

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, Julie Maggio, and Richard Morris, P.E.

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. Kujawa and seconded by Mr. McGrath to approve the minutes of the Board's June 12, 2012 meeting. Motion carried by unanimous roll call vote.

It was moved by Mr. McGrath and seconded by Mr. Kujawa to approve payment of the weekly General Fund bills in the amount of \$554,898.19 and the Sewer Revenue Fund bills in the amount of \$873,381.56. Motion carried by unanimous roll call vote.

Because PennDOT was unable to get a press release out in time, the Asbury Road Bike Lane Project information was not presented today.

A public hearing was held on the following petition requesting a change in zoning classification:

John E. and Susan J. Mason, for property located at 902 Hilborn Avenue, comprising Lots 10, 12 and the north 10 feet of Lot 13 in Avondale Addition, together with a 50-foot by 150-foot strip of land representing a vacated portion of former West 9th Street, now zoned R-1 Single Family Residential District, asking for a change of classification to C-2 General Commercial District.

Mrs. Maggio reported that the Millcreek Township Planning Commission recommended denial, the Erie County Planning Office said it was generally consistent with the Erie County Comprehensive Plan, and the Millcreek Township Future Land Use Plan shows single family dwellings.

John Mason, Jr., 1841 Fairplain Road, Lake City, appeared on behalf of the plan. The plans for the property include:

1. Demolish the house.
2. Install buffer yards, landscape screens and a fence along the east and south sides in compliance with Millcreek's ordinances.
3. Use the garage for storage.
4. Outer areas would become sales areas for trees, shrubs and flowers.
5. No access to Hilborn Avenue from any of the lots.

The affect of the rezoning on surrounding properties include:

1. Installation of buffer yards and planting would enhance the area much more than current state of property.
2. Demolition of the house to eliminate a duplex that would be rented resulting in the reduction of traffic and potential conflicts with new neighbors.
3. It would be an empty lot during their three months of closure.
4. Mason's have been good neighbor for 25 years.
5. Mason's will be around for many years. The fourth generation is now becoming a driving force in the organization.

Mr. Mason also said garden centers are permitted in C-2 zoning. The shrubs and trees now take up about one-third of the parking lot. Access to Hilborn Avenue through the lot north of 824 will never be used for late night traffic. If put in, it would be gated for security.

Robert Peters, 925 Hilborn Avenue, expressed a concern about flooding on Hilborn Avenue. Engineer Morris said stormwater management will be required for any impervious surfaces. The Mason's have indicated that there will be no access onto Hilborn Avenue, but if they leave the business, new owners could do that. Mr. Peters, a history major, would hate to see the old German/Swiss style house demolished.

Janet Peters, 925 Hilborn Avenue, presented pictures of the flooding on Hilborn Avenue and has concerns about it and the accumulation of snow and ice in the winter because of the drainage. Also, if the house is demolished, there will be more noise pollution. If an access was put in, there would be an increase in traffic. Property values would decrease with the increase in commercial zoning in this residential area.

Pat DeCrappeo, 1019 Hilborn Avenue, said her main concern is the Mason family leaving the property at some point and what type of business could go in there.

Lea McElhinney, 901 Hilborn Avenue, is 22 feet directly across from the proposed rezoning. She already can see into the Mason property, so with the removal of the house, there will be more noise and traffic. People travel Hilborn Avenue from Arby's, the Manor Motel, and to get to the Korean Church. The parking situation along Hilborn Avenue is getting serious. There are no stop signs from West 12th to West 8th Streets.

Dana Mintsiveris, 415 Indiana Drive, said this is a good family area and should remain so. The Board should heed the recommendation of the Planning Commission to deny this rezoning.

Mr. McGrath said his concerns are that rezoning to C-2 General Commercial would allow only certain types of businesses but if the Mason's were ever to leave, only those types could go in; a land development plan would be required to account for water generated from the property; the Board would attempt to regulate any type of increased traffic; in 1999 when the property to the north (824 and 828) was rezoned, the consensus was that the properties to the north were generally commercial; and to continue south with commercial would now become an encroachment into residential. Mason Farms is a great business in the Township, a great neighbor and would be a good enhancement to the neighborhood. But, if the rezoning were to happen, he would like restrictions put on regarding access to roads and the Board does not have the ability to do that through the rezoning process.

Mr. Figaski reiterated Mr. McGrath's comments. While Mason Farms is a great neighbor, they may not be there in the future. The rezoning of the property would open up the opportunity for perhaps a less than desirable business.

Mr. Kujawa agreed with the previous comments. The Board cannot put restrictions on rezonings. The parking situation along Hilborn Avenue is a

concern. Perhaps a “no parking” restriction could be put in place for one side of the road.

It was moved by Mr. Kujawa and seconded by Mr. McGrath to deny the petition for rezoning. 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 Stormwater Maintenance Agreement for Pine Valley located at Crabapple Drive and Cider Mill Road. Motion carried by unanimous roll call vote.

Mr. McGrath presented the Building Construction Report for May as follows:

Total Residential Structures	\$2,344,516.00
Total Non-residential Structures	<u>\$ 113,064.25</u>
	\$2,457,580.25
Zoning Permits Issued	32
Zoning Permit Fees	\$ 9,300.00

It was recommended by Treasurer Wolf, moved by Mr. Kujawa and seconded by Mr. McGrath to amend and authorize the Township Secretary to sign the Township’s IRS Section 125 Plan that currently exists for the pre-taxing of AFLAC insurance deductions from employees and to further authorize the pre-taxing of employee hospitalization contributions. No public comment was received. Motion carried by unanimous roll call vote.

It was moved by Mr. Kujawa and seconded by Mr. McGrath to authorize Jeff Tenney to attend a traffic controller school on June 20, 2012 in Oil City at no cost with use of a Township vehicle for travel. No public comment was received. Motion carried by unanimous roll call vote.

Mr. Kujawa reported that street milling is ahead of schedule. He cautioned residents who use Asbury Road this week.

It was moved by Mr. Kujawa and seconded by Mr. Figaski to authorize Mr. McGrath in his capacity as Administrator of Public Safety and Recreation to attend the PSATS quarterly meeting in Hershey, PA from July 9 to 11, 2012. No public comment was received. Motion carried by unanimous roll call vote.

On the recommended of Parks and Recreation Director James Sperry, it was moved by Mr. McGrath and seconded by Mr. Kujawa to employ the following for the 2012 summer season staff:

Jenise Postas	Water Safety Instructor/sub	\$9.00/hour
Madison Bott	Water Safety Instructor/sub	\$8.50/hour
Haley Haggerty	Youth Dance Supervisor	\$9.00/hour

No public comment was received. Motion carried by unanimous roll call vote.

It was recommended by Sewer Department Foreman Gary Snyder, moved by Mr. McGrath and seconded by Mr. Kujawa to authorize Chuck Heffner to attend a free weather emergency workshop at the “911” Center on July 11 and 12, 2012 with use of a Township vehicle for travel. No public comment was received. 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 a sidewalk deferral agreement for 3055 Spruce Drive. Steep grades at

the north end of the property frontage do not allow for the construction of sidewalks. The high embankment extends to the adjacent neighbor's property where no sidewalks were constructed fronting an existing home. No public comment was received. Motion carried by unanimous roll call vote.

It was recommended by Chief Carlotti, moved by Mr. McGrath and seconded by Mr. Kujawa to temporarily post "No Parking" signs along West Lake Road in front of the Assumption Greek Orthodox Church and streets in the surrounding residential area for the Greek Festival from July 6 through July 8, 2012. No public comment was received. Motion carried by unanimous roll call vote.

Lou Aliota, 538 Margo Court, appeared regarding his appeal on May 23 to a Right-to-Know request for information on the 4th of July Parade. On May 24, the 4th of July Parade Committee Chairman called him asking what information Mr. Aliota needed. Mr. Aliota wanted to know how he knew about his appeal and how the *Erie Times News* knew about his appeal for the article in the June 9 edition. Mr. Aliota read his reply, in part, to the senior management at the *Erie Times News*. Mr. McGrath told Mr. Aliota that the *Erie Times News* submitted a Right-to-Know request.

Gary Miller, 4255 Four Seasons Trail, asked the Board for guidance on controlling the cattails in the detention basin in his subdivision. He and his neighbor cut the grass in the basin but at some point the cattails take over. There is also a constant water source into the basin. The developer is not taking care of the basin. He offered to continue to cut the grass but needs some help with the drainage. Engineer Morris reported that summer help will cut down the cattails some time this summer. The Board said they will look again at the problem.

Pat DeCrappeo asked for an explanation of the Board's vote on the rezoning of the Mason property.

Robert Peters asked whether the gate at Mason Farms could be put back up because it was supposed to be used only for deliveries. He also asked for stop signs at West 10th Street and Hilborn Avenue to slow traffic. Mr. McGrath stated that stop signs cannot be used for speed control.

There being no further business to come before the Board or citizens to be heard, it was moved by Mr. Kujawa, seconded by Mr. McGrath and carried to adjourn the meeting at 10:27 a.m.

Phyllis A. Vollbrecht
Assistant Secretary

APPROVED: June 26, 2012

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