

**MILLHEIM BOROUGH COUNCIL
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(CENTRE COUNTY)**

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**REGULAR MEETING
May 12, 2009**

President Linn Auman called the regular meeting of the Millheim Borough Council to order at 7:00 p.m. with the following persons in attendance: Linn Auman, Kay Brown, Marlene Corl, Alan Ilgen, Tom Strebel, Lauralee Snyder, John R. Miller, III, Sharon Heckman, Glenn Ripka, Curt and Greta Bierly, Mark Engle, Ron Fetzer, Jim and Jennie Frees, and Carl Rote.

President Auman announced that an executive session was held on Wednesday, April 29, 2009 to discuss matters of employment.

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

CITIZENS INPUT:

Jim and Jennie Frees were present to discuss the issue of the trees they removed from Borough property on the Mill Race Bank without requesting permission from the Borough. During a very lengthy discussion Mr. & Mrs. Frees explained the following:

- Agreed they should have gotten permission but they have been maintaining the property (mowing, cutting trees, cleaning debris from Race, planted shrubs) since they bought it.
- They have no problem replacing the two trees but they want the Borough to clean up and fix the Race bank as follows:
Repair the Race Bank to stop the erosion behind their house, remove the dead trees because they are an eyesore, trim the tree that creates a mess in their swimming pool, and mow and maintain the Race bank as they have kept it for years.

Council members and the Solicitor responded with the following:

- Read excerpts from the Centre County Streamside Property Guide on the importance and benefits of riparian buffers.
- Explained that the Borough owns the Race to the old pond at the Mill Street bridge through a deed with metes and bounds not an easement. The Race south of the Mill Street bridge is private.
- The wall (bulkhead and concrete structure) is of no significance since the mill is no longer in operation.
- Any trees that are a hazard to public welfare will be removed.
- Mr. Frees has the right to trim tree branches back to his property line even though the tree is planted on Borough property.

After much discussion, a motion was made by Lauralee Snyder and seconded by Tom Strebel that the Millheim Borough will remove the wall (bulkhead and concrete structure that is falling down) and make the necessary repairs to the bank; the Borough will remove the dead trees that are on the Borough's property; the Borough will not maintain and mow the area because of the Centre County recommendations on riparian buffers to prevent erosion and to cool down streams. Mr. and Mrs. Frees will replace the two trees they removed with two pin oaks as agreed to in the letter received from James N. Bryant of Bryant & Cantorna, P.C. Motion carried. The Council also agreed that no decision would be made about removal of the dead tree on the west side of the Mill Race until the June meeting. This allows time for the Borough to determine if this tree is on Borough property or if it is on property owned by Mr. Tritch.

Ron Fetzer representing the Business Association reported that the Trout Festival is planned for June 6, 2009. Since no detailed information has been received and the event takes place before the June Council meeting, a motion was made by Kay Brown and seconded by Marlene Corl to approve closing Race Alley and Elk Alley for the Trout Festival as in previous years. Motion carried.

FIRE COMPANY REPORT: None

CODE ENFORCEMENT REPORT:

Glenn Ripka was present and discussed with Council the written report he submitted.

EMPLOYEE REPORTS:

The written reports submitted by Lester Kerstetter and Roy Rupert were reviewed with no comments.

HARB REPORT:

PLANNING COMMISSION REPORT: None

OLD ACTION:

NEW ACTION:

COMMITTEE/MAYOR REPORTS:

A motion was made by Tom Strebel and seconded by Marlene Corl to approve the March 10, 2009 minutes with the correction noted above. Motion carried.

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

SECRETARY'S REPORT:

A written report submitted by the Secretary was reviewed and the following was decided:

A motion was made by Alan Ilgen and seconded by Tom Strebel to adjourn the meeting at 9:15 p.m. Motion carried.

Sharon A. Heckman, Secretary-Treasurer