

**February 26, 2013**  
**MILLERSVILLE BOROUGH COUNCIL MEETING MINUTES**

The MILLERSVILLE BOROUGH COUNCIL MEETING was held on Tuesday, February 26, 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 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  
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  
Matthew G. Hammer, Millersville Borough Police Officer  
Michael R. Tuscan, Millersville Borough Zoning and Code Enforcement Officer  
Jessie L. Ebersole, Millersville Borough Staff  
Steven A. DiGuiseppe, Millersville University  
Connor Line, Millersville University Student Advisor  
James A. Kirk, Jr., Zoning Hearing Board Vice Chairman  
Michael J. Weidinger, Planning Commission Chairman  
Elaine J. Jones, Lancaster Intelligencer Journal / New Era  
Jack Gardner, 29 Fresh Meadow Dr., Millersville  
Dorothy Imel, 1902 Blue Ridge Dr., Millersville  
Roger V. Bruszewski, Vice President of Finance, Millersville University  
Robert Slabinski, Student Services Inc.  
Geoff Beers, Student Services Inc.  
David Rene, 32 N Prince St., Millersville  
Brian Knell, 32 N Prince St., Millersville  
Martin & Laura Knell, Glassboro, NJ  
Nate Hinkle, 32 N Prince St., Millersville  
Joseph Baker, property owner, 32 N Prince St., Millersville  
David Aichele, 127 Landis Ave., Millersville  
Danielle Weaver, Millersville University Student  
Nolan Zak, Millersville University Student  
Luzette Candelario, Millersville University Student

**MINUTES**

A motion to approve the minutes for the January 22, 2013 Council Meeting was made by Mr. Lastowski and seconded by Mr. Stager. With no discussions the motion passed by a unanimous voice vote.

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**CITIZEN'S REQUESTS OR CONCERNS**

President Kirkham welcomed Lancaster County Commissioner Craig Lehman. The Commissioner thanked the Mayor, Millersville Borough, Council and Staff for the opportunity to attend tonight's meeting. Mr. Arnold wished to publically acknowledge Mr. Lehman's support in all the Borough's programs introduced through the County Borough's Association and stated Mayor Gray has been extremely cooperative in a number of Community Development Block Grant projects that Millersville Borough has been awarded. The Borough appreciates the fact that the City works with us on as many things as they can.

**REPORTS OF COMMITTEES OR BOARDS**

Mr. Lastowski reported on the February 7<sup>th</sup> Blue Rock Regional Fire Commission meeting. The Blue Rock Regional Fire District completed its first full year under budget by 79.3%. This is a significant accomplishment being that is it their first year. Mr. Lastowski commended Fire Commissioner Duane Hagelgans, Ann Harach, the four fire Chiefs and all the volunteers for their dedicated hard work. Mr. Lastowski invited the public to attend a "town hall" type of meeting being held at the Millersville Fire Station on March 20<sup>th</sup> starting at 7 PM.

**SAFETY COMMITTEE REPORT**

Mrs. Deal made a motion out of committee to uphold the third Disruptive Conduct Report (DCR) by the tenants residing at 32 N Prince Street. Mr. Gerber made an amendment to the motion to not include Mr. David Rene in the eviction of all occupants due to the fact that he was not on the lease at the time of the first two DCRs. Mrs. Deal seconded the motion to amend. She then asked the owner, Joe Baker, to confirm that only Nathan Hinkle and Brian Knell had signed lease agreements during the time period of March and May, the first two disruptive conduct reports. Mr. Baker did verify David Rene did not sign his lease until July. Mr. Arnold received confirmation from the Borough's Solicitor that the DCRs are handled on an individual basis according to the date they sign their lease agreement. Mrs. Miller reiterated our Solicitor's review, that it is not determined by whether the tenants were present, but rather that their names were on the lease at the time of the DCRs. Mr. Martin Knell commented on the confusion and uncertainties present during this ruling. He also voiced his concern of the financial impact and the fact that there are only a couple more months until his son graduates. He vouched that his son was at home in Glassboro, New Jersey during the third disruptive conduct report and asked that he not be evicted. Nathan Hinkle asked to read the tenants apology letter addressed to the neighbors. Mr. Gerber explained of an alternative action that was discussed at the Safety Committee meeting. Before the final decision, he asked Council to consider hearing the letter to determine its merit and possibly allow an alternative action. The other Safety Committee members made it clear that the motion out of Committee was to uphold the third DCR and not consider any alternative actions. As a courtesy the tenants were allowed to proceed with reading their letter. Officer Hammer was then asked to speak on the details of the events that occurred and specifics within the disruptive conduct reports. With no further discussions the motion to amend passed by a unanimous voice vote. Clarification was given again that the motion as amended is to uphold the third DCR and evict two of the three tenants. A roll call vote was taken for the motion as amended; passing unanimously (6-0).

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**MAYOR'S REPORT**

Mayor Moriarty reported on the January monthly Police Report with another high of 161 Calls for Service, however traffic citations and criminal arrests are down due to the concentration on Part I Crimes. Chief Rochat mentioned the extremely busy work load involving a couple of major cases that are coming to a close. The Mayor stated that he cannot recall another time during his tenure as Mayor that the Borough has had the number of issues that they are dealing with, to the magnitude they are dealing with.

The Mayor thanked Council for upholding the third DCR, stating that he knows this is a difficult decision. The Chief also thanked Council for their support.

The Chief asked for Council's approval to apply for a two year PLCB grant of \$20,000 each with a 25% match over the life of the grant. Mrs. Deal seconded by Mr. Gerber, made a motion to authorize the Chief to apply for the 2013-2015 PLCB grants. The motion passed with a unanimous voice vote.

**MILLERSVILLE UNIVERSITY REPORT**

Mr. DiGuiseppe reported that MU now has a new mobile command center. The emergency response vehicle was purchased from Blue Rock Fire Rescue and has undergone custom modifications to meet the standards necessary for an emergency vehicle that is capable of responding to natural or man-made disasters. He also reported that there will be no strike; the negotiations committee of the Association of Pennsylvania State College and University Faculties (APSCUF) unanimously approved a tentative four year contract with the State System of Higher Education (PASSHE). He mentioned construction on the McNairy Library in Ganser Hall is on track for completion by late Spring with furniture and books arriving in the Summer. An official opening is scheduled for the Fall semester. He noted MU athletes ranked number one of the sixteen Pennsylvania State Athletic Conference members in academic success according to data recently released by the NCAA. Mr. DiGuiseppe announced a Parent and Family symposium, with many events, are planned for the weekend of March 8<sup>th</sup> through March 10<sup>th</sup>. He distributed copies of the Millersville Review magazine which shows many cultural events planned for the Spring.

Mr. Connor Line highly recommended visiting an art exhibit that will be on display Monday through Friday from 1 to 7 PM and Saturday 1 to 4 PM, through the month of April in the Winter Center.

**FINANCE COMMITTEE REPORT**

Mr. Lastowski made a motion out of committee to accept the January, 2013 Financial Statements. With no discussions the motion passed by a unanimous voice vote.

Mr. Lastowski made a motion out of committee to approve entering into an agreement with Lancaster County Redevelopment Authority for the West Frederick Street Infrastructure Phase 2 project. Mayor Moriarty questioned the financing of the project. Mr. Arnold replied that the project will be financed by the Borough's Sewer Capital Reserve Fund, the Community Development Block Grant, the City of Lancaster, and we are hoping to get PennDOT to buy in with some asphalt for the overlay. With no further discussions the motion passed by a unanimous voice vote.

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**WASTE WATER COMMITTEE REPORT**

Mr. Keller made a motion out of committee to approve three change orders for the Creek Drive Pumping Station Improvement project. Mr. Keller gave details on each of the change orders that added a total of \$51,858.21 to the project. With no further discussions the motion passed by a unanimous voice vote.

Mr. Keller made a motion to enter into a license agreement with Millersville University for the sewer main replacement. Mr. Arnold explained that this agreement allows the contractor access to the two 8" lines that are to be replaced with 12" lines. In order to get to the area the contractor will need to maneuver their equipment across MU property. This is a temporary agreement for just that work. Mr. Gerber seconded the motion. With no further discussions the motion passed by a unanimous voice vote.

Mr. Keller made a motion out of committee to advertise for bids on the Waste Water Treatment Plant Screen Enclosure project. With no discussions the motion passed by a unanimous voice vote.

Mr. Keller made a motion out of committee to advertise for bids on the Waste Water Treatment Plant SBR Valve Vault project. With no discussions the motion passed by a unanimous voice vote.

Mr. Keller mentioned a recognition letter recently received for the positive testing results at the Waste Water Treatment Plant. It states the treatment plant has been doing a good job consistently for a very long time. This puts us in an elite group of sewer treatment plants within the entire state. He commends the Sewer Department staff for this accomplishment.

Mr. Arnold touched briefly on the how difficult it is to get an easement from the Department of General Services and mentioned the Solicitors of the Borough, Millersville University, and Student Services, Inc., are designing an agreement that will allow one another to enter property and have access each time it is necessary to perform work on the stormwater and or sewer lines. Mr. Arnold stated that an easement requires, among other things the owner of the property to incur the costs if and when any utilities are moved. He turned the discussion over to Roger Bruszewski for his additional comment. Mr. Bruszewski trusts that after a long time, we are close to crafting such an agreement.

Mr. Arnold reminded Council that the MU Student Housing Phase I preliminary/final plan review was approved with contingencies from our Engineer. We know that these contingencies have not been finalized yet; however, the Phase I plan has to be recorded at the County before moving forward with Phases 2-4. With the relationship and the communication with MU, Mr. Arnold is fully confident that they will follow through with what our Engineer has noted are still open issues. Mr. Bruszewski went through each of the outstanding issues and explained where they are in satisfying each. He does not anticipate any problems to clear these open issues.

**PLANNING AND BETTERMENT COMMITTEE**

None

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**STREET COMMITTEE**

Mr. Stager made a motion out of committee to allow the use of public streets for the 5K run for Hope contingent upon approval of the race route by Andy Boxleitner, Streets Department Superintendent and Chief Rochat. Chief Rochat is fine with the revised route presented and stated there are no road closures. Clarification was made on the date of the run to be on Saturday, April 13<sup>th</sup>. With no further discussions the motion passed by a unanimous voice vote.

Mr. Stager made a motion out of committee to approve the Resolution that inserts an escalator clause in the bidding documents and contracts for road materials. The materials will be used when bidding the project of recycling multiple streets in the Crossgates development. With no further discussions the motion passed by a unanimous voice vote.

**RESOLUTION BOOK**  
**RESOLUTION NO. 2013-2**

Mr. Stager mentions the Borough's Spring Street cleaning is anticipated to be April 8<sup>th</sup> through April 12<sup>th</sup>, weather permitting. Flyers are displayed throughout the Borough and on our website.

Mr. Stager also mentioned the City of Lancaster will be replacing the water line on Blue Rock Road from George Street to beyond the Borough line starting on or about March 12<sup>th</sup>. The expectation is mostly single lane work, with flaggers, however there will be isolated cases when the entire road will need to be closed. It is estimated to take three months which may coincide with the start of our West Frederick Street Phase 2 project.

**SAFETY COMMITTEE REPORT (continued)**

Mrs. Miller continued with the Safety Committee report on the other issues discussed at their meeting held on February 13<sup>th</sup>. She mentioned the Committee reviewed an agreement with the Lancaster County Society for the Prevention of Cruelty to Animals (SPCA) and the Borough. Mrs. Deal made a motion out of committee to approve entering into an agreement with the SPCA for animal control. With no further discussions the motion passed by a unanimous voice vote.

Next, Mrs. Miller mentioned the discussions held on Mr. Tuscan's, Zoning and Code Enforcement Officer, 'quick ticket' process for warning property owners of code violations. She gave an explanation of the process changes and Mr. Tuscan followed up with additional details. Mr. Gerber voiced his concern with the dollar amounts presented for the violations specifically for those of a health/safety related issue. Mr. Arnold stated further discussions will be needed by the Safety Committee if Council agrees to move forward with this concept, as well as ordinance revisions by our Solicitor. Mrs. Deal made a motion out of committee to agree to move forward with the review of the new process with our Solicitor. With no further discussions the motion passed by a unanimous voice vote.

Mrs. Miller announced the Spring Landlord meeting is going to take place March 6<sup>th</sup> over at the University's SMC. Mr. Tuscan is facilitating data for this meeting. Mrs. Deal commended Mr. Tuscan's efforts with the landlords list and his job performance overall.

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**PERSONNEL COMMITTEE**

Mrs. Deal made a motion to approve the Resolution to appoint Mr. Daniel C. Zeigler to fill the vacancy on the Borough's Vacancy Board. Mr. Gerber seconded the motion. With no discussions the motion passed with a unanimous voice vote.

RESOLUTION BOOK  
RESOLUTION NO. 2013-3

**PRESIDENT'S REPORT**

Mr. Kirkham read a recognition letter received from Mr. Sam Bigler, 17 Wabank Road, in regards to Mr. Tuscan's professional and knowledgeable performance during an inspection of his rental property and to thank those individuals responsible for ensuring that we have quality people representing the Borough.

Mr. Kirkham mentioned the productive meeting held of the newly formed Local Economic Development work group. Mr. Kirkham asked for Council's approval for Mayor Moriarty to attend the annual Economic Development Company of Lancaster County & EDC Finance Corporation meeting to be held March 6<sup>th</sup>. There were no stated objections from Council.

**BOROUGH MANAGER'S REPORT**

Mr. Arnold asked Council for a motion to advertise a special Planning Commission meeting to be held Thursday, April 18<sup>th</sup> starting at 7 PM. This meeting is intended to focus on implementation of the Borough's Comprehensive Plan that was recently updated, specifically the transportation element. Mr. Gerber made the motion as requested, seconded by Mr. Lastowski. With no discussions the motion passed with a unanimous voice vote.

Mr. Arnold mentioned the annual financial audit presentation will be held in detail at the March 20<sup>th</sup> Finance Committee meeting and again at the March 26<sup>th</sup> Council meeting by the Borough's Auditors, Trout, Ebersole, & Groff LLP. The public's attendance is welcomed.

Mr. Arnold also announced the West Frederick Street Phase 2 reconstruction meeting will be held for the public at the next scheduled Street Committee meeting, on April 11<sup>th</sup> starting at 5:30 PM. Our Borough Engineer, Rob Visniski will give the presentation and address any property owner's concerns.

Lastly, Mr. Arnold announced an invitation to attend Representative Keith J. Greiner's District Office open house to be held Thursday, February 28<sup>th</sup> at his office located in the West Lampeter Township Municipal Building on Village Road.

**EXECUTIVE SESSION**

After a brief recess, Council broke for an executive session at 8:55 PM for a legal matter related to the North/South Duke Street corridor. At 9:30 PM Council reconvened. Mr. Stager, seconded by Mrs. Deal made a motion to continue the evaluation of North/South Duke Street corridor. With no further discussions the motion passed with a unanimous voice vote.

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ADJOURNMENT

Mr. Lastowski made a motion seconded by Mr. Gerber, to adjourn the meeting at 9:32 PM. The motion passed with a unanimous voice vote.

Respectfully submitted,



Edward J. Arnold  
Borough Secretary

EJA/jle