

Regular Meeting

October 10, 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., Charles Pierce, Sheryl Williams and Student Ambassador Lilly Hanko.

Following the Pledge to the Flag, Mr. McGrath called for public comment on agenda items other than development or rezoning applications. There was no public comment.

It was moved by Mr. Groh, seconded by Mr. Morgan and carried by unanimous roll call vote to approve the minutes of the Board's September 26, 2017 Regular Meeting.

It was moved by Mr. Groh, seconded by Mr. Morgan and carried by unanimous roll call vote to approve payment of the General Fund bills in the amount of \$2,431,007.02.

(EMA) Emergency Management Coordinator/Fire Official Matt Exley gave a presentation on Fire Prevention Week, October 8-14, 2017, and announced that his department was conducting educational presentations in all of the Millcreek schools. Residents can learn more information about preparing a fire prevention plan by visiting MillcreekOEM on Facebook.com.

On request of Mr. Exley, it was moved by Mr. Groh, seconded by Mr. Morgan and carried unanimously to adopt Resolution 2017-R-42, proclaiming October 8-14, 2017 Fire Prevention Week in Millcreek Township.

Engineer Richard Morris reported that quotations were solicited and received by the Engineering Department for the Highland Park ADA Project as follows: Amendola Development - \$5,975.00, Vavala Concrete Construction - \$4,822.00, Finney & Son Concrete - No Quote. On recommendation of Mr. Morris, it was moved by Mr. Morgan, seconded by Mr. Groh and carried by unanimous roll call vote to award the contract for the Highland Park ADA Project to Vavala Concrete Construction for \$4,822.00.

Mr. McGrath reported that yesterday quotations were received for the placing and finishing of 6000 square feet of concrete in the pole barn of the Millfair Recycling Center, and that the cost will be divided evenly between Fairview Township and Millcreek Township. The quotations were received as follows: Vavala Concrete Construction LLC - \$18,898.00, Montagna Concrete Construction, LLC - \$9,300.00, and Maya Brothers, Inc. - \$6,500.00. The Supervisors discussed the vast difference in the quotation amounts, and Mr. McGrath noted that the quotations had been verified. Mr. Groh stated that they are all reputable companies and sometimes this happens. On recommendation of Building Maintenance Head Foreman Jerry Burger, it was moved by Mr. McGrath and seconded by Mr. Morgan to award the contract for Millfair Recycling Barn Concrete Placement to Maya Brothers, Inc. for \$6,500.00, with the cost to be divided equally between Fairview and Millcreek Townships. No public comment was offered. Motion carried by unanimous roll call vote.

A public hearing was held on the proposed Intermunicipal Transfer of Restaurant Liquor License No. R-5065 into Millcreek Township. Solicitor Mark Shaw stated that he has reviewed the application and all documentation is complete, and a public hearing is required to enable the applicant to provide information, allow the public to respond and ask questions or to offer comment.

Attorney Mark Kozar of the Flaherty & O'Hara law firm of Pittsburgh, speaking on behalf of Round One Entertainment, Inc., provided background information on the Japanese based corporation, with 113 locations in Japan and 17 locations in the U.S., and introduced Senior Vice President Shane Kaji. They are planning a 50,000 square foot state-of-the-art entertainment facility above Mad Mex restaurant in the Millcreek Mall, with

arcade games, billiards and a bowling alley, which will seat 162 outside the bowling alley, and another 160 within. They will offer a food menu and would like to serve beer and wine, and plan to employ 55 full and part-time employees who will receive "Responsible Alcohol Management Training." Alcohol will only be served on the upper level, and card readers will scan all identification. Those who have been successfully carded will receive a yellow wristband. Hours of operation will be 10:00 a.m. – 2:00 a.m., 7 days/week, and alcohol will not be sold after 1:30 a.m. They plan to install 44 security cameras and employ security personnel as well. Atty. Kozar closed his presentation by announcing that Round One Entertainment plans to invest \$5 million into this venture.

Mr. Groh wanted confirmation that alcohol would only be consumed on the second level bowling alley, to which Atty. Kozar responded yes. Mr. Groh noted that Round One would have to apply to the PA Liquor Control Board (PLCB) to be permitted to serve alcohol on the first level.

Mr. Morgan asked when the target opening date would be, and how the escalators would be monitored. Atty. Kozar replied that they plan to open in July or August of 2018, and that there will be separate escalators leading up to Round One.

The Supervisors all agreed that this will be an excellent addition to the mall, and expressed their appreciation to Mr. Kaji and his company for their investment in Millcreek, as well as their appreciation to the Cafaro Company and Boscov's for the recent opening of a new store in the mall. There was no public comment in support of or in opposition to the intermunicipal liquor license transfer.

On recommendation of Solicitor Shaw, it was moved by Mr. Morgan and seconded by Mr. Groh to adopt Resolution 2017-R-41; A Resolution of the Township of Millcreek, County of Erie, Commonwealth of Pennsylvania, Approving the Intermunicipal Transfer of Restaurant Liquor License No. R-5065 into the Township of Millcreek from the City of Erie. Motion carried by unanimous roll call vote.

Solicitor Mark Shaw explained that the Township is still in continued discussion with the Airport Authority regarding the proposed agreement listed on the agenda, which was tabled from the previous meeting of September 26, 2017. Therefore, on recommendation of Mr. Shaw, it was moved by Mr. Groh and seconded by Mr. Morgan to table action indefinitely on the Mobile Command Post Use Agreement. Motion carried by unanimous roll call vote.

Atty. Shaw explained that the Township is required under the Americans with Disabilities Act to entertain Public Comment on its ADA Transition Plan for at least 60 days. Because changes to the plan need to be made due to the future opening of the Millcreek Golf and Learning Center and the Voices for Independence lawsuit, he recommended tabling action on the ADA Transition plan until the next meeting. On recommendation of Atty. Shaw, it was moved by Mr. Groh, seconded by Mr. Morgan and carried unanimously to table action on the ADA Transition Plan until the October 24, 2017 meeting.

EMA Coordinator/Fire Official Matt Exley reported that at the August 17, 2017 meeting of the Fire and EMS Commission, the Finance Committee received an emergency request from West Lake Fire Department to replace their roof at a cost of \$18,850.00, which was voted on and passed. Mr. Groh stated that it appears to be an emergency situation, and that the commission was created to help the fire departments, especially because of their declining revenues. Mr. McGrath commended the commission for finding a way to work together to create a joint budget to benefit all of the fire departments. Mr. Morgan moved to direct Treasurer Mark Zaksheske and Mr. Exley to

develop a funding proposal utilizing LST (Local Service Tax) funds for the Board to consider at the next meeting. The motion was seconded by Mr. Groh and carried by unanimous roll call vote.

Solicitor Shaw explained that a professional was consulted to assist with the selection, use and training on decibel meters for the police department in order to comply with the Noise Ordinance. He has agreed to continue to assist the Township at a cost of \$1500.00 through November 30, 2017. On recommendation of Mr. Shaw, it was moved by Mr. Groh and seconded by Mr. Morgan to approve the agreement between Millcreek Township and Anthony Faranda. Motion carried by unanimous roll call vote.

Engineer Richard Morris reviewed the contract and status of the Millcreek Township Sidewalk Accessibility Project – Phase V, reporting there are additional charges to complete the reconfiguration of the ramps at Allison Avenue and Vanessa Lane. Therefore, on Mr. Morris' recommendation, it was moved by Mr. Morgan and seconded by Mr. Groh to approve the Millcreek Township Sidewalk Accessibility Project – Phase V Change Order #3 for \$ 942.00, bringing the new contract total to \$180,780.00. Motion carried by unanimous roll call vote. Mr. Morris confirmed this new total is still within the original budget.

On recommendation of Engineer Richard Morris, it was moved by Mr. Groh and seconded by Mr. Morgan to approve a Nonsubstantial Land Development Plan Amendment for Creative Imprint Systems, originally approved on May 27, 2003, and previously amended on February 14, 2017. Mr. Morgan suggested that the developer should have filed this document prior to construction. Motion carried by unanimous roll vote.

Engineer Richard Morris reported that the Township received a Financial Security Release Request from DUFALA RESIDENCE – Greg and Katie Dufala, Developer, but that all requirements have not been satisfied. Mr. Morris stated that vegetative cover has not been established and the irrigation system is not fully complete. On recommendation of Mr. Morris, it was moved by Mr. Groh and seconded by Mr. Morgan to approve a reduction of Marquette Savings Bank Check #166782 from \$69,937.00 to \$10,000.00. No public comment was offered. 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 Stormwater Management Plan and Stormwater Maintenance Agreement for CHRISTIE FAMILY CHIROPRACTIC – Dr. Eric Christie, Developer. Mr. Morris reported that everything was submitted on the Township approved form and that the developer will own and maintain the stormwater facility. No public comment was offered. Motion carried by unanimous roll call vote.

On recommendation of Chief Scott Heidt, the following actions were moved by Mr. Groh, seconded by Mr. Morgan and carried by unanimous roll call vote:

Permission for Sgt. Chimera to attend Sobriety Checkpoints Supervisory Training on November 17, 2017 at the Northwest PSP Training Center in Meadville, at no cost to the Township and with use of a department vehicle.

Permission for Lt. Little and Cpl. Bucko to attend an "Intimate Partner Violence" seminar at SafeNet on October 11, 2017 at a total cost of \$150.00, with use of a department vehicle.

Permission for the West Ridge Fire Department Special Fire Police to assist MYAA with pedestrian traffic at Browns Farm on October 14, 2017. Mr. Morgan asked Mr. Groh to verify if this is a special event.

Mr. Groh congratulated Eriez Magnetics on celebrating 75 years in business in Millcreek Township.

On recommendation of Public Works Director Gary Snyder, it was moved by Mr. McGrath and seconded by Mr. Groh to authorize permission, retroactively, for the Public Works Bureau Chiefs to attend the 2017 Safety and Compliance Seminar on October 4, 2017, at no cost to the Township. 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. Groh to authorize permission, retroactively, for Streets Department employees Sean Kern, Kurt Hall, and Dean Carlson to attend an LTAP class on Road Surface Management on October 9, 2017, at no cost to the Township, with use of a Township vehicle. Motion carried by unanimous roll call vote.

On recommendation of Sewer Department Bureau Chief Mark Wells, it was moved by Mr. McGrath and seconded by Mr. Groh to authorize Keith Lawson and Rick Hoffman to attend an Arc Flash Training on October 19, 2017 at The Hite Company in Erie, at a budgeted total cost of \$650.00. Motion carried by unanimous roll call vote.

On motion by Mr. McGrath, seconded by Mr. Groh, it was approved unanimously to authorize Board Members Brian McGrath, John Groh, Mark Zaksheske and Mark Shaw to attend the ECATO Conference at Nick's Place on October 26, 2017 at a total cost of \$90.00.

On request of Mr. McGrath, it was moved by Mr. Groh and seconded by Mr. Morgan to authorize Mr. McGrath, in his capacity as Municipal Administrator, to attend the PSATS Fall Forum from October 30 – November 1, 2017 in Wellsboro, with all expenses to be paid by PSATS. Motion carried by unanimous roll call vote.

On request of Mr. McGrath, it was moved by Mr. Groh and seconded by Mr. Morgan to authorize Mr. McGrath, in his capacity as Municipal Administrator, to attend the PSATS Standing Committee and Quarterly Executive Board meetings November 13 - 15, 2017 in York, with all expenses to be paid by PSATS. Motion carried by unanimous roll call vote.

Mr. McGrath reported that the Board met in Executive Session with Solicitor Mark Shaw to discuss legal matters on September 28, 2017, October 5 and 9, 2017.

Mr. McGrath announced that Halloween Trick-or-Treat Hours will be Tuesday, October 31, 2017 from 6:00 – 8:00 p.m.

Mr. Morgan asked Solicitor Shaw if he had received any new information since the last meeting regarding the Board's involvement with staff training and travel approval. Mr. Shaw replied that his staff is still analyzing their research.

Mr. Morgan announced that the Township's "Embrace Millcreek" project is moving forward and the online survey is still available for another week and a half. Mr. Shaw added that anyone who signed up to be on the email list should have received an email with a link to the survey.

Student Ambassador Lilly Hanko reported that McDowell High School's Homecoming parade, game and dance went smoothly, and tomorrow they will be hosting PSAT testing. The Supervisors commented that it was a very nice parade.

Open Records Officer Sheryl Williams gave the September Right-to-Know Report, noting there were 7 requests requiring 23 hours of response preparation time. One request was granted, three were denied and two were partially denied.

Zoning Administrator Charles Pierce gave the Code Enforcement Summary Report from September, noting 25 Property Maintenance Complaints were sent to BIU, with 300 PMC complaints handled to date. There were 4 Zoning Complaints, and 19 Temporary signs were removed from the Right-of-Way.

Mr. Pierce presented the September Building Construction report as follows, which is available on the Township website and also in the Zoning Office.

<u>September 2017:</u>	Total Residential Structures	\$ 217,000.00
	Total Non-residential Structures	<u>1,227,300.00</u>
		\$ 1,444,300.00
	Zoning Permits Issued	17
	Zoning Permit Fees	\$ 5,700.00

William Storten, 4505 Tulane Avenue, reported that his property has been flooded over 30 times, and the Township began working on the problem in early spring, but stopped due to the start of paving season. As a result of the last flooding, his pool liner floated and has torn twice, costing him \$500.00 in repairs, but his big concern is his driveway, which is cracked and is shifting, becoming almost unusable. He would like to know if the Township will assume responsibility and finish the project before winter sets in, since the flooding has come from the sewer. Mr. McGrath asked if there was any difference since the pipe was cleaned out, and Mr. Storten replied that his yard is still flooding.

Engineer Richard Morris stated that the Streets Department needs to create a swale over top of the pipe, but they would need an easement and must remove some trees. He added the estimated cost is minimal, probably between \$2,000 and \$3,000. Mr. McGrath urged Mr. Morris to obtain the needed easements and plans to get the project underway before winter. Mr. Storten replied that there is already a swale there, but that it has been neglected over the years.

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 10:30 a.m.

Sheryl A. Williams
Assistant Secretary

Approved: October 24, 2017

Brian P. McGrath _____

John H. Groh _____

John E. Morgan _____