

Regular Meeting

January 17, 2012

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 Gerald Wolf, Joseph Kujawa, Richard Figaski, Brian McGrath, Evan Adair, Esq., Phyllis Vollbrecht, Richard Morris, P.E. and Chief Thomas Carlotti.

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.

Chairman Figaski administered the Oath of Office to Police Officer Christopher Buckner who began his duties January 16, 2012.

On the recommendation of Chief Carlotti, it was moved by Mr. McGrath and seconded by Mr. Kujawa to elevate Thomas Brian Henderson and Nathan Adam Spiker from Probationary Patrolmen to "Class D" Patrolmen effective January 10, 2012. No public comment was offered. Motion carried by unanimous roll call vote.

Chief Carlotti announced the National Drug Collection Program for Saturday, April 28, 2012 from 10:00 a.m. to 2:00 p.m. He believes the Township's continued participation in this event would be beneficial to the community so he requested permission for the Police Department to participate. The Assembly Room would be utilized with a uniformed officer present (no overtime costs). L.E.C.O.M faculty and students would be present to assist. It was moved by Mr. Kujawa and seconded by Mr. McGrath to approve the request. No public comment was received. Motion carried by unanimous roll call vote.

The Board and Fairview Supervisor Peter Kraus presented a check in the amount of \$628.00 and four cans of soup to Sister Mary Miller, Director of Emmaus Ministries. Donations were collected from Millcreek and Fairview residents who dropped off live Christmas trees for recycling on January 7. Mr. Kujawa thanked Devon Falhauber, Charlotte Bartlett, Steve Cornelius, Roy Walkama, Corey Walters, Mike Sornberger, Jim Bartlett and Judy Zelina for working at the Recycling Center that day. Sister Mary Miller reported that since the tree collection program started in 1991 by the Waste Management, Emmaus has received almost \$45,000.00.

It was moved by Mr. Kujawa and seconded by Mr. Figaski to approve the minutes of the Board's January 10, 2012 meeting. Voting yes: Kujawa, Figaski. Mr. McGrath was on vacation.

It was moved by Mr. McGrath and seconded by Mr. Kujawa to approve payment of the weekly General Fund bills in the amount of \$590,008.02 and the Sewer Revenue Fund bills in the amount of \$150,940.23. Motion carried by unanimous roll call vote.

On motion by Mr. Kujawa, seconded by Mr. McGrath, Resolution 2012-R-4 was adopted; a Sewer Planning Module for Pine Valley Apartments on Crabapple Drive (Palermo Realty, Developer). Motion carried by unanimous roll call vote.

It was moved by Mr. McGrath and seconded by Mr. Kujawa to adopt Resolution 2012-R-5; a Sewer Planning Module for Sterrettania Road Apartments located east of

Sterrettania Road and north of West 38th Street (David Baldwin, Developer). Motion carried by unanimous roll call vote.

On the recommendation of Engineer Morris, it was moved by Mr. Kujawa and seconded by Mr. McGrath to approve the release of PNC Bank Letter of Credit 18111247-00-000 in the amount of \$78,617.00 for the Sisters of St. Joseph of Northwestern PA at 5031 West Ridge Road. All public improvements were completed in accordance with Township specifications. Motion carried by unanimous roll call vote.

Mr. McGrath reported the December 2011 Building Construction Report as follows:

Total Residential Structures	\$681,000.00
Total Non-residential Structures	<u>\$ 3,000.00</u>
	\$684,000.00
Zoning Permits Issued	7
Zoning Permit Fees	\$ 2,150.00

It was recommended by Treasurer Wolf, moved by Mr. McGrath and seconded by Mr. Kujawa to approve a contract with Kronos Support Services for software and equipment support effective from April 2, 2012 to April 1, 2013 at the cost of \$3,813.03. No public comment was received. Motion carried by unanimous roll call vote.

Treasurer Wolf requested permission to attend the annual PELRAS Labor Conference along with Diane Lyons and one Supervisor from March 21 to 23, 2012 at State College, PA at the approximate cost of \$1,000.00. It was moved by Mr. Kujawa, seconded by Mr. McGrath and carried to approve the request. No public comment was received.

It was moved by Mr. McGrath and seconded by Mr. Kujawa to advertise for bids for a new salt storage building. No public comment was received. Motion carried by unanimous roll call vote.

Mr. Kujawa reported that he met with AFSCME members, Streets Department staff, and Engineering staff regarding the 2012 catch basins. It was moved by Mr. Kujawa and seconded by Mr. McGrath to advertise for bids for approximately 20 catch basins. No public comment was received. Motion carried by unanimous roll call vote.

It was moved by Mr. Kujawa and seconded by Mr. McGrath to advertise for bids for a collapsing storm sewer system on Montpelier Avenue. No public comment was received. Motion carried by unanimous roll call vote.

Mr. Kujawa stated that he neglected to thank Carol Pirrello for her hard work after Recycling Clerk Christine Walter passed away. She assisted in the Recycling Office and in the training of Devin Falhauber, the new Recycling Clerk.

Mr. Kujawa reported that Millcreek Township received 1st Place under communications for the Recycling Center CD; 2nd Place for the solar panel CD; and 3rd place for the annual calendar in the Pennsylvania 44th Anniversary of Township Citizens Communications contest.

The Engineering Department recommended approval of Change Order No. 2 for the Highland Park Sediment Control Facility in an additional amount of \$1,597.64 on the Frampton Contracting contract. The change order provided for additional underdrains

required to drain the basin so construction work could proceed. It was moved by Mr. McGrath and seconded by Mr. Kujawa to approve Change Order No. 2. No public comment was offered. Motion carried by unanimous roll call vote.

Mr. McGrath said that several reports have been received on incidents where private snow plow contractors have pushed snow out onto the roadways and cul-de-sacs. According to Ordinance No. 99-7, that is prohibited and it is the responsibility of property owners to tell their private contractors. He also reminded residents to put up stakes to mark the edge of the pavement.

Dale Reynolds of Ripley, New York, asked the Board for assistance from the Police Department regarding some personal issues. He presented a 12-page document relating his life story.

Lou Aliota, 538 Margo Court, asked Mr. McGrath about the Streets Department plowing snow into the center of cul-de-sacs within the Township but the ordinance prohibits private contractors from doing so which he thinks is discriminatory. Mr. McGrath explained that private contractors cannot take snow from private property and put it into the Township right-of-way. It becomes a hazard.

Mr. Aliota asked to address Mr. Kujawa. Mr. Figaski cautioned him that the Board and the Chair will not tolerate personal attacks against any member of the Board. If when reading his letter, Mr. Aliota begins to go into a personal attack, Mr. Figaski will be forced to call him out of order. Mr. Aliota said that at the May 26, 2010, Mr. Kujawa exhibited behavior in an attempt to intimidate a citizen of Millcreek Township. Mr. Kujawa's tone was disrespectful to him regarding his recent RTK request. Mr. Aliota reminded him that the Township is mandated to comply with the law and the taxpayers pay his salary. He reminded the Board that four times in the last two years he was not provided documents from the RTK Officer and Atty. Wachter as legal counsel; he filed appeals to the Office of Open Records; he won his appeals; and the RTK Officer and Atty. Wachter were ordered to provide all documents to him. His questions are very relevant to the fiscal viability of the Township.

Mr. Kujawa said many citizens of the Township have told him that Mr. Aliota does not represent them as taxpayers and that he should not be speaking on their behalf.

Atty. Wachter told the Board that the Township decisions have not been overturned; however one appeal is still pending. He explained the RTK Law, mainly that requests must be very specific; that agencies are not to answer questions; and agencies do not have to compile, format or organize the records in a manner which are not currently compiled or formatted by the Township. There has been case law in the Office of Open Records and determinations made that indicate an agency does not have to perform research in order to find or come up with records that may be relevant to a request. He spoke of services provided by him and Atty. Perhaps on an as-needed basis as members of the Knox Law Firm.

People who live in Millcreek are constantly coming to any office at the Township Building to get answers to something they are involved in according to Atty. Adair. People who work at the Township answer these questions and provide information to the public. In those instances, RTK requests are not necessary. Atty. Adair pointed out that Mr. Aliota has not once asked a question relative to anything in which he is involved. Mr. McGrath again said that he met with Mr. Aliota several times to explain finances and golf course revenues and expenses. Atty. Wachter agreed that Millcreek Township is

really good at getting information out to the citizens through staff, website, etc. that doesn't necessitate RTK requests because it's done through the regular course of business.

Pete Kraus, Fairview Township Supervisor, wanted the residents of Millcreek and Fairview Townships to know how well the two townships work together. The Recycling Center, drainage projects, road projects, sharing of equipment, etc. are just a few areas where the two townships have worked jointly according to Mr. McGrath.

Gary Behr, 4045 Feidler Drive, thanked the Board for their role in not allowing the placement of a communications tower at Zuck Park and for the continuing improvement to the Township's web page. He's had no problem getting answers to his questions from the staff and Supervisors. He also said people are getting tired of the never-ending minutia that isn't relevant.

Phyllis Hlavin, 4214 Dion Court, asked about the Township's financial responsibility for the relocation of the net and poles at the Millcreek Golf Course. Mr. McGrath explained the process between the Township and the Airport Authority.

Mike Hlavin, 4214 Dion Court, asked about the Township receiving more money as a result of County re-assessment. The last time there was a re-assessment, the rules were that the changes had to be revenue neutral according to Mr. McGrath. Atty. Adair said any re-assessment would be effective in January of 2013. Re-assessments are done so that property values are more uniform.

There being no further business to come before the Board or citizens to be heard, it was moved by Mr. McGrath, seconded by Mr. Kujawa and carried to adjourn the meeting at 10:37 a.m.

Phyllis A. Vollbrecht
Assistant Secretary

APPROVED: February 28, 2012

Richard P. Figaski
Joseph S. Kujawa
Brian P. McGrath