

MILLHEIM BOROUGH COUNCIL  
 225 EAST MAIN STREET  
 P.O. BOX 421  
 MILLHEIM, PA 16854  
 (CENTRE COUNTY)

FAX (814) 349-5733

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REGULAR MEETING

August 11, 2015

David Sprowls was officially sworn in as a new Council person by Mayor Snyder just prior to the meeting being called to order.

President Alan Ilgen called the regular meeting of the Millheim Borough Council to order at 7:03 p.m. with the following persons in attendance: Ed Bowman, Alan Ilgen, David Sprowls, Leslie Warriner, Lauralee Snyder, Sharon Heckman, John R. Miller, III, Roy Rupert, Marty Ilgen and Carl Rote.

**ABSENT:** Kay Brown

**CITIZEN'S INPUT:**

Marty Ilgen discussed with Council Note #12 on the subdivision plan of his property. He stated that Millheim Borough must provide sewer service to his lot. Mr. Ilgen also explained that the property across the street from his lot isn't on the sewer system. The Solicitor explained that the Freedman Estate planned on Lot #2, currently owned by Mr. Ilgen, gaining access to the public sewer through an easement over Lot #1. He explained that Note #8 on the subdivision plan references the Declaration of the Sewer Line Easement in Record Book 1966. The Solicitor explained that the decision not to service the other lots in that area was made in the 1990's but that Ms. Freedman wanted Lot #2 to be benefitted by the public sewer. The Solicitor explained that the Borough Code does not have a distance requirement. He further explained that the subdivision plan was approved with a hookup to public sewer and there is no proposed location on the plan for an on-lot sewage system. The Solicitor's interpretation is that Millheim Borough has provided service to Lot #2 by coming to the sewer easement on Lot #1. Mr. Ilgen explained that it will be very costly to dig the ditch through the rock to get across Lot #1 to his property. Ms. Warriner explained that it was even more cost prohibitive to get public sewer to the Warntz lot but a waiver was not granted for that lot. She also raised the point that since this lot hasn't been perc tested an on-lot system may not be approved even if Council would agree to a variance. Mr. Sprowls explained that since the zoning ordinance was adopted Council has been consistent and no variances have been granted. Ms. Warriner wanted to get more information from the Centre County Planning Office so the decision was made to have a special council meeting within the next two weeks to make a decision on this issue. Mr. Rupert discussed the proposal submitted by Dave Gutelius, for making the water and sewer connections to Mr. Ilgen's property. Mr. Ilgen would like his contractor to do the work but Mr. Rupert raised concerns about possible problems after the line is installed. Mr. Gutelius warrants his work for one year for the Borough. Mr. Rupert was instructed to get a quote from McCrossin's.

Mr. Rupert reported on a temporary problem at the water plant caused when a new soda ash pump was installed. He reported that the sewer plant is doing better. Nittany Controls has done some work at the sewer plant. Mr. Rupert explained that modem at the sewer plant wasn't working so a new modem was purchased. The proposal submitted by Uni-Tec to prepare and submit the Corrective Action Plan to DEP was discussed. A motion was made by Ed Bowman and seconded by Leslie Warriner to authorize Uni-Tec to prepare the Corrective Action Plan at a not-to-exceed cost of \$650. Motion carried.

A motion was made by Leslie Warriner and seconded by Ed Bowman to approve payment of the invoice submitted by Uni-Tec in the amount of \$2,996.25. Motion carried.

**CODE ENFORCEMENT/HARB:**

The written report submitted by Mike Lesniak was reviewed. There was no HARB meeting held in August.

**EMPLOYEE REPORTS:**

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

**PLANNING COMMISSION REPORT:**

The suggested changes to Codified Ordinances Chapter 4 and Chapter 15 were considered. The only major change is to no longer allow parking along Rt. 45. The house numbers were discussed and the consensus of Council was not to change the existing ordinance but to do an article in the newsletter reminding residents of the importance of having these numbers visible for emergency service reasons. A motion was made by Ed Bowman and seconded by Leslie Warriner to authorize the Solicitor to prepare an Ordinance amending the various ordinances as recommended by Planning Commission. Motion carried.

256 The Secretary explained about the confusion created by having two streets with such similar names, Park Street and Park Road. The consensus was to talk to 911 about the possibility of making Park Street part of Church Street.

**OLD ACTION:**

Mr. Jacobs of the Centre County Planning Office is preparing the application to be submitted for the STAG Grant.

President Ilgen reported that he and Mr. Bowman met with the surveyors for the Energy Project last week. Mayor Snyder and Ms. Warriner volunteered to do Main Street.

The Secretary reported that the agility plan can't be done because PennDot doesn't have a paver. Mr. Maney of PennDot is currently looking into this.

Ms. Warriner reported that there was nothing to report on the letter to the downtown businesses.

David Sprowls will attend the next meeting of the Penns Valley Code Enforcement Agency. He explained that he would like to be on the Streets and Alleys Committee.

The town clock situation was discussed. Mr. Gyekis didn't keep his appointment with Mr. Winebold to look at the condition of the steeple area. The Solicitor explained that our agreement with Mr. Gyekis makes the Borough responsible for maintenance of the clock area but not for permanent repairs to the building. Mr. Bowman will speak with Mr. Gyekis about a meeting to inspect the clock tower. If this is unsuccessful, the Solicitor will do a letter to Mr. Gyekis.

The proposed Resolution requested on the issue of medicinal cannabis was discussed. Mr. Sprowls expressed concern with the inflammatory language of the proposed resolution. After some discussion the consensus of Council was not to support the proposed resolution.

The Brush Policy was discussed. President Ilgen explained that since the July meeting he spoke with the Borough employees and they reported that there isn't a lot of space at the dump site. He also explained that our policy is consistent with other municipalities. Mr. Sprowls and Ms. Warriner don't think that a collection in spring and fall are enough. The suggestion was made that an article could be put in the October newsletter to change this so that people must call in by the last Friday of the month to have brush picked up. Council was asked to think about this for the October newsletter.

An ordinance amendment for ticketing was discussed. The Solicitor explained he reviewed the information sent by Mr. Lesniak. Mr. Lesniak is to get an interpretation from District Justice Jordan. The Solicitor needs to do more research of the Borough Code about fines. The Secretary will contact the PA State Association of Boroughs for possible ordinances dealing with fines.

Ms. Warriner will make contact with Mark Stephens about getting a final draft of the Source Water Management Policy for the September meeting.

**NEW ACTION:**

A letter received from Beth Bartley, Postmistress in Millheim Borough, was reviewed and discussed. Ms. Bartley has had complaints about the picketers blocking the doorway of the Post Office with people and chairs. The Solicitor explained that the Borough can't do anything about this group. The suggestion was made that since the Post Office is a Federal office Ms. Bartley should ask her employer for help getting this group moved.

**COMMITTEE REPORTS:** None

A motion was made by David Sprowls and seconded by Leslie Warriner to approve the minutes of the July 14, 2015 meeting as presented. Motion carried.

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

The written report submitted by the Secretary was reviewed with no questions.

A motion was made by Ed Bowman and seconded by Leslie Warriner to adjourn the meeting at 10:20 p.m. Motion carried.

  
Sharon A. Heckman, Secretary-Treasurer

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SPECIAL MEETING  
August 20, 2015

President Alan Ilgen called the special meeting of the Millheim Borough Council to order at 8:35 a.m. with the following persons in attendance: Ed Bowman, Alan Ilgen, David Sprowls, Leslie Warriner, Lauralee Snyder, Sharon Heckman, Roy Rupert, Marty Ilgen and Tom Franks.

ABSENT: Kay Brown and John R. Miller, III

**OLD ACTION:**

Council discussed Marty Ilgen's request for a waiver to connect to the public sewer. Ms. Warriner explained that Mrs. Rodriguez was given permission for an on-lot septic system in early 2007 prior to the mandatory connection requirement in the Zoning Ordinance and that since adoption of the Zoning Ordinance no waivers have been granted. Mr. Ilgen explained that he purchased the lot in 2006 but Council explained that the house was not built prior to adoption of the Zoning Ordinance in 2007. Ms. Warriner explained that since any home built after 2007 must be connected to the public sewer, DEP won't allow an on-lot system for his lot. She also explained that Nittany Engineering clarified that the note Mr. Ilgen is contesting is a standard note for service. Mr. Sprowls explained that Mr. Ilgen is using a narrow and rigid interpretation of the word "to" but the definition of "to" may also indicate purpose or intention and in this case represents an intent of service. He further explained that the purpose of an easement is so a private line can be run to the property. Mr. Ilgen explained that he would have over 125 feet of ditch and pipe to connect to the sewer and his neighbor's property will be torn up. Consensus of Council was that they weren't sure there would be a big cost difference between connecting to the public sewer and putting in an on-lot system. In response to a question from Mr. Franks about why the Borough won't run the sewer line to Mr. Ilgen's property, it was explained that costs for a new sewer main would be passed on and that would be done if there was a benefit to the entire community. Ms. Warriner explained that she sees no benefit to the entire Borough and no reason to absorb this cost. The Secretary explained that when the townhouses were built the developer paid for a main sewer line extension. Mr. Sprowls pointed out that Millheim Borough isn't the only one that requires payment for utility extensions. Mr. Franks explained that he was aware of the easement when he bought his property and that prior to coming here he thought the Borough should run the line to Mr. Ilgen's property but now he understands that isn't how it works. Mr. Bowman explained that the Solicitor has stated that the Borough's requirement is to provide service to the easement and he is in favor of following the Solicitor's opinion. A motion was made by Ed Bowman and seconded by Leslie Warriner to deny the request for a variance. Roll call vote: Bowman – yes; Brown – absent; Sprowls – yes; Ilgen – abstain; Warriner – yes. Result of vote: 3 votes yes; 1 member abstained and 1 member was absent. Motion carried.

Roy Rupert raised concerns about getting different prices just for Mr. Ilgen since the Borough has a contractor that we currently use for water/sewer connections. He explained that bids were requested prior to selecting Dave Gutelius Excavating and Council felt his prices were good. Mr. Ilgen explained that Dave Fetterolf will dig up to the house. Since Mr. Ilgen agreed that he was okay with Gutelius Excavating, consensus of council was that no other estimates are needed. A motion was made by Leslie Warriner and seconded by Ed Bowman to approve Mr. Ilgen's choice for Dave Fetterolf as the contractor to dig a trench for the sewer and water line, hook onto the sewer main and backfill; and to have Dave Gutelius Excavating do the live tap for the water line at a not-to-exceed cost of \$3,000 based on the estimate. Roll call vote: Bowman – yes; Brown – absent; Sprowls – yes; Ilgen – abstain; Warriner – yes. Result of vote: 3 votes yes; 1 member abstained and 1 member was absent. Motion carried.

**NEW ACTION:**

President Ilgen read the Resolution required for submission of the STAG Grant Application appointing authorized representatives to transact any and all documents related to securing funds from the Federal Grant awarded to Millheim Borough as administered by the Environmental Protection Agency. On a motion by Leslie Warriner and seconded by Ed Bowman, and carried by a vote of 4-0, Millheim Borough designates either J. Alan Ilgen, or Sharon Heckman, as their duly appointed persons to act on behalf of the Borough to satisfy this Resolution.

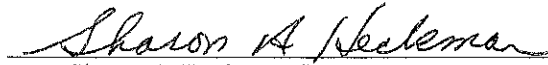
An estimate presented by Roy Rupert to create an office for the Borough employees downstairs in the old boiler room was discussed. A motion was made by Leslie Warriner and seconded by Ed Bowman to authorize expenditures up to \$2,500 as presented for the office space. Motion carried.

Notes submitted by Ed Bowman on the Fire Tax Committee meeting were discussed. The Fire Company wants the Fire Tax money to fund the monthly payments of the truck but if the Fire Company can get a grant there would be no cost to the municipalities. Mr. Bowman explained they want to have a meeting the beginning of November and the Fire Company is to have concrete estimates and a letter from the Firemen's Club that shows guaranteed money. The Secretary explained that any funds from the Borough would have to be paid against the loan at once not put in an account so the Fire Company can earn interest from the money as they make monthly

payments. The following information should be gathered at the November meeting: exact cost of truck; documentation of the \$170,000; Budget to Actual report for 2015; cost of the loan and payments.

Council set the following dates for budget meetings: Wednesday, September 16, 2015 beginning at 7:00 p.m. to discuss the General Fund and Wednesday, October 21, 2015 beginning at 7:00 p.m. to discuss the Sewer Fund.

A motion was made by Leslie Warriner and seconded by Ed Bowman to adjourn the meeting at 10:09 a.m. Motion carried.

  
Sharon A. Heckman, Secretary-Treasurer