

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, Richard Morris, P.E. and Student Ambassador Kaitlin McLaughlin.

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. Morgan, seconded by Mr. McGrath and carried by unanimous vote to approve the minutes of the Board's April 5, 2016 regular meeting.

It was moved by Mr. McGrath, seconded by Mr. Morgan and carried by unanimous vote to approve payment of the weekly General Fund bills in the amount of \$237,430.54, and Sewer Revenue Fund bills in the amount of \$493,931.80.

Consideration of Subdivision and Sketch Plans:

FEDORKO PROPERTIES, INC. Subdivision Plan. A small subdivision plan to show the creation of a 1.10 acre Lot "B-1" and a 2.63 acre residue parcel, located at the northeast corner of West 12th Street (S.R. 5) and Peninsula Drive (S.R. 832) in Tracts 14 & 15.
Index 252-010

Engineer Richard Morris reported that at their meeting on April 5, 2016, the Planning Commission recommended approval with one requirement: Provide a cross access and cross parking easement between properties. Robert Stenerson, representing David Laird Associates, reported that the proposed boundary line of the subdivision plan would follow the existing CVS lease line.

Robin Heald, 1109 Hilborn Avenue, also owns the property at 1105 Hilborn Avenue. She is concerned that the subdivision may impact access to the plaza, especially from Hilborn Avenue, and noted there is a Declaration of Restrictions which expires September 1, 2021, and would like to know if this will carry over into the subdivision. Ms. Heald also asked which parcel of land would own the Hilborn Avenue access. Mr. Morgan responded that the Engineering Department researched this issue, and asked Mr. Morris to explain their findings.

Mr. Morris reported that there are two items in the Declaration of Restrictions that state: "#10. No driveways from the Property onto Hilborn Avenue shall be constructed, unless required by a governmental agency; and #12. Any refuse dumpsters located on the Property shall be maintained in dumpster enclosures and Fedorko (or its successors or assigns) shall ensure that all such dumpsters shall be emptied during regular business hours only." Mr. Morris then read from the Zoning Hearing Board minutes of September 25, 1996, Appeal No. 96-99 by Peter J. Fedorko, Jr., which state, "There will be no access to Hilborn. All of the deed restrictions and other requirements are put forth by the adjudication letter and also in deed restrictions."

Mr. McGrath asked Solicitor Adair what happens when the Declaration of Restrictions expires. Mr. Adair replied that Fedorko Properties, Inc. gained initial approval on representation that there would be no access to Hilborn Avenue, and the Zoning Hearing Board's ruling that there will be no access to Hilborn Avenue is permanent.

Ms. Heald stated that when the property was first constructed, the road was gated at the request of the fire department so that emergency personnel could have access to Hilborn

Avenue. She said that approximately two or three years ago, the gate was removed and now semi-trucks and other delivery vehicles have full access on a very narrow street with no sidewalks, which is a safety concern.

Mr. McGrath said that he remembers the developer or fire department requesting a second access to Hilborn Avenue, and that the Board approved access with the condition that a gate be installed. However, there is no record in the Board minutes of either restricting or granting access to Hilborn Avenue. He believes that if there is going to be access to Hilborn Avenue, there should be something on record stating this.

Mr. Morgan noted that the Engineering Department also has a subdivision signed by the Planning Commission and Supervisors that shows no access on Hilborn Avenue, and Mr. Morris confirmed that the Board of Supervisors approved this on May 23, 2000, with the meeting minutes stating, "It was determined that the Zoning Hearing Board ruled that there be no access to Hilborn Avenue unless mandated by a governmental agency."

Mr. McGrath asked Mr. Adair what vehicle would be appropriate to address this issue. Mr. Adair clarified that the ZHB did not affirmatively say there would be no access to Hilborn Avenue, but rather the developer stated there would be no access as part of their application. He continued to say that the Board of Supervisors regulates access to Township streets, and if they get rid of any reference to having access, there is and will be no access to Hilborn Avenue.

Ms. Heald then asked if the property is subdivided, will this have an impact on Hilborn Avenue? Mr. Adair stated that often the reason for these types of subdivision requests are because a tenant is requesting confirmation of a lease line. Ms. Heald said that when the gate was removed, she went to the Township's engineering office and was told that access was mandated (possibly by PennDOT) to allow semi-trucks easier access to Hilborn Avenue.

Mr. Morgan suggested that the Board should table their vote to allow the developer to give the Board more information. Mr. McGrath agreed, saying that the Township should establish specific access to Hilborn Avenue, and that the Township is trying to look out for its residents. It was then moved by Mr. Morgan and seconded by Mr. McGrath to table action on the Fedorko Properties, Inc. Subdivision Plan until the May 10, 2016 meeting, so the developer can attend and bring appropriate documentation to the hearing. No public comment was offered. Motion carried by unanimous roll call vote.

SISTERS OF ST. JOSEPH OF NW PA. Subdivision Sketch Plan. A sketch plan to show the concept of a 2.3± acre subdivision that incorporates the Heritage Apartments building, located south of West 8th Street (S.R. 4018), east of West 10th Street (unopened) in Tract 14. **Index 237-004**

Larry Roberts, Director of Owned Properties for the Sisters of St. Joseph (SSJ), stated that he is representing the SSJ, and they are seeking approval of the concept to subdivide 2.3± acres and incorporate the Heritage Apartments building. Mr. Groh clarified that the Board does not take action on sketch plans, but rather listens and offers suggestions. Engineer Morris reported that the Planning Commission did not act on the sketch plan, but did offer some comments: The Planning Commission looked favorably upon the plan in general, and stated that a cross access easement should be provided that would be for Eighth Street, and if a Tenth Street access is utilized in the future, Township permits must be obtained and work performed at the owners' expense.

Mr. Roberts stated that currently the SSJ have access to Eighth Street with a Right of Way Easement Agreement until 2050, with an option to extend, and understands that Tenth Street is a viable option to create an access, if needed.

Mr. Morgan noted that Tenth Street is currently a paper street, and has concerns regarding SSJ's frontage and whether allowing access to Tenth Street is a viable option, stating that the Township would be developing a driveway going through a residential area. Mr. Morris stated that technically SSJ has frontage and does have access to the paper street.

Solicitor Adair clarified how the term "abut" has been defined by the Township in the past, and stated that the owners of the abutting properties would have to petition to open Tenth Street in order for the SSJ to gain permission to create an access. He also was concerned that the agreement expires in 2050, and stated that if the applicant wants permanent relief, then they would have to get a permanent easement.

Mr. Groh asked who owns the Heritage Apartments. Mr. Roberts replied that the SSJ own the Heritage Apartments, and HANDS owns Maryville Apartments. He also stated that the SSJ would eventually like to sell part of the campus, and Mr. Adair suggested now would be the time establish permanent rights of access and assure there would be cross access to the drive.

Mr. Morris noted there is a currently an access to Twelfth Street, and asked if the Board would like to see two egresses/accesses to the property. Mr. Roberts reported that there is currently an easement with Cathedral Preparatory School to allow school bus access through the property.

Mr. Groh thanked Mr. Roberts for submitting the sketch plan and noted again that the Board will not be acting on the plan.

It was moved by Mr. McGrath and seconded by Mr. Morgan to table action on purchasing Crack Sealing Blocks until more detailed quotation information is obtained from Gary Walters, Streets Department Head Foreman. Motion carried by unanimous roll call vote.

Mr. McGrath reported that the Chestnut Hill Pool bath house needs a new roof, and the Township will be buying the materials. Quotations were solicited and received by Ashley Marsteller, Parks and Recreation Director, for labor only to replace the Chestnut Hill Pool bath house roof: Great Lakes Construction - \$9,774.00, Robert Hodas Construction Services - \$10,040.00, and Matt Krol Construction, LLC - \$12,000.00. It was moved by Mr. McGrath and seconded by Mr. Morgan to award the contract to Great Lakes Construction for \$9,774.00. Motion carried by unanimous roll call vote.

Quotations were solicited and received by Lucas Black, Building Maintenance Foreman, for Materials for the Old Salt Storage Roof Replacement: McClure Johnston - \$8,157.32, Presta Supply - \$9,111.50, and Carter Lumber - \$8,663.79. It was moved by Mr. McGrath and seconded by Mr. Morgan to award the contract to McClure Johnston for \$8,157.32. Motion carried by unanimous roll call vote.

Quotations were solicited and received by Lucas Black, Building Maintenance Foreman, for Labor for the Old Salt Storage Roof Replacement: Robert Hodas - \$18,050.00, Matt Krol Construction, LLC - \$18,900.00, and Jason Elwell Roofing and Construction, Inc. - \$18,545.00. It was moved by Mr. McGrath and seconded by Mr. Morgan to award the contract to Robert Hodas for \$18,050.00. Motion carried by unanimous roll call vote.

Mr. McGrath announced the Bid Tabulation for the joint purchasing of street materials and services solicited and received by the Erie Area Council of Governments and opened on April 5, 2016:

Bid #2016- 1 Aggregate and Rock Materials

Materials:	Per ton picked up:				Per ton delivered to:			
	Type C Crushed/Washed #57	#67 Limestone	#9 Limestone	Anti skid Alternate material AS1	Franklin Twp	Millcreek Twp	Venango Twp.	
Bidder:								
Carmeuse Lime and Stone	Per ton picked up: Erie Sand & Gravel 2 East Bay Dr.				delivery price for Carmeuse same for all materials			
	\$21.74	\$21.74	\$21.74	no bid	\$26.24	\$24.84	\$26.39	
Girts Sand & Gravel	Per ton picked up: 765 Bakerink Rd. Clymer, Ny				delivery price for Girts varies by material			
	\$8.50	no bid	no bid	\$5.50	\$15.70	\$15.70	\$15.70	for Type C #57
					\$12.20	\$12.20	\$9.00	for AS1 Anti-skid

Bid # 2016 -2 Asphalt Emulsions

Materials:	Per Gallon picked up:			Per gallon delivered to:		
	AE-T Tack Oil	CRS-2		Millcreek	Summit	
Bidder:						
Russell Standard	\$1.098	\$1.281	at Pittsburgh Ave plant	1.298	\$1.481	minimum 2500 gallons
Suit-Kote	\$0.943	\$1.600	at Meadville plant	no bid	no bid	

Bid # 2016 - 3 Calcium Chloride Solutions

Materials:	Per Gallon delivered to Millcreek:					
	Calcium Chloride		Producer of product			
Bidder:						
Environmental Energy Sol'	\$1.249		Environmental Energy Sol'n			
Seneca Mineral Co.	\$1.130		Tetra Chemical			

Bid # 2016 - 4 Grinding and Profiling (Milling) Streets for Millcreek Township

Service requested	Grinding and Profiling (Milling) Streets			65,000 sq. yds.		
	Per Sq Yd					
Bidder:						
Donegal Construction	\$0.620					
Swank Construction	\$0.650					

Bid # 2016 - 5	Sealing Pavement							
Services & materials	Slurry Seal	Microsurfacing	Crack Sealing					
Bidder:	Per sq. yd.	Per sq. yd.	Per gallon					
Suit-Kote	\$2.44	\$4.56	\$15.00					
Russell Standard	no bid	no bid	\$19.89					

Bid # 2016 - 6	Street & Road Maintenance Materials							
Materials	Hot Mix:				Warm Mix:		Cold Patch:	
Per ton:	9.5 mm	FJ 1	19 mm	25mm	FJ 1	9.5 mm		
Bidder:								
Russell Standard	\$49.47	\$57.33	\$47.49	\$46.82	\$57.33	no bid	\$74.00	
Hot Mix, virgin materials	\$52.97	no bid	\$49.95	\$48.51				
Mayer Brothers Const.	\$58.00	\$63.00	\$54.00	\$52.50	\$64.00	no bid	no bid	
Hot Mix, virgin materials	\$60.00	no bid	\$55.00	\$52.50				
Cross Paving	\$54.00	no bid	\$51.50	\$50.00	no bid	nobid	no bid	
Hot Mix, virgin material	Cross representatives at bid opening stated that all materials they have quoted above are virgin materials							
J. McCormick Const.	\$55.00	\$67.00	\$50.00	\$49.00	\$67.00	\$55.00	no bid	
Hot Mix, virgin materials	\$60.00	no bid	\$55.00	\$54.00				
Russel Standard							Cold Patch	Delivered to:
only vendor offering Cold Patch delivery prices to these select location							\$78.10	City of Erie
							\$78.10	Franklin
							\$78.10	Millcreek
							\$78.10	Venango

Bid # 2016 - 7	Reclaiming & Recycling Tar and Chip Roads			for Millcreek Township				
Service:	Reclaim/ Recycling							
Bidder:	Per Sq. Yd.	28,000 sq yd price						
E.J. Breneman	\$12.55	\$351,400.00						
Mt. Carmel Stabilization	\$6.22	\$174,160.00						

On recommendation of Gary Walters, Streets Department Head Foreman, and by separate motions by Mr. McGrath, seconded by Mr. Morgan, the following contracts were awarded by unanimous roll call vote:

COLD PATCH 900 tons: Russell Standard - \$78.10/ton Delivered, \$74.00/ton Picked up

RECLAIMING & RECYCLING TAR AND CHIP ROADS 28,000 sq. yd.:

Mt. Carmel Stabilization - \$6.22/sq. yd.

TYPE C CRUSHED/WASHED STONE #57 2,100 tons:

Girts Sand & Gravel - 15.70/ton Delivered, \$8.50/ton Picked up

#9 LIMESTONE 5,000 tons: Carmeuse Lime and Stone - \$24.84/ton Delivered, \$21.74/ ton Picked up

ANTI SKID ALTERNATE MATERIAL 700 tons:

Girts Sand & Gravel - \$12.20/ton Delivered, \$5.50/ton Picked up

AE-T TACK OIL 10,000 gallons: Russell Standard - \$1.0988/gal. Picked up @ Pittsburgh Ave.

Suit-Kote \$0.943/gal. Picked up @ Meadville Plant

CALCIUM CHLORIDE 8,000 gal.: Seneca Mineral Co. - \$1.13/gal. Delivered

GRINDING AND PROFILING STREETS (MILLING) 65,000 sq. yd.: Donegal Construction - \$0.62/sq. yd.

Quotations for the purchase of 180 traffic cones for emergency traffic control were solicited and received by Matthew Exley, EMA Coordinator/Fire Code Official: Work Area Protection Group - \$2,305.80, Grainger - \$6,723.00, and Traffic Safety Store - \$3,276.00. The Township will be reimbursed by the Presque Isle Partnership through a grant, and the cones will be housed at the Township by the Office of Emergency Management. It was moved by Mr. Groh and seconded by Mr. McGrath to approve the purchase of 180 traffic cones from Work Area Protection Group for \$2,305.80, with the condition that a Memorandum of Understanding be created with the Presque Isle Partnership. Motion carried by unanimous roll call vote.

It was requested by Street Light Clerk Gail Jares, moved by Mr. Morgan and seconded by Mr. McGrath to approve the installation of eight 100 watt high pressure sodium vapor lights on existing wooden poles along Feidler Drive from McKee Road to Colonial Avenue. Mr. Morgan noted that a petition has been circulated and the required number of signatures has been obtained, and thanked the Board and neighbors for their patience while attempting to negotiate similar circumstances with PENELEC for the installation of LED street lights. Unfortunately, he was unable to negotiate the desired terms and did not want to delay the street light installation any further. Motion carried by unanimous roll call vote.

Mr. McGrath noted that at the April 5, 2016 meeting, the Board approved Russ Thompson, Dean Swanson and Louis Arcovio as nominees for appointment by Erie City Council to fill the two vacancies on the Erie City Water Authority Board. Mr. McGrath reported that the Board has since learned that Erie City Council has already filled one of the vacancies. He feels that Millcreek should have strong representation with three seats on the board of nine commissioners, and added Kelly Burch to the list, who expressed interest in being considered after last week's meeting. Mr. Groh also added Dan Bensur to the list as well; however, Mr. McGrath was not in favor of Mr. Bensur's nomination, as he currently serves on the Millcreek Township Sewer Authority, and he would rather have someone nominated who is not currently serving on a Township commission. It was then moved by Mr. Morgan and seconded by Mr. McGrath to resubmit the same three names, Russ Thompson, Dean Swanson and Louis Arcovio, to Erie City Council for consideration to be appointed to the Erie City Water Authority Board. Motion carried 2-1, with Mr. Groh voting no.

On recommendation of Engineer Richard Morris, it was moved by Mr. McGrath and seconded by

Mr. Morgan to approve a Sidewalk Deferral Agreement for Jeffrey Szumigale, 4847 Tramarlac Lane. Mr. Morris reported that the application was received on the required form and there are currently no sidewalks in the area. Motion carried by unanimous roll call vote.

Treasurer Mark Zaksheske reported that the Township received a notification from Erie County Bureau of Revenue and Tax Claim, Repository for Unsold Properties, that they received a purchase offer of \$250.00 for the sale of a mobile home at 573 Conti Drive, Erie County Index Number 33-016-019.1-268.52. It was moved by Mr. McGrath and seconded by Mr. Morgan to authorize this sale for \$250.00. Motion carried by unanimous roll call vote.

It was requested by Diane Lyons, Human Resource Manager, moved by Mr. McGrath, seconded by Mr. Morgan and approved by unanimous roll call vote to approve the hiring of the following part-time staff for the 2016 summer season:

Department	Name	Hourly Rate	Start Date	End Date
Building Maintenance	Austin Winschel	\$7.95	05/09/2016	08/26/2016
Building Maintenance	Luke Knight	\$7.95	05/16/2016	09/02/2016
Traffic	Joshua Robson	\$7.95	05/09/2016	08/26/2016
Streets	Jonathan Jares	\$8.45	05/09/2016	08/26/2016
Sewer	Max Knight	\$8.45	05/09/2016	08/26/2016

It was requested by Matthew Exley, EMA Coordinator/Fire Code Official, moved by Mr. Groh and seconded by Mr. McGrath to permit Mr. Exley and Assistant EMA Coordinator Rich Pietron to attend the Pennsylvania Emergency Management Conference May 14-17, 2016, with registration cost of \$50.00 and use of the Township vehicle. Lodging is provided by PEMA. Motion carried by unanimous roll call vote.

It was requested by Diane Lyons, Human Resource Manager, moved by Mr. Groh, seconded by Mr. McGrath and approved by unanimous roll call vote to approve the hiring of Nicole Little as a Public Safety/Public Works Dispatcher, effective April 13, 2016, at an hourly rate of \$18.38.

On separate motions, it was requested by Director of Police Michael Tesore, moved by Mr. Groh, seconded by Mr. McGrath and carried by unanimous roll call vote to approve the following:

Permission, retroactively, for Lt. Dougan, and Cpls. Leone and Bucko to attend Electronic Central Booking Refresher Training for the new MPD "All In One Booking Station" on April 11, 2016 in Cranberry Township at no cost to the Township.

Permission for Officers Henderson, Caldwell, Giuca and Buckner to attend "Basic SWAT" class in Pittsburgh from June 27, 2016 to July 1, 2016 at a total estimated expense of \$5356.00, with an additional four hours per officer in overtime for travel. **

Permission for Officers Gotham and Hardner to attend "Less Lethal/FSDD/Chemical Agent Instructor Certification" class in Ashtabula, Ohio from July 18-22, 2016, at an estimated expense of \$1470.00, with an additional five hours per officer of overtime for travel.**

Permission for Officers Hauber and Green to attend "SWAT Command Decision-Making and Leadership" class in Ashtabula, Ohio from July 25-29, 2016, at an estimated expense of \$1400.00, with an additional five hours per officer of overtime for travel.** Mr. Morgan noted the amount of training costs, and requested that the Director of Police track the training requests submit a report to the Board. **Mr. Groh reported that Millcreek Township will be reimbursed \$4000.00 for registration fees from grants approved via the PEMA.

Permission to purchase three additional Tasers and accessories from Taser International at a total cost of \$3562.83, to be funded by previous donations from American Legion Post #773.

Permission to purchase seven sets of accessories for the seven Township automatic External Defibrillators from Zoll Medical Corporation at a total cost of \$808.50. These are replacements for the current pads and electrodes which are nearing "end-of-life" status.

Permission to hire Anthony J. DeBacco as a part-time Animal Enforcement Officer with MPD, effective April 12, 2016. Mr. DeBacco is a retired City of Erie Police Officer with extensive experience as a dog handler, and has the certifications and skills necessary for this position. Mr. Morgan clarified that despite not being in favor of adding this position at the last meeting, he supports the hiring of Mr. DeBacco as part-time Animal Enforcement Officer and feels that Mr. DeBacco is more than qualified for the position.

Mr. Groh summarized the Township's building construction report for the month of March 2016, and announced that the report will be available on the Township website.

Total Residential Structures	\$ 1,094,000.00
Total Non-residential Structures	<u>108,500.00</u>
	\$ 2,354,000.00
Zoning Permits Issued	12
Zoning Permit Fees	\$ 1,202,500.00

Mr. Groh announced that the next meeting will be May 10, 2016 at 9:30 a.m. He also noted that the Supervisors, Treasurer and Engineer will be attending the PSATS Conference in Hershey next week from April 17 – 20, 2016, and will be back in the office on Thursday, April 21, 2016.

Mr. Groh commended the mutual aid partnership between the Township's volunteer fire departments and the City of Erie, especially during the occurrence of several fires in the City of Erie this past week.

Mr. Groh administered the Oath of Office to part-time Animal Enforcement Officer Anthony J. DeBacco and congratulated him on his new position.

There being no 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 8:16 p.m.

Sheryl A. Williams
Assistant Secretary

Approved: May 10, 2016

John H. Groh

Brian P. McGrath

John E. Morgan