiger, Mr. Fry, Mr. Steese

149  
150 No – None

151  
152  
153 Mr. Rowe reported that the other request he received for release of Improvements Guarantees was from  
154 Dave Gutelius Excavating, Inc. for his 8<sup>th</sup> Street Subdivision. As requested HRG, Inc. performed an  
155 inspection of the site on Wednesday, November 28, 2018 to determine the extent of completion of items  
156 contained within the Opinion of Probable Construction Cost prepared by Larson Design Group, dated  
157 August 2, 2016. Based on HRG, Inc.'s visit to the site, they are recommending a release of the  
158 remaining balance of \$77,146.80. It is HRG, Inc. understanding that the Performance Security bond for  
159 the roadway is already in place. Borough Council action is requested to approve Improvements  
160 Guarantee Reduction #3.

161  
162 Motion by: Paul E. Bottiger  
163 Second by: Richard J. Fry

164  
165 **MOTION: To approve Improvements Guarantee Reduction #3 to release the remaining**  
166 **balance of \$77,146.80 of Dave Gutelius Excavating, Inc.'s Improvements Guarantee for his 8<sup>th</sup>**  
167 **Street Development.**

168  
169 Yes – Mr. Zimmerman, Mr. Bottiger, Mr. Fry, Ms. Lewis, Mr. Steese

170  
171 No – None

172  
173  
174 Mrs. Metzger reported that she and Mr. Rowe met with Representatives from PennDOT on Friday,  
175 December 7, 2018 to discuss the Green Light GO Program and the Borough's intentions to submit an  
176 application for the 3<sup>rd</sup> and 4<sup>th</sup> Street Traffic Signals. The PennDOT Representatives have advised the  
177 Borough that the guidelines for this program have changed and are now geared towards larger  
178 replacement types of projects rather than upgrades that could be considered maintenance. The  
179 PennDOT Representatives also provided information about a few other changes to the program, but the  
180 required 20% match still remains. Mrs. Metzger informed Borough Council that the amount that was  
181 previously submitted was roughly \$115,275.00 just to do the original upgrades; the updated amount with  
182 the changes that PennDOT is looking to make will increase the project total to about \$555,000.00 which  
183 is significantly higher. This amount has not been included in the 2019 Budget. The deadline for this  
184 year's application is Sunday, January 19, 2019. Mrs. Metzger stated that the Borough could still move  
185 forward with submitting a Green Light GO application and then set funds aside with the 2020 and 2021  
186 Budget when the work might actually be completed. The other option the Borough has is they could  
187 submit an application for an Automated Red Light Enforcement (ARLE) grant which is administered by  
188 the Pennsylvania Department of Transportation's Bureau of Maintenance and Operations. There are no  
189 matching funds required as part of the ARLE Funding Program; it's 100% funded through PennDOT.  
190 The deadline for this year's application is Sunday, June 30, 2019. Mrs. Metzger clarified that there are  
191 no guarantees that the Borough will receive either of these grants. A discussion was held; it was the  
192 consensus of Borough Council to move forward with submitting an ARLE Grant application for the 3<sup>rd</sup>  
193 and 4<sup>th</sup> Street Traffic Signals.

194  
195

196 Mrs. Metzger reported that Evoqua has reviewed operational data for the Wastewater Treatment Plant  
197 membranes and requested that HRG, Inc. review the data and determine whether the performance data  
198 for the week of September 10 through September 17, 2018 could be considered to satisfy the 7-day  
199 performance test requirement given the membrane performance observed during that time period. HRG,  
200 Inc. has reviewed this request and agrees with the use of this period to satisfy the requirements proposed.  
201 Borough Council action is requested to accept the performance data for the week of September 10-17,  
202 2018 be used as recommended by HRG, Inc. Mrs. Metzger clarified that this does not constitute any  
203 kind of payment; Borough Council is just approving that time period. HRG, Inc. will continue to work  
204 with Evoqua and Borough Staff to achieve successful contract closeout and negotiate a satisfactory  
205 maintenance agreement moving forward. It's anticipated that Evoqua will submit a request for payment  
206 for Borough Council action at the Tuesday, January 15, 2019 regular Borough Council meeting.  
207 Borough Council action is requested on this matter.

208  
209 Motion by: Richard J. Fry  
210 Second by: Paul E. Bottiger

211  
212 **MOTION: To accept the performance data for the week of September 10 through September 17,**  
213 **2018 be used to satisfy the 7-day performance test requirement for the Wastewater Treatment**  
214 **Plant membranes as recommended by HRG, Inc.**

215  
216 Approved via unanimous voice vote.

217  
218  
219 Mrs. Metzger reported that the 2019 Tentative Budget for the Borough of Mifflinburg has been properly  
220 advertised and is ready for adoption. Borough Council action is requested to adopt the 2019 Final  
221 Budget for the Borough of Mifflinburg with revenues in the amount of \$22,351,000.00.

222  
223 Motion by: Linda L. Lewis  
224 Second by: Paul E. Bottiger

225  
226 **MOTION: To adopt the 2019 Final Budget for the Borough of Mifflinburg with revenues in the**  
227 **amount of \$22,351,000.00; which includes a 3% increase for the water rates, a 4% increase for the**  
228 **sewer rates, and no rate increase for the electric rates.**

229  
230 Yes – Mr. Bottiger, Mr. Fry, Ms. Lewis, Mr. Zimmerman, Mr. Steese

231  
232 No – None

233  
234  
235 Mrs. Metzger informed Borough Council that she recently met with a DCED Representative, Ms.  
236 Beverly Hutzel, regarding possible funding opportunities for the Borough. Mr. Hutzel provided several  
237 handouts showing programs and funding available through DCED. A copy of a brochure showing these  
238 programs has been included in the information tonight.

239  
240 Mrs. Metzger informed Borough Council that she received information from DCED that the Elm Street  
241 Program requires a Project Audit which must prepared by a CPA to officially close out the grant  
242 program. A proposal has been received from Wagner, Dreese, Elsasser (W.D.E.) & Associates, P.C., the  
243 Borough's Auditor, for this Project Audit. W.D.E & Associates, P.C. estimate that their fee for these  
244 services will range from \$5,000.00 to \$7,000.00. A copy of the proposal from W.D.E. & Associates,  
245 P.C. has been included in the information tonight. Borough Council action is requested to accept the  
246 proposal from W.D.E & Associates, P.C.

247  
248 Motion by: Paul E. Bottiger  
249 Second by: Linda L. Lewis

250  
251 **MOTION: To accept the proposal from Wagner, Dreese, Elsasser (W.D.E) & Associates, P.C. for**  
252 **the Project Auditing Contract for the Elm Street Program.**

253  
254 Yes – Mr. Fry, Ms. Lewis, Mr. Zimmerman, Mr. Bottiger, Mr. Steese

255  
256 No – None

257  
258  
259  
260

261 Mrs. Metzger announced that several Borough Council Members have indicated that they would like to  
262 change the meeting times for the 2019 meetings. All Borough Work Sessions would start at 6:00 PM  
263 and the regular monthly Borough Council meetings held on the 3<sup>rd</sup> Tuesday, would begin at 6:30 PM.  
264 Borough Council action is required to authorize this change for the 2019 meetings.

265  
266 Motion by: Paul E. Bottiger

267 Second by: Richard J. Fry

268

269 **MOTION: To authorize the change in the meeting times for the 2019 meetings as listed above.**

270

271 Approved via unanimous voice vote

272

273

274 Mrs. Metzger provided Borough Council with an update on the status of the Non-Uniformed  
275 Employment Contract. Mrs. Metzger reported that the Non-Uniformed Employment Contract has been  
276 forwarded to the Borough's Labor Counsel for review. The revisions to the agreement have been  
277 incorporated; however she has not had a chance to review the revised contract. Borough Council action  
278 is requested to approve the proposed employment agreement, subject to a final review of the revisions.

279

280 Motion by: Duane L. Zimmerman

281 Second by: Richard J. Fry

282

283 **MOTION: To approve the Non-Uniformed Employment Contract, subject to a final review of the**  
284 **revisions.**

285

286 Approved via unanimous voice vote

287

288

289 Mrs. Metzger requested Borough Council action to authorize a final check run for 2018, Bill List #  
290 2018-13.

291

292 Motion by: Paul E. Bottiger

293 Second by: Richard J. Fry

294

295 **MOTION: To authorize a final check run for 2018, Bill List # 2018-13.**

296

297 Approved via unanimous voice vote.

298

299

300 Motion by: Paul E. Bottiger

301 Second by: Linda L. Lewis

302

303 **MOTION: To reappoint Mr. Nathan Hummel to a four (4) year term on the Mifflinburg Planning**  
304 **Commission; Mr. Richard J. Fry to a six (6) year term on the Mifflinburg Civil Service**  
305 **Commission.**

306

307 Approved via unanimous voice vote

308

309

310 Motion by: Paul E. Bottiger

311 Second by: Linda L. Lewis

312

313 **MOTION: To reappoint All Points Land Surveys, Inc. to a one (1) year term as Sewage**  
314 **Enforcement Officer (SEO) for the Borough of Mifflinburg.**

315

316 Approved via unanimous voice vote

317

318

319 Mrs. Metzger requested an executive session to discuss potential litigation and personnel matters.

320

321 Mr. Cooney informed Borough Council that they received a copy of the Monthly Police Report for  
322 November 2018 included in the information tonight.

323

324

325

326

327 Mayor Cooney presented Borough Council with the following update for Public Safety. Mayor Cooney  
328 reported the following:

- 329
- 330 • The Annual Turkey Trot 5K and Kids' ½ mile Fun Run to benefit the Mifflinburg Lacrosse  
331 Club that was held on Thanksgiving morning, Thursday, November 22, 2018, at the  
332 Mifflinburg Community Park. There were no issues or problems during this year's race.
  - 333 • A Public Safety Committee meeting is scheduled for Tuesday, January 8, 2019 at 6:00 PM  
334 to review and discuss the 2018 Christkindl Market to determine 2019 requirements. Mayor  
335 Cooney clarified that he would notify the Christkindl Market of Mifflinburg, Inc. and the  
336 Public Safety Committee Member of the meeting.
- 337

338 Chief Dyroff presented Borough Council with some Monthly Highlights for the Mifflinburg Police  
339 Department for November 2018.

340

341 Mayor Cooney presented Borough Council with an update for the Mifflinburg Regional Economic  
342 Development (MRED) Alliance. Mayor Cooney updated Borough Council on the following businesses  
343 in the Borough:

- 344
- 345 • The brand new "What's in Santa's Sleigh" contest ended on Monday, December 17, 2018.  
346 Mayor Cooney stated that the winner of the merchandise would be announced subsequent  
347 to the votes being tallied.
  - 348 • The former Mifflinburg Moose building located at 437 Chestnut Street has sold. The new  
349 owner(s) will be investing in opening up a Youth Recreation Center.
- 350

351 Mr. Steese informed Borough Council that they received a copy of the Engineer's Report for December  
352 2018 included in the information tonight.

353

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

- 356
- 357 • The Community Christmas Tree Lighting that is scheduled for Sunday, November 25, 2018  
358 from 7:00 PM – 8:00 PM.
  - 359 • Met with the Borough Manager for the Borough of Hatboro during this year's Christkindl  
360 Market; they are looking to start up a Christkindl Market for the Borough of Hatboro.
- 361

362

363 Mr. Steese called an executive session to discuss potential litigation and personnel matters. An  
364 executive session was held from 7:35 PM to 7:55 PM.

365

366

367 Motion by: Linda L. Lewis  
368 Second by: Paul E. Bottiger

369

370 **MOTION: To grant Mr. Jason W. Mitchell, the Public Works Supervisor; Mr. Robert Rowe, the**  
371 **Borough Project Manager a 3% raise for 2019; and Mrs. Margaret A. Metzger, the Borough**  
372 **Manager; Mr. Frederick C. Dyroff III, the Chief of Police a 3.5% raise for 2019.**

373

374 Mr. Zimmerman inquired if the motion to grant Mr. Jason W. Mitchell, the Public Works Supervisor;  
375 Mr. Robert Rowe, the Borough Project Manager a 3% raise for 2019; and Mrs. Margaret A. Metzger, the  
376 Borough Manager; Mr. Frederick C. Dyroff III, the Chief of Police a 3.5% raise for 2019 should include  
377 the additional \$5,000.00/year stipend for Chief Dyroff.

378

379 Motion by: Linda L. Lewis  
380 Second by: Paul E. Bottiger

381

382 **MOTION: To amend the previous motion to include the additional \$5,000.00/year stipend for Mr.**  
383 **Frederick C. Dyroff III, the Chief of Police.**

384

385 Yes – Ms. Lewis, Mr. Zimmerman, Mr. Bottiger, Mr. Fry, Mr. Steese

386

387 No – None

388  
389  
390  
391  
392

393 Motion by: Duane L. Zimmerman

394

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

396

397 Approved via unanimous voice vote.

398

399

400 Meeting adjourned at 7:58 PM.

401

402 Respectfully Submitted,

403

404

405 Misty L. Ross

406 Assistant Borough Secretary