

**March 22, 2016**  
**MILLERSVILLE BOROUGH COUNCIL MEETING MINUTES**

The MILLERSVILLE BOROUGH COUNCIL MEETING was held on Tuesday, March 22, 2016 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 and a moment of silence.

**COUNCIL MEMBERS**

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

Richard M. Moriarty, Mayor  
Marilyn W. Sachs  
Scott A. Bailey  
Daniel P. Ostrowski

**OTHERS PRESENT**

Edward J. Arnold, Millersville Borough Manager  
John D. Roachat, Millersville Borough Chief of Police  
Jessie L. Ebersole, Millersville Borough Finance Officer  
Edward R. Saylor, Planning Commission Vice Chairman  
Janet Kacskos, Millersville University  
Haley Williams, Millersville University Student Advisor (left early)  
Olivia Hertzler, Penn Manor High School Student Advisor  
Elaine Jones, LNP  
Sam Bigler, 17 Wabank Road, Millersville  
Bret & Ellen Goodman, 60 Glen Oaks Drive, Quaker Hills  
Mike Gross, 62 Glen Oaks Drive, Quaker Hills  
Patti Eitnier, 61 Glen Oaks Drive, Quaker Hills  
Mike & Grace Salm, 116 Village Green Lane, Quaker Hills  
Lester Dietrich, 41 Fresh Meadow Drive, Quaker Hills  
Bob Bates, 47 Fresh Meadow Drive, Quaker Hills  
John Groff, 3587 Blue Rock Rd., Lancaster  
Carol A. Thomas, 170 W. Charlotte St., Millersville  
Robert Capella, 207 W. Frederick St., Millersville  
Michael Bruckett, 320 College Manor Ave., Millersville  
John Mayzum, 139 E. Cottage Ave., Millersville  
Tammy & Scott Ream, 248 Manor Ave., Millersville  
John Barley, 237 Manor Ave., Millersville  
Ray Huber, 321 Manor Ave., Millersville  
Ed McManness, MIH/Immerse  
Linda Barto, 248 Manor Ave., Millersville  
Robert McLane, 206 Manor Ave., Millersville  
Steve & Eunice Reinhart, 25 E. Cottage Ave., Millersville  
Dan Gehman, 542 Leaman Ave., Millersville  
Richard P. Heilig, 144 E. Chestnut St., Lancaster

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**CITIZEN'S REQUESTS OR CONCERNS**

Mr. Mike Gross from 62 Glen Oaks Drive inquired again on his concern mentioned at the last Council meeting. He distributed copies of the newspaper article in which Chief Rochat commented that one juvenile is known to have a 9mm handgun. He wanted to know if the gun is still in the neighborhood or if it has been confiscated. Chief Rochat replied that the juvenile is still in detention and that no gun(s) were confiscated.

Mr. Lester Dietrich from 41 Fresh Meadow Drive stated that the Street Department personnel did a great job in plowing the snow; however he wanted to bring to our attention the damage to the concrete curbs all along his street. He also wanted to bring attention to the daily occurrence of vehicles not stopping at the stop sign at the intersection of Fresh Meadow Drive and Village Green Lane. President Kirkham replied that we would contact the Street Department Supervisor to look into his issue of the concrete damage, while Chief Rochat will look into the possible vehicle violations.

Ms. Carol Thomas from 170 West Charlotte Street suggested we move the speed monitoring sign to the other end of Charlotte Street and also asked how she should reply to her business owner/neighbor's questions in regards to creating a Downtown Business District. The business owner fears it will jeopardize the existing small business owners. Mr. Bailey commented that the intent is to help the business community of Millersville and asked that she invite them to the Council meeting in May for further public input.

Mr. Mike Salm from 116 Village Green Lane asked for another update on the neighborhood concern at the 112 Village Green Lane location. He realizes the ongoing investigation restricts certain details that can be shared but asked if there is anything further that can be shared with the public. Mr. Arnold stated there have been notices sent in regards to the property, such as liens and property maintenance code violations. He expects to see more movement on the Borough's actions now that the owner of record has been clarified.

Mr. Bret Goodman from 60 Glen Oaks Drive asked if there has been a request to cease and desist the operation of Aaron's Errands business at 112 Village Green Lane. Mr. Arnold replied that part of the communications with the Solicitor has involved this business operation. Mr. Goodman thanked the Police for everything they have done and continue to do in their neighborhood.

Mr. Robert McLane from 206 Manor Avenue is requesting an amendment to the rental ordinance to exclude any property where the Landlord lives in the same single structure and where the tenants do not have water, sewer and trash services separate from the Landlord (the sewer is connected with one vent, one line to the street). He does not believe this situation warrants an additional sewer and trash bill. He did provide a list of six properties that fit these criteria. Mr. Arnold stated the reasons for the additional billing of services are determined by the definitions in our Zoning and Rental Ordinances that constitute a rental property. Mr. Bailey challenged the reasoning of why the exclusion of only when the Landlord lives onsite. There are many rental properties where there is only one water and one sewer connection. Mr. Bailey went on to state it does not matter whether it is the Landlord living there or whether it's another renter; it's still defined as a rental property.

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PUBLIC HEARING TO CONSIDER A ZONING ORDINANCE AMENDMENT TO CHAPTER 380, ZONING, TO REVISE FLOODPLAIN REGULATIONS AND TO ESTABLISH THE DOWNTOWN DISTRICT AS AN OVERLAY ZONING DISTRICT AND INCORPORATE REGULATIONS APPLICABLE TO THE DOWNTOWN DISTRICT

President Kirkham opened the public hearing on the proposed ordinance to amend the Zoning Ordinance. Mr. Arnold stated the advertisement of the Zoning Ordinance amendment was to include both the revisions for the Floodplain Regulations and the Downtown District Overlay; however due to issues with the notification requirements of the MPC (Municipalities Planning Code) Council will consider after the hearing to extract the Downtown District Overlay portion of the Zoning Ordinance amendment. He further noted the Downtown District Overlay amendment to the Zoning Ordinance will then need to be re-advertised and re-scheduled for the Council meeting to be held May 24, 2016. Mr. Arnold went on to explain the Zoning Ordinance amendment specific to the Floodplain Regulations were changes passed down to all Lancaster County municipalities by FEMA and DCED.

Mr. Rick Heilig asked to verify that Council does not want to hear any comments from the public on the Downtown District as an Overlay. President Kirkham stated that we do not mind hearing comments; however the opportunity to do so will be again at the May 24<sup>th</sup> Council meeting. Mr. Heilig asked if the Downtown District Overlay ordinance will be changing from its original proposal. Mr. Arnold commented that it will be the same as previously presented unless Council wishes to revise it. Mr. Heilig asked Council to reconsider the recommendations from the Lancaster County Planning Commission and the Penn Manor School District, as those comments are the same as the business owner, Manor Builders which he represents. Mr. Arnold explained the recommendation from the County was that taverns, motels or hotels normally call for a special exception hearing and that that should continue with the Overlay District.

President Kirkham asked if there were any further comments, specifically on the Floodplain Regulations changes. Hearing none, President Kirkham closed the public hearing at 7:38 p.m. and re-opened the regular Borough Council meeting.

Mr. Aichele made a motion to adopt the ordinance to amend the Code of Ordinances of the Borough of Millersville, Chapter 380, Zoning, to revise the floodplain regulations and to establish the Downtown District as an overlay zoning district and incorporate regulations applicable to the Downtown District in the form presented. Mrs. Miller seconded the motion. Mr. Ostrowski made a motion to amend the pending motion to delete sections 4, 5, 6, and 7 and Attachments A and B from the Ordinance as presented and to revise the caption of the ordinance to reflect the deletion of provisions concerning the Downtown District. Mr. Aichele seconded the motion. With no further discussions the motion passed by a unanimous voice vote.

Mrs. Miller made a motion, seconded by Mr. Ostrowski to authorize the Solicitor to include the Downtown District provisions in a separate ordinance and to advertise that ordinance for a public hearing on the Council meeting of May 24, 2016. With no further discussions the motion passed by a unanimous voice vote.

ORDINANCE BOOK  
ORDINANCE NO. 2016-1

MINUTES

None

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**FINANCE COMMITTEE REPORT**

Mr. Lastowski asked Mrs. Sachs to present the Finance Committee Report due to the loss of his voice. Mrs. Sachs introduced Mrs. Jill Gilbert and Mrs. Kristy Beckman from Trout, Ebersole & Groff, LLP, the Borough's financial auditors. Mrs. Gilbert explained that they did an audit of the Borough's financial statements as they have for many years. She mentioned these are the Borough's financial statements and that in their independent auditing Trout, Ebersole & Groff gives an opinion of the Financials. Mrs. Gilbert was happy to announce that for another year the Borough has received an 'unmodified' opinion; meaning there were no issues that would cause them to modify the Borough's financial statements. She went on to mention these financial statements are different than the normal monthly financial statements that Council is used to seeing due to GASB (Governmental Accounting Standards Board) regulations. She then proceeded to go to the Government Wide financial statements. These are statements that bring the borough's funds together, including all of the assets and debt. She noted the borough's ending net position at December 31, 2015 is \$15,460,493. The next financial statements Mrs. Gilbert explained were the borough's Government funds; the General Operating fund, General Capital Reserve fund, and the Highway Aid fund. In reporting these funds she mentioned the revenues, expenditures and fund balances as they related to the budget. The total revenues of the General Operating fund were recorded at \$3,355,964, and \$66,363 more than budgeted. The majority of that was in taxes, specifically Earned Income Tax and Real Estate Transfer Tax. The total expenditures of the General Operating fund were budgeted at approximately \$3.18 million and spent approximately \$3.03 million, again a positive change. The net change in the Borough's General Operating fund balance was an increase of \$138,300, resulting in an ending fund balance of \$1,519,495. She reported the General Capital Reserve ending fund balance is approximately \$2.1 million and the Highway Aid ending fund balance is approximately \$285,000. The other financial statements she reviewed were the Borough's proprietary funds, otherwise known as the business funds. These funds are where you charge a fee for service; the Sewer Operating and Sewer Capital Reserve funds, Solid Waste fund and the Educational Service Agency fund. These funds together showed a change in net position of \$501,255 and a net ending fund balance of \$10,468,543. Mrs. Gilbert continued to explain the new GASB regulations on Pension which has caused prior period adjustments to be made for recognizing the net pension liability of both pension plans and referenced Note 9-Pensions Plans for more details. In those details she pointed out the Police plan's net pension liability is \$1,181,744 and 78.01% funded, while the Non Uniform plan's net pension liability is \$42,883 and 98.4% funded. Mrs. Gilbert continued in the Notes section by pointing out Note 6, the Borough's changes in Capital Assets and Note 8, the Borough's Long Term Debt. She closed her presentation by thanking the Borough for having them and to the staff for making their auditing go smoothly.

Mayor Moriarty congratulated Mr. Arnold and Mrs. Ebersole for another good report from the independent auditors. He stated his awareness of the hard work that goes into this audit year after year. Mrs. Ebersole commented on the great working relationship that has been established over the many years with Jill Gilbert and the great job their team does to produce this final, 69-page, financial report. Mr. Arnold stated the greatest thing this report does for the Borough is reflected when you go out to borrow money from lending institutions.

President Kirkham thanked Mrs. Gilbert and Mrs. Beckman for their excellent presentation and all their efforts during the audit. He also thanked Mr. Arnold, Mrs. Ebersole and all the staff, as well as the Finance Committee for another great job.

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Mrs. Sachs made a motion out of committee to approve the 2015 Independent Audit Report as presented by Trout, Ebersole & Groff. With no further discussions the motion passed by a unanimous voice vote.

Mrs. Sachs made a motion out of committee to approve the transfer of \$138,000 from the General Operating Fund to the General Capital Reserve Fund. With no discussions the motion passed by a unanimous voice vote.

Mrs. Sachs made a motion out of committee to approve the adoption of the ordinance amending the codified codes of Chapter 350-42 Parking Regulations, Violations and Penalties, Chapter 350-56 Snow & Ice Emergencies, Violations and Penalties and Chapters 350-39 Fire Lanes, Subsection D. With no discussions the motion passed by a unanimous voice vote.

ORDINANCE BOOK  
ORDINANCE NO. 2016-2

Mrs. Sachs made a motion out of committee to approve entering into a new water tower/cell lease agreement with Cellco Partnership doing business as Verizon Wireless. With no discussions the motion passed by a unanimous voice vote.

Mrs. Sachs made a motion out of committee to approve extending the Biosolids Management Services agreement for one year with Jesse Baro, Inc., from Douglassville, PA. With no discussions the motion passed by a unanimous voice vote.

REPORTS OF COMMITTEES OR BOARDS

Mrs. Miller read Mr. Lastowski's reported on the Blue Rock Regional Fire District meeting held on Thursday, March 3<sup>rd</sup>. His notes reflected all of the roofs at the four fire stations were inspected and estimates were received to complete some minor repairs and one major repair at Highville, Station 3. Also noted were furnaces that were replaced at two of the Stations. A list of events participated by the Fire Companies was approved by the Commission; including the Tomato Festival, local, State & Federal training exercises, Millersville Community Parade, etc.

MAYOR'S REPORT

Mayor Moriarty read a Certificate of Recognition of Outstanding Service to Barry R. Breneman. The certificate stated his work ethic during the winter storm Jonas and the gratitude for his ongoing service to the community.

Mayor Moriarty read a proclamation declaring Thursday, April 21<sup>st</sup> as "Powertalk 21 Day". He urged all citizens to join in the local and national efforts to raise the awareness of the importance of parents and teens talking together about alcohol to reduce the risks and dangers posed to teens and communities.

Mayor Moriarty reported on the February Monthly Police Report stating the Calls for Service were 264, noting it is one higher than last year. Chief Rochat distributed his annual report and indicated details of the report may be discussed at the next Safety Committee meeting.

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MILLERSVILLE UNIVERSITY REPORT

Ms. Janet Kacskos announced upcoming events and dates of importance including the Spring Job and Internship Fair to be held on Thursday, March 24<sup>th</sup>. Approximately 120 local, regional and national employers are registered. On Saturday, April 9<sup>th</sup> in the Student Memorial Center approximately 1500 Fall admitted students have signed up for the Admitted Student Expo. She further announced on Saturday, April 16<sup>th</sup> starting at 8 a.m. various nonprofit organizations throughout Lancaster County will participate in "Into the Streets", a day of service for MU students, faculty and staff. Also on that same night in Pucillo gymnasium there will be the annual Spring concert with performances from New Politics & Rich Homie Quan. Lastly, she announced the College of Graduate Studies and Adult Learning Commencement will be held on Friday, May 6<sup>th</sup> and the Undergraduate Commencement on Saturday, May 7<sup>th</sup>. The chairman of the Board of Governors of Pennsylvania's State System of Higher Education Board of Governor, Guido Pichini, will be the keynote speaker.

PENN MANOR HIGH SCHOOL REPORT

Ms. Olivia Hertzler announced the Penn Manor High School STEM team placed in the top four in the recent Governor's Jobs First STEM regional competition at Lancaster-Lebanon Intermediate Unit 13. The team developed a prototype roadside deer repellent system designed to reduce deer/vehicle accidents. She also announced the Class of 2016 will receive their diplomas at graduation exercises beginning at 7 p.m. Tuesday, June 7<sup>th</sup>, at the Franklin and Marshall College Alumni Sports & Fitness Center. She mentioned that High School student groups are planning a series of events to help raise funds for the school's first Mini-THON on April 15<sup>th</sup> and that all proceeds will benefit the Four Diamonds Fund and that the Penn Manor boys' bowling team did something no other boys' team in Lancaster County has ever done; they won the state bowling championship.

WASTE WATER COMMITTEE REPORT

None

PLANNING AND BETTERMENT COMMITTEE REPORT

Mrs. Sachs noted the committee held its monthly meeting to discuss again the sewer/trash billing concern with the same resident and stated there is still no action from those discussions.

STREET COMMITTEE REPORT

Mr. Aichele mentioned the Committee and Rob Visniski met with residents to discuss the Heisey Avenue project. It was recommended that the one-way traffic flow for Heisey Avenue would be from Wabank Road to Leaman Avenue due to the access of the traffic light at Leaman Avenue and Manor Avenue. Mr. Aichele made a motion out of committee to approve the direction of the one-way traffic flow from Wabank Road to Leaman Avenue. Mr. Arnold noted an ordinance for the one-way traffic flow will be drafted after the reconstruction project is complete. With no further discussions the motion passed by a unanimous voice vote.

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Mr. Arnold explained the project will require right-of-entry agreements with the property owners for a five feet wide temporary construction easement for the purpose of restoration of lawns and/or driveways that may be disturbed during the construction. Mr. Aichele made a motion, seconded by Mrs. Sachs to approve moving forward with the right-of-entry agreements with property owners. With no further discussions the motion passed by a unanimous voice vote.

Mr. Robert Capella from Millersville University Student Veterans Association is requesting the use of public streets for a 5K Glow Run on April 17<sup>th</sup> starting at 8 p.m. Council voiced concern of holding this event in darkness. Mr. Aichele made a motion to approve the use of public streets for the 5K Glow Run contingent on Chief Rochat, Chief Anders and himself approving of a revised plan that would include addressing the start time and any low-light condition hazards. Mrs. Sachs seconded the motion. With no further discussions the motion passed by a unanimous voice vote.

SAFETY COMMITTEE REPORT

Mr. Bailey made a motion out of committee to approve the revised Police Department Rules and Regulations for Disposal of Media. With no discussions the motion passed by a unanimous voice vote.

Mr. Bailey made a motion out of committee to approve promoting LEMSA membership contribution via the Borough's website. With no discussions the motion passed by a majority voice vote, with Mrs. Miller opposed.

PERSONNEL COMMITTEE REPORT

None

PRESIDENT'S REPORT

President Kirkham mentioned he recently attended the YMCA focus group meeting to participate in their vision to strengthen the community in future years.

BOROUGH MANAGER REPORT

Mr. Arnold mentioned the Millersville Business Association is sponsoring its third Annual 'Saturday in the Park' on May 21, 2016 from 11 a.m. to 3 p.m. He further mentioned the Borough's office staff participates in this annual event and looks for the Borough to continue its support.

Mr. Arnold requested Council's approval to appoint him to serve as the voting delegate of the Borough for the purpose of electing officers of the PSAB and voting on proposed resolutions and policies at the annual meeting to be held at the Hershey Lodge from June 5<sup>th</sup> to June 8<sup>th</sup>. Mr. Bailey made a motion to appoint Mr. Arnold as the Borough Council's voting delegate at the PSAB annual conference. Mr. Aichele seconded the motion. With no discussions the motion passed by a unanimous voice vote.

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**EXECUTIVE SESSION**

After a brief recess, Council broke for an executive session at 9:10 p.m. for legal matters concerning property acquisitions.

At 9:25 p.m. Council returned to make a motion by Mr. Ostrowski and seconded by Mr. Aichele to enter into a sales agreement with the property at 187 West Frederick Street for the amount discussed in executive session. With no further discussions the motion passed by a unanimous voice vote.

**ADJOURNMENT**

There being no other business, Mr. Aichele made a motion to adjourn the meeting at 9:26 p.m., seconded by Mrs. Sachs.

Respectfully submitted,



Edward J. Arnold  
Borough Secretary

EJA/jle