

The regular meeting of the Millcreek Township Board of Supervisors was called to order at 7:00 p.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, 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. Douglas Prozan, 3286 Lakefront Drive, presented the Board with information concerning his new idea for the solution to the School District's decision regarding McDowell High School/McDowell Intermediate High School. His idea includes building the new addition as planned, purchasing seven houses to the west, selling both the Municipal Building and School District building, and moving both entities into McDowell High School. He said this would solve many problems and listed the many advantages to this concept.

It was moved by Mr. McGrath and seconded by Mr. Kujawa to approve the minutes of the Board's June 19, 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 \$228,653.76 and the Sewer Revenue Fund bills in the amount of \$258,350.28. Motion carried by unanimous roll call vote.

A public hearing was held on the following subdivisions and land development plans:

**Millcreek Marketplace, LLC. Subdivision Plan. A subdivision plan to create a 1.035 acre parcel (Lot 3) (McDonald's) with a 37.039 acre residue parcel (Lot 1) located along the south line of Interchange Road (S.R. 4012) west of Edinboro Road (S.R. 0099) in Tract 347.**

Engineer Morris reported that the Millcreek Township Planning Commission recommended approval. Greg Baldwin, Manager of Millcreek Marketplace, appeared on behalf of the subdivision. The purpose of this subdivision is to provide a separate tax assessment and billing for the parcel. No one appeared in opposition. It was moved by Mr. McGrath and seconded by Mr. Kujawa to approve the subdivision. Motion carried by unanimous roll call vote.

**Donald C. and Margaret D. Rogala. Subdivision Plan. A subdivision plan to create a 5.000 acre parcel (Lot A) with a 36.1± acre residue parcel located along the south line of Zimmerly Road (S.R. 4012) opposite Amherst Road in Tract 350.**

Engineer Morris reported that the Millcreek Township Planning Commission recommended approval. Don Rogala appeared on behalf of his mother and said the purpose of the subdivision is to permit the sale of the home. No one appeared in opposition. It was moved by Mr. Kujawa and seconded by Mr. McGrath to approve the subdivision. Motion carried by unanimous roll call vote.

**Walker Real Estate. Subdivision Plan. A subdivision plan to create a 0.02 acre parcel (Parcel A) located north of the north line of West 23rd Street between Filmore Avenue and Peninsula Drive (S.R. 0832) in Tract 16. Said Parcel A is to become an integral part of Erie County Tax Parcel 33-051-210.0-001.05.**

Engineer Morris reported that the Millcreek Township Planning Commission recommended approval. Everett Walker, 2800 West 21st Street, appeared on

behalf of the subdivision. Two properties are involved; one is owned by he and his wife and the other owned by his father. The property line is to be moved to the west on a private road that accesses the business park. No one appeared in opposition. It was moved by Mr. McGrath and seconded by Mr. Kujawa to approve the plan. Motion carried by unanimous roll call vote.

**Sarah Reed Children's Center. Land Development Plan. A land development plan to show the construction of an office/administration addition, kitchen/dining addition and residential hall building with associated parking area located along the south line of West 34th Street opposite Highland Road in Tract 77.**

Engineer Morris reported that the Millcreek Township Planning Commission recommended approval with a request for a traffic improvement contribution of \$10,000.00 for the West 38th Street and Pacific Avenue traffic signal. No one appeared on behalf of or in opposition to the plan. It was moved by Mr. Kujawa and seconded by Mr. McGrath to approve the Land Development Plan with the requirement to re-label "Proposed Multi-Use Addition" to "Proposed Kitchen and Dining Area" on the drawing and with the request for a traffic improvement contribution. Motion carried by unanimous roll call vote.

**Veterans Park. Land Development Plan. A land development plan to show the construction of a 3,750 square foot pavilion and handicap fishing pier with associated parking area and concrete walkway located along the south line of Zimmerly Road at Love Road in Tract 351 and 352.**

Engineer Morris reported that the Millcreek Township Planning Commission recommended approval. Engineer Morris spoke on behalf of the plan to construct a 30' x 72' picnic pavilion, 77 parking spaces, concrete walkway and a handicap fishing pier. No one appeared in opposition. It was moved by Mr. Kujawa and seconded by Mr. McGrath to approve the plan. Motion carried by unanimous roll call vote.

**Salt Storage Building. Land Development Plan. A land development plan to show the construction of a 4,800 square foot salt storage building located west of the west line of Caughey Road and north of the cul-de-sac on Kozlowski Drive in Tract 19.**

Engineer Morris reported that the Millcreek Township Planning Commission recommended approval. Engineer Morris appeared on behalf of the plan. The proposed salt storage building is 60' x 80' to be located north of the existing salt storage building and will be similar to the eastside salt storage building. No one appeared in opposition. It was moved by Mr. Kujawa and seconded by Mr. McGrath to approve the plan. Motion carried by unanimous roll call vote.

**The Hammocks at Millcreek, Phase 1. Land Development Plan. A land development plan to show the first phase construction of 150 units in five (5) apartment buildings with a community clubhouse along proposed private drives on 21.30± acres located between Zuck Road (S.R. 4015) and Crosswinds Drive north of West Grandview Boulevard extended in Tract 78.**

Engineer Morris reported that the Millcreek Township Planning Commission recommended approval with the following:

**Request**

1. Sidewalk to be located on one side of the West 44th Street entrance.

### Conditions

1. All variances, modifications, requests, conditions and requirements included with the approval of the Preliminary Plan apply.
2. Any waste disturbed as a result of the development shall be managed in accordance with all applicable state and federal requirements.

Bob Cantwell, BME Associates, spoke on behalf of the plan for Phase I. He reviewed the plans for the 270 unit community on approximately 21 acres. Phase I includes 150 apartments including a mail and refuse/recycling facility and a community clubhouse and pool. Access in Phase I does include an access from Zuck Road and an access from Old Zuck Road. PennDOT approved a northbound left hand turn from Zuck Road in Phase III. Provision of a five foot sidewalk along the south side of the access to Zuck Road has been limited by a 50 foot right-of-way, the 20-foot pavement private drive, grading and draining issues to be resolved. Landscaped plantings are provided along either side of the roadway.

Mr. McGrath said it is very important to have sidewalks to provide for children walking to what most likely will be the bus stop on Zuck Road. Discussion followed on the width and where the sidewalks should be located. Mr. Figaski said the Board discussed the grading problem along with slope requirements and they think a modest solution would be an above-grade retaining wall which would accommodate slope ratios for ADA access. Mr. McGrath said the retaining wall would be on the outside edge of the sidewalk.

John McDannel, 4314 Zuck Road, told the Board the neighbors still have concerns regarding sidewalks; green barriers for his property and on the west side of the development; the left-turn lane not being put in until Phase III which is way too long to wait for this; and an actual traffic count for Zuck Road. Jerry Watkins, Reidman Development Corporation, indicated the left-turn lane is three years out in Phase III (two buildings – 60 units). PennDOT did not require this but the Board of Supervisors requested this. Charity Stover, Urban Engineers, said that a traffic count was done this past spring at Zuck Road and West Grandview Boulevard.

Greg Terlitsky, 4410 Zuck Road, owns the property just south of West 44th Street. He questioned whether there is a deed for the ownership of West 44th Street. His biggest concerns are with the type of barriers and lack of sidewalks. He asked if speed bumps would be located throughout the development. Mr. McGrath said the Board could not require them as it is a private development. Mr. McGrath asked Mr. Terlitsky if he would consider a foot or two easement for the developer in order to make the sidewalk possible. Mr. Terlitsky said he would have to consider that possibility.

David Reidman, Reidman Development Corporation, said his engineers and land planners would be instructed to see if it is possible to put a sidewalk in considering all the issues; changing grade, water mains, storm drainage, buffering, etc. They are not opposed to doing this, but it is a challenge.

It was moved by Mr. McGrath and seconded by Mr. Kujawa to approve the Land Development Plan for The Hammocks at Millcreek, Phase I, with the conditions and request stated above. Motion carried by unanimous roll call vote.

Engineer Morris reported that Jim Brozell Construction completed the Indiana Drive Manhole Replacement Project on April 18, 2012, but waited to do the asphalt restoration until the Township plant was open. Because of the deterioration of the roadway, the contractor scheduled the asphalt repair but was unable to get Township supplied asphalt so he had to purchase it. It was moved by Mr. McGrath and seconded by Mr. Kujawa to approve a change order to the original contract to include the purchase of asphalt for \$463.22 making the total contract amount at \$3,463.22. Motion carried by unanimous roll call vote.

It was moved by Mr. Kujawa, seconded by Mr. McGrath and carried by unanimous roll call vote to refer the following petition requesting a change in zoning classification to the Planning Commission for consideration:

**Husam S. and Sandra R.D. Sawwan**, for property located at 2651 West 8th Street, now zoned C-2 General Commercial District, asking for a change of classification of the rear approximate 2.43 acres of the property to R-4 High Density Residential District.

It was moved by Mr. McGrath and seconded by Mr. Figaski to approve a four-year contract (January 1, 2012 through December 31, 2015) with the Millcreek Police Association which calls for a 2.5% increase in 2012 and 3% in each of the next three years; hospitalization contributions will more than double in 2012 and modest increases in subsequent years; and an increase in co-payments in prescription drugs. No public comment was received. Voting yes: McGrath, Figaski. Voting no: Kujawa. Motion carried 2-1.

Mr. Kujawa read a letter of resignation from Devon Faulhaber, Recycling Clerk, whose last day will be July 10, 2012. It was moved by Mr. Kujawa and seconded by Mr. McGrath to accept his resignation with regret. No public comment was received. Motion carried by unanimous roll call vote.

Mr. Kujawa reported on the new "At Your Door" program through Waste Management. Residents who have used this program have commented very favorably.

Mr. McGrath reported that Capt. Randy Faipler notified Millcreek residents that because of the reconfiguration of the Airport and Powell Avenue, those living between Shenk Avenue and Marshall Drive, south of West 12th Street, will be landlocked from 9:00 a.m. to 1:00 p.m. because of the 4th of July Parade. Exiting will be at the intersection of West 12th Street and Shenk Avenue with the Police assistance.

It was recommended by Chief Carlotti, moved by Mr. McGrath and seconded by Mr. Kujawa that the Belle Valley Fire Police assist with traffic control during the Michael D. Crotty Memorial Ride on June 30, 2012 at the intersections of Route 8/Wager Road and Route 8/Norcross Road. No public comment was received. Motion carried by unanimous roll call vote.

It was recommended by Parks and Recreation Director James Sperry, moved by Mr. McGrath and seconded by Mr. Kujawa to approve the employment of Jenna Schmitt as a gymnastics supervisor for the 2012 summer season staff at \$9.00 per hour. No public comment was offered. 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 approve the sale of a 30-year old bucket machine and some copper tubing for scrap. No public comment was received. Motion carried by unanimous roll call vote.

The Board recognized Boy Scout Troop 59 from Our Lady of Peace School.

On the recommendation of Engineer Morris, it was moved by Mr. Kujawa and seconded by Mr. McGrath to appoint John E. Morgan to the Planning Commission member to fill the unexpired term of William Baughman who recently resigned. No public comment was received. Motion carried by unanimous roll call vote.

Jack Whipple, 940 Ardmore Avenue, appeared with the following concerns: (1) no paved berm on Marshall Drive; (2) the utility pole on the southwest corner is in the way of right turn off West 12th Street eastbound; and (3) speed limit should be raised on the straight section of West 20th Street. Engineer Morris explained why the speed limit is posted at 25 mph. The Board said they have been in contact with PennDOT regarding these issues and once all the projects are complete, the traffic light at West 12th Street and Marshall Drive will become permanent and changes will be made to the intersection.

Gary Behr, 4045 Feidler Drive, told the Board that there was speed enforcement on West 20th Street on Monday. The Police should pull drivers over at a safe location and not on the two dangerous curves.

Lou Aliota, 538 Margo Court, requested approval from the Board to place a locked container at the Millcreek Township Police Department for the Safe Kids of Erie County medication drop-off program. Mr. Figaski said the matter will be discussed with the Police Department, Mr. McGrath and Mr. Kujawa. Also, Mr. Aliota announced that taxpayers in Millcreek Township will be meeting on Wednesday at 7:00 p.m. at West Ridge Fire Hall (South) to discuss the proposed McDowell High School construction project.

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 8:17 p.m.

Phyllis A. Vollbrecht  
Assistant Secretary

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APPROVED: July 17, 2012

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