

April 26, 2022  
MILLERSVILLE BOROUGH COUNCIL MEETING MINUTES

The MILLERSVILLE BOROUGH COUNCIL MEETING was held on Tuesday, April 26, 2022, in the Millersville Borough Public Meeting Room located at 100 Municipal Drive, Millersville, Pennsylvania.

The meeting was called to order at 7:00 p.m. followed by the pledge to the flag and a moment of silence was then observed.

COUNCIL MEMBERS

Lauren E. Hauck  
Lynn M. Miller  
Linda L. Bellile  
Mary Ann Gerber

David T. Aichele, Mayor  
Christopher Hubbs, Absent  
Darlene Eager  
Maggie Weidinger

OTHERS PRESENT

Sue McCullough, Millersville Borough Receptionist  
Lieutenant Jeff Margevich, Millersville Borough Police Department  
David Sykes, 344 Valley Rd, Millersville  
Stephanie Hersh, 72 Blue Rock Rd, Millersville  
Phil Gerber, 12 Circle Rd, Millersville  
Michael Weidinger, 146 Victoria Rd, Millersville, Planning Commission  
Gary Hess, 453 N George St, Millersville, Planning Commission  
Andy Boxleitner, Streets Department Superintendent  
Dorothy Imel, 1902 Blue Ridge Dr, Lancaster  
Sam Bigler, 17 Wabank Rd, Millersville  
Judith L Kruse, 117 Victoria Rd, Millersville  
Doris Haslam, 216 Herr Ave, Millersville  
Gogi & Bill Hess, 33 Pilgrim Dr, Lancaster  
Jeff & Wendy Rambish, 2102 Millersville Pike, Lancaster  
Susan Guggenheim, 342 Manor Ave, Millersville  
Randy & Bobbi Anne Kissinger, 200 Boat House Rd, Wrightsville  
Ed Kaminski, Landis Community, Landis/Immerse  
Claude Hicks, HDC, Landis/Immerse  
Ed McManness, Immerse International, Landis/Immerse  
Tom Hyland, 31 Chamberlain Ln, Millersville  
Lowell Anderson, 529 Leaman Ave, Millersville  
Lee & Marcie Dermer, 6229 Hauser School Rd, York  
Becki Cavanaugh, Hauser School Rd, York  
David & Linda Chalfant, 128 Landis Ave, Millersville  
Susan Wallace, 421 Brook View Dr, Millersville  
Elaine Walmer, LNP  
Steve & Carlyn Darby, 2017 Millersville Pike, Lancaster  
Dan, Hauser School Rd, York  
Dennis Seibert, 300 E Charlotte St, Millersville  
Jeff Lower, 2100 Millersville Pike, Lancaster  
Cheryl Keiper, 2001 Wabank Rd, Lancaster  
Doug Owens, 32 Chamberlain Ln, Millersville

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Tom Szurok, 16 Green Hills Dr, Lancaster  
Don Sheaffer, 437 Brook View Dr, Millersville  
Dr. Victor DeSantis, Millersville University  
Andrew Geer, Millersville University Student Representative  
Keira Stigelman, Penn Manor Student Representative

CITIZENS' REQUESTS OR CONCERNS

President Hauck asked if there were any citizens' questions or concerns. She asked if anyone had questions regarding LERTA, to wait until this agenda item is addressed later in the meeting. There were no other questions or concerns.

MINUTES

A motion to approve the Council minutes for the meeting of April 12, 2022, was made by Mrs. Gerber and seconded by Ms. Miller. President Hauck asked if there were any issues with the minutes. The motion passed by a unanimous voice vote

NEW BUSINESS

None

REPORTS OF BOARDS, COMMITTEES, AND COMMISSIONS

CLIMATE ACTION FRAMEWORK PRESENTATION

President Hauck stated the Climate Action Plan was a free program run by the Department of Environmental Protection. It was free for the Borough to participate, and no money or staff time was allocated to this project. Two students from Penn State spent last semester and this semester gathering data on our energy, electricity, and greenhouse gas emissions. They came up with an extensive framework, which the Borough can use in the future. No action will be taken on this tonight. Council was sent a 12-minute video presentation to review before the meeting. Carolyn Heckman and Benjamin Thomas gave their final Climate Action Plan Report via phone link. President Hauck thanked Carolyn and Benjamin and asked if Borough Council or the public had any questions for the students. Mrs. Gerber thanked the students for the time and effort they put into this project. President Hauck stated there was an immense amount of work they under-took, and this was with little or no guidance from the Borough. President Hauck said the information they gathered will be beneficial in the future. She stated, some of the survey results, such as biking, walking, and transit, align well with the Steering Committee's Comprehensive Plan Survey. She feels there is a lot of overlap between the two. President Hauck asked this be on the agenda of an upcoming Public Welfare & Public Works Committee Meeting. Ms. Bellile stated she reviewed the report and one of the things that surprised her was the mention of more rain and cooler temperatures. President Hauck said, there may be a need to shift crops, which may not affect Millersville Borough, but may affect neighboring Manor Township and elsewhere in Lancaster County. A member of the audience asked how walkability fits into the plan. President Hauck stated, the reduction of greenhouse gases can be addressed through change in transportation modes like walking or biking instead of diesel or fossil fuels used by cars. One option to reduce greenhouse gases is to increase walkability. President Hauck stated services

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could be closer, like grocery stores and pharmacies so residents could walk or bike or the increased use of public transportation, instead of using cars. She said Public Welfare & Public Works Advisory Committee will discuss moving forward with this report and implementing some of the Climate Action Plan recommendations possibility in the future.

CIVIL SERVICE COMMISSION

Susan Wallace, Secretary, Civil Service Commission, read a letter from the Commission regarding the promotion of Officer Michael Cavanaugh. The letter stated, on Tuesday, April 19, 2022, the Civil Service Commission members tested Officer Michael Cavanaugh and he meets the requirements for recommendation, for the promotion to Sergeant. Civil Service Commission recommends this promotion to Council. Mrs. Gerber made a motion to accept Civil Service's recommendation and Ms. Billie seconded the motion. Mayor Aichele presented Sergeant Cavanaugh with a declaration on his promotion. Lieutenant Jeff Margevich, asked Sergeant Cavanaugh's wife, Becki, to come forward for the ceremony of changing his badge from the silver officer's badge to the sergeant's gold badge. Mayor Aichele and Lieutenant Margevich congratulated Sergeant Michael Cavanaugh.

BLUE ROCK REGIONAL FIRE COMMISSION

Linda Bellile reported a meeting was held on Thursday, April 7, 2022, at the Millersville Station. A local resident came to that meeting and complained about the siren. He works from home, and it is disruptive to his business, and he has a baby due. There was a discussion on other technology and an explanation as to why the siren is an important notification system, since they are a volunteer service. Financial Ending Report for March was reviewed and approved. Heating and electrical costs were very high, due to the cold weather. Longtime Millersville Fire Chief and life member Jim Eshleman passed. BRFR's long range plan is complete and will be presented to the District Board in May and is very similar to the District Plan. Due to complaints, one driver has been suspended. The State has changed some Worker's Comp Laws and there is a possibility a second policy may be needed. The Board then went into executive session.

PLANNING COMMISSION – STEERING COMMITTEE

President Hauck made a motion to advertise the May 5, 2022, Public Meeting for the Steering Committee, Comprehensive Plan. The meeting will be held at Eshleman Elementary School. Mike Weidinger, Planning Commission Chair, invited everyone to attend. He said the doors open at 6:30pm and the meeting begins 7:00pm. A brief update will be given on the Comprehensive Plan, followed by residents' comments and questions. Motion passed by unanimous voice vote.

LIMC:

President Hack updated Council members on the LIMC Meeting she attended.

PERSONNEL ADVISORY COMMITTEE

Lynn Miller, Personnel Advisory Committee Chair stated they are still looking for a Finance Officer. They did have one interview and will be having another interview this week.

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She stated the Committee did some tweaking of the Finance Officer job description and would like to make a motion to approve the changes. This motion is not out of committee. Mrs. Gerber seconded the motion. President Hauck asked if there were any questions or discussion. Motion passed with a unanimous voice vote.

Ms. Miller stated because of the current job opening and with two more coming up, Personnel Advisory Committee asked Council's permission to purchase a Zoom Account. She said currently they have been doing first interviews by Zoom and the second interviews are in person. She has been borrowing a Zoom account to do the first interviews. A Zoom account is \$149.00 per year and will be used for interviews and anything else that comes up. Ms. Miller made a motion to have the Borough purchase a Zoom account for one year and Ms. Bellile seconded the motion. President Hauck asked if there were any questions. Motion passed by unanimous voice vote.

PUBLIC WORKS & PUBLIC WELFARE ADVISORY COMMITTEE

Linda Bellile, Chair of Public Welfare and Public Works Advisory Committee asked Andy Boxleitner, Streets Superintendent to speak on the 2022 Paving Bid. Andy stated, New Enterprise Stone & Lime Co came in with the low bid of \$184,428.10 and the Solicitor has looked over the bid. This company worked with the Borough last year. Ms. Bellile made a motion, out of committee, to approve the 2022 Paving Bid. With no questions or discussion, the motion passed with unanimous voice vote.

At the April Public Welfare & Public Works Advisory Committee Meeting, Ms. Eager made a motion to revisit the Rental Ordinance and Ms. Weidinger seconded the motion. This is for discussion only and no action will be taken this evening. Ms. Bellile stated the Committee is revisiting the ordinance because of family rentals, when one family member owns the property and another family member lives there, without the owner. Ms. Miller and Ms. Weidinger discussed the policy of, non-owner occupied properties, and suggested that the Committee looks into how other college towns handles this situation. Further discussion will be held at a future Public Welfare & Public Works meeting and then will be brought back to Council with recommendations.

FINANCE ADVISORY COMMITTEE

Mary Ann Gerber, Finance Advisory Committee Chair, asked Council to entertain the motion, which is not of committee, to approve the March Financial Statements. Ms. Weidinger made the motion and Ms. Bellile seconded the motion. President Hauck asked if there were any questions. The motion passed by unanimous voice vote.

Mrs. Gerber made a motion, out of committee, to accept the 2021 Audit. The Audit is complete, and we should be receiving the final audit and the letter to file the audit with DCED. With no questions or discussion, motion passed by unanimous voice vote.

Mrs. Gerber made a motion, out of committee, to approve hiring a full-time Streets Employee, who will primarily be serving at the park. This is conditional on the fact, that Andy Boxleitner, Streets Superintendent, did have four part-time park employees and this full-time position would replace two of the part-time positions and the Borough is not replacing one police

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position. President Hauck asked if there were any questions. The motion passed by unanimous voice vote.

Mrs. Gerber stated the next Resolution, is not out of committee. Every year, if the police officers are not paying 5% into their pension, Council needs to adopt resolution stating what percentage the police are paying into their pensions. This is usually done in the fall, but this past fall, the Borough was having arbitration for the Police Contract. In 2022, they will be paying 1% into their pensions. Mrs. Gerber made a motion to approve the Resolution for the 2022 Police Pension. Mrs. Weidinger seconded the motion. With no discussion, the motion passed by unanimous voice vote.

Mrs. Gerber stated that herself, Ms. Miller and President Hauck met with the Solicitor regarding a time extension for Crossgates Phase II Plan. Crossgates asked for an extension until August. Mrs. Gerber made a motion, not out of committee, to approve the request for a time extension for Crossgates Phase II Plan. Ms. Miller seconded the motion. With no questions or discussion, the motion passed by unanimous voice vote.

Mrs. Gerber stated that Immerse is requesting a LERTA for the property at 321 Manor Ave. One part of the property contains buildings and that is tax exempt. The other part is not a tax-exempt property. This is the property Immerse would like to develop and they requested a LERTA to get funding for this project. A motion, out of committee, was approved by a 3-1 vote, to create a new LERTA, which is a tax abatement program. There was a previous LERTA but has expired. Mrs. Gerber has been in contact with the Solicitor and instead of creating a new LERTA for 321 Manor Ave, Council should adopt a motion, at this meeting or a future meeting to schedule a public hearing and authorize the Borough Solicitor to prepare and advertise the necessary ordinance. This ordinance would designate an area for tax abatement under LERTA. Mrs. Gerber informed representatives from Immerse, if the Borough does not approve a LERTA, then Immerse cannot get one from Penn Manor School District or Lancaster County because the Borough, has to go first, and establish the area of the LERTA. Mrs. Gerber asked Mike Weidinger, Chair of the Millersville Borough Planning Commission, to speak, and also the three members of the Finance Committee. Mr. Weidinger stated the Planning Commission has met with Immerse several times, but there has been no formal plan submitted, the discussions have been on the concept of the project. The Commission very favorably agrees with the concept they have presented and asks Council to adopt the LERTA for this property. Mr. Weidinger said this is a good conceptual project and would be a good use of the property. Mrs. Gerber asked Ed Kaminski, Landis Homes/Immerse, to speak briefly as to why they need this LERTA to proceed with this project. Mr. Kaminski stated there are two different components of this project. One is to provide affordable housing for individuals 62 years of age and above and they must apply for funding through PA Housing Finance Agency. This project is not feasible without LERTA, due to high construction costs. Mrs. Gerber called on Maggie Weidinger, Lynn Miller and Darlene Eager to give their comments. Ms. Weidinger stated that she was one of the positive votes. She has worked in government for a long time and has seen a lot of LERTAs. She feels this is a good project for local businesses and the addition of a restaurant would benefit the Borough. She thinks this project would be a cornerstone for the Community and she supports the LERTA. Ms. Miller stated, she was also one of the votes in favor of the project. She reminded everyone that right now, the Borough gets zero tax dollars out of this land, and she feels 55+ and 62+ housing, along with a small building which would contain a medical office and a restaurant is a good project for Millersville. If not this project, you don't know what kind of project could go in. There has not

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been a lot of development over the last three years because of the need for the water tower, which is going in across from Manor Shopping Center. That has put a halt to building in Millersville Borough, Manor Township and Lancaster Township. The water tower is going to get done and we are going to see development in Millersville. She supports the LERTA. Darlene Eager stated she was the no vote, on the motion for LERTA. There were things she wanted Immerse to consider and think about. She wanted to know how much taxes the Borough would be losing if they reinstate LERTA. She stated by October, we should have the water supply coming in from the new water tower and at that point there will be development beginning. She informed Immerse that she is not against the project, she is against the LERTA. Right now, 40% of the Borough is tax exempt and Borough citizens are shouldering a lot. She asked Immerse if they have any paperwork showing they cannot get the grant because of not having the LERTA. In past meetings, she said Immerse stated they are going through with the project regardless and now they are stating they cannot go through with the project if they do not get the LERTA. Ed Kaminski said he did not know when that was stated or does he know what the basis of that is. He said they were rejected by PA Housing Finance Agency, because the LERTA had expired. Mrs. Gerber addressed Mr. Kaminski stating that Immerse was denied a grant from PHFA because they felt you could not pull off the project without LERTA. Mr. Kaminski agreed. Mrs. Gerber said she was going to open the discussion up to the public, but first asked Lauren Hauck who is on the Planning Commission and Linda Bellile, if they would like to make any comments. Ms. Hauck stated the Borough is getting zero tax dollars on this property right now and if they need the LERTA to get the grant, she is in favor of it. She said that property has sat vacant for a very long time and having a development there, that will offset future taxes, is a benefit. Ms. Bellile stated with older citizens there, it would be a benefit to the Borough and as discussed earlier in the Climate Action Plan presentation, by increased walking, biking and more public transit, instead of increased traffic. Mrs. Gerber also stated there would be no impact on the School District by increasing school population. President Hauck opened the discussion to the public in attendance. A member of the audience asked if there has been an impact study done on the project and how it will affect the Borough. President Hauck stated the impact study would be done once a plan is presented. Another resident asked how big the development would be and where would these residents ride bikes? Will there be paths put in? With the current traffic in the borough, there is no place to ride bikes. Mrs. Gerber stated there is a mixed message here, the bike riding was part of the Climate Action Plan. Obviously, there are questions about traffic concerns, and we are not at that stage of the project. Mr. Kaminski stated there would be two buildings with three stories each. Mrs. Gerber stated the plans would go to Planning Commission and will be built to Borough Ordinance or would have to go to the Zoning Hearing Board with any exceptions. Mrs. Gerber stated we are far away from these discussions, tonight we are here to discuss the LERTA. A resident asked if the LERTA would be given for the commercial part of the property along with the residential part. President Hauck stated the LERTA goes with the parcel and what is being built, will be on one parcel. The resident also asked, with all the development that may be happening, would the Borough give other developers a LERTA. Ms. Weidinger responded, if the request is made, Borough Council would review it. She also stated that the former LERTA, had five properties involved, but 321 Manor Ave is the only one being part of the new LERTA. President Hauck stated that this property is part of the downtown development zone that was developed in 2016. A resident stated the Borough would be receiving income from building permits and other funds needed for the project and President Hauck thanked him for pointing out this information. The question was asked regarding the length of the previous LERTA and the length of the new LERTA if approved. Mrs. Gerber and President Hauck explained the previous length and the new LERTA could be ten years or a lower

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amount. A resident wanted clarification about the denial of the funds due to not having the LERTA. She stated this could be taken two different ways. One, the LERTA was not current which caused an automatic denial or, as stated by Immerse, the grant funder felt, without the LERTA, the project is not viable. Mr. Kaminski was asked if he has this information, in writing and which of the two explanations, it really is. Mr. Kaminski stated that unfortunately, it is not in a letter. The information was discussed in a de-brief, via phone call, with himself, his boss and the Development Officer of PHFA, with the explanation that the LERTA expired and Immerse's taxes were higher in their underwriting, and that underwriting, without the LERTA, proved the project was not feasible. A woman in the audience asked Immerse representatives if there is any way they can get, what they want, without ruining and desecrating one of the last areas of green space. President Hauck stated that parcel has been zoned as a downtown district in 2016. A discussion was held on what a downtown district is, with President Hauck stating that she believes this parcel was never zoned for recreation or green space. Ms. Eager stated, taxes keep going up, and the Borough has to slow-down on the tax exemptions. Ms. Miller asked who attends one of the churches in the Borough and informed the audience that these Churches are tax exempt and none of the 13 Churches give a donation to the Borough, in lieu of the taxes, they are not paying. A question was asked of Mr. Kaminski about Landis Homes being non-profit, he replied that Landis Homes is non-profit but does pay taxes. A discussion was held regarding tax exempt properties. President Hauck stated the property is zoned downtown district and the Borough is not allowed to prevent a property owner from doing what they legally want with their land, per Zoning Ordinance. Mrs. Gerber made a motion to authorize the Borough Solicitor to prepare and advertise the necessary ordinance to designate 321 Manor Ave an area for tax abatement under LERTA. Ms. Weidinger seconded the motion. Ms. Eager asked for clarification on the motion and Mrs. Gerber stated it is a motion to schedule a public hearing and authorize the Borough Solicitor to prepare and advertise the necessary ordinance to designate 321 Manor Ave, an area for tax abatement under LERTA. The Public Hearing be held on May 24<sup>th</sup>. A roll call vote was taken, Ms. Bellile-yes, Ms. Weidinger-yes, Mrs. Gerber-yes, Ms. Hauck-yes, Ms. Miller-yes, Ms. Eager-yes. Motion carried.

President Hauck invited anyone with concerns about open-space or other amenities, in the Borough, to attend the May 5<sup>th</sup> Planning Commission/Steering Committee meeting at Eshleman Elementary School at 7:00pm. Doors open at 6:30pm.

MAYOR'S REPORT

Mayor Aichele asked Lieutenant Jeff Margevich to give the March 2022 Police Report. Lieutenant Margevich reviewed the report with Borough Council. He also stated the Detective and himself investigated a theft by deception and an unattended death. President Hauck expressed concern about an uptick in car break-ins which was mentioned by Ms. Eager in a previous email to Council. Lieutenant Margevich stated he and the Detective attended a major crime meeting regarding this matter. There is definitely an uptick in car break-ins. A question was asked if all of the stolen cars have been recovered and Lieutenant Margevich replied, most of the cars stolen are taken for a joy ride and then abandoned. Lieutenant stated there is an upcoming meeting at Manheim Township to further discuss this problem.

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PENN MANOR REPORT

Keira Stigelman, Penn Manor Student Representative, reported the construction project is on track and the building construction and renovation will be complete by the beginning of next school year. Minor exterior and groundwork may continue into the fall semester. We had a successful Prom and Post Prom event this past weekend. Our last prom was in 2019, so our seniors were extremely happy to participate in this year's event. Senior Award Night is on May 19, when PMEF gives out close to 100,000 dollars in scholarships to Penn Manor Seniors. PMHS Commencement Ceremony is scheduled for June 1 at Millersville. The rain dates are June 2 and June 3. We will be live streaming the event on our Penn Manor Youtube site.

MILLERSVILLE UNIVERSITY REPORT

MU Student Advisor to Borough Council, Andrew Geer updated Council on the following items. In Health News, Covid cases still low. Social News, Superfest event, Townhall forum Friday 29th, 5:30 to 8 between Izzy Smith-Wade-El and Janet Diaz. Mr. Geer stated there are many concerns among students regarding off-campus parties.

Dr. Victor DeSantis stated when students bring any concerns/complaints, to the Title IX Office at the University, they are always investigated. He also mentioned that commencement will be held on May 6<sup>th</sup> and 7<sup>th</sup> and move-out will be completed on May 8<sup>th</sup>. You will then see a different atmosphere in the community.

BOROUGH MANAGER REPORT

None

PRESIDENT'S REPORT

President Hauck received a resignation letter from John Rochat, Borough Manager and asked for a motion to accept his resignation effective May 6, 2022, at 5:00pm. Mrs. Gerber made a motion to accept the resignation of the Borough Manager and Ms. Weidinger seconded the motion. Mayor Aichele stated that John Rochat has been the Police Chief and Borough Manager for the past three years, and both are very demanding positions. Chief Rochat will continue as Millersville Borough Police Chief. Motion to accept John Rochat's resignation effective May 6, 2022, passed by unanimous voice vote.

President Hauck stated since we currently do not have a Borough Manager, we need to make some appointments, effective May 6<sup>th</sup> at 5:00pm, to make sure the daily Borough work continues on time and legally. She made a motion to appoint Mary Ann Gerber as acting Secretary and the motion was seconded by Ms. Miller. The motion passed by unanimous voice vote.

President Hauck made a motion to appoint Lisa Gochnauer as Treasurer. Mrs. Gerber seconded this motion and motion passed by unanimous voice vote.

President Hauck made a motion to appoint Sue McCullough as Assistant Secretary. Ms. Weidinger seconded that motion and motion passed by unanimous voice vote,

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President Hauck stated she is making a change in the Finance Committee assignments to free up Mary Ann Gerber so she can handle other Borough responsibilities. Maggie Weidinger, will be the Chair of this committee and Lynn Miller, Vice Chair.

UNFINISHED BUSINESS

None

EXECUTIVE SESSION

At 8:30pm, President Hauck stated Borough Council will move to Executive Session, to discuss personnel issues. She stated no action will be taken at the Executive Session, and when Council reconvenes, the meeting will be adjourned. She asked Mayor Aichele to remain for the session.

ADJOURNMENT

Coming out of Executive Session and having no further business to discuss, President Hauck adjourned the meeting at 8:57 pm.

Respectfully submitted,



Mary Ann Gerber  
Borough Secretary

MAG/sam