

Regular Meeting

November 14, 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 John Groh, John Morgan, Mark Shaw, Esq., Richard Morris, P.E., Julie Maggio, Matthew Exley, Sheryl Williams and Student Ambassador Lilly Hanko. Mark Zaksheske and Brian McGrath were absent.

Following the Pledge to the Flag, Mr. Morgan explained that Mr. McGrath was attending PSATS meetings out of town, and then 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 October 24, 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 \$1,083,584.07, and Sewer Revenue Fund bills in the amount of \$64,052.31.

Mr. Morgan reported that quotations for tree removal at two locations were solicited and received by the Streets Department as follows: Jefferson Tree Service - \$1,100.00, Dibble Tree Service - \$1,575.00, and J. Thomas Tree Service – No Bid. On recommendation of the Streets Department, it was moved by Mr. Morgan and seconded by Mr. Groh to award the contract for tree removal to Jefferson Tree Service for \$1,100.00. Motion carried by unanimous roll call vote.

Mr. Morgan explained that Requests for Proposals for CDBG Consultants for the Five Year Consolidated Plan and First Year Annual Action Plan were solicited and received by Millcreek Township and Erie County CDBG Program Administrator Joe Berdis and opened on October 27, 2017. On recommendation of Mr. Berdis, it was moved by Mr. Morgan and seconded by Mr. Groh to award the contract to Mullin & Lonergan Associates, Inc. for \$16,250.00, to be funded from the Township's federal allocation. Motion carried by unanimous roll call vote.

Engineer Richard Morris reported that the Engineering department has reviewed the three MS4 (Municipal Separate Storm Sewer Systems) Pollution Reduction Plan Consultant Proposals, received October 19, 2017. On recommendation of Mr. Morris, it was moved by Mr. Morgan and seconded by Mr. Groh to award the contract to AMEC Foster Wheeler for the not-to-exceed amount of \$173,399.00. Solicitor Mark Shaw recommended the motion include authorization for the chairman to sign the agreement subject to any minor changes based on recommendations of the Solicitor, and also noted that AMEC Foster Wheeler has changed its name to "John Wood Group, PLC" since October 19th. On recommendation of Mr. Shaw, it was moved by Mr. Morgan, seconded by Mr. Groh to amend the motion and award the contract for MS4 Pollution Reduction Plan Consultant to the John Wood Group, PLC for the not-to-exceed amount of \$173,399.00, and to authorize the chairman to sign the agreement subject to any minor changes based on the recommendations of the Solicitor. Motion carried by unanimous roll call vote.

Quotations for new entry doors for upper floor of Asbury Barn were solicited and received by Parks and Recreation Director Ashley Marsteller, as follows: Schaal Glass Company - \$3,995.00, Corporate Glass - \$4,545.00, and ABC Glass – No Bid. On recommendation of Ms. Marsteller, it was moved by Mr. Morgan, seconded by Mr. Groh and carried by unanimous roll call vote to award the contract to Schaal Glass Company for \$3,995.00.

Solicitor Mark Shaw explained that when a business requests transfer of a liquor license from one municipality into another, a public hearing must be held for the parties to explain their plans, and opportunity is given for the public to comment and then for the Supervisors to ask questions.

Michael T. Jara, Director of Facilities and Engineering, and Jaime Pukylo, Sales Manager for Country Fair, Inc., 2251 E. 30th Street, Erie, 16510, requested the intermunicipal transfer of a liquor license from the City of Erie the Country Fair located at 2500 Zimmerly Road. They stated that Country Fair currently operates 4 stores in the Erie area that sell beer, and 20 stores in Pennsylvania and over 72 stores in Ohio that sell beer and wine. They explained that all employees receive PLCB training, and premise managers receive RAMP (Responsible Alcohol Management Program) training, followed by further training six months later. Mr. Pukylo reported that Country Fair currently has an existing restaurant license, and has made the necessary changes to the store as shown on the floor plan, which shows a seating area on the left side of the store with 30 seats for patrons, a walk-in cooler and locking glass doors to partition off the area during non-sales hours. They noted that most of their current alcohol sales at other stores are take-out only. Mr. Groh asked if the PLCB has approved this seating arrangement, to which Mr. Jara answered yes. There were no further questions. No one else spoke in opposition to or in favor of the request.

It was moved by Mr. Groh and seconded by Mr. Morgan to adopt Resolution 2017-R-45; A Resolution of the Township of Millcreek, County of Erie, Commonwealth of Pennsylvania, Approving the Intermunicipal Transfer of Restaurant Liquor License No. R-10502 into the Township of Millcreek from the City of Erie. Motion carried by unanimous roll call vote.

It was moved by Mr. Groh and seconded by Mr. Morgan to adopt Resolution 2017-R-46; A Resolution to Revise Millcreek Township's Fiscal Year 2016 CDBG Action Plan. Mr. Morgan explained that a previously approved project had been discontinued, and therefore \$3,564.00 in remaining CDBG funds were being reallocated to Phase V of the Sidewalk Accessibility Project, and the remaining \$4,136.00 funds were being set aside for Phase VI of the Sidewalk Accessibility Project. Motion carried by unanimous roll call vote.

Solicitor Mark Shaw reported that after the Millcreek Community Hospital PILOT Agreement was approved earlier this year, it was discovered that two properties which were 100% taxable should have been removed from the list. On recommendation of Mr. Shaw, it was moved by Mr. Groh, seconded by Mr. Morgan and carried by unanimous roll call vote to approve the Millcreek Community Hospital PILOT Agreement Amendment.

Mr. Morgan explained that last year there was discussion with the Millcreek Township Sewer Authority to begin staff integration and to relocate the engineering and zoning staff into the existing MTSA and former MTWA offices. Mr. Groh noted that the sale of the Millcreek Township Water Authority created a large amount of available office space. Since the Sewer Authority is currently leasing office space from the Township, it is necessary to terminate the MTSA's former lease and initiate a new one. On recommendation of Mr. Shaw, it was moved by Mr. Groh and seconded by Mr. Morgan to terminate the old MTSA lease, effective December 14, 2017, and to authorize Chairman McGrath to sign the agreement with any minor revisions as recommended by the Solicitor. Motion carried by unanimous roll call vote. On recommendation of Mr. Shaw, it was moved by Mr. Groh and seconded by Mr. Morgan to approve the new MTSA lease, effective December 15, 2017, and to authorize Chairman McGrath to sign the agreement with minor revisions as recommended by the Solicitor. Motion carried by unanimous roll call vote.

Mr. Groh expressed concern that perhaps he should excuse himself from voting on the CPA Auditor Appointment to audit the Township's financial records, as the firm was a contributor to his campaign. It was moved by Mr. Morgan and seconded by Mr. Groh to table a vote on the appointment of CPA Auditor for 2017 until the November 28, 2017 meeting when Mr. McGrath can participate in the voting. Motion carried by unanimous roll call vote.

It was requested by Street Light Clerk Gail Jares, moved by Mr. Groh and seconded by Mr. Morgan to approve a street light installation request for nine 90 watt OED lights in Grouse Hollow Subdivision – David Baldwin, Developer. Motion carried by unanimous roll call vote.

It was requested by Zoning Administrator Charles Pierce, moved by Mr. Groh, seconded by Mr. Morgan and carried by unanimous roll call vote to approve demolition of a shed/garage at 1758 High Street by Erie Restoration Inc. for \$2,000.00.

Engineer Richard Morris reported that after Township officials met with Waldameer Park owners and staff, park owner Paul Nelson submitted a Nonsubstantial Land Development Plan Amendment for Waldameer Park & Water World, showing a change in the access to West Sixth Street and a change in the configuration of landscape areas within the parking lot.

Jim Welka, Henry T. Welka & Associates Surveying & Engineering, 3200 W. 32nd Street, speaking on behalf of the owner, stated that they are requesting approval of the driveway and trees, and added that a missing 10 foot green strip will be amended. It was stated that Land Development Coordinator Matt Waldinger still has some concern regarding the size of the plantings, but Mr. Welka stated that he is willing to meet with Mr. Waldinger and make the necessary changes.

On recommendation of Mr. Morris, it was moved by Mr. Groh and seconded by Mr. Morgan to approve the Nonsubstantial Land Development Plan Amendment Plan for Waldameer Park & Water World, approved at the meeting of 8/26/2014. Motion carried by unanimous roll call vote.

Mr. Groh wanted to publicly thank Mr. Nelson for meeting with the Supervisors to try to resolve the issue and for his willingness to amend the plan, as well as for adding the plantings to beautify Peninsula Drive. Mr. Morgan also wished to clarify that with this agreement the Township is agreeing to reduce the previous ordinance's landscaping requirement from 5% to 2.5%, and Waldameer will now plant 16 trees in the parking lot.

On recommendation of Engineer Richard Morris, it was moved by Mr. Groh and seconded by Mr. Morgan to deny a request for release of Marquette Bank Check #504 for \$1000.00, because the required earthen berm has not been constructed, which would stop water from running off of the property. Motion carried by unanimous roll call vote.

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

Permission to purchase 60 Taser replacement cartridges from AXON for \$2,024.40.

Permission to purchase 5 Certified Mini Sound Meters from SPER Scientific for \$965.00.

Permission to purchase 6 Microphone cases for Sound Meters for \$80.00.

Permission for Cpl. Caldwell and Ptlmn. Schupp to attend Gracie Survival Tactics Instructor Level 1 Certification in Pittsburgh from December 4-8, 2017 at a total estimated cost of \$3,286.00, with travel by department vehicle.

Permission for four ISD officers to attend the Reid Advanced Interview/Interrogation course from April 24-27, 2018 at the Erie County Public Safety Center at a total cost of \$2,300.00, with travel by department vehicle.

Mr. Groh reported that the Lake Shore Fire Department is celebrating 70 years of service and congratulated them on their anniversary.

Mr. Groh announced that there were many Veterans Day events over the past weekend, one of which took place at Veterans Park, where a ceremony took place to honor veterans and to celebrate the donation of a fish statue for display by Rolling Thunder.

Mr. Groh reported that much of the flooding the Belle Valley Fire Department experienced after the November 5, 2017 tornado was caused by a PennDOT issue, and he has talked with PennDOT about having that intersection rebuilt. He stated, however, that it would cost an excessive amount of money to rebuild it, and because the fire department has been flooded before, the Township is looking into working with other levels of government to possibly relocate the fire department.

Mr. Morgan asked Matthew Exley, EMA Coordinator/Fire Official if this is something that the Fire and EMS Commission would be interested in being involved with. Mr. Exley responded that he feels the commission should be involved in a relocation of the fire department, and they have been mapping out road miles to better determine appropriate service areas locations, and disseminating the data, and should have a report ready soon.

On recommendation of Human Resource Manager Diane Lyons, it was moved by Mr. Morgan, seconded by Mr. Groh and carried by unanimous roll call vote to approve the hiring of Project Engineer Emma Smith, P.E., effective November 27, 2017, at an annual rate of \$63,000 for the remainder of 2017 and 2018. Mr. Morgan commented that this is part of an expansion of the zoning and engineering operations as part of the Embrace Millcreek plan and addressing stormwater issues.

On recommendation of Parks and Recreation Director Ashley Marsteller, it was moved by Mr. Groh, seconded by Mr. Morgan and carried by unanimous roll call vote to hire Susan Shickler as Asbury Barn Supervisor at the rate of \$8.50/hour, and Emma Louie as a lifeguard at the rate of \$7.95/hour.

Mr. Morgan reported that the Board met in Executive Session with Solicitor Mark Shaw to discuss legal matters on October 26, November 2, and 9, 2017.

Student Ambassador Lilly Hanko reported that McDowell Honors College is sponsoring field trips to local colleges and General Electric student lectures every Saturday.

Open Records Officer Sheryl Williams gave the October Right-to-Know Report, noting there were 10 requests requiring 18.5 hours of response preparation time. One request was granted, three were denied and five were partially denied, with one request pending a 30-day extension.

Assistant Code Enforcement Officer Julie Maggio reported 9 Property Maintenance Code complaints were sent to BIU, and 34 Temporary signs were removed from the Right of Way. Mr. Morgan asked for clarification that larger signs require a 30-day permit and \$200.00 deposit, which Ms. Maggio confirmed, and stated that the applicant must request that the deposit be returned.

Ms. Maggio presented the October Building Construction report as follows, which is available on the Township website and also in the Zoning Office:

<u>October 2017:</u>	Total Residential Structures	\$ 300,000.00
	Total Non-residential Structures	<u>4,958,300.00</u>
		\$ 5,258,300.00
	Zoning Permits Issued	9
	Zoning Permit Fees	\$ 3,850.00

Emergency Management Coordinator Matthew Exley reported that the Township experienced a level EF-1 tornado on the evening of November 5, 2017 at approximately 6:00 p.m. The Township received 49 calls reporting damage, and 43 911 calls were processed by the Emergency Operations Center. Mr. Exley noted that nearly every north-south road was blocked by trees, with over 300 trees reported down. He said that flooding was reported in the Belle Valley and West Lake districts, and the Belle Valley Fire Department Bingo game had to be evacuated. The American Red Cross assisted in setting up an emergency rescue shelter in the Belle Valley School for those displaced by wind damage and flooding. Mr. Exley reported that the Emergency Operations Center was opened on the first day, with Public Works Director Gary Snyder assigning Streets Department duties immediately, and all streets were open within 24 hours, with the exception of those with downed power lines. Mr. Exley announced that he contacted Team Rubicon to assist with debris management, and the Township gained 24 staff members from various parts of the country and Canada to assist. Team Rubicon consists of are veterans and first responders who donate their time to help homeowners, particularly veterans and those without insurance, to clean up their properties in times of need. Mr. Exley thanked Team Rubicon, the Salvation Army, the American Red Cross and West Ridge Fire Department for donating their time and talents, and assisting with housing and feeding the volunteers. He also mentioned there was some question about the timing of the warnings for the tornado, and wanted to clarify that the Township has a very good relationship with the National Weather Service in Cleveland. He explained that several years ago, former administration had removed a more sophisticated radar system from Erie, and because the current radar available is 40,000 feet above us, it makes it difficult to predict these types of storms and did not pick up the first storm. He stated that residents should ideally have 72 hours to prepare for this type of storm. Mr. Groh commended Mr. Exley and his staff and Mr. Snyder and his staff for their efforts during the tornado emergency.

David Dodds of Team Rubicon stated that the Millcreek community and staff have been amazing, and noted that the Township is fortunate to have quality professionals such as Mr. Exley, Mr. Dixon and Mr. Snyder. He also praised the Streets Department crews for all of their hard work, thanked local businesses and volunteers for their donations of food and accommodations, and reported they hope to finish their work by Friday.

Reese Hill, 5220 Heidler Road, commended Mr. Exley for his efforts during the tornado emergency, and expressed his concern that property values could decrease after the damaging storm. He stated that insurance companies must follow Township ordinances and policies, and encouraged the Township to be sure to upgrade their policies or codes. Mr. Morgan assured Mr. Hill that he would have the Zoning Office look into this.

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 10:31 a.m.

Sheryl A. Williams
Assistant Secretary

Approved: November 28, 2017

Brian P. McGrath _____

John H. Groh _____

John E. Morgan _____