

Regular Meeting

August 28, 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, James Bock, Mark Shaw, Esq., Matthew Waldinger, Matthew Puz, Jr., Gary Snyder and Sheryl Williams.

Following the Pledge to the Flag, Chairman Morgan called for public comment on agenda items other than development or rezoning applications. No public comment was received.

Chairman Morgan thanked former and present staff, business community members, residents Erie County Planning officials for their assistance and input in creating the Embrace Millcreek Comprehensive Plan. He then opened the Public Hearing on the Comprehensive Plan.

Planning and Development Director Matthew Waldinger relayed a brief synopsis of the two-year process to develop the Township's new Comprehensive Plan, and thanked staff, residents, county, city, state and local officials for their assistance, support and input. He then presented the Embrace Millcreek Comprehensive Plan for review.

Robin Craygo, 4402 Westminster Boulevard, thanked the Board for pursuing the plan and for involving the business owners of the West 8th Street corridor. She stated that this investment is needed for future generations.

Elmer Keisel, owner of Joe Roots Restaurant, West 8th Street and Peninsula Drive, spoke in favor of the Comprehensive Plan. He reported that pedestrians and cyclists frequently cut through his parking lot because it currently is the only safe way to navigate that corner, and this also increases his liability.

Chip Riehl, 2580 W. 8th Street, spoke in favor of the Comprehensive Plan, particularly the West 8th Street corridor, and the addition of more trees and accessibility for pedestrians and cyclists.

Kathy Wyrosdick, 4810 Walker Boulevard, Erie City Planning Director, commended the Board for their efforts in reaching out to include staff and resident opinions and ideas. She cited over \$69 million in funding that the City of Erie has received since adopting a new Comprehensive Plan, and looks forward to working with Millcreek as part of a regional movement.

No one else spoke either in favor of or in opposition to the proposed Comprehensive Plan. Mr. Morgan reported that approximately 20 additional public comments have been sent via email and the website and they will be added to the public record. He then closed the public hearing.

It was moved by Mr. Bock and seconded by Mr. Groh to adopt Resolution 2018-R-35; A Resolution pursuant to Section 302(C) of the Pennsylvania Municipalities Planning Code to adopt the 2018 Millcreek Township Comprehensive Plan, including all of its component parts. Motion carried by unanimous roll call vote.

Mr. Morgan recognized the Planning Commission team, Director of Planning and Development Matthew Waldinger, czbLLC, Erie County Planning Commission, department heads, residents, business leaders and developers for their dedication and involvement in the creation and implementation of Embrace Millcreek.

Mr. Bock thanked everyone involved for their involvement with and dedication to the development of the plan.

Mr. Groh stated that it is exciting to envision the development of the W. 8th Street and Peninsula Drive corridors and thanked area business owners for their support and vision. He emphasized that the plan also addresses the EIP Study, stormwater management and fire service in the Township.

On separate motions by Mr. Groh and seconded by Mr. Bock, it was carried by unanimous roll call vote to approve the minutes from the July 30, 2018 Special Emergency Meeting, August 14, 2018 Regular Meeting, and the August 16, 2018 Special Public Meeting.

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 \$1,666,040.85.

Public Works Director Gary Snyder reported that the Township's paving machine is broken and cannot be repaired in time to complete seasonal paving projects. On recommendation of Mr. Snyder, it was moved by Mr. Groh, seconded by Mr. Bock and carried by unanimous roll call vote to approve the rental of a paving machine from Highway Equipment Company for approximately 30 days, retroactive to August 14, 2018, at a monthly rental charge of \$17,500.00.

On recommendation of Mr. Snyder, it was moved by Mr. Groh, seconded by Mr. Bock and carried by unanimous roll call vote to purchase one 2018 Mack 64T Semi Tractor for the Streets Department from Legacy Truck Center under COSTARS contract 025-022 for the purchase price of \$106,158.00, and to approve the necessary budget amendment to fund the purchase.

Quotations for tree and stump removal in the area of 2656 W. 23rd Street were solicited and received by the Streets Department as follows: Leopold Tree Service - \$750.00, Dibble Tree Service - \$950.00, and J. Thomas Tree Service – No response. On recommendation of Mr. Snyder, it was moved by Mr. Groh and seconded by Mr. Bock to award the contract to Leopold Tree Service for \$750.00. Motion carried by unanimous roll call vote.

Quotations for tree and stump removal in the area of 2650 W. 25th Street were solicited and received by the Streets Department as follows: Leopold Tree Service - \$200.00, Dibble Tree Service - \$550.00, and J. Thomas Tree Service – No Response. On recommendation of Mr. Snyder, it was moved by Mr. Groh and seconded by Mr. Bock to award the contract to Leopold Tree Service for \$750.00. Motion carried by unanimous roll call vote.

On recommendation of Mr. Snyder, it was moved by Mr. Groh, seconded by Mr. Bock and carried by unanimous roll call vote to purchase one Jet/Vac unit for the Sewer Department from A&H Equipment under COSTARS contract 025-044 for the purchase price of \$291,570.00.

On recommendation of Mr. Snyder, it was moved by Mr. Groh and seconded by Mr. Bock to purchase one 2018 Mack 64F Cab and Chassis for the Streets Department from Legacy Truck Center under COSTARS contract 025-022 for the purchase price of \$128,838.30, and to approve the necessary Sewer Revenue budget amendment to fund the purchase. Mr. Snyder noted that this includes trading in of the current Jet/Vac and Mr. Zaksheske recommended combining the

Jet/Vac and Cab and Chassis purchase for the Sewer Revenue budget amendment. Motion carried by unanimous roll call vote.

Quotations for one Goodall Start-All were solicited and received by the Fleet Maintenance Department as follows: Keystone Spring - \$9,400.00, Mile-X Company - \$10,082.00, and Century Tool - \$10,081.08. On recommendation of Mr. Snyder, it was moved by Mr. Groh and seconded by Mr. Bock to award the contract to Keystone Spring for \$9,400.00. Motion carried by unanimous roll call vote.

Mr. Morgan moved to direct all department heads to develop a capital budget resolution to accompany purchase requests in the future that require a budget amendment. The motion died for lack of a second, as Mr. Groh and Mr. Bock would like to discuss the matter further in executive session.

Planning and Development Director Matthew Waldinger announced that the Municipal Planning Organization allocated federal aid funds through the Transportation Improvement Program for the Cherry Street Milling and Paving Project, and PennDOT administered the bid opening of the contract through ECMS with specifications and technical data provided by Millcreek Township. Bids were opened on August 16, 2018 as follows: Mayer Brothers Construction - \$185,827.40, Joseph McCormick Construction - \$191,364.00, Russell Standard Corporation - \$228,750.00. On recommendation of Mr. Waldinger and Township Engineer Anne Sokol, it was moved by Mr. Groh, seconded by Mr. Bock and carried by unanimous roll call vote to award the contract to Mayer Brothers Construction in the amount of \$185,827.40.

On recommendation of Mr. Snyder and Fleet Maintenance Bureau Chief Joe Yatzor, it was moved by Mr. Groh, seconded by Mr. Bock and approved by unanimous roll call vote to approve the sale of a 1998 international 4700 truck in the amount of \$6500.00 to the City of Erie, contingent upon the approval of Erie City Council at its September 5, 2018 meeting.

Consideration of Land Development and Subdivision Plans

A Public Hearing was held on the Martin-Tan Subdivision. Minor Subdivision Plan. A minor subdivision to create two parcels, Parcel 1 being 2.198 acres and parcel 2 being 2.153 acres, located along the east side of Shultz Road and adjacent to the Millcreek/Summit Township municipal border, south of Hunter Willis Road, in Tract 341. Township Index 847-852. County Index 33-194-634-17.02.

Planning and Development Director Matthew Waldinger reported that at their August 7, 2018 regular meeting, the Planning Commission recommended approval with the following conditions: 1. Three drawing corrections be made on the Mylar: indicate parcel setbacks on the lots, add the Millcreek Township Index Number on parcel(s), and redefine the lot lines with neighboring properties; 2. One Modification: 3:1 depth to width on subdivided lots; 3. One recommendation: The deed language should identify Dr. Strassor's property with green space and restrictions indicated on the Mylar. Mr. Waldinger noted that subsequent to the August 7, 2018, the surveyor made the drawing adjustments on the Mylar.

Harry Martin, co-owner, 18 Martinwood Drive, reported that deed restrictions have been in place for a long time to protect the streams and wooded areas on the property. He explained that the neighbor to the north is purchasing one parcel, and a home will be built on the other parcel.

On recommendation of Mr. Waldinger, it was moved by Mr. Groh and seconded by Mr. Bock to approve the Martin-Tan Minor Subdivision Plan with the modification that there be 3:1 depth to width on the subdivided lots, and the recommendation that the deed language identify Dr. Strassor's property with green space and restrictions indicated on the Mylar. Motion carried by unanimous roll call vote.

It was moved by Mr. Groh and seconded by Mr. Bock to refer to the Planning Commission a Petition Requesting a Change in Zoning Classification for Mark J. and Sharon E. Gerlach, for property located at 4250 West Ridge Road, now zoned C-2 General Commercial, asking for parcel to be classified I-1 Light Industrial. Motion carried by unanimous roll call vote.

It was moved by Mr. Groh and seconded by Mr. Bock to adopt Resolution 2018-R-36; 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 after the mandatory 180 days through September 11, 2018. Motion carried by unanimous roll call vote.

Mr. Morgan reported that the Board has been in discussion with the Millcreek Township Sewer Authority (MTSA) for the past two years regarding the transfer of responsibility of the Millcreek system to the Township. He relayed that the Township hired a consulting team who recommended that the MTSA staff be transferred to the Township and the Board met on August 16, 2018 to discuss the conditions of the transfer.

Solicitor Mark Shaw gave a brief history of the MTSA, created in 1956, and explained the rationale behind the proposed transfer, noting that the sewer system has very few capital projects left to be completed, and there are funds to pay off the existing debt service which would reduce annual costs by \$1.2 million for the next 10 years. Mr. Shaw stated there is no need to retain \$9 million in the Sewer Revenue Fund, as the Bond rates are higher than the interest rates on the Fund, so MTSA is losing money. Additionally, costs would be reduced and efficiency increased by consolidating staff, and the elimination of the annual administration/management fee of \$760,000 would add to the overall annual projected costs savings of approximately \$1.4 million.

Mr. Morgan stated the transfer will be completed by December 31, 2018 and residents should not see any change in their service. Mr. Shaw confirmed that sewer billing will be maintained through Erie Water Works. Mr. Groh noted that this transition will eliminate the sewer management fee, which the Township's EIP study recommended reviewing, and emphasized MTSA was created for a project, to build and expand the sewer system, and it has been completed. Mr. Bock said the timing is right and he is looking forward to the transition of sewer staff to the Township. Mr. Shaw added that the elimination of debt will give the Township more flexibility and will work well with the new Comprehensive Plan.

On recommendation of Mr. Shaw, it was moved by Mr. Bock and seconded by Mr. Groh to adopt Resolution 2018-R-37; A Resolution to acquire the Sewer System and direct the Millcreek Township Sewer Authority to execute all appropriate instruments necessary to convey the Sewer System to the Township and to dissolve the Authority. Motion carried by unanimous roll call vote.

Mr. Morgan explained that the MTSA Board currently has two vacancies, and to ease the transition of staff into the Township, moved that Planning and Development Director Matthew Waldinger and Public Works Director Gary Snyder be appointed to serve on the MTSA Board. The motion was seconded by Mr. Groh and carried by unanimous roll call vote.

It was recommended by Planning and Development Director Matthew Waldinger, moved by Mr. Groh and seconded by Mr. Bock to refer to the Planning Commission as a Conditional Use a

proposal for a parking lot use agreement between Steven C. Lewis, d/b/a Steve Lewis Contracting, Inc., 3603 West 12th Street and Thomas E. Terella and Linda J. Terella, d/b/a Plaza 12, 3545 West 12th Street. Mr. Shaw advised this is proper protocol according to the Municipal Planning Code. Motion carried by unanimous roll call vote.

Further discussion ensued regarding the possibility of having the referral item placed on the Planning Commission's September agenda. It was moved by Mr. Groh and seconded by Mr. Bock to authorize Mr. Waldinger and Mr. Puz to use administrative discretion within the Zoning Code to have this item placed on the Agenda for the September 7, 2018 Planning Commission meeting. No public comment was offered. Motion carried by unanimous roll call vote.

On recommendation of Planning and Development Director Matthew Waldinger and Township Engineer Anne Sokol, it was moved by Mr. Groh and seconded by Mr. Bock to approve a Sidewalk Deferral Agreement for 334 Arbuckle Road – Craig and Melissa Gustafson, Developer, and to include the building permit with the document when recorded. Mr. Waldinger reported that the application was completed on the Township approved form and there are no sidewalks in the area. Motion carried by unanimous roll call vote.

On recommendation of Planning and Development Director Matthew Waldinger and Township Engineer Anne Sokol, it was moved by Mr. Groh, seconded by Mr. Bock and carried by unanimous roll call vote to approve the release of BNY Mellon Letter of Credit #S00067572 in the amount of \$300,000.00 for TEMPLE ANSHE HESED – Temple Anshe Hesed, as all requirements have been satisfied.

On recommendation of Treasurer Mark Zaksheske, it was moved by Mr. Groh and seconded by Mr. Bock to close the Erie Bank Account for the Wegman's Real Estate Tax Protest and move the funds to the general checking account as the matter has been settled. Motion carried by unanimous roll call vote.

On recommendation of Public Works Director Gary Snyder, it was moved by Mr. Bock, seconded by Mr. Groh and carried by unanimous roll call vote to authorize, retroactively, three Sewer Department employees to attend "Operators Health and Safety Survival Guide" continuing education training in Warren on August 28, 2018 at a total cost of \$285.00, with use of a Township vehicle.

It was moved by Mr. Bock, seconded by Mr. Morgan and carried by unanimous roll call vote to authorize Mr. Groh, in his capacity as Municipal Administrator of Public Works and Services, to attend a PSATS training course in Human Resources and Labor Management in Cranberry Township on September 20, 2018 at cost of \$99.00, with use of a Township vehicle.

It was moved by Mr. Groh, seconded by Mr. Bock and carried by unanimous roll call vote to authorize Mr. Morgan, in his capacity as Liaison to the Planning and Development Department, to attend the 2018 PA American Planning Association Conference in Erie on October 14-16, 2018 at a total cost of \$385.00, with use of a Township vehicle.

On separate motions by Mr. Bock, seconded by Mr. Groh, the following recommendations by Emergency Management and Code Enforcement Director Matthew Exley were approved by unanimous roll call vote:

Permission for Mr. Exley to attend the Anti-Terrorism Advisory Council 2018 Conference in Pittsburgh on October 3, 2018 at no cost to the Township and with use of a department vehicle.

Permission for Mr. Exley, Fire Inspector/Deputy EMA Coordinator Caleb Dixon, Rich Pietron and Kaelin O'Leary to the Keystone Emergency Management Conference in Altoona on October 21-23, 2018 at a total estimated cost of \$1,881.00, with travel by Township vehicle, and travel advances for the trip.

On recommendation of Planning and Development Director Matthew Waldinger, it was moved by Mr. Groh and seconded by Mr. Bock to authorize Engineering Inspector Robert Donikowski to attend two LTAP classes at no cost to the Township, with use of a Township vehicle: Stormwater Drainage on November 5, 2018 in Vernon Township, and Stormwater Facility Operation and Maintenance, September 18, 2018 in Bradford. Motion carried by unanimous roll call vote.

On recommendation of Mr. Waldinger, it was moved by Mr. Groh and seconded by Mr. Bock to authorize Emma George, P.E., Joel DiTullio and Kevin Dennington to attend the "GIS for Stormwater" workshop on September 27, 2018 at the Tom Ridge Environmental Center at a total cost to the Township of \$30.00 and with use of a Township vehicle. Motion carried by unanimous roll call vote.

On recommendation of Mr. Waldinger, it was moved by Mr. Groh and seconded by Mr. Bock to authorize Zoning and Development Officer Matthew Puz, Jr. to attend a FEMA Floodplain training class in Maryland from September 23-27, 2018 at a total cost of \$156.84 for meals. All travel and other expenses will be funded or reimbursed by FEMA. Motion carried by unanimous roll call vote.

On recommendation of Mr. Waldinger, it was moved by Mr. Groh, seconded by Mr. Bock and carried by unanimous roll call vote to authorize Mr. Waldinger, Zoning Officers Matthew Puz, Jr. and Julie Maggio to attend the 2018 PA American Planning Association Conference in Erie on October 14-16, 2018 at a total cost not to exceed \$850.00, with use of a Township vehicle. Motion carried by unanimous roll call vote.

Mr. Morgan reported that the Board met with Solicitor Mark Shaw in Executive Session twice on August 16, 2018 and again on August 23, 2018 to discuss legal and personnel matters.

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:

Permission for West Ridge Fire Department Special Fire Police to provide pedestrian traffic assistance at Brown's Farm on September 1, 2018 during the annual McDowell Cross Country Invitational.

Permission for three patrol supervisors to attend a safety training seminar in North East on September 21, 2018 at no cost to the Township and with use of a department vehicle.

On recommendation of Chief Heidt, it was moved by Mr. Bock and seconded by Mr. Groh to approve two Loan Agreement and Understanding contracts with Trijicon and Vortex Optics for the testing and evaluation of weapons optics by MPD firearms instructors. Mr. Shaw reviewed and found the agreements to be satisfactory, and there is no charge to the Township. No public comment was offered. Motion carried by unanimous roll call vote.

Solicitor Mark Shaw reported that the insurance carrier for the landslide area on Wolf Run Drive has begun reimbursing the homeowner for expenses incurred due to having to move out of their residence, and that the project to stabilize and rectify the problem is moving forward.

Thomas DeFratte, 4258 W. 28th Street, is concerned about the possibility of future water damage to his home and inquired if there is a plan to improve drainage on West 28th Street. Mr. Morgan responded that the pipes have been cleaned and this has improved the situation. He reported that the Township appealed to the state for assistance, they did a study and essentially determined there was nothing they could do to help the Township. He noted that the Township is currently in negotiations with an adjacent property owner to possibly develop a stormwater retention facility. Mr. Snyder reported that grouting has recently been completed in the sanitary sewer mains, and that they will be also checking for any illegal connections.

Gary Behr, 4045 Feidler Drive, commended the Board on its new Comprehensive Plan, but expressed concern about the focus area of the work chart, the West 8th Street corridor. Specifically, he questioned whether the Township has enough staff and time to complete the projects in the projected time period. He suggested that the Board review the schedule.

Mr. Morgan responded by explaining last year's restructuring of the departments to increase efficiency, and also budgeting for the hiring of an additional engineer. In addition, with the impending transition of MTSA, he stated that bringing over additional staff with their knowledge and resources will supplement the Township's planning department. Mr. Morgan agreed that the comprehensive plan is ambitious, but feels it is attainable, and noted that the Township is also partnering with the City, County and State Legislature.

Mr. Groh added that since the enactment of the Property Maintenance Code in 2013, the Code Enforcement department has now become proactive rather than reactive.

Mr. Groh announced that WQLN is now using a new omni-directional camera for recording meetings.

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 9:02 p.m.

Sheryl A. Williams
Township Secretary

Approved: September 11, 2018

John E. Morgan _____

John H. Groh _____

James S. Bock _____