

The regular meeting of the Millcreek Township Board of Supervisors was called to order at 7:00 p.m. by Vice Chairman Brian McGrath in the Assembly Room of the Millcreek Township Municipal Building. Chairman John Groh was absent. Present were Mark Zaksheske, Brian McGrath, John Morgan, Mark Shaw, Esq., Sheryl Williams and Richard Morris, P.E.

Following the Pledge to the Flag, Mr. McGrath 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 from the September 13, 2016 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 \$711,016.62, Sewer Revenue Fund bills in the amount of \$951,946.52, and Former Millcreek Township Water Authority payments in the amount of \$3,550.00.

A Public Hearing was held on the following subdivision plans:

**LIDL – WEST ERIE PLAZA. Land Development Plan. A land development plan to show a proposed 35,962 square foot grocery store with associated parking and stormwater management facilities, located north of West 12<sup>th</sup> Street (S.R. 5) and west of Pittsburgh Avenue (S.R. 4017) in the West Erie Plaza in Tracts 15 & 16. Index 237-001**

Engineer Richard Morris reported that at the meeting on September 6, 2016, the Millcreek Planning Commission recommended approval.

Eric Britz of Bohler Engineering, speaking on behalf of the developer, stated that the proposed 2.6 acre plan includes a 35,962 square foot grocery store that will replace a 32,000 square foot grocery store located in the southwest corner of the West Erie Shopping Plaza. The proposed stormwater management system will include a mixture of four rain gardens and an underground piping system which will meet the Township's ordinance requirements. Although the Township's ordinance requires 7% green space, this plan is proposing 22% green space, and 723 parking places are proposed.

No one spoke in opposition to the land development plan. It was moved by Mr. Morgan and seconded by Mr. McGrath to approve the LIDL – WEST ERIE PLAZA Land Development Plan. Motion carried by unanimous roll call vote

**STAN'S GARDEN CENTER – WEST. Land Development Plan. A land development plan to show a proposed 6,048 square foot greenhouse and a 2,016 square foot greenhouse with associated stormwater management facilities, located at the southwest corner of West Lake Road (S.R. 5) and Cole Drive in Tract 282. Index 133-001**

Engineer Richard Morris reported that at their meeting on September 6, 2016, the Millcreek Planning Commission recommended approval, with the requirements that the following be shown on the drawings: Sidewalks along West Lake Road and Cole Drive, and buffer plantings adjacent to R-1 properties behind existing and proposed buildings.

Josh Skarzenski, 2131 Hannon Road, Stan's Garden Center West, speaking on behalf of the developer, stated that this facility will be used for display and sales only, and not for growing plants. It has been a two-step process, with renovation of the front portion of the property first, and then construction of the greenhouses, which are connected. The existing vacant house will also be removed.

Mr. Morgan asked Mr. Morris if the required amended drawings had been submitted, and Mr. Morris replied that they have not. Mr. Skarzenski stated that he understands the requirements. On recommendation of Engineer Morris, it was moved by Mr. Morgan and seconded by Mr. McGrath to approve the STAN'S GARDEN CENTER- WEST Land Development Plan contingent upon submission of the required revised drawings to the Township showing sidewalk and screen buffers. Motion carried by unanimous roll call vote.

Quotations to have the fill tube and cap repaired on the diesel tank were solicited and received by Joe Yatzor, Fleet Maintenance Bureau Chief, as follows: Jemko Petroleum Equipment - \$4,700.00, Rabe – No Bid. On recommendation of Public Works Director Gary Snyder, it was moved by Mr. McGrath and seconded by Mr. Morgan to award the contract to Jemko Petroleum Equipment for \$4,700.00. Motion carried by unanimous roll call vote.

Treasurer Mark Zaksheske reported that since the last meeting, in reviewing the data from the investment proposals for wealth management of the former Millcreek Township Water Authority (MTWA) Funds, he found there were some errors in yield interpretation. After further discussion with several of the investors who submitted proposals, he was able to negotiate lower fees and a higher yield for the Township as well. Mr. Morgan clarified that this account is for investment of funds from the proceeds from the sale of the former MTWA, and that the Supervisors had discussed their intent to designate the interest from these funds for capital improvements. Solicitor Shaw added that under the Second Class Township Code, the ability to invest Township funds is limited to certain types of investments which are low in risk and thus are usually low interest investments.

On recommendation by Mr. Zaksheske, it was moved by Mr. Morgan and seconded by Mr. McGrath to engage FNB Wealth Management as the Investment Fund Manager for the former MTWA sales proceeds funds at a fee of 0.20%, a yield of 1.52% and a net yield of 1.32%. Motion carried by unanimous roll call vote.

Furthermore, it was recommended by Treasurer Zaksheske, moved by Mr. Morgan and seconded by Mr. McGrath that Supervisors John Groh, Brian McGrath and John Morgan, and Treasurer Mark Zaksheske be designated as authorized signers on the FNB Wealth Management account. Motion carried by unanimous roll call vote.

Mr. McGrath read proposed Code Ordinance 2016-11, and Solicitor explained that the intent is to make it easier for everyone to locate Township laws and information. All of the ordinances have been converted from one format into one large document, which has taken several years. Mr. McGrath stated that the code is available on the Township website and is very helpful and easy to use. On motion by Mr. Morgan, seconded by Mr. McGrath, Ordinance 2016-11 was approved by unanimous roll call vote; An Ordinance to approve, adopt and enact an Ordinance Codification for the Township of Millcreek, County of Erie, Commonwealth of Pennsylvania; to provide for the repeal of certain legislation not included therein; to save from repeal certain other legislation not included therein; and to provide penalties for tampering with the Code.

It was moved by Mr. Morgan, seconded by Mr. McGrath and approved by unanimous roll call vote to approve Resolution 2016-R-18; A Resolution of the Board of Supervisors of the Township of Millcreek to Submit a Keystone Communities Grant Application through the Office

of the Department of Community and Economic Development (DCED) for the Reconfiguration and Renovation of the Millcreek Golf and Learning Center.

It was moved by Mr. Morgan and seconded by Mr. McGrath to approve the sale of Erie County Parcel 33-016-019.0-268.32 [546 Polito Drive] for \$250.00. Mr. Zaksheske explained this is a routine matter when the county requests tax forgiveness to sell a property, which in this case is a mobile home, with tax forgiveness of \$122.41. Motion carried by unanimous roll call vote.

On recommendation of Engineer Richard Morris, it was moved by Mr. Morgan and seconded by Mr. McGrath to approve a Sidewalk Deferral Agreement for Stan's Garden Center-West – James S. Skarzenski, Developer, contingent upon the placement of sidewalks still being shown on the plans and submitted to the Township. Mr. McGrath noted that the time may come when sidewalks may have to be installed at some point in the future. Motion carried by unanimous roll call vote.

On recommendation of Engineer Richard Morris, it was moved by Mr. Morgan and seconded by Mr. McGrath to approve a Stormwater Maintenance Agreement for Birch Run Residue – Baldwin Brothers, Inc., Developer. Mr. Morris noted that the owner will be responsible for the maintenance of the stormwater facility. Motion carried by unanimous roll call vote.

On recommendation of Engineer Richard Morris, it was moved by Mr. Morgan and seconded by Mr. McGrath to approve a Stormwater Maintenance Agreement for Humane Society – Pet Wellness Clinic – Humane Society of Northwest Pennsylvania, Developer. Mr. Morris noted that the owner will be responsible for the maintenance of the stormwater facility. 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 Kylie Haught as a substitute Fitness Instructor for the Body Sculpt program for the Fall Season at an hourly rate of \$9.50. Motion carried by unanimous roll call vote.

It was requested by Public Works Director Gary Snyder, moved by Mr. McGrath and seconded by Mr. Morgan to authorize Sean Kern, Joe Yatzor, Dean Carlson and Mr. Snyder to attend a Skill Path seminar for Excelling as a Manager or Supervisor on December 9, 2016 at a total cost of \$356.00, with use of a Township vehicle. Mr. Morgan added that he feels this seminar would benefit these employees, who are new to their positions. Motion carried by unanimous roll call vote.

It was requested by Public Works Director Gary Snyder, moved by Mr. McGrath and seconded by Mr. Morgan to authorize Sean Kern and Joe Yatzor to attend a safety and compliance seminar on October 4, 2016 at no cost to the Township. Motion carried by unanimous roll call vote.

It was requested by Director of Police Michael Tesore, moved by Mr. McGrath and seconded by Mr. Morgan, to approve the participation of MPD in the Semiannual National Drug Take Back Initiative at the Millcreek Township Municipal Building on October 22, 2016 from 10:00 a.m – 2:00 p.m. Motion carried by unanimous roll call vote.

It was requested by Director of Police Michael Tesore, moved by Mr. McGrath and seconded by Mr. Morgan, to authorize Sgts. Mitchell, Hauber, Kucenski, Fallon, Skonieczka, Herman and Irwin to attend a "First-Time Manager or Supervisor" class on November 16, 2016 at a total cost of \$1,043.00. Motion carried by unanimous roll call vote.

Mr. Morgan announced that he was contacted by the owner of the West Erie Plaza late last week, who had learned that PennDOT is offering a grant opportunity entitled "Greenlight Go" for the repair, replacement or update of traffic lights, and the application deadline is Friday, September 30, 2016. There is interest to relocate the traffic signal nearest to the one at 8<sup>th</sup> and Pittsburgh Avenue, and the grant requires a local match of 20%. The owner of West Erie Plaza has offered to assist financially. It was moved by Mr. Morgan and seconded by Mr. McGrath to pursue the PennDOT "Greenlight Go" grant. Mr. McGrath called for public comment but none was offered. Motion carried by unanimous roll call vote.

A member of the audience asked when construction on the new LIDL grocery store will begin. A representative of LIDL replied that there are no immediate plans yet, but it will be no later than 2018.

Dave Jeziorski, 1316 Harper Drive, asked who maintains the ditch at the back of his property that floods from the golf course, and Mr. McGrath replied that the Township dredged it approximately 15 years ago, and will look into getting a permit to dredge it again to return it to the condition it was in 15 years ago.

Brian Karnicky, 1326 Harper Drive, reported that he bought his home one year ago, and since that time has experienced a terrible sewage odor in his back yard, along with severe wetness to the point that he cannot mow his yard at times. He has young children and is concerned for their well-being and safety. Mr. McGrath replied that he will have the Inflow and Infiltration team investigate it, and a crew will look into removing any debris from the Marshall Run tomorrow morning.

There being no citizens to be heard or any further business to come before the Board, it was moved by Mr. Morgan and seconded by Mr. McGrath to adjourn the meeting at 7:42 p.m.

Sheryl A. Williams  
Assistant Secretary

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Approved: October 11, 2016

Brian P. McGrath  
John E. Morgan

John H. Groh, abstained