

**MILLHEIM BOROUGH COUNCIL
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(CENTRE COUNTY)**

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REGULAR MEETING

June 14, 2011

Vice-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: Kay Brown, Marlene Corl, Alan Ilgen, Tom Strebel, Lauralee Snyder, John R. Miller, III, Sharon Heckman, David Grazier, David Rearick, Carl Rote, and Leslie Warriner.

Absent: Linn Auman

Everyone present joined in the Pledge of Allegiance to the Flag.

CITIZENS INPUT:

David Rearick requested that he be granted a variance so he could dig a well for his house on the property at 125 Repair Drive owned by Jay Houser. Mr. Rearick cited several examples where this type of variance has been granted for agricultural properties because of watering animals and because of the distance from the waterline to his house. The Solicitor explained that the examples given were all using the township code but the Borough Code is different and "for Boroughs there are no footage requirements as long as the property is benefitted". Vice-President Ilgen stated that he is abstaining on this issue because of a conflict of interest. After discussion, Council decided to refer the matter to the Planning Commission for the June 28, 2011 meeting. Mr. Ilgen told Mr. Rearick that he would extend the deadline given to resolve this matter if necessary because it is being forwarded to Planning Commission for their review and recommendation to Council on July 12, 2011. Glenn Ripka is to make arrangements to meet with Mr. Rearick to review the site prior to the Planning Commission meeting on June 28. Mr. Rearick was told that if a mainline extension is required the cost would be his responsibility.

Carl Rote asked that the stones be removed from the sidewalk at the Lee Thompson & Nicole Shaffer property at 130 East Main Street. He also raised concerns about hedges hanging over sidewalks, cars sitting behind houses, and a lawn that needs mowed on Main Street. Vice-President Ilgen asked for addresses of these violations and Mr. Rote suggested that the Streets & Alleys Committee take a walk and see the problems.

CODE ENFORCEMENT REPORT:

A written report submitted by Glenn Ripka was reviewed. The Secretary reported that Mr. Ripka is unable to attend the meeting because he is working with Donn Fetterolf and the Borough employees on a water leak at the Terry Lair property at 102 West Alley..

The following prices for a new portable generator were obtained:

Millheim Small Engine Shop - Type-Poulan - Wattage - 4300 - H.P. - 9 - Wheel Kit included - 1 yr. warranty	\$ 479.00
Mountain View Equipment - Type-Honda - Wattage - 3500 - H.P. - 8 - No wheel kit included - 3 yr. warranty	\$1,175.00
Hosterman & Stover Hardware - Type-Briggs/Stratton - Wattage - 3500 - H.P. - 9 - Wheel kit included - 2 yr. warranty	\$ 429.00

After discussion, a motion was made by Tom Strebel and seconded by Marlene Corl to purchase the generator from Hosterman & Stover Hardware at a cost of \$429. Motion carried.

HARB REPORT: None

EMPLOYEE REPORTS:

The Secretary explained that Roy Rupert had submitted his report late because he wanted to be able to report on the I&I situation after the storm that was expected on June 10. The good news is that the 2.2 inches of rain on June 10 did not cause any I&I to enter the MBR plant. Council discussed the letter sent by Mr. Rupert to John Leo at DEP on the last overflow incident at the sewer plant. In May 2011 Mr. Rupert requested monitoring waivers for Asbestos, PCBs, and Dioxin. A Determination of Monitoring Request letter received from DEP dated June 9, 2011 grants approval of this request. These tests cost approximately \$800 so this is a substantial saving for the Borough.

PLANNING COMMISSION REPORT: None

OLD ACTION:

DCNR has given permission for the Borough to bid the Playground/Ball Field Update Project. The Solicitor explained the advertising requirements. Council decided to receive and open bids at the regular meeting on July 12, 2011 and to hold a special Council meeting at 7:00 p.m. before the start of the Planning Commission meeting on July 26, 2011 to award the bid. The Solicitor believes that the Lease Agreement with the Little League was amended to meet DCNR requirements. If this is not adequate Ms. Helterbran needs to be specific with her concerns. Council wants to be sure the bid documents are explicit in stating that the work is to begin as soon as the contract is

awarded. A motion was made by Kay Brown and seconded by Tom Strebel to authorize the Secretary to advertise the project for bid on Monday, June 20 with the second advertisement to be placed at least three days later but no less than ten days prior to opening on July 12, 2011. Motion carried.

An estimate of \$125 was presented from Vinyl Concepts to make the two signs that the Borough is required by DCNR to post showing the funding sources for the Playground/Ball Field Upgrades. A motion was made by Kay Brown and seconded by Tom Strebel to approve the cost of \$125 for Vinyl Concepts to make the two signs as presented. Motion carried.

A copy of the Final Copy of the Feasibility Study prepared by Nittany Engineering & Associates was available at the meeting for review. A motion was made by Tom Strebel and seconded by Marlene Corl to approve submission of the final invoice received from Nittany Engineering & Associates in the amount of \$3,862.64 to the Centre County Planning Office for payment. Motion carried.

Proposals were received for the Public Auction, to sell miscellaneous items and the old Mill Property on Center Street, from the following auctioneers:

Keith Wolfe, Aaronsburg, PA 8% of sales for Miscellaneous Items and 1% of sale on Real Estate

Jim Smith, Millheim, PA 8% of sales for Miscellaneous Items and 2% of sale on Real Estate

It was recommended that the listing of the auction be done on PA Auction Zip, the Borough Website and Channel 2 of the Millheim Cable. The consensus of the group was that the reserve to be set on the property should be the cost the Borough has in the property and this amount should be firm. A motion was made by Tom Strebel and seconded by Marlene Corl to accept the proposal submitted by Keith Wolfe as presented with the date and time of the Auction to be set by the Auctioneer. Motion carried.

The Solicitor reported that Randy Spotts contacted him because Mr. Spotts isn't satisfied with the delayed damage costs withheld by the Borough. Mr. Spotts cited bad weather conditions, delay in receipt of equipment, etc. as the causes for the delay in meeting the project completion date. The Solicitor explained that Mr. Spotts would be willing to settle the issue if the Borough paid \$5,000 of the \$10,000 delayed damage costs currently being withheld. The Solicitor and the Secretary both recommend paying the \$5,000 to bring this situation to a quick conclusion. The Secretary explained that Mr. Spotts refuses to process the final check sent to him until this situation is resolved. Until a cancelled check can be submitted by the Borough to DEP this money will not be reimbursed to the Borough and because these are Stimulus funds the project must be completely closed out very soon. The Solicitor would require Mr. Spotts to sign a simple release agreement that would stipulate the checks be processed by June 22, 2011. After discussion, a motion was made by Tom Strebel and seconded by Kay Brown to pay Spotts Brothers \$5,000 of the \$10,000 delayed damages with the understanding that the checks must be processed by June 22, 2011. Motion carried.

NEW ACTION:

The unanimous decision of Council was to conduct interviews for the meter reading and borough secretary positions on Tuesday, July 12, 2011 before the Council meeting beginning at 6:00 p.m.. The interviews are to be set in 15-minute intervals.

The Solicitor explained that a burial lot was recently purchased in Union Cemetery and the payment for this plot was turned over to the Borough because the Borough is responsible for maintenance of the Cemetery. He explained that in researching how this arrangement was made no records were found. The Secretary explained that a newspaper article from 1985 reported that Judge Brown had turned over the maintenance of the Cemetery to Millheim Borough. This issue was tabled until the Solicitor can determine how this should be handled.

A letter received from Michael Musto of Jersey Shore State Bank requesting a change to the Loan Modification Agreement was discussed. During the preparation of the Agreement, Jersey Shore State Bank omitted language concerning a floor that they wanted included. The Secretary explained that according to Mr. Schlessinger of Concord Financial this change isn't a problem because this shouldn't be an issue in 2017. The new language should be changed as follows:

Approved Rate: 4.1% fixed until 12/1/2017 (10th year anniversary) then re-pricing at 94% of the 1 month Libor rate for the remainder of the fixed term. (Floor to 2.5%/Ceiling of 6.00%)

A motion was made by Tom Strebel and seconded by Marlene Corl to approve the change to the Loan Modification Agreement as requested, with the understanding that any costs incurred to make this change is the responsibility of Jersey Shore Bank. Motion carried.

Two proposals received for removal of the maple tree at the proposed gravel parking lot to the east of the Borough building were discussed:

Ben Haupt, Spring Mills	\$150 to cut 1 maple tree down and cut into saw logs.
Bob Confer, Coburn	\$500 to cut 1 maple tree and remove all wood.

A motion was made by Tom Strebel and seconded by Kay Brown to accept the proposal submitted by Ben Haupt. Motion carried.

COMMITTEE/MAYOR REPORTS: None

Mayor Snyder reported on the Regional Planning Commission meeting in May. Each municipality is to select five items that they feel are important from the list in Chapter XI.-Implementation of the Penns Valley Regional Comprehensive Plan so at the September Meeting of the Regional Planning Commission they may select some projects to work on as a group. There is no Regional Planning Commission meeting in July.

A motion was made by Marlene Corl and seconded by Tom Strebel to approve the minutes of the May 10, 2011 meeting as presented. Motion carried.

A motion was made by Kay Brown and seconded by Tom Strebel to approve the May budget report as presented. Motion carried.

SECRETARY'S REPORT:

A written report submitted by the Secretary was reviewed. A hearing has been scheduled for Tuesday, June 21, 2011 at 1:15 p.m. at Career Link in State College because Todd Wasson appealed the decision of the PA Unemployment Office to deny his claim for unemployment compensation.

Vice-President Ilgen asked for a moment of silence in remembrance of Susie Parrett.

A motion was made by Marlene Corl and seconded by Tom Strebel to adjourn the meeting at 8:26 p.m. Motion carried.

Sharon A. Heckman

Sharon A. Heckman, Secretary-Treasurer