

Regular Meeting

November 13, 2018

The regular meeting of the Millcreek Township Board of Supervisors was called to order at 9:30 a.m. by Chairman John Morgan in the Assembly Room of the Millcreek Township Municipal Building. Present were Mark Zaksheske, John Morgan, James Bock, Mark Shaw, Esq., Matthew Waldinger, Shane Karnes and Sheryl Williams. John Groh and Gary Snyder were absent.

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. Bock, seconded by Mr. Morgan, and carried by unanimous roll call vote to approve the minutes from the October 23, 2018 Regular Meeting.

It was moved by Mr. Bock, seconded by Mr. Morgan and carried by unanimous roll call vote to approve payment of the General Fund bills in the amount of \$880,287.72, and Sewer Revenue bills in the amount of \$616,011.15.

On recommendation of Treasurer Mark Zaksheske, it was moved by Mr. Bock, seconded by Mr. Morgan and carried by unanimous roll call vote to close the Erie Bank and PNC Bank PennVEST loan accounts and to return any remaining funds to the General Fund bank account at Erie Bank, as the loan has been paid off.

Tim Ackerman, DCNR Erie County Service Forester and Certified Arborist, Parks and Recreation Director Ashley Marsteller and Recycling Coordinator Jessica Stutzman gave a presentation on the status of the Township's trees in its 13 public parks, and recommendations for controlling the threat of the Emerald Ash Borer and its devastating effects on the Ash trees. Ms. Marsteller emphasized the importance of trees to the Township, noting that their value to the Township's ecosystem is estimated at \$78,000. Mr. Ackerman reported that of the approximately 1200 trees that were inventoried in August, 20% were Ash trees, all of which have been affected in various stages by the Emerald Ash Borer and must be removed at some point. Ms. Stutzman stated that trees which are removed will be replaced with new saplings via the TreeVitalize grant program, and volunteers will be needed to assist with the planting.

Treasurer Mark Zaksheske summarized the Requests for Proposals for Auditing Services previously announced at the October 23, 2019 meeting as follows: Buseck, Barger, Bleil & Co., Inc. - \$19,500 Township, \$5,000 Sewer Revenue, Felix & Gloeckler - \$11,000 Township, Zelekofske Axelrod LLC - \$17,995 for 2018, \$18,245 for 2019, and \$18,495 for 2020. Mr. Zaksheske explained that it is preferable to enlist a different CPA firm every few years to gain a fresh perspective on the Township's finances. On recommendation of Mr. Zaksheske, it was moved by Mr. Bock, seconded by Mr. Morgan and carried by unanimous roll call vote to contract Zelekofske Axelrod LLC and post public notice of this action.

Director of Planning and Development Matthew Waldinger reported that bids were solicited and received for the Millcreek Township Tamarack Drive Storm Sewer Replacement project and opened on November 1, 2018 as follows: Amendola Development - \$69,531.00, Chivers Construction - \$98,874.00, Construct Connect - No Bid, Empire Snow Management - \$98,850.00, Greenland Construction Inc. - \$194,235.00, Konzel Construction - \$93,400.00, Mayer Brothers - \$150,842.00, Ray Showan Jr. Excavating - \$148,511.67, and Terra Works - \$322,640.00. It was moved by Mr. Morgan to award the contract to Amendola Development for \$69,531.00, but the motion died for lack of a second. Solicitor Mark Shaw reported that the bids may be held for 60 days and revisited at the next meeting.

On recommendation of Planning and Zoning Officer Matthew Puz, Jr., it was moved by Mr. Bock, seconded by Mr. Morgan and carried by unanimous roll call vote to approve a Land Development Plan Exclusion Request for the addition of a 4,800 sq. ft. storage pole barn at 2002 Pittsburgh Avenue – Russell Standard Corporation, Developer.

A Public Hearing was held on two Petitions Requesting a Change in Zoning Classification:

Zoning and Development Officer Matthew Puz, Jr. reported that at their October 2, 2018 meeting, the Planning Commission recommended approval in concurrence with Erie County Planning Department. Morgan Eberlein, 2601 W. 26th Street, representing Westminster Place, stated that the developers own the neighboring property and are requesting consistent zoning classification for both parcels, as they are looking to develop the adjacent property. No one else spoke either in favor of or in opposition to the petition. On recommendation of Mr. Puz, it was moved by Mr. Bock and seconded by Mr. Morgan to approve a Petition Requesting a Change in Zoning Classification for Westminster Place Partnership, for property located at 2335 West 38th Street, from R-1 Single Family Residential District to C-2 General Commercial District. Motion carried by unanimous roll call vote.

Zoning and Development Officer Matthew Puz, Jr. reported that at their October 2, 2018 meeting the Planning Commission recommended approval in concurrence with Erie County Planning Department. Prior to the meeting, the property owner had requested a continuance to the December 4, 2018 meeting, as he is out of town. However, Mr. Morgan and Mr. Bock stated they were ready to vote on the petition. No one else spoke either in favor of or in opposition to the petition. On recommendation of Planning and Zoning Officer Matthew Puz, Jr., it was moved by Mr. Bock and seconded by Mr. Morgan to approve a Petition Requesting a Change in Zoning Classification for Timothy Birkmire, for portions of properties located at 2055, 2103, 2111, 2115, and 2155 Edinboro Road, from RR Rural Residential District to C-2 General Commercial District. Motion carried by unanimous roll call vote.

On recommendation of Solicitor Mark Shaw, it was moved by Mr. Bock, seconded by Mr. Morgan and carried by unanimous roll call vote to enact Ordinance 2018-8; 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: 4250 West Ridge Road Erie, Pennsylvania, now zoned C-2 Commercial District, to be rezoned to I-1 Light Industrial District.

Solicitor Shaw reported that at the request of Millcreek Township School District, engineering and traffic studies regarding parking at Belle Valley School were conducted, and a proposed ordinance to restrict parking between the hours of 2:45 and 4:00 p.m. has been advertised and posted on the website, to be acted on at the November 27, 2018 meeting.

Mr. Shaw announced that a Public Hearing will be held at the December 18, 2018 meeting regarding an ordinance to authorize a Volunteer Service Tax Credit Program.

On motion by Mr. Bock, seconded by Mr. Morgan, it was carried by unanimous roll call vote to adopt Resolution 2018-R-44; 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 November 27, 2018, and other police records that have met their maturity dates.

Planning and Development Director Matthew Waldinger explained that as part of the Embrace Millcreek Implementation, the Township is seeking to make improvements to Peninsula Drive as well as extend the multipurpose trail to the Tom Ridge Environmental Center, and is applying for a \$3 million grant with the Township to match 30%. He further reported that there has been much public support, and local municipalities, business owners and State Representatives have written letters of support as well, and that the Park Maintenance staff will maintain the trail. On recommendation of Mr. Waldinger, it was moved by Mr. Bock, seconded by Mr. Morgan, and carried by unanimous roll call vote to adopt Resolution 2018-R-45; A Resolution Authorizing Submission of Application for PennDOT Multimodal Transportation Fund Grant and Local Match Commitment for Peninsula Drive Multipurpose Trail Extension Phase I. Mr. Morgan thanked Mr. Waldinger and his team for their efforts on this project.

On recommendation of Solicitor Mark Shaw, it was moved by Mr. Bock, seconded by Mr. Morgan and carried by unanimous roll call vote to set the minimum bids for a list of Millcreek Township parcels for the annual Erie County Judicial Tax Sale.

On recommendation of Solicitor Mark Shaw, it was moved by Mr. Bock, seconded by Mr. Morgan and carried by unanimous roll call vote to approve salaries for the three MTSA employees who will be integrated into the Administrative and Planning and Development Offices of Millcreek Township, effective January 1, 2019: David Wright, Sanitary Sewer Technical Manager - \$67,924, Sebastian Puda, Sanitary Sewer Programs Manager - \$56,971, and Shawn McClelland, Payroll/HR Coordinator - \$44,600.

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 an agreement with the Erie County Health Department for sale of tobacco products enforcement.

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 a software agreement between MPD and the Pennsylvania State Police.

On recommendation of Solicitor Mark Shaw, it was moved by Mr. Bock, seconded by Mr. Morgan and carried by unanimous roll call vote to approve a settlement agreement with the estate of 5002 Cherry Street to allow demolition of the property and to place a municipal lien on the property to collect the corresponding costs and fees.

On recommendation of Solicitor Mark Shaw, it was moved by Mr. Bock, seconded by Mr. Morgan and carried by unanimous roll call vote to approve a request by the Cafaro Corporation for modification to the Township's existing form agreements with respect to the Sonic Drive-In development at the Millcreek Mall.

On recommendation of Planning and Development Director Matthew Waldinger and Township Engineer Anne Sokol, it was moved by Mr. Bock and seconded by Mr. Morgan to approve the release of Wells Fargo Bank, NA Letter of Credit #IS0323342U in the amount of \$25,000.00 for PLASTEK GROUP: Master Mold Facility – The Plastek Group, Developer, as all requirements have been satisfied. Motion carried by unanimous roll call vote.

On recommendation of Planning and Development Director Matthew Waldinger and Township Engineer Anne Sokol, it was moved by Mr. Bock and seconded by Mr. Morgan to approve the release of Wells Fargo Bank, NA Letter of Credit #IS0308543U in the amount of \$57,904.00 for PLASTEK GROUP: TAD Facility – The Plastek Group, Developer, as all requirements have been satisfied. Motion carried by unanimous roll call vote.

On recommendation of Planning and Development Director Matthew Waldinger and Township Engineer Anne Sokol, it was moved by Mr. Bock and seconded by Mr. Morgan to approve the release of First Tennessee Bank Letter of Credit #S283002 in the amount of \$64,860.00 for DOLLAR GENERAL: ROUTE 8 - Erie (8) DDP, LLP, Developer, as all requirements have been satisfied. Motion carried by unanimous roll call vote.

On recommendation of Planning and Development Director Matthew Waldinger and Township Engineer Anne Sokol, it was moved by Mr. Bock, seconded by Mr. Morgan and carried by unanimous roll call vote to deny the release of Marquette Bank Check #504 in the amount of \$1,000.00 for John P. Abbate Land Development – John P. Abbate, Developer, as the required stormwater facilities have not been installed.

Mr. Waldinger presented the October Building Construction report as follows, which is available on the Township website and also in the Zoning Office.

<u>October 2018:</u>	Total Residential Structures	\$ 288,580.00
	Total Non-residential Structures	<u>767,950.00</u>
		\$ 1,056,530.00
	Zoning Permits Issued	21
	Zoning Permit Fees	\$ 3,350.00

On recommendation of Planning and Development Director Matthew Waldinger, it was moved by Mr. Bock, seconded by Mr. Morgan and carried by unanimous roll call vote to hire Bethany Sivak as a seasonal employee in the Planning and Development Department from December 20, 2018 to January 18, 2019 at an hourly rate of \$8.35.

On recommendation of Human Resources Manager Diane Lyons, it was moved by Mr. Bock, seconded by Mr. Morgan and carried by unanimous roll call vote to hire Matthew R. Flak as a Part Time Dispatcher, effective November 13, 2018 at an hourly rate of \$11.33.

On request of Chief Heidt, it was moved by Mr. Bock, seconded by Mr. Morgan and carried by unanimous roll call vote to appoint Randy Hayford, Sr. and Matthew Kremer to the Millcreek Township Special Fire Police.

Mr. Morgan reported that the Board met in Executive Session with Solicitor Mark Shaw on October 25, 2018, and on November 1 and 8, 2018 to discuss legal and personnel matters.

Student Ambassador Shane Karnes reported that the McDowell Football Team lost their last game of the season to State College High School, that the Speech and Debate Team will be competing in a tournament in Chicago, and SAT and ACT college academic testing will take place on December 1st and Dec. 8th, respectively.

Open Records Officer Sheryl Williams reported that for the month of October there were eleven Right-to-Know requests requiring 12.5 hours of response preparation time. One request was granted, 6 were denied, 3 were partially granted and 1 was retracted.

There being no citizens to be heard or any further business to come before the Board, it was moved by Mr. Bock and seconded by Mr. Morgan to adjourn the meeting at 10:30 a.m.

Sheryl A. Williams
Township Secretary

Approved: November 27, 2018

John E. Morgan

John H. Groh

James S. Bock