

## Regular Meeting

April 22, 2014

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

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

It was moved by Mr. Figaski, seconded by Mr. Groh and carried by unanimous vote to approve the minutes of the Board's April 8, 2014 meeting.

It was moved by Mr. Groh, seconded by Mr. Figaski, and carried by unanimous vote to approve payment of the weekly General Fund bills in the amount of \$658,545.04, and Sewer Revenue Fund bills in the amount of \$255,248.67.

A Public Hearing was held for following:

**Millcreek Township School District – Subdivision Plan: A subdivision plan to show the creation of a 0.758 acre parcel, Lot A, and a 61.595 acre residue parcel being the property commonly referred to as "Brown's Farm." Said "Lot A" will be located along the north line of Sterrettania Road (State Route 832), 650'± west of Thomas Road extended in Tract 355. Index 503-050**

Engineer Morris reported that at the April 8, 2014 meeting, the Millcreek Township Planning Commission recommended approval. Brian Paterniti, Millcreek Township School District, spoke on behalf of the subdivision. Solicitor Adair reported that the Board received a notice requiring that an existing stream channel be shown on the drawing, and that the Township also wants clarification on the proper width of an easement from the point of the stream channel. Solicitor Adair recommended tabling approval of the subdivision plan until the next meeting so that the Township can receive definite answers to these concerns.

It was moved by Mr. Groh and seconded by Mr. Figaski to table a vote on the Millcreek Township School District Subdivision Plan until the next Board of Supervisors Meeting on Tuesday, May 6, 2014. No further public comment was received. Motion carried by unanimous vote.

A request for approval of a Zoning Petition was received for:

**Michael Patel, for a property located at 2010 and 2020 Edinboro Road, now zoned C-3 Highway Commercial District and C-4 Regional Commercial District asking for a change of classification to C-2 General Commercial District. Township Index 750-040 and 041, County Index (33) 167-667.0-045.01 and 045.00**

Zoning Administrator Pierce reported that both the Millcreek Township and Erie County Planning Commissions recommend approval. Mike Sanford, 4721 Atlantic Ave., appeared on behalf of Mr. Patel to answer any questions. It was moved by Mr. Groh, seconded by Mr. Figaski to approve the Zoning Petition. No public comment was received. Motion carried by unanimous vote.

A Public Hearing was held for the following Land Development Plans:

**Edinboro Road Hotel – Land Development Plan: A land development plan to show the creation of a four-story, 66-room hotel and associated parking, located along the north line of Edinboro Road (State Route 0699), west of Meridian Drive extended in Tract 347. Index 750-040 & 041**

Engineer Morris reported that the Planning Commission recommended approval, noting that there is a requirement for sidewalks to be located on the property. Mike Sanford, 4721 Atlantic Ave., spoke on behalf of the land development plan and stated that PennDOT did issue a permit for the property. He reported that access and egress will remain the same as is currently on the property. Chairman McGrath asked if the mall owners have been consulted regarding use of interior mall roads for alternate access, due to the divider on Edinboro Road and safety concerns. Mr. Groh asked if an agreement has been made with Red Lobster for use of their property for access as well. Michael Patel, 7820 Perry Highway, responded that there has been no discussion with the mall owners regarding interior access to the proposed hotel, and that several months ago there was some discussion with Red Lobster. Mr. Groh encouraged Mr. Patel to try to arrange agreements with Red Lobster and The Cafaro Company (Millcreek Mall) for permission for interior access.

Art Goellner, 6026 Moraine Drive, expressed concern over the safety of having only one point of access and egress to the proposed hotel. He stated that all other developments in that area have two points of access and egress, plus traffic signals. Chairman McGrath stated that Mr. Goellner has a legitimate concern, but the property meets PennDOT's minimum requirement; thus, it would be better if the developer would pursue permission for internal access.

It was moved by Mr. Groh, seconded by Mr. Figaski, to approve the Edinboro Road Hotel Land Development Plan with the sidewalk requirement. There being no further public comment, motion carried by unanimous vote.

**Erie Bank – Land Development Plan: A land development plan to show the creation of a 4,980 sq. ft. bank with four drive-thru lanes and associated parking, located along the north line of West 12<sup>th</sup> Street (State Route 5), west of Pittsburgh Avenue in Tracts 15 and 16. Index 237-001**

Engineer Morris reported that the Planning Commission recommended approval. Colin Noble, 1557 West 26<sup>th</sup> Street, was present on behalf of the land development plan. There were no questions. It was moved by Mr. Groh and seconded by Mr. Figaski, to approve the Erie Bank Land Development Plan. There was no public comment. Motion carried by unanimous vote.

Chairman McGrath announced the Erie Area Council of Government Organizations (ECATO) Bids, which have been reviewed by the Engineering Department. On separate motions by Chairman McGrath and seconded by Mr. Figaski, the following contracts were awarded (noted by asterisk \*) by unanimous vote:

**ASPHALT COMPOUNDS, EMULSIONS and APPLICATION EQUIPMENT - Price per Gallon**

<b>Bidder</b>	<b>E-12</b>	<b>AE-T</b>
*Russell Standard	\$2.277	\$1.185
Suit-Kote	\$2.35	\$1.21

**BITUMINOUS HOT MIX**

<b>Bidder</b>	<b>9.5mm</b>	<b>19mm</b>	<b>25mm</b>
*Russell Standard	\$59.00	\$53.00	\$51.50
*Mayer Brothers	\$59.50	\$53.50	\$52.50
*Vincent Cross	\$67.45	\$62.05	\$62.35
*Joseph McCormick	\$58.50	\$52.00	\$50.50

**AGGREGATE MATERIALS – Price per Ton - 6500 tons**

<b>Bidder</b>	<b>Anti-Skid</b>	<b>Type C #57 Stone</b>
*ACA Sand & Gravel	\$13.75	\$ 8.50
Girts Sand & Gravel	No Bid	\$ 8.75
National Lime & Stone	No Bid	\$17.50

**CALCIUM CHLORIDE**

<b>Bidder</b>	<b>8,000 Gallons</b>
*Environmental Energy Solutions	\$ 1.05/gal.

**GRINDING and PROFILING PAVEMENT (MILLING) – 50,000 Sq. Yd.**

<b>Bidder</b>	<b>Price Per Sq. Yd.</b>
*Swank	\$ 0.67

**SLURRY SEAL – Price per Sq. Yd. 18,000 sq. yd. 12,000 sq. yd.**

<b>Bidder</b>	<b>Surface Treatment</b>	<b>Gutter</b>
*Suit-Kote	\$2.48	\$3.43

**CRACK SEALING**

<b>Bidder</b>	<b>6,600 gallons</b>
*Suit-Kote	\$16.36/gal
Russell Standard	\$16.39/gal.

It was moved by Mr. Groh and seconded by Mr. Figaski to approve Ordinance 2014-4, an Ordinance to amend Ordinance No. 2004-4, known as the Sewer Use Ordinance, regulating and establishing responsibility for maintenance and replacements of sanitary sewers in Millcreek, so as to amend the definition of and to clarify responsibility for maintenance and replacement of a grinder pump where one is installed in order to effect service to a particular property, including severability and repealor clauses. There was no public comment. Motion carried by unanimous vote.

It was moved by Mr. Figaski and seconded by Mr. Groh to approve Ordinance 2014-5, with an amendment exempting emergency vehicles, an Ordinance of the Township of Millcreek, Erie County, Pennsylvania to establish and impose restrictions prohibiting use of brake retarders on vehicles operated upon designated streets of the Township; prohibiting use and/or operation of brake retarders on West 38<sup>th</sup> Street (S.R. 4016) between Zuck Road and Asbury Road; providing for the erection of official signs to provide notice and warning as to the traveling public of said regulation; establishing fines and penalties for violations; and including severability and repealor clauses. There was no public comment. Motion carried by unanimous vote.

It was moved by Mr. Figaski and seconded by Mr. Groh to approve Resolution 2014-R-13, a Resolution approving amendment of Section V of the Rules and Regulations governing the Millcreek Township Public Sanitary Sewer System. There was no public comment. Motion carried by unanimous vote.

Mr. Groh presented the March Building Construction Report as follows:

Total Residential Structures	\$ 798,000.00
Total Non-residential Structures	<u>\$4,200,500.00</u>
	<b>\$4,998,500.00</b>
Zoning Permits Issued	9
Zoning Permit Fees	\$ 5,100.00

A letter was received from Erie County Bureau of Revenue and Tax Claim regarding an offer to purchase property from the County Repository for unsold properties. It was recommended by Treasurer Wolf, moved by Mr. Figaski and seconded by Mr. Groh to approve the sale of 1123 Hillborn Avenue to Joseph A. Groner for \$250.00. There was no public comment. Motion carried by unanimous vote.

Mr. Figaski announced the retirement of Lieut. Tom Luschini, who has served his entire career of 40 years, 7 months in the Patrol Division of the Millcreek Police Department. He is the longest serving police officer since the formation of the department, serving with 7 police chiefs in the capacities of Master Patrolman, Corporal, Sergeant and Lieutenant. Lieut. Luschini also was a firearms instructor from 1975-2010. The Board of Supervisors offered congratulations and wished him a long and happy retirement.

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

Permission for two traffic control details provided by Millcreek Police Department at Harley-Davidson of Erie on May 31, 2014 for the "Patriot Tour Ride," and on June 8, 2014 for the "MDA Poker Run," for a total of five hours at the expense of the Township. Both events are charity fundraisers.

Permission for three officers to perform traffic control for the March of Dimes "March for Babies Walk" on April 27, 2013 for a total of 6.5 hours at the expense of the Township. This is a charity fundraiser, and a certificate of insurance liability has been provided.

Permission for approval of a new date for the LECOM 5K run with all other provisions remaining the same. At the April 8, 2014 meeting, the Board authorized permission for LECOM Wellness Center to hold a 5K run in Millcreek Township on Saturday, August 9, 2014 and to authorize two Township police officers to assist with traffic control. LECOM has changed the date of the 5K run to August 2, 2014.

Permission to purchase a 2010 Black Doge Nitro from Humes Chrysler Jeep Dodge Ram in Waterford, PA for \$15,000. The vehicle and cost were previously approved for purchase and full reimbursement through the Operation Stonegarden Grant by the U.S. Border Patrol, with whom MPD officers assist in the summer months.

There was no public comment on any of these items, and all were approved by unanimous vote.

It was moved by Mr. Figaski and seconded by Mr. Groh to approve a \$1000.00 sponsorship donation to Asbury Woods for their annual fundraising appeal. There was no public comment. Motion carried by unanimous vote.

It was requested and moved by Mr. Figaski and seconded by Mr. Groh to send a letter from the Board of Supervisors to Paul Vojtek, CEO of Erie Water Works, asking that Erie City Water Authority request a temporary stay of negotiations between Erie City Water Authority and Millcreek Township Water Authority (MTWA) until August 30, 2014. Mr. Figaski feels that this would save the Township money. Jerry Servidio, 1720 West Gore Road, suggested that perhaps arbitration costs should be a part of the sale of the MTWA. He also asked how the rate payers would benefit from the delay in negotiations. Chairman McGrath stated that he feels uncomfortable with intervening by telling both authorities to delay negotiations. Motion carried 2-1, with Chairman McGrath voting no.

It was requested by Bill Hitchcock, Operations Manager, Township Garage, moved by Chairman McGrath and seconded by Mr. Figaski, to send Larry Manus, Andrew Tucholski and David Guthrie to a required OBD 2 recertification class for emission inspectors on April 30, 2014 at Erie County Vo-Tech. Total cost is \$165.00. There was no public comment. Motion carried by unanimous vote.

It was requested by Jim Sperry, Recreation and Parks Director, moved by Chairman McGrath and seconded by Mr. Groh to hire three summer maintenance employees as follows:

Justin Burger	\$8.45/hr.	Starting 5/6/2014
Blaine Bensur	\$7.65/hr.	New Hire 5/6/2014
Tyco Bock	\$7.65/hr.	New Hire 6/9/2014

There was no public comment. Motion carried by unanimous vote.

Mark Dietz, Head Foreman, Streets Department, solicited and submitted four quotes for 20 tons of Cold Patch:

Russell Standard Corporation	\$76.00/ton
Suit-Kote Corporation	\$76.00/ton
McCormick Construction	No Bid
Vince Cross Paving	No Bid

It was recommended by Mr. Dietz, moved by Chairman McGrath and seconded by Mr. Figaski to award the contract to Russell Standard Corporation for \$76.00/ton. There was no public comment. Motion carried by unanimous vote.

It was recommended and moved by Mr. Groh and seconded by Mr. Figaski to contribute \$1000.00 to the Lake Shore Fire Department for mandatory worker compensation premiums. The premiums have doubled, and in an agreement with Fairview Township, Millcreek Township will increase its annual contribution for fire department operations in 2015, to be determined at budget time. There was no public comment. Motion carried by unanimous vote.

It was recommended by Charles Pierce, Zoning Administrator, moved by Mr. Groh and seconded by Mr. Figaski to appoint the following members to the Property Maintenance and Fire Codes Board of Appeals: William Bucceri, George McKinley, Robert Enas, Gary Behr, and as alternate members, Ralph Riehl and Damon Finazzo. There was no public comment. Motion carried by unanimous vote.

It was requested by Mr. Pierce, moved by Mr. Groh and seconded by Mr. Figaski, to authorize the start of the enforcement process on the owners of the Peninsula Motel and the Shell Station located at the northeast corner of West 12<sup>th</sup> Street and Powell Avenue, for the ultimate purpose of demolition of the two structures. There was no public comment. Motion carried by unanimous vote.

It was requested and moved by Mr. Groh and seconded by Mr. Figaski to authorize Mr. Groh, in his capacity as a municipal manager, to attend the Association of Pennsylvania Municipal Managers conference on May 21, 2014 in Farmington, PA. Total cost for the conference and lodging is \$304.00. There was no public comment. Motion carried by unanimous vote.

It was recommended by Solicitor Adair, moved by Mr. Figaski, and seconded by Mr. Groh that the Board establish a fee of \$1000.00 for appeals enforcement notices under the Property Maintenance Code and Fire Code, to be included in the written agreement. There was no public comment. Motion carried by unanimous vote.

It was requested by Engineer Morris, recommended by Solicitor Adair, moved by Mr. Figaski and seconded by Mr. Groh to approve a Facility Use Agreement with MYAA, contingent on Board Review, to allow MYAA to develop the 19 acre site and facility at 2445 West 15<sup>th</sup> Street. There was no public comment. Motion carried by unanimous vote.

Jerry Servidio, 1720 West Gore Road, asked how many of the 11 MTWA employees will be retained if the sale goes through. Mr. Figaski responded that the intent is to retain as many employees as possible, but Township residents must be taken into account as well. Mr. Servidio asked if the new police uniforms will be American-made. Mr. Figaski replied that he will ask Chief Tesore. Mr. Servidio reported that in the area of Zimmerly Road and Dixson Drive, the netting is washing out and the bank will erode away. He also suggested posting No Dumping signs, as he and his wife have spent a lot of time picking up garbage. He also would like to see the stream stocked with fish, but first an existing obstruction downstream will need to be addressed.

Gary Behr, 4045 Feidler Drive, is concerned about the terrible condition of Township roads. He would like to see a written survey of both Township and state roads, a status of repairs and a repaving plan posted on the Township website. Mr. Behr also would like to see a revenue report posted on the website, and has concerns regarding the Community Development Block Grant. Finally, Mr. Behr asked why Time Warner Cable is not broadcasting the public meetings.

Mr. Groh explained that road conditions are currently very poor in most communities this year, that patching is currently being done and a repaving schedule is being created. Chairman McGrath stated that roads are being fixed temporarily until the asphalt plants are up and running; they are waiting for oil.

Mr. Figaski responded to the question about meeting broadcasts, explained the history of recorded Township meetings, and stated that Time Warner Cable is being acquired by Comcast. The hope is that Comcast will be more cooperative than Time Warner Cable has been.

Mr. Groh acknowledged the students who attended the meeting and invited them to return in the future.

There being no other citizens to be heard or any further business to come before the Board, it was moved by Mr. Groh and seconded by Mr. Figaski to adjourn the meeting at 8:31 p.m.

Sheryl A. Williams  
Assistant Secretary

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Approved: May 6, 2014

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