

August 26, 2014
MILLERSVILLE BOROUGH COUNCIL MEETING MINUTES

The MILLERSVILLE BOROUGH COUNCIL MEETING was held on Tuesday, August 26, 2014 in the Millersville Borough Public Meeting Room located at 100 Municipal Drive, Millersville, Pennsylvania.

The meeting was called to order at 7:00 p.m. by Council President, Michael C. Kirkham followed by the pledge to the flag. A moment of silence was then observed.

COUNCIL MEMBERS

Michael C. Kirkham
Philip A. Lastowski
Lynn M. Miller
David T. Aichele

Richard M. Moriarty, Mayor (absent)
Linda J. Deal
James A. Stager
Daniel P. Ostrowski

OTHERS PRESENT

Edward J. Arnold, Millersville Borough Manager
John D. Rochat, Millersville Borough Chief of Police
Jessie L. Ebersole, Millersville Borough Staff
Officer Matthew D. Shaffer, Millersville Borough Police
Officer Alan S. Anderson Jr., Millersville Borough Police
Sgt. Michael K. Schaeffer, Millersville Borough Police
Harold "Skip" Rhodes Jr., Park Commission Chairman
James A Kirk Jr., Zoning Hearing Board Chairman
Steven A. DiGuissepe, Millersville University
Haley Williams, Millersville University Student Advisor
Elaine J. Jones, Lancaster Intelligencer Journal / New Era
C. Robert May, Executive Director Lancaster EMS
Sam Bigler, 17 Wabank Road, Millersville
Tom Files, 16 Wabank Road, Millersville
Barb Golicher
Deb Mckonly, Millersville
Jen Shaffer, Stony Battery Road, Lancaster
Tom Duke, 102 Pickwick Place, Millersville
Kenneth Miller, 365 Barbara Street, Millersville
Woody Huber, 341 Barbara Street, Millersville
James M. Hoke, 337 Barbara Street, Millersville

MINUTES

A motion to approve the minutes for the June 24, 2014 Council Meeting was made by Mr. Stager and seconded by Mrs. Miller. With no discussions the motion passed by a unanimous voice vote.

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A motion to approve the minutes for the July 22, 2014 Council Meeting was made by Mr. Stager and seconded by Mrs. Deal. With no discussions the motion passed by a unanimous voice vote.

CITIZEN'S REQUESTS OR CONCERNS

Tom Dukes, owner of 102 Pickwick Place questioned when the borough adopted the ordinance establishing the three unrelated tenant's rule and did it relate to all existing properties or were there exceptions. Mr. Arnold stated he would provide the time table of the legislation. He further mentioned that Zoning Ordinance changes have to be grandfathered and therefore asked that he talk with the Borough's Zoning Officer, Mike Tuscan, for a specific property research.

REPORTS OF COMMITTEES OR BOARDS

Mr. Lastowski reported the Blue Rock Regional Fire District met on Thursday, August 7th to review the 2015 budget as presented by the Fire Commissioner and affirmed there is no increase. He further stated that although there are some line items that did increase, such as insurance and equipment and maintenance, other line items have been reduced. This is the third year in a row that they are not having an increase. President Kirkham asked that Mr. Lastowski pass Council's appreciation to all those involved with holding the budget.

MAYOR'S REPORT

Chief Rochat, in the absence of the Mayor, introduced Mr. May from Lancaster EMS. Mr. May presented Officer Shaffer and Officer Anderson with 'Star of Life' awards for their quick response and their contribution for saving a life. Ms. Barbara Golicher, the patient, was present to express her gratitude. She stated, "I don't believe I would be here if it wasn't for these Officers. Thank you."

Mr. Jim Kirk of Herr Avenue stated in the past he has been rather vocal in his criticism of the police, specifically with the speeding on Herr Avenue but recently he has seen the police actively trying to reduce the speeding. He stated his appreciation in the turn around and hopes it continues.

MILLERSVILLE UNIVERSITY REPORT

Mr. DiGuseppe mentioned the opening of the fall semester, the first day of classes began yesterday and the new South Villages Residential building opened as well. There is a ribbon cutting ceremony scheduled for October 17th at 4:00 p.m., during Homecoming weekend. He mentioned next month a usually large attended open house event will be held on September 27th from 9:30 a.m. to 2:00 p.m. He announced some changes in the administration staff: New Vice President for Advancement is Dr. Aminta Breaux; the new interim Vice President for Student Affairs is Ms. Michelle Perez; the new Director of Center for Student Involvement and Leadership is Mr. Hiram Martinez and himself, Mr. DiGuseppe is the interim Director of

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Alumni Engagement/Assistant Vice President for Advancement. He continued his report by announcing the American Dream Ride is coming up on September 20th. This 50 mile bike ride will feature a rest stop and loop through Millersville's campus and the Borough. Dr. Anderson is a bicyclist and advocate for sustainability. The University Police announced evening permits and visitor passes will no longer be required for students and visitors parking in commuter lots after 4:00 p.m. From 7:00 a.m. to 4:00 p.m. all student and visitors are required to have a permit or day pass displayed. Also, Resident Life lot spaces are not open to commuters or visitors; these lots remain designated 24/7 for residence life students.

Mr. DiGuisepppe announced the Grand Marshal for the Millersville Community Parade is our very own Mayor Richard M. Moriarty.

FINANCE COMMITTEE

Mr. Lastowski made a motion out of committee to accept the July, 2014 Financial Reports as presented to the committee by Borough Manager, Edward Arnold. With no discussions the motion passed by a unanimous voice vote.

Mr. Lastowski made a motion to approve the sale of bicycles and holsters at the annual Lancaster County Auction. Mr. Stager seconded the motion. The Auction will be held September 20th starting at 9:00 a.m. With no further discussions the motion passed by a unanimous voice vote.

Mr. Lastowski mentioned the Finance Committee reviewed the Sheetz Business Edge fleet program and compared it with the Borough's current State contract program. It was determined that it is advantageous for the Borough to remain on the State fleet program.

WASTE WATER COMMITTEE REPORT

None

PLANNING AND BETTERMENT COMMITTEE REPORT

None

STREET COMMITTEE REPORT

Mr. Aichele made a motion out of committee to adopt the Ordinance to amend Chapter 350-55 Vehicles and Traffic for snow emergency routes and Chapter 350-33 for Parking Prohibited at all Times in Certain Locations. Mr. Arnold explained this amendment will delete and add parking prohibitions on certain Streets in order to correct no parking designations, as well as to add parking prohibition to both sides of Barbara Street from East Cottage Avenue to Millersville Road (Route 741). This amendment will also designate additional streets as snow emergency routes, revise the violations and penalties section and revise regulations governing snow and ice emergencies. Ken Miller of 365 Barbara Street understands the safety concern and the proposed parking restrictions on Barbara Street, however he asked for clarification of the parking area in front of his house. He has an area that previously was stoned but has covered over with grass. He further noted this parking area allows for vehicles to pull completely off the macadam. Chief Rochat stated parking is allowed if the wheels/vehicle is completely off the road

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but also mentioned the borough ordinance passed in the last two or three years that does not allow parking on the grass. The Borough's Zoning Officer will need to determine if there was pre-existing gravel. Mr. Arnold concurred that the Zoning Officer has in the past asked pre-existing gravel areas to be re-conditioned so that an Officer can easily distinguish the pre-existing gravel condition. Mr. James Hoke of 337 Barbara Street also stated his understanding for the no parking on Barbara Street but requested further explanation for no parking on the grass, especially when you have company over. Mr. Stager elaborated on the action Council had taken for the creation of the no parking on the grass ordinance. He stated it was not the intention of the ordinance to ticket an evening guest but rather those that continually park on the grass. With no further discussions the motion passed by a unanimous voice vote.

ORDINANCE BOOK
ORDINANCE NO. 2014-03

Mr. Ostrowski asked to revisit the snow emergency routes. He questioned the selection of the streets that were being added as snow emergency routes. He asked whether they were added as a convenience of the Street Department in clearing the roadway from side to side. Mr. Arnold explained there were a number of factors considered, such as the width of the roadway, whether there are driveways to get the vehicles off the roadway in order to plow and the access for emergency vehicles.

President Kirkham presented further discussions based on communications with the Mayor concerning who declares a snow emergency. The Mayor has consulted with the Pennsylvania Mayors Association to verify that no elected or appointed official has the power to declare an emergency other than the Mayor. The Borough Manager contacted the Borough's Solicitor who stated her concern for the over-use of the Mayor's authority, since the action of declaring a snow emergency involves more than the police department. The Solicitor presented the following change in the ordinance to clarify:

"In order to facilitate the movement of traffic and to combat the hazards of snow and ice on the snow emergency routes named in §350-55 of this article, the Borough Manager, in his discretion, may declare a snow and ice *emergency traffic and parking restriction* (designated in this article as a "snow emergency"). Information on the existence of a snow emergency shall be given by the Borough through radio, newspaper or other available media, and information on the termination of the *emergency snow and ice traffic and parking restriction* may be given by use of the same media."

Our Solicitor suggested additional verbiage that could also be used: "the Mayor after consultation with the Council President and/or Borough Manager..." Mr. Arnold recommended Council amend the motion to include the suggested language however he is not certain that this change would not require the re-advertisement of the amendment. Mr. Stager inquired if the Mayor can veto the Ordinance if he is not present. Mr. Arnold explained that he has ten days to sign the Ordinance. President Kirkham stated, "We should continue with the vote on this Ordinance as-is and re-visit if we have to re-visit."

Mr. Aichele made a motion out of committee to approve the one year extension, beginning November 30, 2014, of the snow removal contract with R&H Excavating. He noted there is no rate increase from last year. With no further discussions the motion passed by a unanimous voice vote.

Mr. Aichele made a motion out of committee to authorize the Street Committee to award the bid for the West Frederick Street Infrastructure Phase 3 project at their next meeting. With no discussions the motion passed by a unanimous voice vote.

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Mr. Skip Rhoades voiced his concern of the alley (Heisey Avenue) that is being blocked off by the property owner at 452 Herr Avenue. His history recalls getting approval from every resident on that cartway to allow passage back at the time they all agreed to macadam it. He further stated that they have the right to drive that cartway as long as it is done once per year. Mr. Stager stated the property owner, Mary Beckary Taylor identifies that it is a private driveway. Her deed shows that driveway is completely on their property. Mr. Arnold commented that the alley has never been dedicated to the Borough and hence it is considered a private alley.

SAFETY COMMITTEE REPORT

Mrs. Miller made a motion out of committee to accept the revision to the Police department policy for handling evidence and property. Chief Rochat explained they have made updates to the policy based on knowledge obtained from returning property from the Lazarus case and attending an evidence training seminar. He further noted that this policy has been reviewed by the District Attorney's office. With no further discussions the motion passed by a unanimous voice vote.

Mrs. Miller mentioned the Chief has met with Lancaster Township to discuss jurisdiction of the intersection of Wabank Road and Millersville Road (Route 741) and the parking lot at Millersville Commons. He stated Lancaster Township is willing to work with Millersville to "re-draw" the boundary lines.

PERSONNEL COMMITTEE REPORT

Mr. Stager made a motion to approve the hiring and accept the resignation of the Part-Time Park Maintenance worker, Mr. Adam Nadu and to ratify the re-advertisement for the vacant position. Mr. Lastowski seconded the motion. With no further discussions the motion passed by a unanimous voice vote.

PRESIDENT'S REPORT

President Kirkham announced he will contact the Mayor to have further discussions on the ordinance amending Chapter 350 – Vehicles and Traffic when he returns.

BOROUGH MANAGER REPORT

Mr. Arnold gave an update on the progress of the West Frederick Street Phase 2 project. The contractor is about two weeks behind and expects to be pouring the concrete for the curbs and sidewalks next week, assuming weather is favorable.

Mr. Arnold announced notices and right of entry agreements were delivered to residents to allow the Borough to enter onto their property to perform any restoration which may be affected by the improvements to West Frederick Street for the Phase 3 project. We are hoping the utilities, sewer and water, of this project will be completed yet this year with the balance to be completed early next year.

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Mr. Arnold asked that Council consider making a motion to advertise the annual meeting of the Educational Service Agency for September 15th at 9:00 a.m. The primary business they will discuss is the 2015 budget and the Crossing Guards salaries. These items will come back to Council at some point before the end of the year. Mr. Aichele so moved; Mr. Stager seconded the motion to advertise. With no further discussions the motion passed by a unanimous voice vote.

Mr. Arnold announced the Park's new gazebo is almost completed and we will be holding a public dedication an hour before the next Council meeting, 6:00 p.m., September 23rd. Dot Bender and a few of her family members will be joining us in the dedication ceremony.

EXECUTIVE SESSION

After a brief recess, Council broke for an executive session at 9:00 p.m. for legal matters concerning property acquisitions.

ADJOURNMENT

There being no further business to discuss, Mr. Lastowski made a motion, seconded by Mr. Stager to adjourn the meeting at 9:25 p.m. The motion passed by unanimous voice vote.

Respectfully submitted,



Edward J. Arnold
Borough Manager

EJA/jle