

Regular Meeting

August 13, 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, Lydia Caparosa, Esq., Matthew Waldinger, Gary Snyder, Matthew Puz, Jr. and Sheryl Williams. Solicitor Mark Shaw was absent.

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 July 23, 2019 Regular Meeting.

On motion by Mr. Morgan, seconded by Mr. Bock, it was carried by unanimous roll call vote to approve payment of General Fund bills in the amount of \$919,531.95, Sewer Revenue Fund bills in the amount of \$392,132.51 and a Performance and a Sinking Fund Account bill in the amount of \$6,921.47.

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, transferring \$3,100.00 in unused funds from the Sewer Bureau to Reserve because a 4WD Pickup truck purchase came in under budget at \$36,900.00.

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, transferring \$3,795.00 from the Feidler Road Storm Sewer Project to Fleet Maintenance to allow for the purchase of a Garage Service Truck, which came in over budget at \$100,795.00.

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 MOBILCOM to replace the radio equipment at 5441 Henderson Road at a cost of \$11,160.00, as the equipment was damaged beyond repair by lightning. Mr. Bock noted that an insurance claim has been submitted for possible reimbursement.

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 purchase a Rolling Jack for the Four Post Lift in the garage from Gary's Automotive Equipment, LLC at a cost of \$7,836.63, under COSTARS contract #800306 and is a budgeted item.

On recommendation of Public Works Director Gary Snyder, it was moved by Mr. Bock, seconded by Mr. Morgan and carried by unanimous roll call vote to purchase a Ford E450 truck with a 16' box and an Aries inspection camera system for the Sewer Department from Golden Equipment Company at a cost of \$303,398.00, under COSTARS contract #025-039, and is a budgeted item.

Public Works Director Gary Snyder requested that the Board postpone action on purchasing Software for the Camera Truck and Integration into the Township's Lucity software until a Capital Budget Amendment can be presented at the August 27, 2019 meeting.

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 purchase a 2020 Chevrolet Silverado 2500HD 4WD pickup truck for the Sewer Department from Hallman Chevrolet at a cost of \$36,900.00, under COSTARS contract #025-039, and is a budgeted item.

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 purchase a 2020 Chevrolet Silverado 4WD Crew Cab Work Truck and Body for the Fleet Maintenance Department from Hallman Chevrolet at a cost of \$100,795.14, under COSTARS contract #025-039, and is a budgeted item.

Public Works Director Gary Snyder reported that quotations were solicited and received for a new AO Smith domestic hot water tank for the main building, as follows: Trumbull Industries - \$3,438.62, Wayfair - \$4,699.99, and Irr Supply Centers, Inc. - \$3,223.71. 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 Irr Supply Centers, Inc. for \$3,223.71.

Zoning and Development Officer Matthew Puz, Jr. reported that a Request for Proposals was advertised for consulting services to update the Zoning Ordinance and the Subdivision and Land Development Ordinance (SALDO), and two proposals were received, one from Mackin Engineering and one from Ingalls Planning & Design with Duncan Associates. He noted that the Early Intervention Program grant will cover \$70,000 of the cost. On recommendation of Mr. Puz, it was moved by Mr. Morgan, seconded by Mr. Bock and carried by unanimous roll call vote to contract Mackin Engineering at an amount not to exceed \$102,754.00, subject to the Solicitor drafting the standard consulting agreement, and with authorization for Chairman Groh to sign.

Planning and Development Director Matthew Waldinger reported that quotations were solicited and received for the Asbury Barn ADA Parking Project as follows: Maya Brothers Concrete - \$14,400.00, Amendola Development - \$16,400.00, and Vavala Concrete Construction – No Bid. 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 award the contract to Maya Brothers Concrete for \$14,400.00, and is a budgeted item.

On recommendation of Treasurer Mark Zaksheske, it was moved by Mr. Morgan, seconded by Mr. Bock to approve a Capital Budget Amendment, transferring \$20,000.00 in unused funds from the Haas Avenue Storm Sewer Project to fund the cost of cleaning out Flood Detention Basins in the amount of \$19,730.00, leaving \$270.00 in Reserve. The Supervisors expressed the opinion that in the future they would like to see flood detention basin mowing done in-house. No public comment was offered. Motion carried by unanimous roll call vote.

Public Works Director Gary Snyder reported quotations were solicited but only one was received for the 2019 Flood Detention Basin Mowing Project, as follows: Manzi Services - \$19,730.00, Gerlach's – No Bid, and Oregia Maintenance – No Bid. On recommendation of Mr. Snyder, it was moved by Mr. Bock, seconded by Mr. Groh and carried by unanimous roll call vote to award the contract to Manzi Services for \$19,730.00.

Planning and Development Director Matthew Waldinger reported that quotations were solicited and received for the Lester-Lawndale Sanitary Sewer Project as follows: Terra Works - \$321,617.00, Klinginsmith Enterprises - \$274,848.00, Konzel Construction - \$249,024.00, Pollard Land Services - \$239,474.00, Amendola Development - \$193,183.00, and Chivers Construction - \$189,677.90. On recommendation of Mr. Waldinger and Sanitary Sewer Technical Manager David Wright, it was moved by Mr. Morgan, seconded by Mr. Bock and carried by unanimous roll call vote to award the contract to Chivers Construction for \$189,677.90. Mr. Waldinger noted that this project came in \$26,524.10 under budget.

On recommendation of Mr. Waldinger, it was moved by Mr. Morgan, seconded by Mr. Bock, and carried by unanimous roll call vote to adopt Resolution 2019-R-41; A Resolution Approving a Revision to the Millcreek Township Official Sewage Facilities Plan for the Lester-Lawndale Sewer Extension Project.

On recommendation of Information Technology Manager Kris Filson, it was moved by Mr. Morgan, seconded by Mr. Bock, and carried by unanimous roll call vote to adopt Resolution 2019-R-40; 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 August 14, 2019 – August 27, 2019.

On recommendation of Treasurer Mark Zaksheske, it was moved by Mr. Bock, seconded by Mr. Morgan and carried by unanimous roll call vote to enact Ordinance 2019-14; An Ordinance of the Township of Millcreek, Erie County, Pennsylvania, amending and restating the Township of Millcreek Police Pension Plan. Mr. Zaksheske noted that this would reflect IRS regulation requirements and the results of the July 2017 arbitration award.

Solicitor Lydia Caparosa announced that an ordinance to restrict parking along one side of Chilton Court is being considered for possible action in the near future.

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 an Amended Land Development Plan for Hammocks at Millcreek, which would permit moving a sanitary sewer easement.

On recommendation of Public Works Director Gary Snyder, it was moved by Mr. Bock, seconded by Mr. Morgan, and carried by unanimous roll call vote to approve a Settlement Agreement with the Pennsylvania Fish and Boat Commission regarding a sewage overflow due to failure of a back-up generator at Wolf Run Pump Station, which resulted in a \$1,000.00 fine.

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 approve a PA DEP Section 902 Grant in the amount of \$140,960.00 to pay for the remaining cost of the windrow turner at the Millfair Compost Center.

On recommendation of Solicitor Lydia Caparosa, it was moved by Mr. Morgan, seconded by Mr. Bock and carried by unanimous roll call vote to approve a Global Settlement Agreement with MCH Corporation regarding a tax assessment appeal involving four properties: 1661 Dudley Street, 1655 Dudley Street, 5530 Peach Street, and Peach and Bryant Streets, and to authorize Jennifer Hirneisen, Esq. of McDonald Illig to sign the agreement on behalf of Millcreek Township. Ms. Caparosa reported that the appeal resulted in tax assessments remaining the same for all of the properties except 5530 Peach Street, which was lowered.

Solicitor Lydia Caparosa reported that the Township received a letter from Pennsylvania Public Utility Commission regarding a Pennsylvania One Call notification, alleging that on July 15, 2019, the Township failed to respond to an emergency notification as soon as practicable following notification of the emergency. Ms. Caparosa stated that the Township wishes to file an appeal, arguing that it did respond in a timely manner, but that there was a discrepancy in the address. On recommendation of Ms. Caparosa, it was moved by Mr. Morgan, seconded by Mr. Bock, and carried by unanimous roll call vote to authorize Ms. Caparosa to file an appeal for an informal proceeding on behalf of Millcreek Township.

On recommendation of Zoning and Development Officer Matthew Puz, Jr., it was moved by Mr. Morgan, seconded by Mr. Bock and carried by unanimous roll call vote to approve the release of

Evans Bank Checks #1012 and #1013 in the total amount of \$137,492.30 for Sonic Drive-In, PennSonicPeach, LLC, Developer, as all requirements have been met.

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 Management Maintenance Plan and Agreement request for M CAFÉ – 5411 West Lake Road, LLC, Developer, as all requirements have been met and the plan is consistent with the Township’s Stormwater Management Ordinance.

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

<u>July 2019:</u>	Total Residential Structures	\$ 460,766.20
	Total Non-residential Structures	<u>2,248,480.05</u>
		\$ 2,709,246.25
	Zoning Permits Issued	30
	Zoning Permit Fees	\$ 7,750.00

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 promote Jacquelyn Polka from part-time to full-time Dispatcher, effective August 19, 2019 with an hourly rate of \$18.83.

On recommendation of Parks and Recreation Director Ashley Marsteller, it was moved by Mr. Groh, seconded by Mr. Bock and carried 2-1, with Mr. Morgan voting no, to approve the hiring and rate approval request for the following seasonal employees:

<u>NAME</u>	<u>POSITION</u>	<u>RATE</u>	<u>HIRE DATE</u>
Monet Rexford	Gymnastics	\$ 9.00	Rate Change
Hope Nuzback	Asst. Supervisor - BV Pool	\$10.00	Rate Change
Laurel Reichel	Millcreek Golf Course	\$10.00	New Hire
Kayla Radu	Lifeguard	\$ 7.65	New Hire
Sanibel Stravinsky	Millcreek Golf Course	\$10.00	Rate Change

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 hire John Sebesta, P.E. as a Project Engineer, effective September 9, 2019 at an annual salary of \$64,000.00.

On request of Recycling Coordinator Jessica Stutzman, it was moved by Mr. Groh, seconded by Mr. Morgan and carried by unanimous roll call vote to authorize one recycling department employee to attend PROP (Professional Recyclers of Pennsylvania) continuing education classes in Bellefonte, PA on October 8-9, 2019, with hotel accommodations for two nights, registration cost of \$490.00, and use of a personal vehicle.

Mr. Groh reported that the Board met in Executive Session with Solicitor Mark Shaw on July 25, 2019, and on August 1 and 8, 2019 to discuss legal matters.

On separate motions by Mr. Bock and seconded by Mr. Morgan, the following recommendations from Chief Scott Heidt were approved by unanimous roll call vote:

Permission for Det. Mays to attend explosives training in Knox, PA on September 19, 2019 at a total cost of \$100.00, and with use of a department vehicle.

Permission for three Detectives to attend Facial Recognition Investigative Search Training at the Butler County Training Center on August 22, 2019, with no cost and use of a department vehicle.

Permission for three Corporals to attend Field Training Officer training at the Mercyhurst University Municipal Police Training Academy September 16-20, 2019 at a total cost of \$1500.00, and with use of a department vehicle.

Authorization for West Ridge Fire Department personnel to assist with traffic control during the McDowell Cross Country Invitational at Brown's Farm on August 31, 2019.

It was moved by Mr. Groh, seconded by Mr. Bock and carried by unanimous roll call vote to authorize four Supervisors/Past Supervisors to attend the ECATO Annual Picnic on August 28, 2019, at a total cost of \$60.00.

It was moved by Mr. Groh, seconded by Mr. Bock and carried by unanimous roll call vote to send a letter to PennDOT stating that the Township will coordinate emergency services with the Barber National Institute for their annual "Beast on the Bay" event on September 7, 2019.

Open Records Officer Sheryl Williams reported that thirteen Right-to-Know requests were received in July requiring twenty-three hours of response preparation time. Six requests were granted, three were denied, three were partially denied, and one was withdrawn.

There were no citizens to be heard.

With no further business to come before the Board or any citizens to be heard, it was moved by Mr. Morgan and seconded by Mr. Bock to adjourn the meeting at 10:32 a.m.

Sheryl A. Williams
Township Secretary

Approved: August 27, 2019

John H. Groh _____

John E. Morgan _____

James S. Bock _____