

1 MINUTES OF MIFFLINBURG BOROUGH COUNCIL

2 July 20, 2021

| 3  |  | PRESENT             | ABSENT |
|----|--|---------------------|--------|
| 4  |  |                     |        |
| 5  | Beverly L. Hackenberg, Council President | X                   |        |
| 6  | Tod M. Steese, Vice President            | X                   |        |
| 7  | Richard J. Fry, Council Member           |                     | X      |
| 8  | Ellie K. Kreisher, Council Member        |                     | X      |
| 9  | Linda L. Lewis, Council Member           | X                   |        |
| 10 | Matthew C. Wagner, Council Member        | X                   |        |
| 11 | David M. Cooney, Mayor                   | X                   |        |
| 12 | Jeffrey L. Hackenburg, Chief of Police   | X - Left at 7:14 PM |        |
| 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 regular meeting of Mifflinburg Borough Council was called to order at 6:30 PM.

19  
20 Visitors present at this meeting were Lance Miller, Roger Long, Jr., Angela Krebs, Nathan Krebs and  
21 children (Liam & Logan), Sandy Goodling, Debra Martin-Long, Jackson Stroup, and Blaina Martin.

22  
23 Mayor Cooney conducted the Oath of Office Ceremony for the new full-time Police Officer for the  
24 Borough of Mifflinburg, Ms. Blaina M. Martin.

25  
26  
27 Motion by: Tod M. Steese  
28 Second by: Matthew C. Wagner

29  
30 **MOTION: To approve the minutes of the Tuesday, June 15, 2021 regular meeting of Mifflinburg**  
31 **Borough Council.**

32  
33 Approved via unanimous voice vote.

34  
35  
36 Motion by: Tod M. Steese  
37 Second by: Matthew C. Wagner

38  
39 **MOTION: To approve the minutes of the Tuesday, July 6, 2021 special meeting of Mifflinburg**  
40 **Borough Council.**

41  
42 Approved via unanimous voice vote.

43  
44  
45 Motion by: Linda L. Lewis  
46 Second by: Matthew C. Wagner

47  
48 **MOTION: To approve payment of Bill List # 2021-07 in the amount of \$787,180.22.**

49  
50 Yes – Ms. Lewis, Mr. Steese, Mr. Wagner, Mrs. Hackenberg

51  
52 No – None

53  
54  
55 Mr. Lance Miller, member of Mifflinburg Innovation Works located at 4<sup>th</sup> and Chestnut Streets, inquired  
56 about the possibility of relocating the bicentennial buffalo that is on display in the Council meeting  
57 room, to a place that is more open and accessible to the public. Mr. Miller stated that other  
58 municipalities in Union County have their buffalos displayed in areas that are more visible to the public  
59 and not just individuals that attend the monthly Council meetings. Mr. Miller clarified that he is seeking  
60 Borough Council direction as to whether or not they feel it’s worth their time to consider a different  
61 location in the Borough where the buffalo might be able to be displayed; and if so, have one (1) member  
62 of Council (that isn’t Mrs. Metzger) be the point person that they can work with to flesh out the details  
63 and the associated costs involved.

64  
65  
66

67 Mayor Cooney recapped that as part of the 2013 Union County Bicentennial Celebration, each of the  
68 fourteen (14) municipalities in Union County as well as one (1) at Union County Government Center  
69 was given a fiberglass buffalo to decorate and put on display. Each municipality was responsible for  
70 decorating and painting their buffalo for permanent display at a location of their choice in their  
71 respective community. The “Artists Among Us” volunteered to decorate the buffalo in a manner that  
72 reflects Mifflinburg’s buggy heritage. All of the buffalos were displayed at the Campus Theater in  
73 Lewisburg at the end of October 2013 and people could vote on which one they like the best. It was  
74 never decided where the buffalo would be placed permanently due to concerns with theft and vandalism,  
75 so Mifflinburg placed him in the Public Meeting Room.  
76

77 Mrs. Metzger commented that the Borough originally discussed displaying the buffalo in a plexiglass  
78 box; however, there were risks with it fading. A lengthy discussion was held; Mr. Steese directed Mr.  
79 Miller to come with some ideas to be further discussion at the Borough Work Session. Mr. Wagner  
80 expressed that he thinks art should be displayed and volunteered to be the point person.  
81

82  
83 Motion by: Tod M. Steese  
84 Second by: Linda L. Lewis  
85

86 **MOTION: To approve the Mifflinburg Borough Zoning Report for June 2021 and authorize**  
87 **payment to the Central Keystone Council of Governments (CK-COG) in the amount of \$2,543.20.**  
88

89 Yes – Mr. Steese, Mr. Wagner, Ms. Lewis, Mrs. Hackenberg  
90

91 No – None  
92

93  
94 Mrs. Metzger reminded Borough Council that they took action at their Tuesday, June 15, 2021 regular  
95 Council meeting to allocate one (1) sewer EDU to Mr. Keith A. Pletcher for 127 Meadow Green Drive,  
96 subject to the following conditions for acceptance established in Resolution No. 2020-15:  
97

- 98 • Payment of the applicable tapping and connection fees within fifteen (15) days of  
99 acceptance of the EDU connection permit.
- 100 • Payment of applicable sewer rentals upon occupancy of the structure. If the structure is not  
101 occupied within one (1) year of the date of connection permit issuance, the property owner  
102 shall pay any applicable reservation of capacity charges as established by resolution of the  
103 Mifflinburg Borough Council.
- 104 • If construction has not been started within 180 days of the date of connection permit  
105 issuance, then the EDU shall be revoked and the Borough shall return 80% of the tapping  
106 fee paid by the applicant.  
107

108 Mrs. Metzger reported that Mr. Pletcher returned the letter accepting the EDU within the thirty (30) day  
109 timeline; however, he didn’t pay the applicable tapping and connection fees within fifteen (15) day  
110 timeline of acceptance of the EDU connection permit. Mr. Pletcher indicated that he misunderstood the  
111 conditions for acceptance and is requesting Borough Council consideration to grant him an extension to  
112 pay for the one (1) Sewer EDU that was issued on Wednesday, June 16, 2021 for 127 Meadow Green  
113 Drive. Mrs. Metzger pointed out that this extension would not exceed the regular forty-five (45) days  
114 normally available to accept and pay for an EDU through this process.  
115

116 Motion by: Matthew C. Wagner  
117 Second by: Linda L. Lewis  
118

119 **MOTION: To grant Mr. Keith A. Pletcher an extension to pay for the one (1) Sewer EDU that was**  
120 **issued on Wednesday, June 16, 2021 for 127 Meadow Green Drive.**  
121

122 Approved via unanimous voice vote.  
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133

134 Mr. Page reminded Borough Council that they took action at their Tuesday, April 21, 2021 regular  
135 virtual Council meeting to grant the Rusty Rail Brewing Company, LLC a ninety (90) day extension to  
136 utilize the six (6) Sewer EDUs that were issued on August 28, 2020 for the additional suites at the Rusty  
137 Rail (5 N. 8<sup>th</sup> Street). This established a new deadline of Tuesday, July 20, 2021 for the use of these  
138 EDUs. If these EDUs are not utilized by July 20, 2021, they will automatically be forfeited in  
139 accordance with the terms of the resolution it was granted under. Mr. Page informed Borough Council  
140 that he was notified by the Central Keystone Council of Governments (CK-COG) that the Rusty Rail  
141 Brewing Company, LLC might not have actually started construction by today and that they may also  
142 have an issue with phasing. The CK-COG was interested to figure out how that would impact their  
143 award of EDUs with the timeline and the time constraint imposed in the resolution.  
144

145 Mr. Page stated that he informed the CK-COG that it would not impact the Rusty Rail Brewing  
146 Company, LLC's award of EDU's because they are still starting construction even if it's on a portion of  
147 the project and frankly the Borough is protected to the extent that the second or third or whatever their  
148 phase may not transpire because there's always the ability to revoke the permit should there be non-  
149 activity at the construction site. Subsequently, Mrs. Metzger followed-up with the Rusty Rail Brewing  
150 Company, LLC and he also tried contacting them and left a voicemail. A discussion was held; Mr. Page  
151 clarified that this is somewhat a gray area because the EDU allocation policy resolution doesn't address  
152 phases and the application doesn't either, but again the Borough's still protected in that there's always  
153 the ability to revoke the permit should there be non-activity at the construction site.  
154

155 Mrs. Metzger announced that Borough Management has advertised the availability of fifteen (15) sewer  
156 EDUs in accordance with Resolution No. 2020-15; a resolution establishing and adopting a policy for  
157 the distribution of connection permits under state, federal, or other regulatory limitations for distribution  
158 at the Tuesday, August 17, 2021 regular Borough Council meeting.  
159

160 Mr. Rowe provided Borough Council with an update on the status of the Industrial Park Road and  
161 Thompson Street Waterline Project. Mr. Rowe reported that Dave Gutelius Excavating, Inc. has  
162 submitted Payment Application No. 1, in the amount of \$186,923.48 for the Industrial Park Road and  
163 Thompson Street Waterline Project. A copy of the payment application has been included in the  
164 information tonight. Uni-Tec Consulting Engineers has reviewed the payment application and is  
165 recommending that Borough Council take action to approve the payment application.  
166

167 Motion by: Linda L. Lewis

168 Second by: Tod M. Steese

169

170 **MOTION: To approve Payment Application No. 1 to Dave Gutelius Excavating, Inc. for the**  
171 **Industrial Park Road and Thompson Street Waterline Project in the amount of \$186,923.48.**

172

173 Yes – Mr. Wagner, Ms. Lewis, Mr. Steese, Mrs. Hackenberg

174

175 No – None

176

177

178 Mr. Rowe provided Borough Council with an update on the status of the High and Hickory Alley Sewer  
179 Project. Mr. Rowe reminded Borough Council that they took action at the Tuesday, June 15, 2021  
180 regular Borough Council meeting to authorize him to solicit a Request for Proposals (RFP's) for the  
181 construction and construction administration of the High and Hickory Alley Sewer Project. Mr. Rowe  
182 reported that Uni-Tec Consulting Engineers, Inc. has solicited bids for the construction and construction  
183 administration of the High and Hickory Alley Sewer Project. The bid opening for the construction and  
184 construction administration of the High and Hickory Alley Sewer Project was held on Monday, July 19,  
185 2021 at 2:00 PM. There were three (3) bids received and are as follows:  
186

187

|                                       | <u>Base Bid</u> | <u>Alternate 1</u> | <u>Total Bid</u> |
|---------------------------------------|-----------------|--------------------|------------------|
| 188 1. Snyder Environmental Services  | \$411,240.75    | \$ 6,131.25        | \$417,372.00     |
| 189 2. Dave Gutelius Excavating, Inc. | \$472,888.06    | \$17,221.25        | \$490,109.31     |
| 190 3. Greenland Construction, Inc.   | \$441,041.00    | \$65,275.00        | \$506,316.00     |

191

192 A copy of the bid tabulation has been included in the information tonight. Borough Council action is  
193 requested to award the bid to Snyder Environmental Services for a total unit price bid amount of  
194 \$417,372.00, pending reference check.  
195

196

197

198

199

200

201 Motion by: Linda L. Lewis  
202 Motion by: Matthew C. Wagner

203  
204 **MOTION: To award the bid for the construction and construction administration of the High and**  
205 **Hickory Alley Sewer Project to Snyder Environmental Services for a total unit price bid amount**  
206 **of \$417,372.00, pending reference check and provision of all required bonding.**

207  
208 Yes – Ms. Lewis, Mr. Steese, Mr. Wagner, Mrs. Hackenberg

209  
210 No – None

211  
212  
213 Mr. Rowe provided Borough Council with an update on the status of the following projects:

- 214
- 215 • The Mifflinburg Dewatering Upgrade Project.
  - 216 • The Industrial Park Road and Thompson Street Waterline Project.
  - 217 • The architectural design for the Borough Equipment Center located at 6 Industrial Parkway
  - 218 and the Mifflinburg Hose Company Building located at 325 Chestnut Street.
  - 219 • The paving and seal coat work for the 2021 Annual Street and Alley Paving Project.
  - 220 • The Maintenance Center Paving.
- 221

222 Mr. Rowe informed Borough Council that the following the emergency repairs were completed in the  
223 Borough which required a Boil Water Advisory:

- 224
- 225 • On Monday, June 21, 2021 there was a water main break on Crestview Road. In order to  
226 make the emergency repair, water had to be shut-off for a few hours. Customers in the  
227 vicinity were without water during this work until the repair was made. Due to the loss of  
228 positive pressure in the water main as a result of this work, a Boil Water Advisory was  
229 issued to the affected customers. The water main was thoroughly flushed and bacteria  
230 samples were taken to confirm proper disinfection of the water system subsequent to the  
231 work being completed. The Boil Water Advisory was lifted on Wednesday, June 23, 2021  
232 after to receiving two (2) acceptable sample results.
  - 233
  - 234 • On Thursday, July 15, 2021 there was a water main break on Lime Ridge Road. In order to  
235 make the emergency repair, water had to be shut-off for a few hours. Customers in the  
236 vicinity were without water during this work until the repair was made. Due to the loss of  
237 positive pressure in the water main as a result of this work, a Boil Water Advisory was  
238 issued to the affected customers. The water main was thoroughly flushed and bacteria  
239 samples were taken to confirm proper disinfection of the water system subsequent to the  
240 work being completed. The Boil Water Advisory was lifted on Monday, July 19, 2021  
241 after to receiving two (2) acceptable sample results.
- 242

243 Mrs. Metzger provided Borough Council with an update on the status of the 2021 Season at Mifflinburg  
244 Community Park/Pool. Mrs. Metzger reported that the Mifflinburg Community Swimming Pool  
245 continues to have staffing issues and as a result there will be no swimming lessons during the 2021  
246 Season. Mrs. Metzger informed Borough Council that there have also been some issues with vandalism  
247 and graffiti at the Mifflinburg Community Park this season.

248  
249 Mrs. Metzger informed Borough Council that Ritz-Craft Corporation is requesting Borough Council  
250 consideration to allow for Meter Aggregation for Solar Energy which would allow them to allocate  
251 generated energy credits across multiple owned accounts. There are no provisions within the current  
252 tariff that allows for Meter Aggregation. Mrs. Metzger requested this matter be deferred to the Tuesday,  
253 August 3, 2021 Borough Work Session to be discussed further with the Borough's Electrical Engineer,  
254 Mr. Norm Baron of Utility Engineering PC, Mr. Page, and Ritz-Craft Corporation Representatives  
255 present at this meeting.

256  
257 Mrs. Metzger requested an executive session to discuss potential litigation and personnel matters.

258  
259 Mayor Cooney informed Borough Council that they received a copy of the Monthly Police Report for  
260 June 2021 included in the information tonight.

261  
262  
263  
264  
265  
266

267 Mayor Cooney presented Borough Council with an update for Public Safety. Mayor Cooney reminded  
268 Borough Council that at the Tuesday, June 15, 2021 regular Borough Council meeting he indicated that  
269 he would be sending a letter to Ms. Kendra Aucker, President/CEO at Evangelical Community Hospital,  
270 addressing some concerns he received from Mr. Wayne Bierly and Mr. Matthew Walter with regard to  
271 the Evangelical Regional Mobile Medical Services (ERMMS). Mayor Cooney reported he did not send  
272 the letter to Ms. Aucker and would be addressing these concerns at the next ERMMS Board that has  
273 been rescheduled for some time next week.  
274

275 Mayor Cooney stated that for this next portion of the Public Safety Committee Report, he asks that  
276 Borough Council hold their comments and questions until he is finished. This will allow Ms. Misty L.  
277 Ross, the Assistant Borough Secretary, to easily archive all of his report and any comments and  
278 questions afterward. Mayor Cooney issued the following statement:  
279

280 As you may recall, we sent out the annual letter to Christkindl with the requirements for the  
281 2021 Christkindl Market on March 16, 2021. You may recall that the requirements for the  
282 2021 Market were almost identical to those for the 2019 Market.  
283

284 I have been informed that the Christkindl organization has said that they will not be following  
285 one of the requirements, namely the requirement to have four flaggers at the intersection of  
286 State Route 304 and Market Street. I was told by someone who was at the June 3, 2021  
287 Christkindl meeting that Christkindl President, Matthew Wagner, stated that this year there will  
288 be a compromise of two flaggers.  
289

290 So I apologize to all of you who have heard all this many times already, but I will go through  
291 all of this information again in the form of reading this statement so it will appear in the  
292 official Borough Council meeting minutes, in hopes that the spreading of misinformation will  
293 stop, and that we will not have to revisit this topic ever again.  
294

295 So here is a super brief history:  
296

297 The Mifflinburg Fire Police provided traffic control at the Market for many years. As the job  
298 began to require more hours and manpower they no longer wanted to do it. Christkindl began  
299 looking into training their own people as flaggers and in doing so contacted PennDOT who  
300 advised them not only of the training requirements for flaggers but also the rules and  
301 regulations regarding flaggers on State Routes. And this was the beginning of the “one flagger  
302 or four flaggers” debate.  
303

304 So this is the email sent to Christkindl from PennDOT on August 24, 2016:  
305

306 Good afternoon Paula,  
307

308 I have had a chance to review the email you received from Larry Fagan with our  
309 District Traffic Engineer and a few others.  
310

311 As I verified with you last week, Mifflinburg Borough is requiring the Market to have  
312 Pedestrian Flaggers at the corner of Route 304 and Market. They are requiring these  
313 flaggers to meet PennDOT’s qualifications. I have attached the course contents and  
314 documentation that states that flaggers must be recertified every three years.  
315

316 One of your questions to me was if having two flaggers was inappropriate at that  
317 particular intersection as Larry suggested. The answer is yes. As he pointed out, the  
318 correct options are:  
319

- 320 • Single flagger – control where a single flagger station is positioned in the  
321 middle of the intersection to control traffic from all approaches. A red flag is  
322 the primary device used.  
323
- 324 • Multiple flaggers – control where one flagger is required per approach and is  
325 positioned prior to the intersection. Every approach to the intersection needs  
326 to be controlled by a single flagger utilizing a Stop/Slow paddle. (This is the  
327 one we (District 3) would recommend due to the sheer volume of pedestrians  
328 that you receive. This would mean four flaggers at this intersection).  
329

330 We also need to make it clear that the flaggers are only allowed to control the  
331 pedestrians. If they are stopping traffic from proceeding to allow pedestrians to cross,  
332 then you would need to obtain a special event permit per law.  
333

334 So, of note here is the part near the end that says: “If they are stopping traffic from proceeding  
335 to allow pedestrians to cross, then you would need to obtain a special event permit per law.”  
336

337 So I went to our Mifflinburg Special Fire Police meeting at the ambulance station and asked  
338 the Fire Police Officers: Is it necessary to stop traffic from proceeding when you flagged at that  
339 intersection during Christkindl. Their reply was a unanimous, that; yes, so that nobody gets  
340 run over, it is necessary to stop traffic.  
341

342 Therefore, Christkindl needs to get a PennDOT Special Event Permit for the event. (As an  
343 aside Christkindl also needs to get three additional permits because the opening and closing  
344 processions cross State Route 304 and the Lantern Parade children march on State Route 304.)  
345

346 Then Paula and Joannah had a conversation with PennDOT. The following email was sent to  
347 them the next day, August 25, 2016:  
348

349 Paula and Joannah,  
350

351 Just to confirm our conversation this morning:  
352

353 At this time, PennDOT District 3 is not requiring flaggers because we are not granting a  
354 special event permit due to the fact that only pedestrians are being controlled at the  
355 intersection of Route 304 and Market Street. A special event permit would be required  
356 if you stop traffic for any length of time on a state highway. Traffic stoppages greater  
357 than 20 minutes also require a signed detour.  
358

359 PennDOT does consider Fire Police to be appropriate flaggers. Any non-Fire Police  
360 would need to be certified.  
361

362 The options in red below are just our recommendations at this point. If you apply for a  
363 special event permit, one of those would become a requirement from PennDOT.  
364

365 So, once you get the special event permit, one of the two bulleted recommendations become a  
366 requirement. And PennDOT was clear in that they recommend the second option (a flagger at  
367 each approach – four flaggers) due to the quote “sheer volume of pedestrians”.  
368

369 I reached out to PennDOT and said “Look, there are really only three vehicle approaches, one  
370 approach is the actual Market” and they said; it is still a four-approach intersection; because  
371 they also consider approaches used by pedestrians, and with the great volume of pedestrians  
372 crossing both ways across State Route 304 it is a terribly busy approach.  
373

374 Therefore, Christkindl has to get a special event permit and the only acceptable option is for  
375 four flaggers. Christkindl hired a flagging company that provided the required four flaggers  
376 and as far as public safety that year, everything went well and there were no incidents at that  
377 intersection.  
378

379 So that was the end of this matter, right? It was not.  
380

381 In August of 2017 Christkindl contacted Representative Fred Keller’s office. Mr. Keller’s  
382 office then contacted PennDOT and received the following e-mail from the Senior Civil  
383 Engineer for Traffic:  
384

385 The MUTCD (Manual for Uniform Traffic Control Devices) does not say in the exact  
386 words that one flagger per approach is required when you have more than one flagger at  
387 an intersection. You have to read the flagger procedures that shall be followed when a  
388 flagger is using the Stop/Slow paddle and then do the math (shall is statement of  
389 required action). See MUTCD Section 6E.07 Paragraph 03A that I’ve pasted below.  
390 The procedures are clearly expressed and if you read them, you’ll see that one flagger  
391 with a Stop/Slow paddle can only control traffic from one direction. The Stop/Slow  
392 paddle has only one stop face. How can it be displayed to driver’s approaching from  
393 two different directions at the same time? Three approaches would require three  
394 flaggers, four approaches require four flaggers, and so on.  
395

396 03 The following methods of signaling with paddles shall be used:  
397  
398  
399

400 A. To stop road users, the flagger shall face road users and aim the STOP paddle  
401 face toward road users in a stationary position with the arm extended  
402 horizontally away from the body. The free arm shall be held with the palm of  
403 the hand above shoulder level toward approaching traffic.  
404

405 Again, the only option is for four flaggers at this intersection. The engineer continued with  
406 this:

407 Another thing not to forget is that flagger stations shall be illuminated at night. Details  
408 on illumination of flagger stations is shown in Publication 213 General Note B-6  
409 (pasted below).  
410

411 B-6. Except in emergency situations, each flagger stations shall be illuminated at  
412 night with a portable overhead lighting source that provides an average luminance  
413 of 5 foot candles covering an area of 2,500 square feet. This may be achieved  
414 with lights of 30,000 to 40,000 lumens.  
415

416 So those are the requirements as explained by PennDOT. So what are we as a Borough  
417 looking the other way on:  
418

- 419 • We are looking the other way on the lighting requirement. Have any of you ever  
420 been through a night-time highway construction zone? It's lit up like daytime. And  
421 if the Christkindl needs that level of lighting they are going to have to bring in  
422 portable gas-generator-powered light towers.  
423
- 424 • We are looking the other way on the clothing requirements: Flaggers are required to  
425 wear ANSI (American National Standards Institute) Class 3 High-Visibility  
426 Fluorescent yellow-green tops and bottoms. They are also required to wear hard  
427 hats and not winter hats or Santa caps.  
428
- 429 • We are looking the other way on the Traffic Control Devices: The required traffic  
430 control device is a pole-mounted Stop/Slow paddle and not lighted wands. You've  
431 all seen the Stop/Slow paddles on highway projects. That's what they should be  
432 using there.  
433

434 These are the things we are letting slide. However, I feel confident that with the four flaggers  
435 and the "Flagger Ahead" signs we are at a comfortable level of preventing any potential  
436 vehicle/pedestrian accidents.  
437

438 If I called PennDOT and asked them for a safety audit, they would gladly come and scrutinize  
439 the Market and whether or not Christkindl is following the flagger requirements as well as the  
440 other highway safety requirements. I know many people who work for PennDOT attend the  
441 Market for their own enjoyment and I know for a fact they are aware of these deficiencies,  
442 but...while they are at the Market they're on their own time and not on the clock.  
443

444 In closing I will say this:  
445

446 I think it is critically important that we follow the PennDOT requirements for; number one:  
447 Safety and number two: We cannot damage what is currently a very good working relationship  
448 with PennDOT. They have been great to work with in terms of expedient special event permit  
449 approvals and other issues from assessing bridge damage to answering questions about  
450 signage, helping us with school zone traffic control devices and responding quickly when  
451 requested during winter storms.  
452

453 On the Borough side Margaret and Rob depend on them for things like Highway Occupancy  
454 Permits, help with Liquid Fuels Projects, permitting traffic signals, sign permits and  
455 coordinating road maintenance issues like stormwater management and line painting.  
456

457 I feel, that because Christkindl leadership has stated that they will try to skirt the flagger  
458 requirements, we should more closely examine adherence to all of the requirements in their  
459 letter, including the number and placement of vendor huts, adhering to placement of gaps for  
460 firefighters, keeping the proper buffer distances from intersections and so on.  
461

462 I ask that Council move up the deadline for Christkindl to turn in all of their information to the  
463 Borough one month earlier; from September 10<sup>th</sup> to August 10<sup>th</sup>. This will give us additional  
464 time to make certain that all the requirements in the letter are being followed.  
465

466 Thank you. I am sorry that took so long but now everyone is on the page. Does anyone have  
467 any comments or questions?  
468

469 (Chief Hackenburg left at 7:14 PM to respond to an emergency call while Mayor Cooney was issuing  
470 his statement.)  
471

472 Mrs. Hackenberg clarified that with regard to the requirements for the 2021 Market, nothing has  
473 changed from PennDOT or what Christkindl has been required to do previously.  
474

475 Ms. Lewis indicated that she doesn't think the deadline for the Christkindl layout needs to be moved up  
476 one (1) month earlier if the layout hasn't changed significantly from the 2019 Market layout.  
477

478 Mr. Wagner interjected that first of all, he doesn't appreciate being sandbagged at tonight's meeting and  
479 asked if Mayor Cooney ever asked him prior to this meeting if this was true; if he actually made a  
480 statement regarding the flagger situation. Mayor Cooney stated that he heard from three (3) different  
481 individuals who were present at the Christkindl meeting that Mr. Wagner said that this year there would  
482 be a compromise of two (2) flaggers. Mr. Wagner indicated that these individuals misunderstood him  
483 then; what he said was Christkindl wanted to review the flagger requirements among themselves  
484 because there were some other things that they wanted to look at, one of them being the possibility of  
485 adding a flagger at the intersection of 5<sup>th</sup> and Chestnut Street out of consideration for increased safety at  
486 that intersection which he hasn't had the opportunity to discuss with Mayor Cooney or Chief  
487 Hackenburg. Mr. Wagner clarified that he doesn't know who these individuals are that were misquoting  
488 him, but it is a misquote.  
489

490 Mayor Cooney reported that the other thing he was told is Mr. Wagner said that the flagger requirement  
491 is the Mayor's interpretation and not PennDOT's. Mr. Wagner stated the he doesn't recall saying this  
492 and that there is no intent on his part of bypassing any of the requirements or negating any agreement  
493 that has been made. All he expressed at the Christkindl meeting was the possibility of reviewing the  
494 situation to see if they could reduce the number flaggers required at the intersection of State Route 304  
495 and Market Street and add or move one of the flaggers to the intersection of 5<sup>th</sup> and Chestnut Street. Mr.  
496 Wagner expressed that he doesn't like being misquoted and that he is going to say it's an outright lie.  
497 He did not say he was purposely going to negate any former agreement.  
498

499 Mayor Cooney reiterated that he was told by someone who was at the June 3, 2021 Christkindl meeting  
500 that Mr. Wagner, stated that this year there will be a compromise from four (4) flagger to two (2)  
501 flaggers and inquired if Mr. Wagner said: "it's the Mayor's interpretation, it's a political game; you have  
502 to trust me, I just have to pounce when the time is right." Mr. Wagner confirmed that yes he said that,  
503 but what he meant by that was there was a timeliness to getting the opportunity to meeting with Mayor  
504 Cooney or whomever and discussing the situation.  
505

506 Mayor Cooney asked Mr. Lance Miller, who was present at the June 3, 2021 Christkindl meeting, what  
507 his interpretation was of the discussion regarding the flaggers. Mr. Miller expressed that he thinks this  
508 entire discussion is churlish and that's all he's going to say.  
509

510 Mr. Wagner expressed that he doesn't like being interrogated at tonight's meeting and stated that Mayor  
511 Cooney is out of line to interrogate him here at tonight's meeting; he's not in any position to interrogate  
512 him at a Council meeting. Mayor Cooney disagreed with Mr. Wagner that he was not interrogating him,  
513 he was simply asking him questions. Borough Council would be discussing these things regardless of  
514 whether or not Mr. Wagner was on Council. Mr. Wagner articulated that Mayor Cooney was  
515 interrogating him when he said "did you say that".  
516

517 Mayor Cooney clarified that unless Mr. Wagner gives his word at tonight's meeting that he's going to  
518 abide by all requirements and obtain the four (4) flaggers as required, then he is requesting that Borough  
519 Council take action to move up the deadline for Christkindl to turn in the flagger contract for the 2021  
520 Market to the Borough one (1) month earlier; from September 10<sup>th</sup> to August 10<sup>th</sup> and everything else to  
521 stay the same. Mr. Wagner refused to respond.  
522

523 Mr. Wagner spoke against the motion to move up the deadline for Christkindl to submit the flagger  
524 contract for the 2021 Market to the Borough one (1) month earlier; from September 10<sup>th</sup> to August 10<sup>th</sup>,  
525 and asked that Borough Council not move up the deadline at this late date. Mr. Page advised Mr.  
526 Wagner that he should probably abstain from voting on this motion due to his position with the  
527 Christkindl Board.  
528

529 Mr. Wagner excused himself from tonight's meeting. Mr. Steese asked that Mr. Wagner reconsider and  
530 clarified that if he leaves, tonight's meeting will have to be adjourned due to lack of a quorum. Mr.  
531 Wagner decided to remain at tonight's meeting, but stated that he's done discussing this.  
532

533 Motion by: Tod M. Steese  
534 Motion by: Linda L. Lewis

535

536 **MOTION: To move up the deadline for Christkindl to turn in the flagger contract for the 2021**  
537 **Christkindl Market to the Borough one (1) month earlier, from September 10<sup>th</sup> to August 10<sup>th</sup>;**  
538 **with all other requirements for the 2021 Market to remain the same.**

539

540 Mr. Steese inquired if Borough Council could still cast a vote if Mr. Wagner has to abstain since there  
541 won't be a quorum.

542

543 Upon researching Robert's Rules of Order, Mr. Page asked Mr. Wagner what his roll was on the  
544 Christkindl Board and clarified that Mr. Wagner doesn't have any direct personal interests. Mr. Wagner  
545 stated that he is the Christkindl Board President and confirmed that he doesn't have any direct personal  
546 interests. Mr. Page advised that Mr. Wagner could choose to abstain from voting, but he does not have  
547 to. There is no conflict of interest with his personal and private interests.

548

549 Yes – Mr. Steese, Ms. Lewis, Mrs. Hackenberg

550

551 No – Mr. Wagner

552

553

554 Mayor Cooney reported that he would be sending a letter outlining the revised requirements for the 2021  
555 Christkindl Market to Mr. Matthew Wagner. Mr. Wagner informed Mayor Cooney that he doesn't need  
556 to send a letter; he's made his point and it will only serve to "piss" him off more by sending the letter.  
557 Mayor Cooney stated that he would be sending the letter anyway because that's the official procedure.  
558 Mr. Wagner declared that he just won't open the letter then.

559

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

562

- 563 • The grand opening and ribbon cutting that was held on Saturday, June 19, 2021 for Ms.  
564 Selina Heddings's new business, the Buffalo Valley Trading Post and Boutique located at  
565 407 Chestnut Street.
- 566 • The Annual 4<sup>th</sup> of July Celebration that was held on Saturday, July 3, 2021 at the  
567 Mifflinburg Community Park. Mayor Cooney thanked Boy Scout Troop 520 for  
568 volunteering to assist with the children's games and activities during this year's  
569 celebration.
- 570 • The ribbon cutting that was held on Thursday, July 15, 2021 for Abe's Custom  
571 Woodworking located at 416 Chestnut Street.
- 572 • Ms. Tamara Collare has opened up a new hair salon at 373 Chestnut Street.

573

574 Mayor Cooney informed Borough Council that included in the information tonight they received a copy  
575 of the Proclamation that he issued honoring the Mifflinburg Area Little League Major Girls State  
576 Championship Softball Team as the 2021 Pennsylvania State Champions which reads as follows:

577

578

579

580 *Honoring the Mifflinburg Area Little League Major Girls Softball Team as the 2021*  
581 *Pennsylvania State Champions*  
582 *July 18, 2021*

583

584 WHEREAS, the hard work, sportsmanship, talent and exceptional team chemistry of the 2021  
585 Mifflinburg Area Little League Major Girls Softball Team has enabled these dedicated athletes  
586 to earn a Pennsylvania State Championship title; and

587

588 WHEREAS, winning the 2021 Major Girls Softball State Championship brought honor to the  
589 Borough of Mifflinburg on the local, state and national level; and

590

591 WHEREAS, this is a Historic Event; being the FIRST TIME IN HISTORY that ANY  
592 Mifflinburg Area Little League Softball Team has earned a State Championship; and

593

594 WHEREAS, the Coaching Staff of: Manager Heath Stewart, Assistant Coach Vicki Pachucki,  
595 Assistant Coach Dan Rubendall and Bookkeeper Al Fluman, and team members: Anna  
596 Pachucki, Amelia Fluman, Teagan Richter, Taylor Stewart, Chloe Showalter, Brooke Gessner,  
597 Lainey Miller, Maggie Rubendall, Tayva Thomas, Olivia Fetterman, Rhyann Kurtz, Aubrey  
598 Fluman, and Natalee Edison have represented the Mifflinburg Area with grace and class; and

599

600 WHEREAS, we recognize that the parents and families of these young women were integral in  
601 guiding the team to victory through their unwavering support;

602  
603 NOW, THEREFORE, I, David M. Cooney, Mayor of the Borough of Mifflinburg,  
604 Commonwealth of Pennsylvania do hereby recognize and heartily congratulate the Mifflinburg  
605 Area Little League Major Girls State Championship Softball Team on its outstanding  
606 accomplishment, AND I urge all citizens of our area to congratulate these young women and  
607 wish them continued success in their upcoming tournament games.

608  
609 David M. Cooney, Mayor  
610

611 Mayor Cooney provided Borough Council with a brief update on the FAQ guideline document for how  
612 to structure a solid pitch or proposal to Borough Council that he and Ms. Lewis have been working on.

613  
614  
615 Motion by: Linda L. Lewis  
616 Second by: Tod M. Steese  
617

618 MOTION: **To enter into executive session at 7:44 PM.**

619  
620 Approved via unanimous voice vote.

621  
622  
623 Motion by: Linda L. Lewis  
624 Second by: Matthew C. Wagner  
625

626 MOTION: **To reconvene the meeting at 8:31 PM.**

627  
628 Approved via unanimous voice vote.

629  
630  
631 Motion by: Tod M. Steese  
632 Second by: Matthew C. Wagner  
633

634 MOTION: **To approve the AFSCME Non-Uniformed three (3) year employment contract.**

635  
636 Yes – Mr. Wagner, Ms. Lewis, Mr. Steese, Mrs. Hackenberg

637  
638 No – None

639  
640  
641 Motion by: Tod M. Steese  
642 Second by: Linda L. Lewis  
643

644 MOTION: **To promote Ms. Molly R. Kerstetter to the position of Park Director for the 2021  
645 Season at the Mifflinburg Community Park/Pool, effective with the current pay period.**

646  
647 Yes – Ms. Lewis, Mr. Steese, Mr. Wagner, Mrs. Hackenberg

648  
649 No – None

650  
651  
652 Motion by: Tod M. Steese  
653 Second by: Linda L. Lewis  
654

655 MOTION: **To change the position of Ms. Megan M. Nogle from Park Director to Head Lifeguard  
656 for the 2021 season at the Mifflinburg Community Park/Pool, effective with the current pay  
657 period.**

658  
659 Yes – Mr. Steese, Mr. Wagner, Ms. Lewis, Mrs. Hackenberg

660  
661 No – None

662  
663  
664  
665  
666

667 Motion by: Tod M. Steese

668

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

670

671 Approved via unanimous voice vote.

672

673

674 Meeting adjourned at 8:33 PM.

675

676 Respectfully Submitted,

677

678

679 Misty L. Ross

680 Assistant Borough Secretary