

Regular Meeting

January 9, 2018

The regular meeting of the Millcreek Township Board of Supervisors was called to order at 9:30 a.m. by Chairman John Morgan in the Assembly Room of the Millcreek Township Municipal Building. Present were Mark Zaksheske, John Groh, John Morgan, James Bock, Mark Shaw, Esq., Aaron Boyd, Richard Morris, P.E., Sheryl Williams, Matt Exley and Gary Snyder.

Following the Pledge to the Flag, Chairman Morgan called for public comment on agenda items other than development or rezoning applications. There were none.

There were no minutes to be approved.

It was moved by Mr. Groh, seconded by Mr. Bock and carried by unanimous roll call vote to approve payment of the General Fund bills in the amount of \$227,188.27, and Sewer Revenue Fund bills in the amount of \$235,833.03.

Treasurer Mark Zaksheske requested that the Township purchase two pieces of software to comply with ADA requirements. This also would allow the Township to accept online registration and payments for Park and Recreation classes, and residents could pay Street Light Assessment bills online as well as print Millfair Recycling Center receipts. Mr. Groh clarified that residents would still be able to pay their bills in person at the Township Building. On recommendation of Mr. Zaksheske, it was moved by Mr. Groh and seconded by Mr. Bock to purchase RecOne and CivicPlus software under COSTARS contract #319435 at a cost of \$22,100 per year for 3 years, plus an annual support fee of \$4,000. Motion carried by unanimous roll call vote.

On recommendation of Matthew Exley, Director of Emergency Management and Code Enforcement, it was moved by Mr. Groh and seconded by Mr. Bock to authorize the purchase of a 2018 Chevrolet Silverado 1500 to replace Unit 922, at the COSTARS contract price of \$32,761.00, and a 2018 Chevrolet Tahoe to replace Unit 920, at the COSTARS contract price of \$37,949.00. Mr. Exley noted that Unit 920 will be transferred to the Property Inspector and Unit 922 will be retired. Motion carried by unanimous roll call vote.

Quotations for the lease of a copier for the Department of Emergency Management and Code Enforcement were solicited and received by Director Matt Exley from Hagan Business Machines for a Toshiba eStudio 3005ac copier – monthly base rate \$96.80, and Schwab Company Ricoh for a MPC3400ex copier – monthly base rate \$92.10. Mr. Exley explained that Hagan Business Machines offered a decreased per page price over the life of the 63 month lease. On recommendation of Mr. Exley, it was moved by Mr. Groh and seconded by Mr. Bock to award the contract to lease a Toshiba eStudio 3005ac copier for 63 months at a monthly base rate of \$92.10 to Hagan Business Machines. Motion carried by unanimous roll call vote.

Mr. Exley explained that the current Burning Ordinance is confusing, and he has provided an updated draft of the proposed Burning Ordinance to Solicitor Mark Shaw for review. Mr. Shaw reported that the draft of the proposed Burning Ordinance should be ready to advertise within the next month.

It was moved by Mr. Groh and seconded by Mr. Bock to adopt resolution 2018-R-3; A resolution to Set the Rate of Participant Contribution to the Millcreek Township Police Pension Plan. Mr. Morgan added this is an annual resolution and the current participant contribution is 5%. Motion carried by unanimous roll call vote.

It was moved by Mr. Groh and seconded by Mr. Bock to adopt resolution 2018-R-4; A resolution pursuant to Resolution 2015-R-20 and the Municipal Records Manual to approve proposed

disposition of certain township records. This authorizes disposal of police Dash Cam videos which may be discarded after the mandatory 180 days. Motion carried by unanimous roll call vote.

Solicitor Mark Shaw explained that the Supervisors initially approved the following sidewalk agreement on November 28, 2017, but PennDOT had some revisions. It was moved by Mr. Groh and seconded by Mr. Morgan to adopt Resolution 2018-R-5; A resolution to approve PennDOT Sidewalk Reimbursement & Maintenance Agreement (#010W71) Pursuant to Settlement Agreement. 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 2018 rate increase proposed by Greenman-Pedersen Inc. for the last year of the three-year agreement for stormwater management review services, with Payment Option B (12 monthly payments). Motion carried by unanimous roll call vote.

Engineer Richard Morris reported that the Township received a request for Financial Security Reduction from PANWORLD DEVELOPMENT, INC. – Panworld Development Inc., Developer, but that there was a mistake on the form. On recommendation of Mr. Morris, it was moved by Mr. Groh and seconded by Mr. Bock to reduce Citizens Bank Check #101 from \$79,544.00 to 10% of the original amount, \$7,955, and to amend the form accordingly. Motion carried by unanimous roll call vote.

Treasurer Mark Zaksheske reported that a representative and alternate must be appointed to the Erie County Tax Collection Committee for 2018. On separate motions by Mr. Groh, seconded by Mr. Bock and carried by unanimous roll call vote, Mark Zaksheske was reappointed Representative and John Morgan was appointed Alternate to the Erie County Tax Collection Committee for 2018.

On recommendation of Public Works Director Gary Snyder, it was moved by Mr. Groh and seconded by Mr. Bock to authorize Streets Department employees Chris Brenner, Rob Balko and Mike Sornberger to attend the PennDOT Bituminous Plant & Field Technician Certification Course and Workshop in State College on March 13, 2018, at a cost of \$250.00 per person plus \$258.00 for lodging, and use of a Township vehicle. Motion carried by unanimous roll call vote.

On motion by Mr. Groh, seconded by Mr. Bock and carried by unanimous roll call vote, Brian McGrath was reappointed to serve a 3-year term on the Erie Area Council of Governments (EACOG) Signage Region Trust.

Mr. Groh clarified a rumor that had been circulating throughout the Township, stating that it was not true that Advanced Disposal and the U.S. Post Office had been ordered by Millcreek Township to suspend garbage collection and mail delivery during the winter storm over the Christmas holidays. He reported that the businesses themselves suspended services due to the extreme weather conditions and for safety reasons.

On motion by Mr. Morgan, seconded by Mr. Groh and carried by unanimous roll call vote, James Bock, Mark Zaksheske, Sheryl Williams, Anne Sokol and Gary Snyder were authorized to attend the 2018 PSATS Conference in Hershey.

On motion by Mr. Morgan, seconded by Mr. Groh and carried by unanimous roll call vote, James Bock, John Groh, John Morgan, Mark Zaksheske and Diane Lyons were authorized to attend the 2018 PELRAS Conference in State College.

Mr. Morgan reported that the Board met in Executive Session with Solicitor Mark Shaw to discuss legal matters on December 28, 2017 and January 4, 2018.

Mr. Morgan offered a report on the Township's Comprehensive Plan, "Embrace Millcreek," and announced two upcoming public meetings on Jan. 24, 2018 at Millcreek Intermediate High School and Jan. 25, 2018 at J.S. Wilson Middle School. Both meeting will take place from 6:00 – 8:00 p.m. with staff available to answer questions.

Mr. Morgan welcomed and congratulated new Zoning and Development Officer Matthew Puz, Jr., and introduced Assistant Zoning and Development Officer Julie Maggio and Project Engineer Emma George.

On recommendation of Chief Heidt, it was moved by Mr. Bock, seconded by Mr. Groh and carried by unanimous roll call vote to authorize the following:

Elevation of Patrol Officer J. Kutterna to Class D Patrol Officer effective January 16, 2018.

Appointment of Dakota Bish, Kearsarge Fire Department, to the Millcreek Township Special Fire Police.

On recommendation of Parks and Recreation Manager Ashley Marsteller, it was moved by Mr. Groh and seconded by Mr. Bock to approve Samantha Howard as a Youth Dance teacher at the hourly rate of \$9.50. Motion carried by unanimous roll call vote.

Student Ambassador Aaron Boyd announced current and upcoming events at McDowell High School, including a Boys Basketball game on January 11th, and the Student Council donation collection for the American Heart Association.

Solicitor Mark Shaw announced that he received notice today that Ms. Shea has accepted the Township's settlement offer regarding the Shea Lawsuit, whereas the Township has agreed to remove the two-sign limit from the Sign Ordinance and to pay Ms. Shea's attorney's fees. Mr. Shaw reported the Township has 45 days to amend the ordinance.

Mr. Groh commented that he was glad to see the matter come to a conclusion. Mr. Bock echoed Mr. Groh's sentiments and said it was time to move on. Mr. Morgan opined that this ordinance was a common sense ordinance, but unfortunately two court cases challenging similar ordinances were previously ruled upon and were missed during legal review. Mr. Shaw noted that at the time, not many municipalities had sign ordinances, so there was no model to use as a reference.

On the recommendation of Mr. Shaw, it was moved by Mr. Groh and seconded by Mr. Bock to approve the Shea Lawsuit settlement, to include amendment of the Sign Ordinance by removing the two-sign limit, and to pay Ms. Shea's attorney fees in the amount of \$23,396.25. No public comment was received. Motion carried by unanimous roll call vote.

Open Records Officer Sheryl Williams presented the December Right-to-Know report, stating there was one request carried over from November and no new requests in December.

Director of Emergency Management and Code Enforcement Matthew Exley thanked all involved in the Christmas storm, noting this is the 5th time in 2017 that the Emergency Operations Center had to be activated. Mr. Exley reported that the National Guard was activated, as well as Team Rubicon, and staff worked an average of 96 hours per week. Mr. Groh thanked Mr. Exley, Mr. Dixon, and the Department of Public Works for their efforts and long hours spent clearing snow from the roads. He also thanked local establishments for supporting Team Rubicon.

Public Works Director Gary Snyder reported working closely with the 911 Center and MPD, and noted 17 plow trucks worked during the evenings to clear snow from the roads. He said the worst problem was cars left parked on the streets.

Gary Behr, 4045 Feidler Drive, was upset that the Township ordered a 24-hour driving ban during the Christmas storm, and questioned whether an ordinance exists to authorize this mandate. Mr. Morgan replied that the Supervisors authorized this per the Township's Code.

Mr. Behr also voiced a complaint about charges and limits for hazardous waste pick-up, specifically fluorescent light bulbs, and asked how to rectify Advanced Disposal's contractual responsibilities. Mr. Groh responded that he, too, is unhappy with the current garbage collection company, and Mr. Morgan advised contacting the Public Services Department to voice his complaint, but that nothing has been documented to warranty canceling the contract at this time. Mr. Shaw added that the company is generally performing its duties and is in the process of improving.

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. Bock to adjourn the meeting at 10:40 a.m.

Sheryl A. Williams
Township Secretary



Approved: January 23, 2018

John H. Groh _____

John E. Morgan _____

James S. Bock _____