

1 MINUTES OF MIFFLINBURG BOROUGH COUNCIL

2 September 21, 2021

3

4	PRESENT	ABSENT
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	
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 and Larry Potash.

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23 Motion by: Tod M. Steese

24 Second by: Ellie K. Kreisher

25
26 **MOTION: To approve the minutes of the Tuesday, August 17, 2021 regular meeting of**
27 **Mifflinburg Borough Council.**

28
29 Approved via unanimous voice vote.

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32 Motion by: Linda L. Lewis

33 Second by: Richard J. Fry

34
35 **MOTION: To approve payment of Bill List # 2021-09 in the amount of \$858,782.21.**

36
37 Yes – Mr. Fry, Mrs. Kreisher, Ms. Lewis, Mr. Steese, Mr. Wagner, Mrs. Hackenberg

38
39 No – None

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41
42 Mr. Lance Miller, with Mifflinburg Innovation Works located at 4th and Chestnut Streets, provided
43 Borough Council with an update on the status of the Bicentennial Buffalo that is on display in the
44 Council meeting room. Mr. Miller reminded Borough Council that at the Tuesday, July 20, 2021 regular
45 meeting of Mifflinburg Borough Council, he inquired about the possibility of relocating the Bicentennial
46 Buffalo that is on display in the Council meeting room, to a place that is more open and accessible to the
47 public and not just individuals that attend the monthly Council meetings. Upon a lengthy discussion, it
48 was the consensus of Borough Council to direct him to come up with some ideas to be further discussed
49 at future Council meetings. Mr. Miller reported that they have looked at several different locations in
50 the Borough where the Buffalo might be able to be displayed permanently, and they have narrowed it
51 down to two (2) locations that might make sense. Both of these locations are believed to be on Borough
52 property. The next steps are going to be with the Buffalo Valley Rail Trail Authority since these spots
53 are located adjacent to the rail trail, and also with Mr. Alan Wagner, Owner of Wagner's Surveying,
54 LLC.

55
56 Mr. Miller informed Borough Council that in speaking with New Berlin Borough, the New Berlin
57 Activities Committee, a group of volunteers dedicated to Community Outreach in New Berlin, basically
58 funded the project and is responsible for all maintenance on their Buffalo in New Berlin. Mr. Miller
59 clarified that the New Berlin Activities Committee is not a government organization. He expressed that
60 he thinks it makes sense that when a location is mutually agreed upon that Borough Council would work
61 out a Maintenance Agreement for the Buffalo and its location to be maintained privately.

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68 Motion by: Tod M. Steese
69 Second by: Richard J. Fry

70
71 **MOTION: To approve the Mifflinburg Borough Zoning Report for August 2021 and authorize**
72 **payment to the Central Keystone Council of Governments (CK-COG) in the amount of \$2,014.20.**

73
74 Yes – Mrs. Kreisher, Ms. Lewis, Mr. Steese, Mr. Wagner, Mr. Fry, Mrs. Hackenberg

75
76 No – None

77
78
79 Mr. Page provided Borough Council with an update on the status of the Subdivision and Land
80 Development Ordinance (SALDO) revisions. Mr. Page reminded Borough Council that a copy of the
81 revised SALDO was presented to them at their Tuesday, September 7, 2021 Borough Work Session.
82 Mr. Page reported that Borough Council action is requested to authorize Mrs. Metzger to advertise to
83 conduct a Public Hearing for the proposed amendments to the SALDO at the Tuesday, October 19, 2021
84 regular Borough Council meeting.

85
86 Mrs. Metzger informed Borough Council that the current SALDO that's in effect includes the
87 construction standards for utilities, street, and stormwater. However, the revised SALDO does not.
88 Therefore, all of those separate ordinances for utilities, streets, and stormwater will also have to be
89 amended to include those construction standards and then the SALDO would make a reference to those
90 separate ordinances. Borough Council originally discussed doing this as a resolution given that
91 construction standards change fairly frequently. However, as Mrs. Metzger expressed previously, what
92 she doesn't really like about doing this as a resolution is that resolutions are not as searchable as
93 ordinances. All Borough Ordinances are codified through General Code. These ordinances are fully
94 searchable and available online with eCode360. New ordinances and ordinance revisions are all sent to
95 General Code and incorporated into the document collection as they are adopted by Borough Council.
96 The Code is updated annually. Additionally, the ordinances for utilities have to be amended anyway
97 because they reference the section of the SALDO that won't be included in the revised SALDO.

98
99 Mrs. Metzger stated that there is a significant amount of reading involved; the revised SALDO is about
100 145 pages and then each of those separate ordinances for utilities, streets, and stormwater contains
101 significant changes that Borough Council should be familiar with. Mrs. Metzger suggested that
102 Borough Council may want to defer action until the Tuesday, November 16, 2021 regular Borough
103 Council meeting to allow them time to review the proposed amendments. Mr. Page clarified that
104 Borough Council action could potentially be requested on the following ordinances:

- 105
106
- An amendment to the existing SALDO.
 - An amendment to the Water Ordinance.
 - An amendment to the Sewer Ordinance.
 - An amendment to the Streets Ordinance.
 - A new ordinance for Stormwater.
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111
112 A lengthy discussion was held regarding the codification of the Borough resolutions. It was the
113 consensus of Borough Council to have Mrs. Metzger contact General Code to see about codifying the
114 Borough resolutions and the associated costs involved with codifying the Borough resolutions.

115
116 Mrs. Metzger informed Borough Council that she has received a request from Ms. Kelsey Hurst, with
117 the Mifflinburg Area Elementary School R.O.A.R. Team, for continued support of their Behavioral
118 Support Program (the R.O.A.R. Program). Mrs. Metzger explained that during the 2014-2015 school
119 year, the Mifflinburg Elementary School implemented a school-wide positive behavior program called
120 the R.O.A.R. Program. The program works by teaching students appropriate behavior, and validating
121 when they meet behavioral expectations. Student's positive behavior is tracked, and ultimately,
122 students' names are entered into a lottery to win specific prizes, such as participating in activities, eating
123 special lunches with school staff, earning opportunities for leadership in front of their peers, and
124 coupons for purchases or events in their communities. In previous years, Borough Council took action
125 to donate fourteen (14) coupons for a one (1) day free admission pass for the Mifflinburg Community
126 Pool for the summer season to be used as prizes for the R.O.A.R. Program. A copy of the request has
127 been included in the information tonight. Borough Council action is requested to approve this donation.

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134 Motion by: Ellie K. Kreisher
135 Second by: Linda L. Lewis

136
137 **MOTION: To donate fourteen (14) coupons for a one (1) day free admission pass for the**
138 **Mifflinburg Community Pool for the 2022 season to be used as prizes for the Mifflinburg Area**
139 **Elementary School's Behavioral Support Program (the R.O.A.R. Program).**

140
141 Approved via unanimous voice vote.

142
143
144 Mrs. Metzger informed Borough Council that she has received a request from Mr. Johnny Blake, Pastor
145 for the Mifflinburg Assembly of God Church located at 1001 Market Street, to utilize the Mifflinburg
146 Community Park on Friday, June 3, 2022 from 4:00 PM to 8:00 PM to conduct their Annual Free
147 Community Children's Carnival. A copy of the request has been included in the information tonight.
148 The Mifflinburg Assembly of God Church has already completed and submitted the required pavilion
149 reservation forms and paid the \$250.00 security deposit. Borough Council action is requested to
150 approve this request, contingent upon submission of the required certificate of insurance.

151
152 Motion by: Tod M. Steese
153 Second by: Linda L. Lewis

154
155 **MOTION: To approve the Mifflinburg Assembly of God Church's request to utilize the**
156 **Mifflinburg Community Park on Friday, June 3, 2022 from 4:00 PM to 8:00 PM to conduct their**
157 **Annual Free Community Children's Carnival, contingent upon submission of the required**
158 **certificate of insurance.**

159
160 Approved via unanimous voice vote.

161
162
163 Mrs. Metzger informed Borough Council that she has received a request from the Mifflinburg Veterans
164 of Foreign War (VFW). The Mifflinburg VFW is requesting that the Borough donate water to the
165 Mifflinburg VFW Carnival Grounds for their Annual Gun Raffle event on September 23-27, 2021 and to
166 provide but not install three (3) electric bag carts. A copy of the request has been included in the
167 information tonight. Borough Council action is requested to approve this request.

168
169 Motion by: Tod M. Steese
170 Second by: Ellie K. Kreisher

171
172 **MOTION: To donate water to the Mifflinburg VFW Carnival Grounds and to provide but not**
173 **install three (3) electric bag carts for the Mifflinburg Veterans of Foreign War (VFW), on**
174 **September 23-27, 2021 in order to conduct for their Annual Gun Raffle event.**

175
176 Approved via unanimous voice vote.

177
178
179 Mrs. Metzger informed Borough Council that she received a request from Ms. Erinn Gramly, on behalf
180 of the Mifflinburg High School Boys Lacrosse Booster Club. The Mifflinburg High School Boys
181 Lacrosse Booster Club is requesting Borough Council permission to utilize the Mifflinburg Community
182 Park and Borough streets on Thanksgiving morning, Thursday, November 25, 2021, in order to conduct
183 the annual "Turkey Trot 5K and Kids' ½ mile Fun Run" event. A copy of the request has been included
184 in the information tonight. This year, the annual "Turkey Trot 5K and Kids' ½ mile Fun Run" is going
185 to be a joint effort between the Herr Memorial Library and the Mifflinburg High School Boys Lacrosse
186 Booster Club and will benefit both groups. Mrs. Metzger noted that as in past years, the Mifflinburg
187 High School Boys Lacrosse Booster Club will be required to place portable restroom facilities at the
188 Mifflinburg Community Park on the day of their event. Borough Council action is requested to approve
189 this request; contingent upon submission of the completed pavilion reservation forms a security deposit
190 in the amount of \$250.00, and a certificate of insurance.

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

203

204 **MOTION: To approve the Mifflinburg High School Boys Lacrosse Booster Club’s request to**
205 **utilize the Mifflinburg Community Park and Borough Streets on Thanksgiving morning,**
206 **Thursday, November 25, 2021 in order to conduct the annual “Turkey Trot 5K and Kids’ ½ mile**
207 **Fun Run” event; contingent upon submission of the completed pavilion reservation forms, a**
208 **security deposit in the amount of \$250.00, and a certificate of insurance.**

209

210 Approved via unanimous voice vote.

211

212

213 Mrs. Metzger informed Borough Council that she has received a request from Mr. Jerry Johnson on
214 behalf of the Boy Scouts to utilize the Mifflinburg Community Park on Saturday, October 9, 2021, in
215 order to conduct their Boy Scout Recruiting Event. Mr. Johnson has already completed and submitted
216 the required pavilion reservation forms. A copy of the completed pavilion reservation forms have been
217 included in the information tonight. Mrs. Metzger pointed out that the Boy Scout Recruiting Event
218 activities will include the following:

219

- 220 • Map reading
- 221 • Dutch oven cooking
- 222 • Fire starting

223

224 Mrs. Metzger clarified that she will advise Mr. Johnson that open burning is prohibited by Borough
225 ordinances and that he should plan to use the BBQ pits for their fire starting and dutch oven cooking.
226 Borough Council action is requested to approve this request, contingent upon submission of the \$250.00
227 security deposit and certificate of insurance.

228

229 Motion by: Tod M. Steese

230 Second by: Linda L. Lewis

231

232 **MOTION: To approve the Mifflinburg Boy Scouts’ request to utilize the Mifflinburg Community**
233 **Park on Saturday, October 9, 2021 in order to conduct their Boy Scout Recruiting Event;**
234 **contingent upon submission of the \$250.00 security deposit and certificate of insurance.**

235

236 Approved via unanimous voice vote.

237

238

239 Mrs. Metzger reported that Borough Council direction is requested for the amendment to Animal
240 Nuisance Ordinance to include cats. Mrs. Hackenberg recapped that this matter was previously
241 discussed at the Borough Work Session and it was agreed upon by those present at this meeting not to
242 try and license cats. Mrs. Hackenberg inquired if Borough Council felt this warranted a committee to be
243 created. Ms. Lewis expressed that she thinks a committee should be created to review the Animal
244 Nuisance Ordinance and volunteered to serve on the committee. Mr. Wagner also volunteered to serve
245 on this committee and work with Ms. Lewis. Mr. Fry stated that he thinks the Animal Nuisance
246 Ordinance pertaining to dogs also needs to be updated. After a lengthy discussion, Mrs. Hackenberg
247 decided to create an Animal Nuisance Committee to review Chapter 3 “Animals” of the Borough Code
248 of Ordinances and appointed Ms. Lewis and Mr. Wagner to serve on this committee.

249

250 Mrs. Metzger reported that Keith Dunlap has submitted an application for one (1) sewer EDU for 103
251 Forest Hill Road. A copy of the application has been included in the information tonight. Borough
252 Council action is requested to allocate one (1) sewer EDU to Keith Dunlap.

253

254 Motion by: Linda L. Lewis

255 Second by: Matthew C. Wagner

256

257 **MOTION: To allocate one (1) sewer EDU to Keith Dunlap for 103 Forest Hill Road.**

258

259 Approved via unanimous voice vote.

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266

267 Mrs. Metzger provided Borough Council with an update on the status of the Mifflinburg Dewatering
268 Upgrade Project. Mrs. Metzger reported that JP Environmental, LLC, has submitted Payment
269 Application No. 2, the final payment, in the amount of \$12,300.00 for Contract No. 20-01: General
270 Construction for the Mifflinburg Dewatering Upgrade Project. A copy of the payment application has
271 been included in the information tonight. HRG, Inc. has reviewed the payment application and is
272 recommending that Borough Council take action to approve this payment application.

273
274 Motion by: Linda L. Lewis
275 Second by: Ellie K. Kreisher

276
277 **MOTION: To approve Payment Application No. 2 (the final payment) for Contract No. 20-01:**
278 **General Construction to JP Environmental, LLC for the Mifflinburg Dewatering Upgrade Project**
279 **in the amount of \$12,300.00.**

280
281 Yes – Ms. Lewis, Mr. Steese, Mr. Wagner, Mr. Fry, Mrs. Kreisher, Mrs. Hackenberg

282
283 No – None

284
285
286 Mrs. Metzger reported that TRA Electric, Inc. has submitted Payment Application No. 2, the final
287 payment, in the amount of \$5,250.00 for Contract No. 20-02: Electrical Construction for the Mifflinburg
288 Dewatering Upgrade Project. A copy of the payment application has been included in the information
289 tonight. HRG, Inc. has reviewed the payment application and is recommending that Borough Council
290 take action to approve this payment application.

291
292 Motion by: Matthew C. Wagner
293 Second by: Richard J. Fry

294
295 **MOTION: To approve Payment Application No. 2 (the final payment) for Contract No. 20-02:**
296 **Electrical Construction to TRA Electric, Inc. for the Mifflinburg Dewatering Upgrade Project in**
297 **the amount of \$5,250.00.**

298
299 Yes – Mr. Steese, Mr. Wagner, Mr. Fry, Mrs. Kreisher, Ms. Lewis, Mrs. Hackenberg

300
301 No – None

302
303
304 Mrs. Metzger reminded Borough Council that that they took action at the Tuesday, June 15, 2021
305 regular Borough Council meeting to authorize Borough Management to submit an application for a
306 Water Level Monitoring Grant to the Susquehanna River Basin Commission (SRBC) for level
307 monitoring equipment for Well PW-1. Mrs. Metzger announced that the Borough has been awarded a
308 Water Level Monitoring Grant in the amount of \$1,500.00. Borough Council action is requested to
309 approve the acceptance of this grant.

310
311 Motion by: Tod M. Steese
312 Second by: Linda L. Lewis

313
314 **MOTION: To approve the acceptance of the Water Level Monitoring Grant in the amount of**
315 **\$1,500.00 for level monitoring equipment for Well PW-1.**

316
317 Yes – Mr. Wagner, Mr. Fry, Mrs. Kreisher, Ms. Lewis, Mr. Steese, Mrs. Hackenberg

318
319 No – None

320
321
322 Mrs. Metzger provided Borough Council with an update on the status of the Corrective Action Plan
323 (CAP). Mrs. Metzger reported that she, Mr. Rowe and Mrs. Threet, HRG, Inc., will be working to
324 finalize the CAP update for submission to DEP by Wednesday, September 30, 2021. Borough Council
325 action is requested to authorize her to submit the CAP update.

326
327 Motion by: Linda L. Lewis
328 Second by: Matthew C. Wagner

329
330 **MOTION: To authorize Mrs. Metzger to submit the Corrective Action Plan (CAP) update to DEP**
331 **by Wednesday, September 30, 2021.**

332
333 Approved via unanimous voice vote.

334 Mr. Rowe provided Borough Council with an update on the status of the architectural design for the
335 Borough Equipment Center located at 6 Industrial Parkway and the Mifflinburg Hose Company
336 Building located at 325 Chestnut Street. Mr. Rowe reported that Anthony H. Visco, Jr. Architects has
337 submitted a Revised Professional Architectural Design and Construction Administration Additional
338 Services Proposal which is outlined as follows:

- 339
- 340 1. Borough Equipment Center: These additional services comprise additional designs related
341 to expanding the scope of the project to provide new siding for a portion of the existing
342 building including infill for the existing windows and addition of new windows for the
343 Equipment Center Office.
 - 344 a. Field work for the above work and drafting of the building elevation. 8 hours @
345 \$60.00/Hr. = \$480.00.
 - 346 b. Develop drawings for window removal and new window details and specifications,
347 new siding details and specifications. Cost is approximately 28 hours @ \$75.00/Hr. =
348 \$2,100.00.
 - 349 c. Overall project coordination. 3 hours @ \$140.00/Hr. = \$420.00.

350 Mr. Rowe clarified that Anthony H. Visco, Jr. Architects is seeking an additional fee of \$3,000.00 for
351 this additional work. A copy of the revised proposal has been included in the information tonight.
352 Borough Council authorization is requested to approve the revised proposal for a fixed fee of \$3,000.00.

353

354 Motion by: Tod M. Steese

355 Second by: Ellie K. Kreisher

356

357 **MOTION: To approve the Revised Professional Architectural Design and Construction**
358 **Administration Additional Services Proposal from Anthony H. Visco, Jr. Architects for additional**
359 **design and work items to be included for the architectural design for the Borough Equipment**
360 **Center located at 6 Industrial Parkway for a fixed fee of \$3,000.00.**

361

362 Yes – Mr. Fry, Mrs. Kreisher, Ms. Lewis, Mr. Steese, Mr. Wagner, Mrs. Hackenberg

363

364 No – None

365

366

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

368

- 369 • The State Route (SR) 304 Project.
- 370 • The Walnut and 6th Street Reconstruction Project.
- 371 • The Wastewater Treatment Plant Fence Repair.
- 372 • The used Vacuum/Jet Truck that the Borough purchased from A&H Equipment Company.
- 373 • The Subdivision and Land Development Ordinance (SALDO) approvals.
- 374 • The Corrective Action Plan (CAP) Update.
- 375 • The Mifflinburg Dewatering Upgrade Project.
- 376 • The Sewer Line Work.

377

378 Mrs. Metzger provided Borough Council with an update on the status of the AMP R.I.C.E Peaking
379 Project generation facilities.

380

381 Mrs. Metzger reminded Borough Council that Ritz-Craft Corporation is requesting Borough Council
382 consideration to allow for Meter Aggregation for Solar Energy which would allow them to allocate
383 generated energy credits across multiple owned accounts. This matter was discussed at the Tuesday,
384 August 17, 2021 regular Borough Council meeting and it was the consensus of Borough Council to wait
385 until Ritz-Craft Corporation and the Borough attains additional information in order to have a study
386 completed. Mrs. Metzger expressed that she feels there needs to be some sort of written response sent to
387 Ritz-Craft Corporation explaining that in order to complete the necessary studies additional detailed
388 information would be required about the type and size of the proposed installation. If they would like
389 the Borough to officially consider their request for a customer owned generation facility, then an
390 application must be submitted and the costs associated with the required review and engineering studies
391 for this installation would be completed at the applicant's expense. This correspondence should also
392 emphasize that completion of the study does not guarantee approval of the installation.

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399

400 Mrs. Metzger added that with regard to Ritz-Craft Corporation's request for aggregation of all of the
401 meters associated with the Ritz-Craft Corporation family of companies, we clarify that there is currently
402 no provision in the Borough's Ordinances which would allow for aggregation of meters. It should also
403 be noted that any change to the Borough Ordinances would take a few months to develop, advertise, and
404 adopt, if Borough Council should decide to consider changes after the study is completed. It should also
405 be clarified that aggregation would only be considered under two possible conditions:
406

- 407 1) If Ritz-Craft Corporation were to build infrastructure that physically connects all Ritz-Craft
408 Corporation owned properties to one metering point (this could be done with or without
409 customer owned generation); or
- 410 2) If upon review and study of an application for customer owned generation, Borough
411 Council were to agree to amend the Borough Ordinances to allow for virtual aggregation of
412 customer meters.
413

414 Any request for aggregation should include the accounts and installations that they would like to
415 aggregate with the understanding that proof of legal ownership may be required in order to consider the
416 request further and that aggregation would not impact demand or customer charges associated with these
417 accounts. Mrs. Metzger requested Borough Council action to authorize her to send a letter to Ritz-Craft
418 Corporation in this regard.
419

420 Motion by: Richard J. Fry
421 Second by: Ellie K. Kreisher
422

423 **MOTION: To authorize Mrs. Metzger to send a letter to Ritz-Craft Corporation explaining that if**
424 **they would like the Borough to officially consider their request for a customer owned generation**
425 **facility, then an application must be submitted to the Borough for review and study. The costs**
426 **associated with the required review and engineering studies for this installation would be**
427 **completed at the applicant's expense, emphasizing that completion of the study does not guarantee**
428 **approval of the installation**
429

430 Approved via unanimous voice vote.
431
432

433 Mrs. Metzger informed Borough Council that they received a copy of the Budget Calendar via email
434 prior to tonight's meeting. All Budgetary Requests for 2022 must be submitted by Thursday, September
435 30, 2021. The first Budget meeting is scheduled for Tuesday, October 5, 2021 to receive and review the
436 2022 Budget Requests for consideration.
437

438 Mrs. Metzger informed Borough Council that the Mifflinburg Fire Police has requested that Borough
439 Council approve Mr. Dylan Wagner as a volunteer Fire Police Officer. Borough Council action is
440 requested to approve this Fire Police Officer.
441

442 Motion by: Linda L. Lewis
443 Second by: Ellie K. Kreisher
444

445 **MOTION: To approve Mr. Dylan Wagner as a volunteer Fire Police Officer for the Mifflinburg**
446 **Fire Police.**
447

448 Approved via unanimous voice vote.
449
450

451 Mrs. Metzger reported that she inadvertently forgot to include on tonight's Council Agenda the approval
452 of the 2022 Minimum Municipal Obligations (MMOs) for three (3) Pension Plans: the Police Pension
453 Plan, the Non-Uniformed Plan, and the Non-Uniformed Money Purchase Plan. Act 205 requires that
454 these MMOs be adopted/approved for the 2022 budget by September 30th of the preceding year. In
455 accordance with the new requirements imposed on Pennsylvania municipalities for holding
456 governmental meetings, a political subdivision may take official action on a matter if a majority of the
457 governing body formally approves the amendment of the agenda to include the additional matter.
458 Borough Council action is requested to amend tonight's Council Agenda to include approval of the 2022
459 MMOs.
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466 Mr. Page explained that Senate Bill 554 (now Act 65 of 2021) was recently signed into law on June 30,
467 2021 by Governor Tom Wolf in the General Assembly. Act 65 of 2021, amends the Pennsylvania
468 Sunshine Law to require political subdivisions to make available in advance to the public the proposed
469 agenda for any governmental meeting. Prior to the enactment of Act 65 of 2021, the Sunshine Act
470 required that political subdivisions notify the public of when and where a meeting will be held, but did
471 not impose any obligation on the part of political subdivisions to inform the public of the business to be
472 considered at such meeting. Act 65 of 2021 mandates that political subdivisions inform the public as to
473 what business will be ‘on the table’ at any given meeting. The new additions to the Act require political
474 subdivisions to make available to the public the agenda for an upcoming meeting. Specifically, Act 65
475 amends Section 709 of the Sunshine Act (relating to the giving of public notice) to require every
476 political subdivision do all of the following:

- 477
- 478 • Post the meeting agenda on the political subdivision’s website at least 24 hours prior to a
479 meeting, which agenda must include a list of each matter that may be considered at the
480 meeting;
- 481 • Physically post the agenda at the meeting location, as well as at the principal office of the
482 political subdivision;
- 483 • Distribute copies of the agenda to all members of the public in attendance.
484

485 These new rules do not apply for conference or work sessions, or executive sessions. Additionally, Act
486 65 lays out under what circumstances a political subdivision may depart from the agenda and consider
487 other business not previously disclosed to the public in the agenda:
488

- 489 • Emergency Situations: a political subdivision may take official action on any matter
490 relating to a real or potential emergency that involves “a real and present danger to life or
491 property” regardless of whether consideration of the matter was included in an agenda.
- 492 • New Situations: a political subdivision may take official action on a matter if it arose or
493 was brought to the attention of the political subdivision within the 24-hour period before
494 the meeting.
- 495 • Trivial Situations: a political subdivision may take official action on a matter if it is trivial
496 in nature and does not involve the expenditure of funds or the formation of a contract.
- 497 • Additions by Majority Vote: a political subdivision may take official action on a matter if a
498 majority of the governing body formally approves the amendment of the agenda to include
499 the additional matter. The reasons for amending the agenda must be announced at the
500 meeting, and the agenda as so amended must be posted on the political subdivision’s
501 website, and at the principal office location of the subdivision/agency no later than the first
502 business day after the meeting.
503

504 Mr. Page clarified that Act 65 of 2021 went into effect on August 29, 2021. Borough Council action is
505 requested to approve the amendment of tonight’s Council Agenda to include approval of the 2022
506 MMOs for three (3) Pension Plans due to the September 30th deadline.
507

508 Motion by: Ellie K. Kreisher
509 Second by: Matthew C. Wagner
510

511 **MOTION: To approve the amendment of the Tuesday, September 21, 2021 Borough Council**
512 **Agenda to include approval of the 2022 Minimum Municipal Obligations (MMOs) for three (3)**
513 **Pension Plans due to the September 30th deadline.**
514

515 Approved via unanimous voice vote.
516
517

518 Mrs. Metzger reported that Mockenhaupt Benefits Group (the Actuary for the Borough), has prepared
519 the 2021 Minimum Municipal Obligations (MMOs) for both the Police and Non-Uniformed Pension
520 Plans, as well as the Non-Uniformed Money Purchase Plan which are as follows:
521

522	Non-Uniformed Pension Plan	\$94,718.00
523	Non-Uniformed Money Purchase Plan	\$22,089.00
524	Police Pension Plan	\$90,925.00
525		

526 Copies of the three (3) MMOs has been included in the information tonight. Borough Council action is
527 requested to adopt these MMOs as prepared by Mockenhaupt Benefits Group.
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532 Motion by: Linda L. Lewis

533 Second by: Richard J. Fry

534

535 **MOTION: To adopt the Police Pension Plan Minimum Municipal Obligation in the amount of**
536 **\$90,925.00; the Non-Uniformed Plan Minimum Municipal Obligation in the amount of \$94,718.00;**
537 **and the Non-Uniformed Money Purchase Plan Minimum Municipal Obligation in the amount of**
538 **\$22,089.00 for the 2022 budget.**

539

540 Yes – Mrs. Kreisher, Ms. Lewis, Mr. Steese, Mr. Wagner, Mr. Fry, Mrs. Hackenberg

541

542 No – None

543

544

545 Mr. Page reported that he also inadvertently forgot to include on tonight's Council Agenda consideration
546 to authorize him to draft an ordinance to comply with the requirements of Act 50 of 2021. Mr. Page
547 explained that legislation has recently passed both the House and Senate and was signed into law on
548 June 30, 2021 by Governor Tom Wolf in the General Assembly that provides for the regulation of small
549 wireless facilities in municipal rights. House Bill 1621, now Act 50 of 2021, authorizes municipalities
550 to charge an annual fee for the use of their rights of way. Small wireless facilities will now be permitted
551 uses in all rights of way, except in underground utility districts, and municipalities may develop
552 reasonable design guidelines to minimize their aesthetic impact. These regulations are required to be in
553 place by October 29, 2021. Borough Council action is requested to approve the amendment of tonight's
554 Council Agenda to include consideration to authorize him to draft an ordinance to comply with the
555 requirements of Act 50 of 2021 for Borough Council action at the Tuesday, October 19, 2021 regular
556 Borough Council meeting.

557

558 Motion by: Ellie K. Kreisher

559 Second by: Matthew C. Wagner

560

561 **MOTION: To approve the amendment of the Tuesday, September 21, 2021 Borough Council**
562 **Agenda to include consideration to authorize the solicitor to draft an ordinance to comply with the**
563 **requirements of Act 50 of 2021 for Borough Council action at the Tuesday, October 19, 2021**
564 **regular Borough Council meeting due to the October 29, 2021 deadline.**

565

566 Approved via unanimous voice vote.

567

568

569 Mr. Page requested Borough Council action to authorize him to draft an ordinance to comply with the
570 requirements of Act 50 of 2021 and to advertise to conduct a Public Hearing for the proposed ordinance
571 at the Tuesday, October 19, 2021 regular Borough Council meeting.

572

573 Motion by: Ellie K. Kreisher

574 Second by: Matthew C. Wagner

575

576 **MOTION: To authorize Mr. Page to draft an ordinance to comply with the requirements of Act 50**
577 **of 2021 and to advertise to conduct a Public Hearing for the proposed ordinance at the Tuesday,**
578 **October 19, 2021 regular Borough Council meeting.**

579

580 Approved via unanimous voice vote.

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598 Mrs. Metzger reported that she was asked by Mr. Wagner to include discussion regarding street closure
599 ordinance on tonight's Council Agenda. Mrs. Metzger informed Borough Council that included in the
600 information tonight they received a copy of a printout from ecode360 pertaining to §15-2 of the Borough
601 Code of Ordinances which reads as follows:

602 Chapter 15. Licenses, Permits and General Business Regulations

603 Part 1. PARADES, PUBLIC MEETINGS AND SOUND TRUCKS

604 § 15-2. Permit Required to Hold Parade or Meeting on Street or Public Grounds; Conditions
605 Thereof.

606 [Ord. 296, 7/21/1970, § 2]

607 It shall be unlawful for any person to conduct or hold any street parade, street meeting or
608 public gathering of any kind upon street, alley, sidewalk or public ground in the Borough of
609 Mifflinburg without first having obtained a permit therefore from the Mayor. The application
610 for the permit shall be made to the Mayor, in writing, at least five days in advance of the date
611 of such parade, street meeting or other gathering, and the permit shall state the time, date and
612 place of such parade, meeting or gathering, and, in the case of a parade, the precise route to be
613 followed thereby. It shall be unlawful for any permit holder to violate any of the conditions of
614 such permit as to date, time, place and/or route.

615 Mr. Wagner stated that he understands the process of the application for the permit being made to the
616 Mayor; however, he thinks final approval for street closures should be done through Borough Council.
617

618 Mrs. Hackenberg pointed out that approval of street closures also includes tree removal, auctions, or any
619 other kind of work that requires the closure of streets and that her concern is the short notice often given
620 with these things. Ms. Lewis expressed that her concern with Mr. Wagner's idea is that Borough
621 Council is not trained in public safety and she wouldn't feel comfortable going against whatever Mayor
622 Cooney and/or Chief Hackenburg is recommending.

623 Mayor Cooney indicated that this ordinance was created in 1970 and never been a problem until
624 recently. He has been administrating and implementing this ordinance as fairly as he can for the past
625 twelve (12) years. Furthermore, he never approves any street closure, not even for his own events,
626 without speaking with the Police Chief or the Fire Chief. Mayor Cooney informed Borough Council
627 that the way the ordinance is written, applications for the permit are made to the Mayor, in writing, at
628 least five (5) days in advance of the date, which doesn't always happen. Usually, Non-profit
629 Organizations requesting street closure for events (Walk for Remembrance and Hope, the 4th of July 5K,
630 etc.) and the various parades (Halloween, Homecoming, etc.) submit the application for the permit with
631 plenty of notice; however, with things like tree removal or any kind of construction work (chimney
632 work, gutter work, upgrading siding, replacing windows, etc.) it's often times very short notice.
633

634 Mayor Cooney explained that he may receive a phone call the night before work is to be completed.
635 Often times with tree removal, the street is parked full of vehicles and he has to go door-to-door to
636 notify the residents in the surrounding area of the street closure and then post "No Parking" signs.
637 Additionally, he has to check on the permit holders to ensure that they're not violating any of the
638 conditions of such permit (date, time, place and/or route) and that they're doing what they said they
639 were going to do because often times they don't. Mayor Cooney added that he also speaks with Mr.
640 Jason W. Mitchell, the Borough Public Work Supervisor, to coordinate a street closure with him. Mayor
641 Cooney reiterated that this ordinance has worked for this long and stated that he doesn't have a problem
642 with the ordinance. He doesn't think the ordinance needs to be changed.
643

644 Mr. Wagner interjected that he does have a problem with the ordinance and he thinks the ordinance
645 needs to be reviewed and updated. Mr. Wagner suggested that that a committee be created to review
646 this ordinance and volunteered to serve on the committee. Mr. Fry stated that he is fine with Mayor
647 Cooney approving street closures for things like tree removal and/or construction work, etc. However,
648 he agrees with Mr. Wagner that final approval for street closures that affects traffic traveling through the
649 Borough like parades and/or public events should be done through Borough Council. A lengthy
650 discussion was held regarding §15-2 of the Borough Code of Ordinance. Mayor Cooney clarified that
651 he has not abused this ordinance and requested that Borough Council take action to use this ordinance as
652 it has been used since 1970.
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664 Chief Hackenburg inquired as a point of parliamentary procedure, if Borough Council action would be
665 required if they decide to create a committee to review this ordinance. In other words, if you have six
666 (6) members on Council and four (4) of the six (6) members don't think it's worth a committee be
667 formed, then is it a dead issue and no further review is needed?
668

669 Mr. Page advised that Borough Council action would be required if they decide to create a committee to
670 review this ordinance. Mayor Cooney clarified that if he's sharing in the authority of approving street
671 closures, he will also be sharing in the responsibility of checking on the permit holders to ensure that
672 they're not violating any of the conditions of such permit. Such as he will not be the only one getting up
673 late at night and/or early the next morning to make sure street closures are safe and compliant.
674

675 Chief Hackenburg also noted that with regard to Ms. Lewis's concern that Borough Council is not
676 trained in public safety, he's not familiar with any training that he has ever gone through to deal with
677 street closures. When he and Mayor Cooney look at street closures, he's just relying on by 25-28 years
678 of experience.
679

680 Motion by: Matthew C. Wagner

681 Second by: Richard J. Fry

682
683 **MOTION: To create a committee to review §15-2 "Permit Required to Hold Parade or Meeting on**
684 **Street or Public Grounds; Conditions Thereof" of the Borough Code of Ordinances and revise if**
685 **needed.**
686

687 Yes – Mr. Wagner, Mr. Fry

688

689 No – Ms. Lewis, Mr. Steese, Mrs. Kreisher, Mrs. Hackenberg
690
691

692 Chief Hackenburg raised the point that Borough Council didn't take action to create an Animal
693 Nuisance Committee to review Chapter 3 "Animals" of the Borough Code of Ordinances and inquired if
694 Borough Council action is required to create this committee as well. Mr. Page stated that it was his
695 understanding that there was an Animal Nuisance Committee created previously. Mayor Cooney
696 clarified that Borough Council discussed cats in the past, but there was never an Animal Nuisance
697 Committee created. A discussion was held; Mr. Page advised that Borough Council action would be
698 required to create an Animal Nuisance Committee to review Chapter 3 "Animals" of the Borough Code
699 of Ordinance.
700

701 Motion by: Tod M. Steese

702 Second by: Ellie K. Kreisher
703

704 **MOTION: To create an Animal Nuisance Committee to review Chapter 3 "Animals" of the**
705 **Borough Code of Ordinances and appoint Ms. Lewis and Mr. Wagner to serve on this committee.**
706

707 Yes – Mr. Steese, Mr. Wagner, Mr. Fry, Mrs. Kreisher, Ms. Lewis, Mrs. Hackenberg
708

709 No – None
710
711

712 Mrs. Metzger requested an executive session to discuss potential litigation and personnel matters.
713

714 Mr. Fry informed Borough Council that he has received numerous complaints regarding the high grass
715 at the Union County Government Services Building located at 343 Chestnut Street (near the Coroner's
716 parking space). This matter was apparently brought to Mr. Reber's attention at the Mifflinburg Hose
717 Company's Annual 9/11 Memorial Walk and the response that the individual received was not very
718 favorable.
719

720 Mayor Cooney informed Borough Council that they received a copy of the Monthly Police Report for
721 August 2021 included in the information tonight.
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730

731 Mayor Cooney presented Borough Council with the following update for Public Safety. Mayor Cooney
732 reported the following:

733

734 • The Annual Turkey Trot 5K and Kids' ½ mile Fun Run to benefit the Herr Memorial Library
735 and the Mifflinburg Lacrosse Club is scheduled for Thanksgiving morning, Thursday,
736 November 25, 2021, at the Mifflinburg Community Park. Mayor Cooney clarified that he will
737 be approving the proposed race route and issuing the letter granting them permission to use
738 Borough streets.

739 • Will be speaking with Mr. Jerry Johnson regarding his request for a “fire starting” demo for
740 the Boy Scout Recruiting Event that is scheduled for Saturday, October 9, 2021 at the
741 Mifflinburg Community Park. Mayor Cooney stated that he will be encouraging Mr. Johnson
742 to do that demo while he is starting the fire to cook the food.

743

744 Mayor Cooney provided Borough Council with an update on the status of the 2021 Christkindl Market.
745 Mayor Cooney reported that that he has received all required paperwork for the 2021 Christkindl Market
746 and everything looks good. Mayor Cooney clarified that he will move forward with issuing the letter
747 granting them permission to use Borough streets.

748

749 Mayor Cooney reported that the Mifflinburg Heritage and Revitalization (MHRA) has submitted request
750 to close 5th Street from Green Street to Quarry Road on Wednesday, December 8, 2021 thru Sunday,
751 December 12, 2021 in order to conduct their Winterfest event during the Christkindl Market. Originally
752 MHRA was requesting to place vendors on the Borough Street. However, they have since revised their
753 request to close 5th Street from Green Street to Quarry Road without vendors. Mayor Cooney informed
754 Borough Council that the MHRA is also requesting Borough Council action to provide but not install
755 one (1) electric bag cart on these dates for their Winterfest event. A lengthy discussion was held; Mr.
756 Rowe stated that with regard to MHRA's request for the Borough to provide but not install one (1)
757 electric bag cart, he would have to discuss this with Mr. Craig Lewis, the Borough Electrical Foreman,
758 to ensure that there would be one available.

759

760 Mayor Cooney requested Borough Council action to set Trick or Treat night for Sunday, October 31,
761 2021 from 6:00 PM - 9:00 PM.

762

763 Motion by: Tod M. Steese

764 Second by: Linda L. Lewis

765

766 **MOTION: To set Trick or Treat night for Sunday, October 31, 2021 from 6:00 PM - 9:00 PM.**

767

768 Approved via unanimous voice vote.

769

770

771 Chief Hackenburg provided Borough Council with an update on the Union County Citizens Against
772 Noise (UCCAN). Chief Hackenburg reported that UCCAN includes members of the Lewisburg,
773 Mifflinburg and New Berlin communities. Each of these towns has its own problems with noise, but
774 vehicular noise and speed are the main issues. The coalition are very concerned not with simply the
775 nuisance factor, but the quality of life of residents who are forced to deal with the noise of illegally-
776 modified motor vehicles as well as the safety issue when speed limits are ignored. UCCAN has
777 submitted several manuals earlier today for his review. However, he has not had a chance to review the
778 information provided.

779

780 Chief Hackenburg informed Borough Council that he feels there needs to be a Lost and Found Policy
781 created for use by the Mifflinburg Police Department. A brief discussion was held. Chief Hackenburg
782 clarified that he will begin drafting a resolution and policy.

783

784 Chief Hackenburg presented Borough Council with some Monthly Highlights for the Mifflinburg Police
785 Department for August 2021.

786

787 Chief Hackenburg requested an executive session to discuss potential litigation and personnel matters.

788

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795

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

798

799 • The ribbon cutting and grand opening that was held on Saturday, August 21, 2021 for Ms.
800 Tamara Collare's new hair salon located at 373 Chestnut Street.

801 • The ribbon cutting and grand opening that was held on Saturday, August 21, 2021 for 45
802 West (branded as 45W) located at 374 Chestnut Street.

803 • The Millmont Scout Troop 536 sold hotdogs during the Frank Wicher Band concert that
804 was held at the Mifflinburg Community Park on Thursday, September 2, 2021.

805 • Spoke with Ms. Corrie Post, Director of the Herr Memorial Library located at 500 Market
806 Street, regarding the annual "Turkey Trot 5K and Kids' ½ mile Fun Run" event.

807 • Spoke with an individual who is looking for a handicap accessible business space to open-
808 up a notary office.

809 • The annual Oktoberfest Festival that is scheduled for Friday, October 1, 2021 from 1:00
810 PM - 11:00 PM and Saturday, October 2, 2021 from 11:00 AM - 10:00 PM at the VFW
811 Carnival Grounds. Mayor Cooney announced that he will be performing the traditional cry
812 of "O' zapft is!" ("It's tapped!") on Friday, October 1, 2021 at 1:00 PM to officially mark
813 the beginning of the festival.

814 • The annual Community Christmas Tree Lighting that is scheduled for Sunday, November
815 28, 2021 from 7:00 PM – 8:00 PM.

816 • Will be bringing back "What's in Santa's Bag?" again this year. Mayor Cooney explained
817 that local businesses donate items for the raffle that will be on display in the front window
818 of his photography studio on Chestnut Street. Anyone ages nine (9) and up can vote one (1)
819 time at each of the businesses to guess the total value of all of the items. Whoever comes
820 closest to the actual total without going over that amount wins the merchandise.

821

822

823 Motion by: Tod M. Steese

824 Second by: Ellie K. Kreisher

825

826 **MOTION: To enter into executive session at 8:40 PM.**

827

828 Approved via unanimous voice vote.

829

830

831 Motion by: Ellie K. Kreisher

832 Second by: Matthew C. Wagner

833

834 **MOTION: To reconvene the meeting at 9:24 PM.**

835

836 Approved via unanimous voice vote.

837

838

839 Motion by: Tod M. Steese

840 Second by: Ellie K. Kreisher

841

842 **MOTION: To promote Mr. Pat Wetzel to a Water/Wastewater Technician 2 effective Tuesday,**
843 **September 21, 2021.**

844

845 Yes – Mr. Wagner, Mr. Fry, Mrs. Kreisher, Ms. Lewis, Mr. Steese, Mrs. Hackenberg

846

847 No – None

848

849

850 Motion by: Tod M. Steese

851 Second by: Ellie K. Kreisher

852

853 **MOTION: To make a contingent offer of employment to Mr. Riley Bremigen as a full-time Police**
854 **Officer for the Borough of Mifflinburg, pending successful passing of his drug screening.**

855

856 Yes – Mr. Fry, Mrs. Kreisher, Ms. Lewis, Mr. Steese, Mr. Wagner, Mrs. Hackenberg

857

858 No – None

859

860

861

862 Motion by: Matthew C. Wagner

863 Second by: Ellie K. Kreisher

864

865 **MOTION: To accept with regret the resignation of Mr. Carl Kratzer as an Electric Lineman I**
866 **effective Friday, September 24, 2021.**

867

868 Approved via unanimous voice vote

869

870

871 Motion by: Tod M. Steese

872 Second by: Richard J. Fry

873

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

875

876 Approved via unanimous voice vote.

877

878

879 Meeting adjourned at 9:27 PM.

880

881 Respectfully Submitted,

882

883

884 Misty L. Ross

885 Assistant Borough Secretary