

Regular Meeting

October 9, 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, Richard Figaski, Brian McGrath, Evan Adair, Esq., Phyllis Vollbrecht and Richard Morris, P.E. Mr. Kujawa was absent.

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. McGrath, seconded by Mr. Figaski and carried to approve the minutes of the Board's October 2, 2012 meeting.

It was moved by Mr. McGrath and seconded by Mr. Figaski, in two separate motions to approve payment of the weekly General Fund bills in the amount of \$821,570.76 and a Performance and Surety Bond Account bill in the amount of \$455,044.00; and the Sewer Revenue Fund bills in the amount of \$293,036.02. Motions carried by unanimous roll call votes.

Mr. Figaski announced that the presentation of the 2012 Telly Award by Z3 Concepts Video, Inc. will be postponed until next week because of Mr. Kujawa's absence today. He was very involved in this project.

Engineer Morris reported that Glen Meadows Subdivision, Section 4, is still not completed so the Amendment of Developer's Agreement will insure completion of all required improvements by August 1, 2013 and financial security reduction accord with the requirements. The developer signed the agreement. It was moved by Mr. McGrath and seconded by Mr. Figaski to approve the Amendment of Developer's Agreement for Glen Meadows Subdivision, Section 4. Motion carried by unanimous roll call vote.

On the recommendation of Engineer Morris, it was moved by Mr. McGrath and seconded by Mr. Figaski to approve the reduction of PNC Bank Letter of Credit 12500504-00-000 from \$104,703.00 to \$52,594.00 for Glen Meadows Subdivision, Section 4 (Sumprop Investments, Inc., developer). Items remaining to be completed include pavement maintenance security, sidewalks and ramps, signage and monumentation. Motion carried by unanimous roll call vote.

Engineer Morris reported that the owners of the Lake Erie Plaza (formerly Hills Plaza) requested approval of a driveway between two existing driveways and opposite an Our Lady of Peace driveway. The existing driveway to the north will be closed. The profile of the driveway provides a 20-foot landing area with a 2.25% slope from the Pacific Avenue edge of pavement before becoming an 8.86% grade for an additional 40.5 feet prior to meeting the existing parking lot slope of 4.4%. Additional changes are planned for the property and it is Mr. McGrath's concern that if there are alterations to public access, problems could arise at West 38th Street and Pacific Avenue. It was moved by Mr. McGrath and seconded by Mr. Figaski to approve the proposed relocation of the driveway on Pacific Avenue with the condition that no additional alterations for public access to either Pacific Avenue or West 38th Street be approved without an overall plan being submitted and that the existing north driveway on this property be closed. Motion carried by unanimous roll call vote.

Mr. McGrath presented the September Building Construction Report as follows:

Total Residential Structures	\$4,391,325.00
Total Non-residential Structures	<u>\$3,406,126.00</u>
	\$7,797,451.00

Zoning Permits Issued
Zoning Permit Fees

33
\$ 24,850.00

On the recommendation of Chief Carlotti, it was moved by Mr. McGrath and seconded by Mr. Figaski to approve Erie Auto Salvage and Towing, 5071 Peach Street, as a “duty” contractor for the Police Department’s east zone. Cpl. Tony Chimera conducted an inspection of the facility and found the business and equipment in compliance with Township regulations. No public comment was received. Motion carried by unanimous roll call vote.

It was recommended by Human Resource Manager Diane Lyons, moved by Mr. McGrath and seconded by Mr. Figaski to employ Anita Rea in the position of Police Clerk at the rate of \$15.3810 per hour and effective October 11, 2012. Ms. Rea successfully completed all pre-employment screening. No public comment was received. Motion carried by unanimous roll call vote.

Director of Bureau of Fire Prevention Bob Mitchell announced this year’s theme for Fire Prevention Week—“Have Two Ways Out” and asked the Board to adopt this year’s resolution. The resolution, after being assigned a number, will be put on next week’s agenda according to Mr. McGrath.

Atty. Joseph Messina, 210 West 6th Street, asked the Board, after the informal meeting he and his architect client had with the Board, to hold a meeting to discuss the controversy over the BIU process. They intended to have the discussion at today’s meeting and were told they could speak under “citizens to be heard” under certain guidelines. There was no intent to take control of the meeting but to show overwhelming support from developers, architects and builders for establishing an alternative to the BIU process. Again he asked for a special meeting to show that the BIU process has a flawed review process ranging from timeliness to lack of a comprehensive first review. The Board is willing to meet with spokesmen for specific groups according to Mr. Figaski. Mr. McGrath contacted various developers to find out about any problems with BIU but discovered most of the concerns were about the Building Code itself. Mr. McGrath also said the meeting should be advertised as public and open to Fairview and Harborcreek Townships since there is a consortium of the three townships with BIU. Most of Fairview’s and Harborcreek’s issues are with the Building Code.

Jeff Kidder, Kidder Wachter Architects, 201 French Street, told the Board that his firm has no issues with the BIU process. BIU serves their clients very well and any problems that arise are cooperatively resolved. After contacting several developers, Mr. McGrath learned that BIU holds the contractor to the letter of the law but is fair and generally issues can be resolved.

Greg Rubino, 240 West 11th Street, said he was compelled to address the Board regarding several aspects of the appointment of BIU as the sole plan approval agency in Millcreek Township. He made the following points: (1) legislation allowing municipalities to opt in or out of plan submittal to the Pennsylvania Department of Labor and Industry was intended to make the process of plan approval more efficient and that has not happened in Millcreek with BIU; (2) some architects, builders and developers are so fearful of being penalized on their next submission by BIU that they would give up their constitutional right to be heard by their government than risk retribution; (3) there is no good reason to have just one private contractor for plan approvals.....competition is good; (4) return the Township to the state government system at L&I; and (5) BIU’s contract requires an endeavor to review and comment on commercial plans within five business days, but BIU routinely takes 30 days. He encouraged the Board to get regular reports from BIU on plan submission date, the plan review date, the action taken and the time required to reach final plan approval of all applications. Mr. Rubino then suggested a citizen advisory panel the next time BIU’s contract comes up for renewal.

Mr. Figaski encouraged those involved who have legitimate complaints about the process to attend the meeting and not be afraid of retaliation because the Board will not tolerate that. There are opposite viewpoints according to Mr. McGrath who received an email from an architect who said BIU is strict and fair.

Gary Matzak, 4509 West Ridge Road, an architect in the Township, told the Board of the timely process he recently went through in the submission of plans for a project in Lake City compared to what he has experienced in plan submission to BIU. He has no issues with BIU regarding levels of professionalism, personal interaction, dealing with complex matters; but the issue is timing and where one stands in the process.

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

Phyllis A. Vollbrecht
Assistant Secretary

APPROVED: October 16, 2012

Richard P. Figaski
Brian P. McGrath