

CHAPTER 1

ADMINISTRATION AND GOVERNMENT

Part 1

Appointed Officials

A. Secretary-Treasurer

- §101. Offices Combined
- §102. Council to Appoint Secretary-Treasurer
- §103. Duties

B. Auditor

- §111. Requirements
- §112. Office Abolished
- §113. Compensation
- §114. Right to Abolish Office Reserved

Part 2

Compensation of Elected Officers

- §201. Compensation of Councilmen
- §202. Compensation of Mayor
- §203. No Compensation for Special Meetings

Part 3

Boards and Commissions

A. Planning Commission

- §301. Commission Created
- §302. Membership
- §303. Duties
- §304. Comprehensive Plan
- §305. Zoning
- §306. Land Subdivision

Part 4

Firemen's Relief Association

- §401. Recognition of Firemen's Relief Association
- §402. Foreign Fire Insurance Tax Moneys Received
- §403. Annual Appropriation

Part 5

Employee Pension Plan

- §501. Title
- §502. Effective Date
- §503. Eligibility
- §504. Entry Date
- §505. Contributions
- §506. Administering the Plan
- §507. Death Benefits
- §508. Vested Account
- §509. Retirement
- §510. Termination of Plan
- §511. Implementation of Plan

Part 1  
Appointed Officials

A. Secretary-Treasurer

§101. Offices Combined. The Office of Secretary and Treasurer are hereafter consolidated into a single office to be known as the Office of Secretary-Treasurer pursuant to the provisions of Section 1104 of the Borough Code, Act of February 1, 1966, P.L. 1656, 581 as amended. (Ord. 145, 11/8/1982, §1)

§102. Council to Appoint Secretary-Treasurer. The Council of the Borough of Millheim shall appoint a Secretary-Treasurer as required. (Ord. 145, 11/8/1982, §2)

§103. Duties. The person holding the Office of Secretary-Treasurer shall faithfully perform all of the duties and obligations of the individual offices of Treasurer and Secretary as required by law. (Ord. 145, 11/8/1982, §3)



B. Auditor

§111. Requirements. The Borough Council of the Borough of Millheim shall, by Resolution adopted annually in January of each fiscal year, appoint an independent auditor who shall be a certified public accountant, registered in Pennsylvania, a firm of certified public accountants so registered or a competent public accountant or a competent firm of public accountants to audit, for such fiscal year, the accounts, records and all other evidences of financial transactions of the Borough of Millheim and file a report thereof with the Borough Council of the Borough of Millheim. The independent auditor shall perform all other duties and exercise such powers as required of, or conferred upon said auditor by law. (Ord. 153, 5/13/1985, §1)

§112. Office Abolished. Upon appointment of an independent as provided for in §1 of this Part, the office of elected auditor is hereby abolished; however, the elected auditors now in office shall continue to hold such office for the term for which elected, and shall perform the duties of their office, except that they shall not audit, settle or adjust accounts audited by such independent auditor. (Ord. 153, 5/13/1985, §2)

§113. Compensation. The Resolution appointing an independent auditor shall state the compensation, if any, to be paid from Borough funds for said services. (Ord. 153, 5/13/1985, §3)

§114. Right to Abolish Office Reserved. The Millheim Borough Council hereby reserves the right at any time to repeal this Part, thereupon abolishing the office of appointed auditor, and re-establish the office of elected auditor. (Ord. 153, 5/13/1985, §4)



## Part 2

## Compensation of Elected Officers

§201. Compensation of Councilmen. Effective January 1, 1981, the compensation to be paid to the duly elected or appointed councilmen of the Borough Council of the Borough of Millheim, for attendance at the regular monthly meeting, is fixed at the rate of twenty dollars (\$20.00). (Ord. 117, 1/8/1973, §1; as amended by Ord. 139, 3/9/1981)

§202. Compensation of Mayor. The compensation of the duly elected or appointed mayor of the Borough of Millheim is also fixed at the sum of thirty dollars (\$30.00) per month to be paid for each month the Mayor attends the regular meeting of the Borough Council. (Ord. 117, 1/8/1973, §1; as amended by Ord. 139, 3/9/1981; and by Ord. 148, 2/14/1983)

§203. No Compensation for Special Meetings. No compensation shall be paid for special meetings. (Ord. 117, 1/8/1973, §3)



## Part 3

## Boards and Commissions

A. Planning Commission

§301. Commission Created. Pursuant to the provisions contained in Act 247, P.S. 53, §10201 of the State of Pennsylvania, and in order to carry the said provisions into effect, there is hereby created in the Borough of Millheim, a Planning Commission, which shall be in charge of the planning for the Borough of Millheim and shall have all of the powers vested in it by law or ordinance. (Ord. 98, 12/4/1967, §1; as amended by Ord. 151, 11/12/1984)

§302. Membership. The Planning Commission shall consist of five members who shall be appointed by the Millheim Borough Council and shall serve without compensation, except that they shall be reimbursed for expenses incurred in carrying out commission duties. (Ord. 98, 12/4/1967, §2)

§303. Duties. The Planning Commission shall make an annual report to the Millheim Borough Council showing their transactions and recommendations. They may employ planning technicians and persons whose salaries and wages, together with other necessary expenses of the commission shall be provided for at the discretion of the Millheim Borough Council by proper appropriations and resolutions. The commission may also receive and expend for the purposes of its planning work, any gift, grants and appropriations of money from any source, including Commonwealth, federal or local funds or any contract with governmental or private agencies or individuals with respect thereof. (Ord. 98, 12/4/1967, §3)

§304. Comprehensive Plan. The Planning Commission shall have the power and duty to make, adopt, and maintain a Comprehensive Plan for the physical development of the Borough and surrounding territory, said Comprehensive Plan shall include, among other things, a land use plan, a thoroughfare plan, a community facilities plan, and a public improvements program. In the preparation of the Comprehensive Plan, the Commission shall study population trends, existing land use, the economic base, traffic, existing thoroughfare systems and other factors related to the development of the community. The purpose of the Comprehensive Plan should be to accomplish a coordinated and harmonious development of the community and its environs in accordance with present and future needs. The Commission would have a continuing responsibility for maintaining the Comprehensive Plan in an up to date condition and in so doing would view and make recommendations to the Millheim Borough Council on all ordinances which pertain to the physical development of the Borough. (Ord. 98, 12/4/1967, §4)

§305. Zoning. The Planning Commission may, in pursuance of its duties, prepare or cause to be prepared, a zoning ordinance for consideration by the Millheim Borough Council. The Commission shall have a continuing responsibility to review the ordinance and make recommendations of proposed amendments. (Ord. 98, 12/4/1967, §5; as amended by Ord. 151, 11/12/1984)

§306. Land Subdivision. The Planning Commission shall prepare and present to the Millheim Borough Council, land subdivision regulations or amendments to existing land subdivision regulations. The Commission shall assist the Millheim Borough Council to administer said regulations by reviewing and recommending to the Millheim Borough, the action to be taken on subdivisions submitted in accordance with established procedures. (Ord. 98, 12/4/1967, §6)

Part 4

Firemen's Relief Association

§401. Recognition of Firemen's Relief Association. The Millheim Volunteer Fire Co. No. 1 is recognized as an organization formed for the purpose of maintaining an association for beneficial and protective purposes for its members and their families in case of death, sickness, temporary or permanent disability or accident from the funds collected therein. (Ord. 151, 11/12/1984)

§402. Foreign Fire Insurance Tax Moneys Received. The Millheim Volunteer Fire Co. No. 1 is designated the proper association to receive such funds as are due and payable to the Borough Treasurer by the Treasurer of the State of Pennsylvania from the tax on premiums from foreign fire insurance companies. (Ord. 151, 11/12/1984)

§403. Annual Appropriation. There is annually appropriated from the Borough Treasury all such sums of money that may hereafter be paid into the Borough Treasury by the Treasurer of the State of Pennsylvania on account of taxes paid on premiums of foreign fire insurance companies in pursuance of 72 P.S. §§2262 (1982) as hereafter amended, supplemented, modified or re-enacted by the General Assembly of Pennsylvania. (Ord. 151, 11/12/1984)



Part 5

Employee Pension Plan

§501. Title. The plan shall be known as the Millheim Borough Retirement Plan. (Ord. 190, 11/2/1999)

§502. Effective Date. The effective date of this plan, as revised, is November 1, 1999. (Ord. 190, 11/2/1999)

§503. Eligibility. Eligibility applies only to all full-time employees, including all elected council persons, but excludes part-time employees. A full-time employee shall be deemed to be an employee whose regular work week is comprised of an average of thirty-five (35) hours and who has worked an average of thirty-five (35) hours per week for a continuous period of at least six (6) months. (Ord. 190, 11/2/1999)

§504. Entry Date. The entry date shall be the date of initial full-time employment provided, however, that such employment has been for a continuous period of at least six (6) months. (Ord. 190, 11/2/1999)

§505. Contributions.

1. No employee shall be required to contribute to the plan. Voluntary employee contributions are permitted, including optional 457 plans, subject to any applicable tax regulations and any restrictions of the plan. All employees' contributions, including accumulated interest, shall be fully vested at all times.

2. The Borough shall contribute seven (7) percent of gross wages for each eligible employee.

3. In the event an employee shall work full-time as herein defined for only part of a calendar year, then and in that event, the Borough contributions shall be prorated for each eligible employee.

(Ord. 190, 11/2/1999)

§506. Administering the Plan. The Borough shall pay the expense of administering the plan and be the owner of the policies. (Ord. 190, 11/2/1999)

§507. Death Benefits. If an employee, while employed by the Borough and covered under the plan, shall die prior to the commencement of any benefit, his/her beneficiary shall receive a death benefit value of the employee's account. (Ord. 190, 11/2/1999)

§508. Vested Account. In case of termination of employment, the employee shall be fully vested in this account. (Ord. 190, 11/2/1999)

§509. Retirement.

1. If an employee elects to retire prior to his/her normal retirement date, he/she shall be deemed to have retired early and such employee shall be fully vested in the value of his/her account.

2. If by mutual agreement of the Borough and the employee, the employee continues in active employment following his/her normal retirement date, he/she shall continue to participate under this plan.

(Ord. 190, 11/2/1999)

§510. Termination of Plan. The Borough reserves the right to amend or terminate this plan at any time and to any extent that it may deem advisable, without the consent of any participant or any beneficiary, provided, however, that no amendment shall deprive any employee of any vested interest. (Ord. 190, 11/2/1999)

§511. Implementation of Plan. The appointed Secretary of the Council of Millheim Borough is authorized to execute any and all documents necessary for the implementation of the herein described pension plan. (Ord. 190, 11/2/1999)