

**MILLHEIM BOROUGH COUNCIL
225 EAST MAIN STREET
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(CENTRE COUNTY)**

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**REGULAR MEETING
November 10, 2009**

President Linn Auman called the regular meeting of the Millheim Borough Council to order at 7:02 p.m. with the following persons in attendance: Linn Auman, Kay Brown, Marlene Corl, Alan Ilgen, Tom Strebel, John R. Miller, III, Sharon Heckman, Glenn Ripka, Todd Wasson, Dana Boob, Jesse Burkholder, Fred Gusky, Jeff Sergent, Kurt Stanley and Carl Rote

Absent: Lauralee Snyder

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

CITIZENS INPUT:

Dana Boob presented a request for his three properties on West Main Street to have individual water service. The normal way to handle this would be to bring the additional service lines under Rt. 45 because the main water line is on the south side of the road. Mr. Boob is requesting permission to use an outside control panel at the 136 West Main St. property because of the difficulty and expense involved to bring separate service lines to the property. His proposal is to install two additional meter setters so each house could be metered separately and have three switches inside the panel to allow each of the three properties water service to be shut off if necessary at this one point. The following items were discussed:

- A meter pit with a separate line to the barn was suggested but Mr. Boob was reluctant to dig the water line by the trees because he would be liable for any damage incurred if the tree roots are disturbed and a tree comes down.
- In the future if sale of a property was inhibited by this arrangement the owner would come to the Borough for allowing it.
- Since Lot 2 would be responsible to maintain the location of the panel box, lots 1 & 3 are at risk if lot 2 allows the area to be unheated and freezing of the lines occur.
- In response to concerns about what happens with the celluloid valves in the event of an electrical outage, Mr. Boob explained that they would stay open but motor actuated valves could be used that stay open or closed depending which position it was in when the power outage occurred.

Mr. Boob pointed out that the Borough's issue is to be able to turn the water off if necessary but the Borough's interest ends at the curb box. He also explained that his proposal only requires the Borough to be able to access one building that contains the one panel. The Solicitor's opinion was that, if this is permitted, the Borough needs an agreement for this easement for the panel because the Utility Easement has already been recorded for these properties. Mr. Boob will draw up a Water Service Agreement for the Borough Solicitor to review. A motion to allow Dana Boob to revise the water system on the properties at 136 & 138 West Main St. and Dana's Drive with the system as described and agreed to within a Water Service Agreement between Dana & Joy Boob and the Millheim Borough was made by Alan Ilgen and seconded by Tom Strebel. Motion carried.

Fred Gusky and Jesse Burkholder were present with a request for preliminary approval from the Borough Council to design and install a sewer main from Mr. Burkholder's store to tie into the Millheim Borough Sewer System. Mr. Gusky explained that the existing on lot system needs to be repaired. He also explained that DEP approves amending the 537 Study for Penn Township with a Component 3. This requires the Borough's input about existing capacity of the plant. Mr. Burkholder's current flow is 2000-3000 gallons per day. The following points were discussed:

- The need to form an Authority was discussed. The Solicitor explained that the Borough is not to provide service outside the Borough limits without PUC permission.
- Mr. Gusky explained that Mr. Burkholder has permission for easements over other properties.
- Mr. Burkholder explained that he would like to reclaim the costs of the line from the landowners that the line crosses if he is to put in an 8" line.

Concerns were raised because, in the past, requests for service outside the Borough has been consistently denied. The consensus seemed to be that because the plant has the capacity to expand to additional customers perhaps the time has come to realize that an authority is needed. Mr. Burkholder was told that he should speak with the Penn Township Supervisors for preliminary approval and submit his proposal to the Millheim Planning Commission.

Jeff Sergent of Gwinn, Dobson, and Foreman explained that he was hired by Northeastern and that on behalf of InfraSource he is coordinating all permits required for the fiber optic line. He brought plans with him and he is to be the one-point contact for any concerns or questions about these plans. Mr. Sergent received a copy of the comment letter that the Borough sent to Michelle Mains at PennDot. President Auman explained that Glenn Ripka would review the plans; then he would take them to the Planning Commission; and then Council would review them along with any recommendations made by Planning Commission. Mr. Sergent explained the following:

- Boring pits are under grade and every 500 ft. the sidewalks are cut all the way through town.

- A video tape is done before the work is started.
- They use Penn Dot specs and the new ADA specs that were effective in January.
- PennDot holds a bond for two years if there is settling or any other problem.
- The boring machine is 15 ft. long and 6 ft. wide and the boring pits are 5 ft.
- They are getting additional bonding so they could repave the entire lane.
- The work will be partway in the cart way and on the sidewalks.
- It will take three or four days to get through town and the work start this spring.
- Streams will be crossed by boring 99% of the time. There are some bridge agreements.
- They will drill through limestone rocks and will go deeper under water/sewer lines.
- How people hook onto this line is to be determined.
- Mr. Sergent and Mr. Ripka will both be attending the November 19, 2009 meeting in State College.

FIRE COMPANY REPORT: None

CODE ENFORCEMENT REPORT:

Glenn Ripka was present and discussed with Council the written report he submitted. The following items were discussed:

- A second letter needs to be sent to Ricky Irwin, Matthew Leitzell at Brownies Tavern and Lynn McCool because they didn't respond to the first sidewalk repair/replacement letter. They will be given two weeks to respond or the Borough will have the work done and invoice them.
- Mr. Ripka participated on a webinar on street signs. He learned that replacement of these signs is not mandatory but highly suggested. He and Kay Brown will do a tour of the Borough to determine where the really old stop signs are that need replaced. As long as an inventory list of all signs is completed by 2012 the Borough meets the requirements.
- Mr. Ripka was reminded that the following signs need to be ordered and installed: No Parking Sign by Guy Breon's property and the 15-Minute Postal Parking Signs on the Penn St. side of the Post Office.
- The Borough employee will mow the George Friend Old Mill Property and invoice him.
- Mr. Frees told Mr. Ripka he is not interested in purchasing any trees. The Borough did what they agreed to do so the Solicitor is to move forward with this because the letter received from Mr. Bryant stated that Mr. Frees would replace the trees he cut down.

HARB REPORT:

Mr. Ripka presented pictures of the proposed signs for the new Wine Shop at 108 East Main Street and the Beauty Salon at 132 Penn Street. A motion to approve the proposed sign for the new Wine Shop at 108 East Main Street, as presented and recommended by the HARB, was made by Alan Ilgen and seconded by Kay Brown. Motion carried.

A motion to approve the sign for the Beauty Salon owned by Lindsey Meyers at 132 Penn Street, as presented and recommended by the HARB, was made by Alan Ilgen and seconded by Marlene Corl. Motion carried.

Mr. Ripka reported that three property owners (Phil Meyer-113 West Main St.; Tom Heckman - 115 Penn St.; & Tim Orndorf - 173 North St.) have made repairs and installed replacement energy efficient windows. No action is required as the original character of these homes have been maintained.

EMPLOYEE REPORTS:

Todd Wasson was present and reported on the status of the I&I work done by Musser Sewer & Septic. Three property owners had repairs that need to be made. The repair at the Byron Gentzel property on North Street has been completed. One repair at the Fred Johnson property on Penn Street is the Borough's responsibility and Mr. Wasson will make arrangements for Musser's to come back to grout this area and possibly repair the problem with the lateral at St. John's Lutheran Church. When things are dry enough Mr. Wasson would like to smoke test the system. He also reported that a water main break in Coon Alley was repaired.

After some discussion about how things are working with Mr. Kerstetter working reduced hours, Mr. Ripka and Mr. Wasson were instructed to meet with Mr. Kerstetter to establish two days each week that he would work at the Borough to better set up work schedules.

The written report submitted by Roy Rupert was reviewed and the letter from DEP was discussed. Mr. Ripka will contact Mr. Rupert about the letters to be sent to the business properties that require grease traps.

PLANNING COMMISSION REPORT:

The Secretary was unable to find any written documentation to explain why the original ordinance was created eliminating parking in streets and alleys from 2:00 a.m. to 6:00 a.m. The consensus of the Planning Commission was that enforcing this ordinance today would create problems for residents in almost every part of the Borough. A motion was made by Tom Strebel and seconded by Alan Ilgen to authorize the Solicitor to prepare and advertise, as recommended by the Planning Commission, an amendment to Ordinance #151 Chapter 15 as follows:

- Eliminate Chapter 15; Part 3, Section #306; Paragraph #1 prohibiting parking on all streets and alleys between the hours of 2:00 a.m. and 6:00 a.m.
- Change Chapter 15; Part 3, Section #306; Paragraph #2 to read ".....to a schedule which will be published in a local newspaper or posted at prominent locations in the Borough".
- Chapter 15; Part 3, Section #307 stays as written keeping a two-hour parking limit on both sides of Main Street between Race and Plum Streets.
- Change Chapter 2 - Animals; Part 1, Section 103; Paragraph 2 to add the following "**No more than six (6)** small animals shall be kept confined....."

Motion carried.

A motion to amend the Sewer Ordinance; Chapter 18; Part 2D, Section 236 to reduce the time from 45 days to 21 days after notification for property owners to make repairs to correct problems with their sewer connections was made by Alan Ilgen and seconded by Tom Strebel. Motion carried.

OLD ACTION:

Since there has been no further contact about the section of Race Alley from Plum Street to State Street, a motion to authorize the Solicitor to prepare sewer easement agreements for Race Alley was made by Alan Ilgen and seconded by Tom Strebel. Motion carried. President Auman will get the necessary information to the Solicitor.

Alan Ilgen reported that the library is still moving through their issues. He explained that the current boiler room would be where the geothermal system would be located if we are awarded the grant and that Glenn Vernon would let us use his drawings. Mr. Ilgen also reported that the Asbestos report from Peneco shows that the floor tiles, ceiling and wall paint have asbestos and Peneco thinks additional testing should be done.

No further information has been received on the playground.

No further information has been received on the energy grant.

NEW ACTION:

The budget for 2010 was discussed. The budget has been balanced with no increase to the tax millage but the Borough's share of Per Capita Tax is to be raised to \$10 to pick up the school district's share that they will no longer be collecting. There will be no rate increases to the water or sewer rates. A motion to adopt the tentative 2010 budget as presented was made by Tom Strebel and seconded by Kay Brown. Motion carried.

A motion to authorize the Solicitor to prepare and advertise a Tax Ordinance for adoption at the December meeting was made by Alan Ilgen and seconded by Tom Strebel. Motion carried.

A letter received from the ELA Group, Inc. about the Master Planning for Tri-Municipal Park (Centre Hall Borough, Gregg Township, and Potter Township) was discussed. The Secretary was instructed to send the ELA Group a letter explaining that the Borough is in the process of receiving DCNR funding for playground equipment and not interested in participating at this time.

COMMITTEE/MAYOR REPORTS:

Alan Ilgen reported that he attended a seminar at the Country Cupboard on energy deregulation. He explained that there are 18 companies that are brokers of electricity and the Borough could negotiate rates. He got a lot of good ideas from this seminar.

A motion was made by Tom Strebel and seconded by Kay Brown to approve the minutes from the October 13, 2009 regular meeting; the October 26, 2009 Budget Meeting and the November 2, 2009 Budget Meeting as presented. Motion carried.

A motion was made by Tom Strebel and seconded by Alan Ilgen to accept the October 2009 budget report as presented. Motion carried.

SECRETARY'S REPORT:

A written report submitted by the Secretary was reviewed with no questions or comments.

A motion was made by Alan Ilgen and seconded by Kay Brown to adjourn the meeting at 9:04 p.m. Motion carried.

Sharon A. Heckman, Secretary-Treasurer