

**Regular Meeting**

**May 28, 2019**

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 Waldinger, Gary Snyder, Shane Karnes and Sheryl Williams.

Following the Pledge to the Flag, led by Boy Scout Troop #37, Mr. Groh reminded everyone that the meeting is being recorded by WQLN and will be broadcast on Spectrum and YouTube.com with closed captioning available.

Mr. Groh called for public comment on agenda items other than development or rezoning application hearings. No public comment was offered.

On motion by Mr. Bock, seconded by Mr. Morgan, it was carried by unanimous roll call vote to approve the minutes from the May 14, 2019 Regular Meeting.

On motion by Mr. Morgan, seconded by Mr. Bock, it was carried by unanimous roll call vote to approve payment of the General Fund bills in the amount of \$150,539.00.

Joint Purchasing Bids were solicited and received from the Erie Area Council of Governments, opened May 7, 2019, and were announced by Public Works Director Gary Snyder as follows:

**Catch Basins and Risers – Waterford Precast (Sole Bidder)**

28 - 2' x 2' x 2' catch basin with frame and bicycle safe grate @ \$467.68	\$ 13,095.04
60 - 2' x 3' x 3' catch basin with frame and bicycle safe grate @ \$677.67	\$ 40,660.20
10 - 2' x 3' x 3" riser @ \$80.00	\$ 800.00
50 - 2' x 3' x 6" riser @ \$90.00	\$ 450.00
50 - 2' x 3' x 12" riser @ \$90.00	\$ 450.00
10 - 2' x 2' x 3" riser @ \$80.00	\$ 800.00
10 - 2' x 2' x 6" riser @ \$80.00	\$ 800.00
5 - 2' x 2' x 12" riser @ \$90.00	\$ 450.00
<b>TOTAL</b>	<b>\$ 57,505.24</b>

*\*Prices include all delivery and transportation charges. No minimum.*

On recommendation of 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 for Catch Basins and Risers to Waterford Precast for \$57,505.24.

**Culvert and Drainage Pipe – Advanced Drainage Systems; Green Distributors and Chemung Supply are authorized dealers of the ADS Pipe @ADS pricing. Vendor prices were all the same.**

8" HDPE pipe-Integral	200 LF @ \$ 2.59 LF	\$ 518.00
12" HDPE pipe-Integral	1,000 LF @ \$ 4.15 LF	\$ 4,150.00
15" HDPE pipe-Integral	800 LF @ \$ 5.95 LF	\$ 4,760.00
24" HDPE pipe-Integral	60 LF @\$ 12.95 LF	\$ 777.00
48" HDPE pipe-Integral	100 LF @\$ 41.00 LF	<u>\$ 4,100.00</u>

*\*Price includes all delivery and transportation charges.*      **TOTAL**      **\$14,305.00**

On recommendation of 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 for Culvert and Drainage Pipe to Green Distributors for \$14,305.00 due to its closer proximity to the Township building for delivery and pick-up purposes.

On motion by Mr. Morgan, seconded by Mr. Bock, it was carried by unanimous roll call vote to approve a Memorandum of Agreement with the AFSCME bargaining unit regarding outsourcing paving operations.

Public Works Director Gary Snyder reported that bids were solicited and received for the 2019 Millcreek Township Paving Project East and West, and opened on May 23, 2019, as follows:

2019 Millcreek Township Paving Project - EAST

Cross Paving LLC – No Bid, Lindy Paving, Inc. - \$849,152.88, Mayer Bros. Construction – \$766,844.50, Joseph McCormick Construction - \$960,489.02. It was moved by Mr. Bock and seconded by Mr. Morgan to award the contract to Mayer Bros. Construction for \$766,844.50. No public comment was offered. Motion carried by unanimous roll call vote.

2019 Millcreek Township Paving Project - WEST

Cross Paving LLC – No Bid, Lindy Paving, Inc. - \$824,522.66, Mayer Bros. Construction – \$827,264.30, Joseph McCormick Construction - \$981,019.56. It was moved by Mr. Morgan and seconded by Mr. Bock to award the contract to Lindy Paving, Inc. for \$824,522.66. No public comment was offered. Motion carried by unanimous roll call vote.

A Public Hearing was held on the following Land Development and Subdivision Plans:

Mr. Groh requested to recuse himself from the Public Hearing and voting on the Birkmire Small Subdivision and the Millcreek Apartments Land Development Plan, as Mr. Birkmire is a contributor to Mr. Groh's campaign. Solicitor Mark Shaw noted that Mr. Groh did submit a written disclosure to the Secretary and it will be included in the Township's permanent record.

**TIMOTHY M. BIRKMIRE & TAMMY LYNN BIRKMIRE. Small Subdivision.** A small subdivision plan to show the creation of Lot B with 22.181 acres and having residual lots of 1.127 acres, 4.322 acres, 4.16 acres, and 8.57 acres, located along the southeast line of Edinboro Road and southwest of Interchange Road, in Tract 347. Indices 738-020, 738-040, 738-050 & 738-052.

Planning and Development Director Matthew Waldinger reported that at their May 7, 2019 regular meeting, the Planning Commission recommended approval, and that following the meeting, the developer submitted a modified plan increasing the 10' wide strip to 20' foot wide to accommodate the proposed new sign ordinance, adding approximately 500 sq. ft. to the parcel.

Mike Sanford, 4721 Atlantic Avenue, the surveyor who prepared the plan, stated that this parcel is a minor one-lot subdivision. No one else spoke either in favor of or in opposition to the plan.

It was moved by Mr. Morgan and seconded by Mr. Bock to approve the Timothy M. Birkmire & Tammy Lynn Birkmire Small Subdivision Plan. Motion carried 2 – 0, with Mr. Groh abstaining.

**MILLCREEK APARTMENTS. Land Development Plan.** A land development plan to show the construction of five four-story multifamily dwellings each with 40 units (200 units total) and two-story club house with associated parking and stormwater management facilities, located

along the southeast line of Edinboro Road and southwest of Interchange Road, in Tract 347. **Indices 738-020, 738-040, 738-050, & 738-052.**

Planning and Development Director Matthew Waldinger reported that at their May 7, 2019 regular meeting, the Planning Commission recommended approval with two requirements: An easement agreement is to be provided to the Township and sidewalks must be indicated on the Land Development Plan.

Mike Sanford, 4721 Atlantic Avenue, the surveyor who prepared the plan, stated that the 22 acre property is zoned R-4, with 200 apartments planned, a clubhouse and pool. Mr. Sanford explained that the development will be accessed via a private drive from Edinboro Road, and there is an access easement which will be supplied to the Township. He said that the developer applied for a variance and it was granted by the Zoning Hearing Board, and an open space will be set aside on the east side of the property for recreation. Mr. Sanford stated that all parking lots will be landscaped according to ordinance requirements, and a dumpster corral will be constructed and located away from any neighboring properties. A sprinkler system will be installed in all of the units and the clubhouse, and the developer is considering sprinklers for the detached garages as well. Utilities such as water and sanitary sewer will be extended into the project, and a sewage planning module has been approved. The developer had a pre-application meeting onsite with PennDOT regarding the private driveway opposite Rinderle, and the application was subsequently approved. A surface stormwater pond (wet) will be created and privately maintained, and the developer is requesting a sidewalk deferral at this time.

Mr. Morgan asked if a sidewalk deferral was to be granted today, to which Mr. Waldinger said no, it must be formally requested and considered separately. No one else spoke either in favor of or in opposition to the plan.

It was moved by Mr. Morgan and seconded by Mr. Bock to approve the Millcreek Apartments Land Development Plan, conditional upon providing the Township with a copy of the easement and that sidewalks are delineated on the Land Development Plan. Motion carried 2-0, with Mr. Groh abstaining.

**CHICK-FIL-A. Land Development Plan.** A land development plan to show the construction of a 5,031 square foot eating and drinking establishment with associated parking and stormwater management facilities, located along the south line of West 12<sup>th</sup> Street and west of Pittsburgh Avenue, in Tract 14. **Index 258-003.**

Planning and Development Director Matthew Waldinger reported that at their May 7, 2019 regular meeting, the Planning Commission recommended approval.

Justin Thornton, Civil Engineer for Chick-Fil-A, explained that the developer plans to tear down the former Eat and Park restaurant building in the Yorktown Shopping Center and construct a new building. He reported that the Zoning Hearing Board approved two variances for the plan related to parking. Mr. Waldinger explained that permission was granted to decrease the length of the parking spaces from the required 19' length to 18', and to decrease the required 25' drive aisle width from to 24'. No one else spoke either in favor of or in opposition to the plan.

It was moved by Mr. Bock and seconded by Mr. Morgan to approve the Chick-Fil-A Land Development Plan. Motion carried by unanimous roll call vote.

**ERIE INTERNATIONAL AIRPORT. Land Development Plan.** A land development plan to show the construction of a 13,590 square foot snow removal equipment building with

associated parking reconfiguration and canopy, located along the south line of West 12<sup>th</sup> Street and east of Asbury Road, in Tract 280. **Index 147-004.**

Planning and Development Director Matthew Waldinger reported that at their May 7, 2019 regular meeting, the Planning Commission recommended approval.

Derek Martin, Executive Director, Erie Airport Authority, explained that the Authority wishes to construct a garage large enough to cover snow removal equipment to maximize its lifespan and to allow snow to melt off when not in use. No one else spoke either in favor of or in opposition to the plan.

It was moved by Mr. Morgan and seconded by Mr. Bock to approve the Erie International Airport Land Development Plan. Motion carried by unanimous roll call vote.

Solicitor Mark Shaw reported that he has finalized the format for the Sign Ordinance Amendment and forwarded to the Planning and Development Department for review, and then it will be sent to the County to review within 30 days. Mr. Shaw reported that two Zoning Ordinance Amendments will be voted on at the next meeting, as well as a Debt Ordinance regarding a loan to purchase a refuse truck and street sweeper.

On motion by Mr. Morgan, seconded by Mr. Bock, it was carried by unanimous roll call vote to adopt Resolution 2019-R-27; 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 that have reached the end of their retention period after the mandatory 180 days from May 29, 2019 – June 11, 2019.

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 Road Use Agreement with State Line Lumber LLC for Garries Road to transport logs to a property from May to September 2019, contingent upon State Line signing an updated version of the contract

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 an Addendum to the existing Agreement with Kronos Saashr, Inc. for software to update the payroll and timekeeping systems. Solicitor Mark Shaw noted that the purpose of the addendum was to further clarify various aspects of the agreement.

On recommendation of Treasurer Mark Zaksheske, it was moved by Mr. Morgan, seconded by Mr. Bock and carried by unanimous roll call vote to authorize the opening of a new Sinking Fund Account at ERIEBANK, as a separate account is required when the Township secures a loan with the bank.

On recommendation of Planning and Development Director Matthew Waldinger, it was moved by Mr. Morgan and seconded by Mr. Bock to approve the Glenwood Pet Resort Stormwater Management Plan and Maintenance Agreement – JP Realty Group LLC, Developer. Motion carried by unanimous roll call vote.

On recommendation of Planning and Development Director Matthew Waldinger, it was moved by Mr. Bock and seconded by Mr. Morgan to approve the Westminster Development LLC Stormwater Management Plan and Maintenance Agreement – Westminster Development LLC, Developer. Motion carried by unanimous roll call vote.

On recommendation of Planning and Development Director Matthew Waldinger, it was moved by Mr. Bock and seconded by Mr. Morgan to approve a Sidewalk Deferral Agreement for 4212 McKee

Road – Jeffrey Parker, Developer, as there are no sidewalks in the area. Motion carried by unanimous roll call vote.

On recommendation of Public Services Director Judy Zelina, it was moved by Mr. Morgan, seconded by Mr. Bock and carried by unanimous roll call vote to approve hiring Zareen Kahn as a temporary part-time Receptionist at \$8.00/hour, retroactive to May 23, 2019.

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 approve the following Summer Season Employees, effective June 10, 2019:

<b>NAME</b>	<b>POSITION</b>	<b>HOURLY RATE</b>
<b>MIHS POOL</b>		
Leona Carlson	Aquatic Director	\$13.00
Kathleen Magoon	Water Exercise	\$10.50
Hope Nuzback	WSI	\$ 9.50
Celia Fortebraccio	WSI	\$ 9.50
Karen Link	WSI	\$ 9.50
Sydney McGarry	WSI/Guard	\$ 9.00
Nellie Fallon	Guard	\$ 8.45
Kate Baker	Guard	\$ 7.95
Erich Fuhrman	Guard	\$ 8.45
Jacob Parmeter	Guard	\$ 8.45
Sophie Beilharz	WSI/Guard	\$ 9.00
<b>CHESTNUT HILL POOL</b>		
Bridget Riley	Pool Super	\$10.50
Abby Kurczewski	Asst Sup./WSI	\$10.00
Annie DiFrank	WSI	\$ 9.50
Victoria Sanders	WSI	\$ 9.50
Melanie Franz	Guard	\$ 8.45
Olivia Sanders	Guard	\$ 8.45
Michael Rahner	Guard	\$ 8.45
Brayden Carpinello	Guard	\$ 8.45
Beatrice Vieira	Guard	\$ 8.45
<b>BELLE VALLEY POOL</b>		
Ashley Warner	Pool Supervisor	\$10.50
Kristen Owens	Asst. Pool Supv./WSI	\$10.00
Emily Kehl	WSI	\$ 9.50
Hope Nuzback	WSI	\$ 9.50
Emma Louie	WSI	\$ 9.50
Aiden Fickenworth	Guard	\$ 8.45
Jordan Nuzback	Guard	\$ 8.45
Sofia Tirpak	Guard	\$ 7.95
Anthony Cuzzola	Guard	\$ 7.65
<b>WSI &amp; LIFEGUARD SUBS</b>		
Jamie DiFrank	WSI	\$ 9.50
Abby Spicher	WSI	\$ 9.50
Laurel Kurtic	WSI	\$ 9.50
Robert Maholic	Guard	\$ 8.45
Erin Cox	Guard	\$ 8.45
Sara Prischak	Guard	\$ 8.45
Leah Prischak	Guard	\$ 8.45
Emily Moore	Guard	\$ 7.65
Madeline Slater	Guard	\$ 7.65

<b>NAME</b>	<b>POSITION</b>	<b>HOURLY RATE</b>
Eve Wareham	Guard	\$ 7.65
Maggie Radu	WSI	\$ 9.50
<b>POOL CONCESSION</b>		
Nicole Moyak	Concession	\$ 8.45
Mia Will	Concession	\$ 7.65
Rachel Bowen	Concession	\$ 7.65
Micah Hallmark	Concession	\$ 7.65
<b>TENNIS</b>		
Elise Heinlein	Supervisor	\$10.50
Julianna Schwartz	Asst Supervisor	\$ 9.00
Abby Murray	Asst. Supervisor	\$ 9.00
<b>YOUTH DANCE</b>		
Jennifer Timmons	Supervisor	\$10.50
<b>DAY CAMP</b>		
Courtney Deiner	Supervisor	\$ 9.50
Ciara Prenatt	Asst. Supervisor	\$ 8.50
Abbey Spicher	Counselor	\$ 8.45
Emma Chodusbski	Counselor	\$ 8.45
Hannah Maciak	Counselor	\$ 8.45
Camryn Catalde	Counselor	\$ 8.45
Emma Sidorowicz	Counselor	\$ 8.45
Quentin Santillian	Counselor	\$ 7.95
Audrey Hersch	Counselor	\$ 7.95
<b>GYMNASTICS</b>		
Alyssa Pamula	Supervisor	\$10.50
<b>ADULT FITNESS</b>		
Nylene Baney	Body Sculpt	\$10.50
Susan McCall	Zumba/Stretch Flex	\$10.50
Dave Wayman	Tai Chi	\$10.50
Kathy Wayman	Qi Gong	\$10.50
Kathy Smith	Yoga	\$10.50
Laurie King	Aerobics	\$10.50
Shannon Eggleston	Piloslide/Legs & Abs	\$10.50
Charlotte Haggerty	Dance	\$10.50
Haley Haggerty	Dance	\$10.50
Joe Logue	Tuite	Volunteer
<b>ADULT LIESURE</b>		
Lauren Ertsgard	Knit	\$10.50
Susan Moore	Knit (Sub)	Volunteer
Laura Oldham	Mahjong	\$10.50
Jim Oldham	Mahjong	\$10.50
<b>BARN SUPERVISOR</b>		
Evelyn Bossar		\$ 9.50
Charles Elliott		\$ 9.50
Susan Shickler		\$ 9.50
Lauren Ertsgard		\$ 9.50
<b>OFFICE</b>		
Grace Shaw		\$ 9.50
<b>MGLC</b>		
Jazmyn Myers		\$ 7.65

On recommendation of Human Resource Manager Diane Lyons, it was moved by Mr. Groh, seconded by Mr. Bock, and carried 2-1 with Mr. Morgan voting no, to approve a 2019 Seasonal Employment Wage Increase, with new hourly rates to be \$8.00 for the first season, \$9.00 for the second season, and \$10.00 for the third season.

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 Bureau Chiefs Mark Wells, Sean Kern and Joe Yatzor to attend a seminar on "Dealing with Difficult People" on June 5, 2019 with a total cost of \$447.00 and use of a Township vehicle.

Mr. Groh reported that the Board met in Executive Session with Solicitor Mark Shaw on April 25, 2019, and on May 17 and 23, 2019 to discuss legal matters.

Mr. Groh announced that on June 14, 2019 at 11:00 a.m., the Presque Isle Garden Club will be dedicating a Blue Star Memorial at Veteran's Park and the public is invited.

Mr. Bock moved to approve a request from Chief Scott Heidt to purchase 16 cell phones for MPD, but it died for a lack of a second. On motion by Mr. Morgan, seconded by Mr. Bock, it was carried by unanimous roll call vote to table the request from Chief Scott Heidt to purchase 16 cell phones for MPD until the next meeting to learn more about the purchase.

Student Ambassador Shane Karnes announced that SAT Testing will take place on June 1<sup>st</sup>, ACT Testing will take place on June 8<sup>th</sup>. He congratulated the Speech and Debate Team for doing well at the national competition and wished them good luck as they head to another national competition in Dallas, Texas. Mr. Groh thanked Shane for his service to the Board this year, and the teachers and counselors who were involved in the Student Ambassador program.

Mr. Groh stated that the EMTA matter may soon be resolved. Mr. Bock and Mr. Morgan added that there have been some positive discussions between EMTA and the Township and they are hoping for a positive resolution.

Carl Berry, Executive Director of Community Resources for Independence (CRI), 3410 W. 12<sup>th</sup> Street, asked for continued discussion between the Supervisors and EMTA, stating that transportation is the largest barrier for the disabled and elderly community and can be a social determinant of health. He offered to collaborate with Millcreek and EMTA.

Kathy Hertzog, a resident of the City of Erie, stated that she uses both EMTA and LIFT services and is a former ADA evaluator for EMTA. She opined that independence and freedom are very important to the disabled community, and mentioned using the Edinboro bus and the addition of a Fairview bus.

Mr. Morgan clarified that Fairview and Edinboro do not contribute to EMTA, and feels that misinformation is being given to residents regarding the elimination of routes. He stated that a \$20,000 contribution from Millcreek would not guarantee bus service in Millcreek Township. He reported that the Board informed EMTA in January of its intention to reduce its contribution until it receives confirmation that other municipalities have been asked to contribute also, and to date EMTA has not provided this information.

Michael Fiorelli, 3433 Old Orchard Drive and CRI Program Manager, stated the two most important issues for people who want to live independently is community integration and obtaining and maintaining employment. He asked the Board to continue having positive discussions with EMTA.

Gary Behr, 4045 Feidler Drive, opined that EMTA is portraying Millcreek Township as a villain, which is not the Board's intention. He stated that these miscommunications are insulting to Millcreek

residents, are putting people under unnecessary stress, and supports the Board's efforts to ask other municipalities to pay their fair share.

Connie Scheu, 5107 West Street, stated that she moved to Erie for better transportation. She is President of the Erie Chapter of the National Federation of the Blind and is hoping for a beneficial resolution.

Dave Szymanowski, 823 Oregon Avenue, stated that he understands why it is upsetting that other municipalities do not pay their fair share, but feels that a 90% reduction is too much. He opined that the core of the issue should be about the freedom and dignity of the disabled, ill and elderly, and that it is worth the cost.

Chris Gerhart, EMTA Director, 540 Mohawk Drive, asked the Board to please reconsider its contribution, as June 30<sup>th</sup> is the deadline to apply for federal grant funding support. He stated that EMTA will pursue and continue to pursue other municipalities for funding. Mr. Morgan questioned whether other municipalities have been contacted for contributions, to which Mr. Gerhart replied that discussions have occurred and there is interest.

Passle Helminski, Chair, Erie County Elderly and Disabled for Paratransit, stated it is very important for disabled people to maintain employment, which supports Millcreek's tax base, and independence. She stated she is working on the funding problem with other municipalities. Mr. Morgan asked her to speak about MATP (Medical Assistance Transportation Program), bills being considered in the Pennsylvania House and Senate regarding non-emergency medical transportation. Ms. Helminski is not in favor of the program, stating that if it passes, local funding will decrease by 1/3 and less qualified drivers may be hired. She encouraged paratransit customers to contact their state representatives.

Amy Cichocki, Voices for Independence Resident and Transportation Liaison, thanked the Board members who shadowed her for a day, and wants more people to know what it is like to depend on LIFT and bus service. She asked the Board to please act quickly and is open to discussion.

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 8:44 p.m.

Sheryl A. Williams  
Township Secretary

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Approved: June 11, 2019

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

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

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