

**Regular Meeting**

**March 12, 2019**

The regular meeting of the Millcreek Township Board of Supervisors was called to order at 9:30 a.m. by Chairman John Groh in the Assembly Room of the Millcreek Township Municipal Building. Present were Mark Zaksheske, John Morgan, John Groh, James Bock, Mark Shaw, Esq., Matthew Waldinger, Gary Snyder, Sheryl Williams and Student Ambassador Hannah French.

Mr. Groh announced that the meeting is being recorded by WQLN and will be broadcast on Spectrum Channel 1024 and on YouTube.com, and closed captioning is available.

Mr. Groh called for public comment on agenda items other than development or rezoning applications. No public comment was received.

It was moved by Mr. Bock, seconded by Mr. Morgan and carried by unanimous roll call vote to approve the minutes from the February 26, 2019 Regular Meeting.

It was moved by Mr. Bock, seconded by Mr. Morgan and carried by unanimous roll call vote to approve payment of the General Fund bills in the amount of \$500,750.59, and Sewer Revenue Fund bills in the amount of \$1,235,080.50.

Treasurer Mark Zaksheske explained that \$96,305 was budgeted for the purchase of a garbage truck for the Parks and Recreation Department; however, the Township was quoted \$92,625, allowing a surplus of \$3,680. On recommendation of Treasurer Mark Zaksheske, it was moved by Mr. Morgan, seconded by Mr. Bock, and carried by unanimous roll call vote to approve a Capital Budget Amendment in the amount of \$3,680.00 to be moved into the General Fund Reserve.

On recommendation of Parks and Recreation Director Ashley Marsteller and Fleet Maintenance Bureau Chief Joe Yatzor, it was moved by Mr. Groh and seconded by Mr. Bock to purchase a Wayne Engineering PUP Side Load Refuse Body (\$42,730) installed on a Ford F550 Chassis (\$49,895) from Walsh Truck Equipment for a total price of \$92,625 under COSTARS Contract 025-021. Motion carried by unanimous roll call vote.

Mr. Morgan reported that quotations were solicited and received for Safety Work T-shirts for the Public Works Department with the Bid Tabulation, as follows:

**QUANTITIES**

Township is requesting quotes for 2 different quantities.

**Quote 1:**

| SML | MED | LRG | X-LRG | 2X-LRG | 3X-LRG | 4X-LRG | TOTAL |
|-----|-----|-----|-------|--------|--------|--------|-------|
| 4   | 30  | 94  | 178   | 123    | 86     | 10     | 525   |

**Quote 2:**

| SML | MED | LRG | X-LRG | 2X-LRG | 3X-LRG | 4X-LRG | TOTAL |
|-----|-----|-----|-------|--------|--------|--------|-------|
| 8   | 60  | 188 | 356   | 246    | 172    | 20     | 1050  |

Silk Screen Unlimited: Quote 1 - \$2381.00 Quote 2 - \$4447.60

Creative Imprint Systems Quote 1 - \$2226.95 Quote 2 - \$4127.90

It was moved by Mr. Morgan, seconded by Mr. Bock and carried by unanimous roll call vote to award the contract to Creative Imprint Systems for Quote 2 in the amount of \$4,127.00 for 1050 units.

Ed Yahner, General Manager of Advanced Disposal presented the Board with data to explain a request for an increase in residential recycling rates. He reported that the Township produces 4800 tons of recycling annually via the Single Stream method, and the participation rate is excellent. The primary facility that Advanced Disposal hauls recyclable material to is Modern Buffalo Recycling, which accepts glass. He noted that Millcreek is the only municipality in the area which is still accepting glass for recycling. Mr. Yahner stated that the Buffalo facility increased their rate by \$10.00 per ton to \$15.00 per ton in May 2018, and plans another increase of \$5.00 per ton effective February 1, 2019, which translates to an overall increase of \$ .36 per month per residential unit since the beginning of the contract. Mr. Yahner proposed a rate increase of \$ .24 per month per residential unit, effective April 1, 2019. He stated that this would not affect "Pay as You Go" customers.

Solicitor Mark Shaw asked why processing costs have increased, to which Mr. Yahner replied that the Asian markets are not buying as much and the demand is down. He added that if Buffalo's prices decrease, he would be back to renegotiate as well.

Mr. Groh asked if Advanced Disposal uses other recycling facilities, to which Mr. Yahner replied yes – Williamsport and several others with similar rates, but facilities further east charge much higher rates. He reiterated that Buffalo is the only facility that still accepts glass, and many facilities are also no longer accepting plastics except No. 1 and No. 2.

Mr. Morgan reminded Mr. Yahner that the current contract is a mutual agreement, and it is up to the bidder to project costs over the life of the contract. He stated that he is not comfortable with asking residents to cover 2/3 of the cost increase and noted that the Board will need to discuss the matter before taking any action. Mr. Yahner thanked the Board for the opportunity to make a presentation.

On recommendation of Planning and Development Director Matthew Waldinger, it was moved by Mr. Morgan, seconded by Mr. Bock and carried by unanimous roll call vote to approve a Nonsubstantial Land Development Plan for Benjamin D. Leopold for property located on Marshall Drive, south of West 12<sup>th</sup> Street, which would permit an 840 square foot addition to the existing 2,016 square foot building, and meets all requirements.

Planning and Development Director Matthew Waldinger reported that upon review of the Zoning Ordinance, it was discovered that the current ordinance's verbiage appears to be inconsistent with the intent of the ordinance regarding density requirements in the R-2 district. He noted that the chart reads per unit instead of per lot. Solicitor Mark Shaw added that he reviewed the matter and could not find a basis to clarify the past change in the ordinance, and stated it could be an error. On recommendation of Mr. Waldinger, it was moved by Mr. Morgan, seconded by Mr. Bock and carried by unanimous roll call vote to refer this matter to the Planning Commission for review and recommendation on a possible zoning amendment.

Solicitor Mark Shaw explained that the Second Class Township Code allows for joint municipal agreements, and that Fairview and Millcreek Townships wish to jointly operate the Millfair Compost and Recycling Center, each paying their own employees and sharing maintenance costs over a 5 year period with renewable terms. On recommendation of Mr. Shaw, it was moved by Mr. Bock, seconded by Mr. Morgan and carried by unanimous roll call vote to enact Ordinance 2019-4; An Ordinance of the Township of Millcreek, Erie County, Pennsylvania establishing an intermunicipal agreement with the Township of Fairview for the joint operation of the Milfair Compost and Recycling Center, and to execute the agreement in five days.

On recommendation of Mr. Shaw, it was moved by Mr. Bock, seconded by Mr. Morgan and carried by unanimous roll call vote to approve the Intermunicipal Agreement for the Operation of the Millfair Compost and Recycling Center.

On motion by Mr. Morgan, seconded by Mr. Bock, it was carried by unanimous roll call vote to adopt Resolution 2019-R-14; 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 DashCam videos after the mandatory 180 days from March 13-26, 2019.

Solicitor Mark Shaw explained that since the Township assumed control of the MTSA, the Code authorizes the Township to establish and construct sewer systems, to charge the costs of the construction to properties benefiting from the sewer system, and to set two methods to assess the costs: assess costs proportionate to the property frontage, or assess costs equally to the properties abutting the project. The proposed Resolution authorizes construction of the Lester-Lawndale Sewer Project and property assessment of \$18,212.63 per property plus connection fee of \$2,015.54 per property for properties not already connected to the Township sewer system. On motion by Mr. Morgan, seconded by Mr. Bock, it was carried by unanimous roll call vote to adopt Resolution 2019-R-15; A Resolution Authorizing the Lester Lane – Lawndale Drive Sewer Project.

Treasurer Mark Zasheske explained that routinely the County requests that the Township exonerate taxes for parcels where uninhabitable mobile homes remain or have been removed so that the land can be sold. This request involves four properties and a tax exoneration of \$3,369.89 in back taxes dating back to 2011. On recommendation of Mr. Zasheske, it was moved by Mr. Bock, seconded by Mr. Morgan and carried by unanimous roll call vote to adopt Resolution 2019-R-16; A Resolution to authorize Exoneration of Taxes assessed against mobile homes deemed by the Erie County Bureau of Assessment to have been removed or damaged to an extent rendering them worthless.

Treasurer Mark Zaksheske explained that the current bank account interest rates for Liquid Fuels funds and Performance and Surety Bond funds are .38% and 1.1% respectively. He would like to transfer the funds into PLGIT accounts to allow earnings of 2.2% interest for both funds. On recommendation by Mr. Zaksheske, it was moved by Mr. Morgan and seconded by Mr. Bock to adopt Resolution 2019-R-17; A Resolution to authorize Township Treasurer to apply for and open new bank accounts with the Pennsylvania Local Government Investment Trust (PLGIT) for Liquid Fuels funds and for Performance and Surety Bond funds. Motion carried by unanimous roll call vote.

On motion by Mr. Bock, seconded by Mr. Morgan and carried by unanimous roll call vote, Caleb Dixon was formally designated the Township's Emergency Management Coordinator, thereby satisfying the state requirement.

Mr. Groh announced that bids were solicited by EACOG (Erie Area Council of Governments) and one was received for the joint purchase of traffic signal preemption devices within Millcreek and Summit Townships. Millcreek's portion of the project commitment is \$59,430, with ECGRA grant funds reducing the Township's final cost to \$29,715. Mr. Bock stated his appreciation for the grant. Mr. Morgan spoke in opposition to the purchase, opining that traffic does not warrant this system, and feels that a GPS system rather than a radio based system is more appropriate. On motion by Mr. Bock, seconded by Mr. Groh, the Traffic Signal Preemption Contract was awarded to Emergency Traffic Systems, Inc., and the Township's financial responsibility of \$29,715 was approved. Motion carried 2-1 with Mr. Morgan voting no.

Planning and Development Director Matthew Waldinger reported that the Township received a Financial Security Release request from Grace Slavic Pentecostal Church – Grace Slavic Pentecostal Church, Developer, and most of the required improvements have been completed; however, the building has not been constructed and the required downspout collector lines have not been connected to the stormwater management system. On recommendation of Mr. Waldinger and Township Engineer Anne Sokol, it was moved by Mr. Morgan and seconded by Mr. Bock to deny the full Financial Security Release Request of PNC Bank Cashier's Check #1741098 in the amount

of \$37,951.10, and to reduce the security to \$3,795.11, 10% of the initial value. Motion carried by unanimous roll call vote.

Planning and Development Director Matthew Waldinger reported that Community Country Day School was unable to provide the correct documents needed for a Stormwater Maintenance Agreement. On recommendation of Solicitor Mark Shaw, it was moved by Mr. Morgan and seconded by Mr. Bock to table action on the Community Country Day School Stormwater Maintenance Agreement request until a future meeting. Motion carried by unanimous roll call vote.

On recommendation of Mr. Waldinger, it was moved by Mr. Bock and seconded by Mr. Morgan to approve a Sidewalk Deferral Agreement for 500 Indiana Drive – Patrick Kloecker, Developer, as there are no other sidewalks currently in the area. Motion carried by unanimous roll call vote.

On recommendation of Solicitor Mark Shaw, it was moved by Mr. Morgan and seconded by Mr. Bock to approve five Norfolk Southern Railway Company Assignment Agreements to complete the license transfers from the former MTSA to Millcreek Township, and to have the Chairman execute the agreements. Motion carried by unanimous roll call vote.

Planning and Development Director Matthew Waldinger presented the February Building Construction Report as follows, which is available on the Township website and also in the Zoning Office:

|                       |                                  |                      |
|-----------------------|----------------------------------|----------------------|
| <u>February 2019:</u> | Total Residential Structures     | \$ 255,000.00        |
|                       | Total Non-residential Structures | <u>18,796.50</u>     |
|                       |                                  | <b>\$ 273,796.50</b> |
|                       | Zoning Permits Issued            | 5                    |
|                       | Zoning Permit Fees               | <b>\$ 1,200.00</b>   |

On recommendation of Planning and Development Director Matthew Waldinger, it was moved by Mr. Morgan, seconded by Mr. Bock and carried by unanimous roll call vote to authorize Floodplain Administrator Matthew Puz, Jr. to attend an Advanced Floodplain Management in PA training on May 15, 2019 in Towanda, PA, at a cost of \$153.00, plus per diem and use of a Township vehicle.

On recommendation of Human Resource Manager Diane Lyons, it was moved by Mr. Bock, seconded by Mr. Morgan and carried by unanimous roll call vote to hire the following employees at the designated hourly rates:

|  |              |                          |
|--|--------------|--------------------------|
| Steven Barge, Streets Maintenance Laborer    | \$19.85/hour | Effective March 25, 2019 |
| Christian Magee, Streets Maintenance Laborer | \$19.85/hour | Effective March 18, 2019 |
| Samuel Camera, Sewer Maintenance Laborer     | \$19.85/hour | Effective March 18, 2019 |
| Clayton Cifelli, Sewer Maintenance Laborer   | \$19.85/hour | Effective March 18, 2019 |

Mr. Groh reported that the Board met in Executive Session with Solicitor Mark Shaw on February 28, 2019, and on March 5, 7 and 8, 2019 to discuss real estate and other legal matters.

Mr. Groh reported that Streets Maintenance crews are currently patching potholes and asked residents to please be patient during this project, and also to be cautious when driving near the workers.

On motion by Mr. Bock, seconded by Mr. Morgan, up to eight firefighters and supervisors were authorized to attend the ECATO Firemen’s Conference Dinner on March 28, 2019 at a cost of \$30.00 per person. Motion carried by unanimous roll call vote.

On motion by Mr. Bock, seconded by Mr. Morgan, Mr. Groh was authorized to attend the Erie County Firefighter's Association Public Safety Awards Banquet on April 13, 2019 at a cost of \$17.00. Motion carried by unanimous roll call vote.

On separate motions by Mr. Bock, seconded by Mr. Morgan, the following recommendations from Chief Scott Heidt were approved by unanimous roll call vote:

Promotion of Patrolmen John Drozdowski, Michael Weschler and Jason Niggel to Class D Patrolmen effective March 5, 2019, as they have successfully completed their probationary employment period.

Permission for Chief Heidt, Lt. Kucenski and Lt. Mitchell to attend Practical Skills for Effective Leadership training April 25-26, 2019 in Pittsburgh at a total estimated cost of \$1,190.00, and permission for Det. Green and Ptmn. Gotham to attend a Tactical Carbine for the Responding Officer training at PSP Northwest Training Center in Meadville, at no cost to the Township, with use of a department vehicle.

On motion by Mr. Bock, seconded by Mr. Morgan, a Letter of Intent through EACOG was authorized for the Township to participate in a meeting with several other local municipalities to work with DCED to study the feasibility of creating a Joint Emergency Management Agency. Mr. Morgan clarified there is no financial obligation to participate in this meeting. No public comment was offered. Motion carried by unanimous roll call vote.

Student Ambassador Hannah French reported that McDowell spring sport season has begun, that the Speech and Debate Team will be going to State Competition this weekend, and that the Environmental Club has a trash pickup scheduled, weather permitting, for the McDowell vicinity on Sat., March 23, 2019.

Open Records Officer Sheryl Williams reported that five Right-to-Know requests were received in February requiring ten hours of response preparation time. Two requests were granted, two were denied and one was partially denied.

Mr. Morgan stated that at the previous meeting he reported that the Township had received a request from EMTA for a \$21,000 funding commitment for 2019, and had met with EMTA directors to request more detailed information regarding services, how funds are being used and how much each municipality is contributing. Mr. Morgan stated that since that time, EMTA provided more information, but not specifically what the Township had requested. Mr. Morgan noted that after City and County contributions, a gap of \$36,960 in local matching funds still needs to be supported by the remaining 15 municipalities outside the City of Erie, and 10 of 15 of those do not contribute. He relayed that EMTA is requesting that Millcreek pay 60% of those funds, and that Millcreek Township has been paying more than its fair share for many years. Mr. Morgan proposed that the Township pay 1/15 of the \$36,960 gap. Mr. Bock stated that EMTA provides an important service and Millcreek wants to contribute accordingly, but feels the contributions should be spread equitably throughout the county. Solicitor Shaw agreed that based on the limited information provided by EMTA to the Township, Mr. Morgan's proposal seems to be an appropriate solution, and Treasurer Mark Zaksheske added that a rational basis is needed to allocate money in the budget for such contributions. It was moved by Mr. Morgan and seconded by Mr. Bock to authorize a letter of intent for local match of \$2,464.00 to EMTA for 2019. Mr. Groh asked if there was any public comment.

Robert Petrovich, 4018 Zuck Road, asked if Millcreek has any representation on the EMTA board, to which Mr. Morgan replied no, and further explained that the EMTA Charter is only between Erie County and the City of Erie. He noted that a few years ago the idea of creating a multi-municipal charter was suggested and communicated through Erie MPO, but the County and City were not interested.

Motion carried by unanimous roll call vote.

On recommendation of Public Works Director Gary Snyder, it was moved by Mr. Morgan, seconded by Mr. Bock and carried by unanimous roll call vote to authorize Mr. Snyder and Keith Lawson to attend a PA Rural Water class in Erie on April 10, 2019 to earn continuing education hours in order to renew their sewer licenses, at a total cost of \$190.00 and with use of a Township vehicle.

With no further business to come before the Board or any citizens to be heard, it was moved by Mr. Morgan and seconded by Mr. Bock to adjourn the meeting at 10:40 a.m.

Sheryl A. Williams  
Township Secretary

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Approved: March 26, 2019

John H. Groh

John E. Morgan

James S. Bock