

## Regular Meeting

June 25, 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 and Sheryl Williams.

Following the Pledge to the Flag, Mr. Groh reminded everyone that the meeting is being recorded by WQLN and will be broadcast on Spectrum Channel 1025 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. Morgan, seconded by Mr. Bock, it was carried by unanimous roll call vote to approve the minutes from the June 11, 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 \$817,519.56, and Sewer Revenue bills in the amount of \$949,782.59.

Mr. Groh reported that quotations were solicited and received for landscaping the Tamarac Drive storm sewer project, as follows: Manzi Services - \$7,945.00, and Gerlach's Garden and Power Equipment - \$5,332.00. On recommendation of Public Works Director Gary Snyder, it was moved by Mr. Groh, seconded by Mr. Morgan and carried by unanimous roll call vote to award the landscaping contract to Gerlach's Garden and Power Equipment for \$5,332.00.

Planning and Development Director Matthew Waldinger reported that quotations were solicited and received by Township Engineer Anne Sokol for the Millcreek Golf and Learning Center (MGLC) Clubhouse ADA Project, as follows: Maya Bros., Inc. - \$10,900.00, Vavala Concrete - \$15,822.00, and Amendola Development - \$13,515.00. On recommendation of Mr. Waldinger and Ms. Sokol, it was moved by Mr. Morgan, seconded by Mr. Bock and carried by unanimous roll call vote to award the contract to Maya Bros., Inc. for \$10,900.00.

Planning and Development Director Matthew Waldinger reported that quotations were solicited, but none received, for a Stormwater Overflow Detention Basin for the West 28<sup>th</sup> Street and McKee Road area. He said the problem seems to be that there are no available drillers, as they are behind schedule. Mr. Waldinger stated that his department will revise the schedule and solicit quotations at a later date.

A Public Hearing was held on the following:

**THE HAMMOCKS AT MILLCREEK. Small Subdivision. A small subdivision plan to show the creation of Parcel "B-1" and Parcel "B-2" having acreages of 3.942 and 5.236 respectively, located along the west line of Old Zuck Road and the intersection of West Grandview Boulevard, in Tract 78. Index 399-001.**

Planning and Development Director Matthew Waldinger reported that at the regular meeting on June 4, 2019, the Planning Commission recommended approval with the following Requirements:

- Provide new easement agreement reflecting parcels A, B-1 and B-2.

- The plan is approved solely at Applicant's request to facilitate financing and does not alter or affect the prior Land Development Plan approval or any requirements or conditions imposed on the Land Development Plan approve. (To be noted on the Plan)
- A modification from the street frontage regulation is granted, as this is approved solely to facilitate financing and does not alter the prior Land Development Plan approval. (To be noted on the Plan)
- The development shall be accomplished and maintained or operated as a single development as per the Land Development Plan as approved. (To be noted on the Plan)
- Any transfer of either Parcel "A", Parcel "B-1", or Parcel "B-2" shall be subject to the requirements as set forth on the approved Land Development and Subdivision Plans. If, on the developer's request, Parcel "A", Parcel "B-1", or Parcel "B-2" are to be sold independently of one another and all of the other conditions imposed on this approval have been met and such proposed owner is joined on all documents deemed necessary by the Township to ensure development and use as single development, the Township shall approve such transfer upon joinder of owners as parties to financial security-related documents. (To be noted on the Plan)

Mike Sanford, 4721 Atlantic Avenue, Sanford Surveying and Engineering, was present on behalf of the petition. He stated that the property was previously subdivided, but that it is to stay as one property and will function as one land development unit. Mr. Sanford noted that cross access agreements are in place between various areas of the property.

Mr. Groh asked if this was done for convenience, and expressed concern that, if sold, a property could become landlocked. Solicitor Mark Shaw explained that years ago the property was subdivided into A and B sections to enable financing, and a similar division must now be done for financing sections B-1 and B-2, but the intent of the language is to ensure that the property stays as one parcel. Mr. Sanford emphasized that cross usage agreements will prevent landlocking.

No one else spoke either in favor of or in opposition to the petition. On recommendation of Mr. Waldinger, it was moved by Mr. Bock, seconded by Mr. Morgan and carried by unanimous roll call vote to approve The Hammocks At Millcreek Small Subdivision, subject to all five of the requirements listed above.

Planning and Development Director Matthew Waldinger reported that the owners of M Café, 5410 West Lake Road, have requested permission to put an 8,240 sq. ft. parking lot addition on the property, which meets the requirement to be excluded from a land development plan, and they have also submitted landscaping drawings on their stormwater plan. 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 approve a Land Development Exclusion for the M Café Parking Lot Addition.

Planning and Development Director Matthew Waldinger reported that First Student, 2308 Kozlowski Drive, wants to install a 680 sq. ft. trailer accessory structure on the property, and has requested exemption from the land development process. Mr. Waldinger reported that this request qualifies for an administrative exclusion, and therefore this is a notification and no action is required.

On motion by Mr. Morgan and seconded by Mr. Bock, it was carried by unanimous roll call vote to enact Ordinance 2019-10; 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: 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, Erie, Pennsylvania, now zoned C-2 General Commercial District to be rezoned to C-4 Regional Commercial District.

Solicitor Mark Shaw explained that an ordinance is required by the Local Government Unit Debt Act when the Township wants to borrow money, and in this case, \$325,000 to purchase a Street Sweeper package and a Refuse Truck. On recommendation of Mr. Shaw, it was moved by Mr. Morgan, seconded by Mr. Bock and carried by unanimous roll call vote to enact Ordinance 2019-11; An Ordinance of the Township of Millcreek, Erie County, Pennsylvania ("Township") authorizing the incurrence of non-electoral debt by the Township pursuant to the Local Government Unit Debt Act, as amended, through the issuance the Township's general obligation note, Series C of 2019 in the principal amount of not to exceed \$325,000.00 (the "Note"); providing for the issuance of the Note; appointing a sinking fund depository; setting forth the maturity, rate of interest and redemption provisions for the Note and the form of the Note; providing for the registration, transfer and exchange of the Note; awarding the Note to the purchaser thereof; authorizing the execution and delivery of the note; covenanting to pay debt service on the Note and pledging the full faith, credit and taxing power of the Township for the payment thereof; establishing a sinking fund and settlement account; providing for covenants regarding federal income tax matters; authorizing the preparation and filing of a debt statement, borrowing base certificate, debt exclusion proceedings and a transcript of the proceedings for the issuance of the Note; providing that this Ordinance shall be a contract with the holder of the Note; authorizing certain additional actions; designating the note as a qualified tax-exempt obligation; and repealing inconsistent Ordinances.

Solicitor Mark Shaw reported that a Public Hearing and subsequent vote will take place on a Sign Ordinance Amendment at the next meeting on July 9, 2019, and the proposed ordinance is available for review at the Township Building and on the website.

On motion by Mr. Groh, seconded by Mr. Morgan, it was carried by unanimous roll call vote to adopt Resolution 2019-R-32; 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 26, 2019 – July 9, 2019.

On recommendation by Solicitor Mark Shaw, it was moved by Mr. Bock, seconded by Mr. Morgan and carried by unanimous roll call vote to adopt Resolution 2019-R-33; A Resolution of Millcreek Township Board of Supervisors Adopting Towing Rules and Regulations in Accordance with Millcreek Township Code Section 137-29 and Adopting Towing Rates in Accordance with Millcreek Township Code Section 137-28.

On recommendation of Treasurer Mark Zaksheske, it was moved by Mr. Groh, seconded by Mr. Bock and carried by unanimous roll call vote to adopt Resolution 2019-R-34; County Aid Application for Liquid Fuels Tax Funds for the Purchase of Road Salt. Mr. Morgan explained that the County receives Liquid Fuel Funds, issues via a formula to all the municipalities after they apply, and Millcreek should receive \$82,178.00 of the \$249,113.81 projected cost this year for Road Salt.

On recommendation of Recycling Clerk Jessica Stutzman, it was moved by Mr. Groh, seconded by Mr. Bock and carried by unanimous roll vote to approve a PA DEP Application for Reimbursement for a Household and Small Business Pollution Prevention Grant in the amount of \$1,192.66 to cover the remaining cost of tire disposal and Freon removal during the Millfair Special Collection.

Planning and Development Director Matthew Waldinger reported Westminster Development submitted a petition to abandon a sanitary sewer easement that does not contain a sanitary sewer line, and is in direct conflict with the location of their proposed office building at the corner of West 38<sup>th</sup> Street and Pacific Avenue. Mr. Waldinger noted that another easement exists on the property which contains a public sanitary sewer, and Solicitor Mark Shaw stated that he has reviewed the

petition and the additional easement exists along the property line. On recommendation of Mr. Waldinger and Mr. Shaw, it was moved by Mr. Morgan, seconded by Mr. Bock and carried by unanimous roll call vote to approve the Extinguishment of Easement for Westminster Development.

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 Stormwater Plan and Maintenance Agreement for David P. Hanlon Community Sports Complex – Millcreek Township School District, Developer, for which GPI has approved and all requirements have been met for the ball fields expansion.

On recommendation of Treasurer Mark Zaksheske, it was moved by Mr. Morgan, seconded by Mr. Bock and carried by unanimous roll call vote approve three 24-month Electrical Supply Agreements with WGL Energy Services, Inc., which will save the Township \$45,000 to \$50,000 annually.

Solicitor Mark Shaw explained that the Safe Schools Act requires agreements to be executed by the municipality to establish procedures and protocols to be followed when certain specified incidents occur on school property.

On recommendation of Mr. Shaw, it was moved by Mr. Morgan, seconded by Mr. Bock and carried by unanimous roll call vote to approve Memorandum of Understanding between Millcreek Township Police Department and Millcreek Township School District, and a Memorandum of Understanding between Millcreek Township Police Department and the Montessori Regional Charter School, both regarding the Safe Schools Act.

On recommendation of Mr. Shaw, it was moved by Mr. Morgan and seconded by Mr. Bock to authorize MPD Chief Scott Heidt to execute any additional agreements regarding the Safe Schools Act, subject to review by Mr. Shaw. No public comment was offered. Motion carried by unanimous roll call vote.

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 a Settlement Agreement between the Township and property owner for an Ordinance Enforcement Action regarding 3104 West 38<sup>th</sup> Street.

Treasurer Mark Zaksheske announced that the PA Auditor General's office will be reviewing the Township's Liquid Fuels reporting next week.

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 hiring of Clyde Kendall as a mechanic at \$19.85/hour, effective July 8, 2019, contingent upon successful completion of pre-employment screenings.

Mr. Groh reported that the Board met in Executive Session with Solicitor Mark Shaw on June 13 and 20, 2019 to discuss legal matters.

Mr. Groh announced details for the annual Fourth of July Parade, which begins on 9:45 a.m. at 12<sup>th</sup> Street and Marshall Avenue.

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 seven patrol officers to attend "Looking Beyond the Traffic Stop" training at the PSP Northwest Training Center on July 30 and 31, 2019, at no cost other than the use of Department vehicles.

On recommendation of Chief Scott Heidt, it was moved by Mr. Bock, seconded by Mr. Morgan and carried by unanimous roll call vote to elevate Patrolman Mackenzie Kranz to Class D status after successfully completing his one year probationary period.

Dave Szymanowski, 823 Oregon Avenue, reported that the high rate of speed that cars are driving through the roundabout at Millfair and W. Lake Road is making it very dangerous for handicapped people to cross. He also stated the crosswalks are too close to the circle, and that it is difficult to hear clearly when in the traffic circle, and asked that the Township please monitor traffic or install a speed monitoring sign.

Mr. Morgan replied that the Township did advocate with PennDOT for signs, possibly even a push-button system, but nothing has been done.

Mr. Szymanowski then asked Mr. Bock for his opinion on the EMTA contribution issue, to which Mr. Bock replied that on March 12, 2019 the Board unanimously approved the \$2500 contribution, which they thought was appropriate. He stated that the Board asked EMTA for specific data, was open for discussion, but to date the Board has not received all of what was requested.

Connie Scheu, 5107 West Street, President of the Erie County Chapter of the National Federation of the Blind, stated that she is unable to cross the new roundabout at Millfair Road because cars are moving too fast and they do not always stop when they are supposed to. She reported that even her service dog gets confused and asked the Board to do something to slow traffic.

Ms. Scheu stated that she hopes that Millcreek's contribution to EMTA will increase in 2020, to which Mr. Morgan replied that EMTA route data is not Millcreek specific as to ridership, and EMTA services are not tied to contribution. Mr. Groh added that no further action will be taken at this time.

Mr. Szymanowski closed by saying that the broker system will start on July 1, 2019, which he feels is potentially dangerous to Erie County residents.

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 8:16 p.m.

Sheryl A. Williams  
Township Secretary

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Approved: July 9, 2019

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

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

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