

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, Brian McGrath, John Groh, John Morgan, Mark Shaw, Esq., Sheryl Williams and Matthew Waldinger. Richard Morris, P.E. was absent.

The Pledge to the Flag was led by Betty Perkins, who is a 27-year veteran of the Army and Navy, and is a member of the Ladies Auxiliary of both West Lake and West Ridge Fire Departments. Following the Pledge to the Flag, Mr. Groh called for public comment on agenda items other than development or rezoning applications. None were received.

It was moved by Mr. Morgan, seconded by Mr. Groh and carried by unanimous vote to approve the minutes from the November 15, 2016 meeting.

It was moved by Mr. McGrath, seconded by Mr. Morgan and carried by unanimous vote to approve payment of the weekly General Fund bills in the amount of \$814,534.81, and Sewer Revenue Fund Bills in the amount of \$47,660.61.

Quotations for a double door for Asbury Barn from the Parks and Recreation Department were listed on the Agenda, but no response has been received to date from the contractors. Therefore, no action was taken.

Quotations for the purchase of Fleet Maintenance Software for the Maintenance Department were solicited and received by Public Works Director Gary Snyder and Fleet Maintenance Director Joe Yatzor through the Costars program, and available funds remain in this year's budget. On recommendation of Mr. Snyder, it was moved by Mr. McGrath and seconded by Mr. Morgan to award the contract to Mitchell1 MVIRS for Fleet Maintenance Software under Costars Contract #0000327947 for \$2,448.00, plus 6 additional users for \$1,080.00, plus inspection software for \$396.00, for a total of \$3,924.00. Motion carried by unanimous roll call vote.

Mr. Morgan announced that the Traffic Department has gradually been replacing receivers at many of the Township intersections, and a request to replace seven (7) more (RELCO) Emergency Vehicle Preemption Receivers at a cost of \$4,499.00 each was received by Dick Whitbread, Traffic Department Director, and is a budgeted expense. On recommendation of Mr. Whitbread, it was moved by Mr. Morgan and seconded by Mr. McGrath to purchase seven Emergency Vehicle Preemption Receivers from Emergency Traffic Systems, Inc. for a total cost of \$31,493.00. Motion carried by unanimous roll call vote. The following intersections will receive the new receivers: Zuck Road at 32nd Street, Zuck Road at 38th Street, Zuck Road at Grandview Boulevard, Zuck Road at Commons Drive, Zuck Road at Zimmerly Road, Zimmerly Road at Commons Drive, and Zimmerly Road at South Bound I-79.

Solicitor Mark Shaw announced that proposed Ordinance 2013-13, the Fire and Emergency Services Commission Ordinance, was advertised in this morning's *Times News*, and the Board will vote on it at the December 6, 2016 meeting. He explained that this ordinance will establish a Fire and Emergency Services Commission with nine voting members: one representative from each of the Township's five volunteer fire departments, the Executive Director of MPS, and three civilian members, who will sit in an advisement capacity to the Board of Supervisors. Mr. Groh added that the purpose of this commission is to determine equipment needs and to recommend funding, and noted that this idea is currently being modeled successfully in other areas of the state. The Supervisors encouraged residents to contact them if they are interested in being considered to serve on this commission.

Mr. McGrath explained that each year the Erie Area Council of Governments asks that participating municipalities approve the EACOG's annual budget for the coming year. However,

since the Township has not yet approved its own preliminary budget for 2017, it was moved by Mr. McGrath and seconded by Mr. Morgan to table action on Resolution 2016-R-22 until the December 6, 2016 meeting. Motion carried by unanimous roll call vote.

Mr. McGrath reported that Parks and Recreation Director Ashley Marsteller approached the Board recently to notify them of a grant opportunity for playground equipment for Asbury Park. The Board was in support of applying for the 100% matching grant, and recently the Township was awarded the grant from GameTime for \$38,664.00. The total project cost for the Township to assume would be \$43,431.13, which includes the cost of freight to ship the playground equipment, and remaining funds are available in the 2016 Parks and Recreation budget to cover the cost. On recommendation of Ms. Marsteller, it was moved by Mr. McGrath and seconded by Mr. Morgan to approve acceptance of the GameTime grant and subsequent expenses. Mr. Morgan noted that in the future, he feels that department heads should be directed to obtain Board approval prior to applying for grants due to the large amount of capital funds that may be required. Mr. McGrath agreed and stated that this is typically the protocol, but in this case the deadline came very quickly and action needed to be taken swiftly. Mr. Groh agreed as well. Motion carried by unanimous roll call vote.

Mr. Groh reported that there has been some opposition to proposed PA House Bill 782, a bill which would require municipalities that contract with a single third-party agency for the administration and enforcement of the Uniform Construction Code to allow applicants to contract with an alternate third-party agency. Solicitor Shaw stated that the law as currently drafted would allow municipalities that hire one agency to perform services to hire another inspector of their choice; therefore, applicants would have more than one choice of inspector. Mr. McGrath offered some background on the situation, stating that several years ago Fairview, Harborcreek and Millcreek Townships agreed to select BIU (Building Inspection Underwriters) as their third party inspector for the PA State Code, and believed that this made a more uniform way of administering the Code. This was later challenged in the PA State Supreme Court, but the Townships prevailed. It is his suggestion that these three Townships send letters to local representatives voicing opposition to HB 782, and Fairview has already forwarded their letters to us. Although he can see why contractors would want another option, he feels that the current law has worked well and House Bill 782 is another attempt to "water down" the current law. Mr. Morgan agreed, stating that he feels it is inappropriate for contractors to choose their inspectors. Mr. Groh disagreed with Mr. McGrath and Mr. Morgan, stating that he would like to open up the opportunity for inspection to other agencies. More discussion ensued, and it was then moved by Mr. McGrath and seconded by Mr. Morgan to draft a letter to local representatives, on behalf of the Board, asking them to oppose PA House Bill 782. Motion carried 2-1, with Mr. Groh voting no.

Treasurer Mark Zaksheske announced that the Preliminary Budget for 2017 will be presented at the next meeting on December 6, 2016 at 9:30 a.m.

Mr. McGrath reported that the Giving Tree is on display in the lobby and 25-30 cards representing multiple children remain on the tree. He encouraged residents and employees to please stop by and take a card to provide gifts to those in need.

It was moved by Mr. McGrath and seconded by Mr. Morgan to approve \$20.00 to send two Township Auditors to an Elected Township Auditor Training Workshop on December 6, 2016, sponsored by the EACOG. Motion carried by unanimous roll call vote.

Mr. Morgan reported that there is an article about the Embrace Millcreek Survey in this month's *In Millcreek* magazine, and a full report will be posted on the Township website by next week. He announced that a Request for Proposal (RFP) for professional development of the Comprehensive Plan will be ready by next week's meeting, and he hopes to have the consultant hired by January. Mr. Groh thanked Mr. Morgan for his work on this project.

Student Ambassador Sydney Stitt announced the December Board meetings, as follows: Tues., December 6, 2016 at 9:30 a.m., and Tues., December 27, 2016 at 9:30 a.m.

Don Croole, 1457 West 30th Street, Erie, speaking on behalf of Mary Bemis at 1317 West 54th Street, stated that her neighbor has doubled the size of his driveway and raised the grade of the driveway without a permit, causing flooding onto Ms. Bemis's property. Ms. Bemis and Mr. Croole have complained to the Zoning and Building Code offices, but have not received any satisfaction. In addition, they claim that the neighbor installed a camera on his house facing into the bedroom of Ms. Bemis's teenage daughter. They have filed a complaint with MPD, but have been told that this is a civil matter and the most that the police can do is suggest that the neighbor move the camera away from the property line. Mr. Groh said he will look into the matter and someone will contact them very soon.

Mary Bemis, 1317 West 54th Street, also claims that the neighbor buried his gutters underground at dusk, and built a shed without a permit. Matt Waldinger, Land Development Coordinator, reported that the neighbor has since received a permit and paid the fine for building the shed without a permit, and stated that Engineer Richard Morris has visited the property regarding the drainage issue. Ms. Bemis stated that Mr. Morris has not seen the latest camera issue.

Mr. Morgan asked Solicitor Shaw if the water issue is a civil or criminal issue, to which he replied that it depends on several circumstances, including the grade of the land, and if there has been any new construction. Mr. Waldinger confirmed there had been no new construction.

There being no other citizens to be heard or any further business to come before the Board, the meeting was adjourned at 10:07 a.m.

Sheryl A. Williams
Assistant Secretary

Approved: December 6, 2016

John H. Groh
Brian P. McGrath
John E. Morgan