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REGULAR MEETING
July 14, 2015

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, Leslie Warriner, Lauralee Snyder, Sharon Heckman, Glenn Ripka, Michele Aukerman, Tim Bowser, Don Breon, Betty Creeger, Carl Rote, Dave Sprowls and Frank Winter.

ABSENT: Kay Brown and John R. Miller, III

CITIZEN'S INPUT:

Frank Winter expressed his annoyance with only having brush collection twice a year. He has shrubs to trim but refuses to make a pile on his property until the scheduled brush collection. There have been no other complaints made about the new schedule. President Ilgen explained that this change was made because Council determined that the employees were spending too much time picking up brush and leaves when they had more important jobs to do. He also explained that the available area to dump brush is getting filled. Council will talk to the employees about their schedules. President Ilgen told Mr. Winter a decision will be reached for the August meeting.

Betty Creeger reported that the alley to her driveway on Oak Street is really broken up. She explained there are 12-13 families living in this development and that Mr. Duck travels the road with heavy equipment. Ms. Creeger explained that the Borough employees put tiny stones in and around the storm drain but the rain washed and scattered the stones so she felt that was a waste of time. Don Breon explained that he has seen the employees patch roads that are hardly used. President Ilgen explained that the Borough applies for County Liquid Fuel Funds and is working to try to get an Agility Program in place with PennDot to take care of some alleys but so far no funding/Agility Plan has been successful. Any holes that need filled will be taken care of with cold patch.

Ms. Creeger then raised concerns about storm water that washes down to her property and looks really messy. She would prefer the macadam that forms a ditch be removed so water is not coming in where she wants to plant grass. Curbing was mentioned but Ms. Creeger stated she preferred not to have curbing as this is a possible parking area if she needs it. Ms. Creeger thought if her yard could be built higher than the road it would help. President Ilgen explained there has been a lot of rain this year. He also explained to Ms. Creeger that the Borough employees can't repair her property because that is her responsibility. President Ilgen requested that Ms. Creeger leave her pictures so they can be reviewed with the Borough employees.

Michele Aukerman updated Council on the sewer and DEP issues as follows:

- DEP want a plan to show the changes Mr. Rupert has made at the sewer plant. This plan will be sent in this week to comply with the letter from DEP.
- No re-inspection information has been received from DEP to date.
- Mr. Rupert is doing testing and getting good readings.
- They are looking at the BOD coming into the system and the results from the testing at the Elk Creek Café are reasonably high and they do exceed the ordinance limits.
- They will look at cleaning agents used by the businesses in town but this is harder to pinpoint. Everyone is being cooperative.
- Information will be compiled into a specific report (Corrective Action Plan) for DEP.

The time extension for a possible CDBG application project was discussed. Ms. Aukerman explained it is too premature to decide now on the size and cost of a possible equalization tank. She explained an equalization tank would need to be aerated and the cost of blowers would need to be considered. A feasibility study may need to be done to determine what may be needed. Ms. Aukerman explained that DEP may require a tank if a stop-gap measure is necessary to prevent future bypasses. An equalization tank is not a correction plan for high BOD. The consensus of Council was to use a water project for the CDBG application. Ms. Aukerman explained it is wise to not forget about an EQ tank but to explore size options. Ms. Warriner requested a budget cost for a feasibility study before September for budget discussions.

President Ilgen explained that there are two items from Mr. Rupert's report that need to be addressed. There are several homes in the Borough with no vent pipes even though the ordinance requires them. As these vent pipes are to prevent sewer gas from coming into the house, the consensus of Council was the property owners should be

required to install the vent. The property owners will be given three months (90 days) to install the vent. If they are unable to get a contractor to do this work within the 90 days the property owner is to contact the Borough Office.

A decision on the issue with the water line to the trailers on the Penn Township side of Elk Creek was deferred until the Solicitor returns from vacation.

Any downspouts connected to the Borough's sewer line are to be disconnected immediately.

CODE ENFORCEMENT/HARB:

Glenn Ripka reviewed Mike Lesniak's written report with Council with no questions.

Mr. Ripka reported that Bev Owen's request for an awning at the Inglebean Coffee Shop meets code and the sign ordinance. The HARB unanimously recommends approval of this request. A motion was made by Leslie Warriner and seconded by Ed Bowman to approve the request as recommended by the HARB. Motion carried.

Mr. Ripka reported that the HARB Board discussed the Historic District Ordinance and they are happy the way it is done now. They had one recommended change to the Ordinance: Page 26.7; Section 305 Paragraph G should be changed to read "The Penns Valley Code Enforcement Agency could recommend variations in a manner that will be in harmony with the character of the other buildings or structures on the street and/or districts to the Council or to include the entire HARB Board if deemed necessary." A lengthy discussion followed on whether the HARB is necessary or should sections of the ordinance that have variances granted be removed. Mayor Snyder and Ms. Warriner expressed that you must have rules that are practical and the actual ordinance should be what the practice is in reality. Mr. Bowman explained that Larry Bair a member of the HARB explained that the ordinance should be left intact because then you have many options but you can listen and grant variances but if you shrink the ordinance, you have no options. Mr. Sprowls explained that the ordinance is there to protect. Frank Winter and Carl Rote thinks Council should get rid of the HARB. Mr. Bowman explained that Bev Owen said she bought the property in the Borough because of the HARB. Tim Bowser said the HARB was there and had some impact into what has been done at the Elk Creek Café. President Ilgen requested all Council members look at the HARB Ordinance and see what they want changed.

EMPLOYEE REPORTS:

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

PLANNING COMMISSION REPORT:

A written report of the discussion from the June 23, 2015 meeting was reviewed with no comments. Planning Commission made no recommendations to be considered at this meeting.

OLD ACTION:

To date no further action has been taken with the STAG grant.

There was no further information on the Energy Independence Project.

The Secretary reported that an email was sent to Ms. Hoover at PennDot for the proposed Agility Plan but to date no response has been received.

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

President Ilgen reported on the Public Hearing held on the Zoning Amendment Request as follows: Following a public hearing required by the Pennsylvania Municipalities Planning Code after public notice and written notice to the adjoining property owners and receipt of comments from the Millheim Borough Planning Committee and the Centre County Planning Office recommending approval of the request of the Elk Creek Café and Ale Works to amend the Millheim Borough Zoning Map to rezone approximately 7.5 acres of Centre County Tax Parcel 33-003-008 from the conservation/agricultural district to central business district, upon motion made by Ed Bowman and seconded by Leslie Warriner, said request is approved pending final subdivision approval of said 7.5 acres by the Centre County Planning Office. An ordinance will be adopted by Millheim Borough following said subdivision approval amending the Millheim Borough Zoning Map.

NEW ACTION:

The vacant council position created by the death of Marlene Corl was discussed. President Ilgen explained that per conversations with the Centre County Elections Office standing practice is to appoint someone from the same political party as Mrs. Corl which would be a Republican and since David Sprowls is on the ballot for the November election he would be the logical person to appoint. The question was raised about Kay Brown's position and it was explained again that unless Mrs. Brown formally resigns Council can't do anything. A motion was made by Leslie

254 Warriner and seconded by Ed Bowman to appoint David Sprowls to fill Marlene Corl's position until the end of the year. Motion carried. Mayor Snyder will administer the Oath of Office to Mr. Sprowls at the August meeting.

The situation with the town clock was discussed. The question was raised if Council can get a contractor to look at the structural problems with the roof/steeple and provide a cost estimate to make the repairs. Consensus of Council was that all options need to be considered. Ed Bowman volunteered to talk to Mr. Gyekis about the situation with the building.

The document in support of legalizing medical cannabis requested by Adams County was discussed. Ms. Warriner explained that there are some well documented success cases when used for medicinal purposes. The problems encountered in California and Colorado were discussed. President Ilgen delayed further discussion until the August meeting to give everyone time to read Senate Bill 3.

Mr. Bowman explained about Henry Beiler's tenant at the intersection of Rt. 45 and Mensch Street having a boat parked between the street and Elk Creek and that he is also stacking lumber there. The Secretary explained that this situation has been reported to the Code Enforcement Office.

Mr. Bowman then reported that Linn Auman may be interested in renting the old Mill property on Water Street. Consensus of Council was to tell Mr. Auman to submit a proposal to lease the property for Council's consideration.

Painting of the parking spaces was discussed. The consensus of Council was that the "T" lines are not to be painted on the parking stalls and the "No Parking" areas in front of the fire hydrants are to have stripes painted in addition to painting the curb yellow.

President Ilgen explained that he received an email from Phil and Karen Yanak explaining that the bridge across the Race on Bear Ally is not structurally sound. This bridge is private property and the owner's responsibility.

COMMITTEE REPORTS:


Mr. Bowman explained that the HARB had an interesting discussion about the HARB Ordinance. The HARB Board wants to leave the ordinance as it is, with the one change discussed earlier, and to grant variances as needed. Mr. Bowman explained that Larry Bair, HARB Board member, said that if the ordinance is kept intact you have many options but you can listen and grant variances but if you shrink the ordinance you have no options.

A motion was made by Ed Bowman and seconded by Leslie Warriner to approve the June 9, 2015 minutes as presented. Motion carried.

A motion was made by Leslie Warriner and seconded by Ed Bowman to approve the June budget report as presented. Motion carried.

The written report submitted by the Secretary was reviewed. The Secretary reported that a Liquid Fuel Audit has been completed and that all records are fine.

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


Sharon A. Heckman, Secretary-Treasurer