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(CENTRE COUNTY)**

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**REGULAR MEETING
April 12, 2011**

President Linn Auman called the regular meeting of the Millheim Borough Council to order at 7:00 p.m. with the following persons in attendance: Linn Auman, Kay Brown, Marlene Corl, Alan Ilgen, Lauralee Snyder, Tom Strebel, John R. Miller, III, Glenn Ripka, Roy Rupert, Tisana Breon, Mary Breon, John Franks, David Grazier, Sue Haney, and Carl Rote.

Absent: Sharon Heckman

Everyone present joined in the Pledge of Allegiance to the Flag.

CITIZENS INPUT:

Sue Haney spoke on burning issues and dioxins being put into the air. She is requesting a No Burning Ordinance be put into place. President Auman sent issue to Planning Commission for discussion on April 26, 2011. Ms. Haney told Council the guys did a good job with brush collection.

CODE ENFORCEMENT REPORT:

A written report submitted by Glenn Ripka was reviewed with no questions or comments.

HARB REPORT:

Pictures were distributed for the proposed ATM at First National Bank. This unit is proposed for the small windowed area between the Bank and Brownies Tavern. There will be lights facing down on the keyboard of the ATM. A motion was made by Marlene Corl and seconded by Kay Brown to approve the ATM as recommended by the HARB. Motion carried.

First National Bank also submitted a proposed sign with more subdued lighting that is used in other historical districts. A motion was made by Tom Strebel and seconded by Alan Ilgen to approve the proposed sign as recommended by the HARB. Motion carried.

A photo was distributed of the mobile home that is owned by one party and the land is owned by another person. The land owner is looking for a demolition permit. The HARB recommends the demolition permit be granted. The landowner can have the trailer torn down and removed in one week. President Auman asked if a trailer could be put on the lot and Mr. Ripka explained that the HARB requested a one-one-half story house be built on the neighboring lot rather than allowing a trailer. The Solicitor explained that the water/sewer has been paid in full on this property. A motion was made by Kay Brown and seconded by Tom Strebel to approve the demolition of the trailer on North Street. Motion carried.

John Franks of the First National Bank assured Council that they want to be good neighbors with Millheim Borough. He apologized that there have been miscommunications in the past but he wants to hear from the Borough in the future to avoid situations in the future.

Mr. Ripka reported that approximately twenty-five feet of the Race wall washed out by the high water will be repaired with some of the rocks from the geothermal project when it stops raining.

EMPLOYEE REPORTS:

A written report submitted by Roy Rupert was reviewed. The four-wheelers were back at the water plant and moved the rocks. The I&I issue was discussed. Mr. Rupert reported that four leaks were found and repaired. Other leaks have been found since then and will be repaired. He is getting more familiar with what is normal and he will keep looking for problem areas. All the grease traps have been installed.

PLANNING COMMISSION REPORT: None

OLD ACTION:

The Borough is waiting for approval to put the bids out for the playground/ball field projects.

Alan Ilgen reported on the status of the geothermal project. A letter from Envinity was reviewed. The substantial completion was done March 4, 2011. A second pay application has been submitted from Spotts Brothers. Jason Grottini recommends payment of the pay request but they were twenty days late and the contract allows for delayed damages of \$500/day. A motion was made by Alan Ilgen and seconded by Tom Strebel to withhold \$10,000 for delay in completion from the second payment application request. Motion carried. A second motion was then made by Alan Ilgen to pay the second application requested in the amount of \$75,955.27 minus the \$10,000 penalty for a total payment of \$65,955.27. Motion carried. The final punch list generated by Jason Grottini was to

be completed last week but they didn't come so they are to be here this week. Most of these items are to balance things in the system. The other issue is to determine if the Borough can keep the monies being withheld because Envinity has spent an extra \$5,000 due to the delay and money was paid to ELA Group because of errors made.

The invoice was discussed from the ELA Group for the additional expense of shooting the grades to be sure they matched revisions to the drawings. A motion was made by Alan Ilgen and seconded by Tom Strebel to pay the invoice to the ELA Group in the amount of \$580 for additional work. Motion carried.

Tisana and Mary Breon reported on two complaints they received from their tenants. One complaint was about the condition of the sidewalks on Penn Street and the second complaint was the "deplorable condition of the Race". The tenant waded into the Race and got two bags of garbage from the Race behind the Breon's house but she refused to pick up a gutted fish. President Auman explained that the Boy Scouts clean the Race each year and periodically other groups clean the Race. Tisana Breon thinks this Race and the creek are valuable assets to Millheim. Mary Breon reported on growth and bushes growing into the Race. Mr. Ripka reported that the sidewalk at the Good property will be completed by the end of May. Ms. Breon reported that there are several walks from the Lutheran Church to the red light are not in good shape. Mr. Ripka reported that all the walks except for the Good walk were brought up to ADA compliance. Mary Breon asked why the trees were cut down here at the Borough building. President Auman explained that they were all taken down as a cost-saving measure while the blighted trees were removed. She thinks they are part of our heritage. President Auman explained that the Borough has a responsibility to protect neighboring houses in the event of storms. Sue Haney explained that there is a clean up day in April and all the volunteers will meet at the Coburn Park. Mary Breon then suggested placement of containers for dog feces because people do not clean up after their dogs. Mayor Snyder explained there is an ordinance prohibiting this but catching them is the problem but a reminder to clean up after pets could be put into the next newsletter.

The waterline project was discussed. Armond Aquilino is waiting for comments from Centre County about the feasibility study.

Everyone was to have completed a Conservation Easement Survey about the water company lands but only two were received. They need to be completed and returned as soon as possible so they can be returned to the Clearwater Conservancy. He explained that this is strictly for the water company land. This would be for non-development in these water company lands.

The Old Mill property auction was discussed. The Solicitor said the old items accumulated by the Borough over the years could be auctioned off at the same time. The auction must be advertised at least once. A reserve price would be set for the Mill Property to cover costs the Borough has in the land. An Auctioneer would need to be found and the date would have to work with their schedule. Three or four auctioneers should be contacted to determine what percentage they would charge. The auction date can be set at the May meeting. The suggestion was made to have the auction the weekend of the Carnival. Glenn Ripka suggested that the sale be at the Borough building rather than hauling everything to the Mill Property.

Timbering of the water company land was discussed. The value of the timber isn't much and the area is practically a dead forest so an area could be clear cut and the Boy Scouts could do a replanting of trees. The Solicitor explained the form used by Dan DeCamillo was his inventory of trees to be cut but the Borough could just bid all standing trees 15" or more chest high. Concerns about a right-of-way in Smithtown crossing the power lines were discussed. The Solicitor couldn't find anything recorded for Millheim Borough or the water company but according to Barry Kuppel the Borough has access to both properties. He explained that sometimes these old things got lost so maybe there is something in the courts determination from the litigation over some of these properties that affect the road for all property owners. The Solicitor told President Auman to use the DeCamillo document as a model to come up with a proposal. Alan Ilgen suggested getting a temporary easement coming in from Smithtown. President Auman will speak with Mr. Kuppel and put something together for the next meeting.

NEW ACTION:

The Auman Key Shop proposal for new locks was discussed. The water plant entrance door needs to be added to this proposal for an additional cost. A motion was made by Alan Ilgen and seconded by Tom Strebel to accept the proposal from Auman's Key Shop with the understanding that one more door lock change needs to be added to the amount. Motion carried.

A discussion occurred on the employee situation. Roy Rupert had discussed with President Auman, DEP and Matt Milliron about how to cover for him on weekends and vacation. A person currently working for Penn Township would be willing to do this if he was paid the same rate he receives from the Township. The Solicitor raised concerns about using him as a subcontractor because of liability insurance. Mayor Snyder suggested contacting the Borough's insurance company to determine how best to handle this. Mr. Rupert was instructed to get the correct hourly rate and to determine how many hours would be required for training. He is to get more information and get back about this. Penn Township has been contacted and has no problem with this solution. The issue of meter reading was discussed since Roy is taking a more important part in the I&I search. Reading meters takes a whole day from the plant to walk approximately 9-1/2 miles. The idea of hiring someone at minimum wage for one day each month to read meters was suggested. The issue of possibly returning Lester Kerstetter to full-time status was discussed. Kay Brown suggested having a meeting with Mr. Kerstetter to discuss his expectations and get his thoughts on what needs done in the Borough. The entire Council agreed to have this meeting as an Executive Session on Monday, April 25, 2011 at 7:00 p.m. if this date works for him. Mr. Rupert explained that he and Mr. Kerstetter don't have any experience with leak detection. He is to call Max Gill and Ken Strouse about possibly helping with this. Consensus was to advertise for a part-time meter reader.

Discussion on a Minor Sub-division plan for Craig and Mary Ellen Storm was tabled because it didn't go through Planning Commission.

Glenn Ripka explained that Alan Ilgen would like permission to burn a large pile of slab wood left by the previous owner that has been out in the field for years and it isn't worth anything but to burn in an open fire. The Fire Company would supervise the burn. A motion was made by Marlene Corl and seconded by Kay Brown permitting Alan Ilgen to burn the slab wood on site with the proper people tending it. Alan Ilgen abstained from voting all other members voted yes. Motion carried.

COMMITTEE/MAYOR REPORTS:

Kay Brown presented the Annual Fire Company Request to close the following streets for the Carnival on June 16, 17 & 18 with the understanding that adjacent properties are not adversely affected: Poplar from the intersection at North Street to Maple Street; Second Street from the intersection at North Street to Park Street; Sugar Alley from the intersection at Main Street to Poplar Street.

A motion was made by Alan Ilgen and seconded by Tom Strebel to give permission to the Millheim Fire Company to close the streets as requested for the annual Fire Company parade and carnival on June 16, 17 & 18, 2011. Motion carried.

Alan Ilgen reported that Bierly's has been contacted to get on the list to have the new lights installed in the library.

A motion was made by Tom Strebel and seconded by Alan Ilgen to approve the minutes of the March 8, 2011 meeting as presented. Motion carried. A motion was then made by Alan Ilgen and seconded by Tom Strebel to approve the minutes of the March 23 special meeting. Motion carried.

A motion was made by Alan Ilgen and seconded by Tom Strebel to approve the March budget report as presented. Motion carried.

SECRETARY'S REPORT:

A written report submitted by the Secretary was reviewed with no questions or comments.

A motion was made by Kay Brown and seconded by Marlene Corl to adjourn the meeting. Motion carried.

Sharon A. Heckman, Secretary-Treasurer