

**Regular Meeting**

**March 27, 2018**

The regular meeting of the Millcreek Township Board of Supervisors was called to order at 7:00 p.m. by Chairman John Morgan in the Assembly Room of the Millcreek Township Municipal Building. Present were Mark Zaksheske, John Groh, John Morgan, Aaron Boyd, Mark Pavkov, Esq., Matthew Exley, Matthew Waldinger, Gary Snyder and Sheryl Williams. James Bock and Mark Shaw, Esq. were absent.

Following the Pledge to the Flag, Chairman Morgan 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 from the March 13, 2018 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 \$895,801.57 and Sewer Revenue Fund bills in the amount of \$61,712.27.

Director of Planning and Development Matthew Waldinger stated that bids for the Feidler Drive Storm Sewer Replacement Project were solicited and received by the Engineering Department, opened on March 8, 2018 and announced at the last Board of Supervisors meeting on March 13, 2018. On recommendation of Township Engineer Anne Sokol, it was moved by Mr. Groh, seconded by Mr. Morgan and carried by unanimous roll call vote to award the contract to Ray Showman Jr. Excavating for \$24,200.00.

On recommendation of Public Works Director Gary Snyder, it was moved by Mr. Groh, seconded by Mr. Morgan and carried by unanimous roll call vote to purchase a truck chassis for the Sewer Department for \$50,484.00 from Ferrando Ford, COSTARS Contract 25-287. On recommendation of Public Works Director Gary Snyder, it was moved by Mr. Groh, seconded by Mr. Morgan and carried by unanimous roll call vote to purchase the truck work body for \$28,890.00 from Walsh Equipment, COSTARS Contract 25-021.

Consideration of Land Development and Subdivision Plans:

**ACCUDYN – 2018 ADDITION. Land Development Plan. A land development plan to show the construction of a 10,000 square foot addition with associated parking and stormwater facilities, located along the west line of Yoder Drive, north of West 26<sup>th</sup> Street (S.R. 0020), in Tract 18. Index 380-007.**

Director of Planning and Development Matthew Waldinger reported that at the meeting on March 6, 2018, the Planning Commission recommended approval. Matt Gatenby, 9680 Fry Road, McKean, representing the owner, stated that because his business is doing well, it is necessary for the owner to expand his onsite warehouse capacity. No one else spoke in favor of or in opposition to the petition.

On recommendation of Mr. Waldinger, it was moved by Mr. Groh, seconded by Mr. Morgan and carried by unanimous roll call vote to approve the Accudyn - 2018 Land Development Plan.

**Nonsubstantial Land Development Plan Amendment. ERIE BANK – Approved at the meeting of 5/22/2007**

Director of Planning and Development Matthew Waldinger reported that Erie Bank, 2035 Edinboro Road, is in the planning stages of expanding its office space with a second floor addition which was originally accounted for in its Land Development Plan of 2007. However, Erie Bank is asking for an additional 1,500 sq. ft. of additional paving to reconfigure its parking area and 8 additional spaces. Mr. Waldinger explained that since this area is less than the 5,400 sq. ft. paving area that was already accounted for in the stormwater management plan, but never constructed, no additional stormwater management plan is required.

Mike Sanford, Sanford Surveying, 4721 Atlantic Avenue, was present on behalf of the applicant requesting approval of a small building and parking addition. No one else spoke in favor of or in opposition to the petition.

On recommendation of Mr. Waldinger, it was moved by Mr. Groh, seconded by Mr. Morgan and carried by unanimous roll call vote to approve the Erie Bank Nonsubstantial Land Development Plan Amendment.

Director of Emergency Management and Code Enforcement Matt Exley reported that at the February and March meetings, the Fire and EMS Commission approved four recommendations to present to the Board of Supervisors:

1. The Commission recommended that the Supervisors direct the Commission to: (i) develop performance protocols and metrics to be used by the Township to review and evaluate the performance of the fire departments; and (ii) provide recommendations to the Supervisors on the enforcement of such performance protocols and metrics.
2. The Commission recommended that the Township: (i) adopt the Rules and Regulations for the Millcreek Township Fire Departments in the form as it was presented to the Commission; and (2) adopt the format of the Rules and Regulations as the standard format for future Rules and Regulations.
3. The Commission recommended that the Supervisors centralize the maintenance of the fire department and MPS vehicles to be performed by Township employees, and allow the fire departments and MPS to fuel their fire vehicles at the Township's fueling station.
4. A motion was made, seconded and carried to approve the acquisition of a new ambulance for Millcreek Paramedic Service through the Township Capital Acquisition. Mr. Exley noted this will be the first vehicle in the Capital Acquisition for the Township. Mr. Zaksheske stated that according to the rules of the capital budget procedure, a plan with justification has been submitted to the Finance Committee, voted on, and is now being forwarded to the Board of Supervisors for consideration. Mr. Exley added that the lowest quotation received was \$114,460.00.

Mr. Morgan asked for some clarification of the recommendations, including the need to amend the ordinance regarding Fire and EMS Rules and Regulations, and Solicitor Mark Pavkov said yes, that would be addressed later in the meeting per the agenda.

Mr. Morgan also asked if MPS was aware that if approved, the ambulance purchase would be financed in the same manner as previously approved capital projects for the Fire Commission. Mr. Exley replied that it was discussed several times at the Fire and EMS Commission meetings. Mr. Morgan asked if it is common practice to purchase ambulances with public funds for non-profit entities, to which Mr. Exley replied that it depends on the entity, but his experience has been mainly with the purchase of fire trucks.

Mr. Groh commented that last year the Board of Supervisors created the Fire and EMS Commission to develop a more unilateral approach to staffing and capital equipment purchases, and reminded everyone this is a work in progress and we are heading in the right direction.

Solicitor Mark Pavkov reported that the financial recommendations of the Fire and EMS Commission have necessitated Proposed Ordinance 2018-3; An Ordinance to Adopt Rules and Regulations for the Millcreek Township Fire and Emergency Medical Services. The proposed ordinance has been advertised and will be available for review on the website, and action on the ordinance will be taken at the April 10, 2018 meeting at 9:30 a.m.

It was moved by Mr. Groh and seconded by Mr. Morgan to adopt Resolution 2018-R-13; 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.

It was moved by Mr. Groh and seconded by Mr. Morgan to adopt Resolution 2018-R-14; A Resolution to Authorize the Director of Parks and Recreation Department to submit a C2P2 Grant Application to the Pennsylvania DCNR for Scott Park and to Authorize the Board Chairman to Sign said Application. Motion carried by unanimous roll call vote.

Solicitor Mark Pavkov stated it was reported in the newspaper on March 2, 2018, that the Cres Trust had requested over \$2.85 million in "Fees on Fees" and the Court had disallowed 90% of that request, and granted 10%, for a total was \$285,000. The Court's opinion indicated that the Township had attempted to resolve the matter in a settlement with the Trust, but the Trust had refused to accept anything less than the full amount that it had demanded. The deadline to file an appeal, if the Township chooses to do so, is Monday, April 2, 2018. The Solicitor recommended that the Township not file an appeal.

Public Works Director Gary Snyder reported that the weather this year has caused numerous problems with Township roads. He stated that a preliminary plan for road improvements and storm sewer projects for 2018-19 has been created. On recommendation of Mr. Snyder, it was moved by Mr. Groh and seconded by Mr. Morgan to approve the 2018-2019 Roadway Maintenance and Improvement Program. Motion carried by unanimous roll call vote. Mr. Morgan and Mr. Groh commended the Public Works and Engineering Department for their hard work in completing the road surveys and in repairing the roads.

On recommendation of Treasurer Mark Zaksheske, it was moved by Mr. Groh and seconded by Mr. Morgan to approve a Capital Budget Amendment Plan to incorporate recent purchases that came in under budget and allow for a small reserve for future purchases. No public comment was offered. Motion carried by unanimous roll call vote.

On request of Human Resource Manager Diane Lyons, it was moved by Mr. Groh and seconded by Mr. Morgan to approve payment of \$250.00 for her professional human resource re-certifications. Motion carried by unanimous roll call vote.

On request of Recycling Coordinator Jessica Stutzman, it was moved by Mr. Morgan and seconded by Mr. Groh to authorize permission for her to submit an application for the PA DEP 902 Grant on behalf of Millcreek Township to purchase equipment for the Millfair Recycling Center. Motion carried by unanimous roll call vote.

Mr. Morgan reported that the Board met in Executive Session with Solicitor Mark Shaw on March 23, 2018 to discuss legal and personnel matters.

On recommendation of Chief Scott Heidt, it was moved by Mr. Groh, seconded by Mr. Morgan and carried by unanimous roll call vote to retroactively approve the West Ridge Fire Department Fire Police to assist the McDowell Wrestling Boosters with parking at MIHS on March 16 and 17, 2018.

Since the following purchases were under \$2,000, no vote was required for the following: Four Remington 870 shotguns were purchased from Markl Supply for \$1828.00, and five Hogue Orange shotgun stock and forend sets were purchased for \$345.00.

On recommendation of Chief Scott Heidt, it was moved by Mr. Morgan, seconded by Mr. Groh and carried by unanimous roll call vote to authorize approval to purchase a video projector and associated items from Amazon for a total price of \$800.00.

On recommendation of Chief Scott Heidt, it was moved by Mr. Groh, seconded by Mr. Morgan and carried by unanimous roll call vote to authorize two firearms instructors to attend a Glock Armorers course at Mercyhurst Police Academy on June 14, 2018 at a total cost of \$500.00, with travel by department vehicle.

Mr. Morgan reported that the Erie County Conservation District contacted the Township requesting general support of its Headwaters Park and Trail Development project. On recommendation of Director of Planning and Development Matthew Waldinger, it was moved by Mr. Morgan, seconded by Mr. Groh and carried by unanimous roll call vote to authorize Mr. Waldinger to send a letter of support on behalf of the Board of Supervisors.

Student Ambassador Aaron Boyd reported that the McDowell Baseball and Softball teams are currently training in South Carolina, and the Lacrosse teams start competition soon. Please come and support all of the sports teams!

Director of Planning and Development Matthew Waldinger reported that a previously approved free Pictometry training had been canceled and has been rescheduled. On recommendation of Mr. Waldinger, it was moved by Mr. Groh, seconded by Mr. Morgan and carried by unanimous roll call vote to authorize the same employees, with the addition of Zoning Administrator Matthew Puz, Jr., to attend the free Pictometry training in Erie on April 3, 2018.

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 7:42 p.m.

Sheryl A. Williams  
Township Secretary

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Approved: April 10, 2018

John E. Morgan \_\_\_\_\_

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

James S. Bock \_\_\_\_\_