

MILLHEIM BOROUGH COUNCIL
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(CENTRE COUNTY)

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REGULAR MEETING
April 12, 2016

President Alan Ilgen called the regular meeting of the Millheim Borough Council to order at 7:00 p.m. with the following persons in attendance: Patty Beckenbaugh, Ed Bowman, Alan Ilgen, David Sprowls, Leslie Warriner, Lauralee Snyder, John R. Miller, III, Sharon Heckman, Roy Rupert, Michele Aukerman, Tim Bowser, Elody Gyekis, Ann Walker and Carl Rote.

CITIZEN'S INPUT:

Ann Walker of the Child Development & Family Council of Centre County and Elody Gyekis presented information on the Book Benches Project. As part of this project open community meetings were held in five schools and the designs on the benches are based on the community input. These benches are made of fiberglass with metal brackets built into the benches. They requested permission to place one of the benches in or around the gazebo at Fountain Park at no cost to Millheim Borough. The deadline to have all the benches installed throughout Centre County is the end of June, 2016. The consensus of Council was that this is a good program but Fountain Park wasn't a good location for the proposed bench. Tim Bowser explained that Curt Bierly is landscaping around the bike rack on his property across from the Fire Company so perhaps he would give permission to put the bench there.

Michele Aukerman of Uni-Tec Engineering reported that after the Corrective Action Plan Evaluation Report is reviewed by DEP they would release two more EDU's. She explained that Mr. Rupert is planning to change his sampling procedures as requested by DEP. Dual sampling will be done to determine if these changes alter the test results. If this data shows the plant is organically overloaded, DEP will look for an increase in the organic capacity of the plant. The organic capacity could be increased significantly by changing the aeration diffusers to a fine bubble system and increasing the air capacity of the blowers. Dave Gutelius has been contacted to provide a cost estimate to change the existing set up at the plant so the sampling site can be moved in front of the fine screen. A motion was made by Leslie Warriner and seconded by Ed Bowman to approve Dave Gutelius to complete the work to change the piping to put in a new sampler at a not-to-exceed price of \$1,200 to be paid from the Sewer Fund Certificate of Deposit. Motion carried.

The need for a backup permeate pump was discussed. Currently both pumps run at the same time but if one of these pumps stops working only one side of the sewer plant will function and the plant won't be able to keep up. Since it takes at least four weeks from order date to receive a pump, there should be a backup on hand in case of an emergency. A motion was made by Leslie Warriner and seconded by Ed Bowman to order a Vogelsang Pump from Jens Sonntag at a cost of \$7,425.00 to be paid from the Sewer Fund Certificate of Deposit. Motion carried.

Ms. Aukerman will get prices together for the May meeting for increasing the organic capacity of the plant and an equalization tank. If possible, Council would prefer to do this work in three phases but do all phases under one permit.

The Grease and Oil Interceptor ordinance was discussed. Since there is a chapter on this in the International Plumbing Code which Millheim Borough adopted in 2004, Ms. Warriner suggested that perhaps this proposed ordinance wasn't necessary. After much discussion, a motion was made by Ed Bowman and seconded by David Sprowls to refer this to the Solicitor for drafting a proposed Ordinance for review at the May meeting. Motion carried.

Ms. Aukerman reported that the 2015 Chapter 94 report was submitted.

The Elk Creek Planning Module Review was discussed. Ms. Aukerman reported that she has spoken with Clayton Fails of Hill Engineering about the letter received from DEP explaining the reasons they determined this Planning Module was determined to be incomplete. Each concern raised by DEP was discussed. She explained that Mr. Fails will request water service to Lot 3 of this subdivision from the Borough. The need for a Highway Occupancy Permit from PennDot to provide sewer service to Lot 3 was discussed. Mr. Bowser explained that Mr. Storm has no intention of developing this parcel but DEP is requiring proof that sewer service could be provided if any development to Lot 3 was done. After discussion, the decision was made to show the proposed sewer for Lot 3 connecting to a manhole at Plum Alley because this is a Borough street so no right-of-ways or Highway Occupancy Permits would be required.

President Ilgen explained the Borough received a letter from DEP releasing two EDU's but they recommended the Borough not release them to customers. After discussion, the consensus was that if DEP didn't want them to be used, they shouldn't have released them to the Borough.

Mr. Rupert distributed a picture of a required cleanup at the sewer plant that both part-time employees helped with and he explained why both the employees should also have the series of Hepatitis shots. The Secretary was instructed to see if their health insurance

would pay for these shots. A motion was made by Ed Bowman and seconded by David Sprowls to approve payment by the Borough for the series of Hepatitis shots for Lester Kerstetter, Jr. and Kent Yearick if their insurance doesn't cover them. Motion carried. 183

Mr. Rupert explained that Gutelius was approved to do the work on the influent piping at the water plant but the valves are the original valves installed 20 years ago by Roberts Filters. To do this project correctly Roberts Filters recommends replacing these original valves. A motion was made by Ed Bowman and seconded by David Sprowls to approve the purchase of new valves as recommended by Roberts Filters at a cost of \$3,216.00. Motion carried.

A motion was made by Ed Bowman and seconded by Leslie Warriner to forward to Hill Engineering for reimbursement to Millheim Borough two invoices for services provided by Uni-Tec for review of the New Grist for the Mill project in a total amount of \$1,523.75 that have been paid by Millheim Borough. Motion carried.

The Final Subdivision Plan for lands of Craig G. & Mary Ellen Storm (Lot 2 & 3) received from the Centre County Planning Office was discussed. Council has until May 3, 2016 to make comments on this plan. Ms. Heckman requested, as a resident that travels Rt. 445 daily, that Council consider suggesting that the existing drive for Lot 2 be used as a "shared" drive for both Lots 2 & 3. She explained that the site for the proposed access for the new drive for Lot 3 is very dangerous for vehicles traveling south on Rt. 445 because any vehicles entering or exiting this proposed drive are not visible until the hill is crested and that allows very little distance to stop especially in inclement weather. She also explained that the vehicles traveling Rt. 445 routinely travel faster than the posted speed limit. After discussion, a motion was made by Ed Bowman and seconded by Leslie Warriner to submit a comment regarding concerns raised about the safety of this proposed driveway. Motion carried.

A lengthy discussion occurred regarding definitions to be included in the Zoning Ordinance for Brewpubs and Micro-Alcohol Production. Documents submitted by Tim Bowser and David Sprowls were discussed. Mr. Bowser explained that the Liquor Control Board considers he has one business for which he is licensed. This license allows his one business to brew, bottle, and sell beer from three separate locations so if the Borough enacts an ordinance that sets a limit of 15,000 barrels he would only be able to brew this amount as a combined total from both his business locations. The Solicitor explained he can't see a distinction other than quantity between the definition of a brewpub and a microbrewery so why not just use the microbrewery definition. He explained if a new person wanted to open a business the Borough could withhold a permit if the sewer didn't have the capacity to handle a second brewery. After further extensive discussion, a motion was made by Leslie Warriner and seconded by Ed Bowman to approve the following definitions for the Zoning Ordinance:

- Microbrewery – A brewery operation that produces less than 15,000 barrels (465,000 US gallons) of beer on its licensed premises each calendar year. This licensed premises may provide for on-site consumption and retail sales of beer, food service, events, and wholesale beer distribution.
- Microdistillery – A distillery operation that produces less than 2,000 barrels (110,000 US gallons) of spirits on its licensed premises each calendar year. This licensed premises may provide for on-site consumption and retail sales of spirits, food service, events, and wholesale distribution of spirits.
- Microwinery – A winery operation that produces less than 2,000 barrels (110,000 US gallons) of wine on its licensed premises each calendar year. This licensed premises may provide for on-site consumption and retail sales of wine, food service, events, and wholesale distribution of wine.

Result of vote – Patty Beckenbaugh, Ed Bowman, and Leslie Warriner voted yes; Alan Ilgen voted no; David Sprowls didn't vote*. Motion carried. (*Mr. Sprowls voted no later in the meeting.)

The Solicitor explained that adding these definitions and including language that allows the Borough to set fees by Resolution to the Zoning Ordinance will require a public meeting be held after advertising the proposed meeting for thirty (30) days. The consensus of Council was to advertise this public meeting to be held prior to the June 2016 meeting.

CODE ENFORCEMENT/HARB:

The written report submitted by Mike Lesniak was reviewed.

EMPLOYEE REPORTS:

The written report submitted by Justin Kerstetter was reviewed with no comments.

OLD ACTION:

The Secretary reported that Mr. Jacobs sent an email to Koge Suto for clarification on the amount of match money the Borough is receiving credit for on the STAG Grant. To date no response has been received.

The Energy Independence Project was discussed. President Ilgen reported that a do-it-yourself workshop to learn caulking was held on Saturday, March 19, 2016 at the Millheim Fire Hall from 1:00 to 2:30 p.m. Only three people attended: Alan Ilgen, representative from Hosterman & Stover Hardware and a representative from SEDA-Cog.

Discussion and action on the changes to the Source Water Management document was tabled until the May 2016 meeting.

An estimate received from G&R Excavating and Demolition, Inc. from Tyrone, PA was discussed. This estimate to remove the Town Clock from the church building now owned by Gary Gyekis is \$34,290. After discussion, the consensus of Council was to

284
have Mr. Sprowls speak with Mr. Gyekis to determine what his expectations are as far as the Borough; for the Secretary to find names of organizations interested in historic clocks to determine if funding may be available; to make the Borough residents aware of the cost to remove the clock to see if there is community interest in establishing a "Save the Clock Fund".

The Solicitor had reviewed a franchise agreement received from Atlantic Broadband. Since it was the Borough's understanding that Atlantic Broadband was going to do a survey to determine if there was sufficient interest among the residents, the consensus of Council was not to invest any more time negotiating a franchise agreement until Atlantic Broadband determines if they are serious about expanding to Millheim.

President Ilgen explained there is a meeting scheduled on April 13, 2016 with property owners, the forester and a representative from Kuhns Brothers to discuss a few things that need done since the timbering project is completed.

A list of possible projects that may be considered as part of a 3-year budget process and possible costs/payment methods was briefly discussed. President Ilgen requested Council members to think about these for future discussion.

NEW ACTION:

President Ilgen distributed a spread sheet prepared by the Millheim Fire Company that was received at the meeting he attended with Penn Township and Fire Company representatives to discuss the Fire Tax Agreement. He reported that the Fire Company needs money from the municipalities by May 15, 2016 to pay for the chassis of the new truck they ordered so the Fire Company is asking for the municipalities to release their escrowed Fire Tax funds. The Secretary explained that because a withdrawal was made from this account to pay the Borough's portion of the Volunteer Fire Fighter's Workers' Compensation and the Tax Collector fees the account doesn't have the amount the Fire Company is expecting. The Secretary also questioned how the Fire Company had a balance in excess of \$6,180.53 in the Municipal Real Estate Levy Fund Checking Account when the money they receive from the municipalities is to be paid directly to cover the invoice for which the funds were requested. The ongoing concern was discussed about the Fire Companies each purchasing individually. The possibility of the Borough paying our portion of an invoice directly to a company instead of writing a check to the Fire Company was again discussed. President Ilgen explained that the municipalities will meet before May 15 without the Fire Company present to discuss things. The Fire Company continues to push for a new Agreement but consensus of Council is that the existing agreement is fine.

President Ilgen explained that the Borough's electric bill almost doubles when the Christmas decorations are used because they are lit continuously while they are up. He requested that Council think about whether they want to light them this year.

The Secretary reported on her research into a new company the Borough can use to codify our ordinances now that Keystate Publishing is closing. She is recommending entering into a three-year agreement with American Legal Publishing Corporation. After discussion, a motion was made by Leslie Warriner and seconded by Ed Bowman to approve the proposal from American Legal Publishing Corporation for a three-year contract to host the internet/conversion option using Folio at \$350 for the first year, a one-time fee of \$100 to purchase our existing code, print two full sets of ordinances at \$23.50 each, purchase twelve (12) 3-ring binders at \$20 each and codify approximately sixty-eight (68) pages at \$0.17/page. Motion carried.

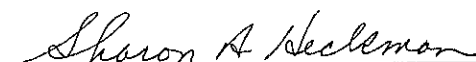
COMMITTEE REPORTS: None

A motion was made by Ed Bowman and seconded by David Sprowls to approve the March 8, 2016 minutes as presented. Motion carried.

A motion was made by Ed Bowman and seconded by David Sprowls to accept the March 2016 financial statements as presented. Motion carried.

The Secretary's report was reviewed. Mayor Snyder explained that the annual Millheim Sprint Triathlon is scheduled for June 25, 2016 and the Borough will be receiving a letter requesting Fire Police coverage. The Secretary reported that Mr. Kerstetter and Mr. Rupert will be flushing the fire hydrants the night of Thursday, April 28, 2016.

A motion was made by Ed Bowman and seconded by David Sprowls to adjourn the meeting at 11:20 p.m. Motion carried.


Sharon A. Heckman, Secretary-Treasurer