

The regular meeting of the Millcreek Township Board of Supervisors was called to order at 9:30 a.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 October 7, 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 \$372,870.75, and Sewer Revenue Fund bills in the amount of \$440,686.59.

A Public Hearing was held on a Petition Requesting a Change in Zoning Classification for the following property:

BNS PROPERTIES, LLC by Michael A. Agresti, Esq., for property located at West 32nd Street, also known as Ridgefield Elementary School, 3227 Highland Road, now zoned R-1 Single Family Residential District, asking for a change in classification to C-1 Local Commercial District. Index 348-001 County Index 33-74-320-1

Charles Pierce, Zoning Administrator, reported that the Planning Commission recommended denial of this petition with two recommendations: 1. A variance use for a business/professional office use of the building for the buyers, and 2. Subdivide the property to enable the acquisition for retention of the field/playground as a Township or School District park.

Atty. Michael Agresti, 4934 Peach Street, stated that his client is now requesting rezoning of only the portion of the property that will be used for business. The Board felt that since this is a significant change in the original petition, the request should be presented to the Planning Commission in the form of an amended rezoning petition before the Board can act on it.

Atty. Tim Sennett, Millcreek Township School District, suggested that the Supervisors will make the ultimate decision to rezone the property, they could reclassify the property conditioned upon an approved subdivision plan identifying the reduction of acreage. Mr. Groh stated that one cannot put a condition on a zoning approval, which was confirmed by Solicitor Adair. Solicitor Adair recommended that the Board follow established procedure to avert a possible appeal to the Zoning Hearing Board, and suggested that Atty. Agresti consider submitting both an amended rezoning petition and an amended subdivision application to the Planning Commission. After further discussion, Atty. Agresti formally asked to withdraw the Rezoning Petition with the right to amend.

It was moved by Mr. Groh and seconded by Mr. Figaski to accept Attorney Agresti's request to withdraw the Rezoning Petition for Ridgefield Elementary School, 3227 Highland Road, with reason being to amend the petition.

David Michalak, 3130 Highland Road, thanked the Board for their insight and stated that up until now, the rezoning process has not been transparent, but is hopeful things will change.

Frank Laskowski, 3111 Westline Street, reported that has a petition signed by 241 residents who are opposed to the proposed rezoning. He stated that people are totally against any changes that involve bringing more businesses into their neighborhood, as most people bought homes there because it was a school neighborhood, and feel that rezoning that property is not in their best interest.

Lou Aliota, 538 Margo Court, stated his concern that the public was not allowed to speak on this issue at the most recent Millcreek Township School Board meeting.

Tim Sennett, MTSD Solicitor, refuted Mr. Aliota's statement, and reported that two people offered public comment at the meeting.

Motion carried by unanimous vote.

It was moved by Mr. Groh and seconded by Mr. Figaski to approve proposed Ordinance 2014-9, an Ordinance to amend the Millcreek Township Zoning Ordinance, No. 2011-8, as amended, by changing the classification of a certain parcel of land situate in the Township of Millcreek, Erie County, Pennsylvania, described as follows, to-wit: Property along the west line of the 400 block of Peninsula Drive (S.R. 0832) north from the north line of West 6th Street, now zoned Mixed Occupancy and R-3 Residential Districts, to be rezoned to Resort Commercial District. Chairman McGrath explained that this Ordinance is a formalization of an agreement regarding Waldameer Park. No public comment was received. Motion carried by unanimous vote.

It was requested by Chief Tesore, moved by Mr. Figaski and seconded by Mr. Groh, to authorize permission for Corporals Fallon and Hauber to attend the "Ventilation Flowpaths and Fire Growth" class at Allegheny County Fire Academy on the morning of October 16, 2014, at no cost to the Township. No public comment was received. Motion carried by unanimous vote.

Jessica James, Recycling Clerk, solicited and received bids for the Millfair Pond Aeration Project:

Dahlkemper Landscape Architects & Contractors	\$10, 106.41
Weiss Earley Landscape Design & Contracting	No Bid
Contemporary Landscape Designs	No Bid
Afton Landscape Supply	No Bid

It was recommend by Ms. James, moved by Chairman McGrath, and seconded by Mr. Groh to award the bid to Dahlkemper Landscape Architects & Contractors for \$10,106.41. No public comment was received. Motion carried by unanimous vote.

Chairman McGrath announced that Trick or Treat hours for the Township will be Friday, October 31, 2014 from 6:00 to 8:00 p.m.

It was requested by Mr. Groh, in his capacity as Administrator of Administrative Services, moved by Mr. Figaski and seconded by Chairman McGrath, to attend the APMM/PELRAS Regional Workshop on October 17, 2014 in Monroeville, at a cost of \$140.00. No public comment was received. Motion carried by unanimous vote.

It was requested by Mr. Groh, in his capacity as Administrator of Administrative Services, moved by Mr. Figaski and seconded by Chairman McGrath, to serve as a panelist at the Pennsylvania Building Officials Conference on October 29-30, 2014 in Grantville, at no cost to the Township. 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 Sidewalk Deferral Agreement for Scavella Building & Design, Inc., 3107 West 53rd Street. Engineer Morris reported that there are no adjacent sidewalks in the area. No public comment was received. Motion carried by unanimous vote.

Diane Esser, 923 Long Point Drive, stated that she will be sending the Township information on revegetation and reforestation practices, which she feels would be beneficial in the Hammocks subdivision. She also encouraged the Supervisors to consider enacting Ordinances which would promote these practices.

Tim Kunkle, 4601 McCreary Road, announced that he will be speaking to senior residents about the Flagship Niagra and the Belle of Lake Erie, this Friday, October 17th, at 1:00 P.M. at the South Station of West Ridge Fire Department.

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 10:04 a.m.

Sheryl A. Williams
Assistant Secretary

Approved: October 21, 2014

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