

1 MINUTES OF MIFFLINBURG BOROUGH COUNCIL

2 August 18, 2020

3		PRESENT	ABSENT
4			
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 - Arrived at 6:36 PM
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 6:34 PM.

19  
20 Visitors present at this meeting were Eva Linke-Bender, Collin Guffey, Bethany Boyer, Erin Threet, and  
21 Logan Jury.

22  
23  
24 Motion by: Tod M. Steese  
25 Second by: Richard J. Fry

26  
27 **MOTION: To approve the minutes of the Tuesday, July 21, 2020 virtual meeting of Mifflinburg**  
28 **Borough Council.**

29  
30 Approved via unanimous voice vote.

31  
32  
33 Mr. Zimmerman inquired about the difference in the amounts paid to the Central Keystone Council of  
34 Governments (CK-COG). Mr. Zimmerman explained that the Mifflinburg Borough Zoning Report for  
35 July 2020 shows \$4,104.00; however, Bill List # 2020-08 shows the payment made to the CK-COG was  
36 in the amount of \$3,058.60. Mrs. Metzger stated that the \$3,058.60 that is included in Bill List # 2020-  
37 08, is the amount approved at the Tuesday, July 21, 2020 virtual Borough Council meeting for the  
38 Mifflinburg Borough Zoning Report for June 2020. Borough Council approves the Mifflinburg  
39 Borough Zoning Report each month prior to payment being made. Mr. Steese interjected that the  
40 \$4,104.00 is an accumulative total or the total year to date for application and fee collected from the CK-  
41 COG. Mrs. Hackenberg clarified that the amount due to the CK-COG for the Mifflinburg Borough  
42 Zoning Report for July 2020 is \$1,820.00 which will be approved later at tonight’s meeting.

43  
44 Motion by: Linda L. Lewis  
45 Second by: Richard J. Fry

46  
47 **MOTION: To approve payment of Bill List # 2020-08 in the amount of \$649,150.29.**

48  
49 Yes – Mr. Fry, Ms. Lewis, Mr. Steese, Mr. Zimmerman, Mrs. Hackenberg

50  
51 No – None

52  
53  
54 Mrs. Eva Linke-Bender, representing the Mifflinburg Buggy Museum located at 598 Green Street,  
55 participated in tonight’s virtual meeting regarding the Mifflinburg Buggy Museum’s fundraising event  
56 which is scheduled for Friday, September 18, 2020 from 4:00 PM to 9:00 PM and Saturday, September  
57 19, 2020 from 11:00 AM to 9:00 PM (with a rain date of Friday, September 26, and Saturday,  
58 September 27, 2020). The purpose for this fundraising event is to raise funds to cover the costs of  
59 everyday bills incurred by the Mifflinburg Buggy Museum, such as electricity and mortgage payments,  
60 through the winter.

61  
62 Mrs. Hackenberg reminded Borough Council that the Mifflinburg Buggy Museum’s fundraising event  
63 has been previously discussed at the Tuesday, August 4, 2020 Borough Work Session.

64  
65  
66  
67

68 Mayor Cooney updated Borough Council that since the Tuesday, August 4, 2020 Borough Work  
69 Session, he has spoken with Mr. Steve Walter, Fire Chief for the Mifflinburg Hose Company No. 1  
70 located at 325 Chestnut Street. Mayor Cooney detailed the safety recommendations discussed for the  
71 Mifflinburg Buggy Museum’s fundraising event. The Mifflinburg Buggy Museum will be responsible  
72 for following all Centers for Disease Control and Prevention (CDC) and Pennsylvania Department of  
73 Health guidelines and will be required to provide proof of Event Insurance for this event, with the  
74 Borough named as an additional insured. Additionally, the Mifflinburg Buggy Museum will also be  
75 required to follow all safety recommendations as discussed during the event, including the placement of  
76 all tables and other displays in a manner which leaves a travel lane of 12 feet on the South side of Green  
77 Street, and keeping the turning radius at each corner free from obstructions. Mayor Cooney clarified  
78 that nothing will be permitted in front of yellow curbs.

79  
80 Motion by: Tod M. Steese  
81 Second by: Richard J. Fry

82  
83 **MOTION: To approve the closure of Green Street between 5<sup>th</sup> and 6<sup>th</sup> Streets (500 block) for the**  
84 **Mifflinburg Buggy Museum’s fundraising event on Friday, September 18, 2020 and Saturday,**  
85 **September 19, 2020 (with a rain date of Friday, September 26, and Saturday, September 27,**  
86 **2020), with the safety recommendations as required by Mayor Cooney, Chief Hackenburg, and**  
87 **Fire Chief Walter.**

88  
89 Chief Hackenburg inquired if the Mifflinburg Buggy Museum is planning to still move forward with  
90 their fundraising event if the Pennsylvania Liquor Control Board (PLCB) denies their application for a  
91 Special Events License.

92  
93 Mrs. Linke-Bender confirmed that the Mifflinburg Buggy Museum is planning to still move forward  
94 with their fundraising event since its food oriented; the Special Events License would just be extra.

95  
96 Approved via unanimous voice vote.

97  
98  
99 Ms. Bethany Boyer participated in tonight’s virtual meeting regarding the Sewer EDU Allocations. Ms.  
100 Boyer informed Borough Council that she recently submitted an application to move a mobile home into  
101 the mobile home park located along N. 8<sup>th</sup> Street that is owned by Stonemill Property Management,  
102 which requires one (1) EDU. From what she understands, she will learn at tonight’s meeting as to  
103 whether or not she will be permitted to move the mobile home into the mobile home park. Mrs. Metzger  
104 announced that the Sewer EDU Allocations is on the Agenda to be discussed later at tonight’s meeting.

105  
106 Boy Scout, Collin Guffey, introduced himself and informed Borough Council that he is participated in  
107 tonight’s virtual meeting to observe the meeting in order to achieve his “Citizenship in the Community”  
108 merit badge.

109  
110  
111 Motion by: Tod M. Steese  
112 Second by: Richard J. Fry

113  
114 **MOTION: To approve the Mifflinburg Borough Zoning Report for July 2020 and authorize**  
115 **payment to the Central Keystone Council of Governments (CK-COG) in the amount of \$1,820.00.**

116  
117 Mr. Zimmerman verified with Mr. Rowe that he has a degree for GIS Mapping from college. Mr. Rowe  
118 indicated that his degree is actually in geography with emphasis on planning.

119  
120 Mr. Zimmerman inquired if the 2.5 hours for Cost to Borough for GIS Map Review that is listed on the  
121 Mifflinburg Borough Zoning Report for July 2020 is for the time the CK-COG spent reviewing Mr.  
122 Rowe’s work. Mr. Rowe reported that it’s his general understanding, that the CK-COG uses the GIS  
123 Mapping to navigate within the Borough to get a visual interpretation of where different violations are  
124 and view what district zoning classification properties are located within. Mr. Rowe clarified that Cost  
125 to Borough for GIS Map Review are not duplication efforts of what he does versus what the CK-COG  
126 does.

127  
128 Yes – Ms. Lewis, Mr. Steese, Mr. Zimmerman, Mr. Fry, Mrs. Hackenberg

129  
130 No – None

131  
132  
133

134 Mrs. Hackenberg announced that Borough Council consideration is requested for Resolution No. 2020-  
135 16; A resolution authorizing participation in the AMP Pennsylvania R.I.C.E Peaking Project as a Host  
136 Member. Mr. Page informed Borough Council that they should have received a copy of the resolution  
137 via email prior to tonight's meeting. Mr. Page reported that he and the Borough Electrical Engineer  
138 have reviewed the resolution and the associated agreements: the AMP R.I.C.E Peaking Project Lease  
139 Agreement and the Interconnection Agreement with AMP for the Project's systems, and that they are  
140 both okay with the resolution and the associated agreements on both the technical side and the legal side.  
141 Borough Council action is requested to adopt this resolution.

142  
143 Motion by: Linda L. Lewis

144 Second by: Duane L. Zimmerman

145  
146 **MOTION: To adopt Resolution No. 2020-16; A resolution authorizing participation in the AMP**  
147 **Pennsylvania R.I.C.E Peaking Project as a Host Member.**

148  
149 Approved via unanimous voice vote.

150  
151  
152 Mrs. Metzger inquired if Borough Council action is required to approve the AMP R.I.C.E Peaking  
153 Project Lease Agreement and the Interconnection Agreement with AMP for the Project's systems. Mr.  
154 Page advised that the Lease Agreement and the Interconnection Agreement have been encompassed in  
155 Resolution No. 2020-16 and Borough Council action is not required to approve these agreements.

156  
157 Mrs. Metzger informed Borough Council that she has received a request from Mr. Johnny Blake, Pastor  
158 for the Mifflinburg Assembly of God Church located at 1001 Market Street, to move their annual  
159 Community Christian Carnival at the Mifflinburg Community Park from Saturday, September 19, 2020  
160 from 4:00 PM to 8:00 PM to Friday, June 4, 2021 due to the COVID-19 pandemic. Mrs. Metzger  
161 pointed out that this event was already rescheduled from Friday, June 7, 2019 to Saturday, September  
162 19, 2020 due to the COVID-19 pandemic. Borough Council action is requested on this matter.

163  
164 Ms. Lewis expressed that she feels any approval should be conditional approval with the requirement  
165 that all Centers for Disease Control and Prevention (CDC) and Pennsylvania Department of Health  
166 guidelines be followed during the event.

167  
168 Motion by: Duane L. Zimmerman

169 Second by: Linda L. Lewis

170  
171 **MOTION: To approve the Mifflinburg Assembly of God Church's request to move their annual**  
172 **Community Christian Carnival at the Mifflinburg Community Park from Saturday, September**  
173 **19, 2020 from 4:00 PM to 8:00 PM to Friday, June 4, 2021, contingent upon the requirement that**  
174 **all Centers for Disease Control and Prevention (CDC) and Pennsylvania Department of Health**  
175 **guidelines be followed during the event.**

176  
177 Approved via unanimous voice vote.

178  
179  
180 Mr. Page deferred action on the Change Orders and Payment Applications for the Mill Street  
181 Reconstruction and Chestnut Street Water Main Replacement Projects until after executive session.

182  
183 Mr. Logan Jury, HRG, Inc., provided Borough Council with an update on the status of the Mifflinburg  
184 Dewatering Upgrade Project. Mr. Jury informed Borough Council that they should have received a  
185 copy of the revised Costars purchase price for the Schwing Dewatering and Ancillary Equipment via  
186 email prior to tonight's meeting. Borough Council authorization is requested to proceed with the  
187 Purchase Order to procure the Schwing Dewatering and Ancillary Equipment. Mrs. Erin Threet, HRG,  
188 Inc., clarified that the price for the entire system as discussed through Costars is \$280,600.00 which is  
189 the same price as originally provided on December 19, 2019 and accepted on April 22, 2020.

190  
191 Mrs. Metzger reminded Borough Council that they took action at the Tuesday, April 21, 2020 regular  
192 Borough Council meeting to authorize the Letter of Intent to procure the Schwing Dewatering and  
193 Ancillary Equipment through Costars; however, there wasn't a price included with the motion. Borough  
194 Council authorization is requested to proceed with the Purchase Order to procure the Schwing  
195 Dewatering and Ancillary Equipment through Costars for the lump sum amount of \$280,600.00.

196

197

198

199

200

201 Motion by: Linda L. Lewis  
202 Second by: Richard J. Fry

203  
204 **MOTION: To proceed with the Purchase Order to procure the Schwing Dewatering and Ancillary**  
205 **Equipment through Costars for the lump sum amount of \$280,600.00.**

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

208  
209 No – None

210  
211  
212 Mrs. Metzger announced that the availability of eighteen (18) sewer EDU's that the Pennsylvania  
213 Department of Environmental Protection (DEP) granted has been advertised in accordance with  
214 Resolution No. 2020-15; A resolution establishing and adopting a policy for the distribution of  
215 connection permits under state, federal, or other regulatory limitations. The deadline to submit  
216 applications was Monday, August 17, 2020 at 1:00 PM. There were four (4) requests received which are  
217 as follows:

<u>Applicant</u> <u>Name/Address</u>	<u># of EDU's</u> <u>Requested</u>	<u>Location for</u> <u>EDU Request</u>
Vincent J. Romanini	7 or 8 EDUs	N. 8 <sup>th</sup> Street
Rusty Rail Brewing Company, LLC	6 EDUs	N. 8 <sup>th</sup> Street, Suite 1
Stonemill Property Management	1 EDU	106 Lynn Street
J. Blair & Melissa Dunkle	1 EDU	221 Chestnut Street

226  
227 A spreadsheet has been prepared which illustrates the ranking for the EDU requests and a copy of the  
228 spreadsheet has been emailed to Borough Council prior to tonight's meeting. Based on the score  
229 achieved using the point scale as established per Paragraph III of the allocation policy resolution, eight  
230 (8) EDU's will go to Vincent J. Romanini, six (6) EDU's will go to the Rusty Rail Brewing Company,  
231 LLC, one (1) EDU will go to Stonemill Property Management, and one (1) EDU to J. Blair & Melissa  
232 Dunkle. Mrs. Metzger informed Borough Council that Tim Turner also submitted an application for one  
233 (1) EDU for 249 Chestnut Street; however, his request was received after the deadline. In accordance  
234 with Paragraphs VI of the EDU allocation policy resolution, if any EDU's remain available after the  
235 initial distribution in accordance with Paragraphs B. I – IV above, the remaining EDU's shall be  
236 distributed on a first come, first serve basis until all available EDU's are distributed.

237  
238 Mrs. Metzger pointed out that Mr. Romanini is looking to build a Personal Care Home facility along N.  
239 8<sup>th</sup> Street and he is requesting seven (7) or eight (8) EDUs for Phase 1 of the project. Mr. Romanini has  
240 provided the Borough with a water consumption history for a similar facility. Mrs. Metzger noted that  
241 on Mr. Romanini's application, he indicated that the estimated completion date for this project is late  
242 2021, early 2022. In accordance with the conditions for acceptance of a connection permit shall consist of  
243 the following minimum standards:

- 244  
245 a. Payment of applicable Tapping and Connection Fees within 15 days of acceptance of a  
246 connection permit.
- 247 b. Payment of applicable sewer rentals upon occupancy of the structure. If the structure is not  
248 occupied within one year of the date of connection permit issuances, the property owner shall  
249 pay any applicable reservation of capacity charges as established by Resolution of the  
250 Mifflinburg Borough Council.
- 251 c. If construction has not been started within 180 days of the date of connection permit issuance,  
252 then the EDU shall be revoked and the Borough shall return 80% of the Tapping Fee paid by  
253 the applicant.
- 254 d. The Applicant may apply to Borough Council for one (1) ninety (90) day extension of the  
255 construction deadline in subparagraph B. VII (c). The ninety (90) day extension will be  
256 granted if the Applicant can demonstrate that the construction will be started within the ninety  
257 (90) day period.
- 258 e. If construction is not started within the extension period, the EDU shall be revoked and the  
259 Borough shall return seventy percent (70%) of the Tapping Fee paid by the Applicant.
- 260 f. If the building permit is revoked due to inactivity at the construction site, the EDU shall be  
261 revoked and the Borough shall return seventy percent (70%) of the Tapping Fee paid by the  
262 Applicant.

263  
264 If construction is not started within the extension period, the EDU shall be revoked and the Borough  
265 shall return seventy percent (70%) of the Tapping Fee paid by the Applicant. Mr. Metzger clarified that  
266 even with the ninety (90) day extension Mr. Romanini's project (request) will not be connected within the  
267 required timeline of issuance of permit.

268

269 A lengthy discussion was held as to how the EDU request for Mr. Romanini should be handled; it was  
270 decided that Borough Council would approve Mr. Romanini's application for eight (8) EDU's for N. 8<sup>th</sup>  
271 Street and grant Mr. Romanini eight (8) EDU's, subject to all of the conditions for acceptance as  
272 outlined above and established in Resolution No. 2020-15. Mrs. Metzger clarified that Mr. Romanini  
273 will have thirty (30) days from the date of the award/allocation letter being sent, to decide whether or  
274 not he wants to accept the EDU connection permits offered for N. 8<sup>th</sup> Street or the Borough will retain  
275 and redistribute the EDU's.

276  
277 Mrs. Metzger pointed out that J. Blair & Mrs. Melissa Dunkle's request is for their parcel located at 221  
278 Chestnut Street that previously had an existing EDU. Mrs. Metzger explained that in November of  
279 2014, the apartment building that was located on this parcel was extensively damage during a fire and as  
280 a result the building was torn down. The property is being sold and cannot close until the buyer is  
281 guaranteed an EDU. At the time of the sewer lateral inspection, when the Borough looked into this, it  
282 was determined that the existing connected has been abandoned due to length of time. The Borough  
283 then reached out to DEP for clarification; DEP confirmed that a new connection or EDU would be  
284 required due to length of time. Mrs. Metzger informed Borough Council that clarification is requested  
285 as to whether or not J. Blair & Mrs. Melissa Dunkle would be required to pay the applicable tapping and  
286 connection fee.

287  
288 Motion by: Duane L. Zimmerman

289 Second by: Linda L. Lewis

290

291 **MOTION: To award sixteen (16) of the eighteen (18) available sewer EDU's and allocate eight (8)**  
292 **EDU's to Vincent J. Romanini for North 8<sup>th</sup> Street, six (6) EDU's to the Rusty Rail Brewing**  
293 **Company, LLC for 5 North 8th Street, Suite 1, one (1) EDU to Stonemill Property Management**  
294 **for 106 Lynn Street, and one (1) EDU to J. Blair & Melissa Dunkle for 221 Chestnut Street.**

295

296 Approved via unanimous voice vote.

297

298

299 Motion by: Linda L. Lewis

300 Second by: Duane L. Zimmerman

301

302 **MOTION: To allocate one (1) sewer EDU to Tim Turner for 249 Chestnut Street.**

303

304 Approved via unanimous voice vote.

305

306

307 Mrs. Metzger reiterated that clarification is requested as to whether or not J. Blair & Mrs. Melissa  
308 Dunkle would be required to pay the applicable tapping and connection fee. In accordance with  
309 Paragraph VI of the allocation policy resolution, Applicable Tapping and Connection Fee: Shall mean  
310 the fee as set by Borough Resolution which establishes the amount paid per EDU and per Connection.  
311 This fee shall not apply to any "Existing Connection" or existing EDU(s) as defined herein. Mrs.  
312 Metzger informed Borough Council that she and Mr. Page have a difference in opinion as to whether or  
313 not J. Blair & Mrs. Melissa Dunkle would be required to pay the applicable tapping and connection fee.  
314 Mrs. Metzger elucidated that she would consider J. Blair & Mrs. Melissa Dunkle's request to be an  
315 existing connection and therefore the fee would not apply; however, Mr. Page disagrees and feels that J.  
316 Blair & Mrs. Melissa Dunkle's request does not meet the requirements for an existing connection.

317

318 Mr. Page advised that in accordance with Paragraph XI of the allocation policy resolution, Existing  
319 Connection: Shall mean an approved physical connection or existing EDU capacity which has been  
320 previously allocated, purchased or otherwise permitted by the Borough and by Pa Department of  
321 Environmental Protection (PaDEP) per the terms of the instituted sewer connection ban as established  
322 by a letter from PaDEP dated February 23, 2018. Said connection (EDU) shall be between a structure(s)  
323 or property or developed building lot(s) and the Borough of Mifflinburg sanitary sewer system prior to  
324 the date of the PaDEP sewer connection ban March 2, 2018 and which generates, has the ability to  
325 generate, or has generated industrial or sewerage waste. A connection which has been permanently  
326 abandoned, removed, demolished or discontinued shall not be considered an existing connection. Any  
327 increase in the EDU capacity of said existing connection shall be deemed a new connection or EDU.  
328 Unfortunately, there is no temporal guideline or requirement as to what is permanently abandoned,  
329 removed, demolished or discontinued. A discussion was held; Mrs. Metzger clarified that without  
330 further direction from Borough Council, she would proceed with following Mr. Page's advice and  
331 require J. Blair & Mrs. Melissa Dunkle to pay the applicable tapping and connection fee.

332

333

334

335

336 Mr. Page provided Borough Council with an update on the status of the deeds between the Borough of  
337 Mifflinburg and Edgar L. Mitch, Jr. and Rudy A. Mitch; and the Borough of Mifflinburg and the Dennis  
338 E. and Lena R. Susan Living Trust. Mr. Page recapped that the deed is response to the unauthorized  
339 bridge that has been constructed from Edgar L. Mitch, Jr. and Rudy A. Mitch's property (located at 1204  
340 Chestnut Street) across Creamery Run to the Borough's property. As a way to resolve the issues with  
341 the unauthorized bridge and access amicably with them, the Borough was willing to allow the bridge to  
342 remain at its current location upon the condition that the property in which the bridge attaches plus a two  
343 (2) foot perimeter around the bridge be transferred to the property owner and that an agreement be  
344 entered into with the Borough regarding a limited use of the Borough property to access the bridge.  
345 There were issues with the legal description of the two (2) deeds which needed to be corrected. Mr.  
346 Page detailed that the deed for Edgar L. Mitch, Jr. and Rudy A. Mitch had the legal description listed as  
347 being the northwestern most corner when it should have been the northeastern most corner; and the deed  
348 for Dennis E. and Lena R. Susan Living Trust had the legal description listed as being the northeastern  
349 most corner when it should have been the northwestern most corner. Mr. Page informed Borough  
350 Council that the legal description for both of these deeds have been revised and Borough Council action  
351 is requested to authorize and direct the Borough Council President, Beverly L. Hackenberg, to execute  
352 the corrected deeds.

353  
354 Motion by: Linda L. Lewis  
355 Second by: Tod M. Steese  
356

357 **MOTION: To authorize and direct the Borough Council President, Beverly L. Hackenberg, to**  
358 **execute the corrected deed between the Borough of Mifflinburg and Edgar L. Mitch, Jr. and Rudy**  
359 **A. Mitch; and the Borough of Mifflinburg and the Dennis E. and Lena R. Susan Living Trust.**

360  
361 Approved via unanimous voice vote.  
362

363  
364 Mrs. Metzger informed Borough Council that they received Mr. Paul E. Bottiger's letter of resignation  
365 via email prior to tonight's meeting which read as follows:  
366

367 To Mifflinburg Borough Council and To Whom It May Concern,

368  
369 I will be resigning as Council Member effective the end of August. It's been a pleasure and I  
370 have learned a lot, but it's time for me to move on.

371  
372 Thanks,  
373 Paul Bottiger  
374

375 Mrs. Metzger reported that the Borough has thirty (30) days to fill the vacancy created by Mr. Bottiger  
376 as of Monday, August 31, 2020. Borough Council action is requested to accept Mr. Bottiger's letter of  
377 resignation and authorize her to advertise for letters of interest for the position of Council Member for  
378 the East Ward.

379  
380 Motion by: Tod M. Steese  
381 Second by: Richard J. Fry  
382

383 **MOTION: To accept the resignation of Mr. Paul E. Bottiger as a member of Mifflinburg Borough**  
384 **Council effective Monday, August 31, 2020 with regret, and authorize Mrs. Metzger to advertise**  
385 **for letters of interest for the position of Council Member for the East Ward.**

386  
387 Approved via unanimous voice vote.  
388

389  
390 Ms. Lewis inquired if there were any stipulations in the Hatch Act that preclude federal employees from  
391 being on Borough Council. A lengthy discussion was held; Mr. Page indicated that he's not familiar  
392 with the Hatch Act; however, he could look into this matter. Mr. Page clarified that in accordance with  
393 the Borough Code, to serve as a borough council member individuals must be registered electors and  
394 have resided in the borough continuously for at least one year prior to their election.  
395

396 Mrs. Metzger informed Borough Council that they received the 2021 Budget Calendar via email prior to  
397 tonight's meeting, as well as the Budgetary Requests Memo that was distributed to all Borough  
398 Departments and Agencies. All Budgetary Requests for 2021 must be submitted by Wednesday,  
399 September 30, 2020.  
400  
401  
402

403 Mrs. Metzger reminded Borough Council that they took action at the Tuesday, October 15, 2019 regular  
404 Borough Council meeting to authorize Borough Management to submit a grant application for a  
405 Pennsylvania Small Water and Sewer Program Grant and a H2O PA Program Grant through the  
406 Commonwealth Financing Authority. Mrs. Metzger announced that the Borough has been awarded a  
407 Pennsylvania Small Water and Sewer Program Grant in the amount of \$399,500.00 for the Sanitary  
408 Sewer Main Replacement Project for High Alley (8th-10th Streets) and Hickory Street (4th-3rd Streets),  
409 as well as a H2O PA Program Grant in the amount of \$127,500.00 for the Master Meter Installation  
410 Project for four (4) Master Meters. Borough Council action is requested to approve the acceptance of  
411 these grants and authorize her and the Borough Council President, Beverly L. Hackenberg, to execute  
412 the grant agreements.

413  
414 Motion by: Linda L Lewis

415 Second by: Richard J. Fry

416

417 **MOTION: To approve the acceptance of the Pennsylvania Small Water and Sewer Program**  
418 **Grant in the amount of \$399,500.00 for the Sanitary Sewer Main Replacement Project for High**  
419 **Alley (8th-10th Streets) and Hickory Street (4th-3rd Streets), as well as a H2O PA Program Grant**  
420 **in the amount of \$127,500.00 for the Master Meter Installation Project for four (4) Master Meters;**  
421 **and authorize the Borough Council President, Beverly L. Hackenberg, the Borough Manager,**  
422 **Margaret A. Metzger, to execute the grant agreements.**

423

424 Yes – Mr. Zimmerman, Mr. Fry, Ms. Lewis, Mr. Steese, Mrs. Hackenberg

425

426 No – None

427

428

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

430

431 Mayor Cooney informed Borough Council that they received a copy of the Monthly Police Report for  
432 July 2020 included in the information tonight.

433

434

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

437

438 • The Mifflinburg Hose Company No. 1 will be hosting its 5th Annual 9/11 Memorial Walk  
439 on Saturday, September 12, 2020. A PennDOT permit will not be required since there will  
440 be no road closures in Mifflinburg as in years past; this year they'll be holding it without  
441 much fanfare. All participants will be required to adhere to all rules of the road in  
442 accordance with the General Pedestrian Law Pennsylvania's Vehicle Code.

443 • The Mifflinburg Buggy Museum's fundraising event is scheduled for Friday, September  
444 18, 2020 from 4:00 PM to 9:00 PM and Saturday, September 19, 2020 from 11:00 AM to  
445 9:00 PM (with a rain date of Friday, September 26, and Saturday, September 27, 2020).

446 • The unPAved of the Susquehanna River Valley's cycling event is scheduled for Sunday,  
447 October 11, 2020. A PennDOT permit will not be required since there will be no road  
448 closures in Mifflinburg. All participants will be required to adhere to all rules of the road  
449 in accordance with the General Pedestrian Law Pennsylvania's Vehicle Code.

450

451 Mayor Cooney requested Borough Council action to set Trick or Treat night for Saturday, October 31,  
452 2020 from 6:00 PM - 9:00 PM. There will be no rain date for this event.

453

454 Motion by: Linda L. Lewis

455 Second by: Richard J. Fry

456

457 **MOTION: To set Trick or Treat night for Saturday, October 31, 2018 from 6:00 PM - 9:00 PM.**

458

459 Approved via unanimous voice vote.

460

461

462 Chief Hackenburg presented Borough Council with some Monthly Highlights for the Mifflinburg Police  
463 Department for August 2020.

464

465 Boy Scout, Collin Guffey, thanked Borough Council for allowing him to participate in tonight's virtual  
466 meeting to observe the meeting.

467

468

469

470 Motion by: Linda L. Lewis

471

472 MOTION: **To enter into executive session at 7:45 PM.**

473

474 Approved via unanimous voice vote.

475

476

477 Motion by: Linda L. Lewis

478

479 MOTION: **To reconvene the meeting at 8:37 PM.**

480

481 Approved via unanimous voice vote.

482

483

484 Motion by: Tod M. Steese

485 Second by: Richard J. Fry

486

487 MOTION: **To grant Mr. Patrick Wetzel up to twenty (20) days of unpaid leave time due to be used to care for his daughter; this leave time is for use between Tuesday, August 18, 2020 and Wednesday, November 18, 2020.**

489

490 Approved via unanimous voice vote.

491

492

493

494 Motion by: Linda L. Lewis

495 Second by: Richard J. Fry

496

497 MOTION: **To authorize the Borough Manager to advertise to accept sealed bids for the sale of a parcel of property located at 1 Oak Avenue, with the opening bid for this property to include the purchase price, municipal liens, plus costs and fees; and the bids opening to be held on Monday, September 14, 2020 at 1:00 PM.**

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501 Approved via unanimous voice vote.

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505 Mr. Rowe provided Borough Council with an update on the status of the Mill Street Reconstruction and Chestnut Street Water Main Replacement Projects. Mr. Rowe reminded Borough Council that they took action at the Tuesday, July 21, 2020 virtual Bough Council meeting to approve Change Order No. 1 to Dave Gutelius Excavating, Inc. for the Mill Street Reconstruction and Chestnut Street Water Main Replacement Projects for a price increase of \$18,378.50. Mr. Rowe reported that due to a clerical error, Dave Gutelius Excavating, Inc. has re-submitted Change Order No. 1 for a revised price increase of \$19,351.90. This change order amends the contract price to incorporate the revised amounts for the following additional work items for the Chestnut Street portion of the Project:

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	<u>Original</u>	<u>Revised</u>
	<u>Amount</u>	<u>Amount</u>

- |  |              |              |
|--|--------------|--------------|
| • Addition of live tap to water main at Line Street      | (\$7,426.60) | (\$8,400.00) |
| • Additional cost to account for mismarked water main    | (\$1,387.04) | (\$1,387.04) |
| • Additional cost to account for mismarked water service | (\$9,564.86) | (\$9,564.86) |

521 A copy of the revised change order has been distributed to Borough Council members via email prior to tonight's meeting. Uni-Tec Consulting Engineers, Inc. has reviewed the change order and is recommending that Borough Council take action to reapprove this change order.

525 Motion by: Linda L. Lewis

526 Second by: Tod M. Steese

528 MOTION: **To reapprove Change Order No. 1 to Dave Gutelius Excavating, Inc. for the Mill Street Reconstruction and Chestnut Street Water Main Replacement Projects for a price increase of \$19,351.90**

532 Yes – Mr. Fry, Ms. Lewis, Mr. Steese, Mr. Zimmerman, Mrs. Hackenberg

534 No – None



537 Mr. Rowe reminded Borough Council that they also took action at the Tuesday, July 21, 2020 virtual  
538 Bough Council meeting to approve Change Order No. 2 to Dave Gutelius Excavating, Inc. for the Mill  
539 Street Reconstruction and Chestnut Street Water Main Replacement Projects for a price increase of  
540 \$21,602.49. Mr. Rowe reported that Dave Gutelius Excavating, Inc., has re-submitted Change Order  
541 No. 2 for a price increase of \$21,602.49 for the Mill Street Reconstruction and Chestnut Street Water  
542 Main Replacement Projects. This change order amends the contract price to incorporate the additional  
543 cost to account for mismarked water main for the Mill Street portion of the Project. Mr. Rowe explained  
544 that Change Order No. 1 reflects Change Order No. 2 because the total amounts on the change order  
545 sheet changed; however, the amount of Change Order No. 2 remained the same. A copy of the revised  
546 change order has been distributed to Borough Council members via email prior to tonight's meeting.  
547 Uni-Tec Consulting Engineers, Inc. has reviewed the change order and is recommending that Borough  
548 Council take action to reapprove this change order.

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550 Motion by: Linda L. Lewis

551 Second by: Tod M. Steese

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553 **MOTION: To reapprove Change Order No. 2 to Dave Gutelius Excavating, Inc. for the Mill Street**  
554 **Reconstruction and Chestnut Street Water Main Replacement Projects for a price increase of**  
555 **\$21,602.49.**

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557 Yes – Ms. Lewis, Mr. Steese, Mr. Zimmerman, Mr. Fry, Mrs. Hackenberg

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559 No – None

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562 Mr. Rowe informed Borough Council that in addition to the revised change orders, Dave Gutelius  
563 Excavating, Inc. has submitted Change Order No. 3 for a price increase of \$20,340.66 for the Mill Street  
564 Reconstruction and Chestnut Street Water Main Replacement Projects. This change order amends the  
565 contract price to incorporate the additional cost to account for finding unknown water services for the  
566 for the Chestnut Street portion of the Project. A copy of the change order has been distributed to  
567 Borough Council members via email prior to tonight's meeting. Uni-Tec Consulting Engineers, Inc. has  
568 reviewed the change order and is recommending that Borough Council take action to approve this  
569 change order.

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571 Motion by: Linda L. Lewis

572 Second by: Richard J. Fry

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574 **MOTION: To approve Change Order No. 3 to Dave Gutelius Excavating, Inc. for the Mill Street**  
575 **Reconstruction and Chestnut Street Water Main Replacement Projects for a price increase of**  
576 **\$20,340.66.**

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578 Yes – Mr. Steese, Mr. Zimmerman, Mr. Fry, Ms. Lewis, Mrs. Hackenberg

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580 No – None

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583 Mr. Rowe reported that Dave Gutelius Excavating, Inc. has also submitted Change Order No. 4 for a  
584 price increase of \$5,100.00 for the Mill Street Reconstruction and Chestnut Street Water Main  
585 Replacement Projects. This change order amends the contract price to incorporate the additional cost to  
586 account for additional fill for unstable road subbase for the Mill Street portion of the Project. A copy of  
587 the change order has been distributed to Borough Council members via email prior to tonight's meeting.  
588 Uni-Tec Consulting Engineers, Inc. has reviewed the change order and is recommending that Borough  
589 Council take action to approve this change order.

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591 Motion by: Linda L. Lewis

592 Second by: Tod M. Steese

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594 **MOTION: To approve Change Order No. 4 to Dave Gutelius Excavating, Inc. for the Mill Street**  
595 **Reconstruction and Chestnut Street Water Main Replacement Projects for a price increase of**  
596 **\$5,100.00.**

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598 Yes – Mr. Zimmerman, Mr. Fry, Ms. Lewis, Mr. Steese, Mrs. Hackenberg

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600 No – None

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604 Mr. Rowe stated that in addition to the change orders, Dave Gutelius Excavating, Inc. has also submitted  
605 Payment Application No. 2 in the amount of \$116,534.01 for the Mill Street Reconstruction & Chestnut  
606 Street Water Main Replacement Projects. A copy of the payment application has been distributed to  
607 Borough Council members via email prior to tonight's meeting. Uni-Tec Consulting Engineers, Inc. has  
608 reviewed the payment application and is recommending that Borough Council take action to approve  
609 this payment application.

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611 Motion by: Linda L. Lewis  
612 Second by: Tod M. Steese

613  
614 **MOTION: To approve Payment Application No. 2 to Dave Gutelius Excavating, Inc. for the Mill**  
615 **Street Reconstruction & Chestnut Street Water Main Replacement Projects in the amount of**  
616 **\$116,534.01.**

617  
618 Yes – Mr. Fry, Ms. Lewis, Mr. Steese, Mr. Zimmerman, Mrs. Hackenberg

619  
620 No – None

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623 Motion by: Tod M. Steese

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

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627 Approved via unanimous voice vote.

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630 Meeting adjourned at 8:51 PM.

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632 Respectfully Submitted,

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635 Misty L. Ross  
636 Assistant Borough Secretary  
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