

**MILLHEIM BOROUGH COUNCIL
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(CENTRE COUNTY)**

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**REGULAR MEETING
December 9, 2014**

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, Marlene Corl, Alan Ilgen, Leslie Warriner, Sharon Heckman, John R. Miller, III, Mike Lesniak, Glenn Ripka, Michele Aukerman, Mary Bowman, Janet Cantolina, Martha Hoffman, Karl Leitzel, Carl Rote, Sandra Snook, Dave Sprowls and Andrea Stroup.

ABSENT: Kay Brown

CITIZEN'S INPUT: None

CODE ENFORCEMENT/HARB:

Mike Lesniak reviewed the written report he submitted with no questions. President Ilgen questioned if it makes sense for them to come every month if Council has no questions.

EMPLOYEE REPORTS:

Michele Aukerman of Uni-Tec reported that she has heard nothing from DEP on the wastewater submission done in September. She also reported on the meeting between Uni-Tec representatives, Leslie Warriner and Sharon Heckman regarding the West Main Street sidewalk pitting issue. Ms. Aukerman explained that Uni-Tec believes the pitting is a result of the road salt since there is nothing definitive with the concrete. Leslie Warriner explained that she hopes to walk the entire project this winter to look at all the sidewalks. President Ilgen distributed an updated "draft" letter to be discussed at the January Council meeting because Council needs to respond to the people on West Main Street about this sidewalk issue.

Lauralee Snyder entered the meeting at 7:05 p.m.

President Ilgen explained that Council approved a Flyte pump for the sewer plant but it will take three months to receive because it must be built special in Europe. A sales representative from Orchard Pumps may be able to get a different pump in less time. Ms. Aukerman explained why it is necessary to have an explosion proof pump for the sewer plant. She also explained that she found another company that works with Flyte and retrofits. It is possible they could reduce the cost of the pump to pay for the additional cost of air freight for the Flyte pump which would reduce the time to approximately five weeks. The other two brands originally quoted were Hydromantic at \$5,800 plus add on bracket and Grunter at \$5,600. Ms. Aukerman explained that most warranties on these types of pumps are the same. She will check on these other brands and get the information back by the end of the week. The consensus of Council was that if we can get a pump that meets the necessary criteria sooner than three months to move forward with that.

Roy Rupert needs a Dissolved Oxygen Meter to meter the oxygen levels of the effluent being put back into the stream for the sewer plant because of new NPDES permit requirements. Ms. Aukerman explained that this is a portable device and makes a good tool for trouble shooting. A motion was made by Leslie Warriner and seconded by Ed Bowman to approve the purchase of a Dissolved Oxygen Meter from USA Blue Book in the amount of \$859.95 for the sewer plant. Motion carried.

PLANNING COMMISSION REPORT:

Andrea Stroup spoke about the ATV Ordinance discussion with the Planning Commission at their meeting on November 25, 2014. She explained that she had presented two separate suggested ordinances and that Ms. Warriner had presented a proposal but they couldn't come to a compromise. She explained that she feels strongly about a compromise on this issue and their means of compromise was for setting a boundary of 150 ft. from boundary lines; restricting the number of riders to four per property; watering down the area to correct the dust situation and setting hours to ride on Monday through Friday from 9:00-11:00 a.m. and 4:00-6:00 p.m. and on Saturday from 10:00 a.m. to 4:00 p.m. President Ilgen asked Ms. Warriner if she had any comments. Ms. Warriner explained that she took all comments from 13 months of discussion into consideration when she prepared her "Draft". She explained there wasn't much discussion on her proposal. She thinks the ATV Ordinance must include Transportation as an exclusion. She explained her proposal has a permit option for the Borough and if the Borough has noise decibels and limits the number of riders and hours of riding this would be a compromise. Ms. Warriner thinks the issue should be taken back to the Planning Commission to include wording to include for transportation and two hours per day for riding. President Ilgen explained that the Planning Commission has looked at this ordinance more than anyone and Council must take care of any wording changes if anything is to be changed. Ms. Warriner explained that her proposal would require a permit and the ATV owners would have to send letters that state they are doing this and the Code Enforcement Agency would have a record of equipment that would be used. If there would be any complaints in one year the permit wouldn't be renewed. She explained that if the noise exceeds the decibel level it would be very easy to have the State Police come out but the Secretary explained that the State Police don't enforce Borough

Ordinances. Ms. Warriner explained that there are ways to modify equipment and ride vehicles so noise is reduced. Glenn Ripka asked how much it costs to purchase a meter to register decibel levels and to enforce this. Ms. Warriner explained that she has been told that the cost is reasonable and they are used in North Carolina and Texas so the Borough should be able to go to court with valid evidence. Ed Bowman asked if the neighbors have to file complaints because some aren't willing to do this. Ms. Warriner explained that there would be a list of information required to get a permit and the point is to get things so there are no problems. Mr. Bowman asked if the Borough allows riding ATV's in the Borough is the Borough liable if someone gets hurt. The Solicitor stated that the Borough wouldn't inspect for operational appropriateness. Saundra Snook asked if the liability goes back on the property owner and the Solicitor explained it doesn't create absolute liability. President Ilgen asked what happens if the people don't want a permit to be issued and Ms. Warriner explained that this letter is just to let them know the people have ATV's and what the rules are. As a courtesy this letter would also include phone numbers and contact information for the Code Enforcement and the State Police to report issues if the ATV owners don't obey the rules. Glenn Ripka explained that he looked over the "draft". He looks at the cost because he doesn't know how much a meter costs but it puts the Code Enforcement Office on call 20 hours per day. He also questions what happens if a home owner trades bikes or ATV's – are they to be responsible to register the change and how and who permits visitors riding on a property. Mayor Snyder raised the issue that if one machine doesn't exceed the decibel level can all four machines together exceed the level and she thinks they would. Mike Lesniak explained that in New York they used a distance from the property line of 200 feet instead of the training and yearly calibration costs of using equipment to measure decibel levels. He explained the victim is the witness. Mayor Snyder stated that this is a good starting point for further discussion. President Ilgen thinks that if Ms. Warriner wants to talk with the Code Enforcement Office about what would and wouldn't work that is up to her but there is no need to send this issue back to the Planning Commission. Mary Bowman asked how many families have complained about restrictions on riding on their own property and Ms. Warriner explained there isn't a true number. President Ilgen stated that a recommendation has been received from the Planning Commission to leave the ATV Ordinance as it is. He told Ms. Warriner that if she can work with the Code Enforcement Office that is up to her.

OLD ACTION:

President Ilgen explained that the motion made in November to award the truck bid must be rescinded because the Centre Daily Times didn't run the advertisement. A motion was made by Ed Bowman and seconded by Leslie Warriner to rescind the November awarding of the truck bid to Bill MacIntyre Chevrolet. Motion carried. The Secretary had the Centre Daily Times run an advertisement for 2015 truck bids and this ad has been verified. The tabulation of quotations for a 2015 truck were reviewed. The two bids received are as follows:

Bill MacIntyre Chevrolet – Base bid of \$59,863.40 with a trade-in of \$7,500 for a final bid price of \$52,363.40.

Whiteside of St. Clairsville, Inc. – Base bid of \$64,900 with a trade-in of \$4,000 for a final bid price of \$60,900.

A motion was made by Marlene Corl and seconded by Leslie Warriner to accept the low bid from Bill MacIntyre Chevrolet Buick in the amount of \$52,363.40. Motion carried.

The Solicitor reported that he hasn't heard much about the STAG Grant but that HAMA had a quorum last month and they approved signing the Agreement for the inter-connection. The Secretary explained that, per information from Robert Jacobs, the STAG Grant money must be officially applied for and that it is possible that the application could be rejected. Mr. Jacobs will start the application process as soon as the Borough signs this Agreement with HAMA. After some discussion, a motion was made by Ed Bowman and seconded by Marlene Corl to authorize President Ilgen to sign the Agreement. Motion carried.

The Solicitor reported that not much has happened with the Penns Valley EMS request for payment of workers' compensation. Four of the five municipalities voted to begin the agreement beginning January 1, 2015 and this information was forwarded to the Gregg Township Solicitor. To date the revised agreement hasn't been received.

President Ilgen reported that the surveyors have been going around for the SEDA-Cog Energy Project but there are still several sections of town that have not been given to surveyors. He also reported that one company did an energy audit at his office building.

The Solicitor reported that he spoke with Wayne Engle of Nittany Engineering about an estimate to do a survey of the Sheep Hill Property. Mr. Engle needs to look at the deeds to give an estimate so we need to wait.

To date the Secretary hasn't gotten an estimate to remove and cap the Borough building chimney.

NEW ACTION:

A motion was made by Ed Bowman and seconded by Marlene Corl to adopt the 2015 budgets for a total of \$766,598 with no tax or water/sewer rate increases. Motion carried.

A motion was made by Leslie Warriner and seconded by Marlene Corl to approve Ordinance #256 Establishing the Tax Rate for 2015 at 4 mills on the value of real property with 3.5 mills for general revenue purposes and .50 mills for fire protection. This rate remains the same as 2014. Motion carried.

A motion was made by Marlene Corl and seconded by Ed Bowman to accept the resignation of Amy Niewinski from cleaning the Borough building. Motion carried.

A motion was made by Ed Bowman and seconded by Marlene Corl to reappoint Pam Winter and Chuck Herr as the Sewage Enforcement Officers for Millheim Borough for 2015 and to accept their fee schedule as presented. Motion carried.

There was discussion on Certificates of Insurance naming the Borough as additional insured for special events held in the Borough by organizations other than Borough Council. Consensus of the group was for the Borough to do a policy or formalized packet that can be given to organizations to help them plan the events.

COMMITTEE REPORTS: None

A motion was made by Ed Bowman and seconded by Leslie Warriner to approve the November 11, 2014 minutes as presented. Motion carried.

The Secretary explained that the check written to Hach from the Water Fund is more than Council originally approved but Roy Rupert used an old catalogue when giving prices to Council so the prices were higher on the invoice. A motion was made by Leslie Warriner and seconded by Marlene Corl to approve the November budget report as presented. Motion carried.

The written report submitted by the Secretary was reviewed. The Secretary reported on a company, Buy Board, which is similar to CoStars because they have already completed the bid process for the items available through them. There is no charge to register with this company. A motion was made by Ed Bowman and seconded by Leslie Warriner to register with Buy Board. Motion carried.

The Regional Fire Company Meeting set up by the Penns Valley Regional Planning Commission was briefly discussed.

Council is interested in sending a Resolution to the PA State Association of Borough regarding telecommunications to Boroughs.

A motion was made by Marlene Corl and seconded by Ed Bowman to approve the Secretary's report. Motion carried.

A motion was made by Ed Bowman and seconded by Marlene Corl to adjourn the meeting at 8:56 p.m. Motion carried.

Sharon A. Heckman, Secretary-Treasurer