

Regular Meeting

April 9, 2019

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

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

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

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

It was moved by Mr. Morgan, seconded by Mr. Bock and carried by unanimous roll call vote to approve payment of the General Fund bills in the amount of \$812,747.92.

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 four Capital Budget Amendments to allow for administrative changes to create reserves associated with the four projects approved at the last meeting.

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 to place \$13,308.80 in reserve following the purchase of a new Timekeeping and Payroll system, for which the quoted price is less than budgeted.

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 for the Parks and Recreation Department to allocate \$2,192.15 from Property Maintenance Expense toward the purchase of a Gator UTV.

On recommendation of Mr. Zaksheske, it was moved by Mr. Morgan, seconded by Mr. Bock, and carried by unanimous roll call vote to purchase Kronos Full Timekeeping and Payroll Software under the COSTARS contract price of approximately \$36,000, plus one time setup fee of \$17,500 and Equipment and Accessories fees of \$7,800.

Planning and Development Director Matthew Waldinger reported that bids were solicited and received for Engineering Services for the Lester-Landale Sewer Extension Project as follows: Rabell Surveying and Engineering, LLC - \$18,400, Urban Engineers - \$29,966, and GPI Engineering and Construction Services - \$29,500. On recommendation of Mr. Waldinger, it was moved by Mr. Morgan, seconded by Mr. Bock and carried by unanimous roll call vote to award the contract to Rabell Surveying and Engineering, LLC for \$18,400.

On recommendation of Parks and Recreation Director Ashley Marsteller, it was moved by Mr. Bock, seconded by Mr. Morgan and carried by unanimous roll call vote to approve the purchase of a John Deere Gator UTV under PA State Contract #4400020085 at a cost of \$12,692.15.

A Public Hearing was held on a Petition Requesting a Change in Zoning Classification.

DENNIS M. DOLAN AND MIKAVIC, LLC for portions of properties located at 2226 and 2240 Edinboro Road and property located north of 2226 Edinboro Road, now zoned R-1 Residential and R-2 Low Density Residential asking for approximately 3.1 acres to be classified to C-2 General Commercial. Indices 737-001, 737-004 and 737-005. County Indices 33-187-583-3, 33-187-583-4 and 33-187-583-5.

Zoning and Development Officer Matthew Puz, Jr. reported that at the regular meeting on April 5, 2019, the Planning Commission recommended approval. Mr. Puz relayed that Erie County Department of Planning stated that the rezoning request is generally consistent with the Erie County Comprehensive Plan, but not consistent with the Township's Comprehensive Plan. He also reported that on March 28, 2019, Mr. Dolan requested via email that the Board delay a vote on the rezoning petition until the April 23, 2019 meeting.

Mickey Rai, 6133 Volkman Road, spoke in support of the rezoning request, stating that all of the surrounding properties are zoned commercial and this will bring the Township more tax revenue. No one else spoke either in favor of or in opposition to the petition.

Mr. Bock moved to table action on the petition until the next meeting, but it died for lack of a second. Solicitor Mark Shaw advised that the hearing may be closed and action taken or tabled until the next meeting. Discussion ensued regarding closing the hearing and/or delaying the vote. Mr. Morgan responded that he sees no reason to continue the hearing or delay the vote, and moved to close the hearing. Mr. Bock seconded the motion and it was carried by roll unanimous roll call vote.

Mr. Morgan reminded everyone that the Comprehensive Plan was recently approved in August 2018, and that it clearly states that no more general commercial districts should be created within the Township. He opined that this petition is inappropriate zoning, that he does not feel that the Township should be going against its own comprehensive plan, and that the Planning Commission and Board should be committed to careful planning to reduce, not increase, commercial zoning. Mr. Morgan stated that he will vote against approving the petition.

On motion by Mr. Bock, seconded by Mr. Morgan, action on the petition to rezone the properties above was tabled until the April 23, 2019 regular meeting. Motion carried by unanimous roll vote.

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 refer to the Planning Commission a Proposed Change in Zoning Classification for property located at 1920, 1960, 1980, 2020, 2022, 2040 & 2052 Edinboro Road, 2042, 2060, & 2065 Interchange Road, 940 Millcreek Plaza, 654 Millcreek Mall Unit 400, and 5800 & 5900 Peach Street, now zoned C-2 General Commercial District, to be changed to C-4 Regional Commercial District. Township Index 750-030, 750-045, 750-046, 750-040, 750-034, 750-032, 733-004, 750-033, 750-031, 733-009, 715-002, 750-003, 750-021, 750-020, 750-020 and 750-020; County Index (33)167-667-46, (33)167-667-46.13, (33)167-667-46.14, (33)167-667-45.01, (33)167-667-46.11, (33)167-667-46.09, (33)168-668-4, (33)167-667-46.10, (33)167-667-46.08, (33)168-668-4.02, (33)142-667-46.06, (33)167-667-46.12, (33)142-667-46.05, (33)167-667-46.05, (33)167-667-46.03 and (33)167-667-46.06

On recommendation of Solicitor Mark Shaw, it was moved by Mr. Morgan, seconded by Mr. Bock and carried by unanimous roll call vote to direct Mr. Shaw to prepare a zoning ordinance amendment to correct inconsistencies within the zoning ordinance regarding the R-2 district, and to direct the Secretary to create the required public notices for the Public Hearing.

On motion by Mr. Bock, seconded by Mr. Morgan, it was carried by unanimous roll call vote to adopt Resolution 2019-R-22; 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 April 10 – April 23, 2019.

On recommendation of Recycling Coordinator Jessica Stutzman, it was moved by Mr. Bock, seconded by Mr. Morgan and carried by unanimous roll call vote to authorize the signature, notarization and submission of the PA DEP Household Hazardous Waste Collection Program Grant application for approximately \$1,425 in funds to cover administrative expenses for the program.

Planning and Development Director Matthew Waldinger reported that Erie City, Erie County and the Township have been working together seeking funds to conduct a stormwater program fee/feasibility study, and stated that the County has identified three grants totaling \$91,323.57 to hire a consultant to conduct the study. On recommendation of Mr. Waldinger, it was moved by Mr. Morgan, seconded by Mr. Bock and carried by unanimous roll call vote to approve the Erie County Grant Agreement for a Stormwater Fee Study. Mr. Morgan thanked the County of Erie for their assistance in acquiring these funds.

On recommendation of Mr. Waldinger, it was moved by Mr. Morgan and seconded by Mr. Bock to approve a Sidewalk Deferral Agreement for 1633 Brookside Drive – Kevin Daehnke, Developer, as there are no other sidewalks currently in the area. Motion carried by unanimous roll call vote.

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

<u>March 2019:</u>	Total Residential Structures	\$ 415,000.00
	Total Non-residential Structures	<u>6,296,500.00</u>
		\$ 6,711,500.00
	Zoning Permits Issued	18
	Zoning Permit Fees	\$ 6,700.00

Treasurer Mark Zaksheske reported that the PA Auditor General's office has completed its audit of the Township's 2017-2018 pension plans with no findings listed, and the formal report will be published sometime this summer.

Mr. Bock reported that the Board met in Executive Session with Solicitor Mark Shaw on April 2, 2019 to discuss legal and personnel matters.

Open Records Officer Sheryl Williams reported that four Right-to-Know requests were received in March requiring 7.5 hours of response preparation time. Two requests were granted and two were denied.

Mr. Bock announced that Harold B. Horton, a former volunteer firefighter from West Ridge Fire Department passed away on April 6th, and acknowledged his 53 years of volunteer service to the community. Mr. Horton was 88 and had held office in all of the fire department's positions.

Dennis McAndrew, 1547 High Street, asked if anyone has contacted the Board about the EMTA matter discussed at the previous meeting, to which Mr. Morgan and Mr. Bock replied no. Mr. McAndrew asked why the Township is still operating its own dispatch service and has not merged with the 911 center. Mr. Bock replied that it is currently a topic of discussion and there is mixed opinion on when the move should occur. Mr. Morgan stated there is a flexible agreement regarding the transfer of dispatch services to the county, and that he has confidence in the county handling dispatch services for the Township.

With no further business to come before the Board or any more citizens to be heard, it was moved by Mr. Morgan and seconded by Mr. Bock to adjourn the meeting at 10:13 a.m.

Sheryl A. Williams
Township Secretary

Approved: April 23, 2019

John E. Morgan _____

James S. Bock _____