

April 26, 2016

MILLERSVILLE BOROUGH COUNCIL MEETING MINUTES

The MILLERSVILLE BOROUGH COUNCIL MEETING was held on Tuesday, April 26, 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 lead by Eliana Knaub 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 (absent)  
Scott A. Bailey  
Daniel P. Ostrowski

OTHERS PRESENT

Edward J. Arnold, Millersville Borough Manager  
John D. Rochat, Millersville Borough Chief of Police  
Jessie L. Ebersole, Millersville Borough Finance Officer  
Edward R. Saylor, 532 Thorngate Place, Millersville  
Steven A. DiGuiseppe, Millersville University  
Haley Williams, Millersville University Student Advisor  
Elaine Jones, LNP  
Chris Ivey, 4<sup>th</sup> grade teacher, Eshleman Elementary School  
Eliana Knaub, Abigail Hoffman, and Olivia Clark, 4<sup>th</sup> graders, Eshleman Elementary  
Bret & Ellen Goodman, 60 Glen Oaks Drive, Quaker Hills  
Mike Gross, 62 Glen Oaks Drive, Quaker Hills  
George Richardson, 102 Village Green Lane, Quaker Hills  
Mike & Grace Salm, 116 Village Green Lane, Quaker Hills  
Les Dietrich, 41 Fresh Meadow Drive, Quaker Hills  
Bob Bates, 47 Fresh Meadow Drive, Quaker Hills  
Mark A. Nitry, 45 Fresh Meadow Drive, Quaker Hills  
Nate Babon, 380 W. Charlotte Street, Millersville  
Aaron Brown, 38 W. Charlotte Street, Millersville  
Tim McCaskell, 173 W. Charlotte Street, Millersville  
Don Miley, 165 Victoria Rd, Millersville

MINUTES

A motion to approve the minutes for the February 23, 2016 Council Meeting was made by Mr. Ostrowski and seconded by Mrs. Miller. With no discussions the motion passed by a unanimous voice vote.

A motion to approve the minutes for the March 22, 2016 Council Meeting was made by Mr. Lastowski and seconded by Mr. Aichele. With no discussions the motion passed by a unanimous voice vote.

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**CITIZEN'S REQUESTS OR CONCERNS**

Mr. Mike Gross from 62 Glen Oaks Drive asked if burning was allowed in the Borough. He has witness the burning of trash at 112 Village Green Lane. Mr. Tuscan, the Borough's Zoning and Code Enforcement Officer replied that open burning is not allowed in the Borough.

Mr. Mike Salm from 116 Village Green Lane mentioned every month they have been told to please be patient. On behalf of the group he asked for an update to the multiple issues brought to Council's attention relating to the 112 Village Green Lane location. He further asked, now that the Borough has identified the rightful owner, is there a chance that 112 Village Green Lane will be put up for sheriff sale to satisfy their debt to the Borough. Mr. Tuscan stated that he has been working with Mr. Johnson, an equitable owner to get the property cleaned up. They have removed some vehicles, repaired the fence and are fixing up the yard. Mr. Tuscan further stated the business was determined not to be a junk/salvage yard and that the other mowing business is done away from the property. Mr. Salm inquired on issued citations that have not been paid. Mr. Tuscan stated no property maintenance citations have been issued. Mr. Arnold clarified that property code violation notices have been sent and were acted upon; therefore no citations were issued. Mr. Arnold explained the Borough has placed liens on the property for the utilities debt and that the Borough has two options to satisfy those liens. The first option is to go through a legal process for sheriffing the property. The second option is to follow procedures and notifications through the City of Lancaster to have their water service terminated. We do not currently have an agreement with the City of Lancaster to move forward with that action yet; however we have started the process and will be reviewing such an agreement with the Finance Committee at their next monthly meeting.

Mrs. Grace Salm asked when they can expect enforcement of removal of the truck filled with old tires that have remained on the property for many months. Mr. Arnold replied that Mr. Tuscan will follow-up on that concern as well as the burning of trash.

Mr. Bret Goodman stated they have been running a business out of that location (112 Village Green Lane) in a residential neighborhood and asked why this is allowed. Mr. Tuscan stated it is like any other contractor that brings their work truck home to park. Mr. Goodman objected by stating that they are bringing the trash from that business back to the property and that that is why there is so much trash and tires accumulated in the backyard. He stated they are using the property as a staging area. Mr. Arnold indicated he would have to investigate further into the legalities of materials staging.

Bob Bates, 47 Fresh Meadow Drive mentioned that there are many noticeable violations throughout this neighborhood, i.e. trailers parked along the street for months, vehicles parked on the grass, a boat and a van parked in backyards and junk cars covered with tarps. He questioned whose responsibility is it and why does the Borough drop the ball until they have a situation like the one at 112 Village Green Lane. Mr. Bailey replied that someone breaking the law is not the fault of enforcement and that Council is here to help and the Borough is taking action.

Mr. Don Miley from 165 Victoria Road voiced his concern for the safety at the intersection of Route 999 and George Street. He suggested maybe a no turn on red sign be installed. President Kirkham will have this issue addressed by our Street Department Superintendent.

Mr. Les Dietrich from 41 Fresh Meadow Drive asked for the status of his request from last Council meeting to put speed bumps and/or lines on the road to help deter the drivers that run the stop sign at his property. Mr. Kirkham stated that there are no proposals for such at this time and welcomed him to attend the next Street Committee meeting for further discussions.

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President Kirkham thanked everyone who voiced their concerns and stated that we will address each of these and continue to work to resolve as many as possible.

REPORTS OF COMMITTEES OR BOARDS

Mr. Lastowski reported on the Blue Rock Regional Fire District meeting held on Thursday, April 7<sup>th</sup>. He noted the Commission has paid off another long term debt of approximately \$107,000 and stated they have three loans remaining totaling approximately \$241,000. The Fire Commissioner was successful in having the interest rate of the remaining loans reduced to 1% (from 2%). Mr. Lastowski mentioned the Fire District is having three open houses. The open house at the Millersville Station will be on Saturday, April 30<sup>th</sup>. He welcomed everyone to attend and to use this opportunity to thank the volunteers for their services.

Mr. Lastowski as Secretary to the Millersville Area Historic Society asked Council to approve a request to use Freedom Memorial Park's parking lot and pavilion if necessary on May 13, 2017 for the purpose of parking a tractor trailer fitted with furnishings from the World War II era. President Kirkham requested Mr. Lastowski to bring the request through the Finance Committee for a motion.

MAYOR'S REPORT

Mayor Moriarty introduced the three young ladies sitting at the dais as this year's fourth grade winners, Ms. Eliana Knaub, Ms. Abigail Hoffman, and Ms. Olivia Clark from Eshleman Elementary School. Mayor Moriarty explained every year Mr. Ivey invites him to his fourth grade class to talk about government and do a special project with the children. Due to this year being an election year, the project was to create a campaign button. He proudly displayed their work of art and read their slogans. The Mayor thanked the children for their time and effort put into this year's project. He also thanked the parents and teacher for coming out tonight to recognize and support these young ladies.

Mayor Moriarty announced next Monday night there will be a community conversation on heroin in Millersville, at Grace United Methodist Church starting at 7 p.m. This conversation is provided by the Lancaster County Anti-Heroin Task Force as a means to educate the public on the heroin epidemic and to provide support to the families affected by this addiction.

Mayor Moriarty reported that the March Monthly Police Report did not reach a new high this month. The Calls for Service were average at 260. Chief Roachat noted the accidents were high this month at 14 and that the Part I & Part II Offenses clearance rate were good at 66.6% and 65.9% respectively. Per the Mayor's request, Chief Roachat elaborated as much as he could on the four new cases added to the detective investigation's overview report.

MILLERSVILLE UNIVERSITY REPORT

Mr. DiGuiseppe announced upcoming events and dates of importance including the College of Graduate Studies & Adult Learning Commencement will be held on Friday, May 6<sup>th</sup> starting at 6:30 p.m. in Pucillo Gym and the Undergraduate Commencement will be on Saturday, May 7<sup>th</sup> at Biemesderfer Stadium's Chryst Field starting at 11:30 a.m. Mr. DiGuiseppe congratulated Ms. Haley Williams, followed by applause of Council as she will be graduating on May 7<sup>th</sup>.

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Mr. DiGuiseppe gave special thanks to the Borough Police Department and Blue Rock Fire Rescue for their assistance in helping the University host the Bernie Sanders Rally that was held April 22<sup>nd</sup>. He noted it was quite the effort to execute a plan in less than 72 hours and that it was a great team effort by many people. The rally drew almost 3000 people in the gym, 750 in the Student Memorial Center and another 3000 viewing on the live webcast.

Mr. DiGuiseppe announced the Millersville Business Association will hold their third annual "Saturday in the Park" on May 21<sup>st</sup>, between 11 a.m. and 3 p.m. There will be free games, several entertainers such as Ryan the Bug Man, Magic of Erick Hershey, singer Steven Courtney and Forgotten Friend Reptile Sanctuary and various food vendors. There will also be finger printing by Liberty Mutual Insurance for young children. He also announced plans are set for the third annual American Dream Scholarship Ride to be held on Saturday, September 17, 2016 in and around the Borough. Further announcements included the Millersville Community Parade to be held on Saturday, October 22<sup>nd</sup> and that the 2016 theme is 'Hollywood Comes to Millersville'. He mentioned the 2016 Parade is under new direction, it includes the leadership team of James Pontz and three MU staff members: Richard Yednock II, Carol Reichler, and Denise Berg working with the existing Parade Executive Committee. Mr. DiGuiseppe mentioned he will still be on the committee to help and counsel but was asked to step away from the parade due to all his other responsibilities.

Before giving her final report Ms. Haley Williams thanked everybody for the last two years she has served. She stated it was a great experience and looks forward to using what she has learned in her future endeavors. Ms. Williams announced the partnership formed with the State Community Colleges and the 14 State Universities to allow students to earn a college degree by combining credits from the two systems. She also announced the MU Baseball team was ranked number one in the nation according to the Collegiate Baseball NCAA Division II poll. The Marauders are currently ranked number one with a 39-4 record. She also mentioned the Lacrosse team has made the PSAC tournament playoffs for the first time since 2001.

**PENN MANOR HIGH SCHOOL REPORT**

None

**FINANCE COMMITTEE REPORT**

Mr. Lastowski mentioned the committee interviewed three finalists from the request for proposal (RFP) to seek a new pension plan services provider for both the Police and Non-Uniform Pension Plans. Mr. Arnold gave a brief recap of the mandated requirements for municipalities under Act 44 of 2009 when looking for a new pension plan administrator. He went on to mention of the three firms that provided presentations one was our current plan provider, one was under the Pennsylvania State Association of Boroughs (PSAB) Municipal Retirement Trust (MRT) and the third was Univest Municipal Pension Services from Souderton, PA. After considering the information presented and the scoring of each applicant, it was determined that PSAB-MRT was the most qualified applicant. Mr. Lastowski made a motion to award the request for proposals for the professional pension plan services for both the Police and Non-Uniform Pension Plans to PSAB-MRT. Mr. Ostrowski seconded the motion. Mr. Arnold noted that after the appropriate notifications and the waiting period as mandated by Act 44, the Borough will begin the process of transferring the responsibilities and assets of the plans to PSAB-MRT with an anticipated mid-year effective date. With no further discussions the motion passed by a unanimous roll call vote.

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Mr. Lastowski made a motion out of committee to accept the January, 2016 Financial Reports as presented to the committee by Borough Manager, Edward J. Arnold. With no discussions the motion passed by a unanimous voice vote.

Mr. Lastowski made a motion out of committee to accept the February, 2016 Financial Reports as presented to the committee by Borough Manager, Edward J. Arnold. With no discussions the motion passed by a unanimous voice vote.

Mr. Lastowski made a motion out of committee to approve the resolution to acquire by dedication, purchase, transfer in-lieu of condemnation or if necessary by eminent domain the land necessary for the North/South Duke Street Connection Project and to approve entering into the lease/purchase agreement with the estate of John L. Graybill for the conveyance of 187 West Frederick Street. With no discussions the motion passed by a unanimous voice vote.

RESOLUTION BOOK  
RESOLUTION NO. 2016-11

Mr. Lastowski made a motion out of committee to approve the purchase of new playground equipment designed for two to five year old children from General Recreation Inc. in the amount of \$19,109. He further noted this is Pennsylvania Costars pricing and is in this year's budget. Mr. Bailey asked who was doing the site prep. Mr. Arnold explained the Street Department will be doing the majority of the site prep. He also mentioned the plan is to move the soil being extracted for the playground base to the area in front of the Veterans Memorial for a more leveling condition. With no further discussions the motion passed by a unanimous voice vote.

President Kirkham thanked the Finance Committee for the long hours spent on the RFP, noting that the Borough will benefit from their diligence.

WASTE WATER COMMITTEE REPORT

None

PLANNING AND BETTERMENT COMMITTEE REPORT

In the absence of Mrs. Sachs, Mr. Bailey made the motion out of committee to deny the amendment request and to support Chapter 290 of the Code of Ordinances regarding rental properties as stated. With no discussions the motion passed by a unanimous voice vote.

STREET COMMITTEE REPORT

None

SAFETY COMMITTEE REPORT

Mr. Bailey noted the committee had a detail presentation from Chief Rochat on the 2015 Millersville Borough Police Department Annual Report. He further noted the committee had discussions on a potential shared emergency notification system with the South Central Task Force. The committee will continue to further review available systems.

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**PERSONNEL COMMITTEE REPORT**

Mr. Ostrowski made a motion out of committee to approve the second amendment to the Non-Uniform Pension Plan to restore language into the plan regarding benefits at normal retirement and to advertise the ordinance for the amendment to the Non-Uniform Pension Plan. With no discussions the motion passed by a unanimous voice vote.

Mr. Ostrowski made a motion out of committee to accept the resignation with regret for Crossing Guard, Doris J. Chretien effective April 1<sup>st</sup>. With no discussions the motion passed by a unanimous voice vote.

Mr. Ostrowski made a motion out of committee to accept the resignation of the Borough's representative to the LIMC Land Use Advisory Board, Mr. Jack Gardner. It was noted that Mr. Gardner has moved out of the Borough. With no discussions the motion passed by a unanimous voice vote.

Mr. Ostrowski made a motion to approve by resolution filling the representative to the Lancaster Inter-Municipal Committee (LIMC) Land Use Advisory Board by moving Edward R. Saylor from the Alternate Member position. Mr. Aichele seconded the motion. With no discussions the motion passed by a unanimous voice vote.

**RESOLUTION BOOK**  
**RESOLUTION NO. 2016-12**

Mr. Ostrowski made a motion out of committee to authorize the Borough Manager to begin the process of making a police department position title change of Command Sergeant to Lieutenant in order to be consistent with other police forces. Mr. Ostrowski noted this motion is just to start the process, once the change is complete it will come back to the Committee and Council for final approval. Mr. Arnold mentioned that as part of the process the Borough must notify the Civil Service Commission and the Borough must talk with the Police Union about what it is we are requesting so that we don't open ourselves up to any kind of a grievance. Mr. Lastowski voiced his concern of rushing into this change without understanding the full financial impact. He therefore made a motion to table beginning the process. Mr. Bailey stated he does not understand the process or the financial impact but does not want to slow things down. Chief Rochat explained the position of Command Sergeant was approved and has been in the budget for five years. He mentioned that it is his request to change the title to Lieutenant for multiple reasons; one is in order to send an individual to upper management schools that require an Officer to be a Lieutenant or higher. He further mentioned there is no change to the position; and it is the same impact as it would have been if we had promoted someone five years ago. Chief Rochat explained Civil Service Commission must be notified because currently they only have a promotional process for Corporal and Sergeant. They will have to write a policy for the promotion to a Lieutenant and that procedure will need approved by Council. Once that is done, Council will have to authorize the promotion or filling of that position. Mr. Arnold mentioned the definition of a Lieutenant's position will in future negotiations be compared with Lieutenant salaries across the County. Although there is money in the current budget for a Command Sergeant, his concern is that of the potential future financial impact. He does understand Chief's position that he doesn't have someone promoted as second in command and organizationally that makes sense. Mr. Arnold further commented that starting the process is going to start the commitment to fill the position at some point in time. Again he doesn't object to filling the position but once you do that with a Lieutenant title, then the Police Association will have a legitimate position to compare salaries going forward. Mr. Bailey commented that it's not

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necessarily a bad thing by stating, "We are in a borough with no succession plan for Chief". President Kirkham called for a second to Mr. Lastowski's motion to table beginning the process. Hearing none, President Kirkham called for a voice vote to the motion coming out of committee to authorize the Borough Manager to start the process. With no further discussions the motion passed by a majority voice vote, with Mr. Lastowski opposed.

Mr. Ostrowski made a motion out of committee to approve the language change to the education requirement of the new Lieutenant job description (former Command Sergeant) from "Bachelor's degree in a related field" to "Bachelor's degree *preferably* in a related field". There were discussions on making a new motion to approve all of the changes from Command Sergeant to Lieutenant, including "...preferably in a related field". President Kirkham called for a voice vote on the motion as stated coming out of committee. By a unanimous voice vote the motion did not pass. Mr. Ostrowski proceeded to make a motion to approve all of the changes to the job description contingent on the Police Association's agreement to change the job title from Command Sergeant to Lieutenant. Mr. Aichele seconded the motion. With no further discussions the motion passed by a majority voice vote, with Mr. Lastowski opposed.

PRESIDENT'S REPORT

President Kirkham, on behalf of all Council presented Ms. Haley Williams a certificate of appreciation for her public service as Millersville University Student Advisor to Millersville Borough Council.

BOROUGH MANAGER REPORT

Mr. Arnold gave an update on a meeting held with the Borough's Engineer, Mr. Visniski from RAV, PennDOT personnel, the Developer of Funk's Farm and Manor Township's Engineer to discuss the impact of the Funk's Farm development on the intersection of North/South Duke Street. He also mentioned that he used the opportunity to encourage PennDOT to consider our grant applications for this corridor.

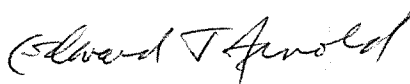
EXECUTIVE SESSION

None

ADJOURNMENT

There being no further business to discuss, Mr. Ostrowski made a motion to adjourn the meeting at 8:54 p.m., seconded by Mr. Aichele.

Respectfully submitted,



Edward J. Arnold  
Borough Secretary

EJA/jle