

Regular Meeting

January 26, 2016

The regular meeting of the Millcreek Township Board of Supervisors was called to order at 7:00 p.m. by Chairman Groh in the Assembly Room of the Millcreek Township Municipal Building. Present were Mark Zaksheske, Brian McGrath, John Groh, John Morgan, Evan Adair, Esq., Sheryl Williams and Richard Morris, P.E.

Following the Pledge to the Flag, Chairman Groh called for public comment on agenda items other than development or rezoning applications. None were received.

It was moved by Mr. McGrath, seconded by Mr. Morgan and carried by unanimous vote to approve the minutes of the Board's January 4, 2016 annual organization meeting.

It was moved by Mr. McGrath, seconded by Mr. Morgan and carried by unanimous vote to approve the minutes of the Board's January 4, 2016 regular meeting.

It was moved by Mr. Morgan and seconded by Mr. McGrath to approve payment of the weekly General Fund bills in the amount of \$1,611,743.77, and Sewer Revenue Fund bills in the amount of \$482,887.61. Motion carried by a unanimous roll call vote.

It was moved by Mr. McGrath, seconded by Mr. Morgan and carried by unanimous vote to refer to the Planning Commission the following petition requesting a change in zoning classification:

JUDY FENTON, for property located at 6038 Peach Street, now zoned R-1 Single Family Residential District, asking for a change in classification to C-2 General Commercial District. Township Index: 740-050. County Index: 33-188-587-3.

Jeff Tenney, Journeyman Electrical Assistant, solicited and received the following quotations for LED wall packs in the Streets Department storage barn: Hite Electric - \$4,012.00, Weber Electric - \$3,962.70, Mars Electric - \$4,182.12. On recommendation of Mr. Tenney, it was moved by Mr. McGrath and seconded by Mr. Morgan to award the contract to Weber Electric for \$3,962.70. Motion carried by unanimous roll call vote.

Matthew Exley, EMA Coordinator/Fire Code Official, solicited and received the following quotations for a command cabinet for his EMA vehicle: Rockland/Havis - \$2,794.00, Tactical Command Cabinets - \$3,350.00, 1st Priority Emergency Vehicles - \$3,650.00. On recommendation of Mr. Exley, it was moved by Mr. Groh and seconded by Mr. McGrath to award the contract to Rockland/Havis for \$2,794.00. Motion carried by unanimous roll call vote.

It was moved by Mr. McGrath, seconded by Mr. Morgan and carried by unanimous vote to adopt Resolution 2016-R-4; a Resolution to authorize and delegate signature authority with respect to the Agreement to Authorize Access to PennDOT Systems and other agreements and documents pertaining to said Department.

It was moved by Mr. McGrath, seconded by Mr. Morgan and carried by unanimous vote to adopt Resolution 2016-R-5; A Resolution to amend Resolution 2008-R-46, adopted by the Board of Township Supervisors on December 23, 2008, pertaining to the administration of the Right-to-Know Law, Act 3 of 2008, within Millcreek Township, to officially appoint certain individuals as Open-Records Officers for Millcreek Township and the Millcreek Township Police Department.

Solicitor Adair explained that there will be several upcoming agreements to authorize a third party to utilize the rights of way in the Township, involving the decommissioning of street light poles and installation of new poles to allow for better wireless communication. It was moved by Mr. McGrath

and seconded by Mr. Morgan to approve the Municipal Right of Way Access and Use Agreement with Crown Castle NG East, LLC. Motion carried by unanimous roll call vote.

Mr. Groh explained that since the closing of the former J.O.Y. Center on 2709 Legion Road, the Township has been working to dissolve the lease with the United States Postal Service. An agreement has been reached, and the Township will pay the USPS \$140,000, as opposed to \$258,000 in the original terms of the lease. On motion by Mr. Groh and seconded by Mr. Morgan, the Outlease Termination Agreement with USPS was approved. Motion carried by unanimous roll call vote. Mr. McGrath thanked Mr. Groh for his efforts in negotiating this agreement.

Mr. McGrath also reported that there is a significant amount of older Township office furniture stored in the postal building. A local professional assessed it and deemed it to be obsolete and of no value. Some of the furniture has been utilized in the Township Building. On motion by Mr. McGrath and seconded by Mr. Morgan, the Board authorized the donation of the remaining usable furniture to Habitat for Humanity, and to permit Andy's Equipment to haul away the rest, mainly cubicle walls, at no charge. He will try to assemble the parts and donate them to a non-profit agency. No public comment was received. Motion carried by unanimous roll call vote.

On the recommendation of Maintenance Department Head Foreman Jerry Burger, it was moved by Mr. McGrath and seconded by Mr. Morgan to approve a 3-year Heating and Cooling Maintenance Agreement with Johnson Controls for \$46,040.00, to be paid in 3 annual installments. Mr. Morgan asked why there were no other proposals, and Mr. McGrath replied that Johnson Controls was the original installer, has provided the maintenance thus far, and he is not aware of any other local business that could service this system. Motion carried by unanimous roll call vote.

On recommendation of Engineer Richard Morris, it was moved by Mr. McGrath and seconded by Mr. Morgan to approve a Stormwater Management Maintenance Agreement with FirstEnergy – Pennsylvania Electric Company, developer. The developer has agreed to maintain the system and Hill Engineering has issued a reasonable conformity letter. Motion carried by unanimous roll call vote.

On recommendation of Engineer Morris, it was moved by Mr. Morgan and seconded by Mr. McGrath to approve a Sidewalk Deferral Agreement for Debra S. Shoemaker and Mark A. Luthey of Aspen Drive. Mr. Morris reported that this is a new home and there are no other sidewalks in the area. Motion carried by unanimous roll call vote.

On recommendation of Engineer Morris, it was moved by Mr. Morgan and seconded by Mr. McGrath to approve a release of Letter of Credit from PNC Bank, N.A. Check #1500 for 2204 West 12th Street (Chipotle Mexican Grill) – VCG Properties, LLC, developer, for \$23,628.00. All requirements have been satisfactorily completed. Motion carried by a unanimous roll call vote.

On recommendation of Engineer Morris, it was moved by Mr. McGrath and seconded by Mr. Morgan to amend and approve a request for reduction of Letter of Credit from PNC Bank, N.A. #00264160-00-000 from \$116,917.00 to \$18,544.00 (\$17,173.20 was requested) for Shenandoah Meadows Subdivision #4 – Pastore, Inc., developer. Mr. Morris stated that the Township will not approve less than 10% of the original security. Motion carried by a unanimous roll call vote.

Engineer Morris reported there is recurring flooding during heavy rain that has necessitated the cleaning of sediment and debris from over 100 yards of an open channel on the west side of Joe's Gym, south of West Ridge Road. Public improvement funds have been included in the 2016 budget specifically for this project, and Hill Engineering, Inc. has offered to provide services to obtain the necessary DEP permit to allow the Township to clean the channel. Mr. Morgan asked if any other firms were solicited for this project. Mr. Morris said the Township typically solicits 3 quotations, but

did not in this case because Hill Engineering is familiar with this area and has worked with the Township before in this area. Mr. Morgan said he would like to see 3 quotations in the future. On recommendation of Engineer Richard Morris, it was moved by Mr. McGrath and seconded by Mr. Morgan to award the contract to Hill Engineering, Inc. for \$7,500.00. Motion carried by a unanimous roll call vote.

It was moved by Mr. Morgan and seconded by Mr. Groh to permit Mr. McGrath to attend the PSATS quarterly meetings from January 31 – February 2, 2016. No public comment was received. Motion carried by a unanimous roll call vote.

On recommendation of Jerry Burger, Head Foreman, Maintenance Department, it was moved by Mr. McGrath and seconded by Mr. Morgan to authorize Corporate Glass Inc. to furnish and install a security window in the Streets Department office. Motion carried by a unanimous roll call vote.

On recommendation of Gary Walters, Head Foreman, Streets Department, it was moved by Mr. McGrath and seconded by Mr. Morgan to approve the following requests:

Permission for Kurt Hall and Tom Dylewski to attend a Field-Tech Recertification Class in State College on April 5, 2016, at a cost of \$510.00 for registration and fees, with the hotel cost not to exceed \$400.00. Motion carried by a unanimous roll call vote.

Permission for Joe Talarico, Steve Clark, Josh Mitchell, Rob Fitzpatrick, Frank Malena and Ron Kennedy to attend an L-TAP Principles of Paving class in Vernon Township on April 13, 2016, at no cost to the Township. Motion carried by a unanimous roll call vote.

Permission for Tom Dylewski, Chris Brenner, Rob Balko and Mike Sornberger to attend a Warm Mix Asphalt class at Greene Township on April 12, 2016 at no cost to the Township. Motion carried by a unanimous roll call vote.

On recommendation of Bill Hitchcock, Township Garage Operations Director, it was moved by Mr. McGrath and seconded by Mr. Morgan to approve the purchase of one Falls 11 Foot Reversible Snow Plow from U.S. Municipal Supply for the COSTARS price of \$9,551.00. Motion carried by a unanimous roll call vote.

On recommendation of Ashley Marsteller, Parks and Recreation Director, it was moved by Mr. McGrath and seconded by Mr. Morgan to hire for the winter session, Jonathan Bauer as a lifeguard at an hourly rate of \$7.65, and Katie Howland as a lifeguard/WSI substitute at an hourly rate of \$9.50. Motion carried by a unanimous roll call vote.

It was requested by Dan Ouellet, Sewer Department and West Ridge Fire Chief, to attend the Firehouse World Conference from January 31 – February 5, 2016 in California with 5 days of paid leave. Mr. Groh stated that past practice has been to allow Mr. Ouellet 2 ½ days of paid leave, and Mr. Ouellet would use accrued leave for the rest. Mr. Morgan expressed concern about the purpose and benefit of the conference, and whether allowing the requested paid leave was an appropriate use of Township resources. It was moved by Mr. Groh and seconded by Mr. McGrath to permit Mr. Ouellet 2 ½ days of paid leave between January 31 and February 5, 2016. Motion carried 2-1 with Mr. Morgan voting no.

On recommendation of Chief Tesore, moved by Mr. Groh and seconded by Mr. Morgan, the following requests were approved by unanimous vote:

Permission to hire 3 new police officers, effective February 1, 2016, pending the positive results of background checks, physical and psychological examinations.

Permission to remove the probationary status of Ptlm. Gross and elevate him to "Class D" Patrolman, effective February 2, 2016.

Permission for Cpl. Parmeter and Det. Mays to attend a "Non-Traffic Death Investigation" training in Meadville on February 16-17, 2016, at no cost to the Township.

Permission to make a budgeted purchase of 8 Tasers with accessories from Taser International for \$9,500.88.

It was moved by Mr. Groh but died for lack of a second to approve Chief Tesore's request to participate in the National Drug Takeback Initiative on April 30, 2016, which would require one uniformed police officer to be paid at the overtime rate for a 6 hour period. Mr. Morgan questioned paying an officer overtime to work during regular daytime hours. Mr. Groh replied that an additional officer would be required in addition to the regular daytime shift of officers. It was then moved by Mr. Morgan and seconded by Mr. McGrath to table the motion until more information can be obtained. No public comment was received. Motion carried by a unanimous roll call vote.

Mr. Groh encouraged residents to participate in this Drug Takeback program and not flush medications down the toilet.

A request for approval of a WEBQA Master Services Agreement was discussed, but no action was taken until clarification can be given by the IT Department.

Mr. Groh reported that the IRS is no longer supplying Federal Tax Forms at the Township Building, but that forms can be obtained online, at the Griswold Building downtown, or by calling 1-800-829-3676 to request that a form be mailed to you. He announced that free tax preparation, by appointment only, will be available at the Municipal Building on Mondays and Fridays from February to mid-April for residents who earn less than \$50,000 and are over age 60. Residents will need to make an appointment by calling Judy Zelina, Public Services Director. Mr. Groh also warned residents about telephone schemes, and advised people to not give credit or financial information to anyone over the telephone.

It was requested by Diane Lyons, Human Resource Manager, moved by Mr. Morgan and seconded by Mr. McGrath to permit Mr. McGrath, Mr. Groh, Mr. Morgan, Mr. Zaksheske and Ms. Lyons, in their capacities as Department Administrators, Treasurer and Human Resource Manager, to attend the PELRAS (Public Employer Labor Relations Advisory Service) Annual Public Sector Labor Law and Personnel Management Training Conference in State College from March 16-18, 2016, with total lodging and conference cost of \$2,953.00. Motion carried by a unanimous roll call vote.

It was recommended and moved by Mr. Morgan and seconded by Mr. McGrath to appoint Timothy J. Nageli as a Member of the Planning Commission for a four-year term, thus filling the vacancy created by Mr. Morgan being elected Supervisor. Motion carried by a unanimous roll call vote.

It was recommended and moved by Mr. Morgan and seconded by Mr. McGrath to appoint Linda S. McCabe as an Alternate Member to the Planning Commission for a four-year term. This is a new position, which is permitted by the revised Pennsylvania Municipalities Planning Code. Motion carried by a unanimous roll call vote.

It was moved by Mr. Morgan and seconded by Mr. McGrath to permit Mr. Morgan, in his capacity as Administrator of Traffic Engineering and liaison to the Engineering Department, and Engineer Richard Morris to attend a Stormwater Essentials Workshop on February 18, 2016 in Cranberry Township at a cost of \$230.00. Motion carried by a unanimous roll call vote.

Mr. Morgan reported that since the last meeting, he has met with Diane Lyons, Human Resource Manager, and Chief Tesore to discuss the process of finding and training Chief Tesore's successor. It was moved by Mr. Morgan and seconded by Mr. McGrath to authorize Mr. Groh, along with Chief Tesore and the Human Resources Department, to search, select and train a candidate within one year. No public comment was received. Motion carried by a unanimous roll call vote.

On recommendation of Engineer Morris, it was moved by Mr. McGrath and seconded by Mr. Morgan to approve a Nonsubstantial Land Development Plan Amendment for FirstEnergy. The original land development plan was originally approved at the meeting of September 22, 2015. FirstEnergy has decided to improve and widen an existing drive as part of this project. No public comment was received. Motion carried by a unanimous roll call vote.

Mr. Groh summarized the Township's building construction report for the month of October 2015:

Total Residential Structures	\$ 1,037,136.00
Total Non-residential Structures	<u>354,185.00</u>
	\$ 1,391,321.00
Zoning Permits Issued	24
Zoning Permit Fees	\$ 5,150.00

Mr. Groh summarized the Township's building construction report for Year 2015:

Total Residential Structures	\$13,600,980.00
Total Non-residential Structures	<u>18,167,416.00</u>
	\$31,768,396.00
Zoning Permits Issued	259
Zoning Permit Fees	\$ 80,650.00

Brendan Petrick, Esq., representing his client Madeleine Trimble, 1340 Kuntz Road, noted there is a boundary dispute between his client's property and the Township's adjacent property at 1330 Kuntz Road. The Township's driveway falls partially on his client's property, and his client's garage is partially on the Township's property. His client would like to sell her property and resolve the issue without litigation. Mr. Petrick suggested mutual easements on behalf of both properties and is requesting a formal response within 30 days.

Mr. Groh replied that the Township bought the property recently in order to settle a water line lien. The water issues have been addressed and the property is being cleaned up. Mr. McGrath stated that the Township was not aware of the driveway issue until Atty. Petrick recently raised the issue. The Township has surveyed the property, the amount is minimal, and the Engineering Department is considering shifting the driveway to the east to correct the problem. Atty. Adair added that Ms. Trimble had asked the Township to delay pursuing the lien for one year to work out a mutual arrangement with the former owner, who has since passed away, and the Township did comply with this request. Engineer Morris also noted that snow on the property has covered the survey points, so nothing can be done until the snow has melted. Mr. Groh assured Mr. Petrick that the Township does not want to delay resolving the issue, and the Board assured a written response within 30 days.

Gary Behr, 4045 Feidler Drive, asked if state tax forms will be available in the Township Building, to which Mr. Groh replied yes. Mr. Behr had several questions about sewer billing and has not been able to obtain answers from either Millcreek Township or Erie Water Works. Mr. Behr also had questions about the Township's Burning and Recycling Ordinances regarding Saturday burning. Mr. Groh agreed to obtain answers to these questions and email him a response. Mr. Behr also inquired about the status of the Stormwater project with Environment Erie and also Erie County's Act 167 plan. Mr. Groh noted that the Township is working on the grant application and Mr. Morgan clarified the application process. Mr. Morris reported that the County is gave each municipality a model Ordinance to approve, and Millcreek developed and approved its own version of the Ordinance in 2011.

There being no other citizens to be heard or any further business to come before the Board, it was moved by Mr. McGrath and seconded by Mr. Morgan to adjourn the meeting at 8:22 p.m.

Sheryl A. Williams
Assistant Secretary

Approved: February 9, 2016

John H. Groh
Brian P. McGrath
John E. Morgan