

## Regular Meeting

November 28, 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, Brian McGrath, John Morgan, Mark Shaw, Esq., Anne Sokol, P.E., Sheryl Williams and Student Ambassador Aaron Boyd. Richard Morris, P.E. was absent.

Following the Pledge to the Flag, Chairman McGrath called for public comment on agenda items other than development or rezoning applications. Suzanne Weber, former Township Supervisor, 5338 Norris Drive, asked the Board where the idea to reorganize the Township departments originated. Mr. Morgan replied that it began with the creation of the Public Works Director position last year due to the retirement of several key department heads, and continued this year when the Supervisors felt that Traffic Engineering, Building Maintenance and Parks Maintenance staff should also be included as part of Public Works. Mr. Morgan added that during the community meetings for Embrace Millcreek, some residents expressed some concerns about code enforcement. He reported that Matthew Exley will be Director of Emergency Management and Code Enforcement, and he plans to take a more proactive approach to code enforcement. Ms. Weber expressed hope that this will improve the department, and then commented that she feels it would be a mistake to move the maintenance component out of the Parks and Recreation Department. Mr. McGrath replied that the Supervisors are utilizing the strengths of the personnel they have, and feel that the current director's strengths are in programming, which they would like to see her take to the next level. He continued on to explain that the Building Maintenance Head Foreman and Public Works Director will partner well to manage the maintenance needs of the Township, which are their strengths. Mr. Morgan added that Ms. Marsteller will partner well Ms. Zelina in Public Services and the goal is better efficiency for the Township. Ms. Weber asked Mr. Groh if he is in favor of the restructuring, to which he replied, "No." Mr. Groh felt that the Board should wait until the new Supervisor comes on to the Board in January to include him in the decision; however, Mr. McGrath disagreed, saying this was a budget decision. There was no further 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 November 14, 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 \$760,208.41, and Sewer Revenue Fund bills in the amount of \$84,601.05.

A quotation for emergency repair of a sewer line in Amherst Road was solicited by Sewer Department Foreman John Blose from Insight Pipe Contracting, LLC, COSTAR Contract #016, for \$11,080.00. On recommendation of Mr. Blose, it was moved by Mr. McGrath, seconded by Mr. Groh and carried by unanimous roll call vote to award the contract to Insight Pipe Contracting, LLC for \$11,080.00.

It was moved by Mr. McGrath and seconded by Mr. Groh to adopt Resolution 2017-R-47; A Resolution to approve the Independent Auditor's Report of the Erie Area Council of Governments for the calendar year ending December 31, 2016. Motion carried by unanimous roll call vote.

It was moved by Mr. Groh and seconded by Mr. Morgan to adopt Resolution 2017-R-48; A Resolution to approve the Annual Budget of the Erie Area Council of Governments for the calendar year ending December 31, 2018. Motion carried by unanimous roll call vote.

It was moved by Mr. Groh and seconded by Mr. Morgan to adopt Resolution 2017-R-49; A Resolution pursuant to Resolution 2015-R-20 and the Municipal Records manual to approve proposed disposition of certain Township records. Treasurer Mark Zaksheske explained that this is

Chief Heidt's monthly request to dispose of police dash cam videos which take up a lot of room on the server. Motion carried by unanimous roll call vote.

Solicitor Mark Shaw reported that he researched Mr. Groh's question from the previous meeting asking whether he should abstain from voting to appoint the Township's auditing firm because one of the auditors contributed to his political campaign 4 years ago. Mr. Shaw concluded there appears to no conflict of interest, and Mr. McGrath clarified that no assertion or implication of such was made.

On recommendation of Treasurer Mark Zaksheske, it was moved by Mr. McGrath, seconded by Mr. Morgan and carried by unanimous roll call vote to appoint Felix and Gloekler, P.C. as the Township's auditors for one more year, previously tabled from the November 14, 2017 meeting. Mr. Zaksheske noted that the Township has been pleased with their services, and this will be the third year, with fees to remain the same for 2018. Mr. Zaksheske recommended advertising for new proposals next year as standard procedure.

Mr. McGrath explained that for the past several years, the Township has assisted other townships with storm sewer inspections and inflow and infiltration projects. The standard procedure is to send out Township staff and equipment and then be reimbursed by the neighboring Township at a predetermined rate.

It was moved by Mr. McGrath, seconded by Mr. Groh and carried by unanimous roll vote to approve an Intergovernmental Agreement between Millcreek Township and Harborcreek Sewer Authority for an inflow and infiltration project.

It was moved by Mr. McGrath, seconded by Mr. Groh and carried by unanimous roll vote to approve an Intergovernmental Agreement between Millcreek Township and Girard Township for Storm Sewer Inspection.

Solicitor Mark Shaw explained that due to the Township's recent adoption of the ADA Transition Plan and subsequent facility upgrades, it was necessary to incorporate these into the agreement for the Voices for Independence lawsuit, and the most recent attorney's fees totaling \$18,028.01 were also added into the latest version of the agreement as well. On recommendation of Solicitor Shaw, it was moved by Mr. Groh, seconded by Mr. Morgan and carried by unanimous roll call vote to approve the Voices for Independence Fifth Consent Decree.

Solicitor Mark Shaw reported that the District Justice lease agreement with Erie County has been revised, based on the Township's format, the county Solicitor has agreed and it is pending County Council approval. 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 District Justice Office Lease Agreement with Erie County.

Treasurer Mark Zaksheske reported that performance reviews were completed on 21 management employees, and based on the scores, 2017 salary increases ranging from 2.25 – 2.95% are being recommended, with most employees receiving approximately 2.5%. It was moved by Mr. Morgan and seconded by Mr. McGrath to approve the 2017 Management Salaries, retroactive to January 1, 2017. Motion carried by unanimous roll call vote.

Mr. Morgan explained that previously the Township had 15 department heads and the Supervisors have been trying to streamline operations. The restructuring includes combining the Zoning and Engineering Departments into Planning and Development, transferring Code Enforcement under Matt Exley and combining with Emergency Management, transfer of all labor maintenance employees to Public Works, and shifting Parks and Recreation to Public Services. He emphasized

that the 6 Directors are seasoned professionals and new employees have not been brought into these positions. Mr. McGrath thanked Mr. Morgan and Human Resource Manager Diane Lyons for their efforts in creating this organizational structure, which he feels is overdue, but will improve communications and will benefit residents. Mr. Groh expressed opposition to the plan, questioning why change was needed, and particularly disagreed with separating the maintenance and programming sections components of the Parks and Recreation department. He opined that the restructuring will not solve any of the Township's problems and could have waited until January, and suggested perhaps reopening the budget at that time. Mr. McGrath assured him that no one is changing any form of government, that the Supervisors will still be making decisions, and that the impact of the Embrace Millcreek public meetings was critical, as citizens mentioned what they would like to see improved. Mr. Morgan emphasized that this year the roads program was completed on time and under budget. Discussion ensued regarding the Township's stormwater issues, and Mr. Morgan reported that Public Works Director Gary Snyder and Land Development Coordinator Matt Waldinger are currently in the process of securing approximately \$400,000 in Federal funds for next year. Mr. Groh then asked the Board to consider tabling the matter until January, to which Mr. McGrath and Mr. Morgan replied, "No."

It was moved by Mr. Morgan and seconded by Mr. McGrath to approve the Millcreek Township Departmental Restructuring. Motion carried 2-1, with Mr. Groh voting no.

Solicitor Mark Shaw explained that the PennDOT Sidewalk Reimbursement and Maintenance Agreement on the agenda regarding various intersections with 12<sup>th</sup> and 26<sup>th</sup> Streets, and Peninsula Drive/Sterrettania Road, was previously approved by the Supervisors, but revised because design dictated a higher Township contribution, \$255,378.00, and this agreement is also more in line with historical agreements. On recommendation of Mr. Shaw, it was moved by Mr. Groh and seconded by Mr. Morgan to approve PennDOT Sidewalk Reimbursement and Maintenance Agreement #010W71. Motion carried by unanimous roll call vote.

On recommendation of Chief Heidt, it was moved by Mr. Groh, seconded by Mr. Morgan, and carried by unanimous roll call vote to authorize permission to purchase a Rescue Phone Squad system and connectors from Rescue Phone Inc. for \$4,096.00.

Mr. Groh reported that the Giving Tree is on display in the lobby and there are 75 cards representing families of Millcreek school children that are in need. He encouraged residents and employees to please stop by, take a card and register your name and card with the receptionist to provide gifts to those in need, and thanked Ashley Marsteller and Londa Cirillo for coordinating this project.

Mr. Groh asked residents to continue being patient with Advanced Disposal, as he has received many calls from citizens complaining that their leaves have not yet been collected. Mr. McGrath added that overall garbage and recycling collection has improved, but leaf pickup was one week behind due to understaffing after the tornado.

On recommendation of Township Engineer Richard Morris, it was moved by Mr. Morgan and seconded by Mr. Groh to approve Bethany Sivak as part time Winter Staff from December 19, 2017 to January 19, 2018 at the appropriate rate. Motion carried by unanimous roll call vote.

On recommendation of Township Engineer Richard Morris, it was moved by Mr. Morgan and seconded by Mr. Groh to authorize Joel DiTullio and Emma George to attend an MS4 Seminar on December 19, 2017 in Sewickley, PA at a cost of \$578.00, with use of a Township vehicle, and if necessary due to inclement weather, lodging costs of \$101.00 each. Motion carried by unanimous roll call vote.

Student Ambassador Aaron Boyd reported that McDowell winter sports begin on December 8<sup>th</sup> with Girls' and Boys' Basketball, and on the calendar is an upcoming wrestling tournament and cheerleading competition.

Mr. McGrath reported that the Board met in Executive Session with Solicitor Mark Shaw to discuss legal matters on November 17, 2017.

Solicitor Mark Shaw received a tax assessment appeal from Millcreek Community Hospital (MCH) Corporation regarding a parcel they purchased at 5530 Peach Street with a tax assessment of \$178,220; the old assessment was \$40,500. He will monitor this. Mr. Shaw reported that MCH Corporation also filed a second appeal challenging the tax assessment of \$19,567,900 for Millcreek Manor, located at 5535 Peach Street, and Atty. Evan Adair contacted Mr. Shaw because there are some exemption issues with this appeal.

On recommendation of Mr. Shaw, it was moved by Mr. Groh and seconded by Mr. Morgan to direct Mr. Adair to file an intervention to address these tax assessment issues on behalf of Millcreek Township and to handle the appeal. Motion carried by unanimous roll call vote.

Pat Rossi, 5143 Richmond Street, speaking on behalf of her neighbors, is concerned about people parking too close to the corners of Bryant and Lehigh Streets and on the grass, which is causing a safety hazard and not allowing 2-way traffic on Lehigh Street. She said the offenders are from Great Lakes School and are not using their designated parking lots. She has called MPD and talked with the Zoning Board as well. Mr. McGrath explained that typically the traffic officer will monitor the situation and make recommendations for more parking, posting no parking signs, etc.

Ms. Rossi added that speeding is another issue in that area, and she has had 25 mph speed limit signs posted, but she would like 4-way stop signs placed at the intersection of Bryant and Lehigh. Mr. Morgan explained that the state regulates 4-way stop intersections and there must be a very significant reason for it.

She also is concerned about all the activity at the basketball court, and states that it is a trouble spot as well. Mr. Groh said he will call her about these matters.

Ron Schaack, 2817 Westline Street, asked how he can get MPD to come and investigate people running stop signs on 29<sup>th</sup> and Westline. He reports that even school buses go through the stop sign there. Mr. McGrath advised writing down the number of the school bus and reporting it. Mr. Groh stated that he will call Mr. Schaack tomorrow.

Lynn Case-Craker, 5411 Millfair Road, Township Tax Collector, requested that her lease be updated, stating that it has not been updated since she took office. Mr. McGrath agreed that it is a reasonable request and stated that the Board will address it.

Thomas DelFratte, 4357 West 28<sup>th</sup> Street, reported ongoing flooding problems in his neighborhood. He stated that PennDOT has been collecting data, and now that they have assumed responsibility for the problem, he is asking that the Township be vigilant in making sure that PennDOT solves the problem in a timely manner. Mr. Morgan assured Mr. DelFratte that the engineering team is involved in the process, and is currently securing funds. Mr. McGrath reported that the Township owns property south of Feidler Drive and is considering using it as a possible retention area. Mr. Groh volunteered to take Mr. DelFratte's calls at the Township. Mr. Shaw reminded everyone that historically storm sewer systems were designed for smaller storms, and not for the larger storms that the Township has experienced over the past several months.

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 8:31 p.m.

Sheryl A. Williams  
Assistant Secretary

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Approved: December 5, 2017

Brian P. McGrath \_\_\_\_\_

John H. Groh \_\_\_\_\_

