

Regular Meeting

August 8, 2017

The regular meeting of the Millcreek Township Board of Supervisors was called to order at 9:30 a.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, Mr. 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 July 25, 2017 Regular meeting.

It was moved by Mr. Morgan, seconded by Mr. Groh and carried by unanimous vote to approve payment of the General Fund bills in the amount of \$856,243.24, and Sewer Revenue Fund bills in the amount of \$279,047.90.

Quotations for the removal of five trees and stumps were solicited and received by Public Works Director Gary Snyder, as follows: Dibble Tree Service - \$4,500.00, Jefferson Tree Service – \$5,825.00, J. Thomas Tree Service – \$5,350.00. On recommendation of Mr. Snyder, it was moved by Mr. McGrath and seconded by Mr. Groh to award the contract to Dibble Tree Service for \$4,500.00. Motion carried by unanimous roll call vote.

Mr. Morgan and Mr. Zaksheske explained that in May the Township received a state Department of Community and Economic Development (DCED) grant to develop a long term financial plan and study of best practices, and subsequently realized there was some overlap in the scope of services for consulting services for the development of the Comprehensive Plan. The Township negotiated with Early Intervention Program consultants and DCED, who were agreeable to combine the scope of services and thereby revise the amount of the grant to \$49,700 from \$76,700, and use the remainder of the grant for development of the Comprehensive Plan. DCED commended the Township on being proactive. It was moved by Mr. Groh and seconded by Mr. McGrath to amend the Request for Proposal from the Pennsylvania Economy League for Consulting Services for the EIP Grant to \$49,700.00. Solicitor Mark Shaw clarified that the Township would be using a standard professional services agreement with specific scheduling details included. Motion carried by unanimous roll call vote.

Mr. McGrath read Proposed Ordinance 2017-17; An Ordinance to amend and revise Chapter 137, Article III of the Millcreek Township Code of Ordinances by adding certain parking prohibitions aimed at promoting the public health, safety, and welfare; also providing for the towing or removal of motor vehicles parked in violation of certain provisions in the Millcreek Township Code of Ordinances.

Atty. Shaw explained that during the codification process, certain traffic regulations were inadvertently overlooked and repealed. Mr. McGrath wanted to clarify that this would also include no parking in cul-de-sacs; however, Mr. Shaw stated this would apply only if the passage of vehicles was being blocked. He suggested amending the ordinance in the future to clarify where the center line would be regarding this issue. On recommendation of Solicitor Shaw, it was moved by Mr. Groh and seconded by Mr. Morgan to enact Ordinance 2017-17. Motion carried by unanimous roll call vote.

Mr. McGrath read Resolution 2017-R-29; A Resolution to Appoint ADA Coordinator and Approve ADA Notice and Grievance Procedure. Atty. Shaw explained that the Americans with Disabilities Act requires public entities with 50 or more employees to appoint an ADA coordinator, and to adopt a Grievance Procedure and Notice of non-discrimination to be posted in the Township and on the website. He reported that Sheryl Williams, Assistant Secretary is the suggested appointee as ADA

Coordinator. On recommendation of Solicitor Shaw, it was moved by Mr. Morgan and seconded by Mr. Groh to adopt Resolution 2017-R-29. Motion carried by unanimous roll call vote.

Attorney Shaw presented the draft of the Township's Americans with Disabilities Act Transition Plan and Program Accessibility, which includes a schedule through 2020 for structural changes to be implemented for all public facilities within the Township in order to comply with the ADA Act. This includes 20 community parks and associated facilities, the Municipal Building and Recycling Center, 2 public pools, 2 Municipal golf courses, and Millcreek Township School District facilities that are used by the Township. Common issues include parking, restrooms, signage, obstructions and service counter areas. The complete ADA Transition Plan can be found on the Township's website, or obtained by request at the Reception Desk at the Municipal Building. Mr. Shaw reported that written comments may be delivered to Sheryl Williams, ADA Coordinator, at the Township Building or submitted by email to: swilliams@millcreektownship.com by October 10, 2017, at which time the Supervisors plan to act on the ADA Transition Plan. Public comments may also be offered at any of the next three regular Board of Supervisors meetings on August 22, 2017, September 12, 2017 or September 26, 2017.

Gary Behr, 4045 Feidler Drive, asked if the Township will be responsible for the sidewalks on Presque Isle. Solicitor Shaw responded that the Township will have no liability for sidewalks on Presque Isle since it is a state park.

Mr. McGrath read Resolution 2017-R-30; A Resolution pursuant to Resolution 2015-R-20 and the Municipal Records Manual to approve proposed disposition of certain Township records. Mr. Zaksheske explained this is a monthly request from Chief Heidt to expunge police video dash cam records. On recommendation of Chief Heidt, it was moved by Mr. Groh and seconded by Mr. Morgan to adopt Resolution 2017-R-30. Motion carried by unanimous roll call vote.

Mr. McGrath read Resolution 2017-R-31; A Resolution of Millcreek Township Board of Supervisors pursuant to Section 493.1(b) of the Pennsylvania Liquor Code requesting exemption from Section 493(34) of the Pennsylvania Liquor Code.

Solicitor Mark Shaw explained that this resolution is a byproduct of the recently enacted Noise Ordinance, and that its purpose is to allow the Township to file a petition with the Pennsylvania Liquor Control Board (PLCB) to allow the Township to assume responsibility for noise control of the Township's commercial establishments. He further explained that after a Public Hearing, the Township should receive a determination within 60 days. Mr. McGrath clarified that the Noise Ordinance was a result of complaints filed with the PLCB regarding stringent noise restrictions on commercial establishments, and as long as the Township now has a noise ordinance with "reasonable limitations" being enforced, the Supervisors feel this should solve the issue. On recommendation of Solicitor Shaw, it was moved by Mr. Groh and seconded by Mr. Morgan to adopt Resolution 2017-R-31. Motion carried by unanimous roll call vote.

Mr. McGrath read Resolution 2017-R-32; A Resolution to approve an agreement with Millcreek Community Hospital, the County Board of Assessment Appeals and the Millcreek Township School District for settlement of three property tax exemption appeals and authorizing entry by the Township into a joint motion requesting entry by the Court of an Order effecting termination of the appeals and implementing said settlement.

Solicitor Shaw explained that as a result of various appeals regarding real estate assessment in the Township for 13 parcels owned by Millcreek Community Hospital, the parties agreed to a 10-year pilot agreement at a 50% tax rates, which will resolve all but one appeal, and increase the Township's tax revenue by \$32,867.37. Mr. Morgan felt that it was good to settle this matter after over two years, and was pleased that the Board remained consistent in its position and worked well with MTSD. Mr. McGrath thanked all of the solicitors involved for their efforts, stating that it truly was a team effort, and stressed that the Township is striving for consistency with all non-profit

organizations within the Township. He added that the Township was successful in achieving a primary goal, that at the expiration of the term Millcreek Community Hospital will have to prove its tax status. Mr. Groh commented that he is thankful that the entities involved worked together on this project. On recommendation of Solicitor Shaw, it was moved by Mr. Morgan and seconded by Mr. Groh to adopt Resolution 2017-R-32. Motion carried by unanimous roll call vote.

Solicitor Shaw explained that previously Springhill patio homes were taxed at 100% and Forestview skilled nursing facility was not taxed. In order to maintain consistency for non-profit organizations, the proposed 10-year pilot agreement would allow for a 50% tax rate on both facilities. On recommendation of Atty. Shaw, it was moved by Mr. Groh and seconded by Mr. Morgan to approve the First Amendment to March 31, 2008 Settlement Agreement between the County of Erie, Township of Millcreek, Millcreek Township School District, the Erie County Board of Assessment Appeals and Asbury Atlantic, Inc. 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 exoneration of \$961.57 in taxes and the sale of Arlington Road, Lot 24 from the County Repository for Unsold Properties for \$250.00. Mr. Shaw stated that a neighbor has been maintaining the property and would like to purchase the property to build a shed or garage. Motion carried by unanimous roll call vote.

On recommendation of Chief Scott Heidt, it was moved by Mr. Groh, seconded by Mr. Morgan and approved by unanimous roll call vote to authorize the following training courses at the PSP Northwest Training Center in Meadville for the officers named below, at no cost to the Township other than use of a Township vehicle:

Interview and Interrogation – Aug. 7-9, 2017	Officers Spiker and Perkins
Vehicle Search and Seizure – Aug. 15, 2017	Officer Makowski
Close Quarter Battle – Sept. 5-6, 2017	Officer Guica
Tactical Shooting – Sept. 12-13, 2017	Officer Guica
Vehicle Search and Seizure – Oct. 17, 2017	Officer Sorokes
Ground Defense 1 – Nov.13-15, 2017	Officer Perkins
Non-Traffic Death Investigation – Nov. 21-22, 2017	Officer Buckner
Understanding the Sovereign Citizen – Nov. 29, 2017	Officer Perkins

On recommendation of Chief Scott Heidt, it was moved by Mr. Groh and seconded by Mr. Morgan to authorize West Ridge Fire Police to assist with traffic control on September 2, 2017 for the McDowell High School Cross Country Invitational at Brown's Farm from 7:00 a.m. until Noon. Motion carried by unanimous roll call vote.

On recommendation of Chief Scott Heidt, it was moved by Mr. Groh and seconded by Mr. Morgan to authorize West Lake Fire Police to assist with traffic control on September 24, 2017 for the CROP Walk at Presque Isle Beach 1 from 1:30 – 4:30 p.m. Motion carried by unanimous roll call vote. Mr. Groh commented that it is becoming more and more difficult to provide these services, as the purpose for Fire Police really is for emergencies, and therefore a donation may be required in the future. Mr. Morgan suggested that perhaps these requests could be incorporated into special events permitting in the future.

It was moved by Mr. McGrath and seconded by Mr. Groh to authorize up to 10 administrative personnel and former Township Supervisors to attend the annual ECATO Picnic on August 24, 2017 at a cost of \$15.00 per person. Motion carried by unanimous roll call vote.

Mr. McGrath reported that the Board met in Executive Session with Solicitor Mark Shaw on July 26, 2017 and August 11, 2017.

Mr. Morgan reported that a summary report of the Comprehensive Plan will be available on the Township website by the end of next week.

It was moved by Mr. Morgan and seconded by Mr. Groh to authorize Assistant Secretary Sheryl Williams to attend a Motor Vehicle Notary Training Course in Pittsburgh on September 19, 2017, at no cost to the Township other than use of a Township vehicle. Motion carried by unanimous roll call vote.

Open Records Officer Sheryl Williams gave the July Right-to-Know report, stating 4 new requests had been received and processed, with one being granted and 3 partially denied. Also, one request was still pending due to a 30-day extension, and 5 total hours were spent in preparation of the responses.

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 10:23 a.m.

Sheryl A. Williams
Assistant Secretary

Approved: August 29, 2017

Brian P. McGrath _____

John H. Groh _____

John E. Morgan _____