

Regular Meeting

April 18, 2017

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. Student Ambassador Sydney Stitt was absent.

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 April 11, 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 \$61,797.59.

A Public Hearing was held on the following Land Development Plans:

WINDOW CLEANING BY JIM. Land Development Plan. A land development plan to show the construction of a 1,932 square foot 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

Engineer Richard Morris reported that its meeting on April 4, 2017, the Planning Commission recommended approval. Matt Swanson, Rabell Surveying & Engineering, 10560 Walnut Street, Albion, spoke on behalf of the developer, stating that they are seeking final approval. Mr. Morris answered questions from the Supervisors, confirming that the Planning Commission had no concerns and that the property will be accessed entirely from Filmore Avenue. Mr. Groh added that in this case having a preliminary sketch plan to review was helpful in reconfiguring handicapped parking and not blocking the view. No one else spoke in favor of or in opposition to the plan. On recommendation of Mr. Morris, it was moved by Mr. Morgan and seconded by Mr. Groh to approve the Window Cleaning By Jim Land Development Plan. Motion carried by unanimous roll call vote.

LEONID V. & MARIYA KOKHANEVICH. Small Subdivision Plan. A small subdivision plan to show the replot of five existing 4,400 square foot lots (66, 67, 68, 69, & 70 of Belle View Subdivision) into three larger 7,333 square foot lots, located along the north line of Belleview Drive, west of Brandes Street in the South Gore Tract. Index 904-012

Engineer Richard Morris reported that its meeting on April 4, 2017, the Planning Commission recommended approval, with one requirement that a building permit for Lot 3 must be issued in 9 months or the sheds must be removed. Jim Welka, Jim Welka & Associates, 3200 Sterrettania Road, spoke on behalf of the developer, stating that the developer is aware of the requirement. Mr. McGrath asked about the depth of the frontage to which Mr. Welka replied that it ranges from 50' to 67'. Mr. Groh asked how large the sheds are, and Mr. Welka responded that one is nicer, and he would like to let the new owner have the opportunity to clean up the property and keep what he wants. Mr. Groh stated that typically utility buildings are not allowed to be left on the property, and asked Solicitor Shaw if the Board could add a bond requirement to guarantee removal. Mr. Shaw replied that a condition could be imposed that would require that the sheds be removed if the condition is agreeable

to the developer. Mr. Morris added that the Zoning Ordinance states that no accessory structure is to be left on the property. Mr. Morgan asked how the 9 month rule is to be enforced, to which Mr. Morris replied through the zoning permit/violation process. Mr. Welka then stated that the owner plans on building immediately. No one else spoke in favor of or in opposition to the plan. On recommendation of Mr. Morris, it was moved by Mr. Morgan and seconded by Mr. Groh to approve the Leonid V. & Mariya Kokhanevich Small Subdivision Plan with the condition. Motion carried by unanimous roll call vote.

DREW R. & DEBORAH A. WILLIAMS. Small Subdivision Plan. A small subdivision plan to create a 1.449 acre Lot A and an 8.576 acre residue parcel, located along the north line of South Hill Road (S.R. 4026), west of Cherry Street Extension in Tract 344. Index 866-001

Engineer Richard Morris reported that its meeting on April 4, 2017, the Planning Commission recommended approval, with two requirements: A building permit for Lot A must be issued in 12 months or the garage must be removed, and a building permit for Lot A must be issued in 9 months or the sheds must be removed. Mr. Morgan noted this situation was similar to the last small subdivision plan that was discussed, and wanted to know where the variation between 9 and 12 months comes from. Mr. Morris explained that it is a recommendation from the Planning Commission when comparing a shed to a garage, in that a garage has more value and a shed is easier to remove. No one else spoke in favor of or in opposition to the petition. On recommendation of Mr. Morris, it was moved by Mr. Groh and seconded by Mr. Morgan to approve the Leonid V. & Mariya Kokhanevich Small Subdivision Plan with the two conditions. Motion carried by unanimous roll call vote.

IHOP. Land Development Plan. A land development plan to show the construction of a 4,576 square foot restaurant with associated parking and stormwater management facilities, located along the south line of West 12th Street (S.R. 5), west of Peninsula Drive (S.R. 832) in Tract 14. Index 253-002 & 003

Engineer Richard Morris reported that its meeting on April 4, 2017, the Planning Commission recommended approval, with one request: A traffic signal contribution in the amount of \$10,000.00 for 12th Street & Michigan Avenue; and three requirements: Indemnification agreement needed for storm sewer connection to PennDOT system, a cross easement with adjoining property owner approved by the Township, and a 10' green strip modification must be obtained. Mike Sanford, Sanford Surveying & Engineering, 4721 Atlantic Avenue, spoke on behalf of the developer, stating that Mr. Scott is aware of the requirements, but requires one modification as there is still delineated green space to the east. Mr. Scott leases the property to the east and is aware of the condition and has approached the neighbor about this. Some portions are 12-13' and some are 30'. Mr. Morgan asked if the landscaping requirements have been met, to which Mr. Morris answered yes, they have installed end caps and planted islands. Mr. Sanford also reported that Mr. Scott is willing to contribute \$3,000 toward the traffic signal, but not \$10,000. Mr. McGrath replied that he appreciates the offer, but it is unfortunate that the Township does not have impact fees that would require the full \$10,000 contribution based on density within that zoning district. No one else spoke in favor of or in opposition to the petition. On recommendation of Mr. Morris, it was moved by Mr. Morgan and seconded by Mr. Groh to approve the IHOP Land Develop Plan with the request, the two requirements and the 10' green strip modification. Motion carried by unanimous roll call vote.

On recommendation of Mr. Morris, it was moved by Mr. Groh and seconded by Mr. Morgan to approve a Nonsubstantial Land Development Plan Amendment for Millcreek Township School District, for a parking lot located between McDowell High School and Caughey Road, completed last year, originally approved at the meeting of July 14, 2015. Mr. Morris reported that changes needed to be made to retain the existing west driveway resulting in a net reduction of nine parking spaces from the original plan, but that it meets Township requirements. Motion carried by unanimous roll call vote.

On recommendation of Mr. Morris, it was moved by Mr. Groh and seconded by Mr. Morgan to authorize Chairman Brian McGrath to sign the plan for the Dedication of West 17th Street regarding the Transportation Investment Group subdivision plan in order to make it a public road, which is eligible for state aid allocation. Mr. Shaw explained that this is the first step in making it a public road. Motion carried by unanimous roll call vote.

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 2315 West 12th, LLC, for property located at 2315/2401 West 12th Street, now zoned I-1 Light Industrial District, asking for a change in classification of the front portion (230' from the south right-of-way line of West 12th Street) to C-4 Regional Commercial District. Motion carried by unanimous roll call vote.

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 MF ERIE, LLC, for property located at 5942 Peach Street, now zoned R-2 Low Density Residential and C-2 General Commercial District, asking for a change in classification of the R-2 Low Density Residential District (a 25' wide strip along both Marmon Road and Spires Drive) to C-2 General Commercial District. Motion carried by unanimous roll call vote.

Quotations for the purchase of 18 cast aluminum tee signs, posts, hanger arms, cast aluminum sponsor plaques, hardware and delivery costs solicited and received by Mr. McGrath as follows:

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| 1. The Prestwick Golf Group: | \$15,476.20 | |
| 2. G.G. Markers: | \$13,870.00* | *Sponsor panels are not cast aluminum |
| 3. Eagle Sign and Design | \$16,318.84 | |
| 4. Arete Industries (Designer Golf) | \$13,259.00 | |
| 5. Golf Sign Company | \$11,700.00* | *Sponsor logos cannot be reproduced, only lettering. |

Mr. McGrath explained that sponsor fees are \$2,000.00 for a five year period, and 12 of the 18 holes have already been sponsored. Additional sponsors will be added when possible; therefore, there will be enough funds to cover this unbudgeted expense. It was moved by Mr. McGrath and seconded by Mr. Morgan to award the contract for Sponsored Tee Signs for Erie Golf Club with all accessories and hardware to Arete Industries (Designer Golf) for \$13,259.00. Motion carried by unanimous roll call vote.

On recommendation of I.T. Manager Kris Filson and Treasurer Mark Zaksheske, it was moved by Mr. Groh and seconded by Mr. Morgan to purchase a replacement computer firewall security program with a 3-year subscription of security features, including installation and setup of firewall and transfer of our current configuration from Velocity Network for \$1,163.22. Motion carried by unanimous roll call vote.

On recommendation of Public Works Director Gary Snyder and Fleet Maintenance Bureau Chief Joe Yatzor, it was recommended by Mr. McGrath and seconded by Mr. Groh to purchase two 4WD pickup trucks for the sewer department from Hallman Chevrolet under COSTARS contract number

026-038 at a total budgeted cost of \$52,830.00. Motion carried by unanimous roll call vote.

Solicitor Mark Shaw explained Resolution 2017-R-18; A Resolution of the Township of Millcreek to approve an Agreement among the County of Erie, the Erie County Tax Claim Bureau and the Law Firm of MacDonald, Illig, Jones & Britton LLP, stating that the MacDonald Illig law firm will handle the tax sales for Erie County for three years, and must be approved by all participating municipalities. It was moved by Mr. Groh and seconded by Mr. Morgan to approve Resolution 2017-R-18. Motion carried by unanimous roll call vote.

Mr. Morgan summarized the new Roadway Maintenance and Improvement Program and Pavement Monitoring Programs and Policies, adopted at the April 11, 2017 meeting. Public Works Director Gary Snyder explained that a road audit was done from late October 2016 through early 2017. He then presented the 2017 Roadway Maintenance & Improvement Program and posted a Township map of streets to be paved in 2017 and 2018, which will also be available on the website. He added that four of the longest and straightest roads will also be bid out this year as an experiment, and if the bids are low, there is a possibility that even more roads may be able to be paved using Liquid Fuels Funds Aid from the state if under budget. Mr. McGrath added that some roads needed to be paved due to ADA regulations that sidewalk ramps needed to be added, and paving must be completed after the ramp installation. Mr. Snyder noted that a cost comparison analysis per ton of paving material produced by Millcreek Township Streets Department in 2016 reflected a 21% cost savings over paving material purchased from Russell Standard Corporation. He added that renovations are also being done to the asphalt plant and a new asphalt tank is being installed by May 1st of this year as well. Mr. Groh stated that the Board will be closely monitoring the costs.

Mr. Morgan commended the Engineering and Streets Departments for improving their coordination of the lists this year. On recommendation of Mr. Snyder, it was moved by Mr. Morgan and seconded by Mr. Groh to adopt the 2017 Roadway Maintenance & Improvement Program for approval. Motion carried by unanimous roll call vote. Mr. Morgan announced that this information will be posted on the Township website by Friday, April 21, 2017.

Treasurer Mark Zaksheske reported that several parcels on Peach Street were rezoned and consolidated into one massive parcel, and then reassessed at a combined lower value than if totaled separately. Solicitor Shaw reported the Millcreek Township School District received the same determination and has decided to appeal the decision. On recommendation of Treasurer Mark Zaksheske and Solicitor Shaw, it was moved by Mr. Groh and seconded by Mr. Morgan to challenge a Hearing Decision Notification regarding Millcreek Community Hospital Tax Assessment Appeal Agreement; Case No. N17-008 and file an appeal. Motion carried by unanimous roll call vote.

On recommendation of Solicitor Mark Shaw, it was moved by Mr. Morgan and seconded by Mr. Groh to authorize Mr. Shaw to execute the letter of engagement and contract regarding a Velocity Net Franchise determination issue on the Township's behalf, not to exceed \$2500.00. Motion carried by unanimous roll call vote.

On recommendation of Solicitor Mark Shaw, it was moved by Mr. Groh and seconded by Mr. Morgan to authorize Erie Restoration, Inc., per Court Order authorizing enforcement action, to remove debris from 1758 High Street, not to exceed \$2,450.00. Mr. McGrath confirmed that the Township will lien the property in hope of recovering the cost. Motion carried by unanimous roll call vote.

Engineer Richard Morris reported that the Township received the following Traffic Signal Contribution Agreement Request regarding the intersection at Old Zuck and Zimmerly Roads:

Temple Anshe Hased – Temple Anshe Hased Reform Congregation of Erie, Developer, in the amount of \$10,000.00. Atty. Shaw added that there was minor timing difference in this agreement that is different than has been seen in the past. It was moved by Mr. Groh and seconded by Mr. Morgan to approve the Temple Anshe Hased Traffic Signal Contribution Agreement Request. Motion carried by unanimous roll call vote.

Mr. Morris reported that the Township received a Stormwater Plan and Maintenance Agreement request from Bonnell’s Collision - Scott Bonnell, Developer, on the standard form, and stated that the developer is responsible for maintenance of the system. It was moved by Mr. Morgan and seconded by Mr. Groh to approve the Bonnell’s Collision Stormwater Plan and Maintenance Agreement. Motion carried by unanimous roll call vote.

Mr. Groh summarized the Township’s building construction report for the month of March, 2017, and announced that the report will be available on the Township website and in the Zoning Office.

Total Residential Structures	\$	161,000.00
Total Non-residential Structures		<u>1,839,839.00</u>
	\$	2,041,382.00
Zoning Permits Issued		12
Zoning Permit Fees	\$	3,600.00

On recommendation of Police Chief Scott Heidt, it was moved by Mr. Groh and seconded by Mr. Morgan to approve the use of West Lake Fire Department Fire Police for traffic control at Presque Isle State Park on April 23, 2017 for the Mercy Center for Women 5K race and on April 29, 2017 for Walk MS Erie. Mr. Morgan asked if donations are made for the services of fire police, to which Mr. Groh replied yes. Mr. Morgan asked if permits are required, and Mr. Groh replied no, but stated that he felt that may be a good idea. Motion carried by unanimous roll call vote.

It was moved by Mr. Groh and seconded by Mr. Morgan to authorize up to 8 emergency fire and EMS personnel at a cost of \$650.00 to the annual Red Cross Heroes Awards Dinner on April 26, 2017. Motion carried by unanimous roll call vote.

It was moved by Mr. Groh and seconded by Mr. Morgan to approve up to \$450.00 for the Fire and EMS Commission members to attend the PA Training Hub for Municipal Learning training class on May 10, 2017 at the Days Inn in Warren County. Motion carried by unanimous roll call vote.

On recommendation of Human Resources Director Diane Lyons, it was moved by Mr. Groh and seconded by Mr. Morgan to promote Streets Department Bureau Chief Sean Kern after his six month review, effective March 1, 2017, with a 2% increase to \$69,175.23. Motion carried by unanimous roll call vote.

It was requested by Mr. McGrath, moved by Mr. Groh and seconded by Mr. Morgan to authorize Mr. McGrath to attend the PSATS quarterly meeting in Hershey, PA on April 21 and 22, 2017, in conjunction with the state conference, with all expenses to be paid by PSATS. Motion carried by unanimous roll call vote.

McGrath announced that the Board met in Executive Session on April 14 and 18, 2017 with Attorney Shaw to discuss legal matters.

Mr. Shaw relayed the past history of the Millcreek Township Sewer Authority (MTSA) seeking integration of its employees into the Township, and asked for direction on how to proceed in response to the latest letter sent to the Board of Supervisors on March 20, 2017, requesting the

hiring of a person to oversee their finances, which was one of the positions that had been eliminated, and asking for a response by April 20, 2017. Mr. Groh, as liaison to the MTSA, suggested that the Township advise the MTSA that the Township is interested in carrying out the recommendations of J.L. Nick and in opening up previous agreements, and that they direct Atty. Shaw to draft a letter to MTSA indicating their intentions. Mr. Morgan added that the Township has been working on the integration process and is encouraged by the MTSA's letter, but is intending on full integration. Mr. McGrath added that this is the first step toward full integration.

On recommendation of Atty. Shaw, it was moved by Mr. Groh and seconded by Mr. Morgan that Mr. Groh, as Sewer Authority liaison, advise that the Township is interested in carrying out the recommendations of J.L. Nick, which include absorbing the chief financial officer duties that the Authority now seeks to fill, as the Township is interested in hiring a person who will have duties that include satisfying the Sewer Authority's financial person's needs as well as assisting on Township financial matters as well as making any necessary amendments to any agreements between the Township and the Authority to accomplish that hiring, and that process should also include the transition of MTSA staff to the Township as recommended by J.L. Nick, and that a letter providing more specific details will be sent shortly to the Authority. No public comment was received. Motion carried by unanimous roll call vote.

On recommendation of Engineer Richard Morris, it was moved by Mr. Morgan and seconded by Mr. Groh to approve Bethany Sivak for summer help in the Engineering Department starting May 15, 2017, and Jeremy Herman starting on May 22 2017 at the appropriate rates. Motion carried by unanimous roll call vote.

On request of Mr. Morris, it was moved by Mr. Morgan and seconded by Mr. Groh to approve the use of a Township vehicle for Mr. Morris's previously approved attendance at the PSATS conference April 23-26, 2017 in Hershey, PA. Motion carried by unanimous roll call vote.

Gary Behr, 4045 Feidler Drive, thanked the Board for their cooperation and quick response to the Township survey regarding road improvement. He suggested adding a narrative to the Township maps to show what has been done, asked when the next budget update will be, which will be May 9th, and also suggested considering posting legal notices on the website as well.

There being no 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 8:11 p.m.

Sheryl A. Williams
Assistant Secretary

Approved: May 9, 2017

Brian P. McGrath _____

John H. Groh _____

John E. Morgan _____