

Regular Meeting

June 11, 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, Matthew Puz, Jr., Ashley Marsteller and Sheryl Williams.

Following the Pledge to the Flag, 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. Morgan, seconded by Mr. Bock, it was carried by unanimous roll call vote to approve the minutes from the May 28, 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 \$1,447,011.91, and Sewer Revenue bills in the amount of \$179,707.18.

Cory Johnson and Daniel Sefick from the accounting firm of Zelenkofske Axelrod LLC presented the Township's 2018 Financial Statements, emphasizing that the Township is in good financial position if post-retirement liability is removed, and that it is impressive and unusual for a municipality of this size to have no long term debt. Mr. Sefick reported that there was a decline in overall net position due to the adoption of the new GASB standard for reporting OPEB costs and increase in pension liability, a result of actuarial calculations and is no fault of the Township. He stated that in 2018, there was a 1.46% decrease in revenues and a 2.95% increase in expenditures due to an increase in road maintenance projects and street lighting costs. Mr. Johnson reported that the Fund Balance was \$29.7 million with 10.44 million unassigned. He also stated that the Township's pension plans are 87.29% funded, and Treasurer Mark Zaksheske added that there will be a reduction in retirement health insurance expense next year due to the elimination of post-retirement healthcare benefits.

Solicitor Mark Shaw gave a brief summary of events of the Fire and EMS Commission since its inception two years ago, including establishing a Township fueling system and implementing a tax relief program for volunteers. He reported that a subcommittee has been working on a future vision for the Township's emergency management services, and five options have been presented to all of the volunteer fire departments. Mr. Shaw reported that the Fire Commission voted to recommend the Private Hybrid vision, a private non-profit entity consolidating fire departments and MPS under one entity and comprised of volunteers and some paid staff. He noted that this option was unanimously supported by all of the volunteer fire departments and is also the most cost effective. He added that there will be a fiscal impact, with projected costs of implementing the vision estimated to be \$250,000 to \$500,000. Fire Commission Chairman Randy Lachowski stated that it will take approximately 18 months to 2 years to implement and execute the vision. Discussion ensued between the Board and Mr. Lachowski, who opined that this vision has the potential to be highly successful, and that being a non-profit entity will bring financial benefits to the organization. The Board thanked the subcommittee for their work on this project, will review all of the information and take action on the recommendation at a later date.

Treasurer Mark Zaksheske reported that the quotation for the CAT Mini-Excavator came in \$28,547.00 under budget. On recommendation of Mr. Zaksheske, it was moved by Mr. Morgan, seconded by Mr. Bock and carried by unanimous roll call vote to approve a Capital Budget Amendment Request to move \$28,547.00 in excess budgeted funds to Reserve.

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 approve the purchase of a Caterpillar 308 Mini

Excavator from Cleveland Brothers Caterpillar for \$96,453.00, under COSTARS contract #4400019950.

Planning and Development Director Matthew Waldinger reported that bids were opened on June 4, 2019 for Phase VII of the Millcreek Township Sidewalk Accessibility Project as follows: Amendola Development - \$253,510; Empire Excavation and Demolition - \$184,450; Lindy Paving, Inc. - \$471,997. 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 to Empire Excavation and Demolition for \$184,450.

Mr. Waldinger reported that during the past winter, accessible ramps and/or curbs were damaged at six locations by plows, and quotations were solicited and received as follows: Vavala Construction - \$10,980; Maya Brothers - \$8,490; Amendola Development - \$13,120. 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 to Maya Brothers for \$8,490.

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

MILLCREEK TOWNSHIP 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 Indices 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 Indices (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)167-667-46.06, (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.

Zoning and Development Officer Matthew Puz, Jr. reported that at the regular meeting on May 7, 2019, the Planning Commission recommended approval, stating that it is generally consistent with the Erie County and Millcreek Township Comprehensive Plans and Future Land Use Plan. No public comment was received either in favor of or in opposition to the rezoning request. Solicitor Mark Shaw reported that the purpose of the rezoning is to make the whole Millcreek Mall footprint fall within the C-4 Regional Commercial District as well as a portion of property located in the Millcreek Marketplace, and action will be taken on the Millcreek Mall rezoning at the June 25, 2019 regular meeting.

It was moved by Mr. Morgan, seconded by Mr. Bock and carried by unanimous roll call vote to enact Ordinance 2019-7; An Ordinance to amend the Millcreek Township Zoning Ordinance, No. 2011-8, as amended, by changing the classification of a certain parcel of land situate in the Township of Millcreek, Erie County, Pennsylvania, described as follows, to-wit: Bryant Street, Erie, Pennsylvania, now zoned R-1 Single Family Residential to be rezoned to R-2 Low Density Residential.

It was moved by Mr. Morgan, seconded by Mr. Bock and carried 2-1, with Mr. Groh voting no, to enact Ordinance 2019-8; An Ordinance to amend the Millcreek Township Zoning Ordinance, No. 2011-8, as amended, by changing the classification of a certain parcel of land situate in the Township of Millcreek, Erie County, Pennsylvania, described as follows, to-wit: 4042 and 4058 West Ridge Road, Erie, Pennsylvania, now zoned C-2 General Commercial to be rezoned to R-4 High Density Residential.

Solicitor Mark Shaw explained that some consolidation and clarification was needed regarding towing provisions for the Township, and to set forth a new process for towing service providers to

qualify as providers in Millcreek Township. 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 2019-9; An Ordinance of the Township of Millcreek, Erie County, Pennsylvania repealing Chapter 21, Article II of the Township Code concerning towing, amending Chapter 40, Article IV of the Township Code concerning parking and towing during weather events, and repealing and replacing Chapter 137, Article IV of the Township Code concerning removal and impounding of certain vehicles.

Solicitor Mark Shaw reported three new/amended ordinances are under review, with action anticipated as follows: Zoning Ordinance Amendment for rezoning the Millcreek Mall, and a Debt Ordinance regarding a bank loan for a refuse truck and street sweeper – June 25, 2019 meeting, and the Sign Ordinance Amendment – July 9, 2019 meeting.

On motion by Mr. Bock, seconded by Mr. Morgan, it was carried by unanimous roll call vote to adopt Resolution 2019-R-28; 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 June 12, 2019 – June 25, 2019.

On recommendation by Solicitor Mark Shaw, it was moved by Mr. Morgan, seconded by Mr. Bock and carried by unanimous roll call vote to adopt Resolution 2019-R-29; A Resolution of Millcreek Township Board of Supervisors Adopting a Volunteer Firefighter Incident Response Policy and Procedure. This policy establishes a procedure for Township employees who are eligible under the Policy to respond to emergency calls while at work. Mr. Bock thanked Mr. Lachowski, Dan Ouellet, Mike Barton and Melanne Page for serving on the subcommittee.

Parks and Recreation Director Ashley Marsteller reported that due to increased usage and requests for more open play on the tennis courts at Asbury and Zuck Parks, she met with the Recreation and Parks Commission to create a tennis court usage policy, similar to policies in place for other Township park facilities. On recommendation of Ms. Marsteller, in consultation with the Recreation and Parks Commission, it was moved by Mr. Bock, seconded by Mr. Morgan, and carried by unanimous roll call vote to adopt Resolution 2019-R-30; A Resolution of Millcreek Township Board of Supervisors Adopting the Tennis Court Rules and Regulations and Adopting the Tennis Court Permit Fee. This policy establishes formal rules and regulations for the use of the tennis courts within Township parks.

On recommendation of the Safety Committee, it was moved by Mr. Morgan, seconded by Mr. Bock, and carried by unanimous roll call vote to adopt Resolution 2019-R-31; A Resolution of Millcreek Township Supervisors Adopting the Administrative Policy Regarding Prescription Safety Glasses Reimbursement. This establishes a policy under which the Township will reimburse employees who need to purchase prescription safety glasses.

Solicitor Mark Shaw explained that Advanced Disposal has made reasonable attempts to collect unpaid fees on two accounts which are associated with properties that will be coming up for Sheriff's sale later this month, but was unsuccessful. On recommendation by Mr. Shaw, it was moved by Mr. Morgan, seconded by Mr. Bock and carried by unanimous roll call vote to approve an Agreement to Assign Unpaid Accounts (to the Township) in order to convert the accounts to municipal claims with the idea of collecting on these accounts as a result of the Sheriff's sales.

On recommendation of Treasurer Mark Zaksheske, it was moved by Mr. Morgan, seconded by Mr. Bock and carried by unanimous roll call vote to table action on Electrical Supply Agreements until the June 25, 2019 meeting.

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

<u>May 2019:</u>	Total Residential Structures	\$ 985,865.00
	Total Non-residential Structures	<u>1,512,214.00</u>
		\$ 2,498,079.00
	Zoning Permits Issued	36
	Zoning Permit Fees	\$ 6,100.00

On recommendation of Human Resource Manager Diane Lyons, it was moved by Mr. Morgan, seconded by Mr. Bock, and carried by unanimous roll call vote to approve the following part-time Dispatch employees at \$12.00/hour, retroactive to June 1, 2019: Lindsay Weidler and Jacquelyn Polka.

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 Matthew Danylko as a part time/seasonal heavy equipment operator at \$10.00/hour, retroactive to June 3, 2019.

On recommendation of Parks and Recreation Director Ashley Marsteller, it was moved by Mr. Groh, seconded by Mr. Morgan, and carried by unanimous roll call vote to approve the following seasonal employees:

<u>NAME</u>	<u>POSITION</u>	<u>RATE</u>
Robert Bolmanski	Lifeguard	\$8.45
Emma Sanders	Lifeguard	\$7.65
Mia Will	Concession	\$7.65
Eve Wareham	Lifeguard	\$7.65
Lauren Belmonte	Lifeguard	\$7.95
Ava Fillak	Asst. Supervisor	
	Gym/Cheernastics	\$9.00
Hunter Dennington	Day Camp Counselor	\$7.65
Sanibel Kaminski	Golf Clubhouse Attendant	\$7.65

On request of Mr. Groh, it was moved by Mr. Morgan, seconded by Mr. Bock and carried by unanimous roll call vote to authorize Mr. Groh to attend the June 20, 2019 PA Department of Labor and Industry Accessibility Board meeting, with all costs covered by the Commonwealth of PA.

Mr. Groh reported that the Board met in Executive Session with Solicitor Mark Shaw on May 30, 2019 and June 6, 2019 to discuss legal matters.

Mr. Groh announced that on Flag Day, 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.

On recommendation of Chief Scott Heidt, it was moved by Mr. Bock, seconded by Mr. Morgan and carried by unanimous roll call vote to approve the purchase of 16 cell phones and service from ATT/FirstNet for the patrol vehicles, at an estimated additional monthly cost of \$311.90, with funds to be used from the recent rifle sale.

On recommendation of Chief Scott Heidt, it was moved by Mr. Bock, seconded by Mr. Morgan and carried by unanimous roll call vote to authorize two officers to attend the Constitutional Use of Force Training at Mercyhurst Police Academy on June 12, 2019 at a total cost of \$318.00, with use of a department vehicle.

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

Robert Sesler, 3030 Loveland Road, requested that Advanced Disposal send reminders sooner to landlords when their tenants are in default, so that the matter can be resolved before late fees are assessed.

Jeremy Peterson, CEO of EMTA, requested a meeting with the Supervisors to try to resolve its disagreement with the Board regarding this year's contribution of \$2,500. He reported that he is sending letters to surrounding municipalities requesting contributions, and stated there most likely will be reductions in bus routes if EMTA does not receive enough funding. Mr. Groh asked the other Supervisors if the discussion is closed, to which Mr. Morgan replied that the Board acted unanimously and he stands by his decision. Mr. Bock replied that he also stands by his decision, but is receptive to other options. Mr. Peterson reminded the Board that the deadline for state matching fund grants is June 30, 2019.

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 10:45 a.m.

Sheryl A. Williams
Township Secretary

Approved: June 25, 2019

John H. Groh _____

John E. Morgan _____

James S. Bock _____