

MILLHEIM BOROUGH COUNCIL
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(CENTRE COUNTY)

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REGULAR MEETING
June 14, 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: Ed Bowman, Alan Ilgen, David Sprowls, Leslie Warriner, Lauralee Snyder, John R. Miller, III, Sharon Heckman, Mike Lesniak, Roy Rupert, Michele Aukerman, Felicia Shultz, Steve Neff, Marina Pusateri and Carl Rote.

ABSENT: Patty Beckenbaugh

President Ilgen turned the meeting over to the Solicitor, John R. Miller, III to conduct the Public Meeting on the proposal to amend the Millheim Borough Zoning Ordinance to include as a permitted use in the Central Business District definitions for 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; and 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. As required by the Planning Code a copy of these definitions was sent to the Millheim Planning Commission and the Centre County Planning Commission for review and comment. The other provision is to allow fees for zoning issues to be set by resolution rather than by ordinance. Centre County Planning Commission allows the 30-day notice to expire with no response when they have no comments. At the Millheim Borough Planning Commission meeting on May 24, 2016 there was a comment but the recommendation to Council was that a motion was made by David Grazier and seconded by Glenn Ripka to accept the definitions as presented and to recommend that Millheim Borough Council include these definitions in the Zoning Ordinance. Result of vote – 4 votes yes; David Sprowls voted no. Motion carried. The Solicitor asked if there were any comments or questions about the proposed amendment to the zoning ordinance; there were none. There was an opportunity to receive comments from Council, Planning Commission and the audience and hearing none, the Solicitor would close the hearing. If that is what Council wants, a motion would be necessary. At that point, David Sprowls requested that his comments from the Planning Commission meeting on May 24, 2016 be put into the record so the Solicitor read his remarks as follows: Mr. Sprowls had a list of four concerns that he wanted on record:

1. Concerned that wholesale manufacturing uses, such as a microbrewery, are generally not permitted in a Central Business District, although in some cases they may be allowed by conditional use permits or special exception. A Central Business District should promote retail uses that encourage pedestrian activities and not motor vehicle oriented businesses. Microbreweries are generally permitted in outlying commercial, light industrial and industrial districts.
2. Concerned that production limit of 15,000 barrels per year is too high for the proposed site, as the proposed size of a facility associated with that production limit has the potential to adversely impact the proposed site and overwhelm the neighborhood.
3. Concerned about the negative impact that a proposed facility of this size could have on Millheim Borough's Wastewater Treatment Plant, especially as the Borough is already having trouble complying with DEP's Corrective Action Plan for an organic overload. Also, how does it affect residential and other land development in Millheim? Does this lead to Millheim having to spend a substantial amount of money to upgrade or expand the wastewater treatment plant in the near future to be able to accept new connections to the sewer system?
4. Concerned about accountability, as the reference to "maintaining records of all reports filed with the ATF and being provided to the Millheim Borough upon request" to verify actual barrels per year produced – included in the proposed definitions, was not included in the final definitions.

President Ilgen asked for other comments. There being none the public hearing was closed at 7:07 p.m.

A motion was made by Leslie Warriner and seconded by Ed Bowman to authorize the Solicitor to prepare and advertise an ordinance to amend the Millheim Borough Zoning Ordinance to include the definitions for a Microbrewery, Microdistillery, and Microwinery and to allow fees be established by resolution. Vote as follows – 3 votes yes (Ed Bowman, Alan Ilgen, and Leslie Warriner); David Sprowls voted no; 1 member (Patty Beckenbaugh) was absent. Motion carried.

CITIZEN'S INPUT:

Michele Aukerman explained that the sampler location at the sewer plant will stay in the same location at this time. She recommends continuing to monitor with four samples. When the report is completed DEP should release two more EDU's. Ms. Aukerman explained that she doesn't know of anyone in the same position as Millheim and there is no website that lists these issues.

A motion was made by Leslie Warriner and seconded by Ed Bowman to approve payment of Uni-Tec invoices for \$460 and \$143.75 for time spent on Elk Creek's requests and to forward these invoices to Hill Engineering for reimbursement. Motion carried.

A motion was made by Ed Bowman and seconded by David Sprowls to approve payment of Uni-Tec invoices for \$947.54 and \$1,437.50 for time spent on the Corrective Action Plan. Motion carried.

CODE ENFORCEMENT/HARB:

Steve Neff, Marina Pusateri and Felicia Shultz presented pictures and information on the request made to HARB requesting permission to demolish/replace the building on 122 West Main Street because of a serious mold issue which was caused by a faulty furnace. Even though a one story building is all the funeral home requires, the HARB is requesting a false façade so this new building will fit the character of the downtown. The smaller building would allow parking in the rear which would help with the on-street parking issue and the existing driveway at the side of this building would continue to be used. Ms. Warriner stressed the need for open communication with the HARB, Code Enforcement and Council. She explained she wouldn't oppose a prefab building as long as the final product fits the character of downtown. A motion was made by David Sprowls and seconded by Leslie Warriner to allow demolition of the building at 122 West Main Street with the stipulation that when the demolition permit is issued there is one year to begin construction of the replacement building. Motion carried.

Mr. Lesniak reported that the office has been busy and that adding the new stripes at the fire hydrants has been successful.

EMPLOYEE REPORTS:

Mr. Rupert reported that the small 3-1/2" touchscreen for set point controls would be placed in the door panel and that we have a backup computer. He explained the breakdown of costs on the invoice submitted by Nittany Controls in the amount of \$5,005 and discussion followed on which budget line-items would be used to post the costs. Mr. Rupert explained that he needs an air conditioner and Ms. Warriner explained she has one she is willing to donate. He explained that Dave Gutelius has a truck which can be used to blow dirt from around curb boxes so the need to dig up the area may be avoided. The cost is \$230 from port-to-port but you don't tear up lines and there is no restoration. This will be used for the shut off valve into the Fire Company building and some others that Mr. Kerstetter found around town that need worked on. A motion was made by Leslie Warriner and seconded by Ed Bowman to pay the invoice in the amount of \$5,005 submitted by Nittany Controls as follows: Water Fund: \$1,850 from Acct. (06)448.19-Independent Contractors and \$80 from Acct. (06)448.20-Other Administrative Expenses. Sewer Fund: \$890 from Acct. 8427.21-Office Supplies and \$2,185 from Acct. 8427.20-Maintenance Agreements and to approve payment for Dave Gutelius of \$1,840 for one eight-hour day from the Water Fund Acct. (06)448.19-Independent Contractors. Motion carried.

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

OLD ACTION:

President Ilgen reported on the telephone conference call with Matt Brennan, Mike Glazer and Bob Jacobs about the STAG Grant. Mr. Brennan thought he could get an extension on the final completion date but he didn't think he could get permission to include the screen room as part of the project. President Ilgen also reported that Chad Miller of DEP has said there will be a cost of \$750 to both Millheim Borough and HAMA for upgrades to the existing water permits. The Secretary explained that since Millheim Borough was approved for the original water permit allowing Elk Creek as a secondary water source the stream has been upgraded to an exceptional value fishery. Due to this stream upgrade, if Millheim changes the water permit we may no longer be grandfathered and there is a chance the secondary water source could be eliminated. After some discussion, a motion was made by President Ilgen and seconded by David Sprowls to tell Bob Jacobs to stop working on the STAG Grant paperwork and to send a letter to Koge Suto at EPA, HAMA, Congressman Glenn Thompson and the Centre County Commissioners explaining all we've been through and why we are not accepting the Grant. Motion carried.

The Energy Independence Project was discussed. President Ilgen reported that the project is winding down and letters have been sent to people that have participated requesting electric bills to verify savings from the project.

The town clock was discussed. The possibility of dropping the assembly down through the interior without tearing off the church steeple was discussed. The Solicitor explained the bid would be conditioned on reaching a successful agreement with the property owner. Mr. Sprowls will speak with Mr. Gyekis to see if he would allow a bidder to remove the clock or if he would be willing to keep it.

The Secretary reported that the leased streetlight LED conversion is scheduled to start in the State College area on June 20 and should be completed by the end of July.

The Book Bench can't be placed along Elk Creek as originally discussed because it is too large and would interfere with plowing Mensch Street. The consensus of Council was to place the bench at the Borough building playground and if Ms. Walker wants to suggest something else it will be discussed at the July meeting.

President Ilgen spoke to the forester, Dustin Moore, about the road situation. Mr. Moore says the road is better than it was before the timbering began and President Ilgen reported that some other land owners say that overall the road is better than it was. No one has pictures taken before the timbering and Mr. Moore gave the certified check back to Kuhns Brothers. Mayor Snyder suggested asking Mr. Lowenstein to come look at the road and give his unbiased opinion.

NEW ACTION:

A motion was made by Leslie Warriner and seconded by Davie Sprowls to adopt Ordinance #258 Amending Chapter 18, Sewers and Sewage Disposal Part 2A, Section 296, Grease, Oil and Sand Interceptors of the Millheim Borough Code of Ordinances. Motion carried.

An employee meeting was scheduled for June 24, 2016 at 8:00 a.m.

The Secretary reported that because of the study done on Rt. 45 that changed the speed limit to 45 miles/hr. the Borough is required by PennDot to change 14 speed limit signs along Rt. 45 in the Borough at an unbudgeted cost of \$399. Consensus of Council was to wait and include cost for these signs in the 2017 budget.

Consensus of Council was to allow Mr. Kerstetter to purchase ten square posts at a cost of \$397.50.

The Secretary reported that she received a copy of Disabled Veteran Exemption letters from the Veterans Administration for two Borough residents. Per a conversation with the Tax Collector, this means that these residents are exempt from Real Estate Tax for five years and then to continue that status they must be recertified.

COMMITTEE REPORTS: None

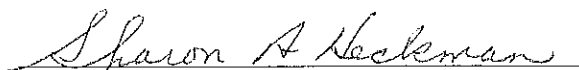
A motion was made by Ed Bowman and seconded by Leslie Warriner to approve the May 10, 2016 minutes as presented. Motion carried.

A motion was made by Ed Bowman and seconded by David Sprowls to approve the May 2016 financial reports as presented. Motion carried.

The Secretary reported that PennDot will do a study downtown regarding the on-street parking on Rt. 45.

The condition of the light posts in Fountain Park was discussed. The Secretary will look into the possibility of purchasing used lights from another municipality.

A motion was made by Leslie Warriner and seconded by Ed Bowman to adjourn the meeting at 10:12 p.m. Motion carried.


Sharon A. Heckman, Secretary-Treasurer