

February 28, 2012
MILLERSVILLE BOROUGH COUNCIL MEETING MINUTES

The MILLERSVILLE BOROUGH COUNCIL MEETING was held on Tuesday, February 28, 2012 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 (conference call connection)
James A. Stager

OTHERS PRESENT

Edward J. Arnold, Millersville Borough Manager
John D. Rochat, Millersville Borough Chief of Police
Andy Boxleitner, Street Superintendent
Jessie L. Ebersole, Millersville Borough Staff
Edward R. Saylor, Planning Commission Vice Chairman
Gary G. Hess, Planning Commission Secretary
Marilyn W. Sachs, Planning Commission
James A. Kirk, Zoning Hearing Board
Kevin F. Weber, Park Committee
Scott A Bailey, Civil Service Commission
Steven A. DiGuiseppe, Millersville University
Kaitlyn Rodgers, Millersville University Student Advisor
Elaine Jones, Lancaster Intelligencer Journal / New Era
Marcus Miller, 621 Crestgate Pl., Millersville
Hilari Hinnant, 621 Crestgate Pl., Millersville
John Wallace, 421 Brookview Dr., Millersville
Harry Snavelly, School District of Lancaster
Steve Gergely, Harbor Engineering, School District of Lancaster
Luke Blum, MU Longboarding Club
Shannon Isaacson, MU Longboarding Club
Todd Breitenbach, MU Longboarding Club
Tyler A. Craig, MU Longboarding Club
Jenna Schlener, MU Longboarding Club
Ethan Smith, MU Longboarding Club
Kevin Koehn, MU Longboarding Club
Austin Smith, MU Longboarding Club
Clark Davis, Millersville University
Jon K Ellis, Millersville University
Mariha James, Millersville University
James Deisley, Millersville University
Michael F Ribella, Sk8Mlv1

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MINUTES

A motion to approve the minutes for January 24, 2012 Council Meeting was made by Mr. Gerber and seconded by Mr. Lastowski. With no discussions the motion passed by a unanimous voice vote.

CITIZEN'S REQUESTS OR CONCERNS

Mr. Marcus Miller, newly elected tax collector, read directly from the tax collector manual that states "in boroughs with populations with more than 3,000, the tax collector may not also serve as a borough employee" and it also gives reference to the Borough Code Section 1104. He pointed out the last five elected tax collectors have declined to serve and that upon a vacancy in the office of tax collector Borough Council appointed Ed Arnold, Borough Manager/Secretary to collect the taxes for the borough, also a paid borough employee. He further stated he has relinquished all powers by signing an agreement with the borough making Mr. Arnold the Deputy Tax Collector. He feels under the law he should still have some delegated power. President Kirkham replied that all of the times that this has occurred have been approved by our Borough Solicitor. Mr. Arnold stated that the appointment of the Borough Manager as tax collector is within the statutes of the law, specifically stated in the Borough Code.

Ms. Hilari Hinnant of 621 Crestgate Place addressed the Chief of Police to consider posting a police blotter or police log to the website. Mayor Moriarty replied that it will be taken under consideration.

REPORTS OF COMMITTEES OR BOARDS

Mr. Kevin Weber from the Park Committee asked for Council to consider approving the funds to purchase the skateboard park fence sections. The safety committee report will address this issue.

Mr. Lastowski reported on the February Blue Rock Regional Fire Commission meeting. It was reported that the Blue Rock Fire Rescue responded to 830 calls in 2011. Three hundred and fifty four (354) responses were in Manor Township and one hundred eighty eight (188) calls were in the Borough. The remaining were mutual aid responses outside the district. The first monthly financial reports were presented to the Commission. Council President Kirkham suggested quarterly reports be submitted through the Finance Committee and that the Fire Commissioner give a direct report to Council on matters of the BRFR quarterly as well.

MAYOR'S REPORT

The Mayor stated January's Police report is very typical for a January's Call for Service.

The Mayor reported that he received a request from a Millersville University football player to perform community service. He explained the obstacles that need to be overcome even with the simplest request to do something good for the community. He suggested the individual continue his quest by contacting two local facilities and touch base with Dr. Breaux to insure that the University is on board. He also suggested reaching out to Steve DiGuiseppe, Millersville University's Community Relations Officer. Mayor Moriarty commended the football team for

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their efforts in wanting to serve the community in a positive way and become better community citizens. Mayor stated, "Community service is vital to every community".

Mayor Moriarty on behalf of himself and Council presented Mrs. Mary Ann Gerber and Mr. Steven DiGuiseppe with a formal recognition of their outstanding service as co-chairmen of the Millersville 250th Committee. Mr. Lastowski, seconded by Mr. Gerber made a motion to support this resolution of acknowledgement. With no discussions the motion passed by a unanimous voice vote.

MILLERSVILLE UNIVERSITY REPORT

Mr. Steven DiGuiseppe reported that Millersville University recently placed 5th as the safest college in Pennsylvania and 120th in the nation according to the Safe School index. He announced Spring break is just around the corner, March 12th through the 19th. He also noted the Ganser Library demolition and renovations continue on schedule with an anticipated re-opening of this building in the fall of 2013. Mr. DiGuiseppe mentioned the announcement of the University to reduce three varsity intercollegiate athletic sports in order to strengthen existing teams' competitive opportunities and ensure a sustainable financial future for the athletics department; men's indoor and outdoor track and field and men's cross country. He thanked Council President Mike Kirkham for visiting a recent Millersville University Student Senate meeting.

Ms. Kaitlyn Rodgers reported the Student Senate's efforts has been in response to the track and field athletic programs being cut and the Alumni coming back wanting to challenge the cuts and have their teams be reinstated.

FINANCE COMMITTEE REPORT

Mr. Lastowski noted the Finance Committee did not meet in February. However he had one motion to make, to approve the letter addressed to our State Representatives requesting a revision to the Borough Code in regards to the Borough Tax Collector. Mr. Gerber seconded the motion. With no further discussions the motion passed with a unanimous voice vote.

WASTEWATER COMMITTEE REPORT

Mr. Keller made a motion out of committee to approve the use of the former tapping fees of \$2,642 per EDU for 28 EDU's for the new Elizabeth R. Martin Elementary School; a total of \$73,976. The School District of Lancaster had requested the Borough to waive or reduce the fees. Since the School District of Lancaster had been working on this project and communicating with borough staff for several months before raising the tapping fees, Council felt it appropriate to charge the rate previously discussed. Mr. Gerber gave mention that we have a pumping station on this site and that the School District has allowed us usage of the property for many years. With no further discussions the motion passed by a unanimous roll call vote.

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Mr. Keller made a motion out of committee to award the Creek Drive Pumping Station project to the lowest qualified bidder, PSI Pumping Solutions, Inc. in the amount of \$689,489. The other bids presented were by Howard Robson, Inc. in the amount of \$689,000, TAH Construction, Inc. in the amount of \$717,850, Johnston Construction Company in the amount of \$725,480, Conewago Enterprises, Inc. in the amount of \$736,684, Bulldog Construction in the amount of \$748,000, Kinsley Construction, Inc. in the amount of \$793,000, Bertolet Construction Corporation in the amount of \$808,000 and Versar, Inc. in the amount of \$1,142,011.90. The 2012 budget for this project is stated at \$800,000. With no further discussions the motion passed by a unanimous roll call vote. Mr. Bailey asked if there is a designated project manager for this project. Mr. Arnold replied other than the Borough Engineer, CET, the Borough Manager and the Waste Water Superintendent overseeing the project; there is no dedicated project manager. Mr. Bailey requested Council to consider hiring a project manager to execute the plan and see that the project goes well.

PLANNING AND BETTERMENT COMMITTEE

None

STREET COMMITTEE

Mr. Stager made a motion out of committee to advertise the ordinance to revise the regulations establishing one-way streets and parking prohibitions within the Borough. Mr. Stager explained the revision areas for the no parking and one-way streets. With no further discussions the motion passed by a unanimous voice vote.

Mr. Boxleitner, Street Superintendent mentioned the requirements for the MS4 stormwater permitting for DEP for the year 2011. Each year the Street Department inspects 25% of the outfalls, both public and private, and takes samples for testing where needed. For 2011 there were no elicited discharges found and to his knowledge there were no public complaints for construction runoff. Also, part of the permitting process is education. The Borough educates employees for DEP's good housekeeping and provides a pamphlet entitled "When It Rains, It Drains – understanding storm water and how it can affect your money, safety, health and the environment". This pamphlet is distributed through the Penn Manor High School government students and is also available to access by link from the Borough's website. He further stated there were no volunteer programs for 2011.

SAFETY COMMITTEE REPORT

Mrs. Miller via telephone conferencing, asked Council to consider loaning the Skateboard Club (Sk8Mlv1) \$400 to purchase the section of fencing they have been renting. Mrs. Deal, seconded by Mr. Keller made a motion to loan \$400 to the Skateboard Club to buy the fence. Mr. James Deisley of 431 W. Charlotte Street guaranteed the repayment of the \$400 loan. In response to the question concerning the need for additional insurance in a public facility since skateboarding is just another activity within the park, Mr. Arnold explained that the risk of injuries from that type of sport is higher and requires a separate insurance policy endorsement. An additional \$1000 is a minimal amount to pay for the coverage the Borough carries. With no further discussions the motion passed by a 5 to 1 roll call vote, with Mr. Gerber opposed.

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Mrs. Deal made a motion to keep the skateboard park closed until an agreement is made with the requested revisions to the rules and regulations and insurance issues. Mr. Gerber seconded the motion. A few members of the Millersville University Landsurfer Longboard Club spoke up with their commitment to enforce the use of helmets and their intentions to raise money to insure a safer environment for children to skateboard. After further comments and discussions that included the current group being willing to abide by the existing rules a new motion was made Mr. Keller and seconded by Mr. Stager to open the skateboard park and amended to include without the need of a port-a-potty. With no further discussions the motion passed by a majority voice vote, with Mr. Gerber opposed.

Mrs. Miller via telephone conferencing, asked Council to consider advertising the amendment to the Residential Rental Unit Regulation Ordinance. Mrs. Deal, seconded by Mr. Gerber made a motion to advertise the Ordinance to revise regulations governing residential rental units. With no discussions the motion passed by a unanimous voice vote.

Mrs. Miller revealed the Housing Fair recently held at Millersville University is anticipated to be an annual event. Mrs. Deal added comments that although there were not a lot in attendance, it was a success. Mr. Kirkham thanked Mrs. Deal for all her efforts with the event.

Mrs. Miller via telephone conferencing, asked Council to consider approving the intergovernmental cooperation ordinance to establish a regional emergency management agency. Mr. Gerber made a motion to adopt the ordinance that authorizes Millersville Borough and Manor Township to establish a regional emergency management agency. Mr. Lastowski seconded the motion. Mr. Arnold elaborated that regionalizing fire services allow us to regionalize our Emergency Management Coordinator requirements. Along with the ordinance is an intergovernmental cooperation agreement between the two municipalities. Manor Township has already adopted their ordinance and signed the agreement. Mrs. Deal announced that effective March 1st Duane Hagelgans, the Fire Commissioner will take over the role of the Regional Emergency Management Coordinator. She further acknowledged all the work Millersville Borough's EMC, Andy Boxleitner has done over the years filling this position. With no further discussions the motion passed by a unanimous voice vote.

ORDINANCE BOOK
ORDINANCE NO. 2012-2

PERSONNEL COMMITTEE

Mrs. Deal made a motion out of committee to adopt the Ordinance to amend the non-uniformed employee pension plan to incorporate regulations to implement changes in Federal tax laws. With no discussions the motion passed by a unanimous voice vote.

ORDINANCE BOOK
ORDINANCE NO. 2012-1

Mrs. Deal made a motion out of committee to appoint Mr. Michael D. Walker to the Planning Commission with a term ending date of October 31, 2014. With no discussions the motion passed by a unanimous voice vote.

Mrs. Deal made a motion out of committee to approve a 25 cent per hour salary increase for the Crossing Guards effective January 1st. With no discussions the motion passed by a unanimous voice vote.

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Mrs. Deal made a motion out of committee to approve a 25 cent per hour salary increase for the general operating part-time employees effective January 1st. With no discussions the motion passed by a unanimous voice vote.

Mrs. Deal made a motion out of committee to appoint Mr. James Stager as the Borough's representative to the Lancaster Inter-Municipal Committee (LIMC). It was stated that Mr. Stager will be unavailable to attend the April through September meetings but Mr. Arnold is the Borough's alternate member and regularly attends. With no further discussions the motion passed by a unanimous voice vote.

PRESIDENT'S REPORT

Mr. Kirkham noted his attendance as previously mentioned, to the Student Senate meeting and hopes to continue on a quarterly basis.

BOROUGH MANAGER'S REPORT

Mr. Arnold thanked everyone who attended the Borough's Comprehensive Plan meeting held at the Penn Manor High School. He further stated it was good to see that the public attendance was more than anticipated. The summary results from that meeting will be circulated through the Steering Committee and discussed at the April 4th Planning Commission meeting.

Mr. Arnold announced a preliminary/final plan will be submitted for the comet field development site and discussed at the March 7th Planning Commission meeting.

Mr. Arnold asked Council to consider a Resolution to apply for a 50 percent matching \$50,000 grant from the Pennsylvania Department of Community and Economic Development (DCED) for the Blue Rock Regional Fire District for costs associated with forming the regionalized fire district. This type of grant requires a municipal support. Mr. Lastowski made the motion, seconded by Mr. Gerber. With no further discussion the motion passed by a unanimous voice vote.

RESOLUTION BOOK
RESOLUTION NO. 2012-3

EXECUTIVE SESSION

After a brief recess, Council broke for an executive session at 9:10 PM to discuss an issue with a Police Officer.

Upon return, Mrs. Deal made a motion to approve the disciplinary action against a Police Officer for reasons addressed in executive session. The three - 12 hour days of suspension will be at the Police Chief's discretion and the one year of probation will be effective immediately. With no further discussions the motion passed by a unanimous voice vote.

ADJOURNMENT

Mr. Gerber made a motion seconded by Mr. Keller, to adjourn the meeting at 10:05 PM. The motion passed with a unanimous voice vote.

Respectfully submitted,



Edward J. Arnold
Borough Manager

EJA/jle