

Regular Meeting

August 29, 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, Richard Morris, P.E., Charles Pierce, Dominick Sisinni, Esq. and Sheryl Williams. Solicitor Mark Shaw was absent.

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 amend the minutes from the June 27, 2017 Regular meeting.

It was moved by Mr. Groh, seconded by Mr. Morgan, and carried by unanimous vote to approve the minutes of the Board's August 9, 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 \$1,725,831.97, and Sewer Revenue Fund bills in the amount of \$70,017.73.

Consideration of Land Development and Subdivision Plans.

RICHARD F. WOLL. Small Subdivision Plan. A subdivision plan to show the creation of a 5,000 square foot parcel "A" to become an integral part of the neighboring property, Erie County Tax Parcel 33-121-522-14 and the creation of a 5,000 square foot parcel "B" to become an integral part of the neighboring property, Erie County Tax Parcel 33-121-522-14.01, located on the south side of West 51st Street in Tract 348. Index 719-015 & 719-013.

Engineer Richard Morris reported that on August 1, 2017, the Millcreek Planning Commission recommended approval with two requirements: that the 5,000 square foot parcel "A" is to become an integral part of the neighboring parcel, Erie County Tax Parcel (33)121-522-14, and that the 5,000 square foot parcel "B" is to become an integral part of the neighboring property, Erie County Tax parcel (33)121-522-14.01. Richard Woll, 5112 West Street, appeared to answer any questions, and there were none. No one spoke in favor of or in opposition to the subdivision. On recommendation of Mr. Morris, it was moved by Mr. Groh and seconded by Mr. Morgan to approve the Richard F. Woll Small Subdivision Plan, conditional upon Parcel A becoming an integral part of Erie County Tax parcel (33)121-522-14, and parcel B becoming an integral part of Erie County Tax parcel (33)121-522-14.01. Motion carried by unanimous roll vote.

A public hearing was held regarding a Petition Requesting a Change in Zoning Classification:

Mikhail and Yelena Kolesnichenko, for the property located on the east side of the 6100 block of Perry Highway, now zoned Rural Residential District, asking for a change in classification to R-4 High Density Residential District. Index 843-020. County Index (33)-193-632.0-001.02.

Zoning Administrator Charles Pierce reported that on July 11, 2017, the Millcreek Planning Commission recommended denial, stating that the petition did not meet the Comprehensive Plan for this area, and that there is no sewer and water for this parcel.

No one appeared on behalf of the petition. Mr. Morgan asked Mr. Pierce if the owners had been informed of the rescheduling of this meeting, to which he replied yes. No one spoke in favor of or in opposition to the petition. On recommendation of Mr. Pierce, it

was moved by Mr. Morgan and seconded by Mr. Groh to deny the Petition Requesting a Change in Zoning Classification for Mikhail and Yelena Kolesnichenko, for the property located on the east side of the 6100 clock of Perry Highway. Motion carried by unanimous roll call vote.

On recommendation of Public Works Director Gary Snyder, it was moved by Mr. McGrath and seconded by Mr. Morgan to accept sealed bids for over 20 used equipment items from the Township garage, including air compressors, dump trucks, salt spreaders, and some vehicles. Mr. Snyder stated that it may better benefit the Township financially to try this approach instead of taking the items to the auction. Motion carried by unanimous roll call vote.

Quotations for concrete leveling of the Belle Valley Pool bath house slab and exterior sidewalk were solicited and received by Parks and Recreation Director Ashley Marsteller as follows: A-1 Concrete Leveling: \$5,050.00, A. Anthony & Sons – No Bid, Montagna – No Bid, Maya Brothers – No Bid. On recommendation of Ms. Marsteller, it was moved by Mr. McGrath and seconded by Mr. Groh to award the contract to A-1 Concrete Leveling for \$5,050.00. Motion carried by unanimous roll call vote.

Mr. McGrath explained that the state requires that municipalities formally request that streets be made streets via resolution in order to receive Liquid Fuels funds. On separate motions by Mr. McGrath and seconded by Mr. Groh, the following resolutions were approved by unanimous roll call vote:

Resolution 2017-R-33; A Resolution to accept as public streets of the Township of Millcreek: PEBBLE CREEK DRIVE from the south line of Pebble Creek Phase Two to cul-de-sac; SHALE LANE from the centerline of Pebble Creek Drive to the east line of Pebble Creek Phase Three; PEBBLE CREEK COURT from the centerline of Pebble Creek Drive to the center of the cul-de-sac

Resolution 2017-R-34; A Resolution to accept as public streets of the Township of Millcreek: ALISON AVENUE from the east line of Shady Knoll Subdivision No. 3 to the west line of Shady Knoll Subdivision No. 1; KAYLIN COURT from the centerline of Alison Avenue to the center of the cul-de-sac

Resolution 2017-R-35; A Resolution to accept as public streets of the Township of Millcreek: CARRIAGE HILL DRIVE from the south line of Shenandoah Meadows Subdivision from the south line of Shenandoah Meadows Subdivision No. 1 to the south line of Shenandoah Meadows Subdivision No. 4; HERITAGE DRIVE from the west line of Shenandoah Meadows Subdivision No. 4 to the middle of the curve at Providence Way; PROVIDENCE WAY from the middle of the curve at Heritage Drive to the north line of Shenandoah Meadows Subdivision No. 4

Resolution 2017-R-36; A Resolution to accept as public streets of the Township of Millcreek: HIDDEN SPRINGS DRIVE from the centerline of West 38th Street to the middle of the curve at Stillwater Circle; STILLWATER CIRCLE from the middle of the curve at Hidden Springs Drive to the centerline of Hidden Springs Drive

Resolution 2017-R-37; A Resolution to accept as public streets of the Township of Millcreek: GLEN EAGLES DRIVE from the centerline of Golf Club Road to the center of the cul-de-sac

Resolution 2017-R-38; A Resolution to accept as public streets of the Township of Millcreek: WEST 17TH STREET from the centerline of Harper Drive to the west line of Tracy Acres Subdivision

Resolution 2017-R-39; A Resolution confirming for purposes of recording and receipt by Millcreek Township of liquid fuels tax revenues those Resolutions of the Millcreek Township Board of Supervisors accepting completion of public streets during the period commencing September 1, 2014 and ending August 29, 2017

Attorney Dominick Sisinni explained that after the enactment of the Township's Special Events Ordinance, the Board consulted with the Office of Emergency Management to determine the application fees for permits. Emergency Management Coordinator/Fire Official Matthew Exley reported that his office calculated the approximate amount of manpower that would be needed per type of event, depending on the amount of attendees. The fees will not include public safety. Mr. McGrath pointed out that this is also stated in the ordinance, and also clarified that events such as graduation parties and family reunions would not require a Special Events Permit.

On recommendation of Atty. Sisinni, via Solicitor Mark Shaw, it was moved by Mr. Groh, seconded by Mr. Morgan and carried by unanimous roll call vote to adopt **Resolution 2017-R-40;** A Resolution to Establish a Fee Schedule in Accordance with Section 40-58 of Ordinance 2017-16 (dealing with Special Events), which is codified in Chapter 40, Article VIII of the Millcreek Township Code of Ordinances. Also to incorporate said Fee Schedule into the schedule of fees listed in Resolution 2014-R-15.

Atty. Sisinni explained that the Township is required under the Americans With Disabilities Act to entertain Public Comment on its ADA Transition Plan for three (3) consecutive meetings. Mr. McGrath called for public comment but there was none.

Engineer Richard Morris explained that the original contract for the Millcreek Township Sidewalk Accessibility Project – Phase V was awarded on June 27, 2017 to Vavala Concrete for \$122,888.00. Since that time, 30 additional sidewalk ramps needed to be added due to the consent decree from the Voices for Independence lawsuit, for a total of 155 ramps. The entire project is being funded by CDBG funds and \$175,000.00 was budgeted for this year. On recommendation of Mr. Morris, it was moved by Mr. Morgan and seconded by Mr. Groh to approve the Millcreek Township Sidewalk Accessibility Project – Phase V Change Order #1 for \$51,862.00, bringing the new contract total to \$174,750.00. Motion carried by unanimous roll call vote.

On recommendation of Engineer Richard Morris, it was moved by Mr. Groh and seconded by Mr. Morgan to approve a Stormwater Plan and Stormwater Management Maintenance Agreement for ARBY'S – RTM Operating Company, LLCC & 2315 West 12th, Developer. Mr. Morris reported the application has been properly completed on the Township form and the owner will be responsible for maintaining the underground stormwater facility. Motion carried by unanimous roll call vote.

On recommendation of Engineer Richard Morris, it was moved by Mr. Groh and seconded by Mr. Morgan to approve a Stormwater Plan and Stormwater Management Maintenance Agreement for LARSON TEXT ADDITION – Norcross Land Management LLC, Developer. Mr. Morris reported the application has been properly completed on the Township form and the owner will be responsible for maintaining the above ground stormwater facility. Motion carried by unanimous roll call vote.

Atty. Sisinni explained that the definition of formal cable television service is outlined under Pennsylvania and Federal law. However, as technology improves, Velocity Net has developed the ability to stream video via high speed internet, and has plans to install high speed internet service in Millcreek Township. The Township reached out to Velocity Net to develop an agreement similar to the agreement it has with Spectrum, formerly Time Warner Cable, which would require Velocity Net to pay the Township 5% of its revenue for the video portion of its subscription services. Velocity Net has signed the agreement, and on recommendation of Atty. Sisinni and Solicitor Mark Shaw, it was moved by Mr. Groh and seconded by Mr. Morgan to approve the Velocity Net IPTV Video Business License Agreement. Motion carried by unanimous roll call vote.

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

Total Residential Structures	\$ 455,000.00
Total Non-residential Structures	<u>782,278.00</u>
	\$ 1,237,482.00
Zoning Permits Issued	23
Zoning Permit Fees	\$ 5,800.00

It was moved by Mr. Groh and seconded by Mr. Morgan to authorize up to ten Fire and EMS Commission members to attend a training course at the State Fire Academy on September 16, October 14 and November 11, 2017 at Kearsarge Fire Department, at a cost of \$100.00 per person. Motion carried by unanimous roll call vote.

It was moved by Mr. Groh and seconded by Mr. Morgan to authorize Human Resource Manager Diane Lyons and Mr. Groh, in his administrative capacity, to attend a PSATS Human Resources and Labor Management training on October 5, 2017 in Cranberry Township at a cost of \$119.00 per person, with use of a Township vehicle. Motion carried by unanimous roll call vote.

Mr. Groh announced that the Board of Auditors will meet on Thursday, September 7, 2017 at 1:00 p.m. in the East Conference Room of the Township Municipal Building to set the salaries for the Supervisors. This meeting has been advertised in the newspaper and is open to the public.

On recommendation of Emergency Management Coordinator/Fire Official Matthew Exley, it was moved by Mr. Groh and seconded by Mr. Morgan to appoint David Wellman and Charles Kanarr, Ham Radio Operator/Communications Unit Leaders, as Emergency Management Volunteers. Mr. Exley reported that both volunteers have received Incident Command System training and criminal background checks. Motion carried by unanimous roll call vote.

On request of Emergency Management Coordinator/Fire Official Matthew Exley, it was moved by Mr. Groh and seconded by Mr. Morgan to authorize Mr. Exley to attend the Governors Emergency Preparedness Summit from September 30 – October 2, 2017 in Hershey at a budgeted expense of \$375.00, with use of the Township vehicle. Motion carried by unanimous roll call vote.

On recommendation of Parks and Recreation Director Ashley Marsteller, it was moved by Mr. McGrath and seconded by Mr. Groh to approve the following employees for the Fall Season 2017:

<u>NAME</u>	<u>POSITION</u>	<u>RATE</u>	<u>HIRE DATE</u>
MIHS POOL			
Leona Carlson	Aquatic Director	\$13.00	
Kristen Owens	Pool Supervisor/WSI	\$10.50	Rate Change
Kathleen Magoon	Water Exercise	\$10.50	
Annie DiFrank	WSI	\$ 9.50	Rate Change
Nate Schweitzer	WSI	\$ 9.50	
Abby Kurczewski	WSI	\$ 9.50	
Victoria Sanders	WSI	\$ 9.50	
Stephen Owens	WSI	\$ 9.50	
Sara Prischak	WSI	\$ 9.50	
Olivia Menc	WSI	\$ 9.50	Worked Spring 2017
Hallie Mosakowski	WSI	\$ 9.00	Rate Change
Karen Link	WSI	\$ 9.50	
Jon Bauer	WSI(Sub)	\$ 9.50	
Maggie Fortin	Lifeguard	\$ 7.95	Rate Change
Emily Kehl	Lifeguard	\$ 8.45	
Robert Bolmanski	Lifeguard	\$ 8.45	Rate Change

NAME	POSITION	RATE	HIRE DATE
Hope Nuzback	Lifeguard	\$ 8.45	
Leah Prischak	Lifeguard	\$ 8.45	Rate Change
Celia Fortebraccio	Lifeguard	\$ 7.95	Rate Change
Angelina Altadonna	Lifeguard	\$ 7.95	Rate Change

CHILDREN'S PROGRAMS

Karli Lyons Youth Dance Supv. \$10.50

ADULT FITNESS

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

ADULT LEISURE

Darlene Bennett Supervisor Art \$10.50
Lauren Ertsgard Supervisor Knitting \$10.50 Rate Change
Charles Elliott Supv.r Seat Weave \$10.50
Jim Oldham Supervisor Mahjong \$10.50
Laura Oldham Supervisor Mahjong \$10.50
Wendy Budacki Supv. Rubber Stamp \$ 9.50 New Hire
Mark Coursey Supervisor Grilling \$10.50
Alberta DeCrease Supervisor Art (Sub) \$10.00
Jensen Elliott Knitting (Sub) \$ 9.50 New Hire

BARN SUPERVISOR

Evelyn Bossar \$ 9.50
Charles Elliott \$ 9.50
Laura Ertsgard \$ 8.50

VOLUNTEERS

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

Mr. McGrath announced that the Board met in Executive Session several times with Solicitor Mark Shaw over the past few weeks and the specific dates will be noted at the next Board meeting. Thomas DelFratte, 4357 West 28th Street, thanked the Township for its response to the storm of June 18, 2017, its willingness to clean up the damage to his property, the Emergency Management Office and Advanced Disposal. He noted that it was a good start for the Township to clean out the storm pipes in the area, as there was minimal water backup after the most recent storm last week, but feels that the 42" pipe under 26th Street is still a problem. Mr. DelFratte stated that he and his neighbors are aware that it takes time, and know that the Supervisors and Engineer are working on resolving the problem, but would like assurance that a proactive approach is being taken. They are willing to work with the Township to expedite the process. Mr. DelFratte concluded by saying he is most concerned about the resale value of his property and the rebuilding of his basement.

Mr. McGrath reported that the Township has been meeting with PennDOT, and they have asked for additional survey information before a design can be created. The Township is working on surveying the area. The Township must also consider how the properties downstream will be impacted if a 60" pipe would be installed, as the current pipe under the railroad tracks is only 24" and the properties could easily be flooded. Mr. Groh added that the last thing anyone wants to see happen is for residents to have any problems with flooding issues.

State Senator Dan Laughlin, 49th District, stated that he has friends who live in the area that was flooded, and feels that the problem could be solved in one day by simply removing the 42" pipe and replacing it with a larger one. Engineer Richard Morris replied that the Township videoed the pipes and found that there are a number of different sized pipes with various properties that come together, with a grade providing a positive fall to the north. He stated that the most accurate way to survey the project is using laser technology, and also noted that permission would be need from property owners downstream to go onto their property to do the work.

Mr. McGrath added that some of the pipe lies in the state's right-of-way, and reiterated that the Township cannot go onto private property without permission. Mr. Groh recalled an incident in 2009 when the Township needed to clean the channel behind Joe's Gym, and it took 9 months to obtain a permit from DEP, noting that the state is notoriously slow in issuing permits. Mr. Morgan suggested that Sen. Laughlin meet with the Board to discuss a way to resolve the situation as quickly as possible.

Sen. Laughlin felt the Supervisors are not acting quickly enough, and stated that the Township can get an emergency permit from DCNR [*sic*] [*recte* DEP] and that PennDOT will allow them to go into its right-of-way. Mr. McGrath replied that the Solicitor will have to advise them on whether or not they can go onto private property without permission, and they will discuss the right-of-way issue with PennDOT at their next meeting with Bill Petit.

Mr. DelFratte asked who originally installed the 42" pipe. Mr. McGrath replied that he does not know, but the Township has not used that type of pipe in 40 years, and is guessing that it was PennDOT. PennDOT is investigating but can find no record of the pipe's installation.

Chuck Felix, 2744 McKee Drive, believes that some people are dumping grass clippings into a channel at the northwest corner of 28th and McKee, which is causing more drainage problems. He also feels that the 42" pipe was installed to prevent the trailer court across the street from being flooded, which ultimately made his own neighborhood a retention pond. He feels that the 42" pipe is not a legal one. Mr. Felix suggested that the Board and the neighbors meet and discuss the issue so that it can be resolved more quickly.

James Barickman, 4268 West 28th Street, reported that he has lived at his residence over 30 years and has been flooded 3-4 times. He would like the Township to please install a larger pipe. Mr. McGrath agreed that the Township wants to help water travel more quickly away from Mr. Barickman's neighborhood.

Jerry Servidio, 1720 West Gore Road, reminded everyone that flooding concerns are not new to the Township, and cited flooding of the subdivision by I-79 in 1996. He then noted a concern with the milling process on his road and asked where the water will drain afterward. Mr. McGrath explained that after the road is milled and laid back down, 2 inches of paving is added on top with an edge along the sides. Storm sewers direct the water to catch basins so that the yards are not flooded and the water does linger on the roads.

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 10:47 a.m.

Sheryl A. Williams
Assistant Secretary

Approved: September 12, 2017

Brian P. McGrath _____

John H. Groh _____

John E. Morgan _____