

Regular Meeting

October 6, 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 September 22, 2015 meeting. Motion carried 2-0, with Mr. Figaski abstaining due to being absent from the September 22nd meeting.

It was moved by Mr. McGrath and seconded by Mr. Groh to approve payment of the General Fund bills in the amount of \$1,445,013.42, and the Sewer Revenue Fund bills in the amount of \$901,719.84. Motion carried by a unanimous roll call vote.

Quotations for the first planting of 43 trees of varying species, to be funded by the TreeVitalize grant, were solicited and received by Jessica James, Recycling Coordinator and Ashley Marsteller, Parks and Recreation Director. Due to the volume of trees of varied species required for the planting, trees will be purchased from two cooperating nurseries. (Nelson-Lynwood Nursery did not submit a quote.) Johnston's Evergreen Nursery - \$2,674.38 (23 trees) and Fairview Evergreen Nursery - \$2,333.00 (20 trees). On recommendation of Ms. James, it was moved by Mr. McGrath and seconded by Mr. Groh to award the contracts to Johnston's Evergreen Nursery for \$2,674.38 and Fairview Evergreen Nursery for \$2,333.00. Motion carried by a unanimous roll call vote.

Quotations for a copier/scanner/printer for Asbury Barn were solicited and received by Ashley Marsteller, Parks and Recreation Director: Cooper - \$1,287.00 plus \$294.00 annual maintenance fee, ComDoc - \$1,315.38 plus \$315.48 annual maintenance fee, Schwab - \$1,581.00 plus \$225.00 annual maintenance fee, and Hagan - \$672.00 plus monthly fee of \$56.00, but will print only half as many copies as the other machines. On recommendation of Ms. Marsteller, it was moved by Mr. McGrath and seconded by Mr. Groh to award the contract to Cooper for \$1,287.00 plus the \$294.00 annual maintenance fee. Motion carried by a unanimous roll call vote.

Bids were solicited and received by Mark Wells, Assistant Head Foreman, Sewer Department, for construction of a storage building, and were opened on October 5, 2015 at 3:00 p.m.: Konzel Construction - \$133,000.00, Swede Construction - \$96,750.00, and Town & Country Builders - \$90,000.00. On recommendation of Mr. Wells, it was moved by Mr. McGrath and seconded by Mr. Groh to award the contract to Town & Country Builders for \$90,000.00. Motion carried by unanimous roll call vote.

Bids were solicited and received by Richard Morris, P.E. for three Environmental Protection Agency projects:

	<u>McLallen</u>	<u>Konzel</u>	<u>Chivers</u>	<u>Edinger Trucking</u>
West 38 th Street Drainage Improvement	\$345,892.00	\$381,500.00	\$549,998.00	NO BID
West 26 th Street Culvert Replacement	\$123,836.00	\$147,000.00	\$139,500.00	\$135,000.00
Zimmerly Road Culvert Replacement	\$ 96,559.00	\$138,500.00	\$145,300.00	\$139,000.00

Mr. Morris noted that his department is not requesting to award a contract for the Zimmerly Road Culvert Replacement at this time. On recommendation by Mr. Morris and, it was moved by Mr. Groh and seconded by Mr. McGrath to award the contracts for the West 38th Street Drainage Improvement and West 26th Street Culvert Replacement Projects to McLallen Construction, Inc. for \$345,892.00 and \$123,836.00 respectively, contingent upon an EPA grant extension, which is expected any day. Motion carried by a unanimous roll call vote.

It was moved by Mr. McGrath and seconded by Mr. Groh to approve Resolution 2015-R-20; A Resolution pursuant to the Municipal Records Act to declare the Township of Millcreek's intent to follow the schedules and procedures for disposition of records as set forth in the Municipal Records Manual approved on December 16, 2008 and amended July 23, 2009. Solicitor Adair explained that this Resolution would bring the Township up to date and give the department heads the appropriate forms and procedures to follow. Motion carried by a unanimous roll call vote.

Mr. McGrath reported that HANDS is requesting approval of Amendment #2 to the Agreement Between Millcreek Township and HANDS for the Affordable Housing Planning Project (B-14-MC-42-0107), an extension until July 1, 2016 to utilize CDBG funds. It was moved by Mr. McGrath and seconded by Mr. Groh to approve Amendment #2 to the Agreement Between Millcreek Township and HANDS for the Affordable Housing Planning Project (B-14-MC-42-0107). 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 release of Letter of Credit from PNC Bank, N.A. Check #1003 for National Organization of the New Apostolic Church, National Organization of the New Apostolic Church, developer, for \$3,000.00. Motion carried by a unanimous roll call vote.

On recommendation of Engineer Richard Morris, it was moved by Mr. McGrath and seconded by Mr. Groh to approve a reduction of Letter of Credit from PNC Bank, N.A. #18119793-00-000 from \$276,644.65 to \$76,983.41 for The Hammocks at Millcreek, RWF Millcreek, LLC, developer, as there are still several items that need to be completed. Motion carried by a unanimous roll call vote.

It was requested by Treasurer Mark Zaksheske, moved by Mr. McGrath and seconded by Mr. Groh to authorize Mr. Zaksheske to attend the FirstEnergy Seminar on October 13, 2015 in Erie at no cost to the Township other than parking fees. No public comment was received. Motion carried by a unanimous roll call vote.

It was requested by Gary Walters, Head Foreman, Streets Department, moved by Mr. McGrath and seconded by Mr. Groh to approve an emergency request for Shingledecker Welding to install 90 feet of guide rail on Powell Avenue at a cost of \$2,030.00. Mr. McGrath explained that there is a very steep bank next to the road. No public comment was received. Motion carried by a unanimous roll call vote.

It was moved by Mr. Figaski and seconded by Mr. Groh to authorize 2015 Trick-or-Treat Hours on October 31, 2015 in Millcreek Township from 6:00 – 8:00 p.m. Motion carried by a unanimous roll call vote.

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

Permission for West Lake FD fire police to assist Edinboro Fire Department fire police with traffic control for the Edinboro University Homecoming at Edinboro University on October 10, 2015.

Permission for Detectives Fiorelli, Green and Hardner to attend the MAGLOVLEN Narcotics Investigators Conference in Ocean City, MD from November 16-19, 2015 at an estimated cost of \$1,450.00 for registration, hotel and meals, with possible partial funding from the Erie County DA Drug Task Force.

Purchase of a SOLE Elliptical machine and five sets of Dumbbells from Dick's Sporting Goods, and a portable speaker system with iPod and iPhone dock from Best Buy for the MPD Gym, at a total cost of \$3299.97, to be funded by donations from American Legion Post 773.

Purchase of 16 X2 Tasers and batteries from Taser International at a total cost of \$16,915.20, to be funded by donations from American Legion Post 773.

Mr. Groh commented on a letter to the Erie Times News editor regarding a dead tree along Peninsula Drive, clarifying that the tree lies along PennDOT's right-of-way. Through an agility agreement with

PennDOT, the Township was asked to cut down and remove the tree, which it did at approximately 8:30 a.m. today. Mr. Groh asked the Erie Times News to please be sure to verify the accuracy of information submitted to them before publishing.

Engineer Morris updated the Board regarding the use agreement with Hickman Lumber to haul approximately 40 loads of lumber on Henderson Road. Hickman Lumber is requesting to extend its agreement with the Township to December 31, 2015, as they are behind schedule due to the amount of rain that has fallen during the past several months. On recommendation by Mr. Morris, it was moved by Mr. Groh and seconded by Mr. McGrath to approve the extension of the agreement until December 31, 2015, with the condition that the Engineering Department keep close watch on the condition of Henderson Road and neighboring roads during the winter months. No public comment was offered. Motion carried by a unanimous roll call vote.

Engineer Morris reported that CR1 (Construction Resources One) is requesting a special exemption to permit them to begin the Erie Commerce Building Loading Dock Project at 2424 West 23rd Street prior to the submission and full approval of the Township's Land Development, Storm Water Management and Site Improvement Ordinance requirements, contingent upon meeting the following conditions: They will adhere to all mandated Township regulations; Financial Security of 110% of the Engineer of Record's preliminary estimate plus \$20,000.00 will be submitted prior to commencement of the Loading Dock project; Land Development and Storm Water Management plans for both the areas of the loading dock and the demolished building structure will be submitted as soon as possible. Mr. McGrath clarified that no additional storm water will be generated, and then asked that Mr. Morris convey that the Board would like the plans to be submitted by November 9, 2015, the due date for the December 1, 2015 Planning Commission meeting. Therefore, on recommendation of Mr. Morris, it was moved by Mr. McGrath and seconded by Mr. Groh to approve the special exemption request from CR1. No public comment was offered. Motion carried by a 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 9:55 a.m.

Sheryl A. Williams
Assistant Secretary

APPROVED: October 27, 2015

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