

The regular meeting of the Millcreek Township Board of Supervisors was called to order at 7:00 p.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 Puz, Jr., Matthew Waldinger, Anne Sokol, P.E., Gary Snyder, Shane Karnes and Sheryl Williams.

Mr. Groh called for public comment on agenda items other than development or rezoning application hearings.

Dennis Dolan, 1470 Taylor Ridge Court, stated he was unable to attend the Public Hearing regarding his request to rezone his property along Edinboro Road from R-1 Residential and R-2 Low Density Residential to C-2 General Commercial District, and requested that the Supervisors vote in favor of his request. Solicitor Mark Shaw noted that the Public Hearing occurred and was closed at the April 9, 2019 meeting. Mr. Dolan stated that the Planning Commission recommended the rezoning by a 5-2 vote, and that the new Comprehensive Plan does not provide for transitional zoning in this area. Mr. Morgan responded saying that Mr. Dolan was notified and aware of the time, date and location of the Public Hearing but failed to attend.

Lorraine Dolan, 1470 Taylor Ridge Court, reported that Mr. Dolan reduced the size of the property to lesson the impact of change in the area, and noted that the Planning Commission twice supported the rezoning. She added that the Comprehensive Plan is not a law but is a guideline.

Mr. Waldinger reported the reason for opposition to the plan by two Planning Commissioners was that it was inconsistent with the Comprehensive Plan and Future Land Use Map. Mr. Morgan noted that Mr. Dolan's presentation to the Planning Commission was documented.

It was moved by Mr. Morgan, seconded by Mr. Bock and carried by unanimous roll call vote to approve the minutes from the April 9, 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 \$972,620.87.

Treasurer Mark Zaksheske presented the 2019 First Quarter Financial Performance report, stating that revenue is slightly ahead of last year at this time, and that most department expenses are doing well and ahead of budget. He anticipates increased revenue as property taxes continue to be remitted. Mr. Zaksheske noted the Sewer Revenue Fund is doing favorably due to more commercial activity. Regarding the Capital Plan, of \$4.2 million budgeted, \$535,000 has been committed and \$3.6 million is uncommitted. There were no questions from the Board or the audience.

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 use \$4,000 of the Low Boy Trailer reserve to purchase a Laser Pipe Sighting System.

Treasurer Mark Zaksheske reported that a Request for Proposal (RFP) for a Bank Loan for Equipment Purchasing in the amount of \$325,000 was advertised and proposals were received as follows: First National Bank – 3.24% interest with \$2500 in fees, Acceptance Leasing and Financing – 3.999% interest and no fees, Northwest Bank – 4.78% interest with .5% Loan Origination fee and documentation fees of \$145.00, and ERIEBANK – 3.185% interest and fees of

\$600.00. On recommendation of Mr. Zaksheske, it was moved by Mr. Morgan, seconded by Mr. Bock, and carried by unanimous roll call vote to approve financing with ERIEBANK for purchase of a street sweeper and refuse truck.

Planning and Development Director Matthew Waldinger reported that the Erie Area Council of Governments (EACOG) solicited and received bids for joint purchasing of 2000 T Type C – Crushed Washed No. 57 Stone, per ton prices as follows: PICKED UP – ACA Sand and Gravel - \$9.00, Erie Aggregates - \$10.50, Girts Sand and Gravel - \$8.48; DELIVERED – ACA Sand and Gravel - \$15.00, Erie Aggregates – No Bid, Girts Sand and Gravel - \$15.50. On recommendation of Mr. Waldinger and Township Engineer Anne Sokol, it was moved by Mr. Bock, seconded by Mr. Morgan, and carried by unanimous roll call vote to award the contract for Type C - Crushed Washed No. 57 Stone, PICKED UP, to Girts Sand and Gravel for \$8.48/ton, and for Type C- Crushed Washed No. 57 Stone, DELIVERED, to ACA Sand and Gravel for \$15.00/ton.

Bids were solicited and received by Public Works Director Gary Snyder for a Spectra DG613 Pipe laser as follows: Grainger - \$4,910.86, Tiger Supplies - \$4,017, Madara Equipment - \$4,000. On recommendation of Mr. Snyder, it was moved by Mr. Morgan, seconded by Mr. Bock and carried by unanimous roll call vote to award the contract to Madara Equipment for \$4,000.00.

On recommendation of Mr. Snyder, it was moved by Mr. Morgan, seconded by Mr. Bock and carried by unanimous roll call vote to purchase rebuilt parts for the Solids Grinder at the Wolf Road sewage pump station from JWC Environmental under COSTARS contract No. 391234 at a cost of \$19,312.00.

On recommendation of Mr. Snyder, it was moved by Mr. Morgan, seconded by Mr. Bock and carried by unanimous roll call vote to authorize the sale of a 1994 Dump Truck to David M. See for \$1999.00.

Planning and Development Director Matthew Waldinger reported that additional services will be needed to correct some erosion at the site of the Wolf Run Drive Emergency Storm Sewer Project.

On recommendation of Mr. Waldinger and Township Engineer Anne Sokol, it was moved by Mr. Morgan, seconded by Mr. Bock and carried by unanimous roll call vote to retain Civil & Engineering Consultants (CEC) at a cost not to exceed \$10,625.00 for the design and inspection of corrective services, and that the Chairman be authorized to sign the agreement.

On recommendation of Mr. Waldinger and Township Engineer Anne Sokol, it was moved by Mr. Morgan, seconded by Mr. Bock and carried by unanimous roll call vote to amend the contract with Chivers Construction for contracting services at a cost not to exceed \$143,880.00.

Planning and Development Director Matthew Waldinger reported that bids were solicited and received for construction of the Conrad Road Culvert Replacement as follows: Mayer Brothers Construction - \$89,354.00, Shingledecker's Welding, Inc. - \$115,738.00, McLallen Construction - \$58,122.50, Russell Standard Corporation – No Bid, Konzel Construction - \$95,500.00, Ray Showman, Jr. Excavating - \$71,903.82, Empire Snow Management – No Bid, Dan-Beck Well Services - \$106,000.00, Northrock Construction - \$84,474.00, Amendola Development Company - \$152,923.00. Ms. Sokol assured the Board that all calculations were checked and that the vendor is willing to provide the service for the agreed cost. On recommendation of Mr. Waldinger, Township Engineer Anne Sokol and Design Engineer Mark Corey, it was moved by Mr. Morgan, seconded by Mr. Bock and carried by unanimous roll call vote to award the contract to McLallen Construction in the amount of \$58,122.50.

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 mowing contract with Zeller Property Services for mowing abandoned properties at a cost not to exceed \$4,000.00.

It was moved by Mr. Morgan, seconded by Mr. Bock, to deny a Petition Requesting a Change in Zoning Classification for 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 changed to C-2 General Commercial. Motion carried 2-1 with Mr. Groh voting no.

A Public Hearing was on Land Development Plan:

Villa Maria Academy – Tennis Courts Land Development. A land development plan to show the construction of six tennis courts, located along the south line of West 8th Street and west of Pittsburgh Avenue, in Tract 15.

Planning and Development Director Matthew Waldinger reported that at the April 5, 2019 Planning Commission meeting recommended approval.

John Laird, David Laird Associates, 1557 W. 26th St., representing the developer, stated that the property was previously a soccer field and the school wishes to turn it into tennis courts. Mr. Bock asked if standard tennis court material would be used, to which Mr. Laird replied yes.

A resident asked why the Township was paying for the tennis courts, and Mr. Morgan explained that Villa Maria Academy will be paying for the courts, and that this land development hearing was an early step in the process.

No one else spoke either in favor or in opposition to the plan. 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 Villa Maria Academy - Tennis Courts Land Development Plan.

Solicitor Mark Shaw reported that action on a correction of lot size for R-2 Residential Districts in the Zoning Ordinance will be taken at the May 14, 2019 meeting, and the Planning Commission is still discussing a sign ordinance amendment.

On motion by Mr. Bock, seconded by Mr. Morgan, it was carried by unanimous roll call vote to adopt Resolution 2019-R-24; 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 23 – May 14, 2019, and lien notices and Human Resource records that have reached the end of their retention period.

Public Works Director Gary Snyder reported that according to Township policy, the Board must approve the annual paving list for the current year. Mr. Morgan clarified that paving lists were previously posted for 2018 and 2019, but that after touring the Township roads with Public Works Director Gary Snyder and Streets Bureau Chief Sean Kern, the 2019 list was re-evaluated and amended. Mr. Bock stated that approximately two miles of roads were re-prioritized due to changes following the winter season, and said there could be an additional list in the future, depending on how low the paving bids come in. On recommendation of Mr. Snyder, it was moved by Mr. Morgan, seconded by Mr. Bock and carried by unanimous roll call vote to approve the 2019 Paving List.

Mr. Morgan reported that the Township was previously awarded a Phase I Early Intervention Grant for \$70,000 from the state to evaluate Township operations and receive recommendations, and they have been incorporated in the new Comprehensive Plan. Phase II will allow for another \$70,000 to be used to update the Zoning Ordinance and to purchase inventory management software. It was moved by Mr. Morgan, seconded by Mr. Bock and carried by unanimous roll call vote to approve the Phase II Early Intervention Grant Agreement and to authorize the Chairman to sign.

On recommendation of Solicitor Mark Shaw, it was moved by Mr. Morgan, seconded by Mr. Bock and carried by unanimous roll call vote to approve the Yorktown Center Settlement Agreement regarding a tax assessment appeal refund in the amount of \$17,095.07 for 2501 West 12th Street.

On recommendation of Planning and Development Director Matthew Waldinger and Township Engineer Anne Sokol, it was moved by Mr. Morgan, seconded by Mr. Bock and carried by unanimous roll call vote to deny the release of PNC Bank, NA Cash Escrow check #11172017 in the amount of \$91,867.00 for Erie Home for Children and Adults (ECHA) – Erie Homes for Children and Adults, Developer, since final grading is not complete and the vegetative cover has not been established; and to reduce the financial security to \$9,189.70.

On request of Mr. Morgan, the hiring of a summer help employee was tabled until the next meeting.

On recommendation of Public Works Director Gary Snyder and Human Resources Manager Diane Lyons, it was moved by Mr. Morgan, seconded by Mr. Bock and carried by unanimous roll call vote to hire Nicholas Langford-Tyler as Part-time Sewer Maintenance Summer Help from May 6 – August 23, 2019 at \$8.45/hour.

On recommendation of Parks and Recreation Director Ashley Marsteller, it was moved by Mr. Groh, seconded by Mr. Bock and carried by unanimous roll call vote to hire Joe Kimball at \$10.00/hour, and Sean Marsden at \$7.95/hour as Seasonal Maintenance workers for the Summer Season.

Mr. Groh reported that the Board met in Executive Session with Solicitor Mark Shaw on April 12 and 18, 2019 to discuss legal and personnel matters.

Student Ambassador Shane Karnes announced that SAT testing will take place at McDowell High School on May 4th and June 1st, and ACT testing will be on June 6th. Advanced Placement (AP) testing will begin soon, and the DECA Team is traveling to Orlando, FL for national competition.

Solicitor Mark Shaw reported that over the winter there was a leak in a pipe at the Millcreek Golf and Learning Center. DEP operates a treatment plant on the property, which is not separately metered from the golf course. Mr. Shaw relayed that the DEP is requesting reimbursement for \$1536.76, the difference in their average quarterly payment of approximately \$255.00. On recommendation of Mr. Shaw, it was moved by Mr. Morgan, seconded by Mr. Bock and carried by unanimous roll call vote to approve reimbursement to DEP not to exceed \$1536.76, pending investigation and confirmation of the amount. Mr. Morgan expressed concern about sharing a water meter, but Mr. Snyder explained the rationale behind the metering system.

Solicitor Mark Shaw announced that at the April 18, 2019 meeting, the Fire Commission approved two recommendations to the Board of Supervisors for their consideration regarding routine vehicle maintenance on Fire Department vehicles and the purchase of SCBA equipment for the Kearsarge Fire Department. The Commission recommends that the Township assume basic maintenance of department vehicles, and that the funds for SCBA equipment are to be loaned to Kearsarge Fire Department and not paid from LST funds.

Cathy O'Neil, 4633 Lake Pleasant Road, representing HealthCare4AllPA, a state-wide nonprofit organization working on healthcare reform, reported that a PA Healthcare reform plan has been

introduced in both the PA House of Representatives and PA Senate last session and urged the Board to review their copy and promote the program.

Cindy Purvis, 101 W. 24th Street, also representing HealthCare4AllPA, encouraged citizens to contact their local representatives to vote for the Medicare For All Bill, which would take the place of healthcare premiums, and to watch a documentary entitled "Fix It" online to learn more about the initiative.

Kim Mackowski, 4606 Asbury Road, reported she lives on the corner of Asbury Road and Lawndale Drive, and currently has a working septic system. She stated that she was offered the option of hooking up to the sewer system on Asbury Road years ago and declined. The Township is installing a sewer line on Lawndale Drive which will cost her \$18,000 and she does not want it, and said that if she decides to hook up to the sewer line, it would be on Asbury Road. Public Works Director Gary Snyder explained that a pressure test would have to be done to allow her to hook up on Asbury Road. Planning and Development Director Matthew Waldinger explained that the new sewer line is not going up Asbury Road, but only across Lawndale Drive. Ms. Mackowski does not understand why she has to pay for the service if she does not want it, and is concerned that the frontage of her corner lot increases the cost. Mr. Shaw recalled that the costs were allocated evenly and not according to frontage. Ms. Mackowski was advised to check if she made a payment on the sewer line installation on Asbury Road and the Township will further research the matter as well.

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 8:40 p.m.

Sheryl A. Williams
Township Secretary

Approved: May 14, 2019

John H. Groh _____

John E. Morgan _____

James S. Bock _____