

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, Mark Shaw, Esq., Sheryl Williams and Richard Morris, P.E.

Following the Pledge to the Flag, Mr. Groh introduced and welcomed new Student Ambassador, Sydney Stitt from McDowell High School. Sydney is a senior honor's college program student and member of the National Honor Society, participates in Speech and Debate, Model United Nations, Mock Trial, and plays varsity tennis. She hopes to major in engineering at an accredited university.

Mr. 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 from the August 23, 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 \$1,608,176.62, and Sewer Revenue Fund bills in the amount of \$95,995.19.

A Public Hearing was held on the following subdivision plan, extension granted from the August 23, 2016 meeting:

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

Engineer Richard Morris reported that the Planning Commission originally recommended approval at its July 5, 2016 meeting. It was tabled at the July 26, 2016 Board of Supervisors meeting, and then the developer requested a time extension until today's meeting to allow more time to finalize details for the Arden Road turnaround. Developer David Baldwin, 1440 High Street stated that the plan correctly shows the existing turnaround on the property line. Mr. Morgan stated that the Township would appreciate the use of the turnaround at least until April of 2017, and Mr. Baldwin agreed to allow the Township to use the turnaround "as is" until Phase 2 of the plan has been approved. Laurie Bednar, 1209 Winesap Drive, whose mother's property is on Arden Road, asked for clarification whether a portion of her mother's property is still being considered for the eventual Right of Way in addition to the Right of Way that has already been given to the Township. Mr. Morris answered yes. She stated that her mother has not given her approval, and would prefer not to for aesthetic reasons, and asked that the Township consider using the other side of Arden Road instead. Mr. Morris added that the snow plow wings and plows are always on the right side of the trucks. On recommendation of Mr. Morris, it was moved by Mr. McGrath and seconded by Mr. Morgan to approve the Grouse Hollow Preliminary Major Subdivision Plan. Motion carried by unanimous roll call vote.

Engineer Morris reported that a drawing and request for an Exemption from Land Development Plan were received from Bonnell Collision, 2570 West 26th Street. He explained that the owner is proposing a 3,000 square foot addition, and typically this would not need to go before the Planning Commission, but in this case, the plan significantly alters the property and there are not enough parking spaces for the business. Gary Matczak, 4509 West Ridge Road, representing the owner, stated that the proposed plan meets Land Development Ordinance exemption requirements, and should therefore be exempt. Mr. Groh replied that this is a case where Mr. Bonnell is a very successful businessman, but he already has limited parking and this plan is not leaving him enough parking area. Mr. McGrath noted that the current traffic being generated is too much for the current parking allowance, and it would be unfair to neighbors if an exemption is granted and they do not have an opportunity to have their voices heard. Mr. Matczak replied that it is not good to limit the owner to growing his business, but that Mr. Bonnell does own a parcel of land adjacent to the east of his property that could possibly be used for additional property, and would be willing to make some concessions. Mr. McGrath suggested that Mr. Bonnell resubmit the plan configuring in the additional property, and Mr. Morgan added that he felt it is important for neighbors to have the opportunity to voice their concerns. On recommendation of Mr. Morris, it was moved by Mr. McGrath and seconded by Mr. Morgan to deny the Land Development Plan Exemption for Bonnell's Collision. Motion carried by unanimous roll call vote.

Engineer Morris reported that the Land Development Plan for the New Multi-Purpose Field for Millcreek Township School District was originally approved at the meeting of February 23, 2016, and MTSD is proposing to eliminate a driveway connecting the main parking area to Caughey Road, the addition of seven parking spots and reconfiguration of the proposed public sidewalk. Mr. Morris expressed some concern about the "jog" in the sidewalk now that the driveway has been removed. Mr. Morgan asked if this will trigger new parking lot requirements, to which Solicitor Shaw replied that as a nonsubstantial land amendment plan no new requirements should be necessary. Thomas DeFratte, 3740 West 26th Street, representing MTSD, stated that the reason the sidewalk was moved back to the fence was for ease of maintenance and to connect it to an interior walkway on the complex. Mr. McGrath noted there will now only be one access onto 38th Street from the larger lot, and if filled, there may be issues with people trying to make a left turn. Mr. DeFratte explained that they did look at this, but the multi-purpose field will be practice facility and most activities will be non-athletic in nature, so he feels that left turns should not be that difficult. Mr. Morgan added that the 38th Street traffic signals should help alleviate with gaps in traffic. On recommendation by Mr. Morris, it was moved by Mr. McGrath and seconded by Mr. Morgan to approve the Nonsubstantial Land Development Plan Amendment for Millcreek Township School District's New Multi-Purpose Field. Motion carried by unanimous roll call vote.

Engineer Morris reported that the Land Development Plan for the Temple Anshe Hesed was originally approved at the meeting of November 24, 2015, and they are seeking a Nonsubstantial Land Development Amendment to adjust the location of the structure and reconfigure the parking areas. Robert Banks, 603 West 6th Street, Spaulding and Banks Project Manager, reported that the new plan would involve moving the building to the highest part of the site, minimize tree cutting, reconfigure parking, reduce the building size from 13,000 to 10,000 square feet, and would move the stormwater management to an underground facility instead of a retaining pond, all which would result in cost savings and minimize grading and enhance the environment. Mr. Morgan asked Mr. Morris to confirm that the location of sidewalks must be shown in the drawings, to which Mr. Morris replied yes, if a sidewalk deferral agreement will be sought. Mr. Morris noted that there may be some problems with locating sidewalks along the Zimmerly Road right of way. It may have to be moved further north. Mr. Morgan moved to table action on the Nonsubstantial Land Development Plan Amendment for Temple Anshe Hesed until the September 27, 2016 meeting due to being incomplete, but it died for lack of a second.

Steve Spaulding, 641 Vermont Street, Spaulding and Banks stated that he was under the impression that a sidewalk deferral agreement was agreed upon when he met with Township engineers, and the issue had already been resolved and therefore sidewalks were not needed to be shown on the drawing. Mr. Morris explained that future projects in that area may require the need for connecting sidewalks in the area. Mr. Morgan noted that the Land Development and Subdivision Ordinance dictates that the plans must show where the sidewalks will be located.

Mr. Banks asked to approach the Supervisors with a suggested location on the map where he felt that sidewalks could be located. It was moved by Mr. McGrath and seconded by Mr. Groh to approve the Temple Anshe Hessed Nonsubstantial Land Development Plan Amendment, conditional upon the amended drawing showing a sidewalk location that is acceptable to the Township Engineer. Motion carried 2-1, with Mr. Morgan voting no.

Requests for proposals for Investment Fund Manager were solicited and received by Treasurer Mark Zaksheske, with sealed bids opened on August 26, 2016 at 2:00 p.m. as follows:

	<u>FEE</u>	<u>YIELD</u>	<u>NET</u>
1. RBC Wealth Management	.10%	1.10%	1.00%
2. PLGIT	.18%	1.00%	0.82%
3. Erie Bank	.14%	1.80%	1.66%
4. FNB Wealth Management	.25%	1.52%	1.27%
5. Morrison Fiduciary Advisors	.29%	2.02%	1.73%
6. PNC Capital Advisors	.10%	1.79%	1.69%

Mr. Zaksheske reported that he is currently in discussion with several of the investors and will have a recommendation at the next meeting.

Quotations for tree and stump removal at 4618 Amherst, 3141 Morning Sun and 3850 Woodcrest Drive were solicited and received by Streets Bureau Chief Sean Kern as follows: Dibble Tree Service - \$1100.00, J. Thomas Tree Service - \$1115.00, Jefferson Tree Service – Incomplete Response. On recommendation of Mr. Kern, it was moved by Mr. McGrath and seconded by Mr. Morgan to award the contract to Dibble Tree Service for \$1100.00. Motion carried by unanimous roll call vote.

It was moved by Mr. Morgan and seconded by Mr. McGrath to appoint Mary Styn to the Sewer Authority to fill the current vacancy. Mr. Morgan noted her government and public policy experience as well. Motion carried by unanimous roll call vote.

Mr. Morgan announced that the Township has been awarded a \$25,000 grant from the Erie County Department of Planning for reimbursement for the Stonebridge Road Rehabilitation Project. It was moved by Mr. Morgan and seconded by Mr. McGrath to approve the Stonebridge Road Culvert Replacement Grant Agreement with Erie County. Motion carried by unanimous roll call vote.

Solicitor Mark Shaw announced that former Solicitor Evan Adair has agreed to continue to manage some legal matters for the Township after his retirement to ensure continuity and avoid any possible conflicts of interest that Atty. Shaw may encounter. On recommendation of Atty. Shaw, it was moved by Mr. McGrath and seconded by Mr. Morgan to approve a Legal Services Agreement with Atty. Adair to maintain his prior hourly fee of \$200.00, with an annual hourly increase of \$5.00, per the Ordinance. Motion carried by unanimous roll call vote.

Mr. Morgan reported that the Board received a letter from Jim Cardman, Chair of the Lake Erie Coastal Zone Management Committee, stating that a significant cut in funding to Erie County's

program is being proposed by the Pennsylvania Department of Environmental Protection Resources Management Program. He is requesting that the Board send a letter to local and state officials in support of retaining funding for the Lake Erie Coastal Zone, as it is the reason that the office in Harrisburg exists. It was moved by Mr. Morgan and seconded by Mr. McGrath to send a letter of support for the Erie County Coastal Resources Management Program. 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 Change Order #3 for the Sidewalk Accessibility Alterations Project – Phase IV in the amount of \$52,375.00. Mr. Morris reported that two ramps will be deleted and twenty-five ramps will be added, with \$24,988.00 covered under the current CDBG budget, and the remaining \$27,387.00 to be paid using funds from the 2016 engineering budget. 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 a Sidewalk Deferral Agreement for Lot 25 of Chadwick Fruit Farms Subdivision – Gregory T. Rogers, Jr. and Joanne E. Rogers, Developer. Mr. Morris reported there are no sidewalks in the area. 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 a Stormwater Maintenance Agreement for St. Mark's Episcopal Church – The Rector, Church Wardens and Vestry of St. Mark's Church, Developer. Mr. Morris reported that the stormwater facility will be owned and maintained by the church. Motion carried by unanimous roll call vote.

On recommendation of Ashley Marsteller, Director of Parks and Recreation, it was moved by Mr. McGrath and seconded by Mr. Morgan to approve Rachel Kaveney as a Lifeguard for the Fall Season at an hourly rate of \$7.95. Motion carried by unanimous roll call vote.

On behalf of Recycling Coordinator Jessica Stutzman, Mr. McGrath announced that Millcreek Township will be a host site for International Coast Cleanup again this year on Saturday, September 17th from 9:00 a.m. to Noon along Walnut Creek within Bridger Park. Students who need volunteer hours for school or church can bring their paperwork to be signed.

Mr. Groh announced that a request was received from Brian Fuller, Principal of McDowell High School, requesting that the north emergency exit gate from MIHS be opened from 5:25 – 6:45 p.m. on October 14, 2016 for the Homecoming Parade. Mr. McGrath explained that this road is normally closed and open only for emergency services, due to a stormwater agreement with the neighborhood. However, he feels this is an excellent example of how it could be used to alleviate traffic on Homestead Drive. It was moved by Mr. McGrath and seconded by Mr. Morgan to approve Mr. Fuller's request. Motion carried by unanimous roll call vote. Mr. Groh asked the Times News to please publish an article detailing this announcement so the public is aware and understands the reason for this.

It was moved by Mr. Groh and seconded by Mr. McGrath to approve, retroactively, a request for the use of fire police from West Lake, West Ridge and Belle Valley Fire Departments during the Barber Center Beast on the Bay event on September 10, 2016. Motion carried by unanimous roll call vote.

It was requested by Director of Police Michael Tesore, moved by Mr. Groh and seconded by Mr. McGrath, to approve the purchase of two Tasers with accessories from Taser International at a total cost of \$2,294.90, to be funded through the Walmart public service grant program. Motion carried by unanimous roll call vote.

It was requested by Mr. Morgan, moved by Mr. McGrath and seconded by Mr. Groh to authorize Mr. Morgan, in his capacity as administrator of and liaison to the Zoning and Engineering Departments, to attend the Pennsylvania Chapter of the American Planning Association's Annual Conference October 16-18, 2016 in Allentown, at a total cost of \$780.80, with use of a Township vehicle. Motion carried by unanimous roll call vote.

Solicitor Shaw announced that action on proposed Ordinance 2016-11 to adopt the Township's codification documents will take place at the September 27, 2016 meeting at 7:00 p.m. The codification documents are available for review on the website at www.millcreektownship.com and also in hard copy in the Administration Office.

Open Records Officer Sheryl Williams gave the August Right-to-Know report, announcing there were two requests, both of which were granted at a total cost of \$5.86.

Mr. Groh thanked local businessman Peter Fedorko for allowing five local fire departments to display a very large American flag on his property at 12th Street and Peninsula Avenue on September 11, 2016, in remembrance of the terrible tragedy of September 11, 2001.

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

Total Residential Structures	\$ 1,545,275.00
Total Non-residential Structures	<u>899,300.00</u>
	\$ 2,444,661.00
Zoning Permits Issued	41
Zoning Permit Fees	\$ 5,650.00

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 10:37 a.m.

Sheryl A. Williams
Assistant Secretary

Approved: September 27, 2016

Brian P. McGrath
John M. Morgan