

Regular Meeting

July 11, 2017

The regular meeting of the Millcreek Township Board of Supervisors was called to order at 9:30 a.m. by Vice Chairman John Morgan in the Assembly Room of the Millcreek Township Municipal Building. Present were Mark Zaksheske, John Groh, John Morgan, Mark Pavkov, Esq., Richard Morris, P.E. and Sheryl Williams. Brian McGrath and Mark Shaw, Esq. were absent.

Following the Pledge to the Flag, led by children of MPD officers, Mr. Morgan announced that Mr. McGrath was absent due to attending state meetings for PSATS, and then called for public comment on agenda items other than development or rezoning applications.

Raymond Reade, 1132 Chestnut Hill Drive, Vice President of the Chestnut Hill Association and Chair of his Neighborhood Watch Group, stated that all who he represents are in strong support of the proposed Noise Ordinance. He reported that there have been increasing noise levels from cars and motorcycles over the past decade in the Peach and Gore Road area, and cited the "Roar on the Shore" event as a prime example. He noted that he was in law enforcement for 40 years, and asked that MPD specifically label the area between Grandview to the top of Peach Street a "hot spot" for vehicle violations, as it has become a virtual racetrack.

It was moved by Mr. Groh, seconded by Mr. Morgan and carried by unanimous vote to approve the minutes of the Board's June 27, 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 \$1,098,884.19.

On recommendation of Chief Scott Heidt, it was moved by Mr. Groh, seconded by Mr. Morgan and carried by unanimous vote to approve the promotion of the following MPD Officers:

Richard Skonieczka, from Sergeant to Lieutenant within the Patrol Division, retroactive to June 23, 2017. Lt. Skonieczka has 26 years of service and also serves as a member of the Crisis Negotiating Team.

Timothy Ferrick to Sergeant within the Patrol Division, with 10 years of service. Sergeant Ferrick also served as Patrol Supervisor during his 10 years with the Erie Police Department.

Kyle Caldwell to Corporal within the Patrol Division, with 8 years of service. Corporal Caldwell is also a member of the SWAT team.

Chief Heidt and the Board congratulated the officers and their families on their achievements and thanked them for their service.

Mr. Morgan announced the July 6, 2017 Bid Opening results for the Millcreek Township Municipal Building EIFS (Exterior Insulation and Finishing System) Project 2017, as follows: Jesse Fiske, Sr. - \$56,800.00, Ilya Pribyshchuk, Diamond Design Construction Co. - \$94,500.00, Steve Kuvshinkov, SMK Stucco & Plaster, LLC - No Bid. On recommendation of Building Maintenance Head Foreman Jerry Burger, it was moved by Mr. Morgan and seconded by Mr. Groh to award the contract to Jesse Fiske, Sr. for \$56,800.00. Motion carried by unanimous roll call vote.

On recommendation of Richard Whitbread, Head Foreman, Traffic Department, it was moved by Mr. Morgan and seconded by Mr. Groh to purchase 44,000 pounds of white reflective traffic beading from Ennis Paint, Inc. (dba Ennis-Flint) under COSTARS Contract #4600015792 for \$15,400.00. Motion carried by unanimous roll call vote.

Engineer Richard Morris explained that after the flooding problems of June 18, 2017, it was discovered that a storm sewer pipe at 28th Street and Contessa Lane needed to be cleaned out as soon as possible. Quotations for emergency pipe cleaning were solicited and received by the Sewer and Engineering Departments as follows: State Pipe Services - \$4,833.00/day, Not to Exceed \$58,000.00, Insight Pipe Contracting, \$3,600.00/day – approximately 18 days, Robinson Pipe Cleaning - \$6,750.00/day, approximately 60 days. On recommendation of Mr. Morris and Public Works Director Gary Snyder, it was moved by Mr. Morgan and seconded by Mr. Groh to award the contract to State Pipe Services for \$4,833.00/day, NTE \$58,000.00. Motion carried by unanimous roll call vote.

Mr. Morgan read Proposed Ordinance 2017-12, previously tabled from June 27, 2017; An Ordinance of the Township of Millcreek, Erie County, Pennsylvania, prohibiting the parking or standing of vehicles along the right of way of both sides of Amherst Road from 50' south of the centerline of Merilee Drive & Amherst Road to 545' north of the centerline of Merilee Drive & Amherst Road. Mr. Morris reported that this is a safety issue because of sight distance, the presence of a hill, and lack of adequate street width so that two vehicles cannot pass with cars parked along Amherst Road. Mr. Groh asked Mr. Morris to confirm that this study was based on engineering practices and principles and based on PennDOT regulations, to which Mr. Morris replied yes. On recommendation of Mr. Morris, it was moved by Mr. Morgan and seconded by Mr. Groh to enact Ordinance 2017-12. No public comment was offered. Motion carried by unanimous roll call vote.

Mr. Morgan read Proposed Ordinance 2017-13; An Ordinance to amend the Millcreek Township Zoning Ordinance, No. 2011-8, as amended, by changing the classification of a certain parcel of land situate in the Township of Millcreek, Erie County, Pennsylvania, described as follows, to-wit: property located at 5942 Peach Street, now zoned R-2 Low Density Residential and C-2 General Commercial District, the R-2 Low Density Residential District (a 25' wide strip along both Marmon Road and Spires Drive) to be rezoned C-2 General. It was moved by Mr. Morgan and seconded by Mr. Groh to enact Ordinance 2017-13. Motion carried by unanimous roll call vote.

Mr. Morgan read Proposed Ordinance 2017-14; An Ordinance to amend the Millcreek Township Zoning Ordinance, No. 2011-8, as amended, by changing the classification of a certain parcel of land situate in the Township of Millcreek, Erie County, Pennsylvania, described as follows, to-wit: property located at 2315/2401 West 12th Street, now zoned I-1 Light Industrial District, the front portion (230' from the south right-of-way line of West 12th Street) to be rezoned C-4 Regional Commercial District. It was moved by Mr. Morgan and seconded by Mr. Groh to enact Ordinance 2017-14. Motion carried by unanimous roll call vote.

Mr. Morgan announced there are two Proposed Ordinances that have been publicized that will be acted upon at the July 25, 2017 meeting. Both ordinances are posted on the Township website and are available for review in the Administration Office. Dominick Sisinni, Esq. from McDonald Illig Law Firm highlighted each proposed ordinance:

Proposed Ordinance 2017-15, Noise Ordinance: Atty. Sisinni stated that several other ordinances across the state were researched and much public input was received. A local sound engineer was consulted to learn more about appropriate sound levels. Maximum sound levels were tied to decibels in order to measure them, and sound levels would be restricted in Residential areas to 57 decibels from 7 – 10 p.m., and to 52 decibels from 10 p.m. – 7 a.m. In Commercial areas, sound levels would be restricted to 67 decibels 24 hours per day/seven days per week, and in Industrial areas, sound levels would be restricted to 77 decibels 24 hours per day/seven days per week. Atty. Sisinni emphasized that this Ordinance will not and cannot completely silence the Township. Mr. Groh asked if this Ordinance will address motor vehicles, to which Atty. Sisinni replied that under Title 75 of the PA Motor Vehicle Code, this is already covered, and therefore there is no present allowance for this coverage in this ordinance.

Don Bates, 5149 Maryland Drive, stated that due to past experience with noisy neighbors, this ordinance is long overdue and expressed his support for the ordinance.

Raymond Reade, 1132 Chestnut Hill Drive, asked Atty. Sisinni when he was researching the vehicle code, if he encountered anything stating it is illegal to alter factory installed muffler systems and sound devices of vehicles. Atty. Sisinni replied that yes, it is unlawful to alter factory muffler systems and sound devices of vehicles; however, it may be another issue whether or not it is a cause of action that a police department can enforce. He said it could possibly be cited under Title 18, the PA Crimes Code, but more research on that subject would have to be completed.

Proposed Ordinance 2017-16, Special Events Ordinance: Atty. Sisinni explained that many times large events have historically occurred within the Township that have required traffic control and/or waste cleanup, policing and possibly emergency management. The purpose of this ordinance is to notify the Township so that it is prepared with adequate staff, and organizers would be required to submit a special events permit. A list of required permitted events was compiled after reviewing other Second Class Township ordinances. Mr. Morgan clarified that certain events would be exempt from this ordinance, such as private events at residents' homes, but a complete list can be found within the ordinance, which is posted on the website. Mr. Morgan and Mr. Groh thanked Atty. Sisinni for his thorough and informative presentation.

Mr. Morgan reported that periodically the Township receives federally funded grant funds for its Community Development Block Grant programs. Due to the fact that H.A.N.D.S. was unable to purchase Pleasant Ridge Manor with the previously awarded funds, the County recommended that the Township terminate its agreement with H.A.N.D.S., reimburse them for the portion of the agreement they have fulfilled, and reallocate the remaining CDBG funds for other usage within the program. On recommendation of Solicitor Shaw, it was moved by Mr. Morgan and seconded by Mr. Groh to accept termination of the H.A.N.D.S. agreement per their invoice, reimburse them for \$3,300.00 in services and reprogram the remaining \$7,700.00 in CDBG funds. Motion carried by unanimous roll call vote.

Engineer Richard Morris reported that the Township received a request from Dr. Eric Christie, who wants to expand his business by purchasing a neighboring property and adding more parking, and is asking for an exemption from submitting a Land Development Plan. Mr. Morris stated that Dr. Christie's request falls within the requirements of the ordinance: the addition is >5,000 sq. ft. but <10,000 sq. ft. and Dr. Christie is aware that all stormwater requirements must be met. On recommendation of Mr. Morris, it was moved by Mr. Groh and seconded by Mr. Morgan to approve the CHRISTIE CHIROPRACTIC Request for Exemption from Land Development Plan, Dr. Eric Christie, Developer. No public comment was offered. Motion carried by unanimous roll call vote.

Engineer Richard Morris reported that the Township received a Financial Security Release Request from GIANT EAGLE #4237 – Giant Eagle Inc., Developer. On recommendation of Mr. Morris, it was moved by Mr. Groh and seconded by Mr. Morgan to approve a release of a Letter of Credit of PNC Bank, NA. #18125994-00-000 in the amount of \$26,619.00. Motion carried by unanimous roll call vote.

Engineer Richard Morris reported receiving two requests for Stormwater Management Plans and Maintenance Agreements, both on Township approved forms, and noted that both developers have agreed to own and maintain their respective stormwater facilities.

On recommendation of Mr. Morris, it was moved by Mr. Groh and seconded by Mr. Morgan to approve the ERIE HOMES FOR CHILDREN AND ADULTS-GORMAN DRIVE – Erie Homes for Children and Adults, Developer, Stormwater Management Plan. 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 the VOICES FOR INDEPENDENCE – Voices for Independence, Developer, Stormwater Management Plan and Maintenance Agreement. Motion carried by unanimous roll call vote.

It was moved by Mr. Groh to amend his original motion to approve the ERIE HOMES FOR CHILDREN AND ADULTS-GORMAN DRIVE – Erie Homes for Children and Adults, Developer, Stormwater Management Plan to include the Stormwater Maintenance Agreement as well, and seconded by Mr. Morgan. Motion carried by unanimous roll call vote.

Mr. Groh announced that Lake Shore Fire Department will be having an open house on July 16, 2017 from 10:00 a.m. to 6:00 p.m. It was moved by Mr. Groh and seconded by Mr. Morgan to close Wilkins Road on July 16, 2017, in order to stage the fire trucks. No public was offered. Motion carried by unanimous roll call vote.

On separate motions by Mr. Groh, seconded by Mr. Morgan, the following recommendations from Chief Scott Heidt were approved by unanimous vote:

Permission for Officer Kutterna to attend the PSP Municipal Police Rifle Instructors Course in Meadville, August 28-30, 2017, at no cost to the Township and with use of department vehicle.

Permission for Corporal Keller and Officer Perkins to attend a Basic SWAT Course from October 22-28, 2017 in East Hanover, NJ, with total estimated costs for registration, hotel, meals and mileage of \$2933.00.

Permission for Lieutenant Mitchell to attend the FBI 2017 Great Lakes Leadership Seminar October 1-6, 2017 in Niagara Falls, NY, with total estimated costs for registration, hotel, meals and mileage of \$1045.00.

Permission for Detective Mays to attend International Association of Bomb Technicians and Investigators Regional In-service training in Pittsburgh October 9-13, 2017, with total estimated costs for registration, hotel, meals and mileage of \$1330.00.

Mr. Groh commented that he was concerned by the closing of the former Get Go gas station at the corner of 26th Street and Peninsula Drive, but is glad to see the structure is being dismantled and the fuel tanks are being removed, allowing for the possibility of the property being reused. He also reported that a chiropractor's office will be opening soon in the former dollar store property across the street.

Mr. Morgan reported that the Board met in Executive Session with Solicitor Mark Shaw on Friday, July 30, 2017.

Mr. Morgan announced there are four upcoming opportunities for residents to learn more about the Township's new comprehensive plan, *Embrace Millcreek*. Meetings will take place from 6:00 – 8:00 p.m. on the following dates at four different locations:

July 12th - Belle Valley Elementary School
July 13th - J.S. Wilson Middle School
July 19th - Grandview Elementary School
July 20th - Westlake Middle School

Open Records Officer Sheryl Williams reported that during the month of June she received four Right-to-Know requests, with six hours spent in response preparation. Two requests were granted, one was denied, and one is pending due to being under a 30-day extension.

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 10:19 a.m.

Sheryl A. Williams
Assistant Secretary

Approved: July 25, 2017

Brian P. McGrath _____

John H. Groh _____

John E. Morgan _____