

1 MINUTES OF MIFFLINBURG BOROUGH COUNCIL

2 January 3, 2022

3 Reorganizational Meeting

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PRESENT ABSENT

Richard J. Fry, Council President	X	
Matthew C. Wagner, Vice President	X	
Jarred R.W. Fry, Council Member	X	
Beverly L. Hackenberg, Council Member	X	
Ellie K. Kreisher, Council Member	X	
Bradley M. Sauers, Council Member	X	
David M. Cooney, Mayor	X	
Jeffrey L. Hackenburg, Chief of Police	X	
Allen P. Page IV, Solicitor	X	
Margaret A. Metzger, Borough Manager		X
Robert M. Rowe, Borough Project Manager	X	
Misty L. Ross, Assistant Secretary	X	

The Reorganizational meeting of Mifflinburg Borough Council was called to order at 6:30 PM.

Visitors present at this meeting were Colbey Russell, Jarred Fry, Glenn C. Trutt, and Jeffrey L. Mensch.

District Justice, Jeffrey L. Mensch, conducted the Oath of Office Ceremony for the newly elected Council Member Bradley M. Sauers, the re-elected Mayor David M. Cooney, and the re-elected Council Members Ellie K. Kreisher, Beverly L. Hackenberg, and Matthew C. Wagner.

Mayor Cooney announced that Mrs. Metzger has advertised for letters of interest for the position of Council Member for the West Ward to fill Mr. Steese’s unexpired term on Borough Council. Three (3) letters of interest have been received from the following candidates:

<u>Name</u>	<u>Address</u>
Colbey A. Russell	517 Market Street
Jarred R.W. Fry	806 Boro Line Road
Glenn C. Trutt	406 Buggy Lane

Mayor Cooney explained how the interviewing, nominating and voting process would be conducted at tonight’s meeting.

Borough Council proceeded with interviewing the candidates. Mayor Cooney conducted the interviews, presenting the candidates with a series of six (6) questions.

Mayor Cooney declared the nominations for the position of Council Member for the West Ward to be open.

Council Member Mr. Matthew C. Wagner nominated Mr. Jarred R.W. Fry for the position of Council Member for the West Ward.

Council Member Richard J. Fry abstained from participating in the voting process due to a conflict of interest with Mr. Jarred R.W. Fry being his son.

Council Member Ellie K. Kreisher abstained from participating in the voting process due to a conflict of interest with Mr. Jarred R.W. Fry being her cousin.

Council Member Bradley M. Sauers also abstained from participating in the voting process due to a conflict of interest with he and Mr. Jarred R.W. Fry being the best man at each other’s wedding.

Mr. Page announced that with several Council Members declaring a conflict of interest or at least the appearance of a conflict of interest in abstaining from voting due to same, there is now an issue with a lack of quorum to nominate or vote on the applicants presented tonight. So, although there have been noted conflicts or at least potential conflicts, the law does recognize that Council may still act and it needs to act despite those potential conflicts. Pursuant to 65 Pa. C.S. § 1103(j) of the Ethics Standards and Financial Disclosure Act, it provides as follows:

65 (j) Voting conflict.--Where voting conflicts are not otherwise addressed by the Constitution of
66 Pennsylvania or by any law, rule, regulation, order or ordinance, the following procedure shall
67 be employed. Any public official or public employee who in the discharge of his official duties
68 would be required to vote on a matter that would result in a conflict of interest shall abstain
69 from voting and, prior to the vote being taken, publicly announce and disclose the nature of his
70 interest as a public record in a written memorandum filed with the person responsible for
71 recording the minutes of the meeting at which the vote is taken, provided that whenever a
72 governing body would be unable to take any action on a matter before it because the number of
73 members of the body required to abstain from voting under the provisions of this section makes
74 the majority or other legally required vote of approval unattainable, then such members shall be
75 permitted to vote if disclosures are made as otherwise provided herein. In the case of a three-
76 member governing body of a political subdivision, where one member has abstained from
77 voting as a result of a conflict of interest and the remaining two members of the governing
78 body have cast opposing votes, the member who has abstained shall be permitted to vote to
79 break the tie vote if disclosure is made as otherwise provided herein.
80

81 Mr. Page moved that Council Members: Mr. R. Fry, Mrs. Kreisher, and Mr. Sauers have all noted their
82 disclosures and shall be permitted to vote on the nomination that has been presented
83

84 Council Member Beverly L. Hackenberg nominated Mr. Glenn C. Trutt for the position of Council
85 Member for the West Ward.
86

87 Mayor Cooney declared the nominations for the position of Council Member for the West Ward to be
88 closed.
89

90 Mr. Page clarified that two (2) candidates were nominated for the position of Council Member for the
91 West Ward. In accordance with the Borough Code, any vacancy occurring on the board shall be filled by
92 a person nominated by the remaining members of the board and elected by a majority of the remaining
93 members of the council shall constitute a quorum. Candidates are voted on in order of nomination. As
94 soon as one candidate receives a majority vote the Council president declares him or her appointed and
95 there is no vote on the remaining candidates.
96

97 Motion by: Matthew C. Wagner
98

99 **MOTION: To appoint Mr. Jarred R.W. Fry for the position of Council Member for the West**
100 **Ward with the term expiring December 31, 2021.**
101

102 Yes – Mr. R. Fry, Mrs. Kreisher, Mr. Sauers, Mr. Wagner
103

104 No – Mrs. Hackenberg
105
106

107 Mayor Cooney thanked Mr. Russell and Mr. Trutt for their interest in the position of Council Member
108 for the West Ward.
109

110 Mayor, David M. Cooney, conducted the Oath of Office Ceremony for the newly appointed Borough
111 Council Representative Mr. Jarred R.W. Fry.
112

113 Mayor Cooney declared the nominations for the office of Borough Council President to be open.
114

115 Council Member Matthew C. Wagner nominated Richard J. Fry for the office of Borough Council
116 President.
117

118 Council Member Ellie K. Kreisher nominated Beverly L. Hackenberg for the office of Borough Council
119 President.
120

121 Mayor Cooney declared the nominations for the office of Borough Council President to be closed and
122 called for a roll call vote.
123

124 Council Member Jarred R.W. Fry abstained from participating in the voting process due to a conflict of
125 interest with Richard J. Fry being his father.
126

127 A roll call vote for Mr. Richard J. Fry resulted in two (2) in favor and two (2) against; the subsequent
128 vote to appoint Mrs. Beverly L. Hackenberg resulted in one (1) in favor and three (3) against.
129

130 Mayor Cooney announced that Mr. Richard J. Fry was elected Borough Council President.
131
132 Chief Hackenburg interjected that he's confused on how Borough Council can vote twice on the same
133 topic, but for different candidates. Chief Hackenburg stated that it seems to him that if a nominee
134 doesn't receive a majority, then the vote should continue until one nominee attains a majority.
135
136 Mr. Page advised Borough Council that a motion would be required to take action on the nominees for
137 the office of Borough Council President. Mr. Page asked Mr. R. Fry and Mrs. Hackenberg to both
138 abstain and not vote for themselves.
139
140
141 Motion by: Matthew C. Wagner
142 Second by: Bradley M. Sauers
143
144 **MOTION: To appoint Mr. Richard J. Fry for the office of Borough Council President.**
145
146 Yes – Mr. Sauers, Mr. Wagner
147
148 No – Mrs. Kreisher, Mrs. Hackenberg
149
150 Abstained – Mr J. Fry
151
152
153 Motion by: Ellie K. Kreisher
154
155 **MOTION: To appoint Mrs. Beverly L. Hackenberg for the office of Borough Council President.**
156
157 Yes – Mrs. Kreisher
158
159 No – Mr. Wagner, Mr. Sauers, Mr. R. Fry
160
161 Abstained – Mr J. Fry
162
163
164 Chief Hackenburg again pointed out that Borough Council still hasn't attained a majority. The roll call
165 vote for Mr. Richard J. Fry resulted in two (2) in favor and two (2) against; a tie with two (2) votes for
166 each. Mayor Cooney would need to cast the deciding vote to break the tie.
167
168 Mr. Rowe added that the motion to appoint Mrs. Beverly L. Hackenberg for the office of Borough
169 Council President didn't receive a second and therefore, that motion should have died due to lack of a
170 second.
171
172 Mr. Page instructed Mayor Cooney to cast the deciding vote on the motion to appoint Mr. Richard J. Fry
173 for the office of Borough Council President. Mayor Cooney cast the deciding vote, voting against the
174 motion to appoint Mr. Richard J. Fry for the office of Borough Council President.
175
176 Mr. Page announced that the motion to appoint Mr. Richard J. Fry for the office of Borough Council
177 President has failed. Additionally, there was a pending motion to appoint Mrs. Beverly L. Hackenberg
178 for the office of Borough Council President that didn't receive a second and therefore, died due to lack
179 of a second. Mr. Page clarified that the voting process would start all over again and suggested that Mr.
180 R. Fry participate in the voting process in order to resolve this matter.
181
182
183 Motion by: Matthew C. Wagner
184 Second by: Bradley M. Sauers
185
186 **MOTION: To appoint Mr. Richard J. Fry for the office of Borough Council President.**
187
188 Yes – Mr. Sauers, Mr. Wagner, Mr. R. Fry
189
190 No – Mrs. Hackenberg, Mrs. Kreisher
191
192 Abstained – Mr J. Fry
193

194 Mr. Page announced that the motion to appoint Mr. Richard J. Fry for the office of Borough Council
195 President has passed and Mr. R. Fry was elected Borough Council President.
196
197 Mayor Cooney declared the nominations for the office of Borough Council Vice-President to be opened.
198
199 Council Member Richard J. Fry nominated Matthew C. Wagner for the office of Borough Council Vice-
200 President.
201
202 Council Member Ellie K. Kreisher nominated Beverly L. Hackenberg for the office of Borough Council
203 Vice-President.
204
205 Mayor Cooney declared the nominations for the office of Borough Council President to be closed.
206
207 Motion by: Richard J. Fry
208 Second by: Bradley M. Sauers
209
210 **MOTION: To appoint Mr. Matthew C. Wagner for the office of Borough Council Vice-President.**
211
212 Yes – Mr. R. Fry, Mr. J. Fry, Mr. Sauers
213
214 No – Mrs. Hackenberg, Mrs. Kreisher
215
216
217 Mr. Page announced that the motion to appoint Mr. Matthew C. Wagner for the office of Borough
218 Council Vice-President has passed and Mr. Wagner was elected Borough Council Vice-President.
219
220 Mayor Cooney turned the gavel over to the newly elected Borough Council President, Mr. Richard J.
221 Fry.
222
223
224 Motion by: Ellie K. Kreisher
225 Second by: Matthew C. Wagner
226
227 **MOTION: To readopt the Bylaws and Robert’s Rules of Order for conducting council meetings.**
228
229 Approved via unanimous voice vote.
230
231
232 Motion by: Ellie K. Kreisher
233 Second by: Bradley M. Sauers
234
235 **MOTION: To reappoint HRG, Inc. as the retained engineering firm and Utility Engineering PC as**
236 **the electrical engineering firm for the Borough of Mifflinburg.**
237
238 Approved via unanimous voice vote.
239
240
241 Motion by: Ellie K. Kreisher
242 Second by: Jarred R.W. Fry
243
244 **MOTION: To reappoint McNerney Page Vanderlin & Hall as the Borough Solicitor for Borough**
245 **Council and the Mifflinburg Planning Commission for 2022.**
246
247 Approved via unanimous voice vote.
248
249
250 Motion by: Matthew C. Wagner
251 Second by: Bradley M. Sauers
252
253 **MOTION: To approve the following depositories: PLGIT, M & T Bank / Wilmington Trust, First**
254 **National Bank, Mifflinburg Bank & Trust Company, and PSAB Municipal Retirement Trust.**
255
256 Approved via unanimous voice vote.
257
258

259 Motion by: Matthew C. Wagner
260 Second by: Bradley M. Sauers

261

262 **MOTION: To grant the Borough Manager – Mrs. Margaret A. Metzger, Council President – Mr.**
263 **Richard J. Fry, Mayor – Mr. David M. Cooney, and Borough Clerk – Mrs. Tina M. DeFord the**
264 **authority to sign Borough checks.**

265

266 Approved via unanimous voice vote.

267

268

269 Mr. R. Fry informed Borough Council that the Committee Assignments would be assigned at a later
270 date.

271

272

273 Motion by: Beverly L. Hackenberg

274 Second by: Ellie K. Kreisher

275

276 **MOTION: To approve payment of Bill List # 2019-13 in the amount of \$398,156.31.**

277

278 Yes – Mrs. Hackenberg, Mrs. Kreisher, Mr. J. Fry, Mr. Sauers, Mr. Wagner, Mr. R. Fry

279

280 No - None

281

282

283 Mayor Cooney requested an executive session to discuss personnel matters and a grievance filed by Mr.
284 Riley W. Bremigen.

285

286

287 Motion by: Ellie K. Kreisher

288 Second by: Matthew C. Wagner

289

290 **MOTION: To enter into executive session at 7:15 PM.**

291

292 Approved via unanimous voice vote.

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295 Motion by: Matthew C. Wagner

296 Second by: Ellie K. Kreisher

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298 **MOTION: To reconvene the meeting at 8:02 PM.**

299

300 Approved via unanimous voice vote.

301

302

303 Motion by: Matthew C. Wagner

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

306

307 Approved via unanimous voice vote.

308

309

310 Meeting adjourned at 8:03 PM

311

312 Respectfully Submitted,

313

314

315 Misty L. Ross

316 Assistant Borough Secretary