

Regular Meeting

October 27, 2015

The regular meeting of the Millcreek Township Board of Supervisors was called to order at 7:00 p.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 October 6, 2015 meeting. Motion carried by unanimous roll call vote.

It was moved by Mr. McGrath and seconded by Mr. Groh to approve payment of the General Fund bills from October 12, 16, 23 and 27 in the amount of \$1,580,556.16, and the Sewer Revenue Fund bills from October 13 and 27 in the amount of \$553,290.43. Motion carried by a unanimous roll call vote.

A Public Hearing was held regarding the following Subdivision Plans:

SUSAN VAN CLEVE RIEHL FAMILY SUBDIVISION. Subdivision Plan. A minor subdivision plan to show the creation of four lots, located at the northwest corner of West 10th Street and Marshall Drive in Tract 9. (Tabled at the meeting of September 1, 2015.) Index 240-028.

Engineer Richard Morris reported that at its October 6, 2015 meeting, the Planning Commission recommended approval with one variance and one requirement, that Lot 2 frontage is less than 60 feet, and the 30 foot building line shown on the drawing be deleted since it will be the average of the existing homes.

Chip Riehl, 2580 West 8th Street, stated that he understands the variance and requirement. No one spoke in opposition of the Subdivision Plan.

On recommendation of Mr. Morris, it was moved by Mr. Groh and seconded by Mr. McGrath to approve the Susan Van Cleve Family Subdivision Plan with the stated variance and requirement. Motion carried by a unanimous roll call vote.

WESTMINSTER PLACE PARTNERSHIP. Subdivision Plan. A small subdivision plan to show the creation of a 1,362 acre Parcel "A" and a 0.948 acre residue parcel located along the east line of Zuck Road (State Route 4015), north of Village Common Drive in Tract 348. Index 745-003.

Engineer Richard Morris reported that at its October 6, 2015 meeting, the Planning Commission recommended approval. Mike Sanford, 4721 Atlantic Avenue, spoke on behalf of the applicant. Mr. McGrath asked the reason for the Subdivision Plan, to which Mr. Sanford replied that the applicant would like to subdivide the lot for future development and also create a private drive access to Village Common Drive. There was no opposition to the Subdivision Plan.

On recommendation of Mr. Morris, it was moved by Mr. Groh and seconded by Mr. McGrath to approve the Westminster Place Partnership Subdivision Plan. Motion carried by a unanimous roll call vote.

FAIRVIEW TOWNSHIP WATER AUTHORITY. Subdivision Plan. A small subdivision plan to show the creation of a 0.496 acre Parcel "A" and a 0.633 acre residue parcel located along the east line of Millfair Road (State Route 4016), south of Swanville Road in Tract 314. Index 410-095.

Engineer Richard Morris reported that at its October 6, 2015 meeting, the Planning Commission recommended approval. Mike Sanford, 4721 Atlantic Avenue, speaking on behalf of the applicant, stated that the applicant would like to subdivide the land into 2 lots. There was no opposition to the Subdivision Plan.

On recommendation of Mr. Morris, it was moved by Mr. Groh and seconded by Mr. McGrath to approve the Fairview Township Water Authority Subdivision Plan. Motion carried by a unanimous roll call vote.

WHISPERING WOODS ESTATES SUB. NO. 7B. Final Subdivision Plan. A final subdivision plan to show the creation of 15 lots along the proposed extension of Mystic Ridge, located south of Stone Creek Drive in Tract 354. Index 506-002.

Engineer Richard Morris reported that at its October 6, 2015 meeting, the Planning Commission recommended approval with one requirement, that the developer pay the required contributions prior to issuance of any approval to proceed with the remainder of Section 7 in accordance with the agreement dated April 16, 2015. The payment of the contribution is \$50,000 for a signal at Grubb and Hershey Roads and \$11,611.90 toward costs of constructing the Zimmerly Road bridge.

Mike Sanford, 4721 Atlantic Avenue, speaking on behalf of the developer, stated that the developer is aware of the requirement. There was no opposition to the Subdivision Plan.

On recommendation of Mr. Morris, it was moved by Mr. McGrath and seconded by Mr. Groh to approve the Whispering Woods Estates Sub. No. 7B Subdivision Plan with the stated requirement. Motion carried by a unanimous roll call vote.

JAMES E. and MARLENE A. CLARK. Subdivision Plan. A small subdivision plan to show the creation of a 0.098 acre parcel that is to become an integral part of the neighboring property, Erie County Tax Parcel (33) 150-639-1.01, located along the west line of Henderson Road, south of Cider Mill Road in Tracts 338 and 339. Index 948-002.

Engineer Richard Morris reported that at its October 6, 2015 meeting, the Planning Commission recommended approval with one requirement, that the 0.098 square foot parcel is to become an integral part of the neighboring property, Erie County Tax Parcel (33) 150-639-1.01.

James Clark, 5432 Henderson Road, stated that when the property was subdivided 38 years ago, somehow the property line went across his driveway. His daughter would like to build a house on the other lot, and so the property line needs to be moved. There was no opposition to the Subdivision Plan.

On recommendation of Mr. Morris, it was moved by Mr. McGrath and seconded by Mr. Groh to approve the James E. and Marlene A. Clark Subdivision Plan with the stated requirement. Motion carried by a unanimous roll call vote.

On recommendation of Julie Maggio, Assistant Zoning Administrator, it was moved by Mr. McGrath and seconded by Mr. Groh to refer to the Planning Commission a Petition Requesting a Change in Zoning Classification:

RENAUD-PECK REAL ESTATE LLC, for property located at 2381 Zimmerly Road, now zoned C-1 Local Commercial District, asking for a change in classification to C-4 Regional Commercial District. Township Index 771-001, County Index 33-141-666-2.

On recommendation of Julie Maggio, Assistant Zoning Administrator, it was moved by Mr. Groh and seconded by Mr. McGrath to refer to the Planning Commission a Petition Requesting a Change in Zoning Classification:

JAMES E. & MARLENE A. CLARK, for property located at 5440 Henderson Road, now zoned I-1 Light Industrial District, asking for a change in classification to R-1 Single Family Residential District. Township Index 948-002, County Index 33-150-639-1.

On recommendation of Julie Maggio, Assistant Zoning Administrator, it was moved by Mr. Groh and seconded by Mr. McGrath to refer to the Planning Commission a Petition Requesting a Change in Zoning Classification:

VOICES FOR INDEPENDENCE, for property located at 1432 Wilkins Road, also known as Vernondale Elementary School, now zoned R-1 Single Family Residential District, asking for a change in classification of the eastern portion of the property, consisting of lots 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 41, 42, 43, & 44 of Vernondale Subdivision, to C-1 Local Commercial District. Township. Index 115-011, County Index 33-23-121-1.

A resident asked when these zoning petitions will be acted upon, and Mr. McGrath replied that the Planning Commission will first consider the petitions on November 10, 2015, and the Board of Supervisors will act upon their recommendations on December 22, 2015.

Quotations for the installation of 350 feet of 1.5 inch low pressure sewer pipe for the MYAA lacrosse fields were solicited and received by Mark Wells, Assistant Head Foreman, Sewer Department: Konzel Construction - \$9,500.00, Brozell Construction - \$7,100.00, and McLallen Construction - \$5,200.00. On recommendation of Mr. Wells, it was moved by Mr. McGrath and seconded by Mr. Groh to award the contract to McLallen Construction for \$5,200.00. Motion carried by a unanimous roll call vote.

Quotations for tree and stump removal for the following locations were solicited and received by Gary Walters, Head Foreman, Streets Department:

Argyle Avenue - East of Montpelier Avenue (for storm sewer project): J. Thomas Tree Service - \$110.00, Jefferson Tree Service - \$150.00, Dibble Tree Service - \$175.00. 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 \$110.00. Motion carried by a unanimous roll call vote.

1215 Hilltop Drive: J. Thomas Tree Service - \$595.00, Jefferson Tree Service - \$900.00, Dibble Tree Service – No Bid. 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.

726 Wyoming Avenue: J. Thomas Tree Service - \$1,450.00, Jefferson Tree Service - \$2,400.00, Dibble Tree Service – No Bid. 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 \$1,450.00. 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. McGrath and seconded by Mr. Groh to approve Resolution 2015-R-21; 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: 5005 Zuck Road, Lot 113, and 540 Adiutori Drive. No public comment was offered. Motion carried by a unanimous roll call vote.

It was requested by Diane Lyons, Human Resource Manager, moved by Mr. Groh and seconded by Mr. McGrath to approve Resolution 2015-R-22; a Resolution pursuant to Resolution 2015-R-20 and the Municipal Records Manual to approve proposed disposition of certain Township records. No public comment was received. Motion carried by unanimous roll call vote.

It was moved by moved by Mr. McGrath and seconded by Mr. Groh to approve a revision to the Pennsylvania One Call System Indemnity Agreement, which updates contact information due to the pending sale of the MTWA. No public comment was received. Motion carried by unanimous roll call vote.

On recommendation of Kris Filson, IT Manager, it was moved by Mr. McGrath and seconded by Mr. Groh to renew the Township's contract with Velocity Network for internet service for 3 years. Mr. Figaski explained that the Township will receive faster internet service at the same cost of the Township's previous contract which is \$625.00 per month. No public comment was offered. Motion carried by unanimous roll call vote.

Engineer Morris explained that the Township contracted Cole Design Group on March 3, 2015 to study the Township's sidewalks. The Township had originally agreed to receive one Compliance report, but is since requesting to receive three separate Compliance reports. This will add a cost of \$5,197.25 to the original agreement, bringing the total amount to \$80,925.25. On recommendation of Mr. Morris, it was moved by Mr. McGrath and seconded by Mr. Groh to approve the First Change Order to the Agreement Between the Township of Millcreek and Cole Design Group., Inc. No public comment was offered. Motion carried by unanimous roll call vote.

Solicitor Adair explained that a formal agreement is needed to outline the steps and conditions for the transfer of assets regarding the sale of the Millcreek Township Water Authority, including assuring the funds will go into a dedicated account that cannot be used unless both MTWA and the Township agree that it is necessary to finalize obligations of the MTWA. Some of the funds will also go into a defeasance account to ensure that there are enough funds for payment when bonds from 2011 mature. Mr. Figaski further explained the Board's plan for acquisition of the funds from the sale, included temporarily placing the funds in a dedicated account and establishing rules for the use of the funds. He emphasized that a Board vote will be required to use any of the funds.

On recommendation of Atty. Adair, it was moved by Mr. Groh and seconded by Mr. McGrath to approve the Agreement Regarding September 4, 2015 Asset Purchase Agreement Obligations and Post-Closing Activities. No public comment was offered. Motion carried by unanimous roll call vote.

Mr. Figaski explained that Erie Water Works will be doing the billing for both Water and Sewer services, and the Township feels that that the data conversion of the Township's customer base for billing of Water and Sewer services would best be handled by our current contractor, New World Systems. The cost for the data conversion will be \$12,000.00, to be split evenly between Millcreek Township and Erie Water Works, and will be completed by December 4, 2015. It is estimated that having Erie Water Works doing the billing will be a savings of \$80,000.00 to the Township. Therefore, it was moved by Mr. Groh and seconded by Mr. McGrath to authorize Chairman and Secretary Richard Figaski to sign the New World Systems Authorization Form. No public comment was offered. Motion carried by unanimous roll call vote.

Solicitor Adair explained that West Lake Fire Department is refinancing a loan at a reduced interest rate for their 2010 International Combination Rescue Truck. Part of the process is receiving a Certificate of Approval from the Township, which in no way financially obligates the Township. Therefore, it was moved by Mr. McGrath and seconded by Mr. Groh to certify that the West Lake Fire Department will incur

refinance indebtedness in the amount of \$112,751.00. No public comment was offered. Motion carried by unanimous roll call vote.

On recommendation of Engineer Morris, it was moved by Mr. Groh and seconded by Mr. McGrath to approve an Easement request for 500 Indiana Drive. Mr. Morris explained that there is a 24" sewer pipe running through the empty lot, and that an easement is necessary to secure building and zoning permits before the owner can build on the property. The owner has had the pipe located, and an easement will also allow the Township access to the pipe, if necessary. No public comment was offered. Motion carried by unanimous roll call vote.

On recommendation of Engineer Morris, it was moved by Mr. McGrath and seconded by Mr. Groh to approve a Nonsubstantial Land Development Plan Amendment for Creative Imprint Systems, originally approved at the meeting of May 27, 2003. Mr. Morris reported that the owner wish to enlarge a storage building and add 4 additional parking spaces. No public comment was offered. Motion carried by unanimous roll call vote.

On recommendation of Engineer Morris, it was moved by Mr. Groh and seconded by Mr. McGrath to approve a reduction of Letter of Credit from BNY Mellon, N.A. #S00064267 from \$65,802.00 to \$18,509.00 for Powell Avenue Place – Euliano Family Limited Partnership, Developer. Hill Engineering has given approval and all stormwater work has been completed. The only items remaining are the growth of the arborvitae. Motion carried by a unanimous roll call vote.

On request of Gary Walters, Streets Department Head Foreman, it was moved by Mr. McGrath and seconded by Mr. Groh to authorize Chris Brenner, Rob Balko and Mike Sornberger to attend the Bituminous Plant Technician Annual Update/Refresher Course in State College on March 22, 2016 at a cost of \$240.00 per person. No public comment was offered. Motion carried by unanimous roll call vote.

On request of Gary Walters, Streets Department Head Foreman, it was moved by Mr. McGrath and seconded by Mr. Groh to authorize Mr. Figaski to sign a PennDOT Agility Work Plan request to supply the Township's JetVac machine and operator for crack sealing. No public comment was offered. Motion carried by unanimous roll call vote.

Quotations were solicited and received by Bill Hitchcock, Operations Manager, Township Garage, for the budgeted purchase of a new air compressor for Garage One: Kearsarge Auto Parts (BelAire 15 HP) - \$8,835.00, Grainger (Ingersol Rand 15 HP) - \$12,507.30, Superior Auto Supply (Ingersol Rand 15 HP) - \$9,064.35.

On recommendation of Mr. Hitchcock, it was moved by Mr. McGrath and seconded by Mr. Groh to purchase a BelAire 15 HP Air Compressor from Kearsarge Auto Parts for \$8,835.00. No public comment was offered. Motion carried by unanimous roll call vote.

Quotations were solicited and received by Ashley Marsteller, Parks and Recreation Director, for the purchase of a ProPress plumbing tool: Legion - \$2,994.62, Venango - \$2,899.00, and Grainger - \$2,799.00. On recommendation of Ms. Marsteller, it was moved by Mr. McGrath and seconded by Mr. Groh to purchase a ProPress plumbing tool from Grainger for \$2,799.00. No public comment was offered. Motion carried by unanimous roll call vote.

It was moved by Mr. Groh and seconded by Mr. Figaski to permit Mr. McGrath to attend the quarterly PSATS committee and executive meetings in State College from November 15-17, 2015, at no cost to the Township. No public comment was offered. Motion carried by unanimous roll call vote.

On request of Chief Tesore, it was moved by Mr. Figaski and seconded by Mr. Groh to purchase 45 Taser cartridges from Taser International for a total cost of \$1,417.50. No public comment was offered. Motion carried by unanimous roll call vote.

On recommendation of Diane Lyons, Human Resources Manager, it was moved by Mr. Figaski and seconded by Mr. Groh to approve the hiring of Nicole Little as a part time dispatcher, starting October 28, 2015 at an hourly rate of \$11.33, contingent upon successful completion of a pre-employment drug screen and criminal background checks. No public comment was offered. Motion carried by unanimous roll call vote.

On request of Matt Exley, EMA Coordinator/Fire Official, it was moved by Mr. Figaski and seconded by Mr. Groh to authorize Mr. Exley and Richard Pietron to attend the KEMA annual conference in Raystown Lake, PA on November 7-8, 2015, at an estimated cost of \$429.68 plus the use of a Township vehicle. This is a budgeted expense. No public comment was offered. Motion carried by unanimous roll call vote.

On request of Matt Exley, EMA Coordinator/Fire Official, it was moved by Mr. Figaski and seconded by Mr. McGrath to purchase a garage door opener for Garage One at a cost of \$342.00. No public comment was offered. Motion carried by unanimous roll call vote.

Mr. Groh summarized the Township's building construction report for the month of September 2015:

Total Residential Structures	\$ 1,556,500.00
Total Non-residential Structures	<u>\$ 715,692.00</u>
	\$ 2,272,192.00
Zoning Permits Issued	35
Zoning Permit Fees	\$ 7,750.00

On recommendation of Engineer Morris, it was moved by Mr. McGrath and seconded by Mr. Groh to approve a Sidewalk Deferral request for James A. and Nicole M. Becker – 5807 Lake Pleasant Road. Mr. Morris reported that there are no other sidewalks in the area. No public comment was offered. Motion carried by unanimous roll call vote.

Amy Jo Zola of EnvironmentERIE, 301 Peninsula Drive, presented information on their Municipal Stormwater Program to assist municipalities in gaining funds for stormwater management. She reported that in 2014, they received state funding from "Growing Greener Dollars" for this program, which allows communities to plan ahead for stormwater infrastructure. Municipalities may apply for up to \$54,000.00 in matching funds for stormwater management. Ms. Zola explained that EnvironmentERIE assists in exploring various options to create a customized program for each community, including services for the planning and implementing of its stormwater infrastructure.

Gary Behr, 4045 Feidler Drive, asked if there will be any cancellation fees for the New World Systems data conversion contract once the work has been completed. Mr. Figaski assured him that he would look into this, but stated that while the Township has several contracts with New World Systems, the one pertaining to billing operations for Sewer and Water will be canceled.

Mr. Behr then asked Treasurer Zaksheske when the proposed 2016 budget will be available for review, to which Mr. Zaksheske replied that the Township is in the preparation process and it will be available to the public by December 1, 2015. Mr. Behr also asked the Board to please make available online quarterly updates of the Township's annual budget in 2016.

Larry Dedinsky, 2502 Powell Avenue, stated that people are still discussing the hiring process of the Director of Parks and Recreation one year later. He feels that the Township showed favoritism to Ms. Marsteller because she was not required to complete the Township's job application, which would have included signing the nepotism policy.

Bob Nielson, 3448 West 40th Street, stated his frustration that the paving project between Concord and Lancaster Roads has never been completed, and he has not seen any work being done for three years. Mr. Nielson stated that he has no storm sewers, thus his neighbor is being flooded, and Mr. Nielson cannot keep his driveway in place. He would like to know when the project will be finished. Mr. McGrath replied that the Township began to upgrade those roads many years ago, and since 1994 has successfully converted half of its tar and chip roads to asphalt. He added that the Township is not required to improve

roads, but rather must maintain them, but they are trying to avoid using tar and chip. Mr. Groh feels that the Township needs to develop a clear cut plan for maintaining roads and how to fund this. He said he will have the Streets Department Foreman come to check Mr. Nielson's street.

Fenton James, 4253 West Lake Road, asked the Board if they would please fill in a three-foot wide hole at the corner of Northgate and West Lake Roads. He also noted there are three large trees at the front of his property and wondered if they are his responsibility. Mr. McGrath advised that he go to the Engineering Department for specific right-of-way information. Mr. James then stated some information he had read in the newspaper regarding Home Rule Charter, and Mr. Groh responded that some of the information that has been printed is incorrect.

Gerald Servidio, 1720 West Gore Road, expressed concern that if the New World Systems contract is saving the Township \$80,000.00, does this mean an employee will be cut from the Sewer Department? Mr. Figaski replied that it does not mean that an employee will be eliminated. The savings will be due to transferring the billing to Erie Water Works. Mr. Servidio asked Solicitor Adair if it is true that a majority vote of the Supervisors could change the form of Township government, to which Mr. Adair stated he has not checked the statute in awhile, so he is unsure. Mr. Servidio concluded by stating that problems that have been ongoing since 1994 are not a reason to change the Township's form of government.

There being no other business or citizens to be heard, on motion by Mr. Groh and seconded by Mr. McGrath the meeting adjourned at 8:16 p.m.

Sheryl A. Williams
Assistant Secretary

APPROVED: November 10, 2015

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