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(CENTRE COUNTY)

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REGULAR MEETING  
May 9, 2017

President Alan Ilgen called the regular meeting of the Millheim Borough Council to order at 7:00 p.m. with the following persons in attendance: Patty Beckenbaugh, Ed Bowman, Alan Ilgen, David Sprowls, Leslie Warriner, John R. Miller, III, Tim Bowser, Lisa Rivera, Lisa Shaffer, Mike Slack, Pat Wolfe, Kevin Manley, Vickie Manley and Tom Manley.

ABSENT: Sharon Heckman

CITIZEN'S INPUT:

Lisa Rivera and Lisa Shaffer were present to request permission to hang a sign with eye hooks under the existing Borough sign when the library is open. They explained that the sign they currently put out on the front walk when they are open is very heavy. They would like to have Karl Leitzel make the Library Open sign as shown in the photo distributed. This sign would be 18x36 inches, 1/2" MDO with both sides lettered. There was unanimous consensus to approve this request if the proposed sign meets the sign ordinance requirements.

Mike Slack raised concerns about Borough ordinances not being enforced. He thinks the Code Enforcement Officer needs to walk the streets once a week and cite property owners who are in violation of Borough Ordinances. Mr. Slack explained that people are getting bolder about letting their properties go. He specifically complained about two properties near him because they aren't mowed so it is a place for snakes, ticks, etc. to live. Mr. Slack also complained that the neighbor has eight dogs in an illegal enclosure which is too close to the road and the area isn't cleaned up so he can smell the dog feces when mowing. Mr. Slack reported that he has gone to the Code Enforcement Office and reported illegally parked cars and nothing gets done. Dave Sprowls explained that this Agency serves multiple municipalities so complaints must be made because they can't drive around looking for violations. Mr. Slack stated that a full-time person is needed for Code Enforcement in Millheim Borough. President Ilgen explained that Council has been talking about that and Mr. Bowman agreed that part-time isn't enough. Mr. Slack also stated that there should be tow away zones downtown to correct the parking problems. President Ilgen explained that on West Main Street the state police have ticketed some cars now that no parking signs have been put in place. Ms. Warriner explained there is no one local to come and tow vehicles. President Ilgen explained that the Borough has an agreement with Mr. Bierly in Centre Hall for towing.

Pat Wolfe raised similar concerns about the blighted property beside her mother's house. She explained she came to Council two or three years ago on the same issue because this property has been an eyesore for many years. Kevin Manley raised questions about whether permits were granted for adding the fill on this property. Ms. Warriner explained that there were no permits required because Pennsylvania and Millheim Borough didn't adopt Appendix J. She further explained that the Borough can't do anything about this because a sedimentation/erosion plan was done for the Centre County Conservation Office and even if the ordinance was changed now this property would be grandfathered. Mr. Manley asked if this situation comes under a nuisance ordinance but the Solicitor couldn't give an answer. Mr. Manley stated that a situation like this that could cost neighboring property owners because of decreased property values or that is a safety issue should come under a nuisance ordinance. Ms. Wolfe said that debris, rock, etc. are on our property. She thought something was to be planted but nothing grew. Ms. Warriner explained that the County Conservation Office approves as long as the area is seeded. Mr. Manley stated that the Borough needs to take responsibility for a nuisance if it affects property values or safety of neighboring properties. Mr. Manley told Council that he is filing a formal complaint under a nuisance ordinance. President Ilgen explained that Mr. Lesniak was unable to attend this meeting because of another meeting but he sent a written report explaining that a letter has been mailed to Mr. McAllister, property owner, and that District Magistrate Jordon has agreed to make Mr. McAllister the responsible party to clean up the property. Council will follow up on this issue. Mr. Bowman explained that he has been to the Code Office with similar complaints and that the Code officials take the ordinances seriously but they need a complaint to get problems corrected. He also explained that because of the time limits set in ordinances and the fact that sometimes Magistrate Jordan is lenient with violators it takes a while for problems to get resolved. The fence at the McAllister property that was installed on the berm of the road was also discussed but there are no rules about where a fence can be put. Ms. Warriner explained that according to the Centre County Conservation District concrete is a stabilizer and considered to be clean fill. The Solicitor explained that the magistrate is the only one who can enforce the ordinances if the property owner appeals the citation issued by the Code Office. Mr. Slack worries about ticks in high grass and weeds. He is also tired of the dogs barking constantly. Mr. Bowman stressed that Mr. Slack needs to complain and give his name and the time the barking occurred. Mr. Manley feels this property issue should be a priority since it has been an eyesore for so long. The Solicitor reported that when the agency was established money was an issue so the Code Enforcement Officer wasn't to patrol looking for violations so the people were to register a complaint and then Code Enforcement would investigate. He explained that if this procedure is to be changed they would have to go to an Agency

Board meeting and complain about them not patrolling. Then the Agency Board representative would have to go back to their 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.

**COMMITTEE REPORTS:**

Ms. Warriner explained that Ms. Beckenbaugh did an excellent job with the bushes at Fountain Park.

A motion was made by Ed Bowman and seconded by Dave Sprowls to approve the April 11, 2017 council meeting minutes as presented. Motion carried.

A motion was made by Dave Sprowls and seconded by Ed Bowman to approve the April 2017 financial reports as presented. Motion carried.

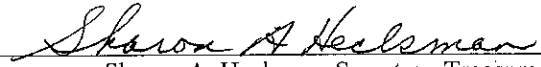
The Secretary's written report was reviewed. There was no interest to participate in the proclamation signing during EMS week. The Auditor General's exit report from the Liquid Fuel Fund Audit was reviewed with no exceptions. The maps received from Ms. Marshall for the detours resulting from the Woodward Bridge closings were reviewed.

The information on the May 1, 2017 storm was discussed. A motion was made by Dave Sprowls and seconded by Ed Bowman to donate \$100 to the Millheim Fire Police for the services they provided during the storm event. Motion carried.

Council discussed the additional signage for the downtown area because of the changes for parking.

A lengthy discussion took place about how to strengthen the ordinance enforcement in Millheim Borough.

A motion was made by Leslie Warriner and seconded by Ed Bowman to adjourn the meeting. Motion carried.

  
Sharon A. Heckman, Secretary-Treasurer