

**MILLHEIM BOROUGH COUNCIL**

**225 EAST MAIN STREET**

**P.O. BOX 421**

**MILLHEIM, PA 16854**

**(CENTRE COUNTY)**

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**REGULAR MEETING**

**May 14, 2013**

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, Alan Ilgen, Leslie Warriner, John R. Miller, III, Sharon Heckman, Glenn Ripka, Roy Rupert, Michele Aukerman, Dean & Terri Fetterolf, Craig Leitzel, Gene & Melissa Marcum, Connie Rishel, Carl Rote, Craig Shroyer, Terri Spahr, Ann Stapleton and Yukona Weaver

ABSENT: Marlene Corl and Lauralee Snyder

**CITIZEN'S INPUT:**

Craig Shroyer reported that there will be a town-wide business event on Friday and Saturday, June 7 & 8. He requested that Council suspend enforcement of the 2-hour parking in the downtown area during these types of events since there are only three or four events during the year. The Fire Company has given permission for parking on their property. President Ilgen explained that complaints by some of the business owners are the reason for enforcement of the parking on Saturdays. This is not an issue during the Firemen's Carnival as that is after 5:00 p.m. The consensus of Council was that if all the business owners agree that enforcement of the 2-hour parking should be suspended for this event Council would agree but if even one business owner is opposed parking enforcement would be in effect.

Concerns about the sidewalks on West Main and Penn Streets were discussed with the residents that own the properties as follows:

- Ann Stapleton explained about the drainage issue on Penn Street. The Secretary and Glenn Ripka explained that years ago PennDot said they would put in storm drains to eliminate the problem but they would be on Borough streets. At that time, Council decided not to take responsibility for the problem created by PennDot's paving.
- Carl Leitzel – 155 West Main Street – explained that he now has gravel between Rt. 45 and his sidewalk where he originally had grass. He also explained that his sidewalk was fairly new and in excellent condition prior to the water replacement project. Some of the damage to his sidewalk was fixed right away but there are two panels that have minor damage that hasn't been corrected yet.
- Terri Spahr – 157 West Main Street – explained that, like Mr. Leitzel, she now has gravel instead of grass. There are spots of grass/weeds sprouting in the gravel that she can't mow so she wants the gravel replaced with grass. She explained that her walk is now higher than it was and the door wouldn't open until she cut the door frame.
- Michele Aukerman of Uni-Tec explained that there was a miscommunication about these two properties and Uni-Tec is taking the position that grass needs to be put back. They decided to wait until PennDot is finished paving Rt. 45 to plant the grass. She explained that money could be held from D.C. Ventre and the Borough could do repairs. President Ilgen said the Borough can't be in the position of redoing sidewalks.
- Connie Rishel – 159 West Main Street – explained that the new sidewalk is lower than Rt. 45 and seven of ten blocks were completely covered with water. D.C. Ventre cut the blocks with a saw and poured water. Her concern is that the sidewalk is tilted and the water will lay and this winter there were several inches of ice. Mrs. Rishel said now that the blocks have been cut and the water can get through the sidewalk this winter there will be freezing and thawing to shift the blocks. She explained that the crack on the original concrete block at her front steps is now wider and water lays on it. There is also a belly in the sidewalk.
- Michele Aukerman explained she had seen pictures from the winter. D.C. Ventre saw-cut joints part way on the down slope side of the sidewalk so there should be no ponding of water. President Ilgen explained that there was water on the sidewalk during the last rain.
- Eugene & Melissa Marcum – 147 West Main Street – gave pictures to Ms. Aukerman taken after a rain event to show that the new walk slopes and floods the original walk toward their house. They also explained that the grass is spotty and not level.
- Dean & Terri Fetterolf – 143 West Main Street – explained their walk will be even or lower than Rt. 45 after PennDot paves. He reported that during the project he was told that after PennDot cut the road he wouldn't notice this. Mr. Fetterolf explained that the grass looks terrible and the sidewalk isn't as high as it was. He is concerned about water running into his yard.
- Glenn Ripka explained that PennDot was concerned about grass but it was always grass and people didn't park there. Eugene Marcum explained that people are parking on the sidewalks now because there is no curb to stop them.
- Leslie Warriner asked if PennDot could put in a curb to deter parking. She recommended contacting the Project Manager for PennDot about paving and milling of Rt. 45.
- Ann Stapleton – 149 West Main Street – explained that Roger said they would make sure that water running on the property wouldn't happen. She called Jeff Collins and she was told they would deal with it when the road is done. Ms. Stapleton explained that the sidewalks were put in wrong.

Casey Gunsallus entered the meeting at 7:20 p.m.

- Michele Aukerman said they will discuss the problem with D.C. Ventre. President Ilgen explained the Borough wants to correct the problems now.
- Yukona Weaver explained that the drain put in by PennDot at her property on Penn Street helped somewhat with the water issue but they still have a problem during hard rains and in the winter the standing water freezes.
- President Ilgen said the Borough will talk to D.C. Ventre about the sidewalks because Council doesn't want the Borough to be responsible for sidewalks. Leslie Warriner said there is no reason the sidewalks aren't put back as they were.
- Terri Spahr asked if the property owners would be notified because she received no notification before they jack-hammered her driveway.
- Michele Aukerman explained that D.C. Ventre requested full payment but she needs to review things before recommending payment. She wants to reevaluate and make a recommendation at next month's meeting. The bulk of the PennVest request is D.C. Ventre's payment so there will be no action on that request tonight.
- Leslie Warriner explained that there is a section of sidewalk at 101 Park Road by the bridge that is in asphalt. She also explained that the company that did the boring at 103 Park Street put boulders back in. This property needs topsoil and new grass seed.
- A motion was made by Leslie Warriner and seconded by Ed Bowman to approve for payment the invoice submitted by Uni-Tec in the amount of \$5,519.25. Motion carried.
- The Bond renewal will be rewritten.

#### **EMPLOYEE REPORTS:**

President Ilgen reported on the meeting with DEP held on May 10, 2013 about the problems at the sewer plant. Concerns are that the problem isn't resolved and no one knows the cause of the problem. DEP will draft a Consent Order and Agreement for Council to review. The Solicitor explained that there would be time frames in the Agreement that Council could negotiate. There will be milestones set that the Borough would be required to meet but extensions could be requested if necessary. Since DEP wants the Borough to hire an engineer to determine a solution to the problem, Roy Rupert will get a proposal from Uni-Tec and Gwin Dobson & Foreman in Altoona. Roy Rupert explained that the anoxic tank was drained yesterday and he brought in regular sewerage and added dry bacteria.

The new computer is in at the sewer plant. Nittany Controls is working to set up the computer system at the water plant.

A motion was made by Kay Brown and seconded by Ed Bowman to approve payment for the Consent for Civil Penalty of \$1,100. Motion carried.

Casey Gunsallus reviewed his written report with Council. President Ilgen reminded Mr. Gunsallus to pick up work orders in the office. Leslie Warriner explained that a new fixture needs put in to repair the spot light on top of the gazebo to the flag.

#### **CODE ENFORCEMENT REPORT:**

A written report was reviewed.

#### **HARB REPORT:**

St. John's Lutheran Church is in the process of determining what to do with their property at 103 Mill Street, former location for the Centre County Outreach. They stated the cost of repairs, in excess of \$100,000, to make the building safe and habitable are more than the value of the property, they are considering demolition. The HARB requested they return with possible options after consultation with the congregation.

An update was given on the Millheim Hotel at 112 West Main Street. Progress on the renovation is progressing.

The front porch was demolished at 130 East Main Street due to safety concerns and Ms. Fetterolf is aware that she needs to provide plans to the HARB.

Vincenzo Castaglia is requesting permission to put three or four tables with two chairs each in front of his new ice cream shop at 109 West Main Street. There is enough room to accommodate this request. Ray Hankinson must require him to do a legal water connection. A motion was made by Leslie Warriner and seconded by Ed Bowman to approve the HARB's recommendation to approve the seating request from Mr. Castaglia to put three or four tables with two chairs each within the 44" area from the building toward the curb with the provision that they are not to interfere with access to the fire hydrant. Motion carried.

The Heggenstaller Building at 100 East Main Street has been sold to Henry Beiler. Mr. Ripka met with him and explained the procedures regarding a historical building and any alterations/repairs.

#### **PLANNING COMMISSION REPORT:**

A written report was reviewed. A motion was made by Leslie Warriner and seconded by Ed Bowman to authorize the Solicitor to advertise Ordinance #250 amending Chapter 4 Part 1 with regard to grading or excavating as recommended by the Planning Commission. Motion carried.

The Solicitor explained that Part 1 of the existing Water Ordinance should have been repealed in 1989. A motion was made by Ed Bowman and seconded by Kay Brown to authorize the Solicitor to advertise Ordinance #251 amending Chapter 26 Part 1 and Part 2 of the Millheim Borough Code of Ordinances as recommended by the Planning Commission. Motion carried.

**OLD ACTION:**

To date there has been no further communication from Mr. McCracken or the Church Committee about connecting the property on North Street to the public water and sewer systems. A motion was made by Ed Bowman and seconded by Kay Brown for the Borough to make the water/sewer connections if not contacted by the Church committee by June 1, 2013 and send the bill to the Church. Motion carried. The Sewage Enforcement Officer will then be contacted to do what needs done with the outhouse.

The energy analysis will be presented by RCx Building Diagnostics at the June Council meeting.

Lines and curbs will be painted after the paving of Rt. 45 is completed.

President Ilgen reported that all the property owners are okay with the Borough using the right-of-way to timber the water land. Mr. Lowenstein must decide if he wants to move forward with this project.

Leslie Warriner attended the HAMA meeting and the members seemed to be more positive about the interconnect project than in the path. HAMA wants more information on the cost and will wait for further information from Mr. Jacobs.

The proposed PennDot Agility Work Plan was reviewed. The consensus of the group was to request a shift in the amount of hours from snow removal to cleaning inlets and to change the heading from Snow Removal to Snow and Stone Removal from bridges.

**NEW ACTION:**

A motion was made by Leslie Warriner and seconded by Kay Brown to approve the request for Fire Police Coverage for the Millheim Sprint Triathlon to be held on June 22, 2013. Motion carried.

The Burn Ordinance distributed by Susan Haney at the April meeting was discussed. Since there were no other complaints over the last year, the consensus of the group was to leave the Borough's Ordinance as it is written.

The Secretary explained that David Klaue asked if he could get three of the old water meters. Leslie Warriner will talk to Mr. Gunsallus about the scrap value of these meters. A motion was made by Leslie Warriner and seconded by Ed Bowman to approve the sale of meters for scrap value. Motion carried.

The Secretary has requested prices to turn the dirt pile at the Borough building back into a sloping grassy area.

The Secretary was instructed to tell the Borough employees to maintain the parking lot by spraying and pulling weeds.

**COMMITTEE REPORTS:**

President Ilgen reported that the roof repair was done by Marcon Roofing. The Secretary reported that they would do an annual inspection for \$180. This will be considered at budget time.

A motion was made by Kay Brown and seconded by Ed Bowman to approve the minutes from the April 9, 2013 meeting as presented. Motion carried.

A motion was made by Ed Bowman and seconded by Kay Brown to approve the April financial report as presented. Motion carried.

**SECRETARY'S REPORT:**

A written report was reviewed.

Carl Rote asked why the Borough's lot on Center Street isn't being mowed.

President Ilgen announced that an Executive Session would be held immediately following adjournment of tonight's meeting to discuss matters of employment.

A motion was made by Ed Bowman and seconded by Kay Brown to adjourn the meeting at 9:53 p.m.

*Sharon A. Heckman*

Sharon A. Heckman, Secretary-Treasurer