

1 MINUTES OF MIFFLINBURG BOROUGH COUNCIL

2 January 6, 2020

3 Reorganizational Meeting

4

	PRESENT	ABSENT
5		
6 Beverly L. Hackenberg, Council President	X	
7 Tod M. Steese, Vice President	X	
8 Paul E. Bottiger, Council Member	X	
9 Richard J. Fry, Council Member	X	
10 Linda L. Lewis, Council Member	X	
11 Duane L. Zimmerman, Council Member	X	
12 David M. Cooney, Mayor	X	
13 Mark E. Bailey, Acting Officer In Charge		X
14 Thomas C. Marshall, Solicitor	X	
15 Margaret A. Metzger, Borough Manager	X	
16 Robert M. Rowe, Borough Project Manager	X	
17 Misty L. Ross, Assistant Secretary	X	

18
19 The Reorganizational meeting of Mifflinburg Borough Council was called to order at 6:30 PM.

20
21 There was one (1) visitor present at this meeting which was Allen P. Page IV.

22
23 Mayor Cooney conducted the Oath of Office Ceremony for the re-elected Council Members Richard J.
24 Fry, Duane L. Zimmerman, and Tod M. Steese.

25
26 Mayor Cooney declared the nominations for the office of Borough Council President to be open.

27
28 Council Member Tod M. Steese nominated Beverly L. Hackenberg for the office of Borough Council
29 President; seconded by Council Member Paul E. Bottiger. With no other nominations made, the
30 appointment was approved via unanimous voice vote.

31
32 Mayor Cooney declared the nominations for the office of Borough Council Vice-President to be opened.

33
34 Council Member Beverly L. Hackenberg nominated Tod M. Steese for the office of Borough Council
35 Vice-President; seconded by Council Member Linda L. Lewis. With no other nominations made, the
36 appointment was approved via unanimous voice vote.

37
38
39 Motion by: Linda L. Lewis
40 Second by: Tod M. Steese

41
42 **MOTION: To readopt the Bylaws and Robert’s Rules of Order for conducting council meetings.**

43
44 Approved via unanimous voice vote.

45
46
47 Motion by: Tod M. Steese
48 Second by: Linda L. Lewis

49
50 **MOTION: To reappoint HRG, Inc. as the retained engineering firm and Utility Engineering PC as**
51 **the electrical engineering firm for the Borough of Mifflinburg.**

52
53 Approved via unanimous voice vote.

54
55
56 Mrs. Hackenberg announced that Borough Council consideration is requested to reappoint McNerney
57 Page Vanderlin & Hall as the Borough Solicitor for Borough Council and the Mifflinburg Planning
58 Commission for 2020.

59
60 Mr. Steese inquired who the Borough Solicitor for Borough Council would be at McNerney Page
61 Vanderlin & Hall that would be present at the Council meetings. Mr. Marshall reported that it would be
62 either himself or Mr. Allen P. Page IV; they also have Mr. Jonathan L. Dewald and Ms. Nicole M.
63 Ippolito at the Williamsport firm. Mr. Marshall clarified that McNerney Page Vanderlin & Hall have
64 thirteen (13) attorneys; he’s the Managing Partner and has been with the firm for twenty-nine (29) years.

67 Mr. Steese expressed that personally, he feels it's important that the same Borough Solicitor for
68 Borough Council be present at the Council meetings. Mr. Marshall agreed that continuity is important
69 and with that in mind, the Borough Solicitor for Borough Council would most likely be Mr. Allen P.
70 Page IV.
71

72 Motion by: Tod M. Steese
73 Second by: Linda L. Lewis
74

75 **MOTION: To reappoint McNerney Page Vanderlin & Hall as the Borough Solicitor for Borough
76 Council and the Mifflinburg Planning Commission for 2020.**
77

78 Approved via unanimous voice vote.
79
80

81 Motion by: Paul E. Bottiger
82 Second by: Richard J. Fry
83

84 **MOTION: To approve the following depositories: PLGIT, M & T Bank / Wilmington Trust, First
85 National Bank, West Milton State Bank, Mifflinburg Bank & Trust Company, PSAB Municipal
86 Retirement Trust, and Fulton Bank.**
87

88 Approved via unanimous voice vote.
89
90

91 Motion by: Tod M. Steese
92 Second by: Paul E. Bottiger
93

94 **MOTION: To grant the Borough Manager – Mrs. Margaret A. Metzger, Council President – Mrs.
95 Beverly L. Hackenberg, Mayor – Mr. David M. Cooney, and Borough Clerk – Mrs. Tina M.
96 DeFord the authority to sign Borough checks.**
97

98 Approved via unanimous voice vote.
99
100

101 Mrs. Hackenberg informed Borough Council that the Committee Assignments would remain the same
102 for 2020 as they were in 2019.
103

104 Mrs. Hackenberg announced that Borough Council consideration is requested for Resolution No. 2020-
105 01; Appointing Drew Christy to the Central Keystone Council of Governments (CK-COG).
106

107 Motion by: Paul E. Bottiger
108 Second by: Tod M. Steese
109

110 **MOTION: To adopt Resolution No. 2020-01; Appointing Drew Christy to the Central Keystone
111 Council of Governments (CK-COG).**
112

113 Approved via unanimous voice vote.
114
115

116 Mrs. Hackenberg announced that Borough Council consideration is requested for Resolution No. 2020-
117 02; Appointing members and alternate members of the Zoning Hearing Boards.
118

119 Motion by: Paul E. Bottiger
120 Second by: Tod M. Steese
121

122 **MOTION: To adopt Resolution No. 2020-02; Appointing members and alternate members of the
123 Zoning Hearing Boards.**
124

125 Approved via unanimous voice vote.
126
127

128 Mrs. Hackenberg announced that Borough Council consideration is requested for Resolution No. 2020-
129 03; Amending the established and adopted schedule of fees and rates under the Mifflinburg Borough
130 Water System Ordinance. Mrs. Metzger clarified that this resolution includes the 2% increase in rates to
131 support what was included for the 2020 Budget.
132
133

134 Motion by: Tod M. Steese
135 Second by: Paul E. Bottiger

136
137 **MOTION: To adopt Resolution No. 2020-03; Amending the established and adopted schedule of**
138 **fees and rates under the Mifflinburg Borough Water System Ordinance.**

139 Approved via unanimous voice vote.
141

142
143 Mrs. Hackenberg announced that Borough Council consideration is requested for Resolution No. 2020-
144 04; Amending the established and adopted schedule of fees and rates under the Mifflinburg Borough
145 Sewer System Ordinance. Mrs. Metzger clarified that this resolution includes the 5% increase in rates to
146 support what was included for the 2020 Budget.

147
148 Motion by: Paul E. Bottiger
149 Second by: Tod M. Steese

150
151 **MOTION: To adopt Resolution No. 2020-04; Amending the established and adopted schedule of**
152 **fees and rates under the Mifflinburg Borough Sewer System Ordinance.**

153 Approved via unanimous voice vote.
155

156
157 Mrs. Hackenberg announced that Borough Council consideration is requested for Resolution No. 2020-
158 05; Amending the rates under the Mifflinburg Borough Electric System Ordinance. Mrs. Metzger
159 clarified that this resolution includes the 2% increase in rates to support what was included for the 2020
160 Budget.

161
162 Motion by: Paul E. Bottiger
163 Second by: Duane L. Zimmerman

164
165 **MOTION: To adopt Resolution No. 2020-05; Amending the rates under the Mifflinburg Borough**
166 **Electric System Ordinance.**

167 Approved via unanimous voice vote.
169

170
171 Motion by: Linda L. Lewis
172 Second by: Paul E. Bottiger

173
174 **MOTION: To approve payment of Bill List # 2019-13 in the amount of \$398,156.31.**

175
176 Yes – Mr. Bottiger, Mr. Fry, Ms. Lewis, Mr. Steese, Mr. Zimmerman, Mrs. Hackenberg

177
178 No - None

179
180
181 Mrs. Metzger requested an executive session to discuss potential litigation and personnel matters.

182
183 Mayor Cooney scheduled a Public Safety Committee meeting for Tuesday, January 21, 2020 at 6:00 PM
184 to review and discuss the 2019 Christkindl Market to determine 2020 requirements.

185
186
187 Mrs. Hackenberg called an executive session to discuss personnel matters. An executive session was
188 held from 6:41 PM to 7:40 PM.

189
190
191 Motion by: Tod M. Steese
192 Second by: Linda L. Lewis

193
194 **MOTION: To authorize that salaried employees be paid for twenty-seven (27) pays, the same as**
195 **the other employees in 2020.**

196
197 Yes – Mr. Fry, Ms. Lewis, Mr. Steese, Mr. Zimmerman, Mr. Bottiger, Mrs. Hackenberg

198
199 No – None

200 Motion by: Tod M. Steese
201 Second by: Linda L. Lewis

202
203 **MOTION: To suspend Police Officer Jackson Stroup for fifteen (15) working days without pay**
204 **effective immediately, based on the recommendation of the Mayor and Personnel Committee.**

205
206 Yes – Ms. Lewis, Mr. Steese, Mr. Zimmerman, Mr. Bottiger, Mr. Fry, Mrs. Hackenberg

207
208 No - None

209
210
211 Officer In Charge (OIC) Bailey informed Borough Council that the Central Susquehanna Regional 9-1-1
212 Center has requested permission for 911 dispatchers to participate in occasional ride-alongs with the
213 Mifflinburg Police Department Officers as a part of their training program. Borough Council action is
214 requested on this matter.

215
216 Motion by: Paul E. Bottiger
217 Second by: Duane L. Zimmerman

218
219 **MOTION: To authorize employees of the Central Susquehanna Regional 9-1-1 Center (911**
220 **dispatchers) to participate in occasional ride-alongs with the Mifflinburg Police Department**
221 **Officers as a part of their training program, contingent upon the provision of a certificate of**
222 **insurance and a signed employee waiver.**

223
224 Approved via unanimous voice vote.

225
226
227 OIC Bailey provided Borough Council with an update on the status of the camera system at the
228 Mifflinburg Community Park. OIC Bailey reminded Borough Council that in October 2019 a revised
229 proposal was obtained from Select Security to mount five (5) additional cameras at a cost of \$6,370.00
230 (plus an additional \$43.00/month service fee) to provide adequate camera coverage to the pavilions.
231 OIC Bailey clarified that this proposal was only valid for thirty (30) days and therefore, he would have
232 to contact Select Security to see whether or not there would be additional costs incurred. Borough
233 Council action is requested to approve the proposal provided by Select Security to mount five (5)
234 additional cameras at the Mifflinburg Community Park to provide adequate camera coverage to the
235 pavilions not-to-exceed the 2020 budgeted allotment. Mrs. Hackenberg stated that Borough Council
236 approval is not required since this work has been included with the 2020 Budget.

237
238 OIC Bailey reported that during the budget process, funds were allocated for the purchase a new police
239 vehicle for the Mifflinburg Police Department. The total budgeted amount included in the 2020 budget
240 was \$40,000.00. The Mifflinburg Police Department have begun the process of purchasing a new police
241 vehicle. The new police vehicle would be purchased through Co-Stars for a purchase price of
242 \$39,400.00. After purchase and installation of emergency equipment (electronics, interior/exterior car
243 lighting, police car equipment, police car consoles, gun racks, radar, sirens, police car graphics, etc.), the
244 price would be \$48,410.10; however the former Chief Dyroff negotiated a trade-in value of \$10,000.00
245 for the trade-in of the 2015 Dodge Charger, reducing the price to \$38,410.10. Borough Council action is
246 requested to authorize the purchase of a new Police vehicle for the Mifflinburg Police Department and
247 trade-in the 2015 Dodge Charger.

248
249 Motion by: Tod M. Steese
250 Second by: Linda L. Lewis

251
252 **MOTION: To authorize the purchase of a new Police vehicle for the Mifflinburg Police**
253 **Department for \$48,410.10, with a \$10,000.00 trade-in allowance for the 2015 Dodge Charger.**

254
255 Yes – Mr. Steese, Mr. Zimmerman, Mr. Bottiger, Mr. Fry, Ms. Lewis, Mrs. Hackenberg

256
257 No - None

258
259
260 Mr. Marshall reported that in accordance with Robert's Rules of Order, to enter into executive session a
261 member must make a motion, it requires a second, and requires a majority vote for adoption. Mr.
262 Zimmerman questioned if a Borough Work Session, which is an Open Meeting that has been advertised
263 and is open to the public, requires minutes when a quorum is present

264

265 Mr. Marshall stated that a Work Session is not a special Council meeting; a Work session is for the
266 receipt of information. Work sessions are intended to provide opportunities for council/board members
267 to study difficult issues, gather and analyze information, and clarify problems. The purpose of a Work
268 Session is to study issues, not to take action. Meeting minutes are an official account or record of
269 actions the board/committee took at a formal meetings; minutes are not a detailed report on your board
270 or committee meeting. Oftentimes, minutes contain more discussion than necessary. Since minutes
271 state actions adopted rather than discussion, the board/committee is only required to record the time,
272 date, and place of their meetings; the names of the members present, the substance of all official action
273 taken during the meetings, and a record of how each individual voted. The minutes must also list all
274 members of the public who participated in the meetings and a summary of their comments. At a
275 Borough Work Sessions there is no action taken and therefore, minutes are not required. The
276 Pennsylvania Sunshine Act, 65 Pa.C.S. §§ 701-716, comes into play if you have a quorum at any
277 meeting if there are deliberations and discussions leading to decisions. Whenever a quorum of a board
278 meets outside of its routine meetings, the elected officials need to be cognizant of not discussing
279 business or obtaining information that will guide later decisions regarding the business of the entity.
280

281 Mr. Zimmerman inquired if a Council Member is unable to attend a Borough Work Session are they
282 allowed to ask questions at the regular meeting. Mr. Marshall conveyed that Council Members are
283 always allowed to ask questions. Mr. Zimmerman clarified that an inappropriate answer when asking
284 said questions would be “this matter was previously discussed at the Borough Work Session” or “he
285 doesn’t attend the Borough Work Sessions where things are discussed and Borough Council has to keep
286 rehashing things at the regular meetings for him”. Mr. Marshall stated that it may be an accurate
287 answer; however Council Members are allowed to receive information and ask questions as part of the
288 deliberation and discussion. Mrs. Hackenberg interjected that she feels if a Council Member is unable to
289 attend a Borough Work Session it is their responsibility to contact Mrs. Metzger or another Council
290 Member subsequent to the Borough Work Session to find out what was discussed.
291

292
293 Motion by: Tod M. Steese
294 Second by: Richard J. Fry
295

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

297
298 Approved via unanimous voice vote.
299

300
301 Meeting adjourned at 7:52 PM
302

303 Respectfully Submitted,
304

305
306 Misty L. Ross
307 Assistant Borough Secretary