

MILLHEIM BOROUGH COUNCIL

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(CENTRE COUNTY)

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REGULAR MEETING

August 14, 2012

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: Ed Bowman, Kay Brown, Marlene Corl, Alan Ilgen, Leslie Warriner, John R. Miller, III, Sharon Heckman, Glenn Ripka, Roy Rupert, Dan Guss, Donald Heggenstaller, Delmar Homan, Carl Rote, Jamie Schlesinger, Barb Shaffer, Ed Shaffer, Mark Stephens and Pat Wolfe.

Lauralee Snyder entered the meeting at 7:10 p.m.

CITIZEN'S INPUT:

Donald Heggenstaller reported that Mill Street is becoming a raceway and requested that Council consider installing speed bumps.

Council reviewed a letter distributed by Pat Wolfe from her mother, Vera Manley with her concerns about the dirt being delivered to the neighboring property on Hillcrest Avenue. President Ilgen explained that the Centre County Conservation office inspected the property and that their requirements were met. Leslie Warriner reported that the area was to be seeded and mulched but the dirt was falling onto Mrs. Manley's property. The Solicitor explained that the Borough has no regulations to control this situation. Ms. Warriner explained that there is a section in the Borough Ordinances dealing with sedimentation and control. President Ilgen instructed Ms. Warriner to discuss this with Mr. Ripka so he can look into that.

Barb and Ed Shaffer were present to request road access at the Millheim Borough Water Plant for their property along the east side of Elk Creek. Currently the owner of the adjoining property to the Water Treatment Property, Mr. Porter, was given a key to the gate so he can access his property and another property owner, Mr. Thompson, walks to his property. Mrs. Shaffer explained that her property is in Penn Township and to build on this land would require a change of use on the property. Mrs. Shaffer would like written approval for this road access because she would like to sell the property. The Solicitor explained that the issue with this property is that it is not landlocked because there is access to Rt. 445 but the property owners would have to build a bridge and that the subdivision shows as legal access to Rt. 445. The Solicitor explained that if Council wants to allow access he would recommend using a License because that gives permission to use, has a "Hold Harmless Clause" and is revocable at will but then what other property owners would want a license. If a license is decided on, Mr. Porter and Mr. Thompson could be contacted also. The Solicitor was instructed to get a sample of a license for Council's review and this topic will be discussed at the September meeting.

Mark Stephens of DEP explained the Source Water Management Program. This program is funded to help water systems to be proactive in protecting their water systems so there is no financial obligation to the municipality. The types of recommendations that come from this assessment are:

- Possible contaminants to water systems such as farm/ag spreading.
- Develops partnership with the community.
- Public education and work with PennDot.
- An Implementation table listing possible funding sources and a schedule for implementation.

Mr. Stephens approached Aaronsburg about this program last month but to date he has not heard from them. He explained this process would include:

- Completing an application to start the process.
- Doing a Draft Plan.
- Getting a Steering Committee.
- Doing field exercises.
- Doing a brochure.

He explained this is a client driven work plan. He has a 5-year window for completion but he has never taken more than two years. A motion was made by Leslie Warriner and seconded by Ed Bowman to participate in the Source Water Management Program. Motion carried. Mr. Rupert is to complete the application and Mr. Stephens will meet with Council at a later date to set up a work plan.

Jamie Schlessinger from Concord Public Finance presented information on a refinancing and renegotiation opportunity for the sewer/water loans the Borough currently has at higher than current interest rates. This document presented the options of refunding existing USRDA loans with a maturity date of 2034, offering a net present value savings of \$73,810.80 or shortening the maturity date to 2032, offering a net present value savings of \$94,836.65. These figures assume a 3.25% fixed rate for 7 years and a Cap Rate of 6.00% until maturity. Mr. Schlesinger explained that there would be no cost to the Borough except advertising prior to refinancing the loan. He was asked to get figures if the loan was refinanced with a 15-year term. A motion was made by Leslie Warriner and

seconded by Marlene Corl to approach banks for 15 or 20 year terms to refinance the existing five USRDA loans and to renegotiate the Jersey Shore Bank loan. Motion carried.

Dan Guss of Uni-Tech presented an update on the water line replacement project. He presented and reviewed the Engineer's Report as follows:

- A motion was made by Ed Bowman and seconded by Kay Brown to approve PennVest Pay Request #4 in the amount of \$401,662.99. Motion carried.
- Estimates finishing in PennDot's right-of-way by September 18 with final completion by October 10. Three people from PennDot have said this is okay for their paving schedule.
- D.C. Ventre is requesting an additional 30 days be added to their contract because of delays caused by unknown conditions found while digging. This request doesn't include additional time required for the stream crossing. Concerns were raised about the additional costs required for the PennDot and Uni-Tec Inspectors if a time extension is granted. After some discussion, a motion was made by Leslie Warriner and seconded by Kay Brown to approve a Change Order to grant the request from D.C. Ventre for thirty (30) additional calendar days and zero money. Motion carried.
- Change Order #3 for the Elk Creek Stream Crossing at a total net cost of \$173,362.44 was discussed at length. Mr. Guss is happy DEP agreed to give a permit because of the existing line. PennVest approved this because it will improve volume and eliminate two dead end lines. Pat Wolfe, a tenant, raised concerns stating that she has been in touch with the property owner, Jayne Miller, about this issue. Ms. Wolfe explained that Ms. Miller doesn't want to stand in the way of progress but she doesn't want the trees damaged. Leslie Warriner expressed concerns about a possible collapse of the dry stacked tunnel from the tail race because this runs under her house. She suggested that since Ms. Miller gave an easement across the field for the fiber optic line that this water line could be moved to that easement because that area has already been disturbed. Mr. Guss explained that the crossing would need to be re-permitted to go somewhere other than where the existing water line easement is and that thirty years ago this easement was disturbed. This would require additional time and money. Concerns were raised about possible damage to the trees. Mr. Rupert explained that the first line marked was incorrect. Mrs. Heckman stepped aside from her position as Borough Secretary-Treasurer to state that she, like many other property owners in the Borough, has an easement across her property for a utility line. She explained that this easement was signed for the good of the community and that even though she is not a lawyer it was clearly explained before the easement was signed that this easement was forever and that it carried to all future owners of the property so she was sure that as a lawyer, Mr. Miller and his wife knew exactly what they were signing when the easement in question was signed. The Solicitor stated that the Borough does have a valid easement. Mr. Guss explained about possible delays if an Archeological Study is required if a change to the proposed line placement would be considered. He also explained that if a decision isn't made very soon this project will not be able to be done this year. The Solicitor explained that if the trees died the Borough would be required to compensate the property owner. Mr. Guss pointed out that the trees were very close to the project along Fairview Cemetery and they are fine. This project can be done now as a Change Order because PennVest has approved that but if not part of this project it would need to be rebid as a stand alone project. Kay Brown raised a concern about increased costs if the crossing is delayed. President Ilgen stated that the worst case would be if the trees died the Borough would have to replace them. A Special Meeting date was set for 8:00 a.m. Wednesday morning, August 22, 2012 to hear the results from Mr. Guss on his inquiries about taking the line straight up to Park Road.
- A motion was made by Leslie Warriner and seconded by Ed Bowman to approve payment of two invoices submitted by Uni-Tec for a total amount of \$26,500. Motion carried.
- A motion was made by Kay Brown and seconded by Marlene Corl to approve payment of Contractor Pay Request #3 submitted by D.C. Ventre in the amount of \$368,635.22. Motion carried.
- A motion was made by Marlene Corl and seconded by Ed Bowman to approve payment of the four invoices submitted for the PennDot Inspector in a total amount of \$12,356.53. Motion carried.

Donald Heggenstaller, President of the Millheim Fire Company #1 read a letter he received from Brian Chilton, a professional structural engineer in Boalsburg regarding the results of his inspection of the house at 109-111 North Street. This report stated that significant work would be required to bring this property up to code and that the roof would need to be rebuilt and repairs to the foundation walls would be needed. President Ilgen requested a copy of this letter. Mayor Snyder explained that there is an ordinance against demolition of historic buildings. Mr. Heggenstaller explained that the original house that was built on this lot burned down so the current house doesn't have the same historic value. The Mayor explained that the structural engineer's report says the building can be rehabilitated. Mr. Ripka explained that the ordinance states that a building can be demolished if it costs more to rehabilitate than the property is worth but three contractor estimates are required. Carl Rote questioned how the HARB can tell people what to do with their properties. President Ilgen explained that the HARB is an advisory body but the Council makes the final decision. He explained his concern is the loss of revenue this property currently provides to the Borough but Mr. Heggenstaller explained that the tenant will be out by October 1, 2012 and the water/sewer service would be discontinued at that time. Mr. Ripka explained that the HARB originally recommended allowing the demolition of this building. Mr. Heggenstaller explained the Fire Company wants this lot for parking or future expansion. Mayor Snyder expressed a concern about setting a precedent by allowing this historical building to be demolished. Mr. Rote reminded Council that the old bra factory was torn down and that was history. After much discussion, a motion was made by Leslie Warriner and seconded by Marlene Corl that on an individual basis Council is allowing the demolition of this historical building on the grounds that the structural report and Council's individual assessments have determined it to be of detrimental value to the Borough and is waiving the HARB request of three contractor quotes due to the grave condition of the structure. Motion carried.

CODE ENFORCEMENT REPORT:

Glenn Ripka reviewed with Council the written report he submitted and discussed the following:

- A police report has been filed for damage done to the dam along Rt. 45. Pictures of the damage were presented and he explained that the Borough employees have built a new gate and covered the top of the damaged dome so water is again flowing into the Race.
- Two trees should be removed down by the ball field because the maple is bad and the spruce was struck by lightning. Mr. Claar can't push these over because of damage to work he has already completed on the ball field. Mr. Ripka explained that based on a previous quote, Ben Haupt could do this work for approximately \$850 to remove both trees. President Ilgen instructed Mr. Ripka to get current rates from Mr. Haupt and have the trees removed.
- An EPA representative stopped today and inspected the garage and shop areas. He was impressed and said the shop looks good.
- Two water meters and the fountain will be done tomorrow.
- President Ilgen raised a concern about the porch that has still not been replaced on the Millheim Hotel. Kay Brown reminded Council that Mr. Cowher said this would be done this spring. Mr. Ripka explained that there is nothing in the ordinance that sets time limits on repairs. Ms. Warriner recommended that this ordinance should be reviewed. President Ilgen referred this issue back to the HARB.

HARB REPORT: None

EMPLOYEE REPORTS:

Roy Rupert explained he hasn't had any issues at either plant. He spoke with Vikram Rawal of Advanced Controls, Inc. about the issue with the VFD and the new motor on the pump at the water plant. Mr. Rawal thinks it is a sensitivity issue and isn't a problem to fix. A motion was made by Leslie Warriner and seconded by Ed Bowman to pay the invoice submitted by Advanced Controls, Inc. in the amount of \$1,208.25. Motion carried.

PLANNING COMMISSION REPORT:

A variance request was discussed. This request would be necessary to place a used trailer on the vacant lot at 143 North Street owned by Guy and Ruth Rudy that is too large to comply with property setbacks. The old trailer was removed approximately two years ago and it was 60' but the new trailer is 80'. Ms. Warriner explained that this property could be used but this particular trailer won't work. A motion was made by Marlene Corl and seconded by Kay Brown to accept the recommendation of Planning Commission to deny this request for a variance. Motion carried.

OLD ACTION:

A revised work schedule for the ball field project submitted by John Claar was reviewed. He wants to do the paving in two weeks so a decision must be made about the proposed water line. President Ilgen explained that the water from the well is non-potable but that a line could be extended from the Borough building. The water line into the building is 1-1/2" and could be adapted to a one-inch line run about the length of the Council Room then through the wall into a meter pit. John Claar was asked to provide a proposal to install a one-inch waterline and frost-free hydrant from the Borough provided pit to within 5' of the outfield fence corner, approximately 70 lineal feet, includes trenching, any rock removal, backfill, compaction, waterline and hydrant. His cost for this work would be \$2,600. This metered water could also be used to track water sales to PennDot as part of the Agility Work Plan. There would be an additional cost to the Borough for the meter pit. A motion was made by Leslie Warriner and seconded by Ed Bowman to approve the proposal submitted by John Claar to expand the water line from the Borough building in the amount of \$2,600. Motion carried.

President Ilgen explained that the Borough's insurance policy provides coverage for volunteers if the project they are working on is approved by the Borough Council. He explained that Brian Niewinski spoke with other members of the Little League and was told that they had made no financial commitment to this ball field project.

The Secretary explained that the Millheim American Legion banquet/meeting room can be rented for the October 18, 2012 Clearfield/Centre County Borough's Association Dinner meeting for \$125 with \$25 of this being a refundable deposit. This event could be catered by Toni Myers and Betsy Forsythe for \$12/person for the proposed menu presented. After discussion, unanimous consensus of Council was to have the event at the Legion catered by Mrs. Myers and Ms. Forsythe.

The request from Linn Auman that was tabled at July's meeting until the Solicitor's return was discussed. The Solicitor explained that he understood that Mr. Auman was requesting Council sign a Quit Claim to him for the whole section of Fox Alley from Elk Street to Water Street between his house and the old mill property. The Solicitor explained that he agrees this isn't a good idea to turn this alley over to Mr. Auman. A motion was made by Ed Bowman and seconded by Kay Brown to deny the Quit Claim request made by Linn Auman. Motion carried.

NEW ACTION:

The Agility Work Plan with PennDot was discussed. One of the things the Borough can do is to sell water to PennDot when they need it. The need to establish a rate for the sale of water was discussed. The Solicitor reminded Council that a Resolution setting a rate for selling water to groups had been adopted several years ago. He will find the Resolution and forward the rate so Council can then decide if the rate needs to be changed.

A motion was made by Leslie Warriner and seconded by Marlene Corl to approve the Financial Requirement for the Minimum Municipal Obligation Budget for 2013. Motion carried.

COMMITTEE REPORTS:

President Ilgen reported on the following:

- In addition to the damage done to the dam and Race explained earlier by Mr. Ripka, the kids overturned the port-a-potty on the corner at Fountain Park and blocked the Long Lane. Also a resident reported a duck being stoned at her residence. The last Neighborhood Crime Watch meeting was held in May but no one came so everyone should encourage people to come to the Crime Watch meetings and the next meeting will be in September.
- A resident asked about fixing a Borough Street. He explained that the problem is money. The Liquid Fuel money is used to pay electric bills for street lights and traffic signals.
- Requested that Kay Brown, Streets and Alleys Chairperson, drive around town with Mr. Gunsallus to set a priority list for street repairs.
- Reminded everyone about getting budget items ready.
- Recommended that Council have another meeting with the employees.

Ms. Warriner reported on the following:

- Explained that she is using her own water for the baskets downtown. She explained that the Inglebean would allow the use of their outside spigot but only one basket can be reached now. President Ilgen explained that Steve Neff will allow the use of his outside spigot. This can be investigated after the water project is completed.
- Reported that Old Gregg School Youth Group does Community Service work twice a year and they worked at Fountain Park and did a good job. President Ilgen will check with the Scouts to see if they could also help at the Park.
- She will check to see if Rockview will replace the dead plants in the playground area. If not, she could replace with cedar for approximately \$100.
- The Lion's Club hasn't planted the two trees they offered to plant at Fountain Park but boring needs done to see about a soil analysis. President Ilgen will speak with Denny Beckenbaugh about these trees.

A motion was made by Kay Brown and seconded by Marlene Corl to approve the minutes from the July 10, 2012 meeting as presented. Motion carried.

A motion was made by Leslie Warriner and seconded by Ed Bowman to accept the July budget as presented. Motion carried.

SECRETARY'S REPORT:

A written report submitted was reviewed. The Secretary distributed a report comparing several years of energy use by the Borough. The Secretary was able to prepare this report because of work done and training provided by SEDA-Cog.

The next Council meeting will be the Special Meeting on August 22, 2012 at 8:00 a.m.

President Ilgen called an Executive Session at 10:39 p.m. to discuss matters of employment.

President Ilgen recalled the meeting to order at 11:37 p.m. with the following people present: Ed Bowman, Kay Brown, Marlene Corl, Alan Ilgen, Lauralee Snyder, Leslie Warriner and Sharon Heckman.

A motion was made by Leslie Warriner and seconded by Ed Bowman to end the probationary period of Casey Gunsallus, with the understanding that there will be a review in a year from his start date and to communicate that he still needs improvement and council is willing to work with him. Roll call vote as follows: Ed Bowman, yes; Kay Brown, no; Marlene Corl, no; Alan Ilgen, yes; Leslie Warriner, yes. Result of vote – 3 votes yes, 2 votes no. Motion carried. A letter will be drafted by Mayor Snyder and delivered to Mr. Gunsallus by Alan Ilgen and Leslie Warriner.

President Ilgen distributed to each Council member copies of the letter prepared by the Secretary for distribution to the business people when Council members request donations for door prizes for the Clearfield/Centre County Borough's Association Dinner/Meeting in October. Council members decided who would contact each business so no duplicate requests are made.

A motion was made by Ed Bowman and seconded by Leslie Warriner to adjourn the meeting at 11:50 p.m. Motion carried.

Sharon A. Heckman

Sharon A. Heckman, Secretary-Treasurer