

November 22, 2011
MILLERSVILLE BOROUGH COUNCIL MEETING MINUTES

The MILLERSVILLE BOROUGH COUNCIL MEETING was held on Tuesday, November 22, 2011 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 the Council President, Scott A. Bailey, followed by the pledge to the flag. A moment of silence was then observed.

COUNCIL MEMBERS

Scott A. Bailey
Michael C. Kirkham (absent)
Jack W. Gardner
J. Philip Gerber

Richard M. Moriarty, Mayor
Philip A. Lastowski
Linda J. Deal
Marilyn W. Sachs

OTHERS PRESENT

Edward J. Arnold, Millersville Borough Manager
John D. Rochat, Millersville Borough Chief of Police
Duane Hagelgans, Fire Commissioner
Jessie L. Ebersole, Millersville Borough Staff
Michael J. Weidinger, Planning Commission Chairman
Gary Hess, Planning Commission
Steven A. DiGuseppe, Millersville University
Kaitlyn Rodgers, Millersville University Student Advisor
Elaine Jones, Lancaster Intelligencer Journal / New Era
James Kirk, 436 Herr Ave., Millersville
Bony Dawood, Student Lodging Inc.
Geoff Beers, Student Lodging Inc.
Bob Slabinski, Student Lodging Inc.
Thomas Keller, 90 Municipal Dr., Millersville
Lynn Miller, 10 Pilgrim Dr., Lancaster
Craig & Jodi Rankin, 58 N. Duke St., Millersville
Richard & Sandra Frantz, 55 N Duke St., Millersville
Doug & Chris Deibert, 178 W. Frederick St., Millersville
John & Kathie Herr, 170 W Frederick St., Millersville
Paul & Karen Sirbak, 127 W Frederick St., Millersville
Craig R. Lefever, 36 N. Prince St., Millersville
Bill Blechshnud, 127 N. Duke St., Millersville
James Frantz, 123 N. Prince St., Millersville
Dianne Kendig, 15 N. Duke St., Millersville
Bill & Robin Archibald, 122 W. Frederick St., Millersville
Joe & Barb Slagle, 133 W. Frederick St., Millersville
Nancy Chunko, 117 N. Duke St., Millersville
Jack & Ann Willett, 69 N. Duke St., Millersville
Tom Dukes, 49 N. Duke St., Millersville
Doug & Anna LaPierre, 218 N Frederick St., Millersville
Erik Schneider, Focus Fiber, Allentown

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President Bailey briefly addressed the audience on the fact that due to potential litigation UGI will not have a representative at this meeting. He stated the Borough expects the investigation to be thorough and will provide the findings.

President Bailey clarified the proceedings for Student Lodging Inc. request for rezoning of land located between North Duke Street, West Frederick Street and North Prince Street. He also stated the decision before Council is whether or not to have a public hearing. He asked that the audience refrain from covering the same comments held at the Planning Commission meeting but welcomed additional information or new concerns. He does not discourage anyone from speaking or letting their opinions be known.

MINUTES

A motion to approve the minutes for October 25, 2011 Council meeting was made by Mr. Gardner and seconded by Mr. Lastowski. With no discussions the motion passed with a unanimous voice vote, with Mrs. Deal and Mr. Gardner abstained due to their absence.

CITIZEN'S REQUESTS OR CONCERNS

Mr. Kirk, from 436 Herr Avenue asked if his request for the results of the speeding issue on Herr and Landis Avenue were available. Chief Rochat replied that the report will be ready for the next Council meeting.

Mr. LaPierre, from 218 West Frederick Street requested Council to consider the construction of a sidewalk between North Duke Street and Manor Oaks development for the safety of the students that walk in that area. Mr. Arnold stated there are plans to address that issue at the time of the upgrades to the North Duke and West Frederick intersection. There has also been dialogue with Manor Township over the last several years. In recognition of more foot traffic, he will address that issue again with Manor Township.

Mr. Lefever, from 36 North Prince Street questioned the uneven road surface at the intersection of North Prince Street and West Frederick Street. Mr. Bailey stated the infrastructure improvements on West Frederick Street had to be halted in order to have the street paved and reopened before winter. Mr. Arnold will look into a temporary fix or at the least install signage to mark the bump. The project is scheduled to resume after school is out next spring and that section of road will be resurface.

REPORTS OF COMMITTEES OR BOARDS

Mr. Lastowski discussed the meeting of the Blue Rock Fire Commission. The Intergovernmental Cooperation Agreement to provide for the creation of a Regional Emergency Management Agency has been finalized and Council will consider adopting later in tonight's meeting (see Safety Committee Report). He mentioned Manor Township Supervisors have asked for expense reductions to the Blue Rock Regional Fire District budget in the amount of \$88,100. Some of those expense items were for matching grants, a vehicle, and station improvements. Also, the Fire District requested the complete amount (\$195,000) to purchase the County radios be included in the 2012 budget, along with the removal of the Capital request in the amount of \$150,000 for future purchases due to anticipated monies being available from the

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merger of the four fire companies. The Fire Commissioner, Duane Hagelgans, felt these cuts would not have an affect on fire services.

Mayor Moriarty questioned the cut of the matching grants. Mr. Bailey stated the Fire Commissioner will still seek to obtain grant funding where available. However at that time, there will be a need to revisit the Fire District budget to determine how the match of the grant will be funded.

MAYOR'S REPORT

Mayor Moriarty commented on the police report as being another busy month with the 'Calls for Service' having the second highest number of the past several years at 217.

Mayor Moriarty stated the comments from our local UGI representative, Michael Fessler, that had it not been for the early intervention of the Police, Fire and EMS he believes the emergency would have been much more serious. The Mayor received and read aloud a letter from Mr. Fessler stating his regret for not being able to attend tonight's public meeting due to litigation. He assured the Borough that UGI is committed to delivering natural gas safely.

Mr. Hagelgans commented that the actions performed are the result of risk management and training. It was a team effort of the Police department, Blue Rock Fire Rescue volunteers and additional support crews from surrounding municipalities to evacuate the houses, establish a zone and keep the people out. He publicly recognized that it was a great disruption to the lives of citizens for many days but safety was his first priority. Mayor Moriarty commended the Fire Department, EMS and the Police Department for an exceptional job. Based on the events that were transpiring the Mayor declared a disaster emergency for Millersville Borough and asks Council to take action to ratify the declaration. (Such motion will be made through the Safety Committee Report.)

MILLERSVILLE UNIVERSITY REPORT

Mr. DiGuissepe announced Thanksgiving recess started today and classes will resume on Monday, November 28th. He noted other items of interest such as Millersville University's soccer team won the quarterfinals and proceed to the next round to be held in Florida and MU has received a matching grant from the Susquehanna Association for the Blind. The grant money will go towards screen reader software, mentoring software and adaptive services for the blind. He also announced upcoming events at MU; the National Aids month kick-off on November 30th, the Glorious Sounds of the Season program on December 2nd, 3rd and 4th downtown, a Shakespeare's comedy performance in Dutcher Hall and December Commencement on Sunday, December 18th in Pucillo Gym at 2 PM. He finalized his report by giving thanks to everyone for their support for the Millersville Community Parade despite the snow, rain and freezing temperatures. He looks forward to October 13th, 2012 for the next parade themed "That's Entertainment".

MILLERSVILLE 250th REPORT

Mr. DiGuissepe announced the coming to an end of the anniversary, special milestone, Millersville's 250th. He announced the winner of this past Sunday's, Millersville Got Talent

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competition, Logan Connelly for his dancing performance. This Sunday is the big finale event at Turkey Hill Experience in Columbia from 2-4:30 PM. The event is to include a tour, cake and a special 250th new ice cream flavor; 'Swan Swirl'. Mr. DiGuiseppe announced there will be a few more committee meetings to wrap up business. He noted there may be one final project in working with the Historic Commission and the Borough to develop a special Memorial to be placed in Freedom Memorial Park.

WASTE WATER COMMITTEE REPORT

Mr. Gardner made a motion to amend the real estate lease agreement made with Millersville University for the installation and maintenance of an emergency generator to allow relocation of this pumping station. Mr. Gerber seconded the motion. Mr. Arnold explained this lease amendment will allow us to replace the Creek Drive pumping station with a taller structure that can house the equipment above the flood plain level. With no further discussions the motion passed with a unanimous voice vote.

FINANCE COMMITTEE REPORT

Mr. Lastowski made a motion out of committee to approve the October, 2011 Financial Reports. With no discussions the motion passed with a unanimous voice vote.

Mr. Lastowski made a motion out of committee to increase the 2011 Community Contributions for the three organizations: County Library from \$2,000 to \$4,000, Meals on Wheels from \$250 to \$500 and LEMSA from \$1,000 to \$2,000. Mrs. Sachs voiced her concern that the increase to the County Library is excessive and asked Council to consider a lesser amount of \$3,000. Mayor Moriarty stated his support and thanked the Committee for increasing the contribution to LEMSA. Mr. Gerber supports all three but further stated that if there is a need to cut, he would request reducing LEMSA's contribution because they have the ability to raise their fees whereas the County Library does not. With no further discussions the motion passed with a 5 to 1 roll call vote, with Mrs. Sachs opposed.

Mr. Lastowski made a motion out of committee to approve the Ordinance to revise the tapping fees for connection to or expansion of the use of the Borough's sewer system. With no discussions the motion passed with a unanimous voice vote.

ORDINANCE BOOK
ORDINANCE 2011-6

Mr. Lastowski made a motion out of committee to approve awarding the Frederick Street Pipe Lining Project to Abel Recon, from Mountville, in the amount of \$23,800. The 2011 budget for this Sewer Capital project was \$30,000. The materials and installation services are contracted under the Costar program. With no discussions the motion passed with a unanimous voice vote.

Mr. Lastowski made a motion out of committee to accept the amended Blue Rock Regional Fire District 2012 budget in the amount of \$999,370. With no further discussions the motion passed with a unanimous voice vote.

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Mr. Lastowski made a motion, seconded by Mr. Gerber to approve the revisions to the 2012 proposed budget of General Operating Fund for the increase in contribution to the fire companies from \$128,000 to \$133,000 and for the elimination of BRRFD radios in the General Capital Fund in the amount of \$47,000. Mr. Bailey reminded the citizenry that the proposed 2012 budgets will be posted on the website and that hardcopies are available at the Borough office. With no further discussions the motion passed with a unanimous voice vote.

Mr. Lastowski mentioned the Borough passed the audit of both the Borough's Pension plans for the period of January 1, 2009 through December 31, 2010.

PLANNING AND BETTERMENT COMMITTEE

Mr. Gerber mentioned the rezoning request made by Student Lodging Inc for the properties located between North Duke Street, West Frederick Street and North Prince Street. A presentation was given at the last Borough Planning Commission and the recommendation from the Planning Commission was to deny the rezoning request. At this time recommendations have not been received from LIMC or the LUAB. Mr. Gerber proceeded to make motions to advertise for the Zoning Hearing giving two dates, one in January and then one in December. Both motions failed to receive a second. Mayor Moriarty questioned if the intent of Council is to let the issue die and not allow Student Lodging Inc to have a public Zoning Hearing. Mr. Bailey gave Student Lodging the opportunity to give a statement or a presentation. Mr. Slabinski showed an overview of the parcels and gave a brief statement on the relationship Student Lodging has had with the Borough for the past thirty plus years. He showed their current buildings, talked about the improvements made over the years, and commented that these are the type of structures they are proposing for the site. In response to the citizens and the Planning Commissions concerns, he stated they are willing to accept deed restrictions on the property that will restrict the height of the buildings. In addition, to help improve the conditions on North Prince Street, they propose replacing the four condemn houses with two duplexes. He also stated the project will produce a financial windfall for the Borough and Penn Manor School District. Once more, Mr. Slabinski respectfully requested Council to schedule a zoning hearing in the near future and stated; "I only expect Council to approve it if in fact you see that it is tangibly better for Millersville Borough and the citizens." In response to the Mayors concern, Mr. Bailey expressed Council is not "killing the deal" and not providing Student Lodging a zoning hearing at some point in the future but the plan is too vague. In his view, Student Lodging has not provided enough details to address the impact this project could have, such as the impact on the already failing intersection at North Duke and West Frederick Street as well as the increase in foot traffic. Mr. Slabinski was under the understanding that that is what the Zoning Hearing was for; to show specifics and that a decision could be made at a later time. Mr. Hess, Planning Commission Secretary, stated it is not the details of the project that is the issue. It is the rezoning. It is giving the college 14 more acres of the borough that they can do what they want once it is rezoned. Mr. Weidinger stated the restrictions need to be done before the rezoning. Mrs. LaPierre from 218 North Frederick Street stated the property owners in that area do not want the rezoning. They do not want a four story structure and the potential increased student foot traffic. She already has problems with lack of respect the students have for their property. Ms. Jodi Rankin from 58 North Duke Street quoted from an undergraduate's thesis "a deeply damaging sense, loss of confidence and identity of the community." She stated the neighbors do not want the University moving closer to their backyards and that Millersville University should be providing adequate housing for their students on Millersville University property. Mr.

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Slabinski thanked Council for allowing the opportunity to come before them and will work on providing a more thorough plan. Mr. Gerber stated his opinion that no matter what details Student Lodging brings forth the community is not going to accept a change in zoning to that location.

STREET COMMITTEE

None

SAFETY COMMITTEE REPORT

Mrs. Deal made a motion out of committee to advertise the Inter-municipal Ordinance that creates the new emergency management district for Manor Township and Millersville Borough contingent on approval of Manor Township. With no discussions the motion passed with a unanimous voice vote.

Mrs. Deal made a motion to ratify the action of the Mayor declaring the disaster emergency on October 31st for the natural gas leak. Mr. Gerber seconded the motion. With no discussions the motion passed with a unanimous voice vote.

Mrs. Deal made a motion out of committee to close the skateboard park on December 15th until the organizers present a plan to monitor the rules and regulations of the skateboard park and come forward with a port-a-potty. Mr. Bailey stated his opinion that it is under the purview of the Borough to set and enforce the rules of the park and that the public can use the park with out the need of a port-a potty. With no further discussions the motion passed with a 4-2 voice vote, with Mr. Bailey and Mrs. Sachs opposed.

PERSONNEL COMMITTEE

Mrs. Sachs made a motion out of committee to reappoint Mrs. Cindy Bigler to the Educational Service Agency with the term expiring on January 1, 2015. With no discussions the motion passed with a unanimous voice vote.

Mrs. Sachs accepted with regret the resignation of Linda Deal from the Planning Commission effective January 1, 2012. Mr. Lastowski and Mr. Bailey thanked Mrs. Deal for her years of service on the Commission.

Mrs. Sachs recommended the new elected officials take advantage of the upcoming training course.

PRESIDENT'S REPORT

None

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BOROUGH MANAGER'S REPORT

Mr. Arnold announced we are actively working on the agreement with Funk's Development group on the finalization of the Borough providing sewer service.

He also announced the completion of the road surface at Allen Drive and Glen Oaks intersection. The increase in the size of the sewer and stormwater lines are expected to accommodate the next big storm.

Mr. Arnold introduced Mr. Erik Schneider from Focus Fiber. He started by stating there are things he can not discuss due to litigation that may take months. However, he did mention that his company does follow strict safety guidelines and this is the first accident of this size in his twenty years with the company. Tonight he comes before Council to specifically request permission to finish the project or seek direction from Council. He would like to clean up the mess that has been left out in the Borough and proceed with a completion plan that is best for everyone. He has two more drillings and they will require crossing of UGI's gas line. He is confident that these lines are marked correctly and that they know exactly where those lines are located. PennDOT has not pulled his permit, allowing him to continue, but he wanted to consult with the Borough before proceeding. Mr. Gerber made a motion to allow the continuation of work contingent on a UGI representative being on-site, verifying PennDOT's approval, and our Borough Solicitor's clearance. Mr. Gardner seconded the motion. With no further discussions the motion passed with a unanimous voice vote.

EXECUTIVE SESSION

After a brief recess, Council broke for an executive session at 9:22 PM to discuss two legal issues, the Police Chief's employment contract and the Millersville Manor assessment appeal.

Upon return, Mrs. Sachs made a motion to accept the offer by Chief Rochat to pay \$2,000 toward his vehicle expenses next year. Mr. Gerber seconded the motion. The motion passed with a unanimous voice vote.

Mr. Gerber made a motion, seconded by Mrs. Deal to approve the settlement proposal for the parcels owned by Millersville Manor LLC. The motion passed with a unanimous voice vote.

ADJOURNMENT

The meeting was adjourned unanimously at 9:45 PM.

Respectfully submitted,



Edward J. Arnold
Borough Secretary

EJA/jle