

Regular Meeting

November 27, 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, Gary Snyder, Hannah French 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. Bock, seconded by Mr. Morgan, and carried by unanimous roll call vote to approve the minutes from the November 13, 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 \$924,817.43, and Sewer Revenue bills in the amount of \$59,227.30.

Kristine Boyer, Budget Manager for the PennDOT Peach Street and Kuntz Road Pedestrian Safety and Mobility Improvement Project, gave a presentation on the upcoming project. She reported that plans include sidewalk installation on Peach Street from Wendy's to Kuntz Road, and from Kuntz Road from Peach Street to Jodie Lane. All facilities will be ADA compliant, and storm sewer inlets and pipes will be installed, including replacement of an 18" pipe with a 24" pipe at the corner of the Sun Your Buns property. Signal timings will be updated after the sidewalks have been installed and regular traffic patterns can be monitored. Ms. Boyer reported that during construction, Peach Street traffic will be reduced to one lane in each direction, the Eastbound lane of Kuntz Road will be closed, and Southbound and Northbound traffic on Peach Street will have separate detours. Pedestrian traffic will be closed on the East side of Peach Street and rerouted to the West side of Peach Street. Ms. Boyer anticipates the construction phase to be completed by the fall of 2019 and signal timing to be finished by June of 2020. Residents in the audience who live on Kuntz Road expressed concerns regarding drainage issues, the choice to install sidewalks on the north side, and safety concerns due to lack of lighting and the pedestrian detour. They also offered some alternative suggestions, and Ms. Boyer said she would take them into consideration. The group was excused to the lobby to look at drawings of the project and ask more questions of Ms. Boyer and three other PennDOT representatives.

On recommendation of Treasurer Mark Zaksheske, it was moved by Mr. Groh, seconded by Mr. Bock and carried by unanimous roll call vote to approve a Capital Budget Transfer Request for a gas and fuel pump replacement system and card reader, using funds originally allocated for the Tamarack Drive Storm Sewer Project, which are no longer needed.

Mr. Morgan reported that at the last meeting, bid results were announced for the Tamarack Drive Storm Sewer Project, with Amendola Development being the low bidder at \$69,531.00. It was moved by Mr. Groh and seconded by Mr. Bock to reject the bids and complete the project using Township employees. Motion carried 2-1 with Mr. Morgan voting no.

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 contract The Pump Doctor, Inc. to replace the Township's gas and fuel pumps and install a new card reader system at a cost of \$56,440.94 under National Joint Powers Alliance (NJPA) Contract 139231.

On recommendation of Mr. Snyder and Building Maintenance Bureau Chief Jerry Burger, it was moved by Mr. Groh, seconded by Mr. Bock and carried by unanimous roll call vote to approve a

Three Year Maintenance Agreement with Penn Power Systems for the Township's Emergency Generator at an annual cost of \$1,159.00.

On recommendation of Deputy Code Enforcement Director Caleb Dixon, it was moved by Mr. Groh, seconded by Mr. Bock and carried by unanimous roll call vote to authorize K. C. Transportation, Inc. to complete the demolition and trash removal at 5002 Cherry Street, in the amount of \$2,200.00, with a lien to be placed on the property for the amount expended plus costs.

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 contract Allen Heavy Equipment Repair to repair a horizontal grinder (the Beast) at a cost of \$100.00/hour, not to exceed \$4,000.00, retroactive to November 13, 2018.

Treasurer Mark Zaksheske reported that Requests for Proposals for Bank Financing to borrow \$425,000 for a Jetter-Vac truck were solicited and received, as follows: Erie Bank – 3.785% interest, fixed; First National Bank – 3.38%, fixed. Mr. Zaksheske will make a recommendation at the December 4, 2018 meeting.

Treasurer Mark Zaksheske presented the proposed 2019 Preliminary Budget, with total revenue estimated to be \$26,565,015 and no recommended tax increase for 2019, with the tax to remain at a total rate of 3.5537 mills. Sewer Revenue is projected to be \$10,115,442 and there will be no recommended Sewer Rate increase as well for 2019. The Sinking Fund Budget is \$185,412.00 for debt service on 5-year financing for equipment, the State Liquid Fuels Fund is \$1,744,401 in reimbursement for paving, and County Aid reimbursement for road salt is \$80,000. Mr. Zaksheske concluded by announcing that the total Capital Budget for 2019 will be \$4,101,829.00.

On recommendation of Mr. Zaksheske, it was moved by Mr. Groh and seconded by Mr. Bock that the minutes of this meeting include the following:

1. For approximately the last 60 days and under the direction of the Board of Supervisors, work has been undertaken to prepare a proposed budget for the 2019 calendar year.
2. A draft of the proposed and preliminary budget has now been prepared and is ready and available for public inspection.
3. Public notice of the preparation and availability for inspection of the preliminary 2019 budget has been advertised in the November 27, 2018 issue of the *Erie Times News*.
4. The preliminary and proposed budget shall be available for public inspection for the next 20 days in the Office of the Secretary at the Millcreek Township Municipal Building, from 8:00 a.m. until 4:30 p.m., Mondays through Fridays, and at the Millcreek Township Police Department on weekends and holidays from November 27, 2018 until December 18, 2018.
5. At the regular meeting of the Board of Supervisors beginning at 7:00 p.m. on Tuesday, December 18, 2018, and after making such revisions as it deems necessary, the Board of Supervisors intends to adopt a budget for the calendar year of 2019.

Motion carried by unanimous roll call vote. Mr. Morgan thanked Mr. Zaksheske for his work on the budget, and announced that the proposed 2019 budget will be posted on the Township website.

A Public Hearing was held on the following Small Subdivision Plans:

JOHN A. PARKER & JEFFREY C. PARKER. Small Subdivision Plan. A small subdivision plan to show the creation of a new lot with 1.0219 acres with residual lots of 6.1173 acres (parcel 33-85-376-20.01), 7.1699 acres (parcel 33-85-376-20.03), and 0.2452 acres (parcel 33-85-376-33) for properties located at 4210 and 4214 McKee Road, Erie County Tax Parcels 33-85-376-20.01, 20.03, and 33, along the west line of McKee Road, east of Vassar Street in Tract 309. Indices 420-002 and 004, and 435-008.

Planning and Development Director Matthew Waldinger reported that at the regular meeting on November 13, 2018, the Planning Commission recommended APPROVAL with the following: Requirement – Indicate dimensions on the mylar for the existing buildings and Index Number on the triangle parcel of 435-008; Modification – For the average minimum lot depth Millcreek Index #435-008 (if lot is not combined); Request – The triangle parcel Erie County Tax Parcel 33-85-376-33 become an integral part of Erie County Tax Parcel 33-85-376-20.03. Mr. Waldinger reported that since the meeting on November 13th, the surveyor has complied and provided a new mylar with the recommended changes.

Jim Welka, 3200 West 32nd Street, representing the Parkers, stated that Mr. Parker does not want to combine the triangle parcel with the larger parcel because he feels the property will be assessed at a higher amount and his taxes will increase. Mr. Morgan and Mr. Waldinger replied that it would violate the Subdivision and Land Development Ordinance if the parcels are not combined. Mr. Welka stated that the properties have always existed this way and it is a lot of record, but Mr. Waldinger explained that they are proposing to modify the parcel.

John Parker, 4214 McKee Road, property owner, stated that the parcel was originally subdivided when he bought it from his brother, but it did not include the triangle portion. He said he later bought the triangle, but predicts that if the properties are combined, the added 66 feet of frontage will increase his property tax by \$5000.00 annually. He said he just wants to give his nephew the triangle parcel which he feels will not change anything.

Mr. Groh reported that he met with Mr. Parker last week and recommended that he ask for a professional opinion regarding the tax matter, but that there is no guarantee that the taxes will not increase. Mr. Morgan stated that his position is to enforce the ordinance.

Bob McIsaac a professional appraiser and Erie County Tax Assessment Appeal Board member, stated that Mr. Parker consulted him for his opinion, which is that the taxes may stay the same, decrease or possibly could increase, but if they do increase, Mr. Parker can appeal.

No one else spoke in favor of or in opposition to the Small Subdivision Plan.

Solicitor Mark Shaw advised that the Board can deny or modify the application, or table the decision to enable Mr. Parker to re-evaluate his decision whether or not he wants to eliminate the triangle piece. Mr. Waldinger added that the Township has 90 days to make a decision, which would be by February 11, 2019. Mr. Welka asked if the Board could approve the plan contingent on Mr. Parker making the triangle an integral part of the property.

On recommendation of Mr. Shaw and Mr. Waldinger, it was moved by Mr. Groh, seconded by Mr. Bock and carried by unanimous roll call vote to approve the JOHN A. PARKER & JEFFREY C. PARKER Small Subdivision Plan, contingent on the plans being revised to show that triangle parcel Erie County Tax Parcel 33-85-376-33 become an integral part of Erie County Tax Parcel 33-85-376-20.03, and also Mr. Parker's and Mr. Welka's acknowledgement at this meeting.

RICHARD E. & AUDREY J. MEYER. Small Subdivision Plan. A small subdivision plan to show the creation of a 2.22' x 150' parcel which will become an integral part of the neighboring property, Erie County Tax Parcel 33-108-480-13.37, located along the north line of East Gore Road, east of McClelland Avenue in Tract 251. Index 941-036.

Planning and Development Director Matthew Waldinger reported that at the regular meeting on November 13, 2018, the Planning Commission recommended APPROVAL with the following Requirement: The 2.22' x 150' parcel is to become an integral part of the neighboring parcel, Erie County Tax Parcel (33) 108-480-13.37.

Jim Welka, 3200 West 32nd Street, representing the Meyers, stated that the owners are requesting to expand their driveway by purchasing a 2' strip of land from their neighbor.

No one else spoke in favor of or in opposition to the Small Subdivision Plan.

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 RICHARD E. & AUDREY J. MEYER Small Subdivision Plan, with the Requirement that the 2.22' x 150' parcel become an integral part of the neighboring parcel, Erie County Tax Parcel (33) 108-480-13.37.

On recommendation of Solicitor Mark Shaw, it was moved by Mr. Groh, seconded by Mr. Bock and carried by unanimous roll call vote to enact Ordinance 2018-9; An ordinance of the Township of Millcreek, Erie County, Pennsylvania prohibiting parking or standing of vehicles along both sides of Cider Mill Road from Henderson Road to 130' West of Belle Valley Elementary School Driveway.

Mr. Shaw announced that a Public Hearing will be held at the December 18, 2018 meeting regarding Proposed Ordinance 2018-10, an ordinance to authorize a Volunteer Service Tax Credit Program. He reported that the ordinance has been advertised in the *Erie Times News* and posted on the Township's website.

On motion by Mr. Groh, seconded by Mr. Bock, it was carried by unanimous roll call vote to adopt Resolution 2018-R-46; 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 December 4, 2018.

On motion by Mr. Groh, seconded by Mr. Bock, it was carried by unanimous roll call vote to adopt Resolution 2018-R-47; A Resolution by the Board of Supervisors of Millcreek Township, Erie County, Pennsylvania, to approve the November 7, 2018 Amendments to the By-Laws of the Erie Area Council of Governments.

On motion by Mr. Groh, seconded by Mr. Bock, it was carried by unanimous roll call vote to adopt Resolution 2018-R-48; A Resolution to approve the Annual Budget of the Erie Area Council of Governments for the Calendar Year ending December 31, 2019.

Solicitor Mark Shaw explained that a series of agreements will need to be approved as part of the transfer of the Millcreek Township Sewer Authority (MTSA) to the Township.

On recommendation of Mr. Shaw, it was moved by Mr. Groh, seconded by Mr. Bock and carried by unanimous roll call vote to approve an Assignment Agreement between MTSA and Millcreek Township regarding railroad licenses, and to authorize Chairman Mr. Morgan to sign the agreement.

On recommendation of Mr. Shaw, it was moved by Mr. Groh, seconded by Mr. Bock and carried by unanimous roll call vote to approve an Assignment and Assumption Agreement between MTSA and Millcreek Township, and to authorize Chairman Mr. Morgan to sign the agreement.

On recommendation of Mr. Shaw, it was moved by Mr. Groh, seconded by Mr. Bock and carried by unanimous roll call vote to approve an Agreement to Assign Accounts Receivable, Claims and Liens between MTSA and Millcreek Township and to authorize Chairman Mr. Morgan to sign the agreement.

On recommendation of Mr. Shaw, it was moved by Mr. Groh, seconded by Mr. Bock and carried by unanimous roll call vote to approve a DEP Permit Transfer Application at a total cost of \$1100, and to authorize Planning and Development Director Matthew Waldinger to sign on behalf of the Township.

Solicitor Mark Shaw reported that the property owners of 4911 and 4915 Peach Street appealed a Tax Assessment and the Board of Assessment Appeals established the total assessed value at \$426,420.00 for the tax year 2009. Mr. Shaw stated that the Settlement Agreement obligates the Parks to pay an additional property tax payment for tax years 2009 through 2018 of \$10,000.00, and sets the value of the properties for 2019-2023 at \$534,750.00. On recommendation of Attorney Evan Adair, it was moved by Mr. Groh, seconded by Mr. Bock and carried by unanimous roll call vote to approve the Tax Assessment Settlement Agreement, to recommend the agreement to the Millcreek Township School District for approval, and to authorize Mr. Morgan to sign the agreement, subject to any changes by Atty. Adair.

On recommendation of Human Resources Manager Diane Lyons, it was moved by Mr. Groh, seconded by Mr. Bock and carried by unanimous roll call vote to approve the 2019 Medical Flexible Spending Limit increase of \$50.00 to \$2700.00, as approved by the IRS.

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 approve Change Order #1 in the amount of \$2,800.00 for additional needed smoke detectors not originally included in the contract with The Wilkins Co., Inc., bringing the revised contract amount to \$21,587.00.

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 Beatrice Vieira as a lifeguard for the fall session at an hourly rate of \$7.95.

Mr. Morgan reported that the Board met in Executive Session with Solicitor Mark Shaw on November 20, 2018 to discuss legal and personnel matters.

Student Ambassador Hannah French reported that the McDowell Craft Fair sponsored by Asbury Woods will be held this weekend, and the orchestra will be performing. She noted that the Performing Arts department will be presenting the musical "Oklahoma" on December 6, 2018, and that ACT academic testing will take place on December 8th. Ms. French then announced that the

Speech and Debate team did very well in the Chicago tournament and will be heading to Princeton University in two weeks for competition.

Solicitor Mark Shaw reported that the Wolf Run Drive Emergency Storm Sewer Repair is near completion, and the residents anticipate returning to their home this weekend. Mr. Morgan thanked Mr. Shaw and Mr. Waldinger for their efforts in this project.

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 8:20 p.m.

Sheryl A. Williams
Township Secretary

Approved: December 4, 2018

John E. Morgan

John H. Groh

James S. Bock