

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 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 2-0 to approve the minutes of the Board's July 15, 2014 meeting. Chairman McGrath abstained due to being absent on July 15, 2014.

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 \$635,016.90, and Sewer Revenue Fund bills in the amount of \$289,023.23.

Consideration of Subdivision and Land Development Plans:

Non-substantial Land Development Plan Amendment: Pine Valley – South Shore Construction Management, Developers. *Approved at meeting of June 28, 2012; rescheduled from July 8, 2014; tabled on July 15, 2014 until July 22, 2014.

Each Supervisor reported on research he had conducted on the proposed amendment. A motion to deny the proposed amendment by Chairman McGrath died for lack of a second. On motion by Mr. Figaski and seconded by Mr. Groh, the proposed amendment was approved 2-1, with the requirement that the dumpsters be moved in compliance with the Zoning Ordinance, and that they are placed within an earthen tone corral which will blend in with surrounding foliage. Chairman McGrath voted no. Motion carried.

2545 WEST 12TH STREET. Land Development Plan. A land development plan to show the construction of a two-tenant building with a total of 4,359 square feet to be built in two phases, along with a single drive-thru lane, phased parking areas and a required stormwater management system located along the south line of West 12th Street (S.R. 5) to the east of Selinger Avenue in Tract 15. Index 257-038.

Engineer Morris reported that the Planning Commission has recommended approval. Mike Sanford, 4721 Atlantic Avenue, spoke on behalf of the developer, clarifying that only one of two buildings will be constructed at this time. On recommendation of Engineer Morris, it was moved by Mr. Groh and seconded by Mr. Figaski to approve the proposed land development plan for 2545 West 12th Street. No further public comment was received. Motion carried by unanimous vote.

SUBDIVISION PLAN NO. 2 for GENE A. & ANNA M. GROENENDAAL and GENE A., II & JULIE A. GROENENDAAL. Subdivision Plan. A minor subdivision plan to show the creation of a 6.170 acre parcel to become an integral part of Erie County Tax Parcel 33-159-635-2.05 and the creation of a 4.274 acre parcel to become an integral part of Erie County Tax Parcel 33-159-635-2.01 located along the south line of Arbuckle Road, east of Footemill Road in Tract 340. Index 928-007 & 009.

Engineer Morris reported that the Planning Commission has recommended approval with two requirements and a variance. Mike Sanford, 4721 Atlantic Avenue, spoke on behalf of the developer, clarifying that there will be two additions on the rear lots. On recommendation of Engineer Morris, it was moved by Mr. Groh and seconded by Mr. Figaski to approve the proposed Groenendaaal Subdivision Plan with the following requirements and variance: Said 6.170 acre parcel is to become an integral part of Erie County Tax Parcel 33-159-635-2.05; Said 4.274 acre parcel is to become an integral part of Erie County Tax Parcel 33-159-635-2.01; Variance – 3:1

depth to width ratio. No further public comment was received. Motion carried by unanimous vote.

NICHOLAS & SUSAN GHISSON. Subdivision Plan. A minor subdivision plan to show the creation of a 0.184 acre Parcel "A" which is to become an integral part of Erie County Tax Parcel 33-175-565-28.01 and a 0.393 acre Parcel "B" which is to become an integral part of Erie County Tax Parcel 33-175-565-28 along the west line of Grubb Road (S.R. 4011,) south of Stone Creek Drive in Tract 353. Index 515-083 & 085.

Engineer Morris reported that the Planning Commission has recommended approval with two requirements. On recommendation of Engineer Morris, it was moved by Mr. Groh and seconded by Mr. Figaski to approve the proposed Ghisson Subdivision Plan with the following requirements: Said 0.184 acre Parcel "A" is to become an integral part of Erie County Parcel 33-175-565-8.01; Said 0.393 acre Parcel "B" is to become an integral part of Erie County Tax Parcel 33-175-565-28. No public comment was received. Motion carried by unanimous vote.

WALTER HARF. Subdivision Plan. A subdivision plan to show the creation of a 0.06 acre parcel of land, Parcel "A", along the east line of Estate Drive, north of Bison Court in Tract 349. Said Parcel "A" is to become an integral part of the neighboring property, Erie County Tax Parcel (33) 186-668-201. Index 627-025.

Engineer Morris reported that the Planning Commission has recommended approval with one requirement. Walter Harf, 1230 Beaver Drive, stated that the purpose of this proposal is to make the two lots more equal in size to accommodate two houses. On recommendation of Engineer Morris, it was moved by Mr. Figaski and seconded by Mr. Groh to approve the proposed Harf Subdivision Plan with the following requirement: Said 0.06 acre Parcel "A" is to become an integral part of Erie County Tax Parcel 33-186-668-201. No further public comment was received. Motion carried by unanimous vote.

SLAVIC PENTECOSTAL CHURCH. Land Development Plan. A land development plan to show the construction of an 8,000± sq. ft church addition with associated parking and stormwater management system located east of Carriage Hill Drive, south of Young Road in Tract 344. Index 858-037.

Engineer Morris reported that the Planning Commission has recommended approval with stipulations. Ilya Pribyshchuk, 3921 Lake Pleasant Road, spoke on behalf of the church, stating that an agreement has been made between the church and the Cherry Hill Condo Association regarding an easement for the conveyance of stormwater through private property. Solicitor Adair stated that the agreement is invalid until notarized on an appropriate form and recorded at the Court House. On recommendation of Engineer Morris, it was moved by Mr. Figaski and seconded by Mr. Groh to approve the proposed Slavic Pentecostal Church Land Development Plan with the following requirements: A Sidewalk Deferral Agreement must be obtained; An appropriate easement for the conveyance of stormwater through private property must be obtained and recorded. No further public comment was received. Motion carried by unanimous vote.

Chairman McGrath announced the towing contract awards for 2014-2019. On the recommendation of Solicitor Adair, it was moved by Mr. Figaski and seconded by Mr. Groh to authorize five-year towing contracts for 2014-2019 to the following contractors: D'Amico Towing, Eddie's Collectibles, Erie Auto Salvage, Romesburg's Service and Sornberger Automotive. No public comment was received. Motion carried by unanimous vote.

It was recommended by Engineer Morris, moved by Mr. Figaski and seconded by Mr. Groh to approve a financial security release of PNC Bank Check #449580 for PNC Bank Wegmans Drive, PNC Bank, NA, developer, in the amount of \$46,360.00. All Public improvements have been completed in accordance with Township specifications. Motion carried by unanimous roll call vote.

It was recommended by Engineer Morris, moved by Mr. Figaski and seconded by Mr. Groh to approve a financial security release of PNC Bank Check #449272 for PNC Bank Millcreek Marketplace, PNC Bank, NA, developer, in the

amount of \$34,050.00. All Public improvements have been completed in accordance with Township specifications. Motion carried by unanimous roll call vote.

It was recommended by Engineer Morris, moved by Mr. Groh and seconded by Mr. Figaski to deny a request for release of National Bank of North East Letter of Credit # 241 Whispering Woods, Steven Rapp, developer, in the amount of \$222,952.00 due to erosion problems. Motion carried by unanimous vote.

On request of the Erie County Tax Claim Bureau and recommendation of Treasurer Wolf, it was moved by Mr. Figaski and seconded by Mr. Groh to approve the sale of 317 Peninsula Drive, Lot 30 - trailer, to Charles Griffin for \$250.00. No public comment was received. Motion carried by unanimous vote.

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

1. Permission to utilize West Lake Fire Department Fire Police for traffic control during the CROP Walk on September 28, 2014.
2. Permission to utilize Kearsarge Fire Department Fire Police for the LECOM 5K Run on August 2, 2014, on condition that the request is submitted on the proper form.
3. Approval of a three-day suspension without pay of a Millcreek Police Officer as a result of internal investigation I-01-14.

No public comment was received. Motions carried by unanimous vote.

Chairman McGrath announced that there will be a Public Hearing on August 5, 2014 at 9:30 a.m. regarding the transfer of a liquor license from the City of Erie into Millcreek Township.

It was requested by Mark Wells, Sewer Department Assistant Head Foreman, moved by Chairman McGrath and seconded by Mr. Groh, to approve sending Burt Maio, Keith Lawson, Lou Ferrara, Terry Craker and Mark Wells to a Grinder Pump Repair class in Mars, PA on July 30, 2014. Total cost is \$200.00 plus transportation by Township vehicle. No public comment was received. Motion carried by unanimous vote.

It was requested by Gary Snyder, Sewer Department Head Foreman, moved by Chairman McGrath and seconded by Mr. Groh, to approve the purchase of a set of jetter nozzles for \$5,296.50, and a new root cutter for the second jetter for \$5,494.50 from A&H Equipment through COSTARS, contract number 25-044. Total cost is \$10,791.00 and is a 2014 budgeted purchase. No public comment was received. Motion carried by unanimous vote.

It was requested by Jim Sperry, Director of Parks and Recreation, moved by Chairman McGrath and seconded by Mr. Figaski to approve a rate change for Elaine Berndt, Part Time Office worker, to \$10.05 per hour for the Summer Season 2014. No public comment was received. Motion carried by unanimous vote.

It was requested by Richard Whitbread, Traffic Engineering Head Foreman, moved by Chairman McGrath and seconded by Mr. Figaski to approve the purchase of 1,000 gallons of Yellow Line Paint from Ennis Paint, Inc. for \$11,099.00 through COSTARS, contract number 4600014835. This is a 2014 budgeted purchase. No public comment was received. Motion carried by unanimous vote.

On motion by Mr. Figaski and seconded by Mr. Groh, Chairman McGrath was nominated to serve another three years on the Erie County Signing Region Trust Board. No public comment was received. Motion carried by unanimous vote.

Chairman McGrath reported that he had invited Mr. Figaski and Mr. Groh to discuss the concerns and issues that he had proposed at the July 8, 2014 meeting regarding the probable sale of the MTWA. Mr. Figaski had asked for clarification on some of the issues, and Chairman McGrath responded. Chairman McGrath also specified that he would like the Township to hire an independent accountant to examine the financial status of the Erie City Water Authority, as he is deeply concerned about their millions of dollars in long-term debt. Chairman McGrath then moved that the following issues be addressed before the sale of the MTWA: Establish Township representation of on the Erie Water Authority Board that reflects the percentage of Millcreek customers; Establish standardization of

policies and procedures for installation and maintenance of the system; Determine the financial impact of the sale on the Township; Assure that fiduciary responsibilities have been fulfilled; Develop a long-term plan for utilizing the proceeds of the sale, such as an endowment type of account. The motion died for lack of a second.

It was recommended by Solicitor Adair, moved by Mr. Groh and seconded by Mr. Figaski to approve an agreement between Millcreek Township and A. Latif Panhwar and Sandra J. Panhwar for removal and reconstruction of the back portion of the Peninsula Motel, 1002 Peninsula Drive by August 31, 2015. No public comment was received. Motion carried by unanimous vote.

Diane Esser, 923 Long Point Drive, spoke in support of passing Ordinances to mandate the planting of more tree corridors and trees in parking lots to help manage climate change and improve air quality. She also has a volunteer staff available to assist in planting trees. Chairman McGrath noted that Jessica James, Recycling Clerk, has been applying for and receiving TreeVitalize grants each year to plant more trees in the Township.

Tom Osiecki, 2912 Loveland Avenue, stated that the Concerned Citizens of Millcreek and J.O.Y. Center members are asking the Board to please meet with them to discuss the future of the J.O.Y. Center. He feels that it is a well run senior center and they would like to be given more time to prove their success. Mr. Osiecki also feels that this issue could result in legal action if not resolved.

Wendy Totleben, 4004 Pacific Avenue, is impressed with the J.O.Y. Center. She stated that it improves the health and wellbeing of senior residents, and would like to see the Board give the center more time to become established and build its membership.

Joe Kujawa, 5431 Henderson Road, wanted to clarify that the J.O.Y. Center currently has over 300 members. He also stated that, although not in writing because it was so new, there was a business plan for the J.O.Y. Center, which had been discussed among all three Supervisors at the time. Mr. Kujawa reported that various funding was being arranged through grants, donations, office rental, support of local business owners and government funding. Mr. Kujawa also addressed previous comments regarding using his vacation leave after his election loss, and clarified that he did attend budget and personnel meetings while on vacation, as well as participated in phone consultations and meetings.

Chairman McGrath reminded everyone that there is no meeting next week, and the next meeting will be on Tuesday, August 5, 2014 at 9:30 a.m.

There being no other citizens to be heard or any other business to come before the Board, it was moved by Mr. Figaski and seconded by Mr. Groh to adjourn the meeting at 8:12 p.m.

Sheryl A. Williams
Assistant Secretary

Approved: August 12, 2014

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