

1 MINUTES OF MIFFLINBURG BOROUGH COUNCIL

2 May 21, 2019

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 - Robin A. Read was present in his place
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 6:30 PM.

19
20 Visitors present at this meeting were Richard Schrader, James Spade, Susan Waggoner, Shawn Snyder,
21 Zach John, Steve Forcheskie, David R. Hines, Jason Romig, and Donald Bowman.

22
23 Mrs. Hackenberg conducted a Public Hearing for Ordinance No. 2019-01; Amending Chapter 29,
24 Zoning of the Code of Ordinances of the Borough of Mifflinburg, by amending Part II, Definitions
25 Section 209-201 applicable definitions to further define AGRICULTURE and to add the definition of
26 LIVESTOCK. There being no comments or discussion the hearing concluded at 6:32 PM.

27
28 Motion by: Linda L. Lewis

29 Second by: Paul E. Bottiger

30
31 **MOTION: To adopt Ordinance No. 2019-01; Amending Chapter 29, Zoning of the Code of**
32 **Ordinances of the Borough of Mifflinburg, by amending Part II, Definitions Section 209-201**
33 **applicable definitions to further define AGRICULTURE and to add the definition of**
34 **LIVESTOCK.**

35
36 Approved via unanimous voice vote.

37
38
39 Ms. Read announced that the Public Hearing for Ordinance No. 2019-02; Amending Chapter 29, Zoning
40 of the Code of Ordinances of the Borough of Mifflinburg, by amending Part 4, District Regulations
41 Section 29-405 General Commercial District (GC) and Section 29-407 Commercial Manufacturing
42 District (CM) to add "Hotel or Motel" as a Permitted Use in each of the specified Zoning Districts was
43 advertised for 6:45 PM and will be held that time.

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45
46 Motion by: Tod M. Steese

47 Second by: Richard J. Fry

48
49 **MOTION: To approve the minutes of the Tuesday, April 16, 2019 regular meeting of Mifflinburg**
50 **Borough Council.**

51
52 Approved via unanimous voice vote.

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55 Motion by: Linda L. Lewis

56 Second by: Paul E. Bottiger

57
58 **MOTION: To approve payment of Bill List # 2019-05 in the amount of \$556,423.16.**

59
60 Yes – Mr. Bottiger, Mr. Fry, Ms. Lewis, Mr. Steese, Mr. Zimmerman, Mrs. Hackenberg

61
62 No – None

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67

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

70
71 **MOTION: To approve the Mifflinburg Borough Zoning Report for April 2019 and authorize**
72 **payment to the Central Keystone Council of Governments (CK-COG) in the amount of \$2,436.05.**

73
74 Yes – Mr. Fry, Ms. Lewis, Mr. Steese, Mr. Zimmerman, Mr. Bottiger, Mrs. Hackenberg

75
76 No – None

77
78
79 Mrs. Metzger informed Borough Council that she has received a request from the Mifflinburg Fire
80 Police to approve Mr. Michael Fullam as a volunteer Fire Police Officer, contingent upon successful
81 completion of the required background checks. Borough Council action is requested to approve this Fire
82 Police Officer.

83
84 Motion by: Linda L. Lewis
85 Second by: Paul E. Bottiger

86
87 **MOTION: To approve Mr. Michael Fullam as a volunteer Fire Police Officer for the Mifflinburg**
88 **Fire Police, contingent upon successful completion of the required background checks.**

89
90 Approved via unanimous voice vote.

91
92
93 Mrs. Metzger reported that the Mifflinburg Hose Company, located at 325 Chestnut Street, has obtained
94 a quote for four (4) new overhead Fire Hall Doors from Buffalo Valley Door Service Inc. A copy of the
95 quote has been included in the information tonight. The Mifflinburg Hose Company is requesting that
96 Borough Council approve release of the \$10,000.00 budgeted for this project towards this replacement
97 project. Borough Council action is requested to release \$10,000.00 towards the replacement of the
98 overhead doors.

99
100 Motion by: Linda L. Lewis
101 Second by: Paul E. Bottiger

102
103 **MOTION: To release the \$10,000.00 budgeted towards the replacement of the overhead Fire Hall**
104 **doors at the Mifflinburg Hose Company, located at 325 Chestnut Street.**

105
106 Mr. Zimmerman clarified that this replacement project would replace all of the overhead Fire Hall doors
107 that are located in front of the Mifflinburg Hose Company.

108
109 Yes – Ms. Lewis, Mr. Steese, Mr. Zimmerman, Mr. Bottiger, Mr. Fry, Mrs. Hackenberg

110
111 No – None

112
113
114 Mr. Rowe reported that the bid opening for paving and double bituminous seal coat for the 2019 Annual
115 Street and Alley Paving Project was held on Friday, May 17, 2019 at 1:00 PM. A copy of the bid
116 tabulation for the paving has been included in the information tonight which reads as follows:

117

<u>Paving Bids</u>	
1. Dave Gutelius Excavating, Inc.	\$ 77,929.00
2. New Enterprise Stone & Lime Co.	\$ 83,588.72
3. Glenn O. Hawbaker, Inc.	\$ 92,520.80
4. Meckley's Limestone Products	\$ 74,936.00

123

124 Borough Council action is requested to award the paving proposal to Meckley's Limestone Products in
125 the unit price amount of \$74,936.00, contingent upon receipt of the completed Anti-Collusion affidavit.

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134 Motion by: Paul E. Bottiger
135 Second by: Linda L. Lewis

136
137 **MOTION: To award the paving proposal for the 2019 Annual Street and Alley Paving Project to**
138 **Meckley's Limestone Products in the unit price amount of \$74,936.00, contingent upon receipt of**
139 **the completed Anti-Collusion affidavit.**

140
141 Yes – Mr. Steese, Mr. Zimmerman, Mr. Bottiger, Mr. Fry, Ms. Lewis, Mrs. Hackenberg

142
143 No – None

144
145
146 Mr. Rowe informed Borough Council that they also received a copy of the bid tabulation for the double
147 bituminous seal coat proposal included in the information tonight which reads as follows:

148
149 Seal Coat Bids
150 1. Midland Asphalt Materials, Inc. \$ 61,072.54
151 2. Hammaker East LTD \$ 69,983.48

152
153 Borough Council action is requested to award the double bituminous seal coat proposal to Midland
154 Asphalt Materials, Inc. in the unit price amount of \$61,072.54, contingent upon receipt of the completed
155 Anti-Collusion affidavit.

156
157 Motion by: Linda L. Lewis
158 Second by: Richard J. Fry

159
160 **MOTION: To award the double bituminous seal coat proposal for the 2019 Annual Street and**
161 **Alley Paving Project to Midland Asphalt Materials, Inc. in the unit price amount of \$61,072.54,**
162 **contingent upon receipt of the completed Anti-Collusion affidavit.**

163
164 Mr. Bottiger inquired who the company was that completed the double bituminous seal coat work for
165 the 2018 Annual Street and Alley Paving Project. Mr. Rowe reported that Hammaker East LTD was the
166 company that completed the double bituminous seal coat work for the 2018 Annual Street and Alley
167 Paving Project.

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

170
171 No – None

172
173
174 Mrs. Metzger reported that both the Borough and Project Managers have interviewed the candidates for
175 the Part-Time Seasonal Groundskeeper position. Borough Council action is requested to offer
176 employment to Mr. John Erdley at the starting wage of \$10.00/hr. as a Part-Time Seasonal
177 Groundskeeper, contingent upon successful completion of the required pre-employment testing and
178 criminal and child abuse clearances.

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

182
183 **MOTION: To offer employment to Mr. John Erdley at the starting wage of \$10.00/hr. as a Part-**
184 **Time Seasonal Groundskeeper, contingent upon successful completion of the required pre-**
185 **employment testing and criminal and child abuse clearances.**

186
187 Mr. Zimmerman inquired what Mr. Erdley's estimated hours would be. Mrs. Metzger stated that Mr.
188 Erdley would probably work about 24 hours per week however, it's really dependent on the weather; the
189 hours may vary week to week. Mrs. Metzger clarified that Mr. Erdley would be working May through
190 August on an as-needed basis.

191
192 Approved via unanimous voice vote.

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198

199 Mr. Rowe informed Borough Council that he has obtained quotes for the replacement of the Borough's
200 smaller electric bucket truck from COSTARS vendors. There were three (3) quotes received and are as
201 follows:

	<u>Altec</u>	<u>Mobile Lifts, Inc. (Dur-A-Lift)</u>	<u>VERALIFT East</u>
203			
204	1. Municipal F-550 4X4 Bucket Truck	\$128,597.00	\$141,314.00
205	2. Alternate - Upgrade Cost for same truck	\$137,360.00	\$150,424.00
206	w/ 6.7L 4V OHV Power Stroke V8 Turbo		
207	Diesel Engine Option		
208	3. Altec AT48M Eastern Demo Unit	\$136,456.00	
209	27-63484520 w/ Diesel Engine		
210			

211 A copy of the quote tabulation has been included in the information tonight. Mr. Rowe reported that in
212 speaking with Mr. Craig Lewis, the Borough Electrical Foreman, he obtained quotes for two (2)
213 different types of trucks: diesel trucks and gas trucks. Based on past experience, he was definitely going
214 to recommend purchasing a diesel truck; however after further discussion with two (2) of the COSTARS
215 vendors: Mobile Lifts, Inc. (Dur-A-Lift) and VERALIFT East, there are concerns with purchasing a
216 diesel truck. The COSTARS vendors indicated that due to new government emissions regulations,
217 driving diesel trucks only a few miles every day at low speeds can cause blockage problems. The
218 COSTARS vendors also indicated that a lot of municipal diesel trucks are having problems and they
219 don't recommend purchasing a diesel truck. Mr. Bottiger stated that he also spoke with Mr. Lewis and
220 agrees that the Borough should purchase a gas truck.

221
222 Mr. Rowe pointed out that the cost of the bucket truck is slightly higher than originally anticipated
223 because the Borough Electric Crew decided to go with a bigger truck with a longer swing arm lift that
224 goes higher. In speaking with the COSTARS vendors, if we purchase the Municipal F-550 4X4 Bucket
225 Truck there is a twelve (12) to fifteen (15) month lead time, so the Borough would have enough time to
226 set aside the remaining funds with the 2020 Budget. However, Altec provided the Borough with a fairly
227 decent price on the Altec AT48M Eastern Demo Unit 27-63484520 with the Diesel Engine; it's on short
228 order and the Borough could have this truck within forty-five (45) days. Mrs. Metzger clarified that
229 \$105,000.00 has been included in the 2019 Budget for the purchase of a smaller electric bucket truck. If
230 Borough Council opts to purchase the Municipal F-550 4X4 Bucket Truck there is a twelve (12) to
231 fifteen (15) month lead time, so the Borough would have enough time to set aside the remaining funds
232 with the 2020 Budget. If Borough Council opts to purchase the Altec AT48M Eastern Demo Unit 27-
233 63484520 with the Diesel Engine and have the truck on-site within forty-five (45) days, a budget
234 amendment would be required to transfer the remaining funds from the Electric Capital Project account.

235
236 A discussion was held regarding the quotes received and whether the Borough should purchase a gas or
237 diesel truck. Mr. Bottiger expressed that he doesn't believe the pros outweigh the cons for a diesel truck
238 and reiterated that he personally believes the Borough should purchase a gas truck. Mr. Bottiger added
239 that government emissions regulations are tough on both the gas and diesel engines; however, the
240 emissions control systems are more intrusive on the owner of a diesel pickup. There is the need to refill
241 the Diesel Exhaust Fluid (DEF) on a regular basis in order to avoid the truck from running rough or
242 shutting down. Additionally, due to the new particulate systems on diesel trucks, short journeys are bad.
243 Driving only a few miles every day at low speeds can cause blockage problems.

244
245 Motion by: Linda L. Lewis

246 Second by: Richard J. Fry

247
248 **MOTION: To authorize the Borough to purchase the Gas Model Municipal F-550 4X4 Bucket**
249 **Truck from Altec to replace the Borough's electric pickup truck for a lump sum amount of**
250 **\$128,597.00.**

251
252 Yes – Mr. Bottiger, Mr. Fry, Ms. Lewis, Mr. Steese, Mr. Zimmerman, Mrs. Hackenberg

253
254 No – None

255
256
257 Mrs. Hackenberg conducted a Public Hearing at 6:52 PM for Ordinance No. 2019-02; Amending
258 Chapter 29, Zoning of the Code of Ordinances of the Borough of Mifflinburg, by amending Part 4,
259 District Regulations Section 29-405 General Commercial District (GC) and Section 29-407 Commercial
260 Manufacturing District (CM) to add "Hotel or Motel" as a Permitted Use in each of the specified Zoning
261 Districts at 6:52 PM.

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265 Mr. James F. Spade, attorney with JSDC Law Offices, announced that he is present at tonight's hearing
266 on behalf of Legacy Building Products, Inc. (located at 15 Industrial Park Road) and the Rusty Rail
267 Brewing Company (located at 5 N. 8th Street) to speak as to the portion of this amendment that relates to
268 the Commercial Manufacturing District.

269
270 Mr. Spade informed Borough Council that he contacted Mr. Tira via telephone prior to tonight's hearing
271 and left a message concerning a clerical error in Paragraph 3 of the ordinance, which reads as follows:

272
273 WHEREAS, the Mifflinburg Borough Planning Commission, after review and consideration of
274 the Application, approved a motion to make two separate recommendations to the Mifflinburg
275 Borough Council to amend both the Commercial District (Section 29-407) and the General
276 Commercial District (Section 29-405) to add Hotel or Motel as a Permitted Use in each
277 specified Zoning District; and

278
279 Mr. Spade elucidated that Paragraph 3 refers to "the Commercial District (Section 29-407)" (underlined
280 above), when it should actually be the Commercial Manufacturing District.

281
282 Mr. Spade reported that Legacy Building Products, Inc. (located at 15 Industrial Park Road) submitted
283 an Application for Zoning Ordinance Amendment for the Rusty Rail Brewing Company (located at 5 N.
284 8th Street) to amend Article 29 §407.1.A for the addition of "Hotel or Motel", as defined in Article 29
285 §201.2 of the Ordinance to table or list of Permitted Uses in the Commercial Manufacturing District.
286 Legacy Building Products, Inc. believes that the following factors and circumstances, without limitation
287 on other factors and circumstances, support this Application for Amendment: the proposed additional
288 Permitted Use of "Hotel or Motel" is particularly compatible with certain of the listed Permitted Uses in
289 the Commercial Manufacturing District, including 1) Retail Business Establishments, 5) Personal
290 Service and Repair Facilities, 9) Essential Services, 10) Public and Quasi-Public Uses, 12) Restaurants,
291 13) Group Child-Care Home or Child-Care Center, 15) Single-Family Dwellings, 16) Double
292 Dwellings, and 17) Bed-and-Breakfast Establishments. Legacy Building Products, Inc. believes that the
293 proposed additional Permitted Use is compatible with the remaining Permitted Uses listed for the
294 Commercial Manufacturing District. At present, the Hotel or Motel use (listed as "Hotel and Motel") is
295 scheduled as a Permitted Use or a Special Exception Use only in a single district within the Borough,
296 being the Downtown District, which is already fully improved and developed. The proposed additional
297 Permitted Use of Hotel or Motel is fully compatible with the statement of intent for the Commercial
298 Manufacturing Zoning District and other Zoning Districts provided in Article 29, §301 of the Ordinance.
299 The Ordinance currently recognizes and defines the Hotel or Motel use and provides all necessary
300 zoning standards, such as bulk and area regulations and controls and off-street parking requirements for
301 such use. The addition of the Hotel or Motel use to the Commercial Manufacturing District allows the
302 use to be conducted in a district already devoted to similar uses and preserves land within the Borough
303 better suited to other uses.

304
305 Mr. Richard Schrader, General Manager for the Rusty Rail Brewing Company, stated that they see a lot
306 of people coming through the area looking for additional lodging in the area and he thinks the proposed
307 amendment would be beneficial to the community as well as everyone who travels through this area.

308
309 Mr. Don Bowman, Chairman of the Mifflinburg Planning Commission, clarified that the Mifflinburg
310 Planning Commission discussed the proposed amendment for Permitted Uses in the Commercial
311 Manufacturing District at their regularly scheduled meeting held on Tuesday, April 16, 2019 and passed
312 a motion to make the following two (2) recommendations to Borough Council:

- 313
314 1. To amend the Zoning Ordinance as set forth in the application by Legacy Building
315 Products, Inc.
316 2. To add the same use; "Hotel or Motel" in the General Commercial District.

317
318 Mr. Bowman interjected that at the Mifflinburg Planning Commission meeting, two (2) of the Planning
319 Commission members: Mr. Drew Christy and himself, voted against the motion; they were not in favor
320 of the second recommendation, while they supported the first. The Mifflinburg Planning Commission
321 members felt the second recommendation was unnecessary at this time and was an item that needed to
322 be further studied before action being taken on behalf of the Borough. There being no further comments
323 or discussion the hearing concluded at 7:01 PM.

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332 Motion by: Paul E. Bottiger
333 Second by: Richard J. Fry

334
335 **MOTION: To adopt Ordinance No. 2019-02; Amending Chapter 29, Zoning of the Code of**
336 **Ordinances of the Borough of Mifflinburg, by amending Part 4, District Regulations Section 29-**
337 **405 General Commercial District (GC) and Section 29-407 Commercial Manufacturing District**
338 **(CM) to add “Hotel or Motel” as a Permitted Use in each of the specified Zoning Districts as**
339 **corrected by Mr. James F. Spade.**

340
341 Approved via unanimous voice vote.

342
343
344 Mr. Zach John, General Manager at Designer Homes of PA, announced that he is present at tonight’s
345 meeting along with Mr. Shawn Snyder, Project Manager at Designer Homes of PA, regarding the four
346 (4) Sewer EDU’s that were issued to Designer Homes of PA on November 27, 2018 for lots 5, 6, 7 and
347 13 Oak Avenue. Mr. John informed Borough Council that Designer Homes of PA is requesting an
348 eighty (80) day extension to utilize the four (4) EDUs that were issued to Designer Homes of PA on
349 November 27, 2018 and to transfer the four (4) EDUs from the originally assigned Lots of 5, 6, 7 and 13
350 Oak Avenue to Lots 20, 21, 22, and 23 Oak Avenue. The original deadline for the use of these EDU’s is
351 Monday, May 27, 2019. Mr. John distributed copies of the floor plans that Designer Homes of PA is
352 looking to complete at lots 20, 21, 22, and 23 Oak Avenue and explained that when Designer Homes of
353 PA first began the initial planning for the Oak Avenue subdivision, they misinterpreted the market.
354 Originally, Designer Homes of PA planned to construct single family dwellings on lots 5, 6, 7 and 13
355 Oak Avenue; however, after extensive review of the current market and what is needed in this area,
356 Designer Homes of PA have determined that as far as housing needs, there is a huge demand for
357 duplexes and therefore have revised their plans to construct duplexes on lots 20, 21, 22, and 23 Oak
358 Avenue. Mr. John reiterated that instead of four (4) single family dwellings on lots 5, 6, 7 and 13 Oak
359 Avenue (1 EDU/dwelling), Designer Homes of PA is now planning to construct two (2) duplexes on lots
360 20, 21, 22, and 23 Oak Avenue (2 EDUs/duplex).

361
362 Mrs. Metzger reminded Borough Council that they took action at the Tuesday, October 16, 2018 regular
363 Borough Council meeting to award the five (5) available sewer EDUs granted by the Pennsylvania
364 Department of Environmental Protection (DEP), subject to the following conditions for acceptance as
365 established in Resolution No. 2018-09; a resolution establishing and adopting a policy for the
366 distribution of connection permits under state, federal, or other regulatory limitations:

- 367
- 368 • Payment of the applicable tapping and connection fees within fifteen (15) days of
 - 369 acceptance of the EDU connection permit.
 - 370 • Payment of applicable sewer rentals upon occupancy of the structure. If the structure is not
 - 371 occupied within one (1) year of the date of connection permit issuance, the property owner
 - 372 shall pay any applicable reservation of capacity charges as established by resolution of the
 - 373 Mifflinburg Borough Council.
 - 374 • If construction has not been started within 180 days of the date of connection permit
 - 375 issuance, then the EDU shall be revoked and the Borough shall return 80% of the tapping
 - 376 fee paid by the applicant.
- 377

378 In accordance with Paragraph III of the allocation policy resolution the Borough of Mifflinburg will
379 establish a list of interested parties for the distribution of available connection permits based upon
380 written responses from the public notification. Applications shall be ranked using the point scale (as
381 established) and EDUs will be awarded to highest ranked applications. Mrs. Metzger pointed out that
382 Designer Homes of PA doesn’t have an active building permits on file at the CK-COG, which means
383 they don’t have active building permits for lots 20, 21, 22, and 23 Oak Avenue. Mrs. Metzger stated
384 that it’s not a requirement of the resolution that applicants must have an active building permit on file;
385 it’s just something the Borough uses to rank the EDUs. A copy of Resolution No. 2018-09 has been
386 included in the information tonight.

387
388 Ms. Read clarified that Designer Homes of PA understood the hierarchy as far as the distribution of the
389 EDUs; the priority that Designer Homes of PA received was only because they already had active
390 building permits on file. Ms. Read inquired as to why Designer Homes of PA couldn’t meet their
391 deadlines. Mr. John stated that Designer Homes of PA couldn’t meet their deadlines due to as a
392 business they had a slower 1st quarter, weather delays, and then the market changes.

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399 Motion by: Duane L. Zimmerman
400 Second by: Tod M. Steese

401
402 **MOTION: To approve Designer Homes of PA request for a ninety (90) day extension to utilize the**
403 **four (4) EDUs that were issued to Designer Homes of PA on November 27, 2018; and to approve**
404 **the transfer of the four (4) EDUs from the originally assigned Lots of 5, 6, 7 and 13 Oak Avenue to**
405 **Lots 20, 21, 22, and 23 Oak Avenue, subject to the acquisition of all necessary zoning, construction**
406 **permits, and any other applicable approval prior to any work beginning on these properties.**
407

408 Mr. Bottiger clarified that he wants to help Designer Homes of PA if possible; however he doesn't want
409 to set a bad precedent. Mr. Bottiger inquired about the ramifications as far as with regard to other
410 individuals that are waiting for EDUs to become available. Ms. Read confirmed that Borough Council
411 would be setting a precedent; additionally, she doesn't believe Borough Council has any justification for
412 granting the extension that is being presented. The resolution doesn't allow for any kind of exceptions.
413 If another individual seeking EDUs were to contest, the Borough would be open to liability since
414 Borough Council hasn't followed the process in the Resolution.
415

416 Ms. Lewis inquired if the motion currently on the table includes an amendment to Resolution No. 2018-
417 09. Ms. Read clarified that the motion currently on the table doesn't include an amendment to
418 Resolution No. 2018-09, only to Designer Homes of PA's application. Mr. Bottiger suggested that
419 maybe Borough Council should consider amending Resolution No. 2018-09 to include language that
420 awarded applicants may request a ninety (90) day extension for Borough Council consideration. A
421 lengthy discussion was held; Mr. Fry requested an update on the status of the Corrective Action Plan
422 (CAP) update that was submitted to DEP on Friday, March 29, 2019 and the Borough's chances of
423 obtaining additional EDUs. Mrs. Erin Threet, HRG, Inc., informed Borough Council that she spoke
424 with Mr. Tom Randis yesterday and he is currently reviewing the CAP. Based on the conversation with
425 Mr. Randis, she anticipates that the Borough will be receiving correspondence from DEP within the next
426 week or two (2). Mrs. Threet expressed that she honestly wouldn't be surprised if the Borough didn't
427 receive any additional EDUs given the recent events; she's just not very optimistic.
428

429 Ms. Lewis stated that she thinks Borough Council should amend the motion currently on the table to
430 include "to amend Resolution No. 2018-09 to included language that the Borough shall allow awarded
431 applicant to request a ninety (90) day extension for Borough Council consideration based on reasonable
432 facts." Ms. Read advised Borough Council that she thinks it would be better if Borough Council
433 withdrew the motion currently on the table and make another motion to amend Resolution No. 2018-09;
434 and then Borough Council can revisit the current motion if they so choose.
435

436 Yes – Ms. Lewis, Mr. Steese, Mr. Zimmerman

437
438 No – Mr. Fry, Mr. Bottiger, Mrs. Hackenberg

439
440 The motion tied 3-3; Mayor Cooney cast the final vote, voting against the motion.
441

442 The motion failed 4-3.
443
444

445 Mrs. Hackenberg and Mr. Fry both agreed that they would be in favor of approving a ninety (90) day
446 extension to utilize two (2) of the four (4) EDUs that were issued to Designer Homes of PA and then re-
447 advertising the remaining two (2) EDUs. Mr. Zimmerman disagreed and expressed that he thinks
448 Borough Council needs to work with Designer Homes of PA; they would be supporting one (1) of the
449 biggest, if not the biggest customer. Mr. Zimmerman reiterated that he feels Borough Council should
450 take action to approve Designer Homes of PA's request for a ninety (90) day extension to utilize the four
451 (4) EDUs and to approve the transfer of the four (4) EDUs.
452

453 Ms. Read clarified that if another individual seeking EDUs were to contest, the Borough would still be
454 open to liability since it's not in accordance with the policy.
455

456 Ms. Lewis inquired about amending Resolution No. 2018-09 to add clause that the Borough shall allow
457 awarded applicants to request a ninety (90) day extension for Borough Council consideration based on
458 reasonable factors.
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466 Motion by: Duane L. Zimmerman

467

468 **MOTION: To amend Resolution No. 2018-09; a resolution establishing and adopting a policy for**
469 **the distribution of connection permits under state, federal, or other regulatory limitations, to**
470 **allow a ninety (90) day extension for Borough Council consideration as long as awarded**
471 **applicants come to a Borough Council meeting and they do it within the period of time that their**
472 **original request was made.**

473

474 Mrs. Hackenberg clarified that Mr. Zimmerman is looking to amend Resolution No. 2018-09 to allow a
475 ninety (90) day extension to an existing EDU request, not a new EDU request.

476

477 Ms. Lewis stated that she would second the motion as long as it's not to allow an automatic ninety (90)
478 day extension as long as awarded applicants show up a Borough Council meeting. Mr. Zimmerman
479 explained that awarded applicants would come to a Borough Council meeting, like Designer Homes of
480 PA has, and then Borough Council would vote on their request as long as it's a reasonable request.

481

482 Ms. Read informed Borough Council that when you're amending a resolution, you have to review the
483 resolution and draft the specific language on how the resolution is going to be amended and that's what
484 Borough Council has to vote on; you have to provide the specific language and the specific location for
485 the amendment.

486

487 Ms. Lewis wrote out the specific language for the amendment to Resolution No. 2018-09.

488

489 Motion by: Linda L. Lewis

490 Second by: Duane L. Zimmerman

491

492 **MOTION: To rescind the previous motion and amend Resolution No. 2018-09; a resolution**
493 **establishing and adopting a policy for the distribution of connection permits under state, federal,**
494 **or other regulatory limitations, to add the clause that the Borough shall allow awarded applicants**
495 **to request a ninety (90) day extension for Borough Council consideration based on reasonable**
496 **factors.**

497

498 Mrs. Hackenberg clarified that this motion doesn't automatically approve Designer Homes of PA
499 request for a ninety (90) day extension to utilize the four (4) EDUs that were issued to them on
500 November 27, 2018.

501

502 Approved via voice vote, with Mr. Fry voting no.

503

504

505 Motion by: Duane L. Zimmerman

506 Second by: Linda L. Lewis

507

508 **MOTION: To approve Designer Homes of PA request for a ninety (90) day extension to utilize the**
509 **four (4) EDUs that were issued to Designer Homes of PA on November 27, 2018; and to approve**
510 **the transfer of the four (4) EDUs from the originally assigned Lots of 5, 6, 7 and 13 Oak Avenue to**
511 **Lots 20, 21, 22, and 23 Oak Avenue, subject to the acquisition of all necessary zoning, construction**
512 **permits, and any other applicable approval prior to any work beginning on these properties.**

513

514 Yes – Ms. Lewis, Mr. Steese, Mr. Zimmerman, Mr. Bottiger

515

516 No – Mr. Fry, Mrs. Hackenberg

517

518

519 Mrs. Metzger reported that HRG, Inc. has prepared a quote for professional engineering services for the
520 Chestnut Street: Line Street to Forest Hill Road Water Main Replacement Project. This project is to be
521 completed in 2019 in advance of a 2020 PennDOT Resurfacing Project. A copy of the proposal has
522 been included in the information tonight for Borough Council review. The price quoted by HRG, Inc. is
523 \$32,840.00. This is significantly higher than the original engineering amount included in the Borough's
524 Estimate of Probable Construction Costs (EOPCC) for this project which was prepared back in
525 September of 2017. The EOPCC included engineering costs at around \$17,700.00 and represented 15%
526 of the estimated project cost. Borough Council direction is requested on how to proceed. Mrs. Metzger
527 clarified that \$162,000.00 has been budgeted for this project. If Borough Council opts to approve the
528 quote as-is, a budget amendment may be required once the bids for this project have been received.

529

530

531

532 Mrs. Erin Threet, HRG, Inc., informed Borough Council that when the Borough first began developing
533 this project, HRG, Inc. assisted the Borough by providing an EOPCC for this project which as explained
534 to Mrs. Metzger, she's a little nervous that those numbers are likely on the low-side now since ductile
535 and paving prices have both seen increases since that time. Mrs. Threet stated that overall she thinks the
536 Borough's budget may be a little low for this project. As for the engineering costs, when HRG, Inc.
537 assist with those planning-level numbers, they always just assume a % of construction costs as an
538 estimate rather than taking the time to scope and budget the project the way that they do when they're
539 actually pulling a proposal together. On the construction phase, HRG, Inc. assumed a bit on the high-
540 side here because of the location of the project and potential PennDOT involvement/complication when
541 they were budgeting their hours. Mrs. Threet clarified that the construction phase is for a Time &
542 Materials Estimated fee, so HRG, Inc. would only charge for work that they complete and do what they
543 can to minimize efforts. A discussion was held; Mr. Zimmerman and Ms. Lewis both expressed that
544 they think Borough Council should obtain additional quotes for professional engineering services for the
545 Chestnut Street: Line Street to Forest Hill Road Water Main Replacement Project.

546
547 Motion by: Linda L. Lewis

548 Second by: Duane L. Zimmerman

549
550 **MOTION: To solicit quotes for professional engineering services for the Chestnut Street: Line**
551 **Street to Forest Hill Road Water Main Replacement Project.**

552
553 Approved via voice vote, with Mr. Steese voting no.

554
555
556 Mr. Rowe provided Borough Council with an update on the status of the Green Light GO Grant Signal
557 Upgrade Project. Mr. Rowe reported that he in conjunction with the Engineer for the Green Light GO
558 Project have solicited bids for Video Detection and Retiming to the traffic signal at Chestnut Street (SR
559 0045) and Mabel Street/Meadow Green. The bids were opened on May 13, 2019. There was one (1)
560 bid received from Atlantic Transportation System (ATS) for \$59,104.00. The grant amount that the
561 Borough received was \$53,331.00 which included engineering; the amount set aside in the grant for the
562 contractor was \$41,331.00. Mr. Rowe stated that contractors are overbidding or not bidding at all
563 because they're too busy; this is an issue statewide. According to DOT, and in speaking with Mr. Tira,
564 Borough Council has the following options:

- 565
- 566 1. Reject the bids and wait until later to rebid.
 - 567 2. Award the contract and offset the shortfall, which means the Borough would incur the
568 additional costs.
 - 569 3. Award the contract and change order items out to be within the project budget.

570
571 Borough Council action is requested to either award the bid or to give Borough Management other
572 direction. The Green Light GO Grant deadline is June 2020. A lengthy discussion was held; Mr.
573 Zimmerman expressed that he thinks Borough Council should reject the bid received and rebid this
574 project in a few months. Ms. Read suggested that the Borough include language clarifying the timeline
575 to complete the project when they rebid.

576
577 Motion by: Duane L. Zimmerman

578 Second by: Linda L. Lewis

579
580 **MOTION: To reject the bid from Atlantic Transportation System (ATS) for the Green Light GO**
581 **Grant Signal Upgrade Project for Video Detection and Retiming to the traffic signal at Chestnut**
582 **Street (SR 0045) and Mabel Street/Meadow Green and to rebid the project with language included**
583 **clarifying the timeline to complete the project.**

584
585 Approved via unanimous voice vote.

586
587
588 Mrs. Metzger provided Borough Council with an update on the status of the maintenance agreement
589 with Evoqua Water Technologies LLC (Evoqua). Mrs. Metzger reported that Mrs. Erin Threet, HRG,
590 Inc., has been working with Evoqua to develop a maintenance agreement for the membranes at the
591 Wastewater Treatment Plant. Evoqua has provided a draft maintenance agreement which was
592 distributed via email to Borough Council and Mr. Tira for review and comment. Suggested changes
593 have been forwarded to Evoqua and approved. Borough Council action is requested to approve this
594 Maintenance Agreement with Evoqua as recommended by the Borough Solicitor.

595
596
597
598

599 Motion by: Paul E. Bottiger
600 Second by: Linda L. Lewis

601
602 **MOTION: To approve the Maintenance Agreement with Evoqua Water Technologies LLC**
603 **(Evoqua) for the membranes at the Wastewater Treatment Plant as recommended by Mr. Tira.**

604
605 Yes – Mr. Steese, Mr. Zimmerman, Mr. Bottiger, Mr. Fry, Ms. Lewis, Mrs. Hackenberg

606
607 No – None

608
609
610 Mrs. Metzger provided Borough Council with an update on the status of the Corrective Action Plan
611 (CAP). Mrs. Metzger reported that HRG, Inc. has prepared a supplement to the Borough's CAP
612 Assistance Agreement to continue Flow Monitoring Assistance for an additional six (6) months or one
613 (1) year. Mrs. Metzger recommended that Borough Council take action to approve this supplement for
614 one (1) year at a rate of \$26,640.00 through March 2020.

615
616 Motion by: Tod M. Steese
617 Second by: Paul E. Bottiger

618
619 **MOTION: To approve the supplement to the Borough's Corrective Action Plan (CAP) Assistance**
620 **Agreement to continue Flow Monitoring Assistance for an additional one (1) year at a rate of**
621 **\$26,640.00 through March 2020.**

622
623 Yes – Mr. Zimmerman, Mr. Bottiger, Mr. Fry, Ms. Lewis, Mr. Steese, Mrs. Hackenberg

624
625 No – None

626
627
628 Mrs. Metzger announced that HRG, Inc. continues to provide assistance in reviewing Wastewater
629 Treatment Plant (WWTP) modifications necessary to reduce MLSS concentrations including
630 calculations for liquid sludge hauling volumes as discussed during the May 7, 2019 Borough Work
631 Session. As requested during the Borough Work Session, HRG, Inc. has solicited Liquid Sludge
632 Hauling quotes for the month of June. Mrs. Erin Threet, HRG, Inc., informed Borough Council that she
633 has solicited Liquid Sludge Hauling quotes from four (4) local haulers for the month of June. The
634 quotes were received on Monday, May 20, 2019. There were three (3) quotes received and a copy of the
635 tabulation has been included in the information tonight. Mrs. Threet noted that one (1) of the quotes she
636 received via text message on Monday, May 20, 2019. R.C. Stahlnecker Co. was the lowest cost per
637 gallon at \$0.082/gallon. All of the haulers do note that there is a surcharge if your % Solids is greater
638 than two (2); however, she doesn't think the Borough is going to have this problem based on her
639 understanding of the characteristics at the WWTP and in speaking with the Treatment Plant Operators.
640 R.C. Stahlnecker Co. was the only hauler to actually specify what the surcharge amount would be. Mrs.
641 Threet stated that based on the information provided, she is recommending that Borough Council take
642 action to award the quotes for liquid sludge hauling to R.C. Stahlnecker Co. While R.C. Stahlnecker
643 Co.'s quote is more costly overall, it's the least cost per gallon and you're getting more gallons out of
644 the WWTP which is the whole point of what the Borough is trying to accomplish. A lengthy discussion
645 was held regarding the operations at the WWTP; Ms. Lewis clarified that the liquid sludge hauling was
646 designed to be completed on a one month basis to see if this works and provides the necessary results.

647
648 Motion by: Paul E. Bottiger
649 Second by: Linda L. Lewis

650
651 **MOTION: To award the quote for the Liquid Sludge Hauling for the month of June to R.C.**
652 **Stahlnecker Co. with the prices as provided on the summary.**

653
654 Yes – Mr. Bottiger, Mr. Fry, Ms. Lewis, Mr. Steese, Mr. Zimmerman, Mrs. Hackenberg

655
656 No – None

657
658
659 Mrs. Threet clarified that she would notify R.C. Stahlnecker Co. of the action taken at tonight's meeting
660 and allow them to coordinate directly with the Operations Staff, as well provide contact information for
661 Mr. Rowe, Mr. Bradley Sauers, and Mr. David Gessner.

662
663
664

665 Mrs. Metzger reported that Mr. Rowe has solicited quotes for an additional sludge dumpster as well as
666 searched for hauling trucks as directed at the May 7, 2019 Borough Work Session. Mr. Zimmerman
667 requested that this matter be referred to the Borough Work Session to be discussed further. Mrs.
668 Metzger mentioned that there is lead time on sludge dumpster and it's about three (3) months.
669

670 Mrs. Metzger requested an executive session to discuss potential litigation.
671

672 Mayor Cooney informed Borough Council that they received a copy of the Monthly Police Report for
673 April 2019 included in the information tonight.
674

675 Mayor Cooney informed Borough Council that the Public Safety Committee met on Tuesday, May 7,
676 2019 at 5:30 PM regarding activating the fire siren during a tornado warning. The siren would probably
677 be tested once a month or twice a year. The siren would only be activated during a tornado warning and
678 would only be activated by an individual when notification is received by the National Weather Service
679 of a tornado warning. The siren would be activated for a solid three (3) minutes. Mayor Cooney
680 clarified that further work is required to develop an official policy, as well as make any physical changes
681 and provide education. Updates will be provided
682

683 Mayor Cooney announced that Ms. Robin Baney, a resident of 428 Chestnut Street Rear, was supposed
684 to be present at tonight's meeting regarding the tables located on the sidewalks in front of the Scarlet D
685 Restaurant located at 264 Chestnut Street; however she is not present. Mayor Cooney reported that the
686 Mifflinburg Police Department has received a complaint from Ms. Baney; she claims that the tables,
687 when filled with restaurant patrons, blocks the sidewalks impeding foot traffic. Mayor Cooney
688 explained that what is happening is when the Scarlet D Restaurant is filled with restaurant patrons, the
689 restaurant patrons are moving the tables and chairs out and impeding foot traffic. (This is the second
690 complaint the Borough has received regarding the tables located on the sidewalks in front of the Scarlet
691 D Restaurant.) A discussion was held; Mrs. Hackenberg directed Mrs. Metzger to send a letter to the
692 Scarlet D Restaurant notifying them of the complaint and ask that they be cognizant of these rules and
693 place the tables and chairs in a manner that maintains the required open passage.
694

695 Mrs. Erin Threet, HRG, Inc., informed Borough Council that they received a copy of the Engineer's
696 Report for May 2019 included in the information tonight.
697

698 Mrs. Metzger reported that HRG, Inc. continues to provide assistance with review of settlement/void
699 space under sidewalk at the Intake site, including a site visit with Borough Staff on Thursday, April 25,
700 2019. The first effort to find the leak resulted in a dig in the parking area adjacent to the Intake, this
701 exposed the sediment basin outfall pipe which was in poor condition and required replacement. This
702 repair was completed, but did not address the leak that is causing the concrete apron to settle. The next
703 step proposed by HRG, Inc. is to remove the concrete apron to investigate further and then replace it.
704 The Borough will be obtaining quotes for this work for discussion at the Tuesday, June 4, 2019 Borough
705 Work Session. HRG, Inc. will continue to provide assistance regarding this issue as requested by
706 Borough Staff
707

708 Mayor Cooney reported that the Mifflinburg Police Department recently had a few minor incidents at
709 the Mifflinburg Community Park where picnic table benches were broken by individuals jumping on
710 them. The Mifflinburg Police Department has installed a new security camera system at the Park;
711 however, the one (1) spot that doesn't have adequate camera coverage is pavilion #1. Chief Dyroff has
712 received the following two (2) quotes from Select Security for an additional camera to view pavilion #1:
713

714 Option 1: Mount a camera on the restroom building and point directly into pavilion #1, at a
715 cost of \$2,828.00 (\$20.00/month service fee).
716

717 Option 2: Mount two (2) cameras inside the pavilion at each corner to cover the entire pavilion,
718 at a cost of \$1,874.00 (\$13.00/month service fee).
719

720 Mayor Cooney clarified that \$35,000.00 was included in the 2018 Budget for the installation of the
721 camera system at the Park; a total cost of \$27,445.22 has been spent plus the monthly service fee of
722 \$113.00 for three (3) years, leaving a remaining balance of \$3,486.78, which would cover the cost of the
723 new camera plus the additional monthly service fee for a total of either \$126.00 or \$133.00 depending
724 on which option Borough Council chooses. Chief Dyroff is seeking Borough Council approval to
725 authorize the Mifflinburg Police Department to move forward with either Option 1 or Option 2 to use
726 the remaining camera funds to purchase an additional camera(s) to provide camera coverage of pavilion
727 #1. A discussion was held; it was the consensus of Borough Council to table action for an additional
728 camera to view pavilion #1 and revisit if more problems persist.
729

730 Mr. Zimmerman announced that a senior citizen approached him at Cole's Hardware to express
731 concerns with vehicles speeding on E. Walnut Street and asked about speed pumps. Mr. Zimmerman
732 recommended that the Mifflinburg Police Department conduct speed enforcement in this area.
733

734 Mr. Zimmerman provided Borough Council with an update on the status of the town clock, which is
735 located in the tower at the First Evangelical Lutheran Church, located at 404 Market Street.
736

737 Mayor Cooney presented Borough Council with an update for the Mifflinburg Regional Economic
738 Development (MRED) Alliance. Mayor Cooney updated Borough Council on the following businesses
739 in the Borough:
740

- 741 • Primitive Thymes Mercantile (previously located at 95 Brookpark Circle, Lewisburg) will
742 be opening up shop at the former Cole's Hardware building located at 145 E. Chestnut
743 Street on Saturday, June 1, 2019.
- 744 • A new flooring & countertop business will be opening up shop at the former Carquest Auto
745 Parts building located at 321 E. Chestnut Street. The business is currently completing
746 renovations to the building.
747

748 Mayor Cooney informed Borough Council that he participated in or will be participating in the
749 following meetings or events:
750

- 751 • The Mifflinburg Safety Fair that is scheduled for Wednesday, June 12, 2019 from 5:00 PM
752 to 8:00 PM at the Mifflinburg Community Park.
- 753 • The Arbor Day celebration that was held on Friday, April 26, 2019 at 10:00 AM at the
754 Mifflinburg Community Park. Mayor Cooney stated that he issued a proclamation during
755 the celebration.
- 756 • The Mifflinburg Little League Association's Opening Day Celebration that that was held
757 Saturday, May 4, 2019 at the Mifflinburg Community Park.
- 758 • The Mifflinburg Memorial Day 5th Street Festival that is scheduled for Monday, May 27,
759 2019 following the annual Memorial Day Ceremony.
- 760 • The Re-Dedication Ceremony that is scheduled for May 30, 2019 in front of the
761 Mifflinburg Area High School for the Mifflinburg Area High School Memorial Monument
762 World War I Alumni Memorial. May 30th will be exactly 100 years ago that the monument
763 was originally dedicated. Mayor Cooney stated that he will be issuing a proclamation
764 during the ceremony to officially re-dedicate the monument.
765
766

767 Mrs. Hackenberg called an executive session to discuss potential litigation. An executive session was
768 held from 9:16 PM to 9:32 PM.
769

770
771 Motion by: Paul E. Bottiger
772

773 **MOTION: To adjourn the Mifflinburg Borough Council meeting.**
774

775 Approved via unanimous voice vote.
776

777
778 Meeting adjourned at 9:32 PM.
779

780 Respectfully Submitted,
781

782
783 Misty L. Ross
784 Assistant Borough Secretary
785