

**September 24, 2013**  
**MILLERSVILLE BOROUGH COUNCIL MEETING MINUTES**

The MILLERSVILLE BOROUGH COUNCIL MEETING was held on Tuesday, September 24, 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.

**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  
Steven A. DiGuseppe, Millersville University  
Elaine J. Jones, Lancaster Intelligencer Journal / New Era  
Robert L. Patterson, Lancaster EMS  
Ted Goldman, Lancaster EMS  
Caroline M. Hoffer, Esquire, Millersville Road Partners/Millersville Commons  
Peter Rios, Historic Commission member  
Sam Bigler, 17 Wabank Rd., Millersville  
David Aichele, 127 Landis Ave., Millersville  
Jim & Patricia Baxter, 23 Landis Ave., Millersville  
Karen Bechtold, 27 Landis Ave., Millersville  
Robert N. Frolich, 28 Landis Ave., Millersville  
Linda H. Chalfant, 128 Landis Ave., Millersville  
Gwen Kauffman, 135 Landis Ave., Millersville  
Carol A Thomas, 170 W. Charlotte St., Millersville  
Carolyn Oswald, 6 Manor Ave., Millersville

**MINUTES**

None

**CITIZEN'S REQUESTS OR CONCERNS**

Jim Baxter of 23 Landis Avenue stated his concern with the proposed rezoning, purchase and demolition of 17 & 19 Landis Avenue by Family Manor Health for the creation of additional parking. Mr. Arnold explained to Mr. Baxter that the details of the plan will be filed with the Zoning Hearing Board and not Council. Council could ultimately appeal their decision but it is

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very rare or uncommon for Councils to do so. Mr. Baxter stated that he has a petition signed against demolishing a historic property. Mr. Arnold stated that the property at 17 Landis Avenue is not historic. Mr. Arnold further stated that any information he has gathered may be relevant and recommended Mr. Baxter attend the Zoning Hearing Board meeting. However at this time the application for the Zoning Hearing has not yet been filed.

REPORTS OF COMMITTEES OR BOARDS

Mr. Lastowski reported on the Blue Rock Regional Fire Commission meeting that was held on September 5<sup>th</sup>. The highlights presented were the application of a \$5,000 grant from Home Depot and the receipt of \$1500 from the University toward the District's Emergency Operation Plan. Also about a month ago, the District received a \$53,000 grant from the State for the upgrades to vehicle equipment. The District has decided to move the fund drive until the spring of 2014. Lastly, he reported on the review of the 2014 BRRFD budget. The 2014 budget is approximately \$10,000 less than it was two years ago. Mr. Lastowski stated, Duane Hagelgans, Fire Commissioner has done an excellent job in combining duplicated services, insurances and coordinating everything.

MAYOR'S REPORT

Mrs. Deal introduced our new Penn Manor High School student representative, Nathan Rosenberg. Mayor Moriarty then performed the oath of office, and welcomed him aboard.

Mayor Moriarty introduced Ted Goldman along with Lieutenant Patterson, from Lancaster EMS who presented certificate of accommodations to Officer Hammer, Officer Tatara, and Officer Cavanaugh for their quick response and assistance in two recent cardiac arrest events. A certificate was also given to Chief Rochat for the entire Police Department and a certificate was presented for the Blue Rock Fire Department. Mayor Moriarty stated how proud he is of our Police Department, Fire Department and Lancaster EMS and thanked Mr. Goldman for bringing forth the recognition of cooperative spirit between the three entities.

Mayor Moriarty supported by proclamation, National Teen Driver Safety Week which is to be held October 18 through 26, 2013. This event is recognized due to the Centers for Disease Control and Prevention determining that the leading cause of death among teenagers is motor vehicle accidents, exceeding the rate of suicides, homicides, and all other causes of death among that population group.

Mayor Moriarty reported the 262 Calls for Service in comparison to last year, is extremely high. He also noted from the monthly police report that the criminal arrests are up and traffic citations are down. Chief Rochat mentioned there have been three significant cases cleared since the release of this report. One of which involved multiple jurisdictions and over twenty admitted burglaries, two being from the borough.

MILLERSVILLE UNIVERSITY REPORT

Mr. DiGuiseppe reported on the 'Halloween comes to Millersville' Community Parade. Over 26,000 placemats are being distributed throughout the community to promote the annual parade which is scheduled for Saturday, October 26<sup>th</sup> starting at 9 a.m. rain or shine.

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Mr. DiGuissepe reported on Millersville University as being ranked 22 in the category of Top Public Schools Regional Universities in the North and ranked 81 in the category of Best Regional Universities in the North Region by the US News & World Report. He also announced numerous upcoming events in October, including the Library dedication and Inauguration of President Anderson on October 24<sup>th</sup> and 25<sup>th</sup> respectively.

**FINANCE COMMITTEE**

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

Mr. Lastowski made a motion out of committee to approve the release of payment in lieu of taxes (PILOT) letters to non-profit organizations. With no discussions the motion passed by a unanimous voice vote.

Mr. Lastowski made a motion out of committee to approve the Minimum Municipal Obligation for the Police pension plan in the amount of \$167,392 and the Minimum Municipal Obligation for the Non Uniform pension plan in the amount of \$115,686. With no discussions the motion passed by a unanimous voice vote.

Mr. Lastowski mentioned the committee discussed the release of the annual community services contributions in the following amounts: \$2,500 to the Lancaster County Library, \$350 to Meals on Wheels and \$1,500 to Lancaster EMS. These were the amounts approved by Council in the current year's budget. The Mayor asked if the amount could be raised for LEMSA due to the life and death services provided to the borough. President Kirkham asked him to bring his request to the upcoming special finance meeting. Mr. Lastowski then announced the upcoming special finance meetings that will be held to discuss the 2014 budgets. The first meeting is scheduled for October 2 and the second meeting will be October 9, both starting at 6 p.m.

**WASTE WATER COMMITTEE REPORT**

None

**PLANNING AND BETTERMENT COMMITTEE**

Mr. Gerber introduced Caroline Hoffer who represents Millersville Road Partners LP, the owners of the Millersville Commons project. Ms. Hoffer explained that Millersville Road Partners intend to construct and lease three buildings; a Sheetz, a financial institution and a tenant building, each on separate pads. Based on the requirements of the financial institution, a condominium form of ownership must be created. This condominium form will overlay the entire property. The Borough's Solicitor has requested a waiver of the requirement for a subdivision plan to create the condominium form of ownership on the property. It was noted that the project has just been reviewed and approved as a final land development plan which has addressed the storm water management, transportation improvements and utilities and no additional improvements or changes are proposed in connection with forming this condominium ownership. Also per the Borough Solicitor's recommendation, they will provide the Borough with a draft of condominium documents to review and approval. Mr. Gerber made a motion to approve the request to waive Sections 325-8 and 325-9 of the Subdivision and Land

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Development Ordinance requiring the submission, approval and recording of a preliminary and final subdivision plan to create the condominium form of ownership for the property contingent on the Borough receiving condominium documents for review and solicitor approval. Mrs. Deal seconded the motion. With no further discussions the motion passed by a unanimous voice vote.

Mr. Gerber made a motion to enter into the Public Service Line License Agreement and Relocation Agreement with Millersville University for the sanitary sewer lines at the Visual and Performing Arts Center. Mr. Keller seconded the motion. Mr. Arnold explained the necessity of both agreements. With no further discussions the motion passed by a unanimous voice vote.

**STREET COMMITTEE**

Mr. Stager made a motion out of committee to re-advertise for bids for (2) four wheel drive  $\frac{3}{4}$  ton pickup trucks with plows and operators for the snow removal in 2013-2014. Mr. Stager explained the request for re-advertising is due to the fact that no one submitted a bid with the first advertisement. He further explained, if no one bids this time, then the borough can approach a vendor and negotiate a deal when the service is needed. With no discussion the motion passed by a unanimous voice vote.

Mr. Stager mentioned the committee continues working on an amendment to the Borough's Curbs and Sidewalks Ordinance and has presented a copy to Council for further review and comments. At this time there is no proposal to advertise this amendment to the ordinances. Mr. Stager explained that the current the ordinance lists the streets that require curbs but no sidewalks, curbs AND sidewalks, and sidewalks but no curbs. The proposed amended language will be to list only the streets that would be exempt. This language change will also avoid the need for future amendments when new streets are constructed in the Borough. Mr. Stager also mentioned the outstanding issue, enforcement of the ordinance, which has for many years been an issue due to the costs incurred by the residents to become compliant.

**SAFETY COMMITTEE REPORT**

None

**PERSONNEL COMMITTEE**

Mrs. Deal made a motion to accept a revised amendment to the Borough's Code of Ordinances governing the Police Pension Plan than that which was advertised. Mrs. Deal explained that the version of the amended ordinance being considered is the one that only references the definition of Salary for both police officers hired prior to June 5, 2013 and those officers hired on or after June 5<sup>th</sup>. Not the original amended ordinance that also included changes to the Contribution subsections or the Survivor's Benefits subsections. Mr. Stager seconded the motion. With no further discussions the motion passed by a unanimous voice vote.

ORDINANCE BOOK  
ORDINANCE NO. 2013-3

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Mrs. Deal made a motion to accept the retirement letter from Janet King with an effective date of September 20, 2013. It was noted that Mrs. King has served as a Crossing Guard for the Borough for 26 years.

**PRESIDENT'S REPORT**

None

**BOROUGH MANAGER'S REPORT**

Mr. Arnold gave an update on the West Frederick Street Infrastructure Phase II project. The start date for this work has been set for September 30<sup>th</sup> and will include the water and sewer utilities. A notice will be circulated to the residents and property owners in the vicinity.

Mr. Arnold announced there is a Lancaster County Borough Association (LCBA) meeting tomorrow night in Christiana Borough. All of Council is invited.

Mr. Arnold mentioned an amendment to the Borough's Code of Ordinances for the Residential Rental Units, Definitions section; specifically the definition of 'Immediate Family' which was discussed in the Planning and Betterment Committee. Upon request, our Solicitor had expanded the definition to include "a child of the owner, spouse of a child of the owner, grandchild of the owner, or parent of the owner." The Planning and Betterment Committee members had discussions to expand the definition even further. Before sending this back to our Solicitor, Mr. Arnold asked Council to review the amended ordinance with the expanded definition and provide feedback to the Planning and Betterment Committee.

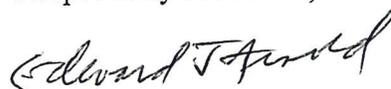
**EXECUTIVE SESSION**

After a brief recess, Council broke for an executive session at 8:40 PM for a personnel policy issue.

**ADJOURNMENT**

With no action coming out of the executive session, Mr. Gerber made a motion seconded by Mr. Stager, to adjourn the meeting at 8:45 PM. The motion passed with a unanimous voice vote.

Respectfully submitted,



Edward J. Arnold  
Borough Secretary

EJA/jle