

**July 27, 2010**  
**MILLERSVILLE BOROUGH COUNCIL MEETING MINUTES**

The MILLERSVILLE BOROUGH COUNCIL MEETING was held on Tuesday, July 27, 2010 in the Millersville Borough Public Meeting Room located at 100 Municipal Drive, Millersville, Pennsylvania.

The meeting was called to order at 7:01 PM by the Council Assistant Secretary, Philip A. Lastowski, followed by the pledge to the flag. A moment of silence was then observed.

**COUNCIL MEMBERS**

Scott A. Bailey (not voting, present via speaker phone)	Richard M. Moriarty, Mayor
Michael C. Kirkham (absent)	Philip A. Lastowski
Jack W. Gardner	Linda J. Deal
J. Philip Gerber	Lucinda L. Ridley (absent)

**OTHERS PRESENT**

Edward J. Arnold, Millersville Borough Manager  
John D. Rochat, Millersville Borough Chief of Police  
Jessie L. Ebersole, Millersville Borough Staff  
Michael J. Weidinger, Planning Commission Chairman  
Edward R. Saylor, Planning Commission Vice Chairman  
Kevin Weber, Park Committee  
Steven A. DiGuiseppe, Millersville University  
Arthur Dickinson, Millersville University  
Ron Frisbie, Millersville University  
James Buescher, Lancaster Intelligencer Journal / New Era  
James A. Kirk, Jr., 436 Herr Ave., Millersville  
Matt Arment, SK8MLVL  
Serge Lehman, Prince St., Millersville  
Mike Reed, Lancaster  
Mike & Bobbi Cavanaugh, York  
Becki Cavanaugh, York  
Lee DeRemer, York  
Marcie DeRemer, York  
Bill & Bob Napier, 341 Manor Ave., Millersville

**MINUTES**

A motion to approve the minutes for June 22, 2010 Council meeting was made by Mr. Gardner and seconded by Mr. Gerber. With no discussions the motion passed by a unanimous voice vote.

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**CITIZEN'S REQUESTS OR CONCERNS**

None

**REPORTS OF COMMITTEES OR BOARDS**

Mr. Weber, Park Committee member, came before Council in recognition to the recent issues with the Skateboard park. They admit the rules that have been set by Council have not been followed and are taking steps to correct. They also stated their agreement to have the police department start issuing warnings and/or tickets to anyone in violation of the rules. With Council's consent, Mr. Boxleitner has agreed to volunteer to hold a few open night registrations at the park to help get participants registered and promote further awareness of the skateboard park rules. Mr. Weber explained the organization is struggling for funds to complete two obstacles and is in the process of planning another fund raiser similar to the one held in the past. Meanwhile, they have better secured those two construction areas.

**MAYOR'S REPORT**

Mayor Moriarty thanked Council for approving the funds for his attendance to the annual conference of the Pennsylvania State Mayors' Association held at State College this year. He commented it was one of the best attendances in many years.

Mayor Moriarty congratulated the Penn Manor Rocket team for winning the Transatlantic Rocketry Challenge in England. He recognized the team members as Brendon Stoeckl, Nathan Bernhardt, Tyler Funk and Jordan Franssen.

Mayor presented certificates of recognition for outstanding service to Millersville Borough Sergeant Jeffrey S. Margevich and Millersville University Officer Michael A. Cavanaugh. The certificates specified their exemplary performance that led to the apprehension of burglary suspects and stated that this type of exemplary performance provides a semblance of comfort to our Borough residents. Both Officers thanked the Mayor and Borough Council for their recognition and stated "we were just doing our job".

**MILLERSVILLE UNIVERSITY REPORT**

Mr. Steven DiGuiseppe reported major construction continues on the Student Memorial Center and the Visual Performance Arts Center. He announced Fall Orientation Program for incoming students will be taking place August 25<sup>th</sup> through August 29<sup>th</sup>. Mr. DiGuiseppe gave comments on the recent newspaper article which stated the increase in Millersville University's tuition and technology fee. The total cost of attendance for a resident student living on campus for 2010-2011 year is approximately \$15,000. Millersville University is still below the average of the middle-States region which consists of Maryland, Delaware, New Jersey, New York and Washington DC. He also announced the continuance of the Four Corners Summer Festival with free admittance this Friday, July 30<sup>th</sup> with a mix of dancing styles for every passion performed by the Cobalt contemporary ballet company. Mr. DiGuiseppe announced several weeks ago the University named an interim Chief of Police, Lieutenant Arthur White. He will serve that capacity until the official Chief of Police is selected. Lieutenant White has been with the University since 1994.

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**WASTE WATER COMMITTEE REPORT**

Mr. Gardner made a motion out of committee to approve the Resolution accepting utility easements necessary for the completion of a public sewer system improvement project. There are four tracts of land involved, two properties located off of Village Green Lane and two off of Glen Oaks Drive. With no discussions the motion passed by a unanimous voice vote.

**FINANCE COMMITTEE REPORT**

Mr. Gerber made a motion out of committee to accept the May Financial Statements. Mayor Moriarty asked if the revenues were on track with budget projections. Mr. Arnold answered by giving comments on a few accounts that may show shortages; one of the largest deficiencies being interest income. He also explained the uncertainty at this time of the earned income tax. There will be a transition from the current method of payment to the municipalities from the county tax collection bureau. These payments are moving from a quarterly distribution to a monthly distribution. Depending on when that transition takes place it may skew the budget from one year to the next. With no further discussions the motion passed with an unanimous voice vote.

Mr. Gerber made a motion out of committee to accept the June Financial Statements. With no discussions the motion passed by a unanimous voice vote.

Mr. Gerber commented on the presentation given by Buffy Tucker from The Standard and Tom Kern from Future Care Solutions at the Pension Fund Committee meeting. Ms. Tucker explained Standard's investment policy and how they watch performance indicators of our investment companies. This policy is designed to maintain the best performance within the investment options of our retirement plan. He stated his comfort knowing Standard has these procedures and believes our pension funds are in good hands.

**PLANNING AND BETTERMENT COMMITTEE**

Mr. Gerber made a motion out of committee to approve the 2011 proposed changes to the trash/recycling hauler contract. Mr. Arnold reviewed the major changes. The yard waste will be for a weekly pickup with the trash/recycling cycle between April 1<sup>st</sup> to mid October for up to 30 pickups. Currently it is a bi-weekly, with 15 pickups; and the addition of an eight (8) yard dumpster at Windsor Court with two pickups per week. He stated it is less expensive to have a dumpster at this location than the current services of twenty individual units. After discussions revolved around the placement of dumpster, the enclosure unit and challenges that may development by using a common dumpster, Mr. Gerber made a motion, seconded by Mr. Gardner to withdrawal the motion out of committee until further research could be performed. The motion to withdraw passed with an unanimous voice vote.

Mr. Gerber made a motion to proceed with all the modifications except the dumpster unit at Windsor Court and to proceed with the advertisement for a hauler contract for the Borough's waste and recyclables. (Windsor Court dumpster to be included in the bid request as an option.) Mrs. Deal seconded the motion. Mr. Arnold reviewed the proposed time schedule as follows: the advertisement dates set to run in the Lancaster Newspaper on Wednesday, September 8<sup>th</sup> and Wednesday, September 22<sup>nd</sup>, 2010; the bid package available Tuesday, September 14<sup>th</sup>; the mandatory pre-bid meeting Tuesday, September 28<sup>th</sup> and the bid opening on Tuesday, October 12<sup>th</sup>, 2010. With no further discussions the motion passed with an unanimous voice vote.

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Mr. Gerber reported on committee discussions concerning the Historic Preservation Code, specifically the issue raised by the 50 year qualification. A consideration to replace this qualifier with a date such as all properties built prior to January 1, 1940 for Class I and Class II. Another reportable discussion from the Planning and Betterment meeting was the proposal for additional language to cover the issue of parking on lawns.

**STREET COMMITTEE**

Mrs. Deal made a motion out of committee to accept the one year extension of the snow removal contract with Your Estate Service, Inc. (YES) with a new hourly rate of \$81.55. The increase in the hourly rate from \$80.00 per hour to \$81.55 per hour was based on the Consumer Price Index (CPI). With no discussions the motion passed with an unanimous roll call vote.

Mrs. Deal made a motion out of committee to approve the use of public streets on November 21, 2010 for the annual Turkey Trot from 1 PM to 3 PM. The route has changed slightly from last year. With no further discussions the motion passed with an unanimous voice vote.

Mr. Ron Frisbie and Mr. Arthur Dickinson from Millersville University gave a brief presentation of the request for vacationing of public streets. Mr. Frisbie showed the current and proposed roadway ownership of East Frederick Street, James Street, and Creek Drive. He also showed the one-way traffic pattern changes proposed for Ann Street and High School Avenue. Discussions then turned to Council's concern that the change in the traffic pattern may potentially increase traffic at the intersection of Shenks Lane and West Frederick Street. Mrs. Deal stated that the recent changes to this intersection are not working very well now. Chief Rochat supported her statement by giving statistics on the increase of reportable incidents already this year. Council stated that after the changes to the traffic pattern and an additional traffic study is taken after completion of the improvements to the Student Memorial Center and that study results in warranting a traffic light, then the University should take full responsibility for the installation of the traffic light. Mr. Dickinson stated Millersville University would not look to take on that responsibility by itself. They probably would be willing to do that in conjunction with developers in and around Manor Township and Millersville Borough. He recognizes that it is a borough road and that it is a crossing intersection of Millersville University students. Therefore the University would believe if a traffic light is warranted, then it would be a joint responsibility.

Mr. Bailey directed the following statement for clarity to Mr. Dickinson; "Millersville University wants to make a change to the traffic pattern and if that change results in that intersection requiring a traffic light, the University does not feel that while it's changing the traffic pattern, it does not primarily have responsibility for that light." Mr. Dickinson replied their contention is that they would probably be more willing to change the intersection to make another entrance way into the parking area rather than spend the money on a traffic light.

Mr. Arnold stated that if the intersection calls for a traffic light and the University goes forward with that installation, the Borough would be willing to assist the University, not from a financial standpoint but in obtaining financial assistance from any developer or anyone else that may be a part in the traffic situation.

Mrs. Deal made a motion to approve the vacation of East Frederick Street from South George Street to Creek Drive and Creek Drive to James Street conditioned on 1) a traffic study at the intersection of Shenks Lane and West Frederick Street is done one (1) year after the completion of the 2010 Student Memorial Expansion Project, 2) one-way traffic east on East

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Ann Street to High School Avenue and one way traffic north on High School Ave from Ann Street to Model Ave, 3) the University turns over James Street from South George to Creek Drive to the Borough and 4) if the study that is done at Shenks Lane and West Frederick Street warrants a traffic light that Millersville Borough will assist the University in finding funding for the project. Mr. Gerber seconded the motion. With no further discussions the motion passed by a 3 to 1 roll call vote, with Mr. Gardner opposed.

**PERSONNEL COMMITTEE**

Mrs. Deal made a motion out of committee to appoint Mrs. Marilyn Sachs to the Planning Commission with a term ending date of October 31, 2011. This appointment is to fill the remaining term of Christopher Hasircoglu. With no discussions the motion passed by an unanimous voice vote.

Mrs. Deal made a motion out of committee to approve the revisions to the Career/Longevity Development Program. Mrs. Deal gave explanation to each change made to the document. These revisions were made to clarify the language, making it more precise. She stated they had also neglected to add in the Drug and Alcohol testing which she commented that the Police had wanted performed when entering or advancing levels in the program. Mr. Gerber asked who had input to this program and if they are happy with this. Mrs. Deal replied the Chief of Police, the Union representatives and the Personnel Committee all contributed. The Chief commented they are very happy with the Career/Longevity Development program and that it has had a positive effect in the department. With no further discussions the motion passed by an unanimous voice vote.

Mrs. Deal made a motion out of committee to approve the revisions to the Officer Drug and Alcohol Testing Policy Rules and Regulations as stated in the document. After reviewing each revision, there were no discussions and the motion passed by an unanimous voice vote.

Mrs. Deal made a motion out of committee to consider the June police applicants that qualified for the first Career/Longevity Development program this year to have an anniversary date that could qualify them for a payment in January, 2011 with no precedent to be set for the required time periods of future applicants. Mrs. Deal proceeded to explain that in the Police contract it states that the First Class level has an effective date of January 1<sup>st</sup>, 2010. The Personnel Committee agreed that for these two qualified applicants they would consider their payment anniversary date as being in January although they received the first level payment in July. They are required to spend one full year at each level. Because of some confusion with the interpretation of the program's effective date, we would like to provide them their chance to move to the second level of the Career/Longevity program on January 1<sup>st</sup>, 2011 as stated in the labor contract. With no further discussions the motion passed by an unanimous voice vote.

**SAFETY COMMITTEE REPORT**

Mrs. Deal made a motion out of committee to approve the revised lock box ordinance. Mr. Arnold stated there is other legal actions after Council approvals this revision. He will proceed to have it reviewed by our Solicitor who will then forward it to the Department of Labor and Industry for review as required by the Pennsylvania Construction Code Act. Pending approval from Labor and Industry, we would then need to advertise the ordinance. With no further discussions the motion passed by an unanimous voice vote.

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Mrs. Deal mentioned discussions that occurred from both the Safety and Streets Committees which are in support of developing a Certificate of Occupancy/Approval for homes that as they are sold would comply with both internal and external occupancy codes. The intention is to bring all homes, in particular homes that have been grandfathered, up to borough code. A good time to transition these properties may be at the time of sale. Some considerations discussed were allowing the homeowner to hire someone privately to perform the interior inspections and allowing a one year period of time to bring all issues up to code. Mrs. Deal requested Council to review the draft ordinance and provide feedback.

**PRESIDENT'S REPORT**

None

**EXECUTIVE SESSION**

None

**BOROUGH MANAGER'S REPORT**

Mr. Arnold recommended that Council appoint Mr. Michael Weidinger to fill the open position on the County Redevelopment Authority's CDBG Steering Board. Mr. Gardner made such a motion, seconded by Mrs. Deal. With no discussions the motion passed by an unanimous voice vote.

Mr. Arnold reviewed a list of suggested name changes that are being considered for the Lancaster County Tax Collection Bureau and offered Council to submit any of their ideas.

**ADJOURNMENT**

Mr. Gardner made a motion seconded by Mrs. Deal, to adjourn the meeting at 9:50 PM. The motion passed with a unanimous voice vote.

Respectfully submitted,

Edward J. Arnold  
Borough Secretary

EJA/jle