

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.

The Pledge to the Flag was led by Matthew Whitman, an aspiring Eagle Scout. Mr. Groh then 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 from the June 28, 2016 meeting.

It was moved by Mr. McGrath, seconded by Mr. Morgan and carried by unanimous vote to approve the minutes from the July 12, 2016 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 \$911,178.04, and Sewer Revenue Fund bills in the amount of \$329,923.67.

Treasurer Mark Zaksheske presented the Second Quarter Financial Report, noting that the Township is on track in comparison with the 2015 budget, with some areas ahead and some a little behind. He explained that an amendment to the budget will be made to allow for the \$750,000.00 grant to Asbury Woods. A resident asked a question about the recent addition of a part-time Animal Enforcement Officer, and Mr. Groh explained the duties of the position. Mr. Zaksheske also explained that since the contract with MPD has not yet been settled, the Township will have to wait until a determination is made before an accurate Public Safety report can be given. He added that LST contributions to the fire departments have been allotted, but are given only after the Township receives a financial statement from each fire department.

A Public Hearing was held on the following subdivision plan:

GROUSE HOLLOW. Preliminary Major Subdivision Plan. A preliminary plan to show the creation of a stormwater management area and 17 lots to be constructed in two phases along both sides of the proposed Grouse Hollow Drive, an extension of Amy Avenue, located along the north line of East Gore Road (S.R. 4028,) east of Cider Mill Road in Tract 339 and the South Gore Tract. Index 951-006, 007 & 008

Mr. Morris reported that at the meeting of July 5, 2016, the Planning Commission recommended approval. No one appeared to speak on behalf of the applicant; however, the following residents addressed the Board:

Christine Blackman, 3028 Court Avenue, asked who is responsible for making sure all of the subdivision requirements are fulfilled. Mr. Morgan noted that the matter was a little confusing at the last Planning Commission meeting, and asked Engineer Richard Morris to explain. Mr. Morris replied that this is a Preliminary Subdivision Plan, and that the Engineering Department has a checklist of requirements that must be satisfied before approval can be recommended, such as: center line road distance, right of ways, frontage, lot depth, stormwater management, sufficient area for needs, and if the plan meets the requirements of the subdivision ordinance. He continued by explaining how stormwater is collected and managed, stating that the main purpose is to reduce the amount of water run-off. Ms. Blackman asked about the Right of Way in

the front of the project. Mr. Morris explained that PennDOT first reviews the application for a Highway Occupancy Permit, which is issued after safe distance is determined. He stated that the subdivision meets PennDOT requirements. Hill Engineering must then approve the plan, and environmental regulations will have to be considered as well.

Laurie Bednar, 1209 Winesap Drive, spoke on behalf of her mother, Ann Bednar, 1250 Arden Road. She noted that the turnaround on Arden Road is partially on private property, and she would like to know if the residents will be notified if the turnaround will be relocated, and if residents will be updated on the project itself.

Mr. McGrath asked if the surveyor was aware that the turnaround is on private property, to which Mr. Morris replied that Sanford Surveying was not aware of the issue with the turnaround, but the Township is aware. He reported that the Engineering Department just recently learned where the property lines are, and they are in the process of determining what they will need. He noted that the Township has insufficient right of way for what the Engineering Department would like to do, including ensuring 50-foot radius for plow trucks to turn around. He assured Ms. Bednar that residents will be notified of any major changes and the final plans for the project.

Mr. Morgan asked Solicitor Adair if there is a time limitation for the turnaround, or if the turnaround can stay until the streets are connected. Mr. Adair stated he is concerned with the fact that the map does not show a turnaround and also shows a private road rather than a public road. He opined that the turnaround is permitted until the streets are connected.

Marty Manskar, 4816 Michele Court, asked when the next meeting regarding the subdivision will be, and requested that he be notified so he can attend. Mr. Morris replied that he does not know, as there is no definitive time period when the developer must proceed, but that if his property is within 400 feet, he will be notified. Mr. McGrath recommended that if Mr. Manskar is not within the 400 feet, that he contact the Engineering Department and request to be notified.

Mr. Morgan asked Mr. Morris if the Engineering Department has any concerns as to how the road is accessed. Mr. Morris stated yes, the Township must provide 200 feet center line distance between the proposed new road (Grouse Hollow Drive) and Cider Mill Road.

Mr. Adair advised that Supervisor approval should be conditional upon the turnaround being part of the plan, and he and Mr. Morgan advised the Engineering Department to work out the details with the developer first.

It was moved by Mr. Morgan, seconded by Mr. McGrath and carried by unanimous roll call vote to table a vote on the subdivision until the August 23, 2016 meeting, so that more information can be ascertained and residents can be notified.

On recommendation by Charles Pierce, Zoning Administrator, it was moved by Mr. McGrath and seconded by Mr. Morgan to approve a 45 foot drive for commercial access to 2400 Yoder Drive. Mr. Morris explained that traffic will not be increased, but this will separate truck and car traffic. Motion carried by unanimous roll call vote.

On recommendation of Mr. Adair, it was moved by Mr. McGrath, seconded by Mr. Morgan, and carried by unanimous roll call vote to approve Resolution 2016-R-17; A Resolution to designate

and/or confirm designation of persons authorized to initiate actions to enforce Township ordinances exclusive of traffic citations and other matters to be enforced by the Millcreek Township Police Department and to offer testimony as custodians of records and/or responsible officials. Mr. Groh explained that this resolution updates the names and addition of employees involved in the process.

Mr. Morgan announced that since Solicitor Evan Adair is retiring, a Request for Proposal for Legal Services for a new Solicitor was advertised. Four proposals were received and opened on July 8, 2016, with one being incomplete. The Board interviewed the MacDonald Illig Jones & Britton and Quinn, Buseck, Leemhuis, Toohey & Kroto law firms in Executive Session on Monday, July 25, 2016. On motion by Mr. Morgan and seconded by Mr. McGrath, it was carried by unanimous roll call vote to hire the law firm of MacDonald Illig Jones and Britton for legal services as Solicitor, effective August 1, 2016.

On recommendation of Engineer Morris, it was moved by Mr. McGrath and seconded by Mr. Morgan to hire Mark Corey Engineering Services to provide engineering services for the rehabilitation of the Stonebridge Drive culvert in the Whispering Woods subdivision, at a cost of \$9,000.00. Mr. Morris emphasized that this is an urgent matter that must be addressed this year. Motion carried by unanimous roll call vote.

On recommendation of Engineer Morris, it was moved by Mr. McGrath and seconded by Mr. Morgan to approve Change Orders #2 and #3 for the West 26th Street Culvert Replacement project. Mr. Morris noted that pavement replacement thickness will be reduced, but erosion protection will be added, with the adjusted contract price of \$130,356.00 to remain the same. Motion carried by unanimous roll call vote.

On recommendation of Engineer Morris, it was moved by Mr. McGrath and seconded by Mr. Morgan to approve Change Orders #1, #2, #3 and #4 for the West 38th Street Drainage Improvement Project. Mr. Morris explained that Change Order #1 will allow for a change in pipe size, adjustment in the water line for the McDowell West Channel, and replacement of two rusted pipes; Change Order #2 will allow for a trash rack to be placed in the inlet of the 48" pipe mentioned in Change Order #1; Change Order #3 will allow for the addition of 16 lineal feet of sidewalk; and Change Order #4 will accommodate the south ditch flow of West 38th Street into the 60 foot manhole at the intersection of West 38th Street and Vista Drive. Mr. Morris noted that the expected final adjusted contract price is estimated to be substantially below the original contract price. 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 Change Order #1 to the Sidewalk Accessibility Alterations Project – Phase IV. Mr. Morris explained that curbing had to be added in two locations to accommodate the existing topography, but that CDBG funds will cover the cost of \$1,375.00, bring the total updated contract amount to \$151,487.00. Motion carried by unanimous roll call vote.

On recommendation of Engineer Morris, it was moved by Mr. McGrath and seconded by Mr. Morgan to reduce ERIE BANK Letter of Credit #1444 for West Ridge Medical Partners – West Ridge Medical Partners, Developer, in the amount of \$284,031.00, to \$30,400.00, or 10% of the original, as the required buffer plantings do not yet meet Township requirements. Motion carried by unanimous roll call vote.

On recommendation of Engineer Morris, it was moved by Mr. McGrath and seconded by Mr. Morgan to release FIRST NATIONAL BANK CHECK #1082 for Amendment to 2215 Powell Ave – Twenty Two Fifteen Powell, LLC, Developer, in the amount of \$6,385.50. Mr. Morris reported that all public improvements have been completed. Motion carried by unanimous roll call vote.

Mr. Groh summarized the Township's building construction report for the month of June 2016, and announced that the report will be available on the Township website and in the Engineering/Zoning Office.

Total Residential Structures	\$ 545,275.00
Total Non-residential Structures	<u>177,832.00</u>
	\$ 723,107.00
Zoning Permits Issued	25
Zoning Permit Fees	\$ 3,250.00

Treasurer Mark Zaksheske reported that Standard & Poor's Rating Agency recently gave a bond rating of "AA-," which is considered stable, for the Sewer Authority's \$8,080,000 bond issue. Due to the Township's strong budgetary performance and very strong budgetary flexibility, liquidity, and debt and contingent liability profile, this translates to a lower interest rate which will result in interest savings to the Township of more than \$50,000.00.

Mr. McGrath announced that the Recycling Department was recently awarded a \$250,000 grant from the PA DEP Section 902 Grant, which will be used toward the purchase in 2017 of a new self-propelled compost windrow turner for the Millfair Compost and Recycling Center. This machine will aerate larger volumes of leaf waste more efficiently and in accordance with Act 101 of 1988. It was moved by Mr. McGrath and seconded by Mr. Morgan to authorize Township Secretary John Groh to sign the grant. Motion carried by unanimous roll call vote.

Mr. McGrath noted that due to the upcoming retirement of two long-standing Township department managers: Gary Walters, Streets Department and Bill Hitchcock, Operations – Township Garage, the following items needed action:

On recommendation of Human Resource Manager Diane Lyons and Director of Public Works Gary Snyder, it was moved by Mr. McGrath and seconded by Mr. Morgan to hire Sean Kern as Bureau Chief of the Streets Department, effective August 29, 2016, at an annual rate of \$67,488.03, which includes longevity, with a six month performance and salary review in February of 2017. Motion carried by unanimous roll call vote.

On recommendation of Human Resource Manager Diane Lyons and Director of Public Works Gary Snyder, it was moved by Mr. McGrath and seconded by Mr. Morgan to hire Joseph Yatzor as Bureau Chief of Fleet Maintenance, effective July 25, 2016, at an annual rate of \$63,000.00, with a six month performance and salary review in January of 2017. Motion carried by unanimous roll call vote.

On separate motions by Mr. Groh and seconded by Mr. McGrath, the following recommendations from Director of Police Michael Tesore were approved by unanimous roll call vote:

Permission for MobilCom to perform radio repairs and updates in the MPD Communications Center and to the radio receiver currently housed at the Millcreek Mall at a total cost of \$8,501.00.

Permission for Lake City Power systems, LLC to relocate the MPD Communications Center back-up generator and transfer switch from the Grandview Elementary School location to the Lancaster Road water tower location at a cost of \$2800.00.

Permission for West Ridge Fire Department fire police to conduct traffic control at First Alliance Church on August 6, 2016 for a classic car show.

Mr. Groh announced that the 2016 National Night Out will be held at Belle Valley Fire Department on Tuesday, August 2, 2016 from 6:00 – 9:00 p.m. This is a FREE community event featuring games, food, music and fun, and is being sponsored by Smith Provision, Wegman's, United Way and Millcreek Township. Also attending will be representatives from MPD, MPS, the various Township fire departments, Erie County Sheriff's Department, and the Erie County Search and Rescue Canines.

It was requested by Human Resource Manager Diane Lyons, moved by Mr. Morgan and seconded by Mr. McGrath to authorize up to \$2500.00 to Attorney Richard Perhaps of the Knox Law Firm to assist Ms. Lyons with the creation of a Township Handbook, in order to be in compliance with the Collective Bargaining Agreements of the two unions. Motion carried by unanimous roll call vote.

On request of Engineer Richard Morris, it was moved by Mr. McGrath and seconded by Mr. Morgan to authorize Mr. Morris and Assistant Township Engineer Anne Sokol to attend the Municipal Separate Storm Sewer System (MS4) workshop on August 11, 2016 in Cranberry Township, at a total cost of \$100.00, with use of a Township vehicle. Motion carried by unanimous roll call vote.

Mr. Morgan announced that a traffic and venue study along Rt. 99 is being done, and he is in the process of working out a shared cost agreement with MPO and other municipalities. He will give a full report at the August 9, 2016 meeting.

Christine Blackman, 3028 Court Avenue, reported that her neighbor's property building is actually too close to her property, and she needs to go through his fence to gain access to her own property. She asked Attorney Adair what her rights are, and he advised her to consult her own attorney, because the specific lay of the land will dictate what to do.

Bob Nielson, 3448 West 40th Street, asked when the storm sewers will be finished on his street and his road upgraded. He stated that his road has not been paved for 60 years, and that the storm sewer project has been going on for years, while the roads surrounding him have been milled and repaved. Mr. McGrath responded by saying that the Township is not responsible for upgrading the roads, but that they are trying to work their way north as the budget allows. He agreed to meet with Mr. Nielson the next morning to assess the road.

Mr. McGrath announced that this is Attorney Evan Adair's last meeting, as he is retiring after serving Millcreek Township as Solicitor since August 19, 1992. Mr. McGrath recalled several important meetings and many memories, and noted that many of the ordinances used by other county municipalities were originally penned by Mr. Adair. He noted that Mr. Adair will continue on for one more month to assist with the transition, and wished him the best of luck in his retirement.

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 8:20 p.m.

Sheryl A. Williams
Assistant Secretary

Approved: August 9, 2016

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