

Regular Meeting

September 25, 2018

The regular meeting of the Millcreek Township Board of Supervisors was called to order at 7:00 p.m. by Chairman John Morgan in the Assembly Room of the Millcreek Township Municipal Building. Present were Mark Zaksheske, John Groh, John Morgan, James Bock, Mark Shaw, Esq., Matthew Waldinger, Shane Karnes and Sheryl Williams.

Following the Pledge to the Flag, Mr. Morgan called for public comment on agenda items other than development or rezoning applications. No public comment was received.

It was moved by Mr. Groh, seconded by Mr. Bock, and carried by unanimous roll call vote to approve the minutes from the September 11, 2018 Regular Meeting.

It was moved by Mr. Groh, seconded by Mr. Bock and carried by unanimous roll call vote to approve payment of the General Fund bills in the amount of \$1,262,968.13, and Sewer Revenue bills in the amount of \$3,000,833.94.

It was moved by Mr. Groh, seconded by Mr. Bock and carried by unanimous roll call vote to table a request for tree trimming until the October 9, 2018 meeting due to the bid being incomplete.

On recommendation of Public Works Director Gary Snyder, it was moved by Mr. Groh, seconded by Mr. Bock and carried by unanimous roll call vote to award a contract to Log Cabin Fence Company for \$3000.00 to repair the East Side salt barn structure canopy.

On recommendation of Public Works Director Gary Snyder, it was moved by Mr. Groh, seconded by Mr. Bock and carried by unanimous roll call vote to award an emergency contract to Landis Well Tending for \$12,300.00 to replace the brine tank for the gas well. On recommendation of Treasurer Mark Zaksheske, it was moved by Mr. Groh, seconded by Mr. Bock and carried by unanimous roll call vote to amend the capital budget accordingly.

On recommendation of Public Works Director Gary Snyder, it was moved by Mr. Groh, seconded by Mr. Bock and carried by unanimous roll call vote to award a contract to South One Supply, COSTARS Contract #0000535729, for \$38,417.00 to replace the carpet in the Police Department and locker rooms with installation of Kintex carpet tiles, and to amend the capital budget accordingly.

On recommendation of Township Engineer Anne Sokol, it was moved by Mr. Groh and seconded by Mr. Bock to approve Change Order #1 in the amount of \$726.00 for the Zuck Park ADA Project. The total amount of the contract with Finney & Son is now \$11,676.00, within the budget. 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:

SONIC DRIVE-IN. Land Development Plan. A land development plan to show the construction of a 3,261 square foot restaurant with associated parking and stormwater facilities, located along the west line Peach Street, south of Kuntz Road in Tract 347. Index 750-020

Planning and Development Director Matthew Waldinger reported that at their September 4, 2018 meeting, the Planning Commission recommended approval with the requirement that the drawing must indicate the dimensions of the existing and proposed building, but since the meeting, the surveyor has made the changes in the drawing. Jim Welka, 3200 W. 32nd Street, representing the developers and Cafaro Company, stated that the new restaurant will be located in the old Sears Automotive Building in the Millcreek Mall. No one spoke either in favor of or in opposition to the plan. On recommendation of Mr. Waldinger, it was moved by Mr. Groh and seconded by Mr. Bock to approve the Sonic Drive-In Land Development Plan. Motion carried by unanimous roll call vote.

DANIEL L. & NAOMI J. STUTZMAN. Small Subdivision plan. A small subdivision plan to show the creation of a 0.798-acre parcel which will become an integral part of the neighboring property, Erie County Tax Parcel 33-055-242.0-082.82 located along the south line of West Ridge Road, west of McKee Road in Tract 309. Index 414-001

Planning and Development Director Matthew Waldinger reported that at their September 4, 2018 meeting, the Planning Commission recommended approval. Mike Sanford, 4721 Atlantic Avenue, representing the applicant, explained that one property owner would like to purchase some property from another. No one spoke either in favor of or in opposition to the plan. On recommendation of Mr. Waldinger, it was moved by Mr. Groh and seconded by Mr. Bock to approve the Daniel L. & Naomi J. Stutzman Small Subdivision Plan. Motion carried by unanimous roll call vote.

TOWNHOMES AT 26TH STREET. Land Development Plan. A land development plan to show the construction of a five building, 33-unit multi-family development with associated parking and stormwater facilities, located along the south line of West Ridge Road, west of McKee Road in Tract 309. Index 457-024, 414-016 and 001

Planning and Development Director Matthew Waldinger reported that at their September 4, 2018 meeting, the Planning Commission recommended approval with the

Request that the developer make traffic signal contributions of \$445.00 each for the intersections of 26th & McKee Road and 26th & Patio Drive. Mike Sanford, 4721 Atlantic Avenue, representing the developer, stated that the developer understands the contribution is voluntary and is willing to contribute the requested amount. Mr. Sanford reported that the plan has been approved by PennDOT, and plans have been submitted to Erie County Conservation District and GPI, both of which gave approval. Mr. Sanford stated the car wash will be removed, there will be no access to Country Lane, and all access will be via West Ridge Road. He explained that no stormwater will be discharged, but rather infiltrated into good sandy soil via perforated piping. He stated infiltration testing was witnessed and approved by GPI. Mr. Sanford concluded by stating that the 35-unit apartment building will provide both surface and garage parking.

Mr. Groh asked if there was any evidence of any current discharge into the creek, to which Mr. Sanford answered no, stating that the water drains into the ground. Mr. Morgan asked if the plan meets all the requirements of the Township's SALDO (Subdivision and Land Development Ordinance), to which Mr. Waldinger replied yes.

Chuck Felix, 2744 McKee Road, referred to the stormwater plan as “Junk Science,” and opined that the Township is not considering all of the facts. He stated that since the medical center was built, the flooding is worse. He is opposed to the plan because he stated that neighbors were told the same thing when they had stormwater concerns before the medical center was built, and feels there should be no more building in that area until the stormwater management issues have been resolved.

Maria Blakeslee, 4230 W. 28th Street, stated she has lived there 30 years and never had water within 20 feet of her house until last year. She claimed that her front and back yards have flooded and her sewer backed up three times in 2017 since the removal of approximately 50-75 trees and the paving of a large amount of land for the medical center. Ms. Blakeslee reported that when she complained to the Township, she was told to hire a plumber and have a back flow preventer installed, with which she disagrees.

Laura Buckle, 2814 Contessa Lane, stated that her property has been flooded twice, and she has emailed the Supervisors and is not getting answers. She would like to know how concerns regarding this land development plan and the creek will be addressed, since the creek is what floods her property. Mr. Waldinger stated that the plans are available for review in the Planning and Development Office. Ms. Buckle asked where the drains will empty, to which Mr. Sanford and Mr. Groh responded that sewage drains into a trunk line under West Ridge Road, and it all eventually winds up in the same location, the City of Erie sewage treatment plant. He further explained how the sewer system works, and then reported meeting last week with Sen. Dan Laughlin, Rep. Ryan Bizzarro, DEP and PennDOT, and they are working together to find a solution for the flooding in her neighborhood.

Mr. Morgan informed everyone that the Township has no legal basis to deny the plan, and Mr. Shaw confirmed this. On recommendation of Mr. Waldinger, it was moved by Mr. Groh, seconded by Mr. Bock, and carried by unanimous roll call vote to approve the Townhomes at 26th Street Land Development Plan.

A Public Hearing was held on a Conditional Use:

STEVEN C. LEWIS CONTRACTING, INC. AND THOMAS AND LINDA TERELLA for property located at 3545 and 3603 West 12th Street, for adequate provisions for ingress and egress to all parking and loading spaces under Section 145-29A(5) of the Millcreek Township Zoning Ordinance. Index 244-036 & 021, County Index 33-035-168.0-001.00 and 9.00

Planning and Development Director Matthew Waldinger reported that at their September 4, 2018 meeting, the Planning Commission recommended approval of the Conditional Use. Steve Lewis, 3603 W. 12th Street, stated he is the property owner and will allow the restaurant across the street to use three extra parking places on his property. Mr. Morgan asked Mr. Waldinger if the Conditional Use violates any parking requirements, to which he replied no, and that Linden Avenue is a low volume road. No one else spoke either in favor of or in opposition to the Conditional Use.

On recommendation of Mr. Waldinger, it was moved by Mr. Groh, seconded by Mr. Bock, and carried by unanimous roll call vote to approve the Conditional Use and Parking Lot Use Agreement.

On separate motions by Mr. Groh, seconded by Mr. Bock, it was recommended by Mr. Waldinger and Zoning and Development Officer Matthew Puz to refer to the Planning Commission the following Petitions Requesting a Change in Zoning Classification:

For property located at 2055, 2103, 2111, 2115, and 2155 Edinboro Road, now zoned RR District, asking for a change of classification to C-2 District. Township Index 738-040, 738-041, 738-042, 738-050, and 738-052, County Index (33)188-584-13, (33)188-584-13.01, (33)187-584-12, (33)187-584-11, (33)187-584-10

For property located at 2335 West 38th Street, now zoned R-1 District, asking for a change of classification to C-2 District. Township Index 363-003. County Index (33) 80-417-3

Motions carried by unanimous roll call vote.

Mr. Waldinger reported that Zoning and Development Officer Matthew Puz has been reviewing the Sign Ordinance and has proposed some changes. On recommendation by Mr. Waldinger and Mr. Puz, it was moved by Mr. Groh, seconded by Mr. Bock, and carried by unanimous vote to refer to the Planning Commission a potential amendment to the Zoning Ordinance regarding Article 7 – Signs. Mr. Morgan clarified that political signs will not be discussed.

On motion by Mr. Groh, seconded by Mr. Bock, it was carried by unanimous roll call vote to adopt Resolution 2018-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 Dash Cam videos after the mandatory 180 days through October 9, 2018.

Mr. Groh explained that recycling grants are based upon how much eligible material was recycled in the Township, and any grant money received is used for programming, education and events to benefit Township residents and businesses. He reported that in 2016, 9.406 tons of eligible material was recycled by Millcreek Township. On recommendation of Recycling Coordinator Jessica Stutzman, it was moved by Mr. Groh, seconded by Mr. Bock and carried by unanimous roll call vote to approve the Township's application for the PA DEP Section 904 Performance grant in the amount of \$108,785.76.

Mr. Groh urged residents to continue to recycle all eligible materials: cardboard and food boxes, paper and magazines, mail, beverage and food cans, cartons, glass bottles and jars, plastic jugs and jars with caps, plastic bottles with caps, plastic tubs with lids; also electronics, plastic bags and wraps.

Mr. Morgan explained that the Millfair Roundabout project is almost finished, and is working with PennDOT and Fairview Township to decide maintenance responsibilities. Solicitor Shaw noted that because the intersection is located on two major state roads, it is a somewhat unusual request by PennDOT. Mr. Groh stated that he is opposed to this request. It was moved by Mr. Bock and seconded by Mr. Morgan to submit the Adopt and Beautify Program application to PennDOT regarding landscaping maintenance of the Millfair Roundabout. Motion carried 2-1, with Mr. Groh voting no.

Treasurer Mark Zaksheske reported that the Township's contract with National Fuel Resources expires on October 1, 2018 and recommended a 12 month extension, which would place a greater portion of the supply under fixed pricing. On recommendation of Mr. Zaksheske, it was moved by

Mr. Groh, seconded by Mr. Bock and carried by unanimous roll call vote to approve a 12 month contract extension with National Fuel Resources.

Planning and Development Director Matthew Waldinger reported that the Township’s current agreement with Erie County Department of Planning and Community Development to provide MS4 services expires on September 30, 2018. He stated that the terms will remain the same and is budgeted for and due in 2019: \$100 for education and document management, \$1000 for 300 hours of GIS work, and any additional work at \$10.00/hour. On recommendation of Mr. Waldinger, it was moved by Mr. Groh, seconded by Mr. Bock, and carried by unanimous roll call vote to authorize Mr. Morgan to sign the 2018-2019 MOU with Erie County under the same terms as the previous agreement.

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 send a letter of support authorizing placement of a Blue Star By-Way Marker at Veterans Park by the Presque Isle Garden Club, and to authorize Township staff to assist with the installation. Motion carried by unanimous roll call vote.

Mr. Zaksheske reported that the Township received \$288,419.42 from the Fireman’s Relief Fund of PA, and \$1,072,724.97 in State Aid for the Pension Plan.

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 employees for the Fall Season 2018, retroactive to September 15, 2018:

NAME	POSITION	RATE	HIRE DATE
ADULT FITNESS		SUPERVISORS	
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	
Nancy Rovin	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	
Karle Lyons	Tabata	\$10.50	
Sam Steiner	Supv.Table Tennis	\$ 8.45	
Joe Logue	Tuite	Volunteer	
Jeanne Espey	Yoga Substitute	\$ 9.50	
ADULT LIESURE			
Charles Elliott	Seat Caning/Baskets	\$10.50	
Lauren Ertsgaard	Knit	\$10.50	
Jensen Elliott	Knit (Sub)	\$ 9.50	
Darlene Bennett	Art	\$10.50	
Laura Oldham	Mahjong	\$10.50	
Jim Oldham	Mahjong	\$10.50	
Mark Coursey	Supervisor Grilling	\$10.50	

NAME	POSITION	RATE	HIRE DATE
YOUTH ACTIVITIES			
Samantha Howard	Youth Dance	\$10.50	Rate Change
BARN SUPERVISOR			
Evelyn Bossar		\$ 9.50	
Charles Elliott		\$ 9.50	
Susan Shickler		\$ 9.50	
Lauren Erstgaard		\$ 9.50	
VOLUNTEERS			
Joe Logue	Tuite		
Carl Werner	QiGong		
Amy Easly	QiGong		
Mary Desmone	Tai Chi		
Carol Stitzinger	Tai Chi		
Bonita Faulkner	Mahjong		
Susan Moore	Knitting		
Tom Womack	Model Airplane		
William Brown	Community Band		
Chet Vendetti	Open Gym-JS Wilson		
Xingang Wang	Badminton		
JJ Zhang	Badminton		

It was moved by Mr. Groh, seconded by Mr. Bock and carried by unanimous roll call vote to authorize Mr. Groh, Mr. Bock and Mr. Morgan, in their capacities as Municipal Administrators, to attend the PA Municipal League Annual Summit in Cranberry Township on October 5, 2018 at no cost to the Township, with use of a Township vehicle.

On recommendation of Chief Heidt, it was moved by Mr. Bock, seconded by Mr. Groh and carried by unanimous roll call vote to replace an MPD server via an agreement with Tyler Technologies in the amount of \$6,850.00, and to amend the capital budget accordingly.

Mr. Morgan reported that the Board met in Executive Session with Solicitor Mark Shaw on September 18, 2018 to discuss legal and personnel matters.

Planning and Development Director Matthew Waldinger reported that the Township is hosting two days of National Development Council training at the Tom Ridge Environmental Center (TREC) on October 25 and 26, 2018, and the room rental fee has been waived. On recommendation of Mr. Waldinger, it was moved by Mr. Groh and seconded by Mr. Bock to approve a room rental agreement and a catering agreement with TREC for \$800.00. No public comment was offered. Motion carried by unanimous roll call vote.

There being no citizens to be heard or any further business to come before the Board, it was moved by Mr. Groh and seconded by Mr. Bock to adjourn the meeting at 8:13 p.m.

Sheryl A. Williams
Township Secretary

Approved: October 9, 2018

John E. Morgan _____

John H. Groh _____

James S. Bock _____