

MILLHEIM BOROUGH COUNCIL**225 EAST MAIN STREET****P.O. BOX 421****MILLHEIM, PA 16854****(CENTRE COUNTY)****FAX (814) 349-5733****PHONE (814) 349-5350****REGULAR MEETING****July 11, 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: Ed Bowman, Alan Ilgen, David Sprowls, Leslie Warriner, Sharon Heckman, Glenn Ripka, Roy Rupert, Glenn Vernon, Steve Neff, Marina Pusateri, Felicia Shultz, Pam Winter, Carl Rote, Tom Frank, Andrea Ferich, Michele Grove, Erin McCracken and Robert Zeigler.

ABSENT: Patty Beckenbaugh, Lauralee Snyder, John R. Miller, III.

CITIZEN'S INPUT: None**HARB/CODE ENFORCEMENT:**

Mr. Vernon reviewed drawings for an addition to the Neff Funeral Home rather than a separate building to replace the building demolished due to a mold problem. These drawings had been presented to the HARB for their approval and Mr. Vernon explained "eyebrow", which are arched, windows will be included on the addition as suggested by the HARB. He explained that this is treated as an addition for functional purposes and will be stepped down and aligned with the gables. The scope of the project has been scaled back due to costs. Mr. Vernon added a brick paved area in front as a place for people to sit based on discussion with the HARB and parking will be available now that the building has been down sized. A motion was made by Ms. Warriner and seconded by Mr. Bowman to approve the drawings for the addition as presented. Motion carried.

The written report from the Code Enforcement Agency was reviewed with no questions. Mr. Ripka reported that the District Magistrate will take five days to give his decision on the Tom Frank hearing that was held today. President Ilgen reported that Mr. Frank's complaint about Mr. Lesniak will go to an executive session of the Penns Valley Code Enforcement Agency Board and that the next public meeting of the Agency Board will be held on August 15, 2017.

EMPLOYEE REPORTS:

Mr. Kerstetter worked on installing new signs downtown. The Borough is waiting for PennDot to coordinate the line painting.

Mr. Rupert raised questions about two lots in Frazier Development. These lots don't have sewer taps. He thinks there could be a water line to each lot but there are no curb boxes. He also explained that the line for Lot #3 goes under the road in the development. Mr. Rupert suggested, that since the line is twenty-two (22) years old, when Dave Gutelius, Inc. is digging to make the water connections for the two lots the Borough should replace the twelve feet (12') of old copper line. Mr. Sprowls stated that copper line should last for 100 years so he suggested tapping on to the line and putting in a curb box. Ms. Warriner recommended focusing on Lot #2, since that is the one that is being sold. Council instructed the Secretary to write a letter to Mr. Roberts with a breakdown of estimated costs to connect this property to public water and sewer with the statement that unforeseen circumstances could arise.

President Ilgen reported that Mrs. Deborah Grubb has made a request to the Borough's Sewage Enforcement Officer, Pamela Winter, to connect a used trailer to an existing on-lot septic system that hasn't been in service since 2013 when the original trailer on this property was destroyed by fire. This lot is currently serviced by the public water system. Ms. Winter reported the steps required as follows: DEP suggested that a load test be done on the existing on-lot system; also because of changes in regulations since the original system was installed, an additional 500-gallon septic tank would be required; and an inspection would be completed. After this procedure if the system were to malfunction Mrs. Grubb would be required to connect to the public sewer. After much discussion, a motion was made by Mr. Bowman and seconded by Ms. Warriner to require Mrs. Grubb to connect to the public sewer. Motion carried.

PLANNING COMMISSION REPORT: None**OLD ACTION:**

President Ilgen reported that the McCracken Lien is being discussed by attorneys and our Solicitor is on vacation so there is no update.

Michele Grove, a Gregg Township resident, explained that she got public records and wanted to comment. She accused Mr. Bowman of filing complaints and then not speaking up about it during the Council meeting in June. Both Mr. Bowman and Ms. Warriner expressed how adversarial the June meeting was and that the Borough Solicitor was told to shut up by Mrs. McCracken.

President Ilgen explained that Council members have a right to file complaints because they are tax paying citizens also. During a heated conversation between Mrs. Grove and Mr. Frank, President Ilgen stopped the conversation explaining the process is going to be addressed by the Penns Valley Code Enforcement Agency so this discussion is over and Council is moving on. 331

Mr. Sprowls reported on a six-foot pressure treated picnic table on display at the Old Fort for \$200. The East Penns Valley Women's Club gave the Borough a \$150 donation to be used toward the purchase of a picnic table to be placed near the playground at the Borough building. A motion was made by Ms. Warriner and seconded by Mr. Bowman to purchase the table recommended by Mr. Sprowls at a cost of \$200. Motion carried.

The Secretary reported that Lee Saxon expressed concerns about the town clock now that the old Methodist Church has been purchased. Mr. Saxon would like to see the clock saved.

President Ilgen reminded Council that a 3-year plan should be looked at for budget.

The proposed agreement prepared by Uni-Tec Engineering for professional engineering services for the Rt. 445 "Sharp Turn" Waterline Replacement project for CDBG funding was distributed to Council. Ms. Aukerman will attend the August Council meeting to answer any questions. President Ilgen suggested that any questions could be sent to Ms. Aukerman prior to the August meeting.

The letter Council instructed be done to the business and downtown property owners about the parking changes was mailed last week. To date no further information is available on the line painting as PennDot hasn't provided their schedule.

NEW ACTION:

President Ilgen discussed the need to clarify employee duties because of the accusations made against the Secretary. He explained to Council that Mrs. Heckman calls him when a situation arises that requires an immediate decision. If Council needs to make decisions that is done in a public meeting. Council needs to clarify duties so all employees are comfortable with decisions they make and the public needs to know that Council has authorized the employees on how to respond. Mr. Frank stated that he heard at last month's meeting that the complaint was Mrs. Heckman had too much influence over Council. Mr. Sprowls stated that he didn't hear it that way. President Ilgen stated that he values comments made by Mrs. Heckman but Council makes their own decisions. Mr. Bowman explained that the Ordinances are online and most citizens comply but if you don't you have to suffer the consequences. Ms. Warriner explained that the blame gets put on Mrs. Heckman because she is the eyes and ears between the Council and the residents and passes information along to Council. Mr. Bowman explained that Mr. Lesniak doesn't go around looking for violations. Mr. Frank stated that residents want to see that Council is looking out for them. Ms. Warriner said Council needs to find a better way to communicate with the public. President Ilgen stated that Mrs. Heckman's written response to the accusations made by Mr. & Mrs. McCracken were accurate and the McCracken's were given the best information available at the time. Mrs. McCracken asked if there was a document and President Ilgen responded yes and that it would be available for public review after next month's meeting. President Ilgen stated that things were done as they should have been and he refutes McCracken's accusations. He explained that Mrs. Heckman did what she needed to do and he supports her response to the accusations. Ms. Warriner stated that she is good with the written response and attachments. A motion was made by Ms. Warriner and seconded by Mr. Bowman to approve Mrs. Heckman's written response to the accusations made by Mr. & Mrs. McCracken (see attached document). Motion carried.

After some discussion, the Secretary was instructed to post Council meeting agendas on the website as soon as they are prepared.

A code of conduct for meetings was discussed. President Ilgen distributed a document he prepared from information shared by Mr. Bowman and Mr. Sprowls. He explained that last month's meeting got out of hand and that we can have discussion and debate but it will be kept civil. Council members were asked to look over the document for discussion and approval at the August meeting. This document can then be posted in the Council meeting room so everyone knows the rules.

The Secretary explained that because of time spent on right-to-know requests nothing has been done about the telephone system.

The Secretary was instructed to get a cost estimate to codify ordinances that have been passed since the last codification was done.

The Secretary reported on a conversation with Mrs. Cowher about a benefit motorcycle event to be held in July. Mrs. Cowher is waiting for a ruling from PennDot to determine whether they need a special event permit for this event. She thinks that since motorcycles travel at approved highway speeds and are not closing roads or disturbing other traffic they shouldn't need a permit. After some discussion, a motion was made by Ms. Warriner and seconded by Mr. Bowman to conditionally approve the benefit motorcycle event with the understanding that no roads are blocked and the permit is Mrs. Cowher's responsibility if needed. Motion carried.

332 A motion was made by Ms. Warriner and seconded by Mr. Bowman to approve the request from the Elk Creek Café to hold beer garden events on Fire Company grounds on July 23, 2017 and October 15, 2017. Motion carried.

Mr. Sprowls discussed with Council the information on weed ordinances that he had provided to them. He requested comments from Council and said he will come up with a "draft" ordinance to show the Solicitor. The Secretary was instructed to add this item to the August agenda.

COMMITTEE REPORTS: None

A motion was made by Mr. Bowman and seconded by Mr. Sprowls to approve the June 13, 2017 council meeting minutes with the following correction to the minutes from Mr. Sprowls: Page 327; Citizen's Input; Fourth bullet point – Change "deed search" to "title search". Motion carried.

The Secretary reported that the Act 13 payment for reporting year 2016 in the amount of \$238.63 was deposited into the Act 13, Capital Fund certificate of deposit on July 10, 2017. A motion was made by Mr. Sprowls and seconded by Mr. Bowman to accept the June 2017 financial reports as presented. Motion carried.

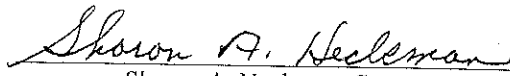
The Secretary's written report was reviewed. Concerns about parking violations were discussed. President Ilgen will speak to the Solicitor to determine if council members can write tickets. The Secretary provided a cost provided by Creative Design & Printing of \$40 for 200 sets of 3-part carbonless numbered ticket books to reflect the new \$50 parking violation fine. Mr. Sprowls explained that the P.V. Code Agency tickets could be used by simply crossing out the \$15 fine and writing in the new \$50 fine. Mr. Ziegler challenged this by stating that he disputed a ticket in State College and won when an item was written in.

An invoice from LB Water in the amount of \$83.50 to replace a 24" flange for a monitor cover damaged during the Firemen's Carnival was discussed. President Ilgen said he thought the Borough should pay this but Ms. Warriner wanted a letter sent to the Fire Company explaining the cover was damaged because of the carnival so the Borough will pay this invoice but the Fire Company needs to be more careful in the future. A motion was made by Ms. Warriner and seconded by President Ilgen to approve the Borough paying the invoice and sending a letter to the Fire Company. Motion carried.

The letter received from the Centre County Suicide Prevention Task Force was reviewed. The Secretary was instructed to send the same letter as last year.

Mr. Frank stated it was recommended that he request a variance for the section of young forest on his property but he didn't know what the process is. Mr. Sprowls explained that Judge Jordan didn't have a copy of the Zoning Ordinance and he wanted to review that prior to making a decision. Ms. Warriner and Mr. Sprowls debated differences between the property maintenance ordinance and the zoning ordinance. President Ilgen explained that is why Judge Jordan wants to review the documents so until we know what his judgement is Council shouldn't grant Mr. Frank a variance request. Ms. Warriner respectfully disagreed and thought Mr. Frank could submit a written request for a variance specifying the outcome of the hearing. She further insisted that the minutes reflect that she wants to amend the situation and that Mr. Frank is making a good faith effort on making a request for a variance.

A motion was made by Mr. Sprowls and seconded by Ms. Warriner to adjourn the meeting at 9:15 p.m. Motion carried.


Sharon A. Heckman, Secretary

WRITTEN RESPONSE TO MCCRACKEN ACCUSATIONS

This response will address the two accusations separately. First, I will address the Jay Houser situation:

Attached is a listing of all new water/sewer connections from 2003 through 2016. In this 13-year time frame there are three owners that were not billed correctly. All three cases occurred between 2009 and 2013. During this time, Glenn Ripka was employed as full-time manager and operated out of a different office.

In 2011 the Jay Houser property was to have a water connection to provide service for an existing house. At some point conversations took place that to accommodate future development for the area zoned, in 2010, as Industrial a larger water line would be installed. In recently reviewing the invoices, 8" water line material was purchased from LB Water. Through conversations, it was my understanding that Mr. Houser was to pay costs for a regular line since the Borough made the choice to extend the water main. This decision is not reflected in Council minutes.

Prior to this all invoices were always done from my office to the residents based on information given to me by Todd Wasson, our Borough employee who did the connections. Mr. Wasson kept track of time, material, etc. and when the installations were completed he gave the information to me and I prepared the invoice.

While investigating this situation, I pulled the bills received from LeRoy Shawver and LB Water. I have attached a copy of these bills for your information. Based on the way the bills are written, there is no way I could have determined what portion of the line should have been invoiced to Mr. Houser. I was negligent in not paying more attention to the invoice from LB Water for the meter pit for the Houser property because I should have billed for this. However, based on past practice, I expected an itemized listing that I was to bill from and due to a breakdown in communication between the two offices this was never done.

Now I will address the Joshua and Erin McCracken situation with the following timeline:

1. I don't remember exact conversations after so many years but I do know I didn't tell the McCracken's they would have to pay to cross Rt. 45 because I thought the water line was at their property because there was a line servicing the Butler property and the trailer at the old school house property.
2. Attachment "A": On January 8, 2013 I signed a letter that was pre-approved by Council President Alan Ilgen and Vice-President Leslie Warriner. This letter was mailed to Mr. & Mrs. McCracken giving them until March 5, 2013 to connect to public water/sewer.
3. Attachment "B": On March 12, 2013 Mr. McCracken attends the Council meeting requesting an extension to the March 5 deadline date because the purchase couldn't be completed and he was unable to get a letter from his attorney explaining this. Mrs. Brown, a council member and a member of the church committee said the church received all appropriate signatures. Mr. McCracken was instructed to have his attorney do a letter for the April 2013 Council meeting. On March 15, 2013, a letter was sent to Mr. McCracken at Council's instruction.

4. Attachment "C": On April 5, 2013, the letter was received from the McCracken's attorney and was part of the April Council agenda packet. At the April 9, 2013 Council meeting a concern was raised about them living in the church with no water/sewer and the Solicitor suggested the Code Enforcement Agency look into this. I was instructed to send a letter to Shane Royer notifying him that if Mr. McCracken doesn't own the property, the church is responsible to connect the building to public water/sewer. I was also instructed to contact the Borough's SEO to determine how the outhouse should be disconnected. The letter to Mr. Royer was pre-approved by the Solicitor and sections of the ordinance were also included. The April 12, 2013 letter instructs the property owner (Church) that they have 45 days after notice from the Borough to connect to public water/sewer. The copies from the ordinances attached to this letter, which was part of the packet Mr. McCracken also received with his January 8, 2013 letter, clearly states in Paragraph 216 of the sewer ordinance and paragraph 214 of the water ordinance that "the Borough may make the connections and charge the cost and expenses of connection to the owner." It further states "an itemized bill of the costs and expenses to the owner of the improved property, which bill shall be due and payable immediately."
5. Attachment "D": At the May 14, 2013 Council meeting a motion was made for the Borough to make water/sewer connection if not contacted by the Church committee by June 1, 2013 and send the bill to the church.
6. Attachment "E": When the connections were not done by the Church or the McCracken's by June 1, 2013, the Borough made the connections and on July 9, 2013 the itemized billing was prepared to Shane Royer and copied to Joshua McCracken. At the July 9, 2013 Council meeting I shared with Council the letter to Shane Royer for their approval. The letter was mailed certified mail on July 10, 2013. The Code Enforcement Office sent a letter on July 17, 2013 as instructed notifying of code violations.
7. Attachment "F": A check dated July 24, 2013 from the McCracken's in the amount of \$7,620 was deposited into the water and sewer accounts on July 26, 2013 and the account in the name of St. John's UCC was set up in the water/sewer billing system. This check paid all amounts on the July 9, 2013 itemized letter except the DC Ventre bill of \$1,620. On July 29, 2013, I received a copy of the lien 2013-2923 showing the Solicitor had filed this on July 26, 2013.
8. Attachment "G": At the August 13, 2013 Council meeting I was instructed to do a letter forwarding the letter and invoice from the Borough's SEO, Pam Winter, permitting them to turn the privy into a shed and requesting reimbursement of costs. This letter was done to Shane Royer with a copy to Joshua McCracken on August 14, 2013.
9. Attachment "H": On October 31, 2013 Council President Ilgen sent Mr. Royer a letter following up to let him know Mr. Lesniak had inspected the property and the issue with the privy must be completed and inspected by November 15, 2013.
10. Attachment "I": I can't personally speak to the January 20-25, 2017 accusations against Mr. Lesniak except to say that I had many calls about the sign the McCracken's put out on Inauguration Day because a number of people were offended. While I personally didn't agree that the sign was appropriate, I told everyone who called my office that the Borough Council couldn't do anything because it was on their property and they had a constitutional right to display the sign.
11. Attachment "J": Mid-January 2017 my office received a notice from the Recorder of Deeds showing the transfer of ownership from St. John's United Church of Christ to

- Joshua McCracken. Normally a final water/sewer bill is requested for a closing and our lien against the property would be paid. According to the Solicitor, this process occurred differently because there probably was no mortgage or bank involved. Pam Winter changed the name on the water/sewer account on January 24, 2017.
12. Attachment "K": At the February 14, 2017 Council meeting in response to a question raised by President Ilgen because he saw the property transfer of the Church to Mr. McCracken in the newspaper, I explained that the lien had not been satisfied. The Solicitor explained options available to Council. Council voted unanimously to have the Solicitor send a letter to Mr. McCracken giving a 12-month time frame to pay the lien. See the Solicitor's letter dated March 21, 2017.
 13. Attachment "L": On February 17, 2017 Pam Winter had a notice posted at 105 East Main Street for delinquent water/sewer payments due. This goes to Mrs. McCracken's accusation that I called them deadbeats, which I don't dispute. Please see the attached definition describing a deadbeat as a noun used to describe "a person who tries to evade paying debts."
 14. Attachment "M": While Mrs. McCracken, in her written statement to Council on June 11, Page 2, Paragraph 2, states "We do have specific questions about how it came to be that our home was almost placed into Sheriff's Sale without notice to me" her timeline Page 4, Paragraph 1 – Late March 2017 states "We receive letter from the Borough Solicitor informing us that there is a lien on the church." would seem to address that. Mrs. McCracken's version of our conversation after she received the letter is fairly accurate.
 15. Attachment "N": An email was sent to Mrs. McCracken letting her know her requested information was available for pick up.
 16. Attachment "O": I was instructed by President Ilgen to send a letter to Martha Hoffman requesting clarification on the use of the old school because there was activity and lights on late in the evenings. Until Mr. McCracken came in and asked about this letter, I wasn't aware that he was a co-owner of this property.
 17. Attachment "P": I reported at the April 11, 2017 Council meeting about Mrs. McCracken's visit to my office requesting information and that an email was done to her about this request.
 18. Attachment "Q": At the May 9, 2017 Council meeting President Ilgen reported on the letter sent to the McCracken's offering them an opportunity to pay the lien in full or in monthly installments but no payment had been received. Council instructed the Solicitor to send a second letter explaining additional costs that would be incurred if this goes to Sheriff Sale and extending their payment to June 13, 2017. This letter is attached.
 19. Attachment "R": On May 25, 2017 an email was sent to Mrs. McCracken stating they had been added to the June 13 Council agenda. On May 31, 2017, the Solicitor forwarded a copy of a letter he received dated May 25, 2017 from Engle, Kauffman P.C. attorney for the McCracken's requesting the Borough not act on the lien until the McCracken's can present their case at the June 13, 2017 Council meeting.

Based on the above information, I am unclear how I or anyone from the Borough can be accused of targeting the McCracken's. As to the claim that I purposely lied to the them, my response is that they were given the best information I had available at the time. I try to give residents accurate information but many times situations change after they leave my office that alters the information I have. I hope this explanation to Council is satisfactory.

WATER/SEWER CONNECTIONS CONNECTION COSTS COLLECTED

2016

	<u>Water</u>	<u>Sewer</u>
Resident 1	\$1,025 + \$330.70	\$5,000
Resident 2	\$1,025	\$5,000

(Additional costs to be billed)

2015

Resident 1	\$1,025 + \$887.76	\$5,000
Resident 2	(Water meter pit/connection was in place for previous owner and was reused. The meter was updated at no cost, as were all other existing meters in town.	\$5,000

2014 No new connections were made.

2013

Resident 1	\$1,025	\$5,000
Resident 2	\$1,025 + \$1,595	\$5,000

2012

Resident 1 – Fire Suppression Line	\$2,976 (2 lines)	
Resident 2 – Fire Suppression Line	\$1,934	
Resident 3	\$ 675 (Meter installation for building that should have been metered but wasn't so this error was corrected.)	
Resident 4 – Made corrections to metering his 3 properties on West Main St.	\$ 229.23	
Resident 5 – Replace fire hydrant damaged by son.	\$2,080.40	

2011

Resident 1	\$1,025	On-lot system
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2010 No new connections were made.

2009

Resident 1	\$1,025	\$5,000
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2008

Resident 1	\$1,025 + \$350.15	\$5,000
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2007

Resident 1	\$1,025 + \$359.25	\$5,000
Resident 2	\$1,025 + \$685.40	On-lot system
Resident 3	\$1,025 + \$942.22	On-lot system

2006

	<u>Water</u>	<u>Sewer</u>
Mensch Subdivision	\$796.41 actual costs	
Mensch Estates Subdivision had an approved sewer and water extension		

agreement that allowed the developer to construct sewer and water extensions at its own costs and expenses dated June 14, 2005.

Resident 1 (2 water/sewer taps)	\$2,050	\$10,000 + 238.29
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2005

Resident 1	\$525 + \$634.70	\$1,000 + \$211.58
Resident 2	\$525 + \$435.53	\$1,000 + \$203.72

2004

Resident 1	\$525 + \$532.32	These costs were paid by original owner when original connection was installed.
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2003

Resident 1	\$525 + \$293.14	\$1,000 + \$357.64
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Beyond this point no information was found for new connections.

Leroy Shawver LIC # PA 056592
 Shawver Electric
 247 Long Lane
 Coburn, PA 16832
 (814)571-5875
 (814)349-8053 FAX

Invoice	
55	

Customer	DATE	PAGE
263	11/16/2011	1

SOLD TO:
MILLHEIM BOROUGH P.O. BOX 421 MILLHEIM, PA 16854

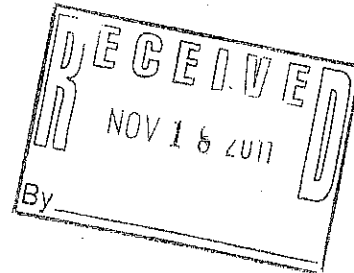
SHIP TO:

PO NO.	TERMS	SALESPERSON	SHIP VIA	SHIP DATE	FOB
	2% 10 days / Net 30			11/16/2011	

ITEM	QUANTITY	UNIT	DESCRIPTION	TX	UNIT PRICE	AMOUNT
	1.00		LABOR FOR REARICKJOB, LONG LANE		\$915.00	\$915.00

~~448.246~~

Tap on =
 Capital Improvement =
 6448.70

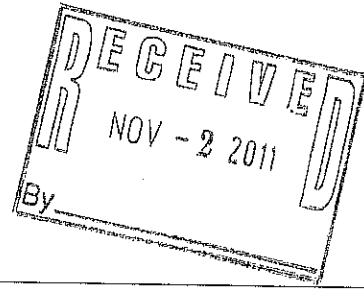


COMMENTS

Subtotal	\$915.00
Freight	\$0.00
Tax	\$0.00
Total Amount	\$915.00
Amount Received	\$0.00
Balance Due	\$915.00

I N V O I C E

CON-STONE, INC.
P.O. BOX 28
BELLEFONTE, PA 16823
Office (814) 355-9580
Quarry (814) 349-2400



SHIP VIA: CUSTOM

INVOICE NR: 9410
CUSTOMER PO NR.: VERBAL

INVOICE DATE: 10/31/11
Shipments Beginning: 10-16-11
Shipments Ending: 10-31-11

SOLD TO:

MILLHEIM BOROUGH
ACCOUNTS PAYABLE
P.O. BOX 421
MILLHEIM

PA 16854

SHIP TO:

MILLHEIM BOROUGH
P.O. BOX 421
MILLHEIM

PA 16854

CODE	QUANTITY	UNIT	PRODUCT	PRICE	AMOUNT
CS02A0	14.93	TONS	1" X 0" 0-2A STONE	7.75	115.71
CUSTOM	14.93	TONS	CUSTOMER PICK U		.00
TOTAL DUE:					115.71

See Attached Sheet for Order Detail

Thank You

Wates
448.375

CON-STONE, INC.

11/15/10 Houston Water
Qu: Line Project
Qu:

16823

Office Phone: 814-355-9580

Office Fax: 814-355-5122

Gros

Tare

Net

Date

Customer

Address

Hauled By

Driver Name & No.

Material

Weighmaster's Signature

4:0515



L/B WATER SERVICE, INC.

550 SOUTH HIGH STREET
PO BOX 60
SELINGSGROVE PA 17870

REMIT TO

L/B WATER SERVICE, INC.

PO Box 60
Selinsgrove, PA 17870

NO. 1312719

PAGE 1

An employee owned company with multiple locations to serve you
www.lbh2o.com

Phone: 570-374-2355
Fax: 570-374-7045

LT TO: 004241

SHIP TO: 0000

MILLHEIM BOROUGH COUNCIL
PO BOX 421
MILLHEIM, PA 16854-0421

Millheim Borough Council
225 East Main Street
Millheim PA 16854

DER NO: METER PIT ASSEMBLY

DER DATE: 10/27/11

IP DATE: 10/28/11

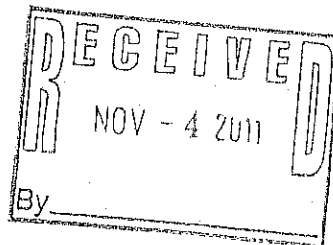
VOICE DATE: 10/31/11

SHIP VIA: L/B TRUCK

SOLD BY: 108

QUANTITY ORDERED	QUANTITY SHIPPED	BACK ORDERED	ITEM NUMBER	U/M	DESCRIPTION	SELLING PRICE	AMOUNT
1	1		VBHC72-30-44-3Q	EA	SETTER, 5/8" X 3/4" METER, 30"HIGH, BALL	160.00	160.00
1	1		20X36PIT	EA	VAVLE, DUAL CHECK, 3/4" CTS QUICK JOINT	90.60	90.60
1	1		W3-D-C-T	EA	20" DIA X 36" LONG METER PIT WITH NOTCHES (SKU#00202008)	145.85	145.85
1	1		P23SRIITRPLG	EA	W3 COVER WITH W3BPD DEEP DISH INNER LID AND WA3L-C-T CENTER TOUCHREAD LID, 20" 5/8"X3/4" SRII METER TR/PL 1000 GAL 4WH PLAS BONNET SEC SCREW CI BOTTOM L/CONN	132.00	132.00
***** DELIVERY INSTRUCTIONS *****							
Ordered by: ROY RUPERT Contact: ROY RUPERT Phone: (814) 349-5350 DELIVER TO SHOP BEHIND BOROUGH BUILDING							

(56) 448 246



TERMS: NET 30 DAYS FROM INVOICE DATE. SERVICE CHARGE OF 1 1/2% PER MONTH (18% ANNUAL INTEREST ADDED TO PAST DUE BALANCE). DISCREPANCIES MUST BE REPORTED WITHIN 30 DAYS.

SALES TAX

ALL RETURNS MUST BE WITH ORIGINAL INVOICE NUMBER

INVOICE TOTAL

528.45

DUE DATE

11/30/11

004241



L/B WATER SERVICE, INC.

NO.

1312719

004241-0000

550 SOUTH HIGH ST. P.O. BOX 60

Millheim Borough Council

SELINGSGROVE, PA. 17870

225 East Main Street

PHONE 570-374-1157

Millheim

PA 16854

FAX 570-374-2217

DATE: 10-28-11 PAGE 1

TIME:

INIT:

LOCATION:

1(814)349-5350

SHIP VIA: L/B TRUCK

10/28/11 ORDER NUMBER METER FIT ASSEMBLY

SOLD BY 106/111

R	SHIP	BACK ORDER	ITEM NUMBER	U/M	DESCRIPTION
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DELIVERY INSTRUCTIONS

Ordered by: ROY RUPERT

Phone: (814)349-5350

Contact: ROY RUPERT

DELIVER TO SHOP BEHIND BOROUGH BUILDING

1	1		VBHC72-30-44-3Q	EA	SETTER, 5/8" X 3/4" METER, 30" HIGH, BALL
1	1		20X36PIT	EA	VAVLE, DUAL CHECK, 3/4" CTS QUICK JOINT
1	1		W3-D-C-T	EA	20" DIA X 36" LONG METER PIT WITH
1	1		P23SRIITRPLG	EA	NOTCHES (SKU#00202008)
					W3 COVER WITH W3BPD DEEP DISH INNER LID
					AND WA3L-C-T CENTER TOUCHREAD LID, 20"
					5/8" X 3/4" SRII METER TR/PL 1000 GAL 4WH
					PLAS BONNET SEC SCREW CI BOTTOM L/CONN

Pennick/Houser
G.I.R.
11/9/11

PRINTED NAME

ALL CLAIMS AND RETURNS MUST BE ACCOMPANIED BY THIS PACKING SLIP

PACKING LIST



L/B WATER SERVICE, INC.

550 SOUTH HIGH STREET
PO BOX 60
SELINGROVE PA 17870

REMIT TO

L/B WATER SERVICE, INC.

PO Box 60

Sellingrove, PA 17870

NO. 1312422

PAGE 1

An employee owned company with multiple locations to serve you
www.lbh2o.com

Phone: 570-374-2355
Fax: 570-374-7045

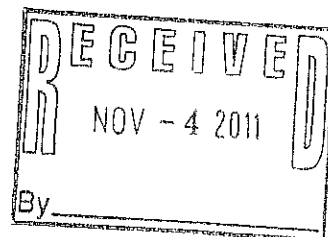
ILL TO: 004241

SHIP TO: 0000



MILLHEIM BOROUGH COUNCIL
PO BOX 421
MILLHEIM, PA 16854-0421

Millheim Borough Council
225 East Main Street
Millheim PA 16854



ORDER NO: 8" WATER LINE MATERIAL

ORDER DATE: 10/21/11

SHIP DATE: 10/26/11

VOICE DATE: 10/31/11

SHIP VIA: L/B TRUCK

SOLD BY: 108

QUANTITY ORDERED	QUANTITY SHIPPED	BACK ORDERED	ITEM NUMBER	U/M	DESCRIPTION	SELLING PRICE	AMOUNT
1	1		C6MJTEE-L	EA	6" MJ TEE SSB DI CL 350	142.40	142.40
2	2		C6X12MJSLEEVE-L	EA	AWWA C153 C/L L/ACC 074243		
1	1		C8X6LEMJRED	EA	6" MJ SLEEVE 12" LONG SSB DI	86.40	172.80
40	40		8-DR18	FT	CL 350 AWWA C153 L/ACC 081951		
1	1		8-1600	EA	8" X 6" LEMJ REDUCER SSB DI CL350 C/L	116.00	116.00
1	1		8-250510L-L	EA	W/ACC AWWA C153		
1	1		564-S	EA	8" X 20" DR-18 PVC PIPE AWWA C900-07	7.85	314.00
1	1		C8MJCAP-L	EA	235PSI J/M EAGLE		
7	7		6-ML-KIT-S	EA	8" 160800 SPLIT BELL RESTRAINT HARNESS	68.00	68.00
4	4		8-ML-PVC-KIT-S	EA	FOR C900 PVC, 1-SERRATED RING, 1-BELL RING		
1	1		S90-803	EA	8" MJ GATE VALVE OPEN LEFT #2508-1	834.00	834.00
1	1		FB1000-3Q	EA	AWWA C515 2" SQ NUT 250 PSI L/ACC		
1	1		B44-333Q	EA	2 PC CI VALVE BOX SCREW TYPE 39"-50" EXT	135.00	135.00
1	1		93-D	EA	W/LID MARKED WATER 16T/36B		
					8" MJ CAP SSB DI CL 350	61.60	61.60
					AWWA C153 C/L L/ACC 082170		
					6" SERIES 1106DSC MEGA LUG MECHANICAL	34.45	241.15
					JOINT RESTRAINT W/ACC STANDARD MJ GSKT		
					8" SERIES 2000PSC MEGA LUG MECHANICAL JT	54.30	217.20
					RESTRAINT-PVC PIPE W/ ACC STD MJ GASKET		
					8"X3/4" HINGED CC BRASS SERVICE SADDLE	59.00	59.00
					9.05 OD		
					3/4" BALL CORP AWWA X QUICK JOINT CTS	36.00	36.00
					3/4" BALL VALVE CURB STOP CTS QUICK JT.	49.50	49.50
					2-1/2" CI CURB BOX 36"-48" EXT WATER	52.80	52.80
					33" BOTTOM - 18" TOP SECTION 147046		

***** DELIVERY INSTRUCTIONS *****

Ordered by: ROY RUPERT

Contact: ROY RUPERT

Phone: (814) 349-5350

DELIVER TO SHOP BEHIND BOROUGH BUILDING

(86) 448.376

TERMS: NET 30 DAYS FROM INVOICE DATE. SERVICE CHARGE OF 1 1/2% PER MONTH (18% ANNUAL INTEREST ADDED TO PAST DUE BALANCE). DISCREPANCIES MUST BE REPORTED WITHIN 30 DAYS.

SALES TAX

INVOICE TOTAL

DUE DATE

ALL RETURNS MUST BE WITH ORIGINAL INVOICE NUMBER

2,499.45



Millheim
Home of the Mills

Millheim Borough Council

225 East Main Street

P.O. Box 421

Millheim, PA 16854

phone: (814) 349-5350 fax: (814) 349-5733

E-mail: millheim@verizon.net

*1/9/13
mailed
certified
7009 3410 6000 8211*

January 8, 2013

Mr. & Mrs. Joshua McCracken
P.O. Box 427
Millheim, PA 16854

RE: North Street Property

Dear Mr. & Mrs. McCracken:

It has come to the attention of Millheim Borough Council that you have taken up residence in the church property you recently purchased on North Street.

According to Millheim Borough Codified Ordinances Chapter 18, Sewer and Chapter 26, Water; Parts 2B Connection to Public Sewers Required and Connection to Water System; Paragraphs 211. Every owner of an improved property within the Borough boundaries shall connect the improved property to the sewer and water systems within forty-five (45) days after notice from the Borough. A copy of these two sections is enclosed for your information.

Please be advised that this letter is your official notice from the Millheim Borough Council to connect your property at the corner of Rt. 445 and Church Street to both the public sewer and water system no later than March 5, 2013. Connection fees are \$5,000/EDU for sewer and \$1,000 for water and a \$25 permit fee.

If you have any questions, please contact me at 349-5350.

Sincerely,

Sharon A. Heckman

Sharon A. Heckman
Secretary-Treasurer

Enclosures

Millheim Borough is an Equal Opportunity Provider

SEWERS AND SEWAGE DISPOSAL

any improved property to the lateral serving such improved property.

COMMERCIAL ESTABLISHMENT - any room, group of rooms, building or enclosure, or group thereof, connected, directly or indirectly, to the sewer system and used or intended for use in the operation of a business enterprise for the sale and distribution of any product, commodity, article or service, which maintains separate toilet, sink or other plumbing facilities in the room or group of which rooms utilized for such business enterprise.

COMMONWEALTH - the Commonwealth of Pennsylvania.

CONNECTION ORDINANCE - this Part, as enacted by the Borough, requiring all owners of any improved property located in the Borough, which is benefitted, improved or accommodated by a sewer, to connect to such sewer and use the same in such manner as this Borough may ordain.

COUNCIL - the Council of the Borough.

DEVELOPER - any owner, promoter, broker, builder or contractor or similar individual or entity engaged in the development or improvement of real estate or in the construction of residences, as opposed to a person who will occupy the subject property or premises at the time permanent sewer service is established.

DWELLING UNIT - any room, group of rooms, house trailer, apartment, condominium, cooperative or other enclosure connected, directly or indirectly, to the sewer system and occupied or intended for occupancy as living quarters by an individual, a single family or other discrete group of persons, excluding institutional dormitories.

EDUCATIONAL ESTABLISHMENT - any room, group of rooms, building or other enclosure connected, directly or indirectly, to the sewer system and used or intended for use, in whole or in part, for educational purposes, including both public and private schools or colleges.

EPA - the Environmental Protection Agency of the United States of America.

EQUIVALENT DWELLING UNIT or EDU - the unit of measure by which the user charge and the tapping fee shall be imposed upon each improved property, as determined in this Part or in any subsequent ordinance of the Borough, which shall be deemed to constitute the estimated, equivalent amount of domestic sanitary sewage discharged by a single-family dwelling unit.

EXTENSION DEPOSIT AGREEMENT - an agreement between the Borough and either a bona fide customer or a developer which includes (i) the specifications for the sewer extension to be installed; (ii) amounts to be paid; and (iii) any other reasonable terms and conditions.

IMPROVED PROPERTY - any property upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure domestic

sanitary sewage and/or industrial wastes shall be or may be discharged, which is located within the sewered area and is subject to this Part.

INDUSTRIAL ESTABLISHMENT - any improved property used or intended for use, wholly or in part, for the manufacturing, processing, cleaning, laundering or assembling of any product, commodity or article, or any other improved property from which wastes, in addition to or other than domestic sanitary sewage, shall or may be discharged.

INDUSTRIAL WASTES - any and all wastes discharged from an industrial establishment and/or any wastewater having characteristics which may have the potential to be detrimental to the treatment plant, other than domestic sanitary sewage.

INSTITUTIONAL ESTABLISHMENT - any room, group of rooms, building or other enclosure connected, directly or indirectly, to the sewer system, including institutional dormitories and educational establishments, which do not constitute a commercial establishment, a dwelling unit or an industrial establishment.

LARGE CONSUMER - a person whose metered or estimated consumption of water is in excess of twenty-two thousand five hundred (22,500) gallons per calendar quarter in the case of a dwelling unit, or any commercial establishment, educational establishment, institutional establishment or industrial establishment, regardless of water consumption or volume of domestic sanitary sewage or industrial wastes discharged.

LATERAL - that part of the sewer system extending from a sewer to the curblin or, if there is no curblin, to the property line or, if no such extension is provided, then "lateral" shall mean that portion of, or place in, a sewer that is provided for connection of any building sewer.

MULTIPLE USE IMPROVED PROPERTY - any improved property upon which there shall exist any combination of a dwelling unit, commercial establishment, industrial establishment, educational establishment or institutional establishment.

NONREFUNDABLE CONTRIBUTION AGREEMENT - an agreement between the Borough and a developer which is essentially identical to an extension deposit agreement, except that the Borough will not be required to pay refunds pursuant to a nonrefundable contribution agreement.

OWNER - any person vested with title, legal or equitable, sole or partial, of any improved property.

PERSON - any individual, partnership, company, association, society, trust, corporation or other group or entity, including municipalities, municipality authorities, school districts and other units of government. Whenever used in any clause prescribing or imposing a penalty, person shall mean, when applied to a firm, partnership or association, the partners or members thereof, and when applied to a corporation, the officers thereof.

B. Connection to Sewer System Required.

§211. Connection to Public Sewers Required. The owner of any improved property located within this Borough and benefitted, improved or accommodated by a sewer shall connect such improved property with such sewer, in such manner as this Borough may require, within forty-five (45) days after notice to such owner from this Borough to make such connection for the purpose of discharging all sanitary sewage and industrial wastes from such improved property; subject, however, to such limitations and restrictions as shall be established herein or otherwise shall be established by this Borough from time to time. (Ord. 187, 3/3/1998, §2.01)

§212. Use of Sewer System. All sanitary sewage and industrial wastes from any improved property, after connection of such improved property with a sewer shall be required under §211, shall be conducted into such sewer; subject, however, to such limitations and restrictions as shall be established herein or otherwise shall be established by the Borough, from time to time. (Ord. 187, 3/3/1998, §2.02)

§213. Prohibited Sanitary Sewage or Industrial Waste Disposal Methods.

1. No person shall place, shall deposit or shall permit to be placed or to be deposited upon public or private property within this Borough any sanitary sewage or industrial wastes in violation of §211.

2. No person shall discharge or permit to be discharged to any natural outlet within this Borough any sanitary sewage or industrial wastes in violation of §211, except where suitable treatment has been provided which is satisfactory to this Borough.

(Ord. 187, 3/3/1998, §2.03)

§214. Privy Vaults, Cesspools, Sinkholes, Septic Tanks, or Similar Receptacles.

1. No privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be used or shall be maintained at any time upon any improved property which has been connected to a sewer or that shall be required under §211 to be connected to a sewer.

2. Every such privy vault, cesspool, sinkhole, septic tank or similar receptacle in existence shall be abandoned and, at the discretion of the Borough, shall be cleansed and shall be filled at the expense of the owner of such improved property, unless otherwise provided for by the Borough, under the direction and supervision of the Borough; and any such privy vault, cesspool, sinkhole, septic tank or similar receptacle not so abandoned and, if required by the Borough, not cleansed and filled shall constitute a nuisance, and such nuisance may be abated, as provided by law, at the expense of the owner of such improved property.

3. No privy vault, cesspool, sinkhole, septic tank or similar receptacle at any time shall be connected with a sewer.

(Ord. 187, 3/3/1998, §2.04)

§215. Connection Notice. The notice by this Borough to make a connection to a sewer, referred to in §211, shall include a reference to this Part, including any amendments or supplements at the time in effect, or a summary of each Section thereof, and a written or printed document requiring the connection in accordance with the provisions of this Part and specifying that such connection shall be made within forty-five (45) days from the date such notice is given or served. Such notice may be given or served at any time after a sewer is in place that can receive and can convey sanitary sewage and industrial wastes for treatment and disposal from the particular improved property. Such notice shall be given or served to the owner either by personal service or by registered mail or by such other method in accordance with the law. (Ord. 187, 3/3/1998, §2.05)

§216. Failure to Make Required Connection. If the owner of any improved property benefitted, improved or accommodated by a sewer, after forty-five (45) days notice from this Borough requiring the connection of such improved property with a sewer, in accordance with §211, shall fail to connect such improved property and use the sewer system, as required, this Borough may make such connection and may collect from such owner the costs and expenses thereof by a municipal claim, an action in assumpsit or such other legal proceeding in the manner permitted by law. (Ord. 187, 3/3/1998, §2.06)

B. Required Connection to and Use of Water System.

§211. Connection to Water System. Every owner of an improved property within the Borough boundaries shall connect the improved property to the water system in the manner required by the Borough within forty-five (45) days after notice from the Borough. (Ord. 180, 6/20/1994, §2.01)

§212. Use of Water System. After connection to the water system, all water used on the improved property shall be from the water system, subject to such limitations, restrictions and exceptions as are established by this Part or by resolution from time to time. (Ord. 180, 6/20/1994, §2.02)

§213. Connection Notice. The notice of required connection shall be in writing, shall specify the forty-five (45) days for connection and shall be accompanied by a copy of this Part and any effective amendments, a copy of any rules and regulations and a copy of the Schedule of Fees and Rates.¹ The notice may be given at any time the water system can supply water to the improved property. The notice shall be served on the owner by personal service, certified mail or any other method provided by law. (Ord. 180, 6/20/1994, §2.03)

§214. Failure to Make Required Connection. If the owner of an improved property fails to connect it to the water system in accordance with this Part after forty-five (45) days notice from the Borough, the Borough may make the connection and charge the costs and expenses of connection to the owner. In such case, the Borough shall, upon completion of the connection, send an itemized bill of the costs and expenses to the owner of the improved property, which bill shall be due and payable immediately. (Ord. 180, 6/20/1994, §2.04)

¹Editor's Note: The Schedule for Fees and Rates is on file at the Borough office.

MILLHEIM BOROUGH WATER

INITIAL INSTALLATION REQUEST

This agreement is entered into between _____

and the Millheim Borough on the _____ day of _____ 20__.

A \$25.00 Permit Fee plus a Tap-On Fee of \$1,000.00 shall be paid to the Borough until such time as the initial hook-up for water service shall be completed and the actual cost of installing the service shall be computed. No longer than 30 days after completion of hook-up these actual costs shall be determined and an invoice shall be mailed to the new customer.

Water Customer

Borough Representative

In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. (Not all prohibited bases apply to all programs.) To file a complaint of discrimination write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice and TDD) USDA is an equal opportunity provider and employer.

MILLHEIM BOROUGH SEWER

INITIAL INSTALLATION REQUEST

This agreement is entered into between _____

and the Millheim Borough on the _____ day of _____ 20__.

A Tap-On Fee of \$5,000.00 per EDU (Equivalent Dwelling Unit) shall be paid to the Borough until such time as the initial hook-up for sewer service shall be completed and the actual cost of installing the service shall be computed. No longer than 30 days after completion of hook-up these actual costs shall be determined and an invoice shall be mailed to the new customers.

Sewer Customer

Borough Representative

In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. (Not all prohibited bases apply to all programs.) To file a complaint of discrimination write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice and TDD) USDA is an equal opportunity provider and employer.

March 12, 2013 Council Minutes Attachment 'B'

- Henry Beiler is in the process of purchasing the Heggenstaller Apartment building at 100 East Main Street. His plan is to open the bottom front of the building and wants to have a business occupy that space.

Susan Haney asked if the Borough owns the strip of land between Mill Street and the Race. The Secretary explained that the Borough owns the Race bank as far as Mill Street and from Mill Street south the land belongs to the property owners.

President Ilgen explained that the Penns Valley Code Enforcement Agency is requesting that an alternate representative be appointed in the event that the representative is unable to attend a meeting and he volunteered to serve in this capacity. A motion was made by Leslie Warriner and seconded by Ed Bowman to appoint Alan Ilgen as the alternate representative to the Penns Valley Code Enforcement Agency. Motion carried.

EMPLOYEE REPORTS:

Roy Rupert reported that he met with Nittany Controls at the Water Plant. The Citect license was located and is able to be used and he is able to use Team Viewer Software, which is free to log in to the water plant. A new computer was ordered through Nittany Controls with no markup on the cost.

Mr. Rupert explained that the philimentis problem at the Sewer Plant is taking a lot of time. DEP is sending a person with experience in this problem to assist Mr. Rupert. The plant is still in compliance. He explained that the Hawbaker Construction Company requested permission to put job trailers at the Sewer Plant for the summer and they would be responsible for everything. This is requested because they will be replacing the bridge near the Buck farm on State Rt. 2011. Mr. Rupert was instructed to get a waiver from Hawbaker's holding the Borough harmless.

President Ilgen rescheduled the employee meeting to discuss matters of employment now that Mr. Ripka has retired. This meeting was set for Friday, March 22, 2013 at 8:30 a.m. in the Council room.

OLD ACTION:

Joshua McCracken was present to request an extension to the March 5, 2013 date the Borough gave him to connect his St. John's Church property on North Street to the public water/sewer service. He explained that the purchase of this property has not been completed yet but he was unable to get his attorney to prepare a letter of explanation for the meeting tonight. Mr. McCracken explained that the deed hasn't been transferred because the Church group is attempting to locate a document with all the heirs' signatures. Kay Brown explained to Mr. McCracken that she was on the Church committee involved with the sale of this property and she knows the Church received the document with all the appropriate signatures and who has the document. Mr. McCracken was instructed by Council to have his attorney do a letter explaining the situation for reevaluation at the April Council meeting. The Solicitor instructed Mr. McCracken not to occupy this property as long as there is no connection to the public water and sewer systems.

Rick Bair entered the meeting at 7:59 p.m.

Continue to table discussion on Updates to the Web Page and Parking.

President Ilgen reported that parking tickets have been issued. The rules and signs are posted so Code Enforcement should move on as they are.

President Ilgen reported that he hasn't set another meeting about the water land timbering because all the property owners haven't returned. He will set something up in the near future.

The Secretary reported that to date the final check for the ball field project from DCNR has not arrived.

President Ilgen distributed a draft newsletter to Council members. He would like any additional changes within the next few days so this newsletter can be printed and mailed.

Leslie Warriner reported on the Centre County Library meeting she attended. A consultant, hired by the Centre County Library, was present and asked questions. She explained that the comments made were more about marketing and nothing was said about the East Penns Valley Branch Library. Ms. Warriner explained that there are large costs associated with the Book Mobile. She also reported that because Clearfield County closed branch libraries the Clearfield County residents are using the Philipsburg Library. Items also to be considered for the next five years are:

- What will the library look like in the future because of the on-line books?
- Should more computers be purchased?

The request from Charles Boob to cut the dead trees on the water company property was discussed. The consensus of Council was to tell Mr. Boob he cannot cut the trees at this time but Council will do research getting information from the state on their permit process.



Millheim
Home of the Mills

Millheim Borough Council

225 East Main Street

P.O. Box 421

Millheim, PA 16854

phone: (814) 349-5350 fax: (814) 349-5733

E-mail: millheim@verizon.net

Attachment "B"

March 15, 2013

Mr. & Mrs. Joshua McCracken
P.O. Box 427
Millheim, PA 16854

RE: North Street Property

Dear Mr. & Mrs. McCracken:

Council appreciates your attendance at the Borough Council meeting on March 12, 2013. As agreed upon at the meeting, have your attorney send a letter reporting on the status of the difficulties in transferring ownership from the church to you and your wife. Please have your attorney respond by Friday March 29, 2013, so I can forward this information to the borough council members.

Also, as per the opinion of the Borough Solicitor, it is important that you and your family do not occupy the building until the proper connections are made to the Millheim water and sewer utilities.

If you have any questions, please contact me at 349-5350.

Sincerely,

Sharon A. Heckman
Secretary-Treasurer

Millheim Borough is an Equal Opportunity Provider

ENGLE KAUFFMAN, P.C.

ATTORNEYS AT LAW

DAVID D. ENGLE, ESQUIRE
dengle@englelegal.com

ROSADELE T. KAUFFMAN, ESQUIRE
rkauffman@englelegal.com

JILL C. ENGLE, ESQUIRE
jengle@englelegal.com

432 ROLLING RIDGE DRIVE, SUITE 3B
STATE COLLEGE, PENNSYLVANIA 16801
TELEPHONE (814) 234-8834
FAX (814) 234-8868

RECEIVED
APR - 5 2013

rkauffman@englelegal.com

BY:

April 4, 2013

Sharon Heckman
Millheim Borough
225 E. Main Street
PO Box 421
Millheim PA 16854

Re: Joshua and Erin McCracken

Dear Ms. Heckman:

I am representing Mr. And Mrs. McCracken with respect to the purchase of the church property at 117 North Street. The deed has not yet been transferred to them as there are some continuing problems with the title. I understand that Wendell Royer and the attorney for the church have been working on these issues and we hope to have them addressed soon. In the meantime, the deed remains in the church name. As soon as the deed is transferred, the McCracken's will have the legal right to address the water issue.

If you have any questions in the meantime, please do not hesitate to contact me.

Sincerely,

ENGLE KAUFFMAN, P.C.



Rosadele Kauffman, Esquire

RK/rs

cc: Josh and Erin McCracken

The water connection to the church on North Street was discussed. The consensus of the group was to have the water line run across the road by D.C. Ventre while he is replacing the fire hydrant. Ventre is to bill the Borough separately for this job.

Mr. Rupert reported that he signed the waivers for Hawbaker but forgot to get a copy.

PLANNING COMMISSION REPORT:

A written report was reviewed and discussed. Appendix J must be adopted as it is written or the Borough must write its own ordinance. The Secretary explained that in a conversation with Mr. Ward from Uni-Tec he explained that an estimated cost for Engineer writing/review of a grading/excavation ordinance would be approximately \$500-\$1,000. He also explained that in his experience this activity has come under "Land Development". The Secretary was instructed to check with Centre County to see if they have an ordinance that would be strong enough. President Ilgen told the Planning Commission to keep working.

OLD ACTION:

A written up-date on the status of the energy analysis with SEDA-Cog was reviewed. After all interviews were conducted the decision was to use RCxBD. SEDA-Cog gets the grant money after the reports are completed. The Borough must pay the \$4,000 for two analyses up front and then SEDA-Cog will reimburse the Borough when they receive the grant money.

After Rt. 45 paving is completed, lines will need to be painted in the downtown business district.

President Ilgen reported that Mr. Lowenstein doesn't want to spend too much more time on the timbering project if the property owners aren't interested.

The Secretary reported that the loan from the Water Fund to help pay the final costs for the ball field project will be repaid from the General Fund since the final DCNR payment has been received.

The Secretary explained that a statement has been received from Tel-Power, Inc. for the emergency work done when the truck hit the pole at the traffic signal. She was instructed to contact the trucking company's insurance company directly to be certain the claim was filed.

A concern was raised about McCracken's living in the church on North Street without having water/sewer service. The Solicitor suggested that the Code Enforcement Officer could look into this. The Secretary was instructed to send a letter to Shane Royer notifying the church that if Mr. McCracken doesn't own the property they are responsible for connecting the building to the public water and sewer. She was also instructed to contact the SEO to determine how the outhouse to this building should be disconnected.

NEW ACTION:

A motion was made by Leslie Warriner and seconded by Ed Bowman to approve the annual request for the Millheim Fire Company to close Borough streets for the Millheim Firemen's Parade/Carnival on June 13, 14, 15, 2013. Motion carried.

A motion was made by Leslie Warriner and seconded by Kay Brown to approve the Millheim Fire Police request to send letters to Centre Hall Borough, Gregg Township and Miles Township requesting assistance from their Fire Police to help cover for the Millheim Firemen's Parade on June 13, 2013. Motion carried.

The consensus of the group was that there is no interest in participating with the Federal Tax Reform Organizational sign-on letter.

Council unanimously agreed to allow the Library to use the Council Room on July 16 and July 30 for teen movie nights.

COMMITTEE REPORTS:

Leslie Warriner reported that the Downtown Beautification Committee meets Wednesday nights at 6:30 p.m. to do work in Fountain Park and the Boy Scouts will be coming in two weeks to help.

A motion was made by Leslie Warriner and seconded by Marlene Corl to approve the minutes from the March 12, 2013 meeting as presented. Motion carried.

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

SECRETARY'S REPORT:

A motion was made by Leslie Warriner and seconded by Ed Bowman to approve the written Secretary's report as submitted. Motion carried.

A motion was made by Ed Bowman and seconded by Kay Brown to adjourn the meeting at 9:39 p.m. Motion carried.

Sharon A. Heckman

Sharon A. Heckman, Secretary-Treasurer



Millheim
Home of the Mills

Millheim Borough Council

225 East Main Street

P.O. Box 421

Millheim, PA 16854

phone: (814) 349-5350 fax: (814) 349-5733

E-mail: millheim@verizon.net

Attachment "c"

4/15/13
mailed certified mail
70101670 0001 06139150

April 12, 2013

Mr. Shane Royer
Frankenberger Lane
Spring Mills, PA 16875

RE: North Street Church Property

Dear Mr. Royer:

It has come to the attention of Millheim Borough Council that there is a problem transferring ownership of the church property on North Street. Attached is a copy of the letter sent to Joshua McCracken in January because we understood he was the new property owner.

After lengthy discussion at the Millheim Borough Council meeting on Tuesday, April 9, 2013, the decision was made that this property must be connected to the Public Water and Sewer systems.

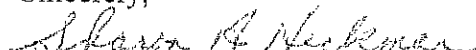
According to Millheim Borough Codified Ordinances Chapter 18, Sewer and Chapter 26, Water; Parts 2B Connection to Public Sewers Required and Connection to Water System; Paragraphs 211. Every owner of an improved property within the Borough boundaries shall connect the improved property to the sewer and water systems within forty-five (45) days after notice from the Borough. A copy of these two sections is enclosed for your information.

Shane Royer
April 12, 2013
Page 2

Please be advised that this letter is your official notice from the Millheim Borough Council to connect your property at the corner of Rt. 445 and Church Street to both the public sewer and water system no later than June 1, 2013. Connection fees are \$5,000/EDU for sewer and \$1,000 for water and a \$25 permit fee plus actual costs (i.e., meter, road boring, curb stop, etc.).

If you have any questions, please contact me at 349-5350.

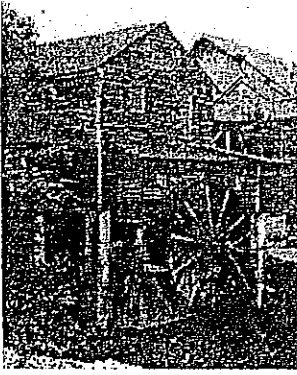
Sincerely,


Sharon A. Heckman
Secretary-Treasurer

Enclosures

cc: Wendell Royer
Kenneth Royer
Pastor S. Leigh Pick
Kay Brown
Linda C. Musser

Millheim Borough is an Equal Opportunity Provider



Millheim
Home of the Mills

Attachment "C"
Millheim Borough Council

225 East Main Street

P.O. Box 421

Millheim, PA 16854

phone: (814) 349-5350 fax: (814) 349-5733

E-mail: millheim@verizon.net

January 8, 2013

Mr. & Mrs. Joshua McCracken
P.O. Box 427
Millheim, PA 16854

RE: North Street Property

Dear Mr. & Mrs. McCracken:

It has come to the attention of Millheim Borough Council that you have taken up residence in the church property you recently purchased on North Street.

According to Millheim Borough Codified Ordinances Chapter 18, Sewer and Chapter 26, Water; Parts 2B Connection to Public Sewers Required and Connection to Water System; Paragraphs 211. Every owner of an improved property within the Borough boundaries shall connect the improved property to the sewer and water systems within forty-five (45) days after notice from the Borough. A copy of these two sections is enclosed for your information.

Please be advised that this letter is your official notice from the Millheim Borough Council to connect your property at the corner of Rt. 445 and Church Street to both the public sewer and water system no later than March 5, 2013. Connection fees are \$5,000/EDU for sewer and \$1,000 for water and a \$25 permit fee.

If you have any questions, please contact me at 349-5350.

Sincerely,

Sharon A. Heckman
Secretary-Treasurer

Enclosures

Millheim Borough is an Equal Opportunity Provider

B. Connection to Sewer System Required.

§211. Connection to Public Sewers Required. The owner of any improved property located within this Borough and benefitted, improved or accommodated by a sewer shall connect such improved property with such sewer, in such manner as this Borough may require, within forty-five (45) days after notice to such owner from this Borough to make such connection for the purpose of discharging all sanitary sewage and industrial wastes from such improved property; subject, however, to such limitations and restrictions as shall be established herein or otherwise shall be established by this Borough from time to time. (Ord. 187, 3/3/1998, §2.01)

§212. Use of Sewer System. All sanitary sewage and industrial wastes from any improved property, after connection of such improved property with a sewer shall be required under §211, shall be conducted into such sewer; subject, however, to such limitations and restrictions as shall be established herein or otherwise shall be established by the Borough, from time to time. (Ord. 187, 3/3/1998, §2.02)

§213. Prohibited Sanitary Sewage or Industrial Waste Disposal Methods.

1. No person shall place, shall deposit or shall permit to be placed or to be deposited upon public or private property within this Borough any sanitary sewage or industrial wastes in violation of §211.

2. No person shall discharge or permit to be discharged to any natural outlet within this Borough any sanitary sewage or industrial wastes in violation of §211, except where suitable treatment has been provided which is satisfactory to this Borough.

(Ord. 187, 3/3/1998, §2.03)

§214. Privy Vaults, Cesspools, Sinkholes, Septic Tanks, or Similar Receptacles.

1. No privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be used or shall be maintained at any time upon any improved property which has been connected to a sewer or that shall be required under §211 to be connected to a sewer.

2. Every such privy vault, cesspool, sinkhole, septic tank or similar receptacle in existence shall be abandoned and, at the discretion of the Borough, shall be cleansed and shall be filled at the expense of the owner of such improved property, unless otherwise provided for by the Borough, under the direction and supervision of the Borough; and any such privy vault, cesspool, sinkhole, septic tank or similar receptacle not so abandoned and, if required by the Borough, not cleansed and filled shall constitute a nuisance, and such nuisance may be abated, as provided by law, at the expense of the owner of such improved property.

3. No privy vault, cesspool, sinkhole, septic tank or similar receptacle at any time shall be connected with a sewer.

(Ord. 187, 3/3/1998, §2.04)

SEWERS AND SEWAGE DISPOSAL

§215. Connection Notice. The notice by this Borough to make a connection to a sewer, referred to in §211, shall include a reference to this Part, including any amendments or supplements at the time in effect, or a summary of each Section thereof, and a written or printed document requiring the connection in accordance with the provisions of this Part and specifying that such connection shall be made within forty-five (45) days from the date such notice is given or served. Such notice may be given or served at any time after a sewer is in place that can receive and can convey sanitary sewage and industrial wastes for treatment and disposal from the particular improved property. Such notice shall be given or served to the owner either by personal service or by registered mail or by such other method in accordance with the law. (Ord. 187, 3/3/1998, §2.05)

§216. Failure to Make Required Connection. If the owner of any improved property benefitted, improved or accommodated by a sewer, after forty-five (45) days notice from this Borough requiring the connection of such improved property with a sewer, in accordance with §211, shall fail to connect such improved property and use the sewer system, as required, this Borough may make such connection and may collect from such owner the costs and expenses thereof by a municipal claim, an action in assumpsit or such other legal proceeding in the manner permitted by law. (Ord. 187, 3/3/1998, §2.06)

B. Required Connection to and Use of Water System.

§211. Connection to Water System. Every owner of an improved property within the Borough boundaries shall connect the improved property to the water system in the manner required by the Borough within forty-five (45) days after notice from the Borough. (Ord. 180, 6/20/1994, §2.01)

§212. Use of Water System. After connection to the water system, all water used on the improved property shall be from the water system, subject to such limitations, restrictions and exceptions as are established by this Part or by resolution from time to time. (Ord. 180, 6/20/1994, §2.02)

§213. Connection Notice. The notice of required connection shall be in writing, shall specify the forty-five (45) days for connection and shall be accompanied by a copy of this Part and any effective amendments, a copy of any rules and regulations and a copy of the Schedule of Fees and Rates.¹ The notice may be given at any time the water system can supply water to the improved property. The notice shall be served on the owner by personal service, certified mail or any other method provided by law. (Ord. 180, 6/20/1994, §2.03)

§214. Failure to Make Required Connection. If the owner of an improved property fails to connect it to the water system in accordance with this Part after forty-five (45) days notice from the Borough, the Borough may make the connection and charge the costs and expenses of connection to the owner. In such case, the Borough shall, upon completion of the connection, send an itemized bill of the costs and expenses to the owner of the improved property, which bill shall be due and payable immediately. (Ord. 180, 6/20/1994, §2.04)

¹Editor's Note: The Schedule for Fees and Rates is on file at the Borough office.

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

President Ilgen reminded Mr. Gunsallus to make sure someone knows when he is taking a vacation day. In case of an emergency someone needs to know how to reach him.

PLANNING COMMISSION REPORT: None

OLD ACTION:

The Secretary reported that a letter invoicing St. John's United Church of Christ on North Street has been prepared for the water/sewer connections the Borough Council had done. This payment is due by July 23, 2013 or a lien will be filed against the property. The Penns Valley Code Enforcement Officer should also send a letter notifying the owners of the property regarding any violations that exist because of changes in use to this property. The Solicitor explained that any non-conforming use was lost when new people moved in.

The Secretary reported that painting the new parking stalls has been completed at a cost of \$1,090. There have been some complaints about the size of the stalls but they have been done to code.

President Ilgen reported that he will get everyone a copy of the contract information Mr. Lowenstein will be sending. Nothing will be done until next year because all the property owners don't want anything done in the fall because of hunting season.

No new information was available regarding the STAG Grant.

The Solicitor reported that he received a signed copy of the License Agreement for Klunk/McGee after the sale of the Shaffer property was completed. A lien has been filed against the Stroup property because of a pending Sheriff Sale and the Sale against the Cindy Brown property has been continued to September 12, 2013.

NEW ACTION:

The Secretary reported that a new Certificate of Deposit has been established at Mifflinburg Bank for the second round of 2012 Act 13 Marcellus Shale funds received in the amount of \$954.97.

COMMITTEE REPORTS: None

A motion was made by Ed Bowman and seconded by Marlene Corl to approve the minutes from the June 11, 2013 meeting as presented. Motion carried.


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

SECRETARY'S REPORT:

A written report submitted was reviewed. The Secretary reported that a Non-Sufficient Fund check was returned for Amy Schleiden's water/sewer payment. She also reminded Council that the office will be closed on August 1 & 2, 2013 for her attendance at the Borough's Association Trustee meeting in Bedford Springs, PA.

The Secretary was instructed to see if paving projects can be added to the CCMPO list.

A motion was made by Marlene Corl and seconded by Ed Bowman to adjourn the meeting at 8:40 p.m.


Sharon A. Heckman, Secretary-Treasurer



Millheim
Home of the Mills

Millheim Borough Council

225 East Main Street

P.O. Box 421

Millheim, PA 16854

phone: (814) 349-5350 fax: (814) 349-5733

E-mail: millheim@verizon.net

7/10/13
certified mail
20093410 0000 8211 0349
copy also mailed regular
mail

July 9, 2013

Mr. Shane Royer
Frankenberger Lane
Spring Mills, PA 16875

RE: North Street Church Property

Dear Mr. Royer:

Millheim Borough Council notified you in a letter dated April 12, 2013, that the sewer and water connections were to be made no later than June 1, 2013 for the Church property at 117 North Street. As you chose to disregard this letter and Millheim Borough Council has the authority to have this connection made and invoice you for the costs incurred, these connections were made by D.C. Ventre and Sons, Inc. and Donn G. Fetterolf Excavating, LLC.

Therefore, the following is an itemized list of the costs incurred for these connections:

D.C. Ventre and Sons, Inc.	\$ 1,620.00
Donn G. Fetterolf Excavating, LLC	1,350.00
Millheim Borough Connection Fee - Water	1,025.00
Millheim Borough Connection Fee - Sewer	5,000.00
1 - 3/4" IPERL Meter with Touchpad	123.00
1 - Meter Transceiver Unit	122.00
Total Costs Incurred	\$ 9,240.00

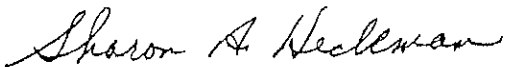
A copy of supporting documentation for these costs is enclosed.

July 9, 2013
Shane Royer
Page 2

A check in the amount of \$9,240 made payable to Millheim Borough Council must be received in my office at 225 East Main Street, P.O. Box 421, Millheim, PA 16854 no later than July 23, 2013.

If you have any questions, please contact me at 349-5350.

Sincerely,



Sharon A. Heckman
Secretary-Treasurer

Enclosures

cc: Wendell Royer
Kenneth Royer
Pastor S. Leigh Pick
Kay Brown
Linda C. Musser
Joshua McCracken

Millheim Borough is an Equal Opportunity Provider

Attachment "E"

Phone: 814-695-0505
Fax: 814-696-3168

D. C. VENTRE AND SONS, INC.
CONTRACTORS
126 VENTRE LANE
DUNCANSVILLE, PA. 16635

June 3, 2013

Millheim Borough
225 East Main Street
Millheim, Pa. 16854

Billing for Service Line to Church on North Spring Street
(Route 445)

Total Amount Due

\$1,620.00

Attachment "E"

Donn G. Fetterolf Excavating LLC

126 Red Power Drive
Aaronsburg, PA 16820-9309

Lic.#PA066632

Invoice

Date	Invoice #
7/8/2013	3430

Bill To:

Millheim Borough
P.O. box 421
Millhiem, Pa. 16854

Item	Description	Qty	Rate	Amount
Total Job	Excavating, sewer line and waterline at church for Josh Merackon	1	1,350.00	1,350.00
Thank you for your business.			Total	\$1,350.00

Phone #

814 349-8213

MILLHEIM BOROUGH WATER

INITIAL INSTALLATION REQUEST

This agreement is entered into between Reformed Church / Josh McCracken
and the Millheim Borough on the 21st day of June 2013.

A \$25.00 Permit Fee plus a Tap-On Fee of \$1,000.00 shall be paid to the Borough until such time as the initial hook-up for water service shall be completed and the actual cost of installing the service shall be computed. No longer than 30 days after completion of hook-up these actual costs shall be determined and an invoice shall be mailed to the new customer.

Water Customer

Borough Representative

In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. (Not all prohibited bases apply to all programs.) To file a complaint of discrimination write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice and TDD) USDA is an equal opportunity provider and employer.

MILLHEIM BOROUGH SEWER

INITIAL INSTALLATION REQUEST

This agreement is entered into between Reformed Church / Josh McCracken

and the Millheim Borough on the 21st day of June 2013.

A Tap-On Fee of \$5,000.00 per EDU (Equivalent Dwelling Unit) shall be paid to the Borough until such time as the initial hook-up for sewer service shall be completed and the actual cost of installing the service shall be computed. No longer than 30 days after completion of hook-up these actual costs shall be determined and an invoice shall be mailed to the new customers.

Sewer Customer

Borough Representative

In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. (Not all prohibited bases apply to all programs.) To file a complaint of discrimination write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice and TDD) USDA is an equal opportunity provider and employer.



L/B Water Service, Inc.

550 SOUTH HIGH STREET
P.O. BOX 60
SELINGSGROVE PA 17870

LB WATER SERVICE, INC.
PO Box 60
Selinsgrove, PA 17870

Phone: 570-374-2355
Fax: 570-374-7045

Attachment "E"
REMIT TO NO. 1331158 A

PAGE 1

An employee owned company with multiple
locations to serve you.

BILL TO: 004241 www.lbh2o.com SHIP TO: 0000



3:3 *****AUTO**ALL FOR AADC 161
Millheim Borough Council
PO Box 421
Millheim PA 16854-0421

Millheim Borough Council
225 East Main Street
Millheim PA 16854

ORDER NO: PENNVEST METER UPGRADE 3SIPERL3TG,MXU510

ORDER DATE: 1/30/13

SHIP DATE: 6/14/13

INVOICE DATE: 6/30/13

SHIP VIA: L/B TRUCK

SOLD BY: 108

QTY ORDERED	QTY SHIPPED	BACK ORDERED	ITEM NUMBER	U/M	DESCRIPTION	SELLING PRICE	AMOUNT
254	237	17	3SIPERL3TG	EA	3/4" SHORT IPERL METER 3-TERM SCR	123.00	29,151.00
254	206	48	MXU510R-TC-1	EA	1000 GAL 4 WHEEL L/TOUCHPAD (I2S3GLXX) METER TRANSCIEVER UNIT - NON-RIT VERSTON TOUCHCOUPLER SINGLE PORT	122.00	25,132.00
***** DELIVERY INSTRUCTIONS *****							
Ordered by: SHARON Contact: CASEY GUNSALLUS Cell: 814)574-9277 DELIVER TO SHOP BEHIND BOROUGH BUILDING							
RECEIVED JUL - 8 2013 BY:							

TERMS: NET 30 DAYS FROM INVOICE DATE. SERVICE CHARGE OF 1 % PER MONTH (18% ANNUAL
INTEREST) ADDED TO PAST DUE BALANCE. DISCREPANCIES MUST BE REPORTED WITHIN 30

SALES TAX

INVOICE TOTAL

54,283.00

DUE DATE

7/30/13

ALL RETURNS MUST BE WITH ORIGINAL INVOICE NUMBER

Penns Valley Code Enforcement Agency

225 East Main Street
P.O. Box 357
Millheim, Pa 16854

Phone : 814-349-8177
Fax : 814-349-8017
Email : pvcode@verizon.net

July 17, 2013

Mr. Shane Royer as Church Council President
148 Frankenburger Lane
Spring Mills, PA 16875

Mr. Royer,

The Penns Valley Code Enforcement Agency is investigating a complaint of Millheim Borough Ordinance violations at the church property located at 117 North St, Millheim PA. According to the Borough Solicitor the property became 'non conforming' when residents moved in to the property. According to Centre County, the church is still the owner of the property; if this is inaccurate you will need to contact Centre County.

Some of the code violations are as follows.

- No building permit has been obtained for the ongoing renovations.
- There have not been any inspections of the construction.
- As of July 10, 2013, the water and sewer lines have been connected to the property, but the service has not been activated due to lack of payment. So at this point there is no legal right to water or sewer services.
 - Contact must be made with Sharon Heckman at the Millheim Borough Office immediately to resolve this issue.
- Currently the property does not have a certificate of occupancy and it is unlawful for anyone to be residing there until a certificate of occupancy is issued.

You will need to immediately contact the Penns Valley Code Enforcement Office to obtain the proper permits. We will be happy to work with you to rectify these problems. You have until July 26, 2013 to contact us.

Respectfully,



Michael Lesniak
Penns Valley Code Enforcement Officer

DEPOSIT TICKET

PRODUCT 100044



Millinburg Bank & Trust
Millheim, PA 16854
Member FDIC

DATE July 26, 2013

	DOLLARS	CENTS
CURRENCY		
COIN		
LIST EACH CHECK		
McCracken	2620	00
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
TOTAL FROM OTHER SIDE OR ATTACHED LIST		
69	2620	00

MILLHEIM BOROUGH
WATER FUND
P.O. BOX 421
MILLHEIM, PA 16854



2620.00

TOTAL ITEMS
PLEASE BE SURE ALL ITEMS ARE PROPERLY ENDORSED. DEPOSITS MAY NOT BE AVAILABLE FOR IMMEDIATE WITHDRAWAL.

60-968-313

Attachment "F"

BD43

DEPOSIT TICKET

PRODUCT 100044



Millinburg Bank & Trust
Millheim, PA 16854
Member FDIC

DATE July 26, 2013

	DOLLARS	CENTS
CURRENCY		
COIN		
LIST EACH CHECK		
McCracken	5000	00
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
TOTAL FROM OTHER SIDE OR ATTACHED LIST		
69	5000	00

MILLHEIM BOROUGH
SEWAGE FUND
P.O. BOX 421
MILLHEIM, PA 16854



5000.00

TOTAL ITEMS
PLEASE BE SURE ALL ITEMS ARE PROPERLY ENDORSED. DEPOSITS MAY NOT BE AVAILABLE FOR IMMEDIATE WITHDRAWAL.

60-968-313

7/26/13
Acct. #523
added to system
new meter was installed
6/26/2013
Acct. in ST. John's UCC
90 Shane ^{Royce} Frankenger km
148 Frankenger km
Spring Mt PA 16875

ECOVENTS LLC ERIN & JOSHUA McCracken PHONE 814-321-6834 PO BOX 427 MILLHEIM, PA 16854		115 60-1809/433 2056
Pay to the Order of <u>Millheim Borough Council</u>		Date <u>7/24/13</u>
<u>Seven Thousand Six-hundred + twenty</u>		\$ <u>7620.00</u>
First National Bank		Dollars <input type="checkbox"/> Security Features Details on Back
For <u>[REDACTED]</u>		<u>Joshua McCracken</u> NY

Reimburse water Fund for bills paid:

Donn Fetterolf - *1350.00
 L/B water - meter/unit - 245.00
 water Connection Fee - 1,025.00
*2,620.00

Reimburse Sewer Fund For:

Sewer Connection Fee - *5,000.00

IN THE COURT OF COMMON PLEAS OF CENTRE COUNTY, PENNSYLVANIA

MILLHEIM BOROUGH,
Plaintiff,

vs.

REFORMED CONGREGATION OF
MILLHEIM, NOW ST JOHNS
UNITED CHURCH OF CHRIST,
SUCCESSOR IN INTEREST
Defendant
Owner, reputed owner or
apparent ownerNo. 2013-2923 BY:
Municipal LienRECEIVED
JUL 29 2013

JUL 26 PM 2:00

The Borough of Millheim hereby files its claim or statement of demand against the lot or ground hereinafter described for nonpayment of water and sewer service.

FIRST. The name of the municipality by which this claim is filed is the Borough of Millheim, with offices at 225 East Main Street, P.O. Box 421, Millheim, PA 16854.

SECOND. The name of the owner, reputed owner or apparent owner of the property against which said claim is filed is Reformed Congregation of Millheim, Now St. Johns United Church of Christ, Successor in interest, c/o Shane Royer, Council President, of 148 Frankenburger Lane, Spring Mills, PA 16875.

THIRD. A description of the property against which it is filed is as follows:

117 North Street
Millheim, PA 16854

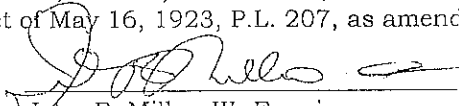
Centre County Tax Parcel 33-002-024

FOURTH. The authority under or by virtue of which the Borough of Millheim files this lien is the Borough Code, Act of February 1, 1996 (1965 P.L. 1656, No. 581) as amended, Section 2052 and the Municipal Claims and Liens Act of May 16, 1923, P.L. 207, as amended.

FIFTH. This lien is filed for nonpayment of waterline installation expense pursuant to the provisions of Chapter 26, Part 2, Section 214 and Section 269 of the Millheim Borough Code of Ordinances.

SIXTH. The amount of the assessment for the property hereinabove described is \$1,620.00 for nonpayment of waterline installation expense provided by Millheim Borough plus costs of filing of this Municipal Lien.

Millheim Borough, a municipal corporation existing under the laws of Pennsylvania, files this claim or lien, under and by virtue of the Borough Code, Act of February 1, 1996 (1965 P.L. 1656, No. 581) as amended, Section 2052 and the Municipal Claims and Liens Act of May 16, 1923, P.L. 207, as amended.


John R. Miller, III, Esquire
Solicitor

MILLER, KISTLER & CAMPBELL
124 North Allegheny Street
Bellefonte, PA 16823

Dated: July 26, 2013

EMPLOYEE REPORTS:

Casey Gunsallus reviewed his written report for Council. He explained that the doors on the old chlorinator building and the shop need replaced. President Ilgen instructed him to get prices for both doors for the next meeting. He was also instructed to follow up with Mr. & Mrs. Smith about their sump pump and Mr. & Mrs. Schafft about their plumbing issues.

Mr. Gunsallus explained that Kent Yearick will be having surgery and will be unavailable for work for several weeks. The consensus of Council was that Mr. Kerstetter's boys should be called during this time when additional help is needed because they have helped the Borough in the past. Mr. Gunsallus is not to stop working on meter installations.

Roy Rupert reported that the 15,000-18,000 gallon/day leak on North Street has been repaired. He explained that we need to purchase "Flagger Ahead" signs. Mr. Rupert presented a quote for \$9,700 for work necessary to get the pump station working. We previously had a quote submitted for this work from Advanced Controls, Inc. for over \$10,000. The Secretary reported that there are budgeted funds available for this Capital Improvement. A motion was made by Marlene Corl and seconded by Kay Brown to accept the quotation from Nittany Controls, LLC for work at the pump station in the amount of \$9,700. Motion carried.

PLANNING COMMISSION: None

OLD ACTION:

The Solicitor has filed a lien for \$1,620 for the unpaid portion of the connection costs for the water/sewer to the North Street church/Joshua McCracken property. The letter/invoice received from the SEO, Pam Winter, was discussed. Council agreed that option 1 which would allow them to fill in the pit under the privy, remove the seat(s) and replace with solid wood and use the privy as a storage shed was acceptable. The Secretary explained that the invoice received from Ms. Winter for the inspection of this property in the amount of \$107.91 has been paid and should be forwarded to the church/Mr. McCracken for reimbursement to the Borough. A motion was made by Ed Bowman and seconded by Kay Brown to authorize the Secretary to do a letter to the church's representative Shane Royer/Joshua McCracken permitting them to change the privy to a shed as described in Ms. Winter's letter and to include the invoice of \$107.91 for reimbursement to the Borough. Motion carried.

President Ilgen distributed information he received from Mr. Lowenstein on the water land timbering. All property owners have signed the agreement and Mr. Lowenstein is now talking with a company that would do the actual timbering. The Solicitor will review the timbering agreement provided by Mr. Lowenstein.

The Secretary reported that Robert Jacobs was going to provide a copy of the technical correction for the STAG grant to Congressman Glenn Thompson's office and will set up a meeting to discuss this issue. The Solicitor reported that Mr. Jacobs sent an email to HAMA stating that if HAMA did the labor to install the water line on the Haines Twp. side the County would try to provide the materials. HAMA is asking for clarification on this email. The Borough has until August 23 to respond to the letter received from the EPA on the status of this grant.

The Secretary reported that there have been numerous complaints about the unsightly appearance at the Borough sign at the western part of town. This area was part of an Eagle Scout project to be done by Adam Wintermute. President Ilgen will look into the status of this project.

NEW ACTION:

The Little League is requesting permission to run a water line from the outside water faucet to their concession stand. The Solicitor will work on a maintenance agreement between the Borough and the Little League. A motion was made by Marlene Corl and seconded by Kay Brown to allow the Little League to extend the water line to the concession stand and to begin sending the water bill to them. Motion carried.

The increase in the Borough electric bills was discussed. President Ilgen, Glenn Ripka, and the Secretary have looked into rates from companies other than West Penn Power and haven't found anything better. This situation will continue to be monitored.

The letter received from the Centre County Library terminating the current lease which expires on August 31, 2013 was discussed. The rent on this space has been paid until the end of the year by the Friends Group. Centre County Library is asking for a month to month lease. A motion was made by Kay Brown and seconded by Ed Bowman to authorize the Solicitor to prepare an addendum for a month-to-month lease. Motion carried.

A request from the Millheim Fire Company to close the same streets as used for the Firemen's Carnival for an Octoberfest event to be held on Saturday, September 28, 2013 from 10:00 a.m. to 8:00 p.m. was discussed. Mr. Ripka brought to Council's attention that the Borough has an open container ordinance. The Solicitor explained that under the ordinance this event wouldn't be permitted unless they get a license from the Liquor Control Board. The Mayor explained that if this event were confined to their private property it would be allowed. There was much discussion on how this would be confined, how drinking age would be controlled and who would enforce this. Mr. Rote stated that he thinks the Borough should stay out of the drinking business. After much discussion, the Secretary was instructed to find out about Liquor Control Board licensing, additional liability coverage naming the Borough as

Millheim Borough Council

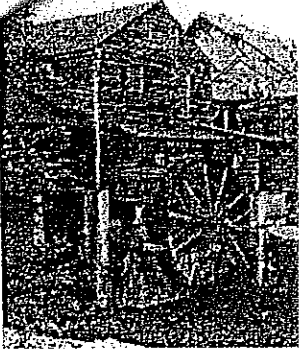
225 East Main Street

P.O. Box 421

Millheim, PA 16854

phone: (814) 349-5350 fax: (814) 349-5733

E-mail: millheim@verizon.net



Millheim
Home of the Mills

*8/15/13
mailed certified
7019 3410 000 82110356*

August 14, 2013

Mr. Shane Royer
Frankenberger Lane
Spring Mills, PA 16875

RE: North Street Church Property

Dear Mr. Royer:

Millheim Borough Council instructed the Borough Sewage Enforcement Officer, Pamela R. Winter, to inspect the privy located on your property at 117 North Street to determine the best method to eliminate this privy now that the building is connected to the public sewer system. A copy of the letter received from Ms. Winter is attached for your information. The Millheim Borough Council, at their meeting on August 13, 2013, voted unanimously to allow Option (1) to fill in the pit under the privy, remove the seat(s) and replace with solid wood and use the privy as a storage shed as requested by Mr. McCracken. This work should be completed no later than September 6, 2013 so an inspection and report can be completed by Michael Lesniak, Code Enforcement Officer in time for the Council meeting on September 10, 2013. Please contact Mr. Lesniak at 349-8177 to schedule his inspection when work is completed.

Under normal circumstances the property owner, upon connecting to the public sewer, is responsible to contact the Sewage Enforcement Officer for an inspection and instruction on elimination of the existing system and the invoice would have been sent directly to the property owner for payment. However, because of the property ownership confusion and the Borough's involvement with the sewer connection, the bill has been paid by the Borough. As with the previous bills we submitted to you for reimbursement, attached is a copy of Ms. Winters' invoice for this inspection in the amount of \$107.91. Please forward the reimbursements check made payable to the Millheim Borough no later than September 7, 2013.

Sincerely,

Sharon A. Heckman

Sharon A. Heckman
Secretary-Treasurer

Enclosures

cc: Wendell Royer
Kenneth Royer
Pastor S. Leigh Pick
Kay Brown
Linda C. Musser
Joshua McCracken

Millheim Borough is an Equal Opportunity Provider

Charles F. Herr, Jr.
 Pamela R. Winter
 Sewage Enforcement Officers
 P.O. Box 133
 Spring Mills, PA 16875
 Phone (814) 422-8577
 Fax (814) 422-8904

RECEIVED
 JUL 25 2013



Lighthouse on the
 Chesapeake Bay

BY:

File No.: 13\019
 July 23, 2013

Sharon Heckman, Borough Secretary
 Millheim Borough Council
 P.O. Box 421
 Millheim, PA 16854-0421

Re: Property Located at 117 North Street

Dear Sharon:

At the Council's direction and per your phone call to me, I met Michael Lesniak, Code Enforcement Officer, at the "church" property located at 117 North Street on this date. Mr. Josh McCracken, whose family is apparently living in the building, was also present.

I looked into the privy which is attached to the back of the building. The privy structure sets over an earthen pit approximately three (3) to four (4) feet deep. There was some paper-type material and some dried waste material in the pit (mostly under the east hole) along with a pile of fresh wood shavings on top. Mr. McCracken said the shavings were put in because with the recent hot, humid weather there had been some odor which could be noticed inside the building.

Mr. McCracken stated that he had no desire to use the privy for what it was originally intended. As I mentioned to you on the phone, Sharon, the two (2) options I suggested were: (1) to fill in the pit under the privy, remove the seat(s) and replace with solid wood and use the privy as a storage shed; or (2) to tear down the privy structure itself and fill in the pit under the privy.

As the privy is attached to the main building, and it is in the historic district, removing the privy itself would not seem to be a viable option. Mr. McCracken would like to fill in the privy pit, remove the board with the seat openings and replace with a solid board to use as a shelf, and keep the privy as a storage area. I would recommend putting a few bags of dehydrated lime in the pit to help with neutralizing any odor and the waste and filling in the pit with soil. I would not fill the pit with stone as this could create a sump near the foundation of the main building.

If the Council decides to let Mr. McCracken perform the work, you may give him a deadline in which to have it completed using the recommendations above to complete the job.

If you have any further questions, please do not hesitate to contact me.

Sincerely,

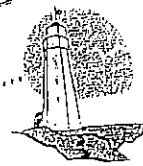
Pamela R. Winter

Pamela R. Winter
 Sewage Enforcement Officer
 Millheim Borough

cc: Mr. Josh McCracken

Charles F. Herr, Jr.
Pamela R. Winter
Sewage Enforcement Officers
P.O. Box 133
Spring Mills, PA 16875
Phone (814) 422-8577
Fax (814) 422-8904

RECEIVED
AUG - 5 2013
BY:



Lighthouse on the
Chesapeake Bay

Sharon Heckman, Secretary-Treasurer
Millheim Borough Council
P.O. Box 421
Millheim, PA 16854

Invoice No.: 13\019
Date: July 31, 2013

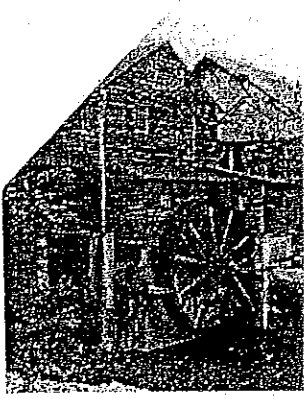
Service Date(s): July 1, 2013 thru July 31, 2013

Sewage Enforcement Officer Services Relative To:

Property Located at 117 North Street

Services Rendered:

7-23-13	P Winter	SEO/privy inspection for change of use & letter to Council	<u>2hrs @ \$50/hr</u> <u>14mi @ \$.565/mi</u>	\$100.00 7.91
Total Due				\$107.91



Millheim
Home of the Mills

Attachment "H"
Millheim Borough Council

225 East Main Street

P.O. Box 421

Millheim, PA 16854

phone: (814) 349-5350 fax: (814) 349-5733

E-mail: millheim@verizon.net

*11/1/13
mailed
certified*

October 31, 2013

Mr. Shane Royer
St. John's UCC
P.O. Box 83
Millheim, PA 16854

RE: Inspection

Dear Mr. Royer:

As a follow-up to the letter sent to you dated August 14, 2013, the Penns Valley Code Enforcement Officer, Michael Lesniak, stopped to inspect the church property at 117 North Street on Tuesday, October 29, 2013. The purpose of this inspection was to determine if the following work had been completed as required:

The Millheim Borough Council, at their meeting on August 13, 2013, voted unanimously to allow Option (1) to fill in the pit under the privy, remove the seat(s) and replace with solid wood and use the privy as a storage shed as requested by Mr. McCracken. This work should be completed no later than September 6, 2013 so an inspection and report can be completed by Michael Lesniak, Code Enforcement Officer in time for the Council meeting on September 10, 2013. Please contact Mr. Lesniak at 349-8177 to schedule his inspection when work is completed.

While Mr. Lesniak was unable to locate Mr. McCracken he did open the door to the privy and has reported that the seat(s) have not been removed and replaced with solid wood. Therefore, to avoid further action, this job must be completed and inspected by November 15, 2013.

If you have any questions, please contact the Borough Office at 349-5350.

Sincerely,

J. Alan Ilgen
J. Alan Ilgen
Borough Council President

Millheim Borough

From: Sharon A. Heckman <millheim@verizon.net>
Sent: Saturday, January 21, 2017 9:49 PM
To: mike.pvcode@yahoo.com
Cc: tmo110@verizon.net; lauralee.snyder@accuweather.com; dlsnit@hotmail.com; jailgen@verizon.net; mkclawoffice@aol.com; ljc7871@yahoo.com; mike.pvcode@yahoo.com; pvcode@verizon.net
Subject: Re: Re: Offensive Sign at McCracken's on North St

From the remarks from the callers I had, I don't believe the McCrackens will be so pleased with themselves when they discover how many people begin to boycott their business. Even people who may have shared their opinion highly disapproved of their inappropriate language on the sign. I also had one caller who said she was going to "knock on their door and tell them what she thought of them."

Sharon
Jan 20, 2017 07:46:45 PM, mike.pvcode@yahoo.com wrote:

=====

I apologize for all the typos in my last message but since it was my day off it was I sent it from my phone.

Michael Lesniak
Penns Valley Code Enforcement Agency
Gregg Township Zoning Officer
(814) 349-8177
Fax (814) 349-8177

On Fri, 1/20/17, Michael Lesniak wrote:

Subject: Offensive Sign at McCracken's on North St
To: "Ed Bowman", "Lauralee Snyder", "Dave Sprowls", "Al Ilgen", "John Miller III", "ljc7871@yahoo.com", "Sharon A. Heckman"
Cc: "Penns Valley Code Enforcement Agency"
Date: Friday, January 20, 2017, 4:23 PM

Hello,

I am sure that several of you have been bombarded with phone calls as well. my phone calls were very upset that the sign was clearly visible to elementary students on the way to school this morning. Apparently several teachers had to address questions as to the meaning of the words. I am also sure that many parents will be annoyed as well.

Anyway, I did go and speak with Erin McCracken. I explained that I understand that she has a right to express her thoughts and opinions, however I tried to explain that the wording could have been chosen to have the same impact, but to be less offensive. Her response was that she was quite happy that pole are talking about it. I then brought up that as a parent as we both are, however her children are far younger than mine, I did not understand how she felt it was acceptable for young children to see this.

As I was not getting my point across, I left it very clearly that a sign permit is required under the ordinance.

Mike Michael Lesniak
Penns Valley Code Enforcement Agency

ATTACHMENT "J"

CC RODSC2
PAGE 17
RECORDER OF DEEDS
RTT DETAIL REPORT FOR 12/01/2016 THRU 12/30/2016
PRINTED 01/03/17 AT 07:44:41

MILHEIM BOROUGH
PO BOX 421
MILHEIM, PA 16854

DATE 12/01/2016
DEED MCCRACKEN, JOSHUA
BUYER

SELLER
ST JOHN'S UNITED CHURCH OF CHR33-002-,024-,0000-
PARCEL NUMBER

CONSIDERATION
22,700.00
* TOTAL

RTT
113.50
113.50

A/c 523 ——— change acct. to his name & make it Josh MCCRACKEN? (Bus. Ac 88)
117 North St.
P.O. Box 427

[REDACTED]

changed in
program on
1.24.17

PLANNING COMMISSION REPORT:

The written report from the January 24, 2017 meeting on the discussion about the radio tower installed at 117 Penn Street was reviewed. There were no recommendations to Council but the unanimous consensus of the Planning Commission at that meeting was for safety reasons the radio tower had to be removed as soon as possible but no later than February 13, 2017. The Code Enforcement can take care of this because the structure was erected without proper permits. The Secretary reported that several days after the Planning Commission meeting Larry Wolken told her that the tower had been removed and that the group had been offered space in Penn Township for the radio station. Mr. Wolken is working through the necessary requirements but he was pleased because the offered property provided adequate space for the tower to be safely secured and because of the additional height the station would provide better coverage.

Members of Council expressed concerns that people are buying property and moving into the Borough without following the codes. The Secretary and Mr. Ripka explained about their conversations with Mr. Pisano about things he is proposing for the property at 103 Penn Street. It has been explained to both Mr. and Mrs. Pisano that at this time no additional use can be added to this property because of the sewer connection ban. Mr. Ripka explained that Mr. Pisano has been told that if he intends to put a business on this property he must start at Centre County for permission to change the use of the property from residential to commercial.

OLD ACTION:

The Engineering and Traffic Study prepared by Franson Engineering and Surveying was discussed. Mr. Franson suggests changing the alleys he was asked to look at be changed to one-way coming into the alleys from Rt. 45. The one issue raised was because of Scott Myers concern about making State Street one-way. Mr. Myers explained in an earlier meeting that he prefers to pull onto Rt. 45 from State Street because of the mail truck blocking the entrance onto Penn Street. A suggestion was made to possibly convert certain alleys into bike or pedestrian roads. The Secretary explained that doing that would lose Liquid Fuel money that we now use to help maintain these alleys. The possibility of changing the length of time that vehicles are allowed to park on Main Street was also discussed. Vehicles parking overnight and along the alleys is a problem when plowing is necessary. Mr. Bowser suggested something should be done about the parking before doing changes about length of allowed parking. Mr. Sprowls will have his information ready for the next meeting. The Solicitor explained that to change alleys to one-way would require the adoption of an ordinance and changing the time allowing parking requires an ordinance amendment. To do this would requires two meetings: one meeting to authorize the Solicitor to prepare and advertise the ordinance, which is then available for public review; and the second meeting to adopt the ordinance. After further discussion, the Secretary was instructed to contact Mr. Bloom of Centre County Planning and PennDot if possible to attend a public meeting to allow residents to see options available and give final comment on the downtown parking situation. A motion was made by David Sprowls and seconded by Ed Bowman to accept the Engineering and Traffic Study as prepared by Franson Engineering and Surveying.

Mr. Sprowls hasn't heard anything further from Mr. Gyekj's on the town clock.

President Ilgen reported that he attended the last Centre County Tax Agency meeting and that everything with the new agreement looked good and everyone was pleased.

President Ilgen presented a Fire Tax Committee update. The Fire Company would like municipal employees to get licensed to drive the fire trucks to help with the shortage of drivers during the daytime hours. The expected delivery of the new fire truck is the second or third week of April.

The written update on the FedEx damage claim was reviewed.

NEW ACTION:

The Centre County Commissioner's survey about an additional \$5.00 vehicle registration fee was discussed. The consensus of the group was that it is a good idea but everyone questioned how it would be distributed among the County municipalities.

A motion was made by Ed Bowman and seconded by Leslie Warriner to exonerate the Tax Collector from collection of the Real Estate and Per Capita Taxes per the lists as presented and to turn these taxes over to Centre County and J.P. Harris the Delinquent Per Capita Tax Collector for collection. Motion carried.

The ownership of the church property on North Street has been transferred from the UCC Church to Josh McCracken. The Borough has a lien on this property for providing water/sewer service to the property for the McCracken's. This lien was not satisfied at the time the property was transferred. The Solicitor explained the options available to the Borough for collection of this lien. After discussion, a motion was made by David Sprowls and seconded by Leslie Warriner for the Solicitor to send a letter to Mr. McCracken giving him a 12-month time frame to pay the lien. Motion carried.

COMMITTEE REPORTS: None

LAW OFFICES OF
MILLER KISTLER & CAMPBELL

MAR 24 2017

RICHARD L. CAMPBELL
JOHN R. MILLER, III
TERRY J. WILLIAMS
TRACEY G. BENSON*
DAVID B. CONSIGLIO**
BRIAN K. MARSHALL
DAVID S. GAINES, JR.
MICHAEL S. LEVANDOSKI
JOHN W. LHOTA

PLEASE REPLY TO:
BELLEFONTE OFFICE

March 21, 2017

124 NORTH ALLEGHENY STREET
BELLEFONTE, PA. 16823-1643
(814) 355-5474
FAX (814) 355-5340
AND
720 SOUTH ATHERTON STREET, STE 201
STATE COLLEGE, PA. 16801-4669
(814) 234-1500
FAX (814) 234-1549

JOHN R. MILLER, JR.
(1919-2007)

ROBERT K. KISTLER
(1925-2012)

OF COUNSEL
FRED B. MILLER
LISA M. WELSH**

*ALSO ADMITTED IN WEST VIRGINIA
**ALSO ADMITTED IN MARYLAND

Certified and Regular Mail

Joshua McCracken and
Erin Condo McCracken
P.O. Box 427
Millheim, PA 16854

Dear Mr. and Mrs. McCracken:

As Solicitor for the Borough of Millheim I am writing to you concerning the municipal lien which Millheim Borough previously filed against the Reformed Congregation of Millheim, now St. John's United Church of Christ on July 26, 2013 in the Prothonotary's Office of Centre County to Docket Number 2013-2923 in the amount of \$1,620.00 for non-payment of a waterline installation expense. This municipal lien is a lien upon the property located at 117 North Street, Millheim, which you purchased from the Church by deed dated December 30, 2014 as recorded in Centre County Record Book 2191, Page 91 on December 1, 2016.

The Borough desires to collect payment for this municipal lien. Since you are the owner of the property you are responsible for payment of this lien. You may pay this lien in full by sending payment to Millheim Borough in the amount of \$1,620.00 at P.O. Box 421, Millheim, PA 16854 within thirty (30) days of the date of this letter or, the Borough is willing to allow you to pay this lien in twelve (12) consecutive monthly payments of \$135.00 each with the first payment to be received by the Borough no later than April 21, 2017 with like payments to be made no later than the 21st day of each month thereafter until this lien is paid in full. There is a court cost of \$35.00 for the filing and satisfaction of the lien which will be due from you with the last payment.

Page 2

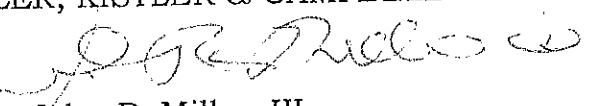
March 21, 2017

In the event you do not pay this lien in full or make the first monthly payment by April 21, 2017, the Borough has authorized me to begin the legal process to execute on the municipal lien which could result in the property being exposed to a sheriff sale.

Thank you for your attention to this matter.

Very truly yours,
MILLER, KISTLER & CAMPBELL

By:


John R. Miller, III

JRM/III:bsd

cc: Millheim Borough

THIS LETTER IS AN ATTEMPT TO COLLECT A DEBT

IN THE COURT OF COMMON PLEAS OF CENTRE COUNTY, PENNSYLVANIA

MILLHEIM BOROUGH,
Plaintiff,

vs.

REFORMED CONGREGATION OF
MILLHEIM, NOW ST JOHNS
UNITED CHURCH OF CHRIST,
SUCCESSOR IN INTEREST
Defendant
Owner, reputed owner or
apparent ownerNo. 2013-2923
Municipal Lien

2013 JUL 26 PM 2:00

The Borough of Millheim hereby files its claim or statement of demand against the lot or ground hereinafter described for nonpayment of water and sewer service.

FIRST. The name of the municipality by which this claim is filed is the Borough of Millheim, with offices at 225 East Main Street, P.O. Box 421, Millheim, PA 16854.

SECOND. The name of the owner, reputed owner or apparent owner of the property against which said claim is filed is Reformed Congregation of Millheim, Now St. Johns United Church of Christ, Successor in interest, c/o Shane Royer, Council President, of 148 Frankenburger Lane, Spring Mills, PA 16875.

THIRD. A description of the property against which it is filed is as follows:

117 North Street
Millheim, PA 16854

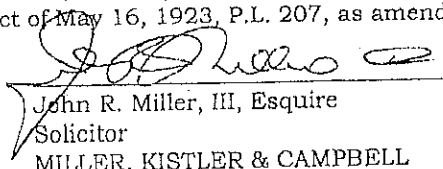
Centre County Tax Parcel 33-002-024

FOURTH. The authority under or by virtue of which the Borough of Millheim files this lien is the Borough Code, Act of February 1, 1996 (1965 P.L. 1656, No. 581) as amended, Section 2052 and the Municipal Claims and Liens Act of May 16, 1923, P.L. 207, as amended.

FIFTH. This lien is filed for nonpayment of waterline installation expense pursuant to the provisions of Chapter 26, Part 2, Section 214 and Section 269 of the Millheim Borough Code of Ordinances.

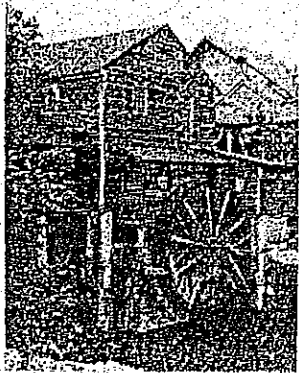
SIXTH. The amount of the assessment for the property hereinabove described is \$1,620.00 for nonpayment of waterline installation expense provided by Millheim Borough plus costs of filing of this Municipal Lien.

Millheim Borough, a municipal corporation existing under the laws of Pennsylvania, files this claim or lien, under and by virtue of the Borough Code, Act of February 1, 1996 (1965 P.L. 1656, No. 581) as amended, Section 2052 and the Municipal Claims and Liens Act of May 16, 1923, P.L. 207, as amended.


John R. Miller, III, Esquire
Solicitor

MILLER, KISTLER & CAMPBELL
124 North Allegheny Street
Bellefonte, PA 16823

Dated: July 26, 2013



Millheim Borough Council

225 East Main Street

P.O. Box 421

Millheim, PA 16854

phone: (814) 349-5350 fax: (814) 349-5733

E-mail: millheim@verizon.net

Attachment "A"

Millheim
Home of the Mills

February 17, 2017

Joshua McCracken
P.O. Box 427
Millheim, PA 16854

Re: Delinquent Water Bill for 105 East Main Street

Your account has become 60 days delinquent.

*Pd in full
2-27-16
✓ 63950895*

Date of Last Payment: December 29, 2016 (which did not clear balance due)

Payment Amount Now Due: **\$375.00**

Payment Due Date: February 28, 2017

If payment in full is not received by the due date, service to this property will be terminated on **March 2, 2017** and the following charges will apply: A turn-off fee of \$100.00 and an additional fee of \$100.00 to restore service to the property. A municipal lien may also be filed when service is discontinued and those costs are your responsibility. These charges are in addition to any outstanding balance due to the Borough at the time service is discontinued.

Pamela Winter

Pamela Winter
Water Billing Secretary

Web Images Videos News More Tools History SafeSearch

About 349,000 results

Ads related to deadbeats

Save on Music at Amazon - Low prices on new & used music.
Amazon.com/music
 Low prices on new & used music. Free Shipping on Qualified Orders.
 4.0 rating for amazon.com

Try Amazon Prime Enjoy Free Two-Day Shipping Plus Music, Movies, and More	Amazon Echo Information, Music, News, Weather, Audiobooks, Sports & More-Instantly
Amazon Kindle Holds 1000s Of Books, Weeks-Long Battery, Glare-Free Touchscreen	Amazon Music Unlimited Listen to any song, anywhere. Start your 30-day free trial.

Deadbeats on eBay - Great deals on Deadbeats.
www.ebay.com
 Great deals on Deadbeats. Buy It New, Buy It Used, Buy It Now
 Find great deals on eBay for deadbeats and mc5.
 4.0 rating for ebay.com

Web Results

dead·beat

/ˈdɛd bɛt/

noun

1. a person who tries to evade paying debts.

Powered by OxfordDictionaries · © Oxford University Press

Deadbeat (TV Series 2014–) - IMDb

www.imdb.com/title/tt3147316
 Deadbeat . TV-14 | 22min | Comedy | TV Series (2014–) Episode Guide. 36 episodes. The series follows Kevin Pacaliglu, a medium for hire, who ...

Urban Dictionary: deadbeat

www.urbandictionary.com/define.php?term=deadbeat
 The Urban Dictionary Mug. ... Deadbeats do not pay their own way. They sponge off their families, their friends, and any other person dumb enough to give them money.

Deadbeats Schedule

deadbeats.com/schedule.html
 Deadbeats Schedule - Check back for more shows! Deadbeats play EVERY WEDNESDAY at The Low Beat in Albany, NY 10:00PM! January 2016: Friday 1/8/16

Deadbeat | Define Deadbeat at Dictionary.com

www.dictionary.com/browse/deadbeat
 Deadbeat definition, a person who deliberately avoids paying debts. See more.

Deadbeat | Definition of Deadbeat by Merriam-Webster

<https://www.merriam-webster.com/dictionary/deadbeat>
 Define deadbeat: a lazy person : ... His friends are just a bunch of deadbeats. He was accused of being a deadbeat. First Known Use of deadbeat. 1863.

DeadBeats - Home | Facebook

<https://www.facebook.com/deadbeats>
 DeadBeats. 30K likes. Music | Parties | Deadbeats Got music you think we should hear? Submit it here: bit.ly/Demos4Deadbeats

Deadbeats Discography at Discogs

<https://www.discogs.com/artist/3195-Deadbeats>
 Complete your Deadbeats record collection. Discover Deadbeats's full discography. Shop new and used Vinyl and CDs.

Deadbeats — Free listening, videos, concerts, stats and ...

<https://www.last.fm/music/Deadbeats>
 Watch videos & listen free to Deadbeats: Humdrum, You Never Know & more. There are several bands that go by this name. 1) A downtempo Nottingham, UK duo (aka The ...

Deadbeat Customs

<https://www.deadbeatcustoms.com>
 Deadbeat Customs has the best selection of Harley Davidson Parts, Bobber Parts & Chopper Parts for Sportster, Big Twin, Dyna, Yamaha XS650 & more!

The Deadbeats | The Deadbeats

deadbeatsband.co.uk
 The Deadbeats Partyband would like to congratulate the new Mr & Mrs Andrew & Natalie Cunliffe on tying the knot! It was a honour for the lads to play at their wedding ...

See results about

Deadbeat (Supernatural TV Program)
 Deadbeat is an American supernatural comedy series created by Cody...

Related Searches

[Deadbeat Directory](#)

[Deadbeat Dads](#)

[National Deadbeat Dad Registry](#)

[Deadbeat Season 4](#)

[National Deadbeat Dad's List](#)

[Deadbeat Dad Websites](#)

[Deadbeat Moms List](#)

[Free Deadbeat Dad Search](#)

Unfortunately, due to the events noted in the timeline, we've lost faith in this Council's ability for fairness, so we are not here to beg you this evening for the fairness that we deserve. The money you allege we owe, which we were told on numerous occasions was not owed by us, and which upon information and belief is not charged to other similarly situated residents is already in escrow as an act of good faith on our part, waiting to be paid to you should you decide after reviewing the timeline that you are justified to take it.

We do have specific questions about how it came to be that our home was almost placed into Sheriff's Sale without notice to me, but instead of addressing those questions to the Borough in this setting, We look forward to the borough's complete answer to our formal Right To Know request that we are presenting as the second part of the documents we will provide to you.

This Right To Know request is designed to be the first step towards uncovering the details about how the Borough Council and the Borough representatives can justify charging my family for getting water service to our property when they do not charge other people for the same service. Our request seeks evidence and documentation as to how, why, and by whom this decision was made and documentation about how the Borough has handled similar matters involving other residents in the past.

We are here today to formally provide this elected Council and members of our community information about a pattern of serious misconduct and unfair treatment on the part of Borough Representatives that has fundamentally violated our rights.

This matter has escalated to this point for one reason and one reason only. Representatives of our local government repeatedly and purposefully misled us. Our concerns related to this matter include but are not limited to the following:

1. As you'll see in our timeline, the Borough Secretary misrepresented the facts regarding our property and the Borough process to us on numerous occasions. In fact, it was the Borough Secretary's repeated misrepresentations and omissions that led us to the point where we were subject to penalties for nonpayment of the fees. Our experience with the Borough Secretary reveals that she uses her position within the Borough to carry out personal agendas against people she mistrusts or dislikes due to their differing political views or lifestyles. We have learned that we are not alone, many of our fellow residents have confided that they have had similar experiences with the Borough Secretary and many have refused to speak up because they fear further politically motivated reprisals.
2. The Borough Secretary has been using her position in a manner that not only reflects poorly on this Borough but also constitutes a violation of Due Process of residents and an egregious abuse of power. The Borough Secretary is in the position of a public servant, but she uses her position to serve only those members of the public with whom she personally gets along and politically agrees. The Borough Secretary benefits from creating a hostile environment that creates doubt, confusion, fear, and instability that allows her to discriminate against citizens and ensures that certain citizens feel especially unwelcome.
3. This unfair targeting, abuse of power, and denial of due process must come to an end. It is within the power of this Council to ensure that our public servants and representatives of the Borough carry out their roles in a manner consistent with the requirement of fairness and at a minimum within the requirements of the law. It is our sincere hope that the Borough Secretary and Penns Valley Code Enforcement will choose to take the important first step

Late March 2017:

We receive letter from the Borough Solicitor informing us that there is a lien on the church. **This is the first time we hear about the lien on the property.** I immediately went to the borough secretary's office to ask for information. She said that she would provide copies of all correspondence revolving around the sewer/water

During this interaction I made very clear to her that we disputed this charge and that we thought it had been resolved. We would not have let a lien carry on our property had we known that we had lost this dispute. I told her that it was our understanding that the charge had been resolved and that we were told we didn't have to pay the charge back when we received the original invoice. She told me very clearly that in order for us to be absolved of the \$1620 charge that the borough council would have had to vote to remove the charge.

NOTE: *We are very confused by this process. If the responsibility related to such charges rests with Borough Council, which must be the case if they have to vote to remove the charge, where is the evidence that they voted as a council to charge us \$1620 in the first place?*

There is no evidence of this decision to charge us being made at any Borough Council meeting between the time that we bought (agreement of sale) and before a lien was placed on the property? Borough Council would have to have voted on and passed a motion to charge us the additional fee of \$1620 for going under the road, but there is no record of this vote taking place. This seems especially important in light of the fact that there is precedent for other properties in recent times (particularly Jay Houser's property) that were not charged for the same service.

This incongruity strongly suggests that decisions about who to charge or not charge were in practice made by the Borough Secretary and not the Borough Council. IF this is the case, the Borough Secretary misrepresented herself to us and to the Borough Council.

April 2017

Our renter and neighbor informed us that Millheim borough employees were stopped in front of our property taking photos of our back lot. As we were not informed of any formal complaint against us, we do not know why we are being surveilled in this way. However, the taking pictures of our property does show continued targeting on behalf of the Millheim borough.

Martha Hoffman received a letter dated April 3 raising concerns about our use of the school house. **(See Attachment "F")** My husband Josh, upon hearing about this letter to Ms. Hoffman, immediately went into the office to ask about the letter and to ask why the borough had concerns. The Borough Secretary's response was that the Borough didn't know that Josh was part owner of the building. Josh asked what "Do I need permits to do demolition in the process of restoring the building?" Mr. Glen Ripka and Mr. Lesniak replied "no." The Borough Secretary was present for this discussion.

Conclusion:

Millheim Borough

From: Millheim Borough <millheim@verizon.net>
Sent: Monday, April 3, 2017 3:32 PM
To: 'erinpcondo@gmail.com'
Cc: Alan Ilgen
Subject: Documents requested

Importance: High

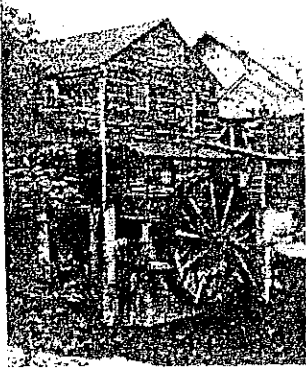
Hi Erin,

As we discussed on Friday, March 31, 2017, most of the letters regarding the water/sewer connection to the North Street Church Property were mailed to Mr. Shane Royer as council president of St. John's United Church of Christ. Since you were copied on these letters, I have made you a copy as you requested along with a copy of the relevant Borough Council minutes. You can stop in the office any day this week between 8:00 a.m. and 5:00 p.m. (except Wednesday, April 5, 2017) to pick up this packet of information.

Sharon

Sharon A. Heckman
Secretary-Treasurer
Millheim Borough Council
P.O. Box 421
Millheim, PA 16854
(814) 349-5350

4/12/17
Documents given to
Josh McCracken personally.
Sharon Heckman



Millheim
Home of the Mills

Attachment "D"
Millheim Borough Council

225 East Main Street

P.O. Box 421

Millheim, PA 16854

phone: (814) 349-5350 fax: (814) 349-5733

E-mail: millheim@verizon.net

April 3, 2017

Old School Millheim, LLC
c/o Ms. Martha Hoffman
99 Crossman Ter
Rochester, NY 14620-1827

RE: Use of Building

Dear Ms. Hoffman:

It has come to the attention of the Millheim Borough Council that there is regular activity in the Old-School building on North Street. Since no permits or inspections have been done and there is no water/sewer service to the building, Council needs to know if there are business activities being conducted there.

Thank you for providing clarification on the current status of the Old School.

Sincerely,

Sharon A. Heckman

Sharon A. Heckman
Secretary-Treasurer

Millheim Borough is an Equal Opportunity Provider.

was made by Ed Bowman and seconded by Leslie Warriner to amend the Per Capita Tax Ordinance to eliminate the exemption. 323
Motion carried.

Ordinance #261 amending certain sections of the current Chapter 15 on motor vehicles and traffic was discussed. The Solicitor explained that certain sections of the PA Motor Vehicle Code have specified fine amounts which can't be changed and it is important for Code Enforcement to be familiar with the Vehicle Code so the fines are correct. A motion was made by Ed Bowman and seconded by David Sprowls to authorize the Solicitor to advertise Ordinance #261 with the change on page 6 to eliminate the following "(except for the first two parking spaces east of Sugar Alley)". Motion carried.

COMMITTEE REPORTS: None

Tim Bowser explained that last year there were three Beer Garden Events held on three Sundays as a low-key fund raiser for the Millheim Fire Company. These events provided music, a beer truck and food trucks. He is requesting permission to hold three similar events this year on May 28, July 2 and August 13, 2017. President Ilgen explained that in the past Council has instructed the Secretary to act on annual events without bringing the request to Council. A motion was made by Ed Bowman and seconded by Leslie Warriner to approve the three Beer Garden Events as requested with no street closings or fire police coverage required. Motion carried.

President Ilgen called an Executive Session to discuss matters of employment at 9:15 p.m.

At 9:45 p.m. President Ilgen recalled the regular meeting to order with the following persons in attendance: Patricia Beckenbaugh, Ed Bowman, Alan Ilgen, David Sprowls, Lauralee Snyder, Leslie Warriner, John R. Miller, III and Sharon Heckman.

A motion was made by Leslie Warriner and seconded by Ed Bowman to give \$100 each to Justin and Lester Kerstetter to thank them for the extra efforts they provided to keep the streets safe during the March 2017 blizzard. Motion carried.

A motion was made by Ed Bowman and seconded by David Sprowls to accept the March 14, 2017 council meeting minutes with the following correction to the final paragraph on page 1: add "and seconded by Ed Bowman" so the sentence reads "A motion was made by David Sprowls "and seconded by Ed Bowman" to accept the Engineering Traffic Study..... Motion carried.

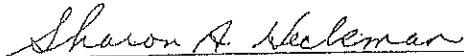
A motion was made by Ed Bowman and seconded by Leslie Warriner to approve the March 2017 financial reports as presented. Motion carried.

The Secretary's written report was reviewed. The Secretary reported that Mrs. McCracken received the letter from the Solicitor explaining they were responsible for the lien on the property at 117 North Street. She requested a copy of all letters sent to her regarding the water/sewer connection to the old church on North Street because she said they were given a waiver for payment of the \$1,620 for which the Borough filed a lien. An email was sent to Mrs. McCracken informing her that she could pick up the requested information but to date she hasn't been in to collect the information.

Council took no action on the requested resolutions from McSherrystown Borough in Adams County.

An employee meeting was scheduled for Friday, May 12, 2017 at 8:00 a.m. in the Council Room.

A motion was made by David Sprowls and seconded by Ed Bowman to adjourn the meeting at 10:03 p.m. Motion carried.


Sharon A. Heckman, Secretary-Treasurer

Board meeting and complain about them not patrolling. Then the Agency Board representative would have to go back to the municipalities so each of the four municipalities would have to decide if this was to be changed. Mr. Manley said other municipalities work with their borough employees to determine where violations exist. In response to a complaint about water on the Manley property, the Solicitor explained that you can't divert the natural flow of water unto a neighboring property. He also explained to Mr. Manley that he isn't giving legal advice but this issue is a private issue because it doesn't affect the health and welfare of the general public so he may want to discuss this with his own attorney. Mrs. Manley stated that for future issues she thinks ordinances should be in place that the landlords have to follow about what is expected of the tenants. She thinks the Borough should have these stronger ordinances in place to keep the town looking nice. Ms. Warriner sympathizes with their situation but questioned how much restriction should be put on a land owner. She explained that their complaint about an unlicensed vehicle, dog noise and trash could be taken care of now and she will call Mr. Philippe at the County Conservation Office again about the sedimentation/erosion plan that hasn't been working on this property. Ms. Wolfe explained that in Snow Shoe they have a minimal use fee for water/sewer service if people are living in properties for minimal time. She thinks this should be looked into. President Ilgen explained the water/sewer shutoff policy that the Borough currently has in place. Ms. Wolfe told Council that the Borough employees do a great job. President Ilgen thanked everyone for sharing their concerns and told them Council will follow up on all the complaints.

HARB/CODE ENFORCEMENT:

No HARB meeting was held. The Code Enforcement's written report was reviewed with no questions.

EMPLOYEE REPORTS:

The written report submitted by Justin Kerstetter and Roy Rupert was reviewed with no questions. Ms. Warriner thought the poor response to the spring leaf collection might have been because of the weather. She suggested talking about perhaps doing a brush collection every two months. This will be discussed at the Employee meeting.

PLANNING COMMISSION REPORT: None

OLD ACTION:

The Solicitor reviewed with Council the changes they previously approved for Ordinance #261 amending Chapter 15 and Chapter 24 of the Borough's Codified Ordinances. A motion was made by Ed Bowman and seconded by Leslie Warriner to adopt Ordinance #261. Motion carried.

President Ilgen reported that DEP has approved the requested EDU's plus five additional EDU's. Mr. Bowser said he needs a letter for Centre County stating that the Borough has the EDU's available for his proposed expansion.

A motion was made by Leslie Warriner and seconded by Dave Sprowls to approve payment of the invoice submitted by Uni-Tec for \$718.75. Motion carried.

After discussion, President Ilgen said he will suggest the Women's Club donate money and Council will continue looking for an appropriate picnic table.

President Ilgen explained that Richard Winebold spoke briefly to Vince Smith about looking at the town clock but he hasn't heard anything recently.

NEW ACTION:

President Ilgen reported that a letter was sent to Mr. & Mrs. McCracken offering them an opportunity to pay the lien in full or in monthly installment payments but to date no payment has been received. The letter stated that if no payment was received Council would start proceedings to file papers to execute on the judgment for a sheriff sale. Council instructed the Solicitor to send a second letter to the McCracken's explaining about additional costs that would be added if this goes to sheriff sale and extend their date for payment until June 13, 2017.

A motion was made by Leslie Warriner and seconded by Ed Bowman to adopt Resolution 2017-4 stating the Council's opposition to the elimination of CDBG funding. Motion carried.

Mr. Bowman suggested waiting until HAMA has their meeting and if they approach Council about the interconnect then there can be a discussion. Ms. Warriner agreed that and noted the problem is there is currently no funding for construction. She thinks the line of communication should be kept open. Mr. Sprowls is concerned this is a band aid fix because HAMA needs to provide a water supply that can support them. Ms. Warriner agreed that HAMA needs to work out a long-term plan but this could be a faster short-term plan to supply part of the town if needed.

Lauralee Snyder entered the meeting at 8:35 p.m.

Attachment "Q"

COPY

LAW OFFICES OF
MILLER KISTLER & CAMPBELL

RICHARD L. CAMPBELL
JOHN R. MILLER, III
TERRY J. WILLIAMS
TRACEY G. BENSON*
DAVID B. CONSIGLIO**
BRIAN K. MARSHALL
DAVID S. GAINES, JR.
MICHAEL S. LEVANDOSKI
JOHN W. LHOTA

OF COUNSEL
FRED B. MILLER
LISA M. WELSH**

*ALSO ADMITTED IN WEST VIRGINIA
**ALSO ADMITTED IN MARYLAND

PLEASE REPLY TO:
BELLEFONTE OFFICE

May 10, 2017

124 NORTH ALLEGHENY STREET
BELLEFONTE, PA. 16823-1643
(814) 355-5474
FAX (814) 355-5340
AND
720 SOUTH ATHERTON STREET, STE 201
STATE COLLEGE, PA. 16801-4669
(814) 234-1500
FAX (814) 234-1549
JOHN R. MILLER, JR.
(1919-2007)
ROBERT K. KISTLER
(1925-2012)

Certified and Regular Mail

Joshua McCracken and
Erin Condo McCracken
P.O. Box 427
Millheim, PA 16854

MAY 12 2017

Dear Mr. and Mrs. McCracken:

As Solicitor for the Borough of Millheim I wrote to you on March 21, 2017 concerning the municipal lien which Millheim Borough previously filed against the Reformed Congregation of Millheim, now St. John's United Church of Christ on July 26, 2013 in the Prothonotary's Office of Centre County to Docket Number 2013-2923 in the amount of \$1,620.00 for non-payment of a waterline installation expense. This municipal lien is a lien upon the property located at 117 North Street, Millheim, which you purchased from the Church by deed dated December 30, 2014 as recorded in Centre County Record Book 2191, Page 91 on December 1, 2016.

In my letter of March 21, 2017 I indicated that you could pay this lien in full in the amount of \$1,620.00 plus costs of \$35.00 by April 21, 2017 or contact the Borough Secretary to make arrangements for payment of this amount in twelve (12) consecutive monthly payments of \$135.00 each plus the costs of \$35.00. You did not make payment nor arrange for a monthly payment plan with the Borough Secretary by April 21, 2017 and at the Borough Council's meeting on May 9, 2017, the Council authorized me to begin the legal process to execute on the municipal lien which will result in the property being exposed to Sheriff Sale.

However, as a courtesy to you, since the amount of the lien is only \$1,620.00 plus costs now of \$35.00 for a total amount due of \$1,655.00, I am advising you that in order for the Borough to commence this legal process, the Sheriff requires advance Court costs be paid in the amount of \$3,500.00. These costs will be added to the amount of the lien

Page 2
May 10, 2017

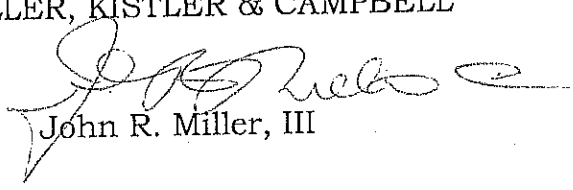
so that if the Sheriff Sale eventually takes place, the Court costs of \$3,500.00 that you will owe are more than double the amount of the municipal lien if you pay it, or make arrangements to pay it, before this legal process is started.

Therefore, since these costs of \$3,500.00 required by the Sheriff are excessive compared to the amount of the lien you owe, the Borough Council has indicated that the Borough will not have me commence the legal action until after the Council's June 13, 2017 meeting, giving you until 4:00 p.m. June 13, 2017 as a second and final opportunity to make arrangements with the Borough Secretary for payment of the municipal lien before these Sheriff's costs are incurred.

Thank you for your attention to this matter.

Very truly yours,
MILLER, KISTLER & CAMPBELL

By:


John R. Miller, III

JRM/III:bsd

cc: Millheim Borough

THIS LETTER IS AN ATTEMPT TO COLLECT A DEBT

Attachment "R"

From: millheim <millheim@verizon.net>

To: erinpcondo <erinpcondo@gmail.com>

Bcc: Mkclawoffice <Mkclawoffice@aol.com>; jailgen <jailgen@verizon.net>

Subject: Re: Request to be on agenda next council meeting

Date: Thu, May 25, 2017 2:52 pm

Good afternoon,

As requested, you have been added to the agenda for the June 13, 2017 Borough Council meeting which begins at 7:00 p.m.

Sharon A. Heckman
Secretary-Treasurer
Millheim Borough Council
P.O. Box 421
Millheim, PA 16854
(814) 349-5350

-----Original Message-----

From: Erin Condo McCracken <erinpcondo@gmail.com>

To: Leslie clark <ljc7871@yahoo.com>; Millheim Borough <millheim@verizon.net>

Sent: Wed, May 24, 2017 10:26 am

Subject: Request to be on agenda next council meeting

Hello,

It is our understanding that the borough council has agreed to hear our arguments disputing the charge of \$1620 for putting the water line under the road.

Please consider this my and my husband's formal request to be put on the agenda for the next meeting to dispute the charge.

Erin & Joshua McCracken

--

"Never trust a man in a blue trenchcoat,
never drive a car when you're dead" -Tom Waits

Millheim Borough

From: John R. Miller, III, Esquire <mkclawoffice@aol.com>
Sent: Wednesday, May 31, 2017 9:21 AM
To: millheim@verizon.net; jailgen@verizon.net
Subject: McCracken
Attachments: 20170531091932391.pdf

Sharon and Al,

Attached is a copy of the letter I received from McCracken's attorney regarding their intent to make a presentation to Council at the June 13 meeting.

John R. Miller, III, Esquire
Miller, Kistler & Campbell
124 N. Allegheny Street
Bellefonte, PA 16823
(814)355-5474 phone
(814)355-5340 fax



Do not accept or request changes to wiring instructions via e-mail or fax. Always call to verify.

Attachment "R"

ENGLE KAUFFMAN, P.C.

ATTORNEYS AT LAW

432 ROLLING RIDGE DRIVE, SUITE 3B
STATE COLLEGE, PENNSYLVANIA 16801
TELEPHONE (814) 234-8834

FAX (814) 234-8868

www.engagelegal.com

DAVID D. ENGLE, ESQUIRE
dengle@engagelegal.com

JILL C. ENGLE, ESQUIRE
Of Counsel

ROSADELE T. KAUFFMAN, ESQUIRE
rkauffman@engagelegal.com

STEPHANIE G. VANHORN, ESQUIRE
svanhorn@engagelegal.com

May 25, 2017

John R. Miller, III, Esquire
Miller, Kistler & Campbell
124 N. Allegheny Street
Bellefonte, PA 16823

Re: Joshua McCracken & Erin Condo McCracken
117 North Street, Millheim, PA
Tax Parcel No. 33-2/24

Dear John:

I am writing to confirm our recent telephone conversation during which you agreed that Joshua McCracken and Erin Condo McCracken will be permitted to present their case regarding the alleged amount owed to Millheim Borough for waterline installation expense at the Millheim Borough Council Meeting on June 13, 2017. I am also writing to confirm that even if Millheim Borough Council votes to execute on the Municipal Lien as a result of that meeting, the Borough will not take such action until after the McCrackens post the amount in controversy as a bond and file any legal challenge to the Municipal Lien and its execution that they wish to file.

I am further writing to notify you that my clients intend to place the amount at issue in my client trust account before that meeting to show their good faith.

I trust that the foregoing accurately reflects our telephone conversation. If you have any questions or comments, please do not hesitate to contact me.

Very truly yours,

ENGLE KAUFFMAN, P.C.

By: 

David D. Engle, Esquire

DDE:ar

cc: Joshua & Erin Condo McCracken