

The regular meeting of the Millcreek Township Board of Supervisors was called to order at 7:00 p.m. by Chairman Richard Figaski in the Assembly Room of the Millcreek Township Municipal Building. Present were Gerald Wolf, Richard Figaski, Brian McGrath, John Groh, Evan Adair, Esq., Richard Morris, P.E., Julie Maggio and Sheryl Williams.

Following the Pledge to the Flag, Chairman Figaski called for public comment on agenda items other than development or rezoning applications. No comments were offered.

It was moved by Mr. Groh and seconded by Mr. McGrath to approve the minutes of the Board's June 9, 2015 meeting. Motion carried by a unanimous roll call vote.

It was moved by and Mr. McGrath seconded by Mr. Groh to approve payment of the General Fund bills in the amount of \$1,932,305.10, and Sewer Revenue Fund bills in the amount of \$391,111.75. Motion carried by a unanimous roll call vote.

Consideration of Subdivision Plan:

CHUCK W. & JUDY A. KINDLE. Subdivision Plan. A small subdivision plan to show the replot of existing Lots 1, 2 and an adjoining parcel into two new parcels, Parcel "A" and Parcel "B", and to make existing Lot 3 an integral part of the neighboring parcel, Erie County Tax Parcel 33-105-474-44, located along the north line of East Gore Road (State Route 4028), west of Wattsburg Road in Tract 339. Index 906-014.

Engineer Morris reported that on June 2, 2015 the Millcreek Township Planning Commission recommended approval with two requirements: Lot 3 is to become an integral part of the neighboring parcel, Erie County Tax Parcel (33)105-474-44, and the zoning boundary lines on the mylar are to be labeled.

John Laird of Laird Associates, 1557 W. 26th St., representing the subdivision, stated that he understands the requirements. No one spoke in favor of or in opposition to the subdivision.

It was moved by Mr. Groh and seconded by Mr. McGrath to approve the Chuck W. and Judy A. Kindle Subdivision Plan with the stated requirements. Motion carried by a unanimous roll call vote.

A Public Hearing was held on a Petition Requesting a Change in Zoning Classification:

H H & R Partnership, for property located at 3746 West 12th Street, now zoned C-2 General Commercial District and R-1 Single Family Residential District, asking for a change in classification of the R-1 Single Family Residential District portion to C-2 General Commercial District. Index 241-034. Co. Index 33-027-086.0-029.00.

Assistant Zoning Administrator Julie Maggio reported that on May 12, 2015 the Millcreek Township Planning Commission recommended approval. Erie County Planning reported that the proposed zoning change is generally consistent with the Erie County comprehensive plan and the Millcreek Township Future Land Use Plan shows commercial. No one spoke in favor of or in opposition to the subdivision.

It was moved by Mr. McGrath and seconded by Mr. Groh to approve the change in zoning classification of the R-1 Single Family Residential District portion of 3746 West 12th Street to C-2 General Commercial District. Motion carried by a unanimous roll call vote.

Bids were solicited and received by Ashley Marsteller, Parks and Recreation Director for the following projects:

Two Gymnastic Training Pits: UCS - \$2,736.00, BSN - \$4,599.98, US Games - \$3,299.98 and GMR - \$2,758.00. On recommendation of Ms. Marsteller, it was moved by Mr. McGrath and seconded by Mr. Groh to purchase the gymnastic equipment from UCS for \$2,736.00. Motion carried by a unanimous roll call vote.

Removal of 15 trees and stumps at Lakewood Park: Hazlett Tree Service - \$13,335.00, Dibble Tree Service - \$8,500.00, Jefferson Tree Service - \$5,025.00 and J. Thomas Tree Service - \$12,435.00. On recommendation of Ms. Marsteller, it was moved by Mr. McGrath and seconded by Mr. Groh to award the bid to Jefferson Tree Service for \$5,025.00. Motion carried by a unanimous roll call vote.

Bids were solicited and received by Gary Walters, Head Foreman, Streets Department for the following tree removal projects. On separate motions by Mr. McGrath and seconded by Mr. Groh, the following requests from Mr. Walters were approved:

Tree Removal at 34th Street and Atlantic Ave: J. Thomas Tree Service - \$475.00, Dibble Tree Service - \$500.00, Hazlett Tree Service – no response, Asplundh Tree Service – no response. The bid was awarded to J. Thomas Tree Service for \$475.00.

Tree Removal at the southeast corner of Crescent and Barkley Avenues: Dibble Tree Service - \$1000.00, J. Thomas Tree Service – no response, Hazlett Tree Service – no response. The bid was awarded to Dibble Tree Service for \$1000.00.

Removal of a 6 foot dead tree branch at 804 Wyoming Avenue: J. Thomas Tree Service - \$100.00, Dibble Tree Service – no response, Hazlett Tree Service – no response. The bid was awarded to J. Thomas Tree Service for \$100.00.

Tree Removal at 627 Oregon Avenue: J. Thomas Tree Service - \$345.00, Dibble Tree Service - \$350.00, Hazlett Tree Service – no response. The bid was awarded to J. Thomas Tree Service for \$345.00.

Removal of tree limbs hanging over the street at 2832 Madeira Avenue: Dibble Tree Service - \$175.00, J. Thomas Tree Service - \$170.00, Hazlett Tree Service – no response, Asplundh Tree Service – no response. The bid was awarded to J. Thomas Tree Service for \$170.00.

Motions carried by unanimous roll call votes.

On recommendation of Judy Zelina, Director of Public Services, it was moved by Mr. McGrath and seconded by Mr. Groh to hire Printing Concepts, the sole certified COSTARS local contractor, to design and print the 2016, 2017 and 2018 Township calendars for \$21,046.00 per year. The Board agreed that locking in the price for three years was a wise decision. Motion carried by a unanimous roll call vote.

On recommendation of Lucas Black, Building Maintenance Foreman, it was moved by Mr. McGrath and seconded by Mr. Groh to hire A.W. Farrell & Son to repair the leaking Township building and garage roofs for \$2,680.00. Mr. McGrath noted that some of the work is covered under the original roofing warranty from Farrell & Son and some is not. Motion carried by a unanimous roll call vote.

Mr. Groh read proposed Ordinance 2015-10; An Ordinance to place on the ballot for the 2015 General Election a Government Study Commission Question. He noted that in 2011, 62% of the voters answered yes to the question on the ballot, but that this time the issue is far more involved. Mr. McGrath stated that even though this question is more involved, he still feels there is no necessity to do this again so soon. Mr. Groh stated that this is a chance to rewrite Millcreek Township's history and charter, but it is up to the people to decide. It was then moved by Mr. Groh and seconded by Mr. Figaski to enact Ordinance 2015-10. Motion carried 2-1 with Mr. McGrath voting no.

Solicitor Adair explained the need to revise the Township's Towing Contractor rules and regulations to be in compliance with state laws, and also noted that the Police Department recommended raising the towing fees to \$85.00 for non-accident related towing, and \$95.00 when there is a collision. On recommendation of Solicitor Adair, it was moved by Mr. McGrath and seconded by Mr. Groh to adopt Resolution 2015-R-14; A Resolution to revise and amend Millcreek Township's Towing Contractor Rules, Rates and Regulations. Motion carried by a unanimous roll call vote.

Solicitor Adair explained that when a mobile home is not fit for habitation, the County Assessment office inspects the mobile home and recommends that the taxes be exonerated. On recommendation of Solicitor Adair, it was moved by Mr. Groh and seconded by Mr. McGrath to adopt Resolution 2015-R-15; 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 references two properties: 411 Kelso Drive, Lot 31, and 2560 West 24th Street. Motion carried by a unanimous roll call vote.

Mr. Figaski announced that Gerald Wolf, Township Treasurer, will be retiring on July 31, 2015 after 35 years of service to the Township. He congratulated Mr. Wolf and thanked him for his service. An extensive search was conducted for a new Treasurer, and Human Resources Manager Diane Lyons recommended that the Board hire Mark Zaksheske, effective July 13, 2015 at an annual salary of \$90,000. Mr. Zaksheske has over 25 years of executive level accounting experience, is a Certified Public Accountant and has successfully completed all pre-employment requirements. It was moved by Mr. McGrath and seconded by Mr. Groh to hire Mark Zaksheske as Township Treasurer. Motion carried by a unanimous roll call vote.

On recommendation of Engineer Morris, the following Non-substantial Land Development Plans were approved on separate motions by Mr. McGrath and seconded by Mr. Groh:

The Hammocks at Millcreek Phase 2 – approved at the meeting of October 28, 2014.

Engineer Morris reported that the Hammocks are relocating sanitary sewer and water lines which will affect the easements.

Amendment to Twenty Two Fifteen Powell LLC – approved at the meeting of January 27, 2015.

Engineer Morris reported that the building will be located 25 ft. further to the east, which will require corresponding changes to the storm water piping.

MFLP Tenant Plaza – approved at the meeting of November 11, 2008; previously amended January 20, 2015.

Engineer Morris reported that the developers want to include the addition of an entrance canopy and a stair tower, and want to reconfigure the handicapped parking spaces.

Motions carried by unanimous roll call votes.

On recommendation of Engineer Morris, it was moved by Mr. Groh and seconded by Mr. McGrath to approve a Sidewalk Deferral Agreement for Dennis F. and Lori L. Miller, 5201 Lancaster Road. Engineer Morris reported that there are no other sidewalks in the immediate area, and the Millers have completed the agreement. Motion carried by a unanimous roll call vote.

On recommendation of Julie Maggio, Assistant Zoning Administrator, it was moved by Mr. Groh and seconded by Mr. McGrath to authorize the return of a bond in the amount of \$13,200 to Susan Van Cleve Riehl Family Limited Partnership, for property at 924 Marshall Drive, a house that was demolished due to fire damage. Motion carried by a unanimous roll call vote.

It was recommended by Engineer Morris, moved by Mr. McGrath and seconded by Mr. Groh to approve a release of First National Bank Letter of Credit #1048 for Westminster Place Partnership, Westminster Place Partnership, developer, in the amount of \$33,721.00. All conditions have been met or corrected in accordance with Township specifications. Motion carried by unanimous roll call vote.

It was requested by Engineer Morris, moved by Mr. Groh and seconded by Mr. McGrath to authorize Assistant Engineer Anne Sokol and Land Development Coordinator Matthew Waldinger to attend the Pennsylvania Land Laws Seminar in Pittsburgh on August 6, 2015 at a cost of \$538.00, plus meals and lodging for one night and use of a Township vehicle. Motion carried by unanimous roll call vote.

It was requested by Ashley Marsteller, Recreation and Parks Director, moved by Mr. McGrath and seconded by Mr. Groh to approve the following employees for the Summer Season 2015:

NAME	POSITION	RATE	HIRE DATE
Julia Eckendorf	Belle Valley Pool - WSI Sub	\$ 9.50	
Mychal Molnar	Day Camp - Asst. Supervisor	\$10.00	Rate Change
Abigail Kurczewski	Chestnut Hill Pool - Lifeguard	\$ 7.65	
Meghan Mitchell	Belle Valley Pool - Lifeguard (Sub)	\$ 9.50	
Andrew Link	Belle Valley Pool - Lifeguard (Sub)	\$ 8.45	Rate Change
Sara Prischak	Chestnut Hill Pool - Lifeguard	\$ 7.65	New Hire

On separate motions by Mr. McGrath and seconded by Mr. Groh, the following requests from William Hitchcock, Operations Manager were approved:

Transfer of ownership of the trench rescue trailer to West Lake Fire Department. The trailer has been housed at the West Lake Fire Department, and Cliff Joslin, a West Lake Volunteer, has handled trench rescue training for several years.

Sending three pickups, one riding mower, one tagalong trailer and one set of skid steer tracks to the Greater Erie Auto Auction on August 1, 2015, as they are out of service and of no use to the Township.

Purchase of a new lift for Garage One, due to safety concerns, from Tom Renger's Automotive Equipment for \$12,900.00. The other supplier, Jemko, bid \$13,940.00.

Motions approved by unanimous roll call votes.

On separate motions by Mr. Figaski and seconded by Mr. Groh, the following requests from Chief Tesore were approved:

Permission for the LECOM Wellness Center to conduct a 5K Run on the streets of eastern Millcreek Township on August 1, 2015, with traffic control being provided by Kearsarge Fire Department fire police and two MPD Officers at the reimbursed overtime rate.

Permission for Eagle Radio Technologies to install a battery back-up system to the Lancaster Road radio transmitter, at a cost of \$2,595.08, which is a budgeted purchase.

Permission for Lt. Kabasinski to attend the National Institute of Truth Verification recertification conference in Florida from January 4-8, 2016, at an estimated total cost of \$1,750.00.

Permission for MPD TAC Officer Steve Smith to attend the 2015 Association for Public Safety Communications Officials Conference from August 16-19, 2015 at a cost of \$450.00 for registration and fuel and the use of a Township vehicle. Mr. Smith will voluntarily cover his other expenses for lodging, meals and tolls.

Retroactive to June 29, 2015, the hiring of two probationary police officers: Luke R. Passerotti and Jacob J. Washek, conditional upon the passing of physical and psychological examinations. This boosts the compliment of MPD Officers from 60 to 62. Mr. McGrath noted that currently there are 5 Officers who are injured and on medical leave, and the Board will have to consider whether or not to retain 62 officers when it is time for 2016 Township budget discussions. Mr. Groh noted that MPD contract negotiations will be coming up soon as well.

No public comments were received. Motions carried by unanimous roll call votes.

Mr. Figaski announced that the Millcreek Township Water Authority has instituted a Cost Reduction Program for residents who are currently not connected to the Water Authority and would like to be connected. Residents may contact Dave Wright at 835-6721, if interested.

Mr. Figaski also announced that per state regulations, every MTWA customer will be receiving a letter with drinking water information regarding coliform. During the previous month, two samples showed the presence of coliform, but when retested in 72 hours, the water came back clean. The water is clean and safe, and there is no cause for alarm.

It was requested by Diane Lyons, Human Resources Manager, moved by Mr. Groh and seconded by Mr. McGrath to purchase safety shirts from Creative imprints for \$1,979.00, since they have maintained their pricing for three years. Mr. Figaski noted that these shirts are given to all employees who work out in the roadways.

Mr. Groh presented the May 2015 Building Construction Report as follows:

Total Residential Structures	\$ 235,000.00
Total Non-residential Structures	\$ <u>494,909.00</u>
	\$ 729,909.00
Zoning Permits Issued	27
Zoning Permit Fees	\$ 3,300.00

Michael Simon, 304 Presque Isle Boulevard, stated that Ashley Marsteller, Director of Parks and Recreation, is very qualified and is doing a fine job, and he is tired of hearing the senior citizens from the former J.O.Y. Center saying otherwise.

Fenton James, 4253 West Lake Road, stated that the previous study commission did look into the Home Rule question and already has information available to the community. He would like the Board to ask Mr. Prozan and other former commission members to talk about their findings and explain what Home Rule is at the next meeting, so as to inform the community about what they will be voting for.

Mr. Groh replied that the action the Board made tonight is the limit of what the Board has the power to do regarding the Home Rule Charter. He then announced that he will be taping a program in July for the Government Access Channel with Ed Fosnaught from the Department of Community and Economic Development. They will be discussing what Home Rule means.

There being no other citizens to be heard, it was moved by Mr. McGrath, seconded by Mr. Groh and duly carried to adjourn the meeting at 7:57 p.m.

Sheryl A. Williams
Assistant Secretary

APPROVED: July 14, 2015

Richard P. Figaski
John H. Groh
Brian P. McGrath