

1 MINUTES OF MIFFLINBURG BOROUGH COUNCIL

2 December 17, 2019

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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	Mark E. Bailey, Acting Officer In Charge	X	
13	Daryl A. Yount, 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 6:30 PM.

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20 Visitors present at this meeting were Josh Kilmer, Caleb Sheldon, Tim Turner, and Erin Threet.

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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, November 19, 2019 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 # 2019-12 in the amount of \$217,400.36.**

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

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39 No – None

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42 Mr. Josh Kilmer, President of The Kilmer Group, attended tonight’s meeting along with Mr. Caleb Sheldon, a Risk Advisor with The Kilmer Group, to review the Borough’s Worker’s Compensation Policies and answer any questions about coverage. Mr. Kilmer distributed copies of a Risk Management and Insurance Proposal that has been prepared for the Borough of Mifflinburg, and presented Borough Council with an overview of the proposal.

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48 Mr. Kilmer reported that the Borough’s Volunteer Fire Company members are covered separately through the State Workers' Insurance Fund (SWIF). SWIF has really been cracking down on volunteer fire companies and what types of injuries are covered under their worker’s compensation policy: was this firefighter injured in an approved event; was the event approved by the domicile entity, etc. It doesn’t matter if the event was approved by the Hose Company, the event has to be approved by whatever the domicile entity is, which in this case would be the Borough. A lengthy discussion was held; Mrs. Metzger clarified that Mr. Kilmer will also be meeting with the Mifflinburg Hose Company at their meeting on Monday, January 27, 2020.

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57 Mr. Tim Turner, a resident of 832 Chestnut Street, attended tonight’s meeting to discuss a clarification regarding the EDUs and Occupancy Permits for his property located at 247 Chestnut Street. Mr. Turner distributed copies of the layout plans for his property located at 247 Chestnut Street and stated that he is looking to obtain a temporary building permit to add a 5th unit to his property. Currently he has four (4) EDUs; however five (5) EDUs are required. Mr. Turner clarified that he is only looking to construction the 5th unit and he is willing to cap all plumbing to ensure no usage.

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67 Mr. Yount reported that he spoke with Mr. Rodney Neitz, Building Codes Officer at the Central
68 Keystone Council of Governments (CK-COG), regarding this matter. Mr. Yount informed Mr. Turner
69 that both the CK-COG and the Borough have a desire to work with him; however the Pennsylvania
70 Department of Environmental Protection (DEP) has issued a sewer connection ban for the area served
71 by the Borough of Mifflinburg's Sewer System. In the letter received from DEP, DEP references Title
72 25 Pa. Code § 94.21 which reads as follows:

73
74 No building permit may be issued by a governmental entity which may result in a connection
75 to overloaded sewerage facilities or increase the load to those sewerage facilities from an
76 existing connection.
77

78 Under Title 25 Pa. Code § 94.1, "*Connection*" is defined as the connection of a structure which
79 generates or could generate hydraulic or organic loads to a sewer system. It's written very broadly, no
80 building permits may be issued. A lengthy discussion was held; Mr. Yount advised that he thinks it
81 would be best for Mrs. Metzger to contact Mr. Daniel Thetford, at DEP, regarding this matter and let
82 him make the final decision.
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85 Motion by: Tod M. Steese

86 Second by: Richard J. Fry

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88 **MOTION: To approve the Mifflinburg Borough Zoning Report for November 2019 and authorize**
89 **payment to the Central Keystone Council of Governments (CK-COG) in the amount of \$1,409.15.**
90

91 Yes – Ms. Lewis, Mr. Steese, Mr. Fry, Mrs. Hackenberg

92
93 No – None
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96 Mr. Yount reported that a candidate was written in for Tax Collector. The Borough already appointed
97 Union County as Tax Collector (we do not have any taxes to collect) in 2017. The Tax Collector is
98 elected for a four (4) year term. Voter Registration has advised that this appointment was not valid as it
99 exceeds the allowable two (2) year period between municipal elections. The County Election Board is
100 still seeing this as a vacant position and that every election cycle they have to fill that vacancy. Mr.
101 Yount informed Borough Council that he was able to speak with a legislator on this issue today and
102 there is no clear answer on whether it's for a two (2) year term or a four (4) year term. The Tax
103 Collector does have to receive certification and provide that certificate to the County board of elections
104 within thirty (30) days of the election or the position automatically becomes vacant again. Mr. Yount
105 clarified that at this point there is nothing the Borough has to do.
106

107 Mrs. Metzger informed Borough Council that she has solicited a quote for additional Cyber Breach
108 insurance coverage. The current policy provides \$250,000.00, the Borough's agent is recommending
109 that this amount be raised to \$1,000,000.00 in coverage. The additional premium for this additional
110 coverage is \$2,260.00. Borough Council action is requested to consider purchasing this additional
111 coverage.
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113 Motion by: Tod M. Steese

114 Second by: Linda L. Lewis

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116 **MOTION: To raise the Borough's Cyber Breach insurance coverage to \$1,000,000.00 at a cost of**
117 **\$2,260.00 additional in premium.**
118

119 Yes – Mr. Steese, Mr. Fry, Ms. Lewis, Mrs. Hackenberg

120
121 No – None
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124 Mrs. Metzger announced that she received correspondence from the coordinator of the Mosquito-borne
125 Disease Control Program for the four (4) County area requesting a meeting. Although the coordinator
126 asked for Council Members to be included, she was planning to schedule the meeting during regular
127 working hours with Borough Staff only, unless Council Members wanted to add this to a Work Session.
128 Mayor Cooney stated that he would like to attend the meeting.
129
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131 Mrs. Metzger reminded Borough Council that Mr. Patrick F. Snyder, property owner of 526 Green
132 Street, was present at the Tuesday, November 19, 2019 regular Borough Council meeting to request
133 Borough Council consideration of a cost reimbursement for a share of the cost to extend a replacement
134 sewer lateral to the Borough's collection system. At this meeting, Borough Council deferred action on
135 this matter in order to receive an itemized cost breakdown of the additional work that was completed.
136 Mr. Snyder has provided the actual billing for the sewer lateral work at 526 Green Street as requested by
137 Borough Council which read as follows:

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139	Total Invoice Amount	\$6,897.57
140	Cost to install new Sewer Lateral	
141	(prior to locating issues)	<u>\$3,946.00</u>
142	Cost of Additional Work	\$2,951.57
143		

144 Mrs. Metzger added that Dave Gutelius Excavating, Inc. also billed the Borough separately for the
145 additional work that had been requested by Borough Staff: there was a lamp-hole installed at the end of
146 the Mr. Snyder's lateral to allow easier access to flush the line and then there was a cleanout installed at
147 the neighbor's lateral. Borough Council action is requested to consider reimbursing some of the costs
148 that Mr. Snyder incurred in extending his lateral to the sewer main on Church Street due to locating
149 issues.

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151 Motion by: Linda L. Lewis
152 Second by: Richard J. Fry

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154 **MOTION: To reimburse Mr. Patrick F. Snyder, property owner of 526 Green Street, \$1,475.93**
155 **for ½ of the costs that he incurred in extending his sewer lateral to the main on Church Alley due**
156 **to locating issues.**

157
158 Yes – Mr. Fry, Ms. Lewis, Mr. Steese, Mrs. Hackenberg

159
160 No – None

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163 Mrs. Erin Threet, HRG, Inc., provided Borough Council with an update on the status of the Mifflinburg
164 Dewatering Upgrade Project Phase 1: Pilot Testing at the Wastewater Treatment Plant (WWTP). Mrs.
165 Threet reported that all of the sewer press demos were completed as of October 31, 2019. HRG, Inc. has
166 received submissions from all four (4) manufactures and presented their evaluation report to Borough
167 Council at the Tuesday, December 3, 2019 Borough Work Session. The report was updated on
168 December 12, 2019 based on supplemental information received from manufacturers. A copy of the
169 updated report has been attached to the Engineer's Report for Borough Council review. Based upon
170 review of the performance data presented in the pilot testing reports and the present worth analysis
171 conducted for the alternatives, it is recommended that the Borough proceed with Alternate 4 – Schwing
172 Dewatering Screw Press System. This alternative provides a dewatering system that demonstrated a
173 high level of performance at a competitive price point that will be cost effective to operate. A lengthy
174 discussion was held; Mrs. Threet clarified that Borough Council action is requested to move forward
175 with Alternate 4 – Schwing Dewatering Screw Press System as the basis of design and permitting for the
176 Dewatering Upgrade Project, with the understanding that moving forward with a COSTARS purchase
177 will be contingent upon receipt of the permit by the Pennsylvania Department of Environmental
178 Protection (DEP).

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180 Motion by: Linda L. Lewis
181 Second by: Tod M. Steese

182
183 **MOTION: To move forward with Alternate 4 – Schwing Dewatering Screw Press System as the**
184 **basis of design for the Dewatering Upgrade Project and permitting purposes, with the**
185 **understanding that moving forward with a COSTARS purchase will be contingent upon receipt of**
186 **the permit by the Pennsylvania Department of Environmental Protection (DEP).**

187
188 Approved via unanimous voice vote.

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191 Mrs. Erin Threet, HRG, Inc., pointed out that there would be an additional one-time cost of \$13,751.00
192 associated with the upfront costs for the Schwing Dewatering Screw Press System to extend the
193 warranty for additional four (4) years.

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198 Mrs. Erin Threet, HRG, Inc., informed Borough Council that attached to the Engineer's Report they also
199 received a proposal that HRG, Inc. has prepared to provide professional engineering services related to
200 the Dewatering Upgrade Project Phase II: Preliminary Design & Permitting. HRG, Inc. has developed
201 the following scope of services:

202
203 **Phase II: Preliminary Design & Permitting**

204 *Task 1: Preliminary Design*

\$26,290 Lump Sum Fee

205 *Task 2: Permitting*

\$ 6,620 Lump Sum Fee

206 **Phase II Total: \$32,910**

207

208 Borough Council action is requested to approve the proposal for professional engineering services. Mrs.
209 Metzger expressed that the proposal is a lot higher than she anticipated. Mrs. Threet stated that a bulk of
210 the time is due to plan specifications; from an engineering standpoint, the Preliminary Construction
211 Plans is the biggest effort. Mr. Rowe clarified that this proposal is only for 60% of the design work;
212 there will be additional costs for the Final Design.

213

214 Motion by: Linda L. Lewis

215 Second by: Tod M. Steese

216

217 **MOTION: To approve the proposal from HRG, Inc. for professional engineering services related**
218 **to the proposed Dewatering Upgrade Project Phase II: Preliminary Design & Permitting for a**
219 **lump sum fee of \$32,910.00 as presented.**

220

221 Yes – Ms. Lewis, Mr. Steese, Mr. Fry, Mrs. Hackenberg

222

223 No – None

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225

226 Mrs. Metzger reported that the 2020 Tentative Budget for the Borough of Mifflinburg has been properly
227 advertised and is ready for adoption. Borough Council action is requested to adopt the 2020 Final
228 Budget for the Borough of Mifflinburg with revenues in the amount of \$23,676,600.00.

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230 Motion by: Linda L. Lewis

231 Second by: Richard J. Fry

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233 **MOTION: To adopt the 2020 Final Budget for the Borough of Mifflinburg with revenues in the**
234 **amount of \$23,676,600.00; which includes a 5% increase for the sewer rates, a 2% increase for the**
235 **water rates, and 2% increase for the electric rates.**

236

237 Approved via unanimous voice vote.

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240 Motion by: Tod M. Steese

241 Second by: Richard J. Fry

242

243 **MOTION: To reappoint Mr. Drew W. Christy and Mr. David E. Iddings to a four (4) year term**
244 **on the Mifflinburg Planning Commission; Mrs. Sue E. Iddings, Mr. Timothy Turner, and Ms.**
245 **Sally Rothermel to a three (3) year term on the Mifflinburg Zoning Hearing Board; All Points**
246 **Land Surveys, Inc. to a one (1) year term as Sewage Enforcement Officer (SEO) for the Borough**
247 **of Mifflinburg; Mr. Drew Christy to a one (1) year term as the CK-COG Representative for the**
248 **Borough of Mifflinburg as presented.**

249

250 Approved via unanimous voice vote.

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252

253 Mrs. Metzger requested Borough Council action to authorize a final check run for 2019, Bill List #
254 2019-13.

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256 Motion by: Linda L. Lewis

257 Second by: Tod M. Steese

258

259 **MOTION: To authorize a final check run for 2019, Bill List # 2019-13.**

260

261 Approved via unanimous voice vote.

262

263

264 Mrs. Metzger reported that the Personnel Committee is recommending that Mr. Mathew Wells be
265 appointed as Director for the 2020 Season at the Mifflinburg Community Park/Pool. Borough Council
266 action is requested to make this appointment.
267

268 Motion by: Tod M. Steese

269 Second by: Richard J. Fry

270

271 **MOTION: To appoint Mr. Matthew Wells as Director for the 2020 season at the Mifflinburg**
272 **Community Park/Pool.**

273

274 Approved via unanimous voice vote.

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276

277 Mayor Cooney inquired if Mr. Wells would be responsible for appointing an Assistant Director for the
278 2020 season at the Mifflinburg Community Park/Pool or if the Borough would need to advertise for an
279 Assistant Park Director. Mrs. Metzger explained that normally, the Borough reaches out to all returning
280 Park/Pool employees to see if any of them would be interested in the position, and then if no one is
281 interested in the position, the Borough would advertise for an Assistant Park Director.
282

283 Mrs. Metzger requested an executive session to discuss potential litigation and personnel matters.
284

285 Mrs. Metzger reminded Borough Council that the Reorganizational meeting is scheduled for Monday,
286 January 6, 2020 at 6:30 PM.
287

288 Mrs. Metzger informed Borough Council that she received a complaint from an individual who resides
289 in Boalsburg, PA regarding the Mifflinburg Christkindl Market concerning accessible parking, Market
290 signage, slippery sidewalks, road conditions and many other concern. The initial complaint was
291 pertaining to a parking ticket that the individual received for parking along Green Street during the
292 Market. Mrs. Metzger elucidated that she told the individual that she would bring their concerns up at
293 the next Borough Council meeting, as well as reached out to the Mifflinburg Christkindl Committee to
294 let them know of the concerns. The individual indicated that they also wanted an apology for what
295 happened with the parking ticket and if we wouldn't do anything with the parking ticket, that we issue a
296 receipt. Mayor Cooney detailed the events that transpired during the Mifflinburg Christkindl Market
297 with the parking ticket and stated that he is not recommending that the parking ticket be refunded back
298 or that an apology letter be sent. Mrs. Metzger clarified that she would send a letter to the individual
299 telling them that their concerns have been brought before Borough Council and that the Mifflinburg
300 Christkindl Committee has been made aware of the concerns, along with a receipt for the parking ticket.
301

302 Mayor Cooney informed Borough Council that they received a copy of the Monthly Police Report for
303 November 2019 included in the information tonight.
304

305 Mayor Cooney presented Borough Council with the following update for Public Safety. Mayor Cooney
306 reported the following:
307

- 308 • The Annual Turkey Trot 5K and Kids' ½ mile Fun Run to benefit the Mifflinburg Lacrosse
309 Club that was held on Thanksgiving morning, Thursday, November 28, 2019, at the
310 Mifflinburg Community Park. There were no issues or problems during this year's race.
- 311 • A Public Safety Committee meeting will be scheduled to review and discuss the 2019
312 Christkindl Market to determine 2020 requirements.
313

314 Officer In Charge (OIC) Bailey presented Borough Council with some Monthly Highlights for the
315 Mifflinburg Police Department for November 2019.
316

317 Mayor Cooney presented Borough Council with an update for the Mifflinburg Regional Economic
318 Development (MRED) Alliance. Mayor Cooney updated Borough Council on the following businesses
319 in the Borough:
320

- 321 • Ms. Kathleen Abrams and a business partner will be opening up a new business at 357
322 Chestnut Street.
- 323 • Mrs. Kylie (Seward) Aikey will be opening up a law office at her residence located at 241
324 Chestnut Street.
325

326 Mrs. Erin Threet, HRG, Inc., informed Borough Council that they received a copy of the Engineer's
327 Report for December 2019 included in the information tonight.
328

329 Mayor Cooney informed Borough Council that he participated in or will be participating in the
330 following meetings or events:

331

- 332 • The Community Christmas Tree Lighting that was held on Sunday, December 1, 2019 from
333 7:00 PM – 8:00 PM. This year's Community Christmas Tree Lighting was a success
334 despite the rain.

335

336 Mr. Steese complimented the Borough Maintenance Crew and the Mifflinburg Police Department for all
337 the work they did with the Mifflinburg Christkindl Market; they did an outstanding job.

338

339

340 Mrs. Hackenberg called an executive session to discuss potential litigation and personnel matters. An
341 executive session was held from 8:10 PM to 9:50 PM.

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343

344 Motion by: Tod M. Steese

345 Second by: Linda L. Lewis

346

347 **MOTION: To make a contingent offer of employment to Mr. Ronald Miller under the terms of the**
348 **AFSCME employment agreement, as a Maintenance Worker II, at a rate of \$17.00/hr., contingent**
349 **upon successful completion of the required pre-employment testing and criminal, child abuse and**
350 **FBI clearances.**

351

352 Approved via unanimous voice vote.

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354

355 Motion by: Linda L. Lewis

356 Second by: Richard J. Fry

357

358 **MOTION: To reappoint Mr. Jason W. Mitchell as the Public Works Supervisor with a salary of**
359 **\$59,623.20 and a bonus of two (2) additional vacation days; Mr. Robert M. Rowe as the Project**
360 **Manager with a salary of \$65,300.35 and a bonus of one (1) additional vacation day; Mrs.**
361 **Margaret A. Metzger as the Borough Manager with a salary of \$75,749.96 and a bonus of two (2)**
362 **additional vacation days for 2020.**

363

364 Approved via unanimous voice vote.

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366

367 Motion by: Tod M. Steese

368 Second by: Richard J. Fry

369

370 **MOTION: To approve an amendment to the Mifflinburg Borough Non-Uniformed Contract for**
371 **health coverage as submitted by Mrs. Metzger.**

372

373 Approved via unanimous voice vote.

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376 Motion by: Tod M. Steese

377

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

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380 Approved via unanimous voice vote.

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383 Meeting adjourned at 9:55 PM.

384

385 Respectfully Submitted,

386

387

388 Misty L. Ross

389 Assistant Borough Secretary

390