

The regular meeting of the Millcreek Township Board of Supervisors was called to order at 7:00 p.m. by Chairman Brian McGrath in the Assembly Room of the Millcreek Township Municipal Building. Present were Mark Zaksheske, John Groh, Brian McGrath, John Morgan, Mark Shaw, Esq., Richard Morris, P.E. and Sheryl Williams.

Following the Pledge to the Flag, Chairman McGrath called for public comment on agenda items other than development or rezoning applications. None were received.

It was moved by Mr. Groh, seconded by Mr. Morgan and carried by unanimous vote to approve the minutes of the Board's February 14, 2017 Regular meeting.

It was moved by Mr. Groh, seconded by Mr. Morgan and carried by unanimous vote to approve payment of the General Fund bills in the amount of \$733,564.32 and Sewer Revenue Fund bills in the amount of \$62,359.95.

Consideration of Subdivision and Land Development Plans:

Window Cleaning By Jim. Land Development Plan. A land development sketch plan to show the concept of a 1,932 sq. ft. building with associated parking and stormwater management facilities, located at the northeast corner of West 12th Street (S.R.5) and Filmore Avenue in Tract 15. Index 254-079.

Mr. Morris reported that the Planning Commission meeting on February 7, 2017, the following comments were made: "The proposed driveway does not meet the requirements of the Public and Private Improvements Code. It is wider than the maximum 35' that is allowed and it lacks the required 20' distance from the Point of Tangency (P.T.) of the pavement radius. If the applicant wishes to retain the driveway as shown they could ask for a modification, which the Commission would generally support if the applicant ensured there would be no obstructions placed in the sightline from West 12th Street." He added that in addition, on February 18, 2016 the Zoning Hearing Board (ZHB) had previously ruled to allow reduction of parking spaces from 13 to 9 on the Filmore side, with allowance for 3 of the spaces to be located inside the building. The ZHB had also ruled to remove the 10' green strip requirement on the Filmore side as well.

Matt Swanson, Rabell Surveying & Engineering, 1560 Walnut Street, Albion, spoke on behalf of the sketch plan, stating that there were various variances granted as well as a 35' access. Mr. Morgan questioned whether the ZHB has the jurisdiction to grant modifications for the driveway, and Mr. Morris agreed. Mr. McGrath asked Mr. Morris to obtain confirmation of this, clarifying that the whole issue is that the property used to be a restaurant on a relatively small lot that had burned to the ground and has become difficult to redevelop commercially according to Township requirements, and that the ZHB was satisfied that there is a hardship. He noted that because this is a sketch plan, the Board will not take action on this matter, but rather gives recommendations to the developer.

Mr. Morgan questioned whether or not the lot size would automatically determine hardship, and then asked Mr. Swanson why the stormwater retention is being located in the front of the property. Mr. Swanson replied that the setbacks are very tight, not allowing much room anywhere else on the parcel. Solicitor Mark Shaw added that the Planning Commission had also discussed the close proximity of the driveway to the corner of the lot, and therefore suggested there should be no signs permitted in that location to avoid any sightline obstruction. Mr. McGrath noted that the first parking spaced appeared to be very close to the corner. Mr. Morgan asked if there had been

any discussion with neighbors regarding easements for the parking area, and Mr. Swanson answered no, but the neighbor to the east has a garage and door that would preclude putting any parking in that area. Mr. Groh commented that it will take some creativity to develop this property. Mr. Morgan asked Mr. Morris if he had any sight distance concerns, to which he replied "yes, and agreed with Mr. Groh that if the parcel is developed this way, the Township will have to provide assistance with variances, as the lot is only 82' x 88'.

It was moved by Mr. Groh and seconded by Mr. Morgan to refer to the Planning Commission a Petition Requesting a Change in Zoning Classification for **West Ridge Apartments**, for the property located at 5208 West Ridge Road, now zoned C-4 Regional Commercial District, asking for a change of classification to R-4 High Density Residential District. Township Index 402-016, County Index (3) 41-230-356. Motion carried by unanimous roll call vote.

Mr. McGrath announced the following aggregate bids for paving materials, opened on February 23, 2017:

6,000 TONS TYPE A, CRUSHED AGGREGATE AASHTO NO. 8, 1-B LIMESTONE:

Allegheny Mineral Corporation	\$16.00/ton
Carmeuse Lime and Stone	\$22.24/ton

2,000 TONS TYPE A, CRUSHED AGGREGATE AASHTO NO. 57, 2-B LIMESTONE:

Allegheny Mineral Corporation	\$14.00/ton
Carmeuse Lime and Stone	\$22.24/ton

6,000 TONS TYPE A, CRUSHED AGGREGATE AASHTO NO. 8, 1-B LIMESTONE:

Allegheny Mineral Corporation	\$13.00/ton
Carmeuse Lime and Stone	\$21.74/ton

14,000 TONS BITUMINOUS ASPHALT SAND, TYPE B #3

Fiesler Sand and Gravel	\$ 4.75/ton	<i>NO EXCEPTIONS</i>
Girts Sand and Gravel, LLC	\$ 4.50/ton	<i>NO EXCEPTIONS</i>
Troyer Sand and Gravel, LTD	\$ 5.80/ton	Avg. % Absorption was 2.45 on latest report

1,250 TONS AASHTO NO. PG64-22, PETROLEUM ASPHALT CEMENT- includes delivery

Russell Standard Corporation	\$386.61/ton	*based on Feb. 2017 zone 3 index PennDOT price
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The bids will be reviewed by the Engineering staff and contracts for limestone and sand will be awarded after the bid opening for trucking and hauling of these materials on March 9, 2017. It was moved by Mr. McGrath and seconded by Mr. Morgan to award the contract for 1,250 tons of AASHTO NO. PG64-22 Petroleum Asphalt Cement to Russell Standard Corporation for \$386.61 per ton. Motion carried by unanimous roll call vote.

Mr. McGrath announced that a Public Hearing will be held at the next meeting on March 14, 2017 at 9:30 a.m. regarding proposed Ordinance 2017-5, the Medical Marijuana Ordinance, which primarily encompasses changes to the Zoning Ordinance to accommodate state regulations.

Mr. McGrath announced that Lt. Tim Beveridge has requested a leave of absence of 30 days after he uses 23 vacations days, from March 8, 2017 through May 15, 2017 in order to run for public office. This will leave him with a balance of 3 vacation days. Mr. McGrath explained that prior Supervisors initiated the current Political Leave Policy because they did not want to give any appearance of impropriety, and state and national governments have similar policies for their employees. However, he clarified that no one is suggesting any impropriety. Solicitor Mark Shaw

explained that under the current policy, employees wishing to run for public office must utilize vacation leave or take a leave of absence, and may do so prior to using all of their vacation leave.

Mr. Morgan stated that Chief Heidt has recommended approval and has a plan in place for coverage during Lt. Beveridge's absence. Mr. McGrath noted that Human Resource Manager Diane Lyons has submitted a new policy for approval and it is next on the agenda, but she stated that Lt. Beveridge's request does meet the requirements of the current policy. Mr. Shaw concurred.

It was moved by Mr. Groh and seconded by Mr. Morgan to approve Lt. Beveridge's leave request for 30 days under the current operations policy. Motion carried by unanimous roll call vote.

Mr. McGrath read proposed Resolution 2017-R-9; A Resolution Adopting a Political Leave of Absence Policy Applicable to Certain Millcreek Township Employees Seeking Elective Political Office.

Mr. Groh expressed concern, stating that this policy is a local policy and is not a law, and contradicts Pennsylvania Ethics Law. He explained that under this proposed policy, it would mean that if an employee who lives in another municipality chooses to run for office in that municipality and not in Millcreek Township, that employee would be required to either resign or take a leave of absence from his job at Millcreek Township. He feels that this sends a bad message, that "we trust employees but not as candidates." He cited numerous other public officials in neighboring municipalities who are currently running for re-election who are not required to resign or take a leave of absence, and noted that the County of Erie does not have such a policy as well.

Mr. McGrath responded that Mr. Groh made some good points, but does not want a police officer's decision-making to wield influence when writing a ticket, for example. Mr. Groh suggested totally doing away with the existing policy.

Mr. Morgan explained that policies are developed during Executive Sessions with the Solicitor, and reported that when the Supervisors met with the Police Chief and Solicitor to develop a new Political Leave of Absence Policy, initially it was going to pertain to only the police department, but then other employees were added. He stated that elimination of the policy was never discussed.

It was moved by Mr. Morgan and seconded by Mr. McGrath to adopt Resolution 2017-R-9. Motion carried 2-1, with Mr. Groh voting no.

Mr. Groh explained that the new Fire and Emergency Medical Services Commission held their first meeting on February 16, 2017, and set their meeting schedule for the remainder of the year, based on availability of the Assembly Room in the Municipal Building. The commission will meet on the third Thursday of each month in the Township Assembly Room, with the exception of the month of March, when they will meet on Tuesday, March 14, 2017 in the Assembly Room. It was moved by Mr. Groh and seconded by Mr. Morgan to adopt Resolution 2017-R-10; A Resolution Adopting the 2017 Meeting Schedule and Location for the Millcreek Township Fire and Emergency Services Commission. Motion carried by unanimous roll call vote. A public notice will appear in the March 2, 2017 edition of the *Erie Times News*.

It was moved by Mr. Groh and seconded by Mr. Morgan to appoint Steve Lewis to fill Dan Bensur's term on the Millcreek Township Sewer Authority. Motion carried by unanimous roll call vote. Mr. McGrath announced that the Township is also considering three inquiries for the open seats on the Zoning Hearing Board and Property Maintenance/Fire Code Board of Appeals.

Treasurer Mark Zaksheske reported that the Township's owes a balance of approximately \$60,000 on its PENNVEST loan for work done on Beaver Run several years ago. He noted that there are enough funds available in two designated accounts for this purpose. Therefore, on recommendation of Mr. Zaksheske, it was moved by Mr. Groh and seconded by Mr. Morgan to pay off the Township's PENNVEST loan. Motion carried by unanimous roll call vote.

On recommendation of Treasurer Mark Zaksheske, it was moved by Mr. Groh and seconded by Mr. Morgan to approve the budgeted purchase of a new postage meter machine and accompanying maintenance agreement. No public comment was offered. Motion carried by unanimous roll call vote.

It was requested by MPD Chief Scott Heidt, moved by Mr. Morgan and seconded by Mr. Groh to grant permission to hire one part-time dispatch trainee at a starting rate of \$11.33 per hour, to be used on an "as needed" basis. Motion carried by unanimous roll call vote.

Mr. Groh reported that allegedly the Township's 929 Emergency Response Team has been removed from the Kearsarge Fire Department dispatch list, and feels that would be a detriment to the response time in an emergency. He would like EMA Coordinator/Fire Code Official Matt Exley to investigate this. Mr. McGrath added that when the 929 Team responds, they supplement the Township fire departments, but have no authority. The responding fire department is still in charge, but the 929 Team may improve response time and enhance daytime coverage.

Mr. Morgan noted that he received a memorandum from Mr. Exley which appears that the matter has already been investigated and should be addressed immediately. Therefore, it was moved by Mr. Morgan that the Board give Mr. Exley the authority to inform the County 911 Center that the 929 Team's permission to respond should be restored. After more discussion the motion died for lack of a second. Solicitor Mark Shaw clarified that Mr. Exley's intent was to develop a plan defining the requirements to present to the Supervisors by the next meeting.

It was then moved by Mr. Groh to direct Mr. Exley to draft a plan or policy to present at the next Board of Supervisors meeting. Mr. Groh's motion died for a lack of a second, as Mr. Morgan reiterated his concern for immediate action to prevent a two-week delay until the next meeting, and felt the matter should be corrected in two steps, which would be to notify Erie County 911 that the 929 Team's responsibilities are to be restored immediately, and then to have Mr. Exley draft a policy to make it clear that fire departments do not have the authority to remove the 929 Team's dispatch responsibilities.

Therefore, it was moved by Mr. Morgan and seconded by Mr. Groh to notify the 911 Center that the 929 Team's privileges and responsibilities regarding Kearsarge be reinstated. Mr. Groh stated that he will contact John Grappy at the 911 Center immediately after the meeting to notify him of this resolution. No public comment was offered. Motion carried by unanimous roll call vote.

It was requested by Parks and Recreation Director Ashley Marsteller, moved by Mr. McGrath, seconded by Mr. Groh and approved by unanimous roll call vote to approve the following part-time employees for the 2017 Spring Season:

MIHS POOL	Position	Hourly Rate
Leona Carlson	Aquatic Director	\$13.00
Bridget Riley	Pool Supervisor/WSI	\$10.50
Melanie Franz	Pool Supervisor/WSI	\$10.50
Kathleen Magoon	Water Ex. Supervisor	\$10.50
Karen Link	WSI	\$ 9.50

MIHS POOL	Position	Hourly Rate	
John Bauer	WSI	\$ 9.50	
Olivia Menc	WSI	\$ 9.50	
Leah Perkins	WSI	\$ 9.50	
Maggie Radu	WSI	\$ 9.50	
Nathaniel Schweitzer	WSI	\$ 9.50	
Sara Prischak	WSI	\$ 9.50	
Victoria Sanders	WSI	\$ 9.50	
Abby Kurczewski	WSI	\$ 9.50	
Kylie Howland	WSI	\$ 9.50	
Kristen Owens	WSI	\$ 9.50	
Rachel Kaveney	WSI	\$ 9.00	Rate Change
Stefanee Ferrier	WSI	\$ 9.50	Rate Change
Jamie DiFrank	WSI (Sub)	\$ 9.50	
Emily Kehl	Guard	\$ 8.45	
Hope Nuzbach	Guard	\$ 8.45	
Annie DiFrank	Guard	\$ 8.45	
Camden Pauli	Guard	\$ 8.45	
Jakob Parmeter	Guard	\$ 8.45	
Will Smith	Guard	\$ 7.65	New Hire/Start date 3/3
Bobby Bolmanski	Guard	\$ 7.65	

CHILDREN'S PROGRAMS

Nicole Trohoske	Supv. Youth Dance	\$10.50	Rate Change
Jennifer Timmons	Youth Dance (Sub)	\$ 9.50	
Heather Riehl	Supervisor Youth Art	\$10.00	Rate Change

ADULT FITNESS

Haley Haggerty	Supv. Adult Dance	\$10.50	
Charlotte Haggerty	Supv. Adult Dance	\$10.50	
Karle Lyons	Supv. Tabata	\$10.50	
Dave Wayman	Supv. Tai Chi	\$10.50	
Kathy Wayman	Supv. Qi Gong	\$10.50	
Laurie Gualtier-King	Supv. Aerobics	\$10.50	
Nylene Baney	Supv. Body Sculpt	\$10.50	
Kylie Haught	Body Sculpt (Sub)	\$ 9.50	
Nancy Rovin	Supv. Yoga	\$10.50	
Kathy Smith	Supv. Yoga	\$10.50	
Susan McCall	Supv. Zumba	\$10.50	
Shannon Eggleston	Supv. Piloslide	\$10.50	
Sam Steiner	Supv. Table Tennis	\$ 8.45	

ADULT LIESURE

Darlene Bennett	Supv. Art	\$10.50	
Arlene Elliott	Supv. Knitting	\$10.50	
Charles Elliott	Supv. Seat Weave	\$10.50	
Mark Coursey	Supv. Grilling	\$10.50	
Alberta DeCrease	Supv. Art (Sub)	\$10.00	

BARN SUPERVISOR

Evelyn Bossar		\$ 9.50	
Charles Elliott		\$ 9.50	

VOLUNTEERS

Joe Logue	Tuite
Carl Werner	QiGong
Amy Easley	QiGong
Mary Desmone	Tai Chi
Carol Stitzinger	Tai Chi
Bonita Faulkner	Mahjong
Susan Moore	Knitting
John Schardt	Model Airplane
William Brown	Community Band
Chet Vendetti	Open Gym - JS Wilson
Chet Moffat	Open Gym - Westlake
Xingang Wang	Badminton
JJ Zhang	Badminton

It was requested by Jessica Stutzman, Recycling Coordinator, moved by Mr. McGrath and seconded by Mr. Groh to approve and execute a required licensing agreement with the Millcreek Mall, in order for her to make a recycling presentation there in June. Motion carried by unanimous roll call vote.

On recommendation of Human Resource Manager Diane Lyons, it was moved by Mr. Morgan and seconded by Mr. Groh to hire Robert Donikowski as Engineering Inspector beginning March 13, 2017, at an hourly rate of \$17.99, contingent upon the successful completion of all pre-employment screenings. Motion carried by unanimous roll call vote.

It was moved by Mr. Groh and seconded by Mr. Morgan to authorize employees to attend any of the four sessions in March for Township officials, offered by the ECATO School at \$10.00 per person. Motion carried by unanimous roll call vote.

Mr. McGrath announced that the Supervisors met with Solicitor Mark Shaw in Executive Session on February 16, 2017 and February 24, 2017 to discuss legal matters.

Gary Behr, 4045 Feidler Drive, commended the Supervisors for their debate when having differences of opinion, and said this reaffirms his belief that the current form of government is the right one for Millcreek Township.

Mr. Morgan apologized for his demeanor during the meeting, emphasizing that it was not directed personally at anyone, but rather it was because of his concern for safety regarding the 929 Team issue. Mr. McGrath agreed that it is a difficult topic, and hopes that the recently formed Fire and EMS Commission will give some direction in this matter.

There being no other citizens to be heard or any further business to come before the Board, it was moved by Mr. Groh and seconded by Mr. Morgan to adjourn the meeting at 8:08 p.m.

Sheryl A. Williams
Assistant Secretary

Approved: March 14, 2017

Brian P. McGrath
John H. Groh
John E. Morgan