

Regular Meeting

September 8, 2015

The regular meeting of the Millcreek Township Board of Supervisors was called to order at 9:30 a.m. by Chairman Figaski in the Assembly Room of the Millcreek Township Municipal Building. Present were Mark Zaksheske, Brian McGrath, Richard Figaski, John Groh, Evan Adair, Esq., Richard Morris, P.E. 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 received.

It was moved by Mr. Groh and seconded by Mr. McGrath to approve the minutes of the Board's August 25, 2015 meeting. Motion carried by a unanimous roll call vote.

It was moved by Mr. McGrath and seconded by Mr. Groh to approve payment of the General Fund bills in the amount of \$905,452.46, and the Sewer Revenue Fund bills in the amount of \$59,043.45. Motion carried by a unanimous roll call vote.

Jason and Charles Brendel of the Erie Chapter of the National Flag Foundation presented West Lake and West Ridge Fire Departments the Patriot Spirit Award for their assistance in displaying their 90' x 60' American flag at various locations during the past five years. Each fire department also received a brand new American flag. The fire departments will be displaying this flag again on September 11, 2015 at 12th Street and Peninsula Drive for a 911 Memorial Event.

Quotations for tree and stump removal at 1102 Clifton Avenue were solicited and received by Gary Walters, Streets Head Foreman: J. Thomas Tree Service - \$2,395.00, Asplundh Tree service – no bid, and Dibble Tree Service - \$1,900.00. On recommendation of Mr. Walters, it was moved by Mr. McGrath and seconded by Mr. Groh to award the contract to Dibble tree Service for \$1,900.00. Motion carried by a unanimous roll call vote.

Quotations for tree and stump grinding at 1029 Clifton Avenue were solicited and received by Gary Walters, Streets Head Foreman: J. Thomas Tree Service - \$595.00, Hazlett Tree Service – no bid, and Dibble Tree Service - \$1,000.00. On recommendation of Mr. Walters, it was moved by Mr. McGrath and seconded by Mr. Groh to award the contract to J. Thomas Tree Service for \$595.00. Motion carried by a unanimous roll call vote.

Quotations for removal of three trees and stumps on Oakdale Parkway near the Riviera Motel were solicited and received by Gary Walters, Streets Head Foreman: J. Thomas Tree Service - \$2,215.00, Asplundh Tree service – no bid, and Dibble Tree Service - \$1,700.00. On recommendation of Mr. Walters, it was moved by Mr. McGrath and seconded by Mr. Groh to award the contract to Dibble Tree Service for \$1,700.00. Motion carried by a unanimous roll call vote.

Mr. Morris explained that the Township's original contract with Amendola Development for the Sidewalk Accessibility Alterations Project – Phase III, funded by a Community Development Block Grant, needs to be amended. A number of ramps, detectable warning devices, asphalt and other work will be added. It was moved by Mr. McGrath and seconded by Mr. Groh to approve a change order increasing the amount of the contract by \$22,944.00 to a total of \$182,535.00. No public comment was offered. Motion carried by a unanimous roll call vote.

On recommendation of Gail Jares, Street Light Administrator, it was moved by Mr. Groh and seconded by Mr. McGrath to approve the installation of six new streetlights along Mystic Ridge. No public comment was offered. Motion carried by a unanimous roll call vote.

On recommendation of Engineer Richard Morris, it was moved by Mr. McGrath and seconded by Mr. Groh to approve a Storm Water Maintenance Agreement for John P. Abbate – John P. Abbate, developer. Mr. Morris reported that all information has been completed on the proper Township form and the developer is responsible for maintenance. Motion carried by a unanimous roll call vote.

On recommendation of Engineer Richard Morris, it was moved by Mr. McGrath and seconded by Mr. Groh to approve a Storm Water Maintenance Agreement for Mikhail Kolesnichenko – Mikhail Kolesnichenko,

developer. Mr. Morris reported that all information has been completed on the proper Township form and the homeowner is responsible for maintenance. Motion carried by a unanimous roll call vote.

On recommendation of Engineer Richard Morris, it was moved by Mr. Groh and seconded by Mr. McGrath to approve a Sidewalk Deferral Agreement for Connie J. Schwarzfeld, 5107 West Street. Mr. Morris reported there are no sidewalks currently in the area. Motion carried by a unanimous roll call vote.

On recommendation of Engineer Richard Morris, it was moved by Mr. Groh and seconded by Mr. McGrath to approve a Sidewalk Deferral Agreement for Abbate Realty 2011 Irrevocable Trust, 730 Powell Avenue. Mr. Morris reported there are no sidewalks currently in the area. Motion carried by a unanimous roll call vote.

On recommendation of Engineer Richard Morris, it was moved by Mr. Groh and seconded by Mr. McGrath to approve a Sidewalk Deferral Agreement for Mikhail & Yelena Kolesnichenko, New Perry Highway, State Route 0197. Mr. Morris reported that the property does have frontage on Route 97, but there are no sidewalks on either side of the property. Motion carried by a unanimous roll call vote.

Bob Ritter and Paul Gilbert, Government Relations Specialists from Crown Castle USA, Inc. gave a presentation on their proposed Municipal Right-of-Way and Pole Use Agreement. This would allow them to replace 6 existing Penelec streetlights, which would also include the capability to provide wireless network access to those neighborhoods and alleviate network congestion. The proposed poles would house both a streetlight and then a wireless equipment cabinet near the top. The streetlight would remain at the same height as the surrounding street lights, and Crown Castle would assume the costs to maintain those street lights. Mr. Ritter stated that their product is in compliance with the Township's new Zoning Ordinance, and Penelec is in agreement to this process as well. Matt Wottell of Velocity Network has been working with Crown Castle on this project.

Atty. Adair expressed concern about who would assume financial responsibility for the pole when the contract ends. Mr. Ritter replied that Crown Castle is a large, stable company and would be willing to put up a Removal or Replacement Bond, and feels there are various available options.

Mr. Figaski asked if a secondary vendor could be added to the pole, and Mr. Ritter answered yes, with additional equipment. Mr. McGrath wanted clarification that residents who receive one of these poles on their property would be relieved of the street light costs for that pole only, and Mr. Ritter confirmed this. Mr. Groh noted that action on this proposal will take place at a future public meeting. Atty. Adair clarified that the proposal is to replace 6 Penelec owned poles with privately owned poles, and expressed concern that if technology changes and the poles revert to Penelec, who will pay the costs, which today could be \$3,000.00 - \$4,000.00. Mr. Figaski thanked the Crown Castle representatives for their presentation.

It was requested by Treasurer Mark Zaksheske, moved by Mr. Groh and seconded by Mr. McGrath to permit Mr. Zaksheske to attend a PSATS Right-to-Know and Sunshine Law seminar on September 24, 2015 at a cost of \$40.00. Motion carried by unanimous roll call vote.

On recommendation of Ashley Marsteller, Parks and Recreation Director, it was moved by Mr. McGrath and seconded by Mr. Groh to hire Bridget Riley as a lifeguard at MIHS at an hourly rate of \$7.95. Motion carried by unanimous roll call vote.

On recommendation of Ashley Marsteller, Parks and Recreation Director, it was moved by Mr. McGrath and seconded by Mr. Groh to hire Chet Moffett as Westlake Open Gym Supervisor at an hourly rate of \$7.65. Motion carried by unanimous roll call vote.

On separate motions by Mr. Figaski and seconded by Mr. Groh, the following recommendations by Chief Tesore were acted on:

Permission for two MPD Police Officers to work traffic control at the Lifeworks Erie Flu Shot Campaign on September 16, 2015, with the Township assuming all overtime costs.

Permission for Corporal Chimera to attend the 2015 Northwest Pennsylvania Law Enforcement Conference on September 17, 2015, at no cost to the Township.

Permission for John Hayden of Zem Zem Shrine Club to post temporary "No Parking" signs on the west side of Zuck Road and the north side of West 38th Street for the annual gun raffle on September 19, 2015.

Permission for four MPD Police Officers to work traffic control and security for the Northwest Pennsylvania Chapter of Juvenile Diabetes Research Foundation's annual fundraising walk on October 11, 2015, with the Township assuming the overtime costs.

Permission for West Lake Fire Department fire police to conduct traffic control at the Perry Monument for a September 11, 2015 Memorial Event.

Permission for West Lake Fire Department fire police to conduct traffic control at Presque Isle Beach 1 Crossover and the Stull Center Crossover for the Crop Walk on September 27, 2015.

Permission for West Ridge and West Lake Fire Departments to direct traffic on September 12, 2015 for the Erie Homes for Children and Adults Victory Ride.

No public comment was offered regarding the motions, and all were approved by separate unanimous roll call votes.

On request of Matthew Exley, EMA Coordinator and Fire Official, it was recommended by Mr. Figaski and seconded by Mr. Groh to promulgate the Township's Emergency Operations Plan. This is required by FEMA every two years. No public comment was offered. Motion carried by unanimous roll call vote.

It was moved by Mr. Figaski and seconded by Mr. McGrath to permit the McDowell Girls Athletic Club to close portions of Caughey Road, Homestead Drive and Meadow Drive from 5:00 – 6:30 p.m. during their Homecoming Parade on September 25, 2015. No public comment was offered. Motion carried by unanimous roll call vote.

Mr. Groh announced that the Millcreek Township Bureau of Fire Prevention has been given the 2014 Life Safety Achievement Award for having zero fatalities in the past year and for its efforts to educate the public about fire prevention. Mr. Groh presented the award to Matt Exley, EMA Coordinator and Fire Official. The award is sponsored by Purnell Mutual and the National Association of State Fire Marshalls Fire Research and Education Foundation.

Mr. Groh announced that the Board may have a new Student Ambassador in the near future.

On recommendation of David Sterrett, Executive Director of the Millcreek Township Water and Sewer Authorities, it was moved by Mr. Figaski and seconded by Mr. Groh to enter into negotiations with Erie Water Authority to assume sewer billing services for the Township. Mr. Sterrett believes that it would be cost effective, and reported that Harborcreek Township currently utilizes EWA for their sewer billing. Mr. Figaski clarified that this motion is regarding negotiations only. Mr. Groh stated that he would still like to have an office available in the Municipal Building where Township residents could come and pay their sewer bill. There was no further public comment. Motion carried by unanimous roll call vote.

On recommendation by Atty. Adair, it was moved by Mr. McGrath and seconded by Mr. Groh to approve a restricted escrow account in the full amount of financial security for the Millcreek Township School District parking lot project, and to give Mr. Figaski permission to sign on this account. No public comment was offered. Motion carried by unanimous roll call vote.

On recommendation by Atty. Adair, it was moved by Mr. Groh and seconded by Mr. McGrath to retain Atty. Patrick M. Carey of the Marshall Dennehey firm in Erie for defense of a lawsuit at an hourly rate of \$200.00 for partners and \$180.00 for associates. No public comment was offered. Motion carried by unanimous roll call vote.

There being no other business or citizens to be heard, on motion by Mr. Groh and seconded by Mr. McGrath the meeting adjourned at 10:35 a.m.

Sheryl A. Williams
Assistant Secretary

APPROVED: September 22, 2015

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