

1 MINUTES OF MIFFLINBURG BOROUGH COUNCIL

2 April 21, 2020

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 Jeffrey L. Hackenburg, Chief of Police	X	
13 Allen P. Page IV, 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 virtual meeting of Mifflinburg Borough Council was called to order at 6:30 PM.

19
20 There were two (2) visitors who participated in this meeting which were Jeffrey L. Mensch and Travis
21 Deluca.

22
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24 Motion by: Paul E. Bottiger
25 Second by: Tod M. Steese

26
27 **MOTION: To approve the minutes of the Tuesday, March 17, 2020 regular meeting of Mifflinburg**
28 **Borough Council.**

29
30 Approved via unanimous voice vote.

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33 Motion by: Linda L. Lewis
34 Second by: Paul E. Bottiger

35
36 **MOTION: To approve payment of Bill List # 2020-04 in the amount of \$711,214.79.**

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

39
40 No – None

41
42
43 Mr. Jeffrey L. Mensch, Mifflinburg 4th of July Committee Chairman, informed Borough Council that he
44 is looking for Borough Council feedback on what their thoughts are in regards to having a mass gathering
45 at the Mifflinburg Community Park. The 4th of July is not for three months, but events associated with
46 the federal holiday are already being canceled due to the coronavirus (COVID-19) pandemic. Mr. Mensch
47 stated that his inclination is probably to cancel this year’s Annual 4th of July Celebration. In speaking
48 with numerous individuals who help organize the 4th of July festivities, he has concerns about how many
49 people would even show if the 4th of July Committee did decide to have the Annual 4th of July Celebration.
50 The Mifflinburg 4th of July 5K Race Committee also has those same concerns as well.

51
52 Mrs. Hackenberg clarified that the decision on whether or not to cancel the Annual 4th of July Celebration
53 is up to the Mifflinburg 4th of July Committee, not Borough Council. A lengthy discussion was held; Ms.
54 Lewis expressed that she doesn’t necessarily feel comfortable holding non-essential activities or mass
55 gatherings in the Mifflinburg Community Park or in the Borough that will draw a large crowd. Until such
56 time as the Governor provides guidance, she personally would prefer to cancel all large events
57 (reservations, parades, festivals, park concerts, pool opening, etc.) scheduled in May and June and rescind
58 any approvals that Borough Council has given in months past and reauthorize them as Borough Council
59 feels comfortable. Mayor Cooney announced that the Mifflinburg Safety Fair that is scheduled for
60 Wednesday, June 10, 2020 from 5:00 PM to 8:00 PM at the Mifflinburg Community Park has been
61 canceled.

62
63 Mr. Mensch thanked Borough Council for their feedback and stated that he anticipates that the Annual 4th
64 of July Celebration will be canceled.

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67

68 Motion by: Paul E. Bottiger
69 Second by: Tod M. Steese

70
71 **MOTION: To approve the Mifflinburg Borough Zoning Report for March 2020 and authorize**
72 **payment to the Central Keystone Council of Governments (CK-COG) in the amount of \$812.50.**

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

75
76 No – None

77
78
79 Mrs. Hackenberg announced that Borough Council consideration is requested for Resolution No. 2020-
80 12; Outlining the procedures for operating outdoor emergency sirens. Mr. Page informed Borough
81 Council that they received a copy of the resolution via email prior to tonight’s virtual meeting. Borough
82 Council action is requested to adopt this resolution.

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

86
87 **MOTION: To adopt Resolution No. 2020-12; Outlining the procedures for operating outdoor**
88 **emergency sirens.**

89
90 Mr. Zimmerman inquired if there was a liability issue if the Borough missed a tornado warning and didn’t
91 activate the siren.

92
93 Mr. Page advised that there wasn’t a liability issue if the Borough missed a tornado warning and didn’t
94 activate the siren. Mr. Page clarified that this resolution simply establishes a policy for operating outdoor
95 emergency sirens, which outlines procedures for when and how the outdoor emergency sirens will be
96 activated and tested

97
98 Approved via unanimous voice vote.

99
100
101 Mrs. Hackenberg announced that Borough Council consideration is requested for Resolution No. 2020-
102 13; A resolution regarding the continuation of the Declaration of Disaster Emergency and the
103 establishment of a COVID-19 Emergency Response Committee. Mr. Page informed Borough Council
104 that they received a copy of the resolution via email prior to tonight’s virtual meeting. Borough Council
105 action is requested to adopt this resolution.

106
107 Motion by: Linda L. Lewis
108 Second by: Paul E. Bottiger

109
110 **MOTION: To adopt Resolution No. 2020-13; A resolution regarding the continuation of the**
111 **Declaration of Disaster Emergency and the establishment of a COVID-19 Emergency Response**
112 **Committee.**

113
114 Approved via unanimous voice vote.

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116
117 Mrs. Hackenberg announced that Borough Council consideration is requested for Resolution No. 2020-
118 14; Establishing a temporary COVID-19 Collection Policy for Electric Utilities. Mr. Page informed
119 Borough Council that they received a copy of the resolution via email prior to tonight’s virtual meeting.
120 Mr. Page pointed out the COVID-19 Collection policy has a portion highlighted in yellow. Borough
121 Council didn’t address the issue of May terminations. Given the Governor's extension of the stay-at-home
122 order through May 8th, Mr. Page urged Borough Council to prohibit utility terminations in May as well.
123 Mr. Bottiger recommended that termination prohibition be extended through the duration of the
124 Declaration of Disaster Emergency.

125
126 Motion by: Paul E. Bottiger
127 Second by: Linda L. Lewis

128
129 **MOTION: To adopt Resolution No. 2020-14; Establishing a temporary COVID-19 Collection Policy**
130 **for Electric Utilities with the change that termination prohibition be extended through the duration**
131 **of the Declaration of Disaster Emergency.**

132
133 Approved via unanimous voice vote.

134

135 Mrs. Metzger requested Borough Council consideration to waive late penalties for April and May 2020
136 for all utility bills. Mr. Page interjected that in accordance with Resolution No. 2020-14, the resolution
137 that Borough Council just passed, the following temporary COVID-19 Collection Policy for Electric
138 Utilities is established:

- 139
140 1. No utilities will be terminated through the duration of the Declaration of Disaster Emergency
141 for non-payment. The Borough of Mifflinburg will still send termination notices to remind
142 customers of delinquent accounts. If a customer receives a termination notice, he/she must
143 contact the Borough Office to set up and sign an approved payment plan. Failure to make
144 payment arrangements, or to follow the agreed-upon payment plan, will ultimately result in
145 utility termination.
- 146
147 2. Modified landlord and property owner lien letters will continue to be sent in order to inform
148 the landlord of the status of the utility account.
- 149
150 3. No late penalties will be assessed for March and April 2020 bills.

151
152 Mrs. Metzger expressed that what's a little confusing to her is that just because the stay-at-home order is
153 ending on May 8th, it's not necessarily the State of Emergency for COVID-19. Mrs. Metzger clarified
154 that she was just looking for more clarity that Borough Council is sure they're not going to assess late
155 penalties for April and May 2020 bills because she thinks that there's a very likely possibility that we'll
156 still be in a state of emergency beyond May 8th which is essentially what Borough Council is following.

157
158 A lengthy discussion was held regarding the temporary COVID-19 Collection Policy for Electric Utilities.
159 Mayor Cooney stated that he thinks forgiveness should be given on a month to month basis because despite
160 being on a State of Emergency, there may be a significant number of individuals who returned to work.

161
162 Motion by: Paul E. Bottiger

163 Second by: Linda L. Lewis

164
165 **MOTION: To rescind the previous motion to change that there will be no utility termination or late**
166 **penalties assessed for April and May**

167
168 Approved via unanimous voice vote.

169
170
171 Mrs. Metzger informed Borough Council that consideration is requested with regard to deferring or
172 cancelling the opening of the Mifflinburg Community Swimming Pool in 2020. Mrs. Metzger announced
173 that she had the opportunity to sit in on a PA Recreation and Park services roundtable earlier today. There
174 were 100 participants and when asked what the plans for the season were 47% were not sure, 27% will
175 open, 3% will not open, 23% will delay opening.

176
177 Ms. Lewis reported that President Trump has unveiled guidelines for reopening the economy, a three-
178 phased approach based on the advice of public health experts to help state and local officials. If the three-
179 phased approach is implemented after the Governor's stay-at-home order is lifted, the best-case scenario
180 is semi-normal operations could potentially be resumed June 7th. Ms. Lewis recommended that both the
181 opening of the Mifflinburg Community Swimming Pool and all large gatherings be cancelled for both
182 May and June and then be revisited for July.

183
184 Mr. Bottiger stated that if Borough Council cancels the opening of the Mifflinburg Community Swimming
185 Pool for both May and June, then he thinks the Mifflinburg Community Swimming Pool should remain
186 closed for the entire 2020 season. A lengthy discussion was held; it was the consensus of Borough Council
187 to table action on whether the Community Swimming Pool will re-open until their Tuesday, May 19, 2020
188 Borough Council meeting after receiving additional guidance from the State and Federal Governments
189 regarding post quarantine operations.

190
191 Mrs. Metzger announced that the Annual Spring Drop-Off event was supposed to be held on April 22-24,
192 2020 (12:00-8:00 PM) and April 25, 2020 (8:00 AM-12:00 PM); however, due to the Governor's stay-at-
193 home order and the COVID-19 pandemic this event had to be postponed. Borough Council direction is
194 requested on whether they want to reschedule or cancel the Annual Spring Drop-Off event. A discussion
195 was held; Mr. Bottiger recommended that the Annual Spring Drop-Off event be postponed until further
196 notice.

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200

201 Mrs. Metzger reminded Borough Council that they took action at the Tuesday, March 21, 2020 regular
202 Borough Council meeting to approve the Field Use Agreements between the Borough of Mifflinburg and
203 the Mifflinburg Little League Association, the Borough of Mifflinburg and the Harry F. Haney Memorial
204 Park Association, the Field Lighting Agreements between the Borough of Mifflinburg and the Mifflinburg
205 Little League Association and the Borough of Mifflinburg and the Harry F. Haney Memorial Park
206 Association; and the Athletic Use Agreement between the Borough of Mifflinburg and the Mifflinburg
207 Swim Team. Mrs. Metzger reported that Borough Council action is requested to reconsider the terms for
208 these agreements for the 2020 Season. Mr. Zimmerman recommended that Borough Council table this
209 matter until after the economy begins to reopen.
210

211 Mr. Rowe reported that as directed at the Tuesday, January 21, 2020 regular Borough Council meeting,
212 he has solicited a Request for Proposals (RFP) for engineering services for architectural design and
213 construction administration for the Borough Equipment Center located at 6 Industrial Parkway and the
214 Mifflinburg Hose Company Building located at 325 Chestnut Street. The proposals were accepted and
215 reviewed on Friday, April 3, 2020 at 1:00 PM. There were two (2) proposals received and are as follows:
216

217	Hiller Architectural Group, Ltd	\$19,700.00
218	Anthony H. Visco Jr. Architects	\$12,585.00

219
220 Mr. Rowe informed Borough Council that they received a copy of the tabulation via email prior to
221 tonight's virtual meeting. This work generally includes the architectural design to support total remodel
222 of the kitchen/restroom at the Mifflinburg Hose Company Building and the restroom/office remodel at the
223 Borough Equipment Center, in addition to construction administration during the construction phase. Mr.
224 Rowe clarified that \$10,000.00 was included in the 2020 Budget for design services for the Mifflinburg
225 Fire Station Kitchen/Restroom Remodel Project and \$12,000.00 for design services for Borough
226 Equipment Center Office/Restroom Remodel Project. Borough Council action is requested to award the
227 Engineering Proposal for architectural design and construction administration for the Borough Equipment
228 Center and the Mifflinburg Hose Company Building to Anthony H. Visco Jr. Architects, the low bidder.
229

230 Mr. Zimmerman expressed that due to the COVID-19 pandemic, he personally feels that Borough Council
231 should table action on both of these projects until later in the year when the Borough knows what their
232 financial status will be. Mr. Zimmerman stated that both of the restroom facilities at the Mifflinburg Hose
233 Company Building and the Borough Equipment Center have worked well for over twenty (20) years. A
234 lengthy discussion was held regarding the proposals; Mr. Rowe clarified that in accordance with the RFP,
235 all proposals shall be irrevocable and valid for a period of sixty (60) days after the opening date.
236

237 Motion by: Duane L. Zimmerman
238 Second by: Paul E. Bottiger
239

240 **MOTION: To reject the Engineering Proposals for architectural design and construction**
241 **administration for the Borough Equipment Center and the Mifflinburg Hose Company Building**
242 **and rebid in four (4) months.**
243

244 Mr. Bottiger inquired if there was any reason why Borough Council shouldn't reject these proposals and
245 rebid in four (4) months.
246

247 Ms. Lewis pointed out that when you rebid, you always run the risk of potentially receiving higher bids.
248

249 Mrs. Metzger stated that from the Borough's perspective and their timeline here, was to complete the
250 architectural design work in order to receive an estimate of probable construction costs to include with the
251 2021 Budget. If Borough Council defers this work for four (4) months, the estimate of probable
252 construction costs won't be received in time to include with the 2021 Budget and therefore, these projects
253 would not be completed or budgeted for in 2021.
254

255 Yes – Mr. Zimmerman
256

257 No – Ms. Lewis, Mr. Steese, Mr. Bottiger, Mr. Fry, Mrs. Hackenberg
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268 Motion by: Paul E. Bottiger
269 Second by: Linda L. Lewis

270
271 **MOTION: To table action on the Engineering Proposal for architectural design and construction**
272 **administration for the Borough Equipment Center and the Mifflinburg Hose Company Building**
273 **proposals until the Tuesday, May 19, 2020.**

274
275 Yes – Mr. Steese, Mr. Bottiger, Mr. Fry, Ms. Lewis, Mrs. Hackenberg

276
277 No – Mr. Zimmerman

278
279
280 Mr. Rowe reported that as directed at the Tuesday, January 21, 2020 regular Borough Council meeting,
281 he has solicited a Request for Proposals (RFP) for engineering services for design and construction
282 administration for the two (2) design only Storm Water Projects: the Mifflinburg Community Park and
283 North 3rd Street. The proposals were accepted and reviewed on Friday, April 17, 2020 at 1:00 PM. There
284 were three (3) proposals received and are as follows:

285		
286	LIVIC Civil	\$20,500.00
287	HRG, Inc.	\$32,430.00
288	Uni-Tec Consulting Engineers, Inc.	\$31,900.00
289		

290 Mr. Rowe informed Borough Council that they received a copy of the tabulation via email prior to
291 tonight's virtual meeting. This work generally includes the engineering design to support total
292 construction of new storm water piping through the Mifflinburg Community Park located on North 5th
293 Street, in addition to construction administration during the construction phase. Mr. Rowe clarified that
294 \$16,000.00 was included in the 2020 budgeted for design services for the Mifflinburg Community Park
295 Storm Water Project and \$15,000.00 for design services for North 3rd Street Storm Water Project.
296 Borough Council action is requested to award the Engineering Proposal for design and construction
297 administration for the Mifflinburg Community Park and North 3rd Street Storm Water Projects to LIVIC
298 Civil, on a time & materials basis not to exceed \$20,500.00, contingent upon receipt of the executed
299 performance and payment bond documents.

300
301 Motion by: Linda L. Lewis
302 Second by: Paul E. Bottiger

303
304 **MOTION: To award the Engineering Proposal for design and construction administration for the**
305 **Mifflinburg Community Park and North 3rd Street Storm Water Projects to LIVIC Civil on a time**
306 **& materials basis not to exceed \$20,500.00, contingent upon receipt of the executed performance**
307 **and payment bond documents.**

308
309 Yes – Mr. Zimmerman, Mr. Bottiger, Mr. Fry, Ms. Lewis, Mr. Steese, Mrs. Hackenberg

310
311 No – None

312
313
314 Mr. Rowe reported that Uni-Tec Consulting Engineers, Inc. has solicited bids for the Mill Street
315 Reconstruction and Chestnut Street Water Main Replacement Projects for completion in 2020 (both of
316 these are carryover projects from 2019). The bid opening was held on Friday, April 17, 2020 at 1:00 PM.
317 There were six (6) proposals received and are as follows:

318		<u>Base Bid 1</u>	<u>Base Bid 2</u>	<u>Total Bid</u>
319				
320	Gutelius Excavating, Inc.	\$209,397.50	\$145,022.75	\$354,420.25
321	Mid-State Paving, LLC	\$228,802.95	\$135,187.00	\$363,989.95
322	Ankiewicz Enterprises, Inc.	\$292,205.00	\$168,430.00	\$460,635.00
323	Guyer Brothers, Inc.	\$306,500.00	\$210,000.00	\$516,500.00
324	Glenn O. Hawbaker, Inc.	\$362,464.30	\$203,826.25	\$566,290.55
325	Fairchild Brothers, Inc.	\$224,251.00	\$166,735.00	\$390,986.00
326				

327 Mr. Rowe informed Borough Council that they received a copy of the tabulation via email prior to
328 tonight's virtual meeting. Uni-Tec Consulting Engineers, Inc. has reviewed the bids and based upon their
329 review of the bid opening and supporting qualification materials for this project, they are recommending
330 that Borough Council take action to accept the low bidder, Dave Gutelius Excavating, Inc., for the
331 combined amount of \$354,420.25 for both projects. Mr. Rowe clarified that \$305,000.00 was included in
332 the 2020 budgeted for the Mill Street Reconstruction Project (Base Bid 1) and \$170,000.00 for the
333 Chestnut Street Water Main Replacement Project (Base Bid 2). Borough Council action is requested on
334 this matter.

335 Motion by: Paul E. Bottiger
336 Second by: Duane L. Zimmerman

337
338 **MOTION: To award the bids for the Mill Street Reconstruction and Chestnut Street Water Main**
339 **Replacement Projects Dave Gutelius Excavating, Inc., for the combined amount of \$354,420.25 for**
340 **both projects, contingent upon receipt of the executed performance and payment bond documents.**

341
342 Yes – Mr. Bottiger, Mr. Fry, Ms. Lewis, Mr. Steese, Mr. Zimmerman, Mrs. Hackenberg

343
344 No – None

345
346
347 Mrs. Metzger reported that Borough Council action is requested to authorize the solicitation of Seal Coat
348 bids for the 2020 Annual Street and Alley Paving Project.

349
350 Motion by: Paul E. Bottiger
351 Second by: Linda L. Lewis

352
353 **MOTION: To authorize the solicitation of Seal Coat bids for the 2020 Annual Street and Alley**
354 **Paving Project.**

355
356 Approved via unanimous voice vote.

357
358
359 Mrs. Metzger provided Borough Council with an update on the status of the Mifflinburg Dewatering
360 Upgrade Project. Mrs. Metzger reported that Mrs. Erin Threet, HRG, Inc., has drafted the Letter of Intent
361 to procure the Schwing Dewatering and Ancillary Equipment through Costars. Mr. Page has reviewed
362 the Letter of Intent and Borough Council action is requested to authorize the Letter of Intent.

363
364 Motion by: Linda L. Lewis
365 Second by: Tod M. Steese

366
367 **MOTION: To authorize the Letter of Intent to procure the Schwing Dewatering and Ancillary**
368 **Equipment through Costars.**

369
370 Approved via unanimous voice vote.

371
372
373 Mr. Page reminded Borough Council that they took action at the Tuesday, March 17, 2020 regular
374 Borough Council meeting to authorize him to offer Windstream Communications up to \$1,000.00 for the
375 Walnut Street Parking Lot. Mr. Page reported that Windstream Communications has accepted the
376 Borough's offer of \$1,000.00 for the Walnut Street Parking Lot, with the condition that the Borough agrees
377 to pay all closing costs associated with the sale.

378
379 Motion by: Paul E. Bottiger
380 Second by: Tod M. Steese

381
382 **MOTION: To authorize the Solicitor to accept Windstream Communications' offer that the**
383 **Borough agrees to pay all closing costs associated with the sale of the Walnut Street Parking Lot.**

384
385 Yes – Mr. Fry, Ms. Lewis, Mr. Steese, Mr. Zimmerman, Mr. Bottiger, Mrs. Hackenberg

386
387 No – None

388
389
390 Mrs. Hackenberg informed Borough Council that they received a copy of the Monthly Police Report for
391 March 2020 included in the information tonight.

392
393 Chief Hackenburg provided Borough Council with an update on the status of the purchase a new police
394 vehicle for the Mifflinburg Police Department. Chief Hackenburg reported that there was a minor mishap
395 with the trade-in vehicle, the 2015 Dodge Charger, and the vehicle requires some repairs. It's likely, that
396 the vehicle repairs will impact the trade-in value for the 2015 Dodge Charger and a lower trade-in value
397 will be received. Fred Beans, the car dealer, was checking with the prospective buyer to see how they
398 want to handle this, whether they want to accept the vehicle as-is or have the vehicle repaired using the
399 Mifflinburg Police Department auto insurance. Chief Hackenburg clarified that he anticipates additional
400 information will be received by the end of the week.

401

402 Motion by: Paul E. Bottiger

403 Second by: Linda L. Lewis

404

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

406

407 Approved via unanimous voice vote.

408

409

410 Meeting adjourned at 8:11 PM.

411

412 Respectfully Submitted,

413

414

415 Misty L. Ross

416 Assistant Borough Secretary

417