

April 23, 2013
MILLERSVILLE BOROUGH COUNCIL MEETING MINUTES

The MILLERSVILLE BOROUGH COUNCIL MEETING was held on Tuesday, April 23, 2013 in the Millersville Borough Public Meeting Room located at 100 Municipal Drive, Millersville, Pennsylvania.

The meeting was called to order at 7:00 PM by Council Vice President, Philip A. Lastowski followed by the pledge to the flag. A moment of silence was then observed. Vice President Lastowski asked that our moment of silence be dedicated to the victims from the terrorist attack on the Boston Marathon and the vitalities of the Texas fertilizer plant explosion.

COUNCIL MEMBERS

Michael C. Kirkham (absent)
Philip A. Lastowski
Linda J. Deal
J. Philip Gerber

Richard M. Moriarty, Mayor
Thomas R. Keller
Lynn M. Miller (via teleconference)
James A. Stager

OTHERS PRESENT

Edward J. Arnold, Millersville Borough Manager
John D. Rochat, Millersville Borough Chief of Police
Jessie L. Ebersole, Millersville Borough Staff
Steven A. DiGuiseppe, Millersville University
Elaine J. Jones, Lancaster Intelligencer Journal / New Era
Robert Slabinski, Student Services Inc/Student Lodging Inc
Geoff Beers, Student Services Inc/Student Lodging Inc
Bob Sempsey, Student Services Inc/Student Lodging Inc
Thomas Godfrey, Dawood Engineering
Ted Goldman, Lancaster EMS
Jack W. Gardner, 29 Fresh Meadow Dr., Millersville
Darin Aichele, 127 Landis Ave., Millersville
Sam Bigler, 17 Wabank Rd., Millersville

MINUTES

A motion to approve the minutes for the February 26, 2013 Council Meeting was made by Mr. Gerber and seconded by Mr. Stager. With no discussions the motion passed by a unanimous voice vote.

A motion to approve the minutes for the March 26, 2013 Council Meeting was made by Mr. Gerber and seconded by Mr. Keller. Mr. Stager asked for clarification to the statements on the underfunding and overfunding percentages of the Pension Plans. He suggested the 85% underfunded should be 85% funded and 106% overfunded should be 6% overfunded. Mr. Stager also noted under the Street Committee the motion to approve the ratification and confirmation action for joining the appeal to the Pennsylvania Environmental Hearing Board be stated as approved unanimously. Mr. Lastowski asked that under the executive session we add verbiage for the topic of the legal matters. With no further discussions the motion with the stated corrections passed by a unanimous voice vote.

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CITIZEN'S REQUESTS OR CONCERNS

None

REPORTS OF COMMITTEES OR BOARDS

Mr. Lastowski commented on the Blue Rock Fire Rescue's advertisement to recruit more volunteers and that Millersville Borough and Manor Township residents will receive a mailing in the next month asking for donations. This letter will include reminders that Manor Township residents pay a fire tax for their fire service and that Millersville Borough residents pay for their fire services through their municipal tax millage rate.

MAYOR'S REPORT

Mayor Moriarty acknowledged support for the National Emergency Medical Services Week scheduled for May 19 through May 25, 2013 and presented Mr. Ted Goldman, Director of Operations, with a proclamation stating such. Mr. Goldman thanked the Borough for this declaration as well as the Borough's continued support to Lancaster EMS.

Mayor Moriarty reported on the March monthly Police Report with 170 Calls for Service is a tie for the highest, with the month of March, 2007. The rest of the categories are average or low with the exception of the high Part II clearance rate of 95.1%. He also gave note to the low Part I clearance rate of 9%. Chief Rochat commented on the low Part I Clearance rate as being mostly larceny cases or crimes against property, which typically have a low clearance rate. The high Part II clearance rate is due to good investigation work by his Officers and several were serial. One individual was responsible for multiple offenses.

Chief Rochat presented information on a grant opportunity, Community Oriented Policing Services (COPS) for hiring a new Police Officer and asked for Council's approval to move forward with the grant application. The due date of the grant application is May 22nd, before the next Personnel Committee meeting. This grant is for a 25% match for three years and a \$125,000 maximum. There is also a requirement to keep the position for 12 months after the end of the grant.

Chief mentioned an update to Megan's Law that requires all sex offenders to re-register and new categories which required new registers. The Lancaster District Attorney has taken this seriously and has required all jurisdictions to make personal contact with the revised register list. The Chief stated that his list shows those for the University as well and that there are four on the Borough's list that are not campus addresses.

MILLERSVILLE UNIVERSITY REPORT

Mr. DiGuiseppe reported on the hiring of a new head football Coach, Mr. Greg Breitbach who comes from a successful five season run as the offensive coordinator at the University of North Dakota. He also mentioned, as you may have heard, Millersville University has received some criticism and concerns for the Bush Project (Student Services dormitory project) from staff, alumni and others. There is a plan for replanting and they will be working with others on a collaborative effort to replenish some of the trees lost in this Bush. Finally, he announced Spring semester is winding down with less than a month and mentioned the remaining events scheduled. The Honors and Awards Convocation will be on Saturday, May 4th at 10 AM at the Student Memorial Center, Commencement will be on Saturday, May 18th at 10 AM, weather permitting at Biemesderfer field, with guest speaker Pennsylvania Governor Corbett and the Graduate Ceremony will be on Friday night, May 17th at 6:30 PM in Pucillo Gym.

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FINANCE COMMITTEE

None

WASTE WATER COMMITTEE REPORT

Mr. Keller made a motion out of committee to accept the lowest and only one, qualified, bid for the Waste Water Treatment Plant Screen Enclosure project from CB Structures in the amount of \$61,824 contingent on the Solicitors review of the bid documents and bid bond. He mentioned the bid is higher than the budgeted amount of \$50,000. With no further discussions the motion passed by a unanimous roll call vote.

Mr. Keller made a motion out of committee to accept the lowest qualified bid for the Waste Water Treatment Plant SBR Valve Vault project from PSI Pumping Solutions, Inc. in the amount of \$119,900 contingent on the Solicitors review of the bid documents and bid bond. The other bids presented were Ron Smith at \$125,000, 4M Construction Services, LLC at \$149,525, Heisey Mechanical Ltd., at \$167,900, Conewago Enterprises, Inc. at \$173,080 and Aqua Resources, Inc. at \$183,368. Mr. Keller mentioned PSI Pumping Solutions has recently performed work on the Creek Drive Pumping Station. Mr. Keller stated these bids came in significantly higher than the budgeted amount of \$70,500. Mr. Arnold explained the budget was formulated two years ago and since then has had engineering changes. With no further discussions the motion passed by a unanimous roll call vote.

Mr. Keller made a motion out of committee to approve the budgetary adjustments to the Sewer Capital Fund for the Structure over the Rotomat and the SBR Decant Valves and Pit (two above projects). Mr. Arnold mentioned offsetting budget adjustments will be made to the Channel Grinder and Stream/bank Erosion projects. Additional design and engineering changes are necessary for these two projects and will look to have them re-considered in the 2014 budget. The total reflects a decrease in the overall fund budget by \$19,500. With no further discussions the motion passed by a unanimous roll call vote.

PLANNING AND BETTERMENT COMMITTEE

Mr. Gerber made a motion to approve the Subdivision and Land Development waiver for Student Services, Inc. to permit a subdivision by lease for the purpose of a ground lease agreement between Millersville University and Student Services, Inc. for Phase I of the Student Housing project contingent on the satisfaction of the conditions set forth by the Borough's Solicitor. Mr. Stager seconded the motion. Mr. Beers from Student Services Inc. stated the waivers are from Sections 325-5, 325-8, 325-9 and 325-10 of the Borough's Subdivision and Land Development Ordinance. He then introduced Mr. Tom Godfrey from Dawood Engineering to explain the necessity of the waiver. Mr. Godfrey stated financing for Phase I requires a lease agreement between Millersville University and Student Services, Inc. and that this agreement references a lease boundary line. This lease line is not intended to be a subdivision ground lease line that would identify the area as a separate lot. He pointed out that there is no possibility that this lease line would ever result in conveyance of property. Mr. Arnold stated our Solicitor's recommends five specific conditions which are intended to avoid the lease lines being interpreted in the future as being subdivision lines. With no further discussions the motion passed by a unanimous voice vote.

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Mr. Gerber made a motion to approve a waiver of the Preliminary and Final Land Development plan requirement for the Brookwood Court Apartments Renovations North contingent on the satisfaction of the Engineering conditions. Mrs. Deal seconded the motion. Mr. Godfrey from Dawood Engineering explained Brookwood Court Apartments Renovations North is like those just wrapping up on the Southside. They anticipate a total of ten buildings to be renovated in phases starting with Building 1 and 2, and then heading East to the other buildings over the next four years. Mr. Arnold confirmed that the Planning Commission is in support of this project. With no further discussions the motion passed by a unanimous voice vote.

STREET COMMITTEE

Mr. Stager made a motion to allow the use of public streets for the 17th annual Millersville Community Parade for Saturday, October 26th, 2013. Mr. Gerber seconded the motion. This year's parade theme is "Halloween Comes to Millersville". With no further discussions the motion passed by a unanimous voice vote.

Mr. Stager mentioned the West Frederick Street Infrastructure Phase II project's construction plan meeting was held for public's review and comment. Of the people that attended most are looking forward to the new components proposed for that corridor but are concerned about access. Mr. Arnold cited the work will be sectionalized and is looking at several options for temporary parking at the Church, the Trolley Barn and the rear of the Masonic Lodge, formerly used by the Point of View movie theater.

SAFETY COMMITTEE REPORT

Mrs. Miller discussed an amendment to the Code Enforcement Ordinance for property maintenance and the new quick ticket procedures. With no discussions, Mrs. Deal made a motion to approve the ordinance to amend Chapter 150, Code Enforcement, Article I, Property Maintenance to incorporate the International Property Maintenance Code/2009 and to revise enforcement procedures. Mr. Stager seconded the motion. With no discussions the motion passed by a unanimous voice vote. Mr. Arnold mentioned the fees related to this new procedure will be addressed at the next Finance Committee meeting along with our other Borough fees.

ORDINANCE BOOK
ORDINANCE NO. 2013-1

Mrs. Miller discussed the amendment for the Residential Rental Unit Regulations Ordinance which addresses changes for incidents of disruptive conduct and their appeal to the Safety Committee for the final decision. This is so that the information does not have to be discussed at the Safety Committee and then again at a Council meeting. Mrs. Deal made a motion to approve the ordinance to amend Chapter 290, Rental Property to revise regulations governing residential rental units and to revise enforcement in accordance with the changes to the Borough's Code. Mr. Gerber seconded the motion. With no further discussions the motion passed by a unanimous voice vote.

ORDINANCE BOOK
ORDINANCE NO. 2013-2

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PERSONNEL COMMITTEE

Mrs. Deal made a motion to accept the resignation of Officer William C. Young effective June 14, 2013. Mr. Stager seconded the motion. With no discussion the motion passed by a unanimous voice vote.

Mrs. Deal made a motion to authorize the Civil Service Commission to advertise and provide an eligibility list for hiring a Police Officer. Chief Rochat mentioned the eligibility list stays active as long as qualified candidates exist for a period of one year and can be extended by Civil Service for another year. Mr. Gerber seconded the motion. With no further discussions the motion passed by a unanimous voice vote.

Mrs. Deal made a motion to authorize Chief Rochat to apply for the Community Oriented Policing Services (COPS) Grant after Personnel Committee meeting on May 9th if an additional Officer for the force is deemed necessary and to authorize the President of Council to sign for the grant. Mr. Gerber seconded the motion. Mayor Moriarty stated the intent is to add an investigator and not add to the street patrol. Mr. Gerber asked if a current Officer would be promoted to an investigator. Chief answered that the current contract states the Mayor assigns an Officer to the investigator position and that he would recommend that they hire an entry level patrolman and promote from within for the investigator. Mr. Stager clarified that this motion passes the decision to the Personnel Committee to authorize the thirteenth position. With no further discussions the motion passed by a unanimous voice vote.

PRESIDENT'S REPORT

None

BOROUGH MANAGER'S REPORT

Mr. Arnold gave an update on the status of the Lancaster Countywide Act 167 Plan, Pennsylvania's Stormwater Management Act. Communications led to a resolution to address the issue that allows the authority to waiver conditions in a plan. This was accomplished without any Court proceedings. The County will have to amend the County plan and then the municipalities will need to update their Stormwater Management plans within six months.

Mr. Arnold asked for Council to consider waiving the 2013 property taxes for the Borough owned Crossgates Pumping Station property. Mr. Gerber made a motion to exonerate the 2013 Borough taxes on the property located at Crossgates Pumping Station (parcel number 440-89578-0-0000). Mr. Stager seconded the motion. With no further discussions the motion passed by a unanimous voice vote.

Mr. Arnold reminded Council that the Pennsylvania State Association of Boroughs (PSAB) meeting is being held in Hershey, May 5th through 8th. Also the Lancaster County Borough Association (LCBA) is tomorrow in Ephrata.

EXECUTIVE SESSION

After a brief recess, Council broke for an executive session at 8:35 PM for legal matters concerning the North/South Duke Street corridor.

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ADJOURNMENT

Mr. Stager made a motion seconded by Mr. Gerber, to adjourn the meeting at 8:45 PM. The motion passed with a unanimous voice vote.

Respectfully submitted,



Edward J. Arnold
Borough Secretary

EJA/jle