

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 and Richard Morris, P.E.

The Pledge to the Flag was led by Scott Lee, an aspiring Eagle Scout, and Chairman Groh noted that today is National Flag Day. Mr. Groh then 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 May 24, 2016 regular meeting.

It was moved by Mr. Morgan, seconded by Mr. McGrath and carried by unanimous vote to approve payment of the weekly General Fund bills in the amount of \$956,424.45, and Sewer Revenue Fund bills in the amount of \$287,700.97.

On recommendation of Solicitor Adair, it was moved by Mr. McGrath and seconded by Mr. Morgan to refer to the Millcreek Township Planning Commission a proposed amendment of Section 8.4 of the Zoning Ordinance to allow for adaptive reuse of nonresidential structures as a use on special exception. Motion carried by unanimous roll call vote.

Mr. McGrath announced the Erie Area Council of Governments joint purchasing bids results for corrugated plastic pipe and catch basins and risers, which were opened on May 13, 2016:

CULVERT AND DRAINAGE PIPE:

ADS – Advanced Drainage Systems

Green Distributors and Chemung Supply, authorized distributors

8" HDPE	\$2.50/LF	Qty. 200 LF
12" HDPE	\$4.30/LF	Qty. 1000 LF
15" HDPE	\$5.90/LF	Qty. 800 LF

Walsh Equipment* – Baughman Pipe

8" HDPE	\$2.86/LF	Qty. 200 LF
12" HDPE	\$4.37/LF	Qty. 1000 LF
15" HDPE	\$5.84/LF	Qty. 800 LF

*Delivery charge for orders under 1/2 of a semi-truck load.

On recommendation of Engineer Morris, it was moved by Mr. McGrath and seconded by Mr. Morgan to award the contract for 8" and 12" pipe to ADS for 2.50/LF and \$4.30/LF, respectively, and for 15" pipe (amounts under a 1/2 semi-truck load only) to ADS at \$ \$5.90/LF; and to award the contract for 15" pipe (amounts over a 1/2 semi-truck load only) to Walsh Equipment for \$5.84 per linear foot. Motion carried by unanimous roll call vote.

CATCH BASINS AND RISERS

Mr. McGrath announced that Waterford Precast was the sole bidder:

2' x 2' x 2' Catch Basins w/frame and grate	\$477.00/ EA	Qty. 20
2' x 3' x 3' Catch Basins w/frame and grate	\$627.00 / EA	Qty. 70
2' x 3' x 3" riser	\$ 80.00 / EA	Qty. 60
2' x 3' x 6" riser	\$ 90.00 / EA	Qty. 30
2' x 3' x 12" riser	\$100.00 / EA	Qty. 20

On recommendation of Engineer Morris, it was moved by Mr. McGrath and seconded by Mr. Morgan to award the contract to Waterford Precast for the amounts specified above. Motion carried by unanimous roll call vote.

Mr. McGrath also announced that since the Traffic Department has a good supply of street signs and sign post assemblies, the Township will not award a contract this year, but if supplies are needed, the Township has the option of purchasing them through another participating EACOG municipality.

Bids were solicited and received by Anne Sokol, P.E. for the 2016 Catch Basin Replacement Project and opened on June 12, 2016, as follows: Jim Brozell Construction - \$17,500.00, Paul Amendola - \$11,893.00, Pollard Land Services – No Quote, and Russell Standard Corporation - No Quote. On recommendation of Ms. Sokol and Mr. Morris, it was moved by Mr. McGrath and seconded by Mr. Morgan to award the contract to Paul Amendola for \$11,893.00. Motion carried by unanimous roll call vote.

Quotations for the removal of four trees were solicited and received by Gary Walters, Streets Department Head Foreman as follows: Dibble Tree Service - \$3300.00, Jefferson Tree Service - \$3525.00, J. Thomas Tree Service - \$6020.00. On recommendation of Gary Walters, it was moved by Mr. McGrath and seconded by Mr. Morgan to award the contract to Dibble Tree Service for \$3300.00. Motion carried by unanimous roll call vote.

Solicitor Evan Adair explained that proposed Ordinance 2016-6 is the last codification ordinance to bring the Township up to date so that all intersection ordinances meet regulations. On recommendation of Mr. Adair, it was moved by Mr. Morgan and seconded by Mr. McGrath to enact Ordinance 2016-6; An Ordinance of the Township of Millcreek, Erie County, Pennsylvania to amend Section 2 of Ordinance No. 64, entitled "An Ordinance designating certain street intersections in the Township of Millcreek...as stop or yield intersections, requiring traffic to come to a stop or yield before entering said intersection, and marking the same as herein set forth," so as to effect corrective amendments in contemplation of the codification of Millcreek Township's ordinances; providing for correction and deletion of certain regulations previously enacted; providing for erection or alteration of stop and yield signs at said intersections; providing for penalties for violation of this Ordinance and for severability and repealor. Motion carried by unanimous roll call vote.

Mr. Groh explained that the purpose of proposed Ordinance 2016-7 is to limit the levels of contaminants that may enter the sewer system. David Sterrett, Executive Director of Millcreek Township Sewer Authority, reported that on May 26, 2016, the City of Erie requested that all tributary municipalities that send waste water to the City of Erie amend their respective industrial waste water ordinances to be consistent with the City of Erie. On recommendation of Mr. Sterrett, it was moved by Mr. McGrath and seconded by Mr. Morgan to enact Ordinance 2016-7; An Ordinance amending the local pollutant limits set forth in Section 2.41 of Millcreek Township's Industrial Waste Ordinance as amended and restated by Ordinance 2009-5, so as to conform with amendments effected by the City of Erie; including severability and repealor provisions.

Pam Monaco, Chairman of the Millcreek Township Sewer Authority (MTSA) explained the proposed Integration Assessment Agreement with MTSA. She stated that earlier this year, following the sale of the MTWA assets, MTSA consulted with J.L. Nick for an analysis of staffing, and based on recommendations from J.L. Nick, it was recommended that the Township and MTSA consider a further in-depth study regarding the potential transfer of the current MTSA employees into the Township. The cost for this study is \$6,650.00, and would be shared equally between MTSA and Millcreek Township. Mr. Morgan clarified that the Board is not taking official action to integrate, but rather would be approving the study, with recommendations to be considered by the Board of Supervisors once the study has been completed, the projected which is July 8, 2016.

It was moved by Mr. McGrath and seconded by Mr. Morgan to approve the Integrated Assessment Proposal with MTSA and Millcreek Township, to be conducted by J.L. Nick and Associates, Inc. at a cost of \$3,325.00 to the Township and \$3,325.00 to MTSA. Motion carried by unanimous roll call vote.

Mr. McGrath reviewed the recent request from Asbury Woods Partnership (AWP) for a \$750,000 grant to aid in the purchase of Asbury Woods from Millcreek Township School District (MTSD) to prevent it from being sold to developers. He stated that the vast majority of Township public comment has been in favor of saving Asbury Woods by giving AWP a grant of \$750,000 to complete the purchase. He highlighted portions of the proposed agreement, noting that the funds would be used for the acquisition of assets only, and not for operational expenses, that deed restrictions would be implemented so that the land would be solely for park and recreational use, that should AWP cease to exist or wish to sell the property, MTSD would have the first option to purchase the property, and then Millcreek Township.

He added that if the property were sold, the \$750,000 plus interest would be returned to the Township, and if the Township decided to purchase the property, it would be credited \$750,000 plus interest. In addition, the Township will have representation on the AWP Board by Director of Parks and Recreation, Ashley Marsteller. Mr. McGrath thanked Solicitor Evan Adair and Attorney Mark Shaw for their efforts in constructing this agreement.

Mr. Morgan noted that the \$750,000 grant is to be used to generate matching funds from state and/or other grants, and wanted the public to know that the Board has tried to do its best in gathering public information and opinion, meeting with the MTSD School Board to try to negotiate alternatives, and feels that under the circumstances, this agreement is appropriate.

Mr. Groh stated that initially he was opposed to giving assistance to AWP due to using a large amount of taxpayer dollars. However, after working through the process and making sure safeguards have been incorporated into the agreement, and after hearing public opinion on the importance of saving Asbury Woods, he is in favor of the agreement. He stated it is unfortunate that the school district feels the need to sell Asbury Woods, but that the Township is fortunate it is in a financial position to help. Mr. Groh then asked for public comment, and there was none.

Mr. McGrath reiterated that it is unfortunate that the Township was put in this position, but feels it is in the Township's and residents' best interest to approve this agreement. It was then moved by Mr. McGrath and seconded by Mr. Morgan to approve the Agreement with Asbury Woods Partnership. Motion carried by unanimous roll call vote.

Engineer Richard Morris reported that the Township received a Financial Security Release Request from Pine Valley – South Shore Construction Management, Inc., Developer, noting that all requirements have been satisfied. On recommendation of Mr. Morris, it was moved by Mr. McGrath and seconded by Mr. Morgan to approve a release of Letter of Credit from ErieBank Check #2492 for \$5,720.00. Motion carried by a unanimous roll call vote.

Engineer Richard Morris reported that the Township received a Financial Security Release Request from Construction Resources One, LLC – Construction Resources One LLC, Developer, noting that all requirements have been satisfied. On recommendation of Mr. Morris, it was moved by Mr. McGrath and seconded by Mr. Morgan to approve a release of Letter of Credit from Huntington National Bank Check #OSB.009043 for \$10,359.00. Motion carried by a unanimous roll call vote.

On recommendation of Engineer Richard Morris, it was moved by Mr. McGrath and seconded by Mr. Morgan to approve a sidewalk deferral agreement for Robert M. and Lynn M. Wickles, 5401 Aspen Drive. Mr. Morris noted there are no sidewalks in the area. Motion carried by a 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 maintenance agreement for Glenwood Pet Hospital - JP Realty Group, LLC, Developer. Mr. Morris reported that all requirements have been met and the owner has agreed to maintain the stormwater facility. Motion carried by a 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 maintenance agreement for Giant Eagle #4237 – Millcreek Marketplace, LLC, Developer. Mr. Morris reported that all requirements have been met and the owner has agreed to maintain the stormwater facility. Motion carried by a unanimous roll call vote.

On recommendation of Engineer Richard Morris, it was moved by Mr. McGrath and seconded by Mr. Morgan to approve a Third Amendment to Amended and Restated Declaration of Condominium for Stonebrook Condominiums at Whispering Woods. Mr. Morris explained that the original plan was for 62 units, which have been reduced to 49 units, and the developer is looking to replace those units with 7 single family patio homes. 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 approve the following part-time employees for the Summer Season 2016:

<u>NAME</u>	<u>POSITION</u>	<u>HOURLY RATE</u>	<u>HIRE DATE</u>
Patricia Maggie Radu	WSI/MIHS Pool	\$ 8.50	New Hire
Jenice LaRocca	Office Part Time	\$ 8.45	Re-hire
Nathaniel Schweitzer	WSI	\$ 9.00	Rate Change
Abby Kurczewski	WSI	\$ 8.50	Rate Change
Sara Prischak	WSI	\$ 8.50	Rate Change
John Bauer	WSI	\$ 9.00	Rate Change
Victoria Sanders	WSI	\$ 8.50	Rate Change
Kali Marie Rogers	Day Camp	\$ 7.65	New Hire
Camden Pauli	Lifeguard- BV Pool	\$ 7.65	New Hire
Craig Skellie	Veteran's Shelter	\$25.00	Per Event
Melanie Franz	WSI	\$ 9.00	Rate Change
Jacquelyn McLaughlin	Lifeguard –Sub	\$ 7.65	New Hire

Motion carried by unanimous roll call vote.

Mr. McGrath announced that Erie County Council has asked Millcreek Township to broadcast County Council meetings on its government channel. Mr. McGrath reported that WQLN actually prepares the Township's produced material for broadcast on its server, and then Time Warner Cable broadcasts the recordings on cable television. Mr. McGrath stated that the Township is researching the cost and will contact County Council with this information.

On recommendation of Gary Snyder, Director of Public Works, it was moved by Mr. McGrath and seconded by Mr. Morgan to authorize Bill Hitchcock, Operations Manager, Township Garage, to travel to Somerset, PA on June 15, 2016, at no cost to the Township, to inspect the chassis and design of the dump truck bodies ordered earlier this year. No public comment was offered. Motion carried by unanimous roll call vote.

On recommendation from Director of Police Michael Tesore, it was moved by Mr. Groh and seconded by Mr. McGrath to approve the use of Belle Valley Fire Department fire police for traffic control at the LECOM Wellness Center 5K Run/Walk on August 6, 2016. Motion carried by unanimous roll call vote.

On recommendation of Director of Police Michael Tesore, it was moved by Mr. Groh and seconded by Mr. McGrath to authorize Sgts. Kucenski and Fallon to attend a "Child Abuse Investigations"

class in New Castle, PA from June 28-30, 2016 at a total cost of \$850.00. Motion carried by unanimous roll call vote.

On recommendation of Matthew Exley, EMA Coordinator and Fire Code Official, it was moved by Mr. Groh and seconded by Mr. McGrath to appoint Cory Merryman from the Sewer Department to the 929 Team. Mr. Groh noted that Ms. Merryman is a member of West Ridge Fire Department and has recently passed her Emergency Responder certification. Motion carried by unanimous roll call vote.

It was moved by Mr. Groh and seconded by Mr. McGrath to approve a third party settlement agreement under confidentiality. Motion carried by unanimous roll call vote.

Mr. Groh announced that today is the 100th observation of Flag Day, which was declared on May 30, 1916 by President Woodrow Wilson. He reminded residents that the Township has a special barrel available at the Municipal Building designated for flag disposal.

It was requested by Assistant Secretary Sheryl Williams, moved by Mr. Groh and seconded by Mr. Morgan to authorize Ms. Williams to enroll in a notary reappointment recertification class, and at the request of the Human Resources Department, to register for a Motor Vehicle Agent Services Basic Title and Registration Course, at a total cost of \$475.28. Motion carried by unanimous roll call vote.

Open Records Officer Sheryl Williams reported that four new Right-to-Know requests were received in May, with two being granted and two partially denied due to the non-existence of the records being requested. She stated that 8 hours were spent processing the requests at a total cost of \$11.38.

Engineer Richard Morris announced that the bases of the four steel columns in Garage #1 were recently discovered to be severely rusted, and that the Township received a proposal from MGM General Construction Corporation to repair the severely deteriorated columns. Mr. Morris noted that the structural steel work will be done in accordance with Structural Engineer Hank Graygo, P.E.'s design on an emergency basis. On recommendation of Mr. Morris, it was moved by Mr. McGrath and seconded by Mr. Morgan to award the contract to MGM General Construction Corporation for the base proposal cost of \$7,632.00, along with a concrete removal alternative in the amount of \$3,096.00 and concrete placement in the amount of \$2,736.00, for a total repair cost of \$13,464.00. Mr. McGrath confirmed that there are funds available in the Building Maintenance budget for this unforeseen repair. No public comment was offered. Motion carried by unanimous roll call vote.

Mr. Groh announced that there will be an upcoming PennDOT Hearing and display of plans for interested residents regarding the Zimmerly Road – Interchange Road Project on Wednesday, June 22, 2016 at the First Alliance Church, 2939 Zimmerly Road, from 6:00 – 7:30 p.m.

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

Total Residential Structures	\$ 1,721,060.00
Total Non-residential Structures	<u>437,662.00</u>
	\$ 2,158,722.00
Zoning Permits Issued	35
Zoning Permit Fees	\$ 5,650.00

Mr. Groh summarized last night's Public Hearing on the proceeds from the sale of MTWA assets as follows: Approximately 60 people attended, with almost half being volunteer firefighters. He stated that the information gathered will be incorporated the Township's Comprehensive Plan, which will kick-off in August 2016. Mark Zaksheske, Treasurer, gave a financial presentation on status of the

proceeds from the sale of MTWA assets and options for investing the funds. The volunteer fire departments made a presentation noting improvements and funds they need and what they would like to see done with the water sale proceeds. Fourteen residents spoke, offering suggestions on road repair, a community center, investing the funds, supporting and opposing a grant to Asbury Woods Partnership, the possibility of paid fire departments, adding more police officers, updated MPS equipment, prioritizing Township needs before spending, and some expressed concern about tax exempt properties. Mr. Groh reported that the Supervisors offered ideas as well, including using the money for transformational projects to generate development and more jobs in the Township, and leveraging the money by finding matching grants to maximize the amount available to utilize. He asked the public to continue calling, emailing, and talking to the Supervisors about their suggestions and ideas for the future of the Township.

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 10:32 a.m.

Sheryl A. Williams
Assistant Secretary

Approved: June 28, 2016

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