

March 26, 2013
MILLERSVILLE BOROUGH COUNCIL MEETING MINUTES

The MILLERSVILLE BOROUGH COUNCIL MEETING was held on Tuesday, March 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. President Kirkham wished everyone a Happy Easter.

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
Sergeant Michael K. Schaeffer, Millersville Borough Police
Andrew M. Boxleitner, Street Department Superintendent
Jessie L. Ebersole, Millersville Borough Staff
Steven A. DiGuseppe, Millersville University
James A. Kirk, Jr., Zoning Hearing Board Vice Chairman
Michael J. Weidinger, Planning Commission Chairman
Elaine J. Jones, Lancaster Intelligencer Journal / New Era
Lucie Baldwin, Historic Commission member
Jill Gilbert, Trout, Ebersole & Groff, LLP, Borough Auditor
Nicole Manyko, Trout, Ebersole & Groff, LLP, Borough Auditor

MINUTES

None

CITIZEN'S REQUESTS OR CONCERNS

None

REPORTS OF COMMITTEES OR BOARDS

None

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MILLERSVILLE UNIVERSITY REPORT

Mr. DiGuiseppe reported that during Spring Break, MU Students traveled to Point Pleasant, New Jersey, as part of the Habitat for Humanity Collegiate Challenge. There they assisted in clean-up and rebuilding efforts after Superstorm Sandy. He announced Millersville University was named to the 2013 President's Higher Education Community Service Honor Roll, with distinction, for the third time. MU was one of only five Pennsylvania Universities and the only PASSHE University to receive this noteworthy recognition. He noted the construction of the residence halls began this past week with Phase 1 to include two new halls and parking to be completed by the end of Summer 2014. Mr. DiGuiseppe announced, no Aprils' fools, their new President, Dr. John M. Anderson starts on April 1st. He mentioned the Spring calendar is very busy with many events, including lectures, symposiums, cultural events and athletics. Noted were the Bennett J. Cooper Baseball Stadium Dedication scheduled for Saturday, April 20th at 12:35 PM, Kenderdine Lecture on April 24th in McComsey Hall, Get-up and Glow 5K run/walk at night on April 25th and Honors and Awards Convocation on Saturday, May 4th at 10 AM with Commencement on Saturday, May 18th at 10 AM and Graduate Ceremony on May 17th at 6:30 PM.

FINANCE COMMITTEE – 2012 FINANCIAL STATEMENTS AUDITOR'S REPORT

Mr. Lastowski announced the Finance Committee meet on March 20th and previewed the 2012 Financial Statements and Supplementary information provided in the Auditors report. Mr. Lastowski introduced Mrs. Jill Gilbert and Ms. Nicole Manyko from Trout, Ebersole & Groff, LLP, the borough's financial auditors. Ms. Manyko gave a condensed presentation to Council referencing specific pages within the 2012 Financial Statements. She started by pointing out the Borough has again received an unqualified opinion which is the highest opinion you can receive. She explained the beginning section of the financial report, Management's Discussion and Analysis is written by Edward Arnold, Borough Manager and provides a sense of the Borough's operations for 2012 without having to go into the details of the Financial Statements. She then led into the Statement of Net Position which shows both the Governmental and Business type activities. She noted the total net position of the Borough is just over \$13 million, up by about \$700,000. On the following pages she noted the total Governmental Funds are stated at \$3.4 million and \$1.3 million of this is in the General Fund. She stated this is a healthy percent ratio of 38%. She then led into the Statement of Revenues, Expenditures and Changes in Fund Balances. Here the total Governmental Funds shows an increase of \$232,000 however, the General Fund balance had a decrease for 2012 of \$121,000. Ms. Manyko continued giving highlights and totals for each of the Proprietary Funds (Sewer, Solid Waste, and Educational Service Agency) and then the Fiduciary Funds (Pension Trust and Park). She also noted the required supplemental information with all relative notes to the financial statements. She pointed out the Long Term Debt note which shows the total outstanding Principal at December 31, 2012 to be \$4.9 million. The last financial statement Ms. Manyko summarized was the budget to actual revenue and expenditure figures of the General Fund. The Borough showed overall favorable variances for both. She thanked Mr. Arnold and Mrs. Ebersole for their help and support during the audit. She stated they are very accommodating and forthcoming with all the information requested. Mr. Lastowski commented, "Bottom line is, the Borough is in a strong financial standing". Mayor Moriarty asked how the Borough's net income compared to last year and prior years. Mr. Arnold replied that it has become smaller the last couple years. He stated

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that when the budget for 2012 was passed, the Borough had anticipated being \$115,000 short. We then programmed a transfer of \$300,000 for a total shortage of \$415,000. At the end of 2012 we actually decreased the fund balance by \$121,000. Mayor Moriarty also asked what a good reserve balance percentage to maintain is. Ms. Manyko replied between 30-33% and the Borough is at 38%. The Mayor thanked Ed, Jessie and the Finance Committee for a great job in positioning the Borough. Mr. Jim Kirk asked where the Pensions are funded; are they both fully funded? Mrs. Gilbert referred to the figures from the Borough's last actuarial valuation report (1/2011). The Non-Uniform employee pension plan assets were at \$1.6 million and their liability was at \$1.9 million, about \$300,000 short or 85% funded. The Police pension plan assets were at \$3.3 million and their liability was at \$3.1 million, about \$200,000 over or 6% overfunded. Mr. Kirkham also thanked the Finance Committee as well as Mrs. Gilbert and Ms. Manyko for their excellent work and he appreciates the good reports. He also thanked Mr. Arnold and Borough Staff. On behalf of Ms. Manyko and herself, Ms. Gilbert thanked all of Council for the opportunity.

Mr. Lastowski made a motion out of committee to accept the 2012 Borough Financial Audit as presented by Trout, Ebersole, & Groff, Certified Public Accountants and the Borough's Auditors. With no further discussions the motion passed by a unanimous voice vote.

FINANCE COMMITTEE REPORT (continued)

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

Mr. Lastowski made a motion out of committee to adopt the Resolution and approve the Certificate of Approval for Student Services Inc.'s financing of the new student housing facility located on the campus of Millersville University through the East Hempfield Township Industrial Development Authority. With no further discussions the motion passed by a unanimous voice vote.

RESOLUTION BOOK
RESOLUTION NO. 2013-4

Mr. Lastowski noted that the Finance Committee reviewed Chief Rochat's request to proceed with the 2013 budgeted Police Department purchase, through CoStars, for a new Police vehicle to replace an existing aged vehicle. Mr. Lastowski made a motion to approve the Resolution authorizing the trade-in of unnecessary personal property, specifically the 2008 Ford Taurus in the acquisition of a 2013 Nissan Altima. Mr. Gerber seconded the motion. Mr. Kirkham confirmed that this was a General Capital Fund budgeted item. With no further discussions the motion passed by a unanimous voice vote.

RESOLUTION BOOK
RESOLUTION NO. 2013-5

Mr. Lastowski mentioned the Committee discussed the financial situation of the Millersville Veterans Memorial project. Currently the project is underfunded by approximately \$45,000. Funds to date have come from the ongoing sale of memorial bricks, left over money from the Millersville 250th celebration and proceeds from the Millersville Historical Society sale of the 250th memorial publication. A stronger effort will be made by the Memorial Committee to local businesses for donations.

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WASTE WATER COMMITTEE REPORT

Mr. Keller made a motion to accept the extension of the Biosolids Management Service agreement with Jesse Baro, Inc. for a period of one year at a CPI increase of 2.1%. Mr. Gerber seconded the motion. Mr. Keller stated the increase went from \$30.87 to \$31.52 per wet ton and will be for the time period of June 1, 2013 through May 31, 2014. With no further discussions the motion passed by a unanimous voice vote.

PLANNING AND BETTERMENT COMMITTEE

None

STREET COMMITTEE

Mr. Stager made a motion out of committee to allow the use of public streets for the "Get Up and Glow 5K Run/Walk" on Thursday, April 25th at 9:15 PM. This event is coordinated by the University's Wellness and Women's program as a healthy alternative to drinking on Thursday night. With no further discussions the motion passed by a unanimous voice vote.

Mr. Stager made a motion to allow the use of public streets for the annual Millersville Mile on Sunday, June 16th at 6 PM. It was noted that Chief Rochat and Street Department Superintendent, Andy Boxleitner have no issues with this annual event. Mr. Lastowski seconded the motion. With no further discussions the motion passed by a unanimous voice vote.

Mr. Stager handed the floor over to Mr. Boxleitner, Street Department Superintendent to present his annual MS4 stormwater permitting report for DEP requirement for the year 2012. Mr. Boxleitner stated each year they inspect 25% of the outfalls, both public and private and take samples for testing. He stated for 2012 there were no illicit discharges found or complaints for construction runoff. They are also required to educate the public and staff on DEP's good housing keeping/record keeping. This is done by a pamphlet distributed through the Penn Manor High School and on the Borough's website, entitled "When it Rains, It Drains". He discussed liability issues with having volunteers and noted there were no volunteer programs performed in 2012. Moving forward in 2013, they will be required to do another 25% inspection of the outfalls and analytical testing. Also, he stated with the upcoming renewal of MS4 stormwater permits there will be a lot more requirements.

Mr. Stager made a motion to award the Borough's Street Recycling project in Crossgates Development bid to the lowest qualified bidder, Highway Materials, Inc. in the amount of \$95,428.35 contingent on the Solicitors review of the performance bond. The other bids presented were Pennsy Supply Inc. at \$112,525.00 and Kinsley Construction at \$104,079.00. Mr. Lastowski seconded the motion. Mr. Arnold stated the budgeted amount was \$125,000. With no further discussions the motion passed by a unanimous voice vote.

Mr. Stager made a motion to ratify and confirm the action of Millersville Borough to join with other Lancaster County municipalities and with the Building Industry Association of Lancaster County in an appeal to the Pennsylvania Environmental Hearing Board for the letter dated February 5, 2013, from Scott R. Williamson, Program Manager, Wetlands and Waterways Program, of the Pennsylvania Department of Environmental Protection, approving the Lancaster County Act 167 Stormwater Management Plan, subject to conditions, and to further authorize the Solicitor and appropriate Borough Officials to execute other documents necessary or desirable to prosecute the appeal. Mr. Lastowski seconded the motion. Mr. Arnold stated there are 32 municipalities filing an appeal and the municipalities will share the Solicitor's costs. The Borough's share of costs is estimated at \$500. With no further discussions the motion passed by a unanimous voice vote.

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MAYOR'S REPORT

Chief Rochat distributed his 2012 annual Police Report and presented highlights. He stated there is a 44% increase in reportable Part I Offenses over last year. Noting that 25 burglaries were attributed to one individual and pointed out if you take away those 25 from the 157 total Part I Crimes, the total is still an increase of 21%. Other notable, of the 157 major crimes, 60 have been cleared giving Millersville a 38% clearance rate, compared to the County at 31%. He also stated the Part II Crimes reflected a 13% decrease. Of the 453 reportable Part II Crimes in 2012, 350 have been cleared which gave a 77% clearance rate. The other statistic mentioned were the calls requiring reports, increasing 13% from 2011, an average of 5.64 incidents reports per day. Mr. Lastowski wanted to bring attention to the 20 years of service for Officer Bill Young and 26 years of service for Crossing Guard Janet King. Also he asked if the individual accountable for the 25 burglaries is accountable for any crimes in the prior year(s). Chief Rochat suspects there are several and will check. Mr. Lastowski asked a few other questions on the report and Chief Rochat answered and/or explained all concerns.

Mayor Moriarty reported on the February monthly Police Report with 160 Calls for Service is the third highest over the last 11 years. He also noted an additional page with the monthly report that shows the pending cases/investigations overview and the number of follow-ups and assists.

SAFETY COMMITTEE REPORT

Mrs. Miller discussed the opportunity for the Borough to do combined advertising for proposed Ordinances changes. The first would be for an amendment to the Code Enforcement Ordinance for property maintenance and the new quick ticket procedures. Mrs. Deal made a motion out of committee to advertise 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. With no further discussions the motion passed by a unanimous voice vote.

Mrs. Miller discussed the second amendment is to the Residential Rental Unit Regulations Ordinance which addresses changes for incidents of disruptive conduct and their appeal to the Safety Committee. Mrs. Deal made a motion to advertise 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 Code. Mr. Gerber seconded the motion. With no further discussions the motion passed by a unanimous voice vote.

Mrs. Miller mentioned discussions held from Fire Chief Eshleman's concern with the lack of lighting at Shenks Lane and at George Street near the University's infirmary. There needs to be further discussions at the Street Committee and with the University. Mr. Arnold mentioned there is a traffic and pedestrian study that was called for at the conclusion of SMC that still needs to be done during the academic year. This should address the issue at the intersection near Shenks Lane.

PERSONNEL COMMITTEE

None

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PRESIDENT'S REPORT

Mr. Kirkham again thanked the Finance Committee, the Borough Staff for an excellent job in keeping the Borough in a good financial position and for having another clean report. Mr. Arnold commented that in his 38 years serving in the municipal accounting field, this is only his second time he has ever seen a clean management report from an Auditing firm. The first one was also Millersville, just last year. This speaks highly of the accounting staff, to have received these two years in a row.

BOROUGH MANAGER'S REPORT

Mr. Arnold asked for Council's consideration for the annual appointment to the PSAB voting delegate. In the past Council has appointed the Borough Secretary. Mr. Stager, seconded by Mr. Gerber made a motion to appoint Edward Arnold as the official voting delegate of the Borough at the annual PSAB conference. Mrs. Deal, seconded by Mr. Gerber made an amendment to the motion to appoint Mike Kirkham as an alternate delegate. With no discussions the motion to amend passed with a unanimous voice vote, with Mr. Kirkham abstained. With no further discussions the motion as amended passed with a unanimous voice vote.

Mr. Arnold announced the West Frederick Street Phase 2 reconstruction meeting will be held for the public at the next scheduled Street Committee meeting, on Thursday April 11th starting at 5:30 PM. He circulated a copy of the letter which will be hand delivered and mailed to the property owners and properties in the surrounding area. Our Borough Engineer, Rob Visniski will give the presentation and address any property owner's concerns.

Mr. Arnold also announced the special Planning Commission meeting scheduled for April 18th starting at 7:00 PM to discuss the transportation element of the Comprehensive Plan Update. Everyone is invited to attend.

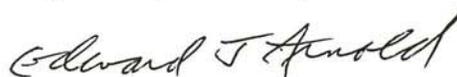
EXECUTIVE SESSION

After a brief recess, Council broke for an executive session at 8:45 PM for legal matters related to the North/South Duke Street corridor.

ADJOURNMENT

Mr. Stager made a motion seconded by Mr. Lastowski, to adjourn the meeting at 9:10 PM. The motion passed with a unanimous voice vote.

Respectfully submitted,



Edward J. Arnold
Borough Secretary

EJA/jle