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REGULAR MEETING  
August 8, 2017

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: Patty Beckenbaugh, Ed Bowman, Alan Ilgen, David Sprowls, Leslie Warriner, Lauralee Snyder, John R. Miller, III, Sharon Heckman, Roy Rupert, Pam Winter, Michele Aukerman, Pat Leary, Jason Brooks, Rich Gallup, Sue Haney, Carl Rote, Joshua McCracken and Robert Zeigler.

**CITIZEN'S INPUT:**

Mr. Leary and Mr. Brooks of the Penns Valley EMS explained that the ambulance business model is unsustainable. The group's savings are rapidly dwindling because they can't bill for all the supplies used. They only get paid for the trip. He explained that if the Penns Valley EMS folds we would have to use services from Mifflinburg, Bellefonte or State College. Mr. Leary is requesting a half mill for ambulance tax but would prefer .8 mills but that would need to be put on a referendum. He explained that a general donation would also work. Mr. Leary told Council that House Bill 699 doesn't solve the problem.

Ms. Haney raised concerns about people burning trash. She questioned if this could be put on the ballot as a referendum but the Solicitor explained this isn't the type of question that could be put on a referendum. Ms. Haney stated that lots of people complain but they won't step forward.

Ms. Aukerman discussed with Council the agreement prepared by Uni-Tec, Inc. for Professional Engineering Services for the Rt. 445 "Sharp Turn" Waterline Replacement. This agreement is to replace 1,000 feet of waterline exposed in Elk Creek. She explained that this plan doesn't include construction costs because Centre County is hoping to provide two years of CDBG funding so construction is a few years out. Ms. Aukerman explained a preliminary design could be done and that would help determine where easements would be needed and an alignment can be determined. In response to a question about wetlands, she stated that a wetlands specialist would do a base survey and this cost is included in the agreement. A motion was made by Ms. Warriner and seconded by Mr. Bowman to accept the proposal submitted from Uni-Tec Consulting Engineers, Inc. Motion carried.

**HARB/CODE ENFORCEMENT:**

No HARB meeting was held.

The Penns Valley Code Enforcement Agency held an Executive Session of the Board to discuss matters of employment. The next public meeting for the Agency will be August 15 at 7:00 p.m.

**EMPLOYEE REPORTS:**

The written report submitted by Mr. Kerstetter was reviewed with no questions. The picnic table has been installed and it looks good.

Mr. Rupert reported that from May 1 to October 1, 2018 the Bellefonte Wastewater Treatment Plant will not be accepting hauled waste/wastewater because of a construction project. Mr. Rupert spoke to Robinson's Septic Service and he was told they will haul the Borough's waste to Kelly Township during this construction period for the same price as when they haul to Bellefonte.

**PLANNING COMMISSION REPORT:** None

**OLD ACTION:**

The Solicitor reported that he received a letter from Mr. Engle, the McCracken's attorney, yesterday. Mr. Miller will contact Mr. Engle to set up a meeting with his clients, Mr. & Mrs. McCracken and Mr. Ilgen to discuss the issue of the municipal lien in private.

The weed ordinance was discussed. Mr. Frank submitted a request for a variance from Ordinance 106; Chapter 10 of the Millheim Borough Code. The Solicitor explained that if an ordinance specifically allows a waiver then Council can make adjustments but there is nothing in this ordinance that allows Council to grant a waiver. Ms. Warriner asked if a farmer could ask for a variance to allow swine and the Solicitor explained it would have to be written in the actual ordinance that Council could grant a variance. Ms. Warriner explained that she wants to understand how this works. Mr. Bowman said the ordinance could be changed and the Solicitor agreed that Council could put language in to allow for a variance. Ms. Haney asked if the problem was the grass or the trees and President Ilgen explained that it was the height of the weeds. Ms. Haney's response was if they cut the

334 weeds the problem would go away. Ms. Warriner stated that some of the weeds are actually edible and Mr. Sprowls stated that he put together an ordinance on how to move forward. He also stated that Managed Natural Landscapes are planted, cultivated and need taken care of. Ms. Haney said that Mr. Frank is not the only one with weeds/high grass. Ms. Beckenbaugh explained that there were complaints about this property and President Ilgen explained that when someone files a complaint it can't be ignored. Ms. Haney stated it would be good if there were more equitable treatment and Ms. Beckenbaugh explained that the Borough doesn't have money to pay people to walk around the Borough looking for issues. A lengthy back and forth discussion took place on discrepancies of lot sizes, differences between neglect and managed areas and how to proceed. The Solicitor recommended doing nothing until next month because the time to appeal the Judge's decision will be over by then. President Ilgen asked Council to review the draft ordinance and make suggestions for the September meeting. In response to a question, the Solicitor explained a variance is not an issue permitted on a referendum. The Secretary reported on a conversation with Mr. Jacobs of Centre County Planning. Mr. Jacobs explained to her that a lot in a Residential Low-Density Zone is a non-conforming lot and that during the zoning process the Council tried to limit the number of non-conforming lots but it happens occasionally and that a public hearing would need to be held to change the Zoning Ordinance. Mr. McCracken asked if the Magistrate said to change the ordinance. Mr. Sprowls said no he said the Borough might consider looking at the ordinance.

As a follow-up to a meeting held in Aaronsburg regarding the proposed water interconnect with Haines Aaronsburg Municipal Authority (HAMA) the following discussion occurred. At the Bellefonte meeting Council understood that a Technical & Financial Management would be done on HAMA but DEP is foregoing this requirement. Concerns were raised about HAMA's percentage of unaccounted for water. The issue of supplying water in a drought situation was discussed. Mr. Rupert explained that when the water level gets low in Elk Creek air starts to pull into the intake valve. Some of the questions raised by council members were:

1. Why money is being spent on an interconnect instead of HAMA upgrading their system?
2. What happens if HAMA can't build a new plant?
3. What has HAMA done about looking for new water sources?
4. How would this interconnect affect water pressure for Millheim residents?

Ms. Aukerman explained that when the Technical & Financial Management plan is done it would generate an action item list for HAMA but she has never seen a requirement to get the percentage of water loss down. Ms. Warriner asked if HAMA's springs went dry would well #8 be a feasible water source and Ms. Aukerman said she thinks it is but it needs treatment. Ms. Aukerman explained that DEP will be looking at this in parallel with the interconnect project. She stated that this would be only an emergency interconnect and in a severe drought no one would expect Millheim to provide water to HAMA. Mayor Snyder asked if the agreement would include a definition of an emergency and Ms. Aukerman said the suggestion was to develop Standard Operating Procedures to set when the valve is open. A Millheim resident in the audience asked why we are talking about this. Concerns were raised about payroll and benefit costs if overtime became an issue. Ms. Aukerman explained that Mr. Cole of DEP needs to know if Millheim is willing to move forward and to draft an agreement with HAMA. Concerns were raised about the effect on Millheim's system if there was a problem with the pressure relief valves on HAMA's system. Ms. Aukerman explained that there would be a backup at the interconnect to avoid damage to Millheim's system. Consensus of the group was to participate in a joint meeting with the HAMA Board before the September Council meeting. A motion was made by Ms. Warriner and seconded by Mr. Sprowls to write a letter to Woody Cole stating that Millheim Borough Council is willing to meet with HAMA to negotiate an agreement. Motion carried. The Solicitor explained that he can't represent either party with the preparation of an agreement and he recommended having Robert Jacobs of the Centre County Planning Office help with this. The Secretary was instructed to coordinate and advertise a meeting date.

President Ilgen presented a "Draft" Code of Conduct for Meetings. He explained that, per Section 710.1 Public Participation of the Pennsylvania's Sunshine Act as amended by Act of June 30, 2011, No. 56, Council is only required to provide an opportunity for tax payers or residents of Millheim Borough to speak. The point was raised that meetings are to discuss Borough business. Number five of the "Draft" was discussed and should be changed to say that if someone disrupts the meeting they could be asked to leave because a person can't be evicted from a meeting because Council doesn't like what is being said. President Ilgen asked Council to look at the disclaimer used on all Haines Township agendas and the "Draft" Code of Conduct for the September meeting.

The following was discussed to clarify some employee duties:

- Ms. Winter explained that when delinquent water notices are posted on properties the payment due is for sixty (60) days, thirty (30) days and the current amount. She has three that paid the sixty (60) and thirty (30) day balances but not the current bill. These same people only pay their bill when the property is posted with a delinquent notice. Does Council want this left go or is she to have the water shut off if the total balance isn't paid? Mr. Gallup asked if a fee is charged for posting a delinquent notice and he was told there is no fee for this. Ms. Warriner recommended that if there is no effort made to pay, the property should be posted and if not paid in full the water should be shut off and Council should be informed.
- Ms. Winter explained that a property owner requested and has a payment plan because of a hospital stay. They are not keeping up with the agreement and are not getting the balance paid off. President Ilgen told Ms. Winter that she is to refer these to Council.

- Ms. Winter reported that the ordinance states the property owners are to receive the water/sewer bills but there are 335 tenants who don't receive the bills from their landlords and call each month to get this information. The question is what information is she allowed to give to people other than property owners. The Solicitor said the ordinance holds the property owner responsible but some authorities have an agreement that the landlord and tenant can come in and sign allowing the release of billing information to the tenant. Ms. Winter will prepare a release for next month's meeting.
- Ms. Warriner explained the Borough employees should help property owners look for water leaks and provide guidance but the property owner should contact a contractor to take care of leaks on private service lines.
- Committee Chairs should be contacted for any decisions that need to be made in the field during a project.
- The Secretary was instructed to ask Ms. Winter if she is interested in being the Secretary for the HARB and the Planning Commission.

In response to a question raised by Ms. Warriner, the Solicitor explained that the Pennsylvania Municipality Planning Code supersedes the Borough Code with regard to regulating length of terms for Planning Commission members. He wasn't sure what the Planning Code says about the terms of office.

**NEW ACTION:**

A motion was made by Mr. Bowman and seconded by Mr. Sprowls to approve the Financial Requirement and Minimum Municipal Obligation Budget for 2018 as presented for \$12,350. Motion carried.

A motion was made by Ms. Warriner and seconded by Mr. Bowman to accept the offer from Centre County Government to have them provide residential address lists generated from the County's E911 system to the Local Update of Census Addresses (LUCA) program on behalf of the Millheim Borough for the 2020 Census. Motion carried.

**COMMITTEE REPORTS:** None

A motion was made by Mr. Sprowls and seconded by Ms. Warriner to approve minutes of the July 11, 2017 council meeting as presented. Motion carried.


A motion was made by Mr. Bowman and seconded by Mr. Sprowls to accept the July 2017 financial reports as presented. Motion carried.

The Secretary's written report was reviewed. A motion was made by Mr. Bowman and seconded by Ms. Beckenbaugh to approve payment from the Borough for early registration of \$185 and one night's room at \$195.11 for a total cost to the Borough of \$760.22 for Ms. Heckman and Ms. Warriner to attend the PA State Association of Borough's Conference on October 13-15, 2017. Ms. Warriner abstained from voting. Motion carried.

Ms. Warriner voiced a concern because the Committee Chair wasn't included in the meeting with representatives from PennDot and the Centre County MPO. She also expressed concern because the District Justice didn't have a copy of the Zoning Ordinance during the Tom Frank hearing and that the Code Enforcement Agency didn't pick up the zoning issue. Mr. Sprowls explained the issue wasn't addressed as zoning because that wasn't relevant.

Ms. Warriner stated she approved the budget but is annoyed that the extra \$50 for the picnic table was taken from the Downtown Beautification Fund. The Secretary stated she was instructed by Council President to take it from the Downtown Beautification Fund.

A motion was made by Ms. Warriner and seconded by Mr. Sprowls to adjourn the meeting at 11:00 p.m.

  
Sharon A. Heckman, Secretary