

The regular meeting of the Millcreek Township Board of Supervisors was called to order at 9:30 a.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 Zoning Administrator Charles Pierce.

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 12, 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 \$182,630.14.

At the request of Fedorko Properties, Inc. via letter read by Engineer Richard Morris, it was moved by Mr. Morgan and seconded by Mr. McGrath to table action on the Fedorko Properties, Inc. Subdivision Plan until the May 24, 2016 meeting. Mr. Fedorko is willing to waive the 45-day time limit. Motion carried by unanimous roll call vote.

A public hearing was held regarding a Petition Requesting a Change in Zoning Classification:

Norcross Land Management L.P., for the property located in the 1700 block on the north side of Norcross Road, now zoned R-2 Low Density Residential District and RR Rural Residential District, asking for a change of classification to C-1 Local Commercial District. Also, for the properties located in the 1600 and 1700 block on the south side of East Grandview Boulevard, now Zoned R-1 Single Residential District and RR Rural Residential District, asking for a change of classification to C-1 Local Commercial District. Total Acreage of proposed rezoning is 29.9933. Index 907-050, 908-001 and 913-021. **County Index (33) 106-477-19, 107-477-20 and 20.05 and 112-477-35.**

Zoning Administrator Charles Pierce reported that at its April 5, 2016 meeting, the Planning Commission recommended Denial, stating that the members suggested that the property owner(s) and the Supervisors have a conversation on rezoning only that portion of the property needed to expand the business and the intended plans for the remainder of the property.

Matthew Totzke, 1762 Norcross Road, CEO of Larson Texts and representing Norcross Land Management L.P., noted that the companies are jointly owned, they currently own 1762 Norcross Road and the adjacent property to the east, and have agreements in place to purchase properties to the north to expand. He gave a brief history of the company, and stated that they are willing to work on a resolution to modify their rezoning request, specifically Option C, which would rezone the east portion of the property and having the northern boundary aligned with Dahlkemper's Landscaping.

Mr. McGrath asked if they anticipate hiring additional employees and/or adding more parking spaces, to which Mr. Totzke replied that since 2000, they have expanded their employee base from 47 to 100, and looking at further expansion in the future. Mr. Morgan asked Mr. Pierce for his opinion on the rezoning, to which he replied that the extension is logical in that it borders Dahlkemper's Landscaping on the west, which is zoned Rural Residential, but is being used as Commercial because it was grandfathered in before the Zoning Ordinance was enacted.

Mr. McGrath noted that the Planning Commission recommended denying the rezoning request for a 30 acre expansion, but asked Solicitor Adair if the Board can consider rezoning a smaller amount of land. Mr. Adair stated that if there is no opposition and the applicant wants to amend the request to reduce to a smaller amount, the Board has the ability to table the current request until the request can be amended.

Mr. McGrath stated that the Board has no opposition to Option C, stating that it makes sense to extend the current usage further east, but opposes rezoning a larger amount than that and noted that specific dimensions would be needed.

Mr. Morgan asked Mr. Pierce if there was any opposition to the rezoning at the Planning Commission meeting, to which he replied that a few residents expressed that this would disrupt their recreational walking on the property.

Mr. Pierce noted that C-1 is the most restrictive business category, and the appellant would need to provide a metes and bounds description to the Zoning Office of the entire property to be rezoned, not only Option C but the property east of Larson Text that is to be rezoned.

No one present spoke in opposition to or in favor of the Rezoning Petition.

It was moved by Mr. Morgan and seconded by Mr. McGrath to approve the Norcross Land Management L.P. rezoning petition, per Option C, to C-1, conditional upon the meets and bound survey being provided to the Zoning Department prior to the May 24, 2016 meeting. Motion carried by unanimous roll call vote.

Greg Ruban of Felix & Gloekler, P.C., presented the 2015 Audited Financial Statements for Millcreek Township and found the Township to have total assets of \$ 9.7 million, total liabilities of \$3.4 million, leaving a total fund balance of \$6.2 million. The Actual Change in Fund Balance (profit/loss) from 2014 to 2015 was + \$1 million. The Sewer Revenue Fund showed a \$3 million profit, and the Pension Fund shows that it is 89% funded, which is above average in comparison to other municipalities across the state.

Larry Berrin, CEO of Asbury Woods Partnership, Inc. (AWP) gave a presentation on the possible transfer of ownership of Asbury Woods from the Millcreek Township School District (MTSD). Their contract with MTSD ends on May 31, 2016, and their grant applications for the purchase are still pending, due to various state budget cuts and delays. To date, AWP has received 1/3 of the funding needed, including \$412,500 from the DCNR and \$25,000 from the Erie County Greenway. The AWP is requesting a minimum of \$700,000 to \$1.1 million in funds from Millcreek Township to assist with the purchase and/or operational funds. AWP is proposing that any funds reducing the amount below \$700,000 would be applied to the Boardwalk Project to make it fully in compliance with the Americans with Disabilities Act (ADA), and the AWP would immediately place deed and conservation restrictions on the full 110 acres, with first right of refusal being assigned to Millcreek Township in the event the partnership would ever cease to exist.

Mr. Morgan and Mr. McGrath asked what the timeline is for this request, and Mr. Berrin replied that they have to let MTSD know by June 1, 2016, stating they have not discussed an extension with MTSD, but have plans to move forward regardless. Mr. Groh asked and it was confirmed that the AWP has the \$70,000 for closing costs.

Kathryn Raimy, Chairman of the AWP Board of Directors, Kathy Fatica, Erie County Council, and former State Senator Jane Earll all spoke in favor of a partnership with Millcreek Township and the importance of securing funds to preserve Asbury Woods. William Hall, Superintendent of MTSD, pledged the continued support of the school district and continued cooperation with AWP as well.

Mr. McGrath assured the community that MTSD will NOT allow housing developments to spring up, but feels that by supporting AWP, we can assure that it will not happen. He encouraged the community to contact the Supervisors to voice their opinions on this issue.

Mr. Morgan agrees that preserving this asset is a responsibility, but does not want any Township funds to be used for operating funds or toward capital improvements. He encouraged AWP to work with MTSD on obtaining an extension of their contract to give the public ample opportunity to voice their opinions.

Mr. Groh stated that the Township Supervisors are interested in working with AWP, but would like to hear the opinions of the residents, and encouraged the media to publicize the issue. Mr. McGrath also encouraged the public to come to the next meeting to voice their opinions.

Quotations were solicited and received by Gary Walters, Streets Department Head Foreman, for six pallets of crack seal blocks: Suit-Kote - \$1.02/lb., Air Vac - \$0.65/lb., and US Municipal – no response. It was moved by Mr. McGrath and seconded by Mr. Morgan to award the contract to Air Vac for \$9,195.00. Motion carried by unanimous roll call vote.

Mr. McGrath noted that the Chestnut Hill Pool Roof replacement project was approved at a recent meeting, but the contractor made an additional recommendation to correct a mold issue with perforated panels in the shower room. It was moved by Mr. McGrath and seconded by Mr. Morgan to approve Change Order #1 for the Chestnut Hill Pool Roof replacement project for \$680.00, with work to be completed by the contractor. Motion carried by unanimous roll call vote.

Quotations were solicited and received by Ashley Marsteller, Parks and Recreation Department Director, for replacement of a hot water tank at Belle Valley Pool: Venango Supply - \$3,976.51, Legion Supply - \$4,805.00, and Grainger - \$5,791.00. It was moved by Mr. McGrath and seconded by Mr. Morgan to award the contract to Venango Supply for \$3,976.51. Motion carried by unanimous roll call vote.

Mr. McGrath announced the Bid Tabulation from the April 14, 2016 Bid Opening for the 2016 Bituminous Seal Coat Project, a joint purchasing effort among 11 municipalities and is being coordinated by Corey & Associates of Harborcreek Township: Russell Standard Corporation - \$1.075/sq. yd., Suit-Kote - \$0.096/sq. yd, and Youngblood Paving - \$1.50/ sq. yd. It was moved by Mr. McGrath and seconded by Mr. Morgan to award the contract to Suit-Kote for \$0.096/sq. yd., contingent up approval of the other participating municipalities. Motion carried by unanimous roll call vote.

On recommendation of Solicitor Adair, it was moved by Mr. McGrath and seconded by Mr. Morgan to enact Ordinance 2016-5; an Ordinance to amend Millcreek Township Zoning Ordinance, No. 2011-8, as amended, by changing the classification of a certain parcel of land situate in the Township of Millcreek, Erie County, Pennsylvania, described as follows, to-wit: Property at 2433 Zimmerly Road, now zoned R-1 Single Family District and RR Rural Residential District, to be rezoned to C-1 Local Commercial District. After reading the proposed Ordinance, Mr. Groh noted that this pertains to the rezoning that was previously approved for the property adjacent to the Humane Society, where construction of an animal clinic is planned. Motion carried by unanimous roll call vote.

It was moved by Mr. Morgan and seconded by Mr. McGrath to approve Resolution 2016-R-12; A Resolution to amend Millcreek Township's Fiscal Year 2014 CDBG Action Plan. Motion carried by unanimous roll call vote.

It was moved by Mr. Morgan and seconded by Mr. McGrath to approve Resolution 2016-R-13; A Resolution approving Millcreek Township's FY2016 Action Plan, requesting CDBG financial

assistance from the U.S. Department of Housing and Urban Development. Motion carried by unanimous roll call vote. Mr. McGrath announced that the 2016 Action Plan will be posted on the bulletin board in the lobby of the Municipal Building and on the Township website.

It was moved by Mr. McGrath and seconded by Mr. Morgan to approve Resolution 2016-R-14; A Resolution to authorize exoneration of taxes assessed against mobile homes deemed by the Erie County Bureau of Assessment to have been removed or damaged to an extent rendering them worthless. Specifically, this resolution pertains to 3411 West 12th Street, Tax Assessment No. 33-035-169.0-004.73, with tax exoneration for the years 2003 through 2015. Motion carried by unanimous roll call vote.

Engineer Richard Morris announced that a financial security release request listed on the agenda has been withdrawn by the requestor, who will reapply at a later date.

On separate motions by Mr. McGrath and seconded by Mr. Morgan, the following budgeted recommendations for purchase from Bill Hitchcock, Operations Manager – Township Garage, were approved by unanimous roll call vote:

Contract award for a new Caterpillar compact track loader, 2016 model 279D, with HM31 mulcher attachment, for the Sewer Department from Cleveland Brothers for the COSTARS bid price of \$92,210.00, Contract number 4400011420.

Contract award for a new 2016 GMC Sierra 3500 chassis with a Knapheide Service body and a 6500 lb. crane from Geoff Penske Buick – GMC for the COSTARS bid price of \$47,917.00, Contract number 025-009.

Contract award for a new 2016 Dodge 5500 chassis with an Altec Model AT41M Aerial Device in accordance with Township specifications for the COSTARS bid price of \$125,649.00, Contract number 025-091.

On recommendation by Bill Hitchcock, Operations Manager – Township Garage, it was moved by Mr. McGrath and seconded by Mr. Morgan to use Corry Auto Dealers Exchange to auction the following vehicles, which are no longer in service: 1999 Sterling/Johnston street sweeper, and 2000 International dump truck. Motion carried by unanimous roll call vote.

On recommendation by Ashley Marsteller, Parks and Recreation Director, it was moved by Mr. McGrath, seconded by Mr. Morgan and carried by unanimous vote to approve the following part-time employees for the Spring season:

<u>NAME</u>	<u>POSITION</u>	<u>HOURLY RATE</u>	<u>START DATE</u>
Matthew Puda	Part Time Maintenance	\$ 7.95 Rate Change	5/11/16
Kyle Bridger	Part Time Maintenance	\$ 8.45	5/11/16
John Dill	Part Time Maintenance	\$ 7.95 Rate Change	5/11/16
Tyco Bock	Part Time Maintenance	\$ 8.45	5/11/16
Justin Burger	Part Time Maintenance	\$ 8.45	5/11/16
Eric Nuara	Adult Ext. Maintenance	\$11.50 Rate Change	5/11/16
Mitch Molnar	Golf Course Club House	\$ 7.95 Rate Change	5/21/16
Samuel Skonieczka	Golf Course Club House	\$ 7.65 New Hire	5/21/16
Nicole Trohoske	Youth Dance Instructor/Sub	\$ 7.65 New Hire	4/30/16
Stefanee Ferrier	WSI/Lifeguard	\$ 8.50 New Hire	5/10/16
Steven Owens	WSI/Lifeguard	\$ 9.50	5/11/16
Sara Prischak	Lifeguard	\$ 7.65	5/11/16

On recommendation by Diane Lyons, Human Resources Director, it was moved by Mr. McGrath, seconded by Mr. Morgan and carried by unanimous vote to approve the following part-time employees for the Summer season:

Streets Department: Michael Brink \$7.65/hr., starting May 16, 2016
Traffic Department: Jacob Chimera \$7.65/hr., starting May 31, 2016
Sewer Department: Jacob Ouellet \$7.65/hr., starting May 11, 2016

On recommendation by Richard Morris, Township Engineer, it was moved by Mr. Morgan seconded by Mr. McGrath, and carried by unanimous vote to approve the following part-time employee for the Summer season at the appropriate rate: Bethany Sivak, starting May 16, 2016.

On request of Judy Zelina, Director of Public Services, it was moved by Mr. McGrath and seconded by Mr. Morgan to authorize permission for two Millcreek Employees to attend the 2016 PROP (Professional Recyclers of PA) Conference in Harrisburg, PA from July 27-29, 2016, at a cost of \$2,059.00 and use of a Township vehicle. Motion carried by unanimous roll call vote.

It was recommended by Matthew Exley, EMA Coordinator and Fire Code Official, moved by Mr. Groh and seconded by Mr. McGrath to approve an agreement between Millcreek Township and Grant Genies grant writing service to attempt to secure new self contained breathing apparatus for the Township 929 Team and the four Millcreek fire departments as part of the Assistance to Firefighters Grant program. Mr. Groh explained that the cost is \$900.00 per department, but each department will receive a \$300.00 refund from FEMA for the grant writing services. Funds originally budgeted for the SCBA replacement will be used. Motion carried by unanimous roll call vote. Mr. Groh commended Mr. Exley for coordinating all of the fire departments to jointly file for this grant.

It was recommended by Matthew Exley, EMA Coordinator and Fire Code Official, moved by Mr. Groh and seconded by Mr. McGrath to approve signing a Memorandum of Understanding (MOU with Northwest PA Emergency Response Group to accept a Ford F550 emergency box truck and a Communications on Wheels Trailer. Motion carried by unanimous roll call vote.

It was moved by Mr. McGrath and seconded by Mr. Morgan to authorize three Board members to attend the annual ECATO Scholarship Dinner on May 26, 2016 at a total cost of \$78.00. Motion carried by unanimous roll call vote.

On separate motions by Mr. Groh and seconded by Mr. McGrath, the following requests from Director of Police Michael Tesore were approved:

Permission , retroactively, for the West Lake Fire Department fire police to conduct traffic control at Presque Isle State Park on April 24, 2016 from 8:00 a.m. – 12:00 Noon. Motion approved by unanimous roll call vote.

Permission for West Ridge Fire Department fire police to conduct traffic control on Millfair Road on May 30, 2016 from 7:30 – 10:30 a.m. for the annual “Freedom Challenge” 5K and 15K Walk/Run. Motion approved by unanimous roll call vote.

Permission for Roar on the Shore and Project Coordinator John Krahe to conduct the annual “Bringin’ in the Roar” motorcycle ride in Millcreek Township on July 14, 2016 from 5:30 – 7:30 p.m. with traffic control to be conducted by three MPD Officers at the expense of the Township. Mr. Morgan asked if the fire police could conduct traffic control, and Mr. Groh and Mr. McGrath felt that this event encompasses a much larger scope and we should use uniformed police offers. Motion carried 2-1, with Mr. Morgan voting no.

Permission for members of the MPD special weapons and Tactics Team to attend "Law Enforcement Armored Vehicle Operations " training at MPD on August 9 and 10, 2016 at a cost of \$800.00 with \$310.00 being reimbursed by a grant. Motion approved by unanimous roll call vote.

On recommendation of William Hitchcock, Operations Manager – Township Garage, it was moved by Mr. Groh and seconded by Mr. McGrath to authorize permission to hire Kolaja Fire Equipment Sales to upgrade engine, lighting and seating modifications to the Armored SWAT vehicle at a cost of \$9,436.16. Motion carried by unanimous roll call vote.

It was requested by Mr. Groh, moved by Mr. McGrath and seconded by Mr. Morgan to permit Mr. Groh, in his capacity as Administrator of Public Safety, to attend the monthly meeting of the Pennsylvania Department of Labor and Industry Accessibility Advisory Board meeting in Harrisburg on May 19, 2016, with all costs to be covered by the Commonwealth of Pennsylvania. No public comment was offered. Motion carried by unanimous roll call vote.

Mr. Groh announced that PennDOT is making an offer for just compensation for the use of some property in front of the Millfair Recycling Center for the Millfair Road project. Mr. McGrath confirmed that it is a tiny amount of property. It was moved by Mr. Groh and seconded by Mr. McGrath to approve an agreement between Keystone Acquisitions, a contractor for PennDOT, and Millcreek Township in the amount of \$2,000.00 for the use of said property. No public comment was offered. Motion carried by unanimous roll call vote.

Mr. Groh announced that H.A.N.D.S., (Housing and Neighborhood Development Services) a local non-profit organization with tax exempt status, recently sent a check for \$3,130.00 to Millcreek Township for 2015. Mr. Groh and the Board expressed their appreciation and thanked H.A.N.D.S. for their contribution.

Gail Jares, Street Light Assessment Clerk, requested permission to order billing materials and change mailing services, but no action was necessary, as these are regular operating expenses.

Sheryl Williams, Assistant Secretary and Open Records Officer, gave the April Right-to-Know report, stating that there were 2 extended requests that were closed in April, and one new request, for a total of 20.5 hours time spent response preparation, with 39 printed pages.

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 11:10 a.m.

Sheryl A. Williams
Assistant Secretary

Approved: May 24, 2016

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