

May 22, 2012
MILLERSVILLE BOROUGH COUNCIL MEETING MINUTES

The MILLERSVILLE BOROUGH COUNCIL MEETING was held on Tuesday, May 22, 2012 in the Millersville Borough Public Meeting Room located at 100 Municipal Drive, Millersville, Pennsylvania.

The meeting was called to order at 7:02 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
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
Edward R. Saylor, Planning Commission Vice Chairman
Steven A. DiGuseppe, Millersville University
Kaitlyn Rodgers, Millersville University Student Advisor
Elaine Jones, Lancaster Intelligencer Journal / New Era
Bob May, Lancaster EMS
Andrew Welk, Lancaster EMS
Caroline Hoffer, Barley Snyder, HHF Developer Funks Farm
Scott and Abbey Bailey, 61 W. Frederick St., Millersville
Marilyn W. Sachs, 109 E Charlotte St., Millersville
Jack Gardner, 29 Fresh Meadow Dr., Lancaster
Michael Leichliter, Penn Manor High School
Pat Younger, 59 Wabank Rd., Millersville
Todd Habecker, 1003 Keystone Dr.
Chris Habecker, 289 Rockhill Rd.
Robert E. Fink, 68 Glen Oaks Dr.
Bill Hess, 33 Pilgrim Dr.
Barbara Hynicka, 103 Oak Knoll Circle
Connor Line, Millersville University
John Gamaldi, 103 Circle Rd.
Deborah Sielski, 354 Manor Ave.
Steve Buckwalker, 352 N George St.
Tom Dukes, 119 N Prince St.
Anne and Doug LaPierre, 218 W Frederick St.
Owen Sechrist, 440 Hostetter Dr.

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PUBLIC HEARING TO CONSIDER ZONING ORDINANCE AMENDMENT TO SECTION 380-30 HISTORIC PRESERVATION OVERLAY DISTRICT

President Kirkham opened the public meeting followed by Mr. Gerber giving a brief overview of the amendment to the historic overlay district ordinance. He specifically mentioned the definition of Class I and Class II being those buildings constructed before 1943 as well as the elimination of the Class III.

With no public questions or comment, President Kirkham closed the public hearing and began the regular Borough Council meeting.

MINUTES

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

CITIZEN'S REQUESTS OR CONCERNS

Mr. Gardner of 29 Fresh Meadow Drive, questioned councilwoman Mrs. Miller if this was her first attendance to a Council meeting since being elected. Mrs. Miller replied that this was her first meeting in physical attendance however she travels for her job and has conference called for every other single meeting. Mr. Gardner asked if she was planning to resign and she answered with "I am not planning on resigning". Mr. Gardner stated his belief that it is only fair to the voters that she physically attends the meetings. Mrs. Miller replied that she is doing the work that she needs to do to represent those that elected her in Millersville.

Mr. John Gamaldi of 103 Circle Road was recently informed that he has to get a rental license for the property he owns in which his daughter, his son-in-law and grandson live. In this case he does not feel it is fair to consider this property as a rental and requests Council to consider amending the Code. Mr. Gerber will bring this consideration up for further discussion at the next Planning and Betterment Committee.

Mr. Tom Dukes stated his concern for citizen's safety around the four properties on North Prince Street. Specifically the inadequate fencing which will not prohibit the public from entering or in the case where a front porch may collapse will not prevent protrusion onto the sidewalk. Mr. Arnold will contact Millersville University and request to improve the safety. Mr. Bailey asked Mr. Gerber if he felt those properties contribute to the historic district neighborhood. Mr. Gerber replying strictly in his opinion, that the historic neighborhood has been removed and that those properties hold no significant historic value. Mr. Saylor stated the Planning Commission position was to uphold the historic ordinance and keep the structures at the time of the construction of the baseball field. Mr. Arnold added that if the amendment to the historic district overlay ordinance passes tonight, then that change would allow the University to re-file in consideration of those buildings.

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REPORTS OF COMMITTEES OR BOARDS

Mr. Lastowski reported on May's Blue Rock Regional Fire Commission meeting. The district is finalizing the sale of some retired equipment and when the total dollar value is determined, they will then decide on whether to pay down the debt or designate the funds for future capital purchases. Manor Township accepted Chairman Lauriello's resignation and appointed John S. May to serve as their representative to the Commission.

Duane Hagelgans reported the first quarter budget is at 27%. He pointed out the expenses which are in this quarter for the Commissioner's office was actually budgeted last year. Mr. Hagelgans recognized the leadership of Mr. Lauriello and thanked him for his efforts in creating and moving the organization forward in the right direction.

MAYOR'S REPORT

The Mayor stated the monthly Police report is again "another high, another high, another high" in ten year with 191 Calls for Service, 117 total traffic violations and 236 parking tickets issued. Mayor announced that Officer Tatara has qualified for Lancaster County's "top gun" for the number of DUI's.

The Mayor invited Lancaster EMS to be present tonight and provide a brief presentation of the more appropriate technology types of devices that they are using to protect our community and save lives. Mr. Andy Welk demonstrated a few pieces of equipment; the life pack 15 otherwise called 'Doc in a Box', the Lucus device, the Cmax and the battery powered stretcher. The Mayor then proceeded to present Lancaster EMS a certificate to recognize their outstanding service and the reaccreditation from the Commission on Accreditation of Ambulance Services for its compliance with national standards of excellence.

The Mayor also presented Kaitlyn Rodgers an appreciation certificate for the public service performed as Student Advisor of Millersville Borough Council.

MILLERSVILLE UNIVERSITY REPORT

Mr. Steven DiGuseppe introduced Mr. Connor Line who will represent Millersville University as the new Student Advisor of Millersville Borough Council effective July 1st. He is a history major from Shippensburg, Pennsylvania and also a member of the University Activities Board.

Mr. DiGuseppe announced that in appreciation for LEMSA's service to MU campus, they are expected to vote on a donation of \$3000 at their next Council of Trustees' meeting.

Mr. DiGuseppe gave a Presidential search update for the replacement of Dr. Francine McNairy. Recruitment of candidates will begin in the summer followed by interviews being held in late September on 10-12 select candidates. The Commission will narrow the selection to three and present these to the Council of Trustees for background checks. Then in Harrisburg, the Chancellor and the Pennsylvania State System of Higher Education staff will interview the candidates in early November. In mid-November the Board of Governors is scheduled to vote on an appointment.

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On May 11th and 12th commencement ceremonies saw 135 graduate students and over 1100 undergrads receive their respective degrees. These numbers now reflect the total Millersville University alumni of over 60,000 in all 50 states and over 40 countries. Mrs. Miller, as being a Mother of a student that graduated on Saturday stated the community of Millersville should be proud of the beautiful ceremonies that took place for the many thousands that were in attendance.

Mrs. Deal introduced Sarah Evarts as the first time Penn Manor High School Student Advisor of Millersville Borough Council.

FINANCE COMMITTEE REPORT

Mr. Lastowski made a motion out of committee to accept the April, 2012 Financial Statements. With no discussions the motion passed by a unanimous voice vote.

Mr. Lastowski made a motion out of committee to advertise a public hearing to be held on June 26th under the Community Development Block Grant program for the West Frederick Street Infrastructure Improvement project Phase II. Mr. Arnold explained this application will be a continuation of Phase I, starting at 113 West Frederick Street extending up to Grace United Methodist Church (165 West Frederick Street). Mr. Bailey inquired on the cost estimates of the project. Mr. Arnold answered the projected costs are 1.5 million with the maximum grant award at \$250,000 and added \$200,000 of the project will be the City of Lancaster water department. He has also had communications with PennDOT to consider not only waiving approximately \$40-50,000 of inspection fees but also to include some asphalt costs. This will net the Borough at about one million which will be funded by the Sewer Capital Fund. With no further discussions the motion passed by a unanimous voice vote.

Mr. Lastowski made a motion to approve the resolution to request the restoration of funding for the Lancaster County Urban Enhancement Grant program. Mr. Gerber seconded the motion. With no discussions the motion passed by a unanimous voice vote.

RESOLUTION BOOK
RESOLUTION NO. 2012-6

Mr. Lastowski made a motion to approve the resolution supporting the financing through the Elizabethtown Industrial Development Authority for the Student Lodging Inc. project. This project is for the renovations and improvements to buildings 11,12,13,14 and 16 located in Brookwood Court Apartments. Mr. Gerber seconded the motion. With no discussions the motion passed by a unanimous voice vote.

RESOLUTION BOOK
RESOLUTION NO. 2012-7

WASTEWATER COMMITTEE REPORT

None

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PLANNING AND BETTERMENT COMMITTEE

Mr. Gerber made a motion to approve the ordinance to amend the historic overlay district with a verbiage change on page 8, section 6 (b) to be as stated: "The applicant or his or her appointed representative is ~~encouraged~~ *required* to attend to explain the application and satisfy any questions asked by the Historic Commission." Mr. Lastowski seconded the motion. With no discussions the motion passed by a unanimous voice vote.

ORDINANCE BOOK
ORDINANCE NO. 2012-7

Mr. Gerber made a motion to approve the preliminary/final plan for the Millersville Commons contingent on the issues being resolved: a) ownership and maintenance issues related to the new road and traffic signalization between the developer, the Millersville Borough and the Lancaster Township, b) execution of the property easements for utilities, c) execution of the proper vacations of property on Barbara Street, conditions being affected, d) satisfying the conditions as spelled out in the RAV letter dated May 18, 2012 to the Borough and the developer. Mr. Lastowski seconded the motion. Mr. Saylor mentioned the Planning Commission is in support of the plan. Chief Roach asked for further clarification on the location of the municipal boundary line at the intersection. With no further discussions the motion passed by a unanimous voice vote.

Mayor Moriarty stated it is nice to see something finally coming to fruition after all the hard work and diligence. Mr. Leichter, on behalf of the Penn Manor School District thanked the Borough and the Planning Commission and further stated "we are in a very good place right now due to a lot of people working hard and working together."

STREET COMMITTEE

None

SAFETY COMMITTEE REPORT

Mrs. Miller mentioned they are reviewing other Skateparks and are inquiring on the repayment of the \$400 for the fence and the status of efforts of those that were to promote the use of helmets.

Mrs. Miller in regards to the ordinance that will require persons who sell properties to obtain certificates of compliance, she stated since there has been other concerns and the need for public comment she will be tabling the motion to approve the ordinance. Council supported her action to table the ordinance. Mr. Arnold gave an explanation for the creation of this ordinance and the concern that the ordinance that designates the streets that require curbs and/or sidewalks should be updated before proceeding. The Streets Department Superintendent is in the process of working on an exception list and will bring the inventory to the next Streets Committee meeting.

Mrs. Anne LaPierre of 218 West Frederick Street voiced her concern that ordinance should have been enforced years ago and although she agrees it would be a good idea to share the costs at the time of sale of the property, she feels it will only continue to "piece meal" the issue. Meanwhile the danger of the students walking out on the street, specifically on North

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Duke Street may continue for ten or more years until the house sells. She also would like to see Council enforce the ordinance recently passed that prohibits parking on the grass. She further stated if landlords are going to rent to students then they should be providing adequate parking.

Mr. Bill Hess of 33 Pilgrim Drive (Quaker Hill development) questioned if sidewalks will be required or if they would be on the exception list. Currently that development has mostly rolled curbs. Mr. Arnold stated his development does need to be addressed with the updating of the list and has agreed to post the exception list to the website when completed.

Mr. Bailey of 61 West Frederick Street stated that although he is in agreement with having a walkable community, this ordinance has two drawbacks. To quote his opinion, "the costs will not be shared by buyer and seller. This would be subtracted from the value of the property, diminishing the taxable revenue and the assessment of said property." His second point is for Council to consider where pedestrians need to be. Look at the borough in totality to determine where the people are coming from and where they need to get.

Mrs. Deborah Sielski of 354 Manor Avenue questions whether this is the right approach, as she believes it is punitive to a single property owner. She thinks if something is being done for the good of the community, then the entire community should bare the cost.

Mr. Douglas LaPierra requests the section of West Frederick Street close to Manor Oaks that is missing sidewalk be put on the priority list for the safety of the students walking from that development. Mr. Arnold informed Council that he is in discussions with our Engineer for the restructuring of the North/South Duke Street and West Frederick Street intersection and that this issue will be part of that consideration.

Todd Habecker of Habecker Real Estate stated in this economic conditions the seller is already paying additional closing costs with buyers being stretched to a limit and now having to pay for the cost of installing a sidewalk will create situations where the seller just can't sell. This will result in decrease of the borough's transfer revenue.

Marilyn Sachs of 109 East Charlotte Street agreed with the given public comments however she added a consideration that the Borough look into having a program where an arrangement is made for a period of time, say five years, where a contractor will have a special reduced price for any homeowner who wants to install curbs and sidewalks.

Mr. Kirkham thanked the public for their input and informed them that this issue will go back to the Street Committee for further consideration and further discussions particularly on a revised list of properties that require curbs and/or sidewalks.

PERSONNEL COMMITTEE

Mrs. Deal made mention that negotiations have started with the Police Union. She also mentioned at this point the Committee is postponing the Management salary adjustments because they are still working on a form and looking into the dollar amounts.

PRESIDENT'S REPORT

None

EXECUTIVE SESSION

None

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BOROUGH MANAGER'S REPORT

Mr. Arnold mentioned the Borough Comprehensive Plan's progress. A draft version of the Comprehensive Plan update will be reviewed at the next Planning Commission meeting. The public hearing for the Comprehensive Plan is being pushed back until the August 28th Council meeting.

Mr. Arnold asked for Council to approve the advertising an Ordinance authorizing the Borough and Lancaster Township to enter into an intermunicipal agreement for the Borough to provide certain maintenance to the West Wabank Road proposed in the Millersville Commons land development plan contingent on Josele's review. Mr. Lastowski made such a motion, seconded by Mr. Gerber. The motion passed by a unanimous voice vote.

Mayor Moriarty asked for Council's approval to attend the annual Pennsylvania Mayors Conference. This year it is being held right here in Lancaster. Mrs. Deal made a motion, seconded by Mr. Gerber.

ADJOURNMENT

Mr. Lastowski made a motion seconded by Mr. Gerber, to adjourn the meeting at 9:24 PM. The motion passed with a unanimous voice vote.

Respectfully submitted,



Edward J. Arnold
Borough Manager

EJA/jle