

The regular meeting of the Millcreek Township Board of Supervisors was called to order at 9:30 a.m. by Chairman Brian McGrath in the Assembly Room of the Millcreek Township Municipal Building. Present were Mark Zaksheske, John Groh, Brian McGrath, John Morgan, Mark Shaw, Esq., Richard Morris, P.E., Julie Maggio and Sheryl Williams.

Following the Pledge to the Flag, Chairman McGrath called for public comment on agenda items other than development or rezoning applications. None were received.

It was moved by Mr. Groh, seconded by Mr. Morgan and carried by unanimous vote to approve the minutes of the Board's February 28, 2017 Regular meeting.

It was moved by Mr. Groh, seconded by Mr. Morgan and carried by unanimous vote to approve payment of the General Fund bills in the amount of \$785,016.48 and Sewer Revenue Fund bills in the amount of \$83,124.60.

Public Services Director Judy Zelina reported that this year's Christmas TreeCycling Event at the Millfair Compost & Recycling Center raised \$1,189.00 along with various canned goods donations, and a check was presented to Sr. Mary Miller of the Emmaus Soup Kitchen. Ms. Zelina thanked all of the volunteers, noting that 214 trees were collected.

Recycling Coordinator Jessica James Stutzman announced that the Township was awarded the DCNR TreeVitalize Grant for \$7,630.00 to help pay for the installation of 50 trees throughout the Township, and residents may contact the Recycling Department at 833-1111, ext. 317 if interested in volunteering to help plant the trees. Ms. Stutzman reported that Millcreek Township earned two awards in the 49<sup>th</sup> annual PSATS Communication Contest: 3<sup>rd</sup> place for its 2016 "Life on the Lake" Calendar and 2<sup>nd</sup> place for the Millcreek Government Channel "Presque Isle – Winter 2015" presentation. Lastly, Ms. Stutzman announced that because the Township recycled 10,655 tons of eligible materials in 2015, the Recycling Department received a PA DEP 904 Performance Grant for \$119,623.00 to be used for programming, education and events that benefit residents and businesses. Ms. Stutzman thanked the public for their dedication to the environment.

A public hearing was held regarding two Petitions Requesting a Change in Zoning Classification:

**Dean and Angenie Ramdhanie, for property located at 3229 West 38<sup>th</sup> Street, now zoned R-1 Single Family Residential District, asking for a change of classification to R-2 Low Density Residential District. Township Index 359-025, County Index (33) 83-409-5.**

Assistant Zoning Administrator Julie Maggio reported that at the February 7, 2017 meeting, the Planning Commission recommended approval, Erie County Planning Department said that it was generally consistent with the Erie County Comprehensive Plan, and the Millcreek Township Future Land Use Plan shows Commercial. Angenie Ramdhanie, 4014 Amherst Road, restated her request to have the property rezoned from R-1 Single Family to R-2 Low Density Residential District.

Mr. McGrath asked Ms. Maggio to confirm that there are a significant number of multi-family parcels in that area, which she did, and she went on to further explained the zoning in the entire area. Mr. Morgan asked what the Zoning Department recommends, to which she replied R-2, since it would be consistent with neighboring parcels. Mr. McGrath asked Solicitor Shaw if the Board needs to address this regarding the Comprehensive Plan since it calls for Commercial, and Mr. Shaw said no, since the County determined it to be generally consistent with the Comprehensive Plan. Mr. Groh asked Ms. Maggio if R-2 allows for 3-family units, and she said no, it allows for 1-family or 2-family only. No one else

spoke in favor of or in opposition to the rezoning. On recommendation of Ms. Maggio, it was moved by Mr. Morgan and seconded by Mr. Groh to approve the Dean and Angenie Ramdhanie petition asking for a change in zoning classification for property located at 3229 West 38<sup>th</sup> Street, now zoned R-1 Single Family Residential District, asking for a change of classification to R-2 Low Density Residential District. Motion carried by unanimous roll call vote.

**Westminster Place Partnership, for property located at 2608 Zimmerly Road, now zoned RR Rural Residential District, consisting of approximately 11.4 acres, asking for a change in classification to C-2 General Commercial District. Township Index 745-002, County Index (33) 140-418-30 and 23.01.**

Assistant Zoning Administrator Julie Maggio reported that at the February 7, 2017 meeting, the Planning Commission recommended approval, Erie County Planning Department said that it was generally consistent with the Erie County Comprehensive Plan, and the Millcreek Township Future Land Use Plan showed Multi-Family. Mike Redlawsk, Westminster Place Partnership, 2601 West 26<sup>th</sup> Street, distributed packets to the Board that were also given to the Planning Commission at their February meeting. He stated that Westminster Place has a contract to purchase 2608 Zimmerly Road that is contingent on a favorable ruling that the property be rezoned to C-2, and believes that this request is consistent with the neighborhood and with Millcreek Township. Mr. Redlawsk reviewed each exhibit in the packet, beginning with Exhibit 1, a color coded zoning map of the area, and Exhibit 2 showing how the area is developing. Exhibit 3 was an aerial map showing a wetland area on the east side of the property with a large ravine which creates a natural buffer and is currently owned by the Erie Federal Credit Union. Exhibit 5 is a letter of support from ErieFCU regarding the rezoning. Exhibit 4 showed the useable 6 acres of the property and the unusable 11.5 acre buffer which would protect neighbors from the commercial properties. Exhibit 6 was a letter from the County Planning Department stating that the proposed zoning change is generally consistent with the Erie county Comprehensive Plan, and notes that there was a request for rezoning to R-4 that was turned down in 2013. The last Exhibit #7 was added since the Planning Commission meeting, and is being offered as a Conservation Easement, which would include the wetlands and most of the 6 acre corner piece of the property to the west and to the north.

Mr. Morgan asked for the Zoning Department's recommendation, to which Ms. Maggio replied that they recommend approval. Mr. McGrath stated that in 2013 when this property was being considered to be rezoned R-4, there was a great deal of discussion regarding access to Zimmerly Road. Now that road improvements are being done, that eases some of those concerns regarding future development. The Board cannot put conditions on road access for rezoning, but when the time comes for the Land Development phase, he believes the Board would prefer Zuck Road to be the primary access for this property. Mr. Groh asked Mr. Redlawsk to confirm that his partnership is working with the credit union access through their Zuck Road traffic light to their property, which he did confirm. Mr. Groh asked if there were any other contingencies on purchasing the property other than the rezoning, and Mr. Redlawsk said no.

Mr. McGrath requested that the record show that the conservation easement offer with a buffer was made to the Supervisors and that the Board would welcome it. Mr. Shaw advised that zoning decisions cannot be made conditional, but that Westminster Partnership's willingness to provide such an offer can be accepted by the Supervisors so that when the time comes the Supervisors could impose on them to require this information.

Mr. Morgan felt that this proposal protects the residential district to the east and seems like a common sense compromise to the comprehensive plan. No one else spoke in favor of or in opposition to the rezoning. On recommendation of Ms. Maggio, it was moved by Mr.

Morgan and seconded by Mr. Groh to approve the petition requesting a change in zoning classification for Westminster Place Partnership, for property located at 2608 Zimmerly Road, now zoned RR Rural Residential District, consisting of approximately 11.4 acres, asking for a change in classification to C-2 General Commercial District. Motion carried by unanimous roll call vote.

Attorney Mark Shaw announced the results from the Waste and Recycling Collection Bid Opening on March 8, 2017, noting that across the board, almost all of Advanced Disposal's bid prices were less than Waste Management's, even with an added option of providing recycling and refuse carts to customers. He emphasized that under the PA Second Class Township Code, the contract must be awarded to the lowest responsible bidder after the Township determines whether the bidders have met all requirements. The Township has investigated Advanced Disposal's qualifications and believes that it has the capabilities to serve Millcreek Township's needs. Mr. McGrath asked what the approximate value of a 3-5 year contract would be, and Mr. Shaw estimated it to be approximately \$12-14 million dollars. Mr. McGrath thanked Waste Management for the excellent service they have provided over the years, stating this was a difficult decision, but Advanced Disposal submitted a very competitive quote. Mr. Groh agreed that Waste Management has provided reliable and dedicated service to the Township. Mr. Morgan added that the Township is confident that Advanced Disposal will provide excellent service as well, and the proposal has been written so there will be minimal disruption in service with the change in vendors.

Mr. McGrath urged the Board to consider choosing the cart option to encourage additional recycling and award a 5-year contract to guarantee residents a very competitive price for a 5 year term. Mr. McGrath moved to award the contract for Waste and Recycling Collection to Advanced Disposal Services Inc. with the cart option for a 5-year term. Mr. Morgan requested that Ms. Zelina give her opinion regarding 3-year vs. 5-year contract, and she stated that it is always a good business decision to lock in a lower price for a longer period of time and recommended the 5-year contract, and Ms. Stutzman added that the carts would create a look of uniformity throughout the Township. Mr. Morgan then seconded the motion. Motion carried by unanimous roll call vote.

**BID TABULATION**  
**RESIDENTIAL MUNICIPAL WASTE, RECYCLABLES COLLECTION**  
**FOR A TERM COMMENCING APRIL 1, 2017**  
 Bids Opened March 8, 2017

**ADVANCED DISPOSAL SERVICES, INC.**

		<b>**Alternate Bid Option**</b>	
		<u>With Carts</u>	
1. <u>Fixed Quarterly Fee for Unlimited Collection</u>			
Bid Price Per Quarter:	3-year term	<u>\$ 53.76</u>	<u>\$ 58.38</u>
	5-year term	<u>\$ 55.05</u>	<u>\$ 59.76</u>
Three Month Extension Option	3-year term	<u>\$ 53.76</u>	
	5-year term	<u>\$ 55.05</u>	
2. <u>Per Bag Service Method</u>			
Bid Price Per Bag:	3-year term	<u>\$ 4.50</u>	
	5-year term	<u>\$ 4.50</u>	
Three Month Extension Option	3-year term	<u>\$ 4.50</u>	
	5-year term	<u>\$ 4.50</u>	
Price Per Pick-up:	3-year term	<u>\$ 25.00</u>	
	5-year term	<u>\$ 25.00</u>	
Three Month Extension Option	3-year term	<u>\$ 25.00</u>	
	5-year term	<u>\$ 25.00</u>	
3. <u>Special Service Fee (Limited Option)</u>			
A. One stop, one item	3-year term	<u>\$ 20.00</u>	
	5-year term	<u>\$ 20.00</u>	
Three Month Extension Option	3-year term	<u>\$ 20.00</u>	
	5-year term	<u>\$ 20.00</u>	
B. One stop, more than one item, per item collected	3-year term	<u>\$ 10.00</u>	
	5-year term	<u>\$ 10.00</u>	
Three Month Extension Option	3-year term	<u>\$ 10.00</u>	
	5-year term	<u>\$ 10.00</u>	

<u>Special Service Fee (Unlimited Option)</u>		
A. Purchase of a rolloff toter (95 gallon size)	3-year term	\$ 60.00
	5-year term	\$ 60.00
Three Month Extension Option	3-year term	\$ 60.00
	5-year term	\$ 60.00
B. Quarterly lease of a roll-off toter (95 gallon size)	3-year term	\$ 6.00
	5-year term	\$ 6.00
Three Month Extension Option	3-year term	\$ 6.00
	5-year term	\$ 6.00
4. <u>Millcreek Service Fee For Township Directed Collection</u>		
Price Per Truck Load:	3-year term	\$100.00
	5-year term	\$100.00
Three Month Extension Option	3-year term	\$100.00
	5-year term	\$100.00
Price Per PACKER Truck Load:	3-year term	\$700.00
	5-year term	\$700.00
Three Month Extension Option	3-year term	\$700.00
	5-year term	\$700.00

**\*\*Alternate Bid Submitted: Includes 95 Gallon Trash Cart and 65 Gallon Recycle Cart\*\***

**BID TABULATION**

**RESIDENTIAL MUNICIPAL WASTE, RECYCLABLES COLLECTION  
FOR A TERM COMMENCING APRIL 1, 2017**

Bids Opened March 8, 2017

**WASTE MANAGEMENT OF PA, INC.**

1. <u>Fixed Quarterly Fee for Unlimited Collection</u>		
Bid Price Per Quarter:	3-year term	\$ 69.63
	5-year term	\$ 69.63
Three Month Extension Option	3-year term	\$ 83.56
	5-year term	\$ 83.56
2. <u>Per Bag Service Method</u>		
Bid Price Per Bag:	3-year term	\$ 5.00
	5-year term	\$ 5.00
Three Month Extension Option	3-year term	\$ 6.00
	5-year term	\$ 6.00
Price Per Pick-up:	3-year term	\$ 40.00
	5-year term	\$ 40.00
Three Month Extension Option	3-year term	\$ 48.00
	5-year term	\$ 48.00
3. <u>Special Service Fee (Limited Option)</u>		
A. One stop, one item	3-year term	\$100.00
	5-year term	\$100.00
Three Month Extension Option	3-year term	\$120.00
	5-year term	\$120.00
B. One stop, more than one item, per item collected	3-year term	\$ 50.00
	5-year term	\$ 50.00
	*\$50.00 each additional item	
Three Month Extension Option	3-year term	\$ 60.00
	5-year term	\$ 60.00
	*\$60.00 each additional item	
<u>Special Service Fee (Unlimited Option)</u>		
A. Purchase of a rolloff toter (___ gallon size)	3-year term	N/A
	5-year term	N/A
Three Month Extension Option	3-year term	N/A
	5-year term	N/A
B. Quarterly lease of a rolloff toter (96 gallon size)	3-year term	\$ 9.00
	5-year term	\$ 9.00
Three Month Extension Option	3-year term	\$ 10.80
	5-year term	\$ 10.80
4. <u>Millcreek Service Fee For Township Directed Collection</u>		
Price Per Truck Load:	3-year term	\$ 50.00
	5-year term	\$ 50.00
Three Month Extension Option	3-year term	\$ 60.00
	5-year term	\$ 60.00

\*Based on Estimated 6 yds. of Material

Back Door Customers: Price Per Quarter - \$116.85  
Three Month Ext. - \$140.22

Mr. McGrath announced the results from the Aggregate Trucking and Hauling Bid Opening on March 9, 2017 as follows:

**BID TABULATION**  
**TRUCKING AND HAULING OF AGGREGATE MATERIALS**  
**Hauled to Township Yard**  
**Bids opened on March 9, 2017**

**6,000 TONS TYPE A CRUSHED AGGREGATE, AASHTO NO. 8, 1-B LIMESTONE**

<b>Erie Sand and Gravel/Carmeuse Lime and Stone</b>		<b><u>Material - \$ 22.24/ton</u></b>	
		<b><u>Hauling</u></b>	<b><u>Combined Total</u></b>
Trucking Bidders:			
	Allegheny Mineral Corporation	<u>No Bid</u>	
	Cindy Glover Trucking	<u>\$ 2.65/ton</u>	<u>\$ 24.89/ton</u>
	Carmeuse/Erie Sand and Gravel	<u>\$ 2.85/ton</u>	<u>\$ 25.09/ton</u>
	Tim's Maintenance	<u>\$ 2.50/ton</u>	<u>\$ 24.74/ton</u>
	Russell Standard Corp.	<u>\$ 4.26/ton</u>	<u>\$ 26.50/ton</u>
<b>Allegheny Mineral Corporation</b>		<b><u>Material - \$ 16.00/ton</u></b>	
		<b><u>Hauling</u></b>	<b><u>Combined Total</u></b>
Trucking Bidders:			
	Allegheny Mineral Corporation	<u>\$13.50/ton</u>	<u>\$29.50/ton</u>
	Cindy Glover Trucking	<u>No Bid</u>	_____
	Carmeuse/Erie Sand and Gravel	<u>No Bid</u>	_____
	Tim's Maintenance	<u>No Bid</u>	_____
	Russell Standard Corp.	<u>No Bid</u>	_____
<b>LOW BIDDERS:</b>	<b>Carmeuse/Erie Sand and Gravel</b>	<b><u>\$ 22.24/ton</u></b>	<b>material</b>
	<b>Tim's Maintenance</b>	<b><u>\$ 2.50/ton</u></b>	<b>hauling</b>
	<b>Combined Total</b>	<b><u>\$ 24.74/ton</u></b>	

**2,000 TONS TYPE A CRUSHED AGGREGATE, AASHTO NO. 57, 2-B LIMESTONE**

<b>Erie Sand and Gravel/Carmeuse Lime and Stone</b>		<b><u>Material - \$ 22.24/ton</u></b>	
		<b><u>Hauling</u></b>	<b><u>Combined Total</u></b>
Trucking Bidders:			
	Allegheny Mineral Corporation	<u>No Bid</u>	
	Cindy Glover Trucking	<u>\$ 2.65/ton</u>	<u>\$ 24.89/ton</u>
	Carmeuse/Erie Sand and Gravel	<u>\$ 2.85/ton</u>	<u>\$ 25.09/ton</u>
	Tim's Maintenance	<u>\$ 2.50/ton</u>	<u>\$ 24.74/ton</u>
	Russell Standard Corp.	<u>\$ 4.26/ton</u>	<u>\$ 26.50/ton</u>
<b>Allegheny Mineral Corporation</b>		<b><u>Material - \$ 14.00/ton</u></b>	
		<b><u>Hauling</u></b>	<b><u>Combined Total</u></b>
Trucking Bidders:			
	Allegheny Mineral Corporation	<u>\$13.50/ton</u>	<u>\$27.50/ton</u>
	Cindy Glover Trucking	<u>No Bid</u>	_____
	Carmeuse/Erie Sand and Gravel	<u>No Bid</u>	_____
	Tim's Maintenance	<u>No Bid</u>	_____
	Russell Standard Corp.	<u>No Bid</u>	_____
<b>LOW BIDDERS:</b>	<b>Carmeuse/Erie Sand and Gravel</b>	<b><u>\$ 22.24/ton</u></b>	<b>material</b>
	<b>Tim's Maintenance</b>	<b><u>\$ 2.50/ton</u></b>	<b>hauling</b>
	<b>Combined Total</b>	<b><u>\$ 24.74/ton</u></b>	

**6,000 TONS TYPE A CRUSHED AGGREGATE, AASHTO NO. 9 LIMESTONE**

**Erie Sand and Gravel/Carmeuse Lime and Stone**

**Material - \$ 21.74/ton**

Trucking Bidders:

	<u>Hauling</u>	<u>Combined Total</u>
Allegheny Mineral Corporation	<u>No Bid</u>	
Cindy Glover Trucking	<u>\$ 2.65/ton</u>	<u>\$ 24.39/ton</u>
Carmeuse/Erie Sand and Gravel	<u>\$ 2.85/ton</u>	<u>\$ 24.59/ton</u>
Tim's Maintenance	<u>\$ 2.50/ton</u>	<u>\$ 24.24/ton</u>
Russell Standard Corp.	<u>\$ 4.26/ton</u>	<u>\$ 26.00/ton</u>

**Allegheny Mineral Corporation**

**Material - \$ 13.00/ton**

Trucking Bidders:

	<u>Hauling</u>	<u>Combined Total</u>
Allegheny Mineral Corporation	<u>\$13.50/ton</u>	<u>\$26.50/ton</u>
Cindy Glover Trucking	<u>No Bid</u>	
Carmeuse/Erie Sand and Gravel	<u>No Bid</u>	
Tim's Maintenance	<u>No Bid</u>	
Russell Standard Corp.	<u>No Bid</u>	

**LOW BIDDERS:**

<b>Carmeuse/Erie Sand and Gravel</b>	<b>\$ <u>21.74/ton</u></b>	<b>material</b>
<b>Tim's Maintenance</b>	<b>\$ <u>2.50/ton</u></b>	<b>hauling</b>

**Combined Total \$ 24.24/ton**

**14,000 TONS BITUMINOUS ASPHALT SAND, TYPE B-3**

**Fiesler Sand and Gravel**

3853 Knoyle Road  
Erie, PA 16509

**Material - \$ 4.75/ton NO**

**EXCEPTIONS**

Trucking Bidders:

	<u>Hauling</u>	<u>Combined Total</u>
Cindy Glover Trucking	<u>No Bid</u>	
Carmeuse/Erie Sand and Gravel	<u>No Bid</u>	
Tim's Maintenance	<u>No Bid</u>	
Russell Standard Corp.	<u>No Bid</u>	

**Girts Sand and Gravel, LLC**

PO Box 824  
North East, PA 16428  
Erie, PA 16509

**Material - \$ 4.50/ton NO**

**EXCEPTIONS**

Trucking Bidders:

	<u>Hauling</u>	<u>Combined Total</u>
Cindy Glover Trucking	<u>No Bid</u>	
Carmeuse/Erie Sand and Gravel	<u>No Bid</u>	
Tim's Maintenance	<u>\$ 5.00/ton</u>	<u>\$ 9.50/ton</u>
Russell Standard Corp.	<u>No Bid</u>	

**Troyer Sand and Gravel, LTD**

PO Box 824  
North East, PA 16428  
Erie, PA 16509

**Material - \$ 5.80/ton 2.45% avg.  
Absorption**

Trucking Bidders:

	<u>Hauling</u>	<u>Combined Total</u>
Cindy Glover Trucking	<u>No Bid</u>	
Carmeuse/Erie Sand and Gravel	<u>No Bid</u>	
Tim's Maintenance	<u>No Bid</u>	
Russell Standard Corp.	<u>\$ 4.29/ton</u>	<u>\$10.09/ton</u>

**LOW BIDDERS:**

<b>Girts Sand and Gravel</b>	<b>\$ <u>4.50/ton</u></b>	<b>material</b>
<b>Tim's Maintenance</b>	<b>\$ <u>5.00/ton</u></b>	<b>hauling</b>

**Combined Total \$ 9.50/ton**

It was moved by Mr. McGrath and seconded by Mr. Groh to award the contract for 6,000 tons Type A Crushed Aggregate AASHTO No. 8 1-B Limestone to Carmeuse Lime and Stone/Erie Sand and Gravel for \$22.24/ton and to award the hauling to Tim's Maintenance for \$2.50/ton. Motion carried by unanimous roll call vote.

It was moved by Mr. McGrath and seconded by Mr. Groh to award the contract for 2,000 tons Type A Crushed Aggregate AASHTO No. 57 2-B Limestone to Carmeuse Lime and Stone/Erie Sand and Gravel for \$22.24/ton and to award the hauling to Tim's Maintenance for \$2.50/ton. Motion carried by unanimous roll call vote.

It was moved by Mr. McGrath and seconded by Mr. Groh to award the contract for 6,000 tons Type A Crushed Aggregate No. 9 Limestone to Carmeuse Lime and Stone/Erie Sand and Gravel for \$21.74/ton and to award the hauling to Tim's Maintenance for \$2.50/ton. Motion carried by unanimous roll call vote.

It was moved by Mr. McGrath and seconded by Mr. Groh to award the contract for 14,000 tons Bituminous Asphalt Sand, Type B-3 to Girts Sand and Gravel for \$4.50/ton and to award the hauling to Tim's Maintenance for \$5.00/ton. Motion carried by unanimous roll call vote.

Quotations for tree removal at 4715 Roslindale were solicited and received by Streets Department Head Foreman Sean Kern as follows: Dibble Tree Service - \$600.00, Jefferson Tree Service - \$345.00, Jake Thomas Tree Service - \$395.00. On recommendation of Mr. Kern, it was moved by Mr. McGrath and seconded by Mr. Groh to award the contract to Jefferson Tree Service for \$345.00. Motion carried by unanimous roll call vote.

Quotations for tree and stump removal at 2748 West 25<sup>th</sup> Street were solicited and received by Streets Department Head Foreman Sean Kern as follows: Dibble Tree Service - \$675.00, Jefferson Tree Service - \$300.00, Jake Thomas Tree Service - \$445.00. On recommendation of Mr. Kern, it was moved by Mr. McGrath and seconded by Mr. Groh to award the contract to Jefferson Tree Service for \$300.00. Motion carried by unanimous roll call vote.

Quotations for the Argyle Avenue Sidewalk Installation Project were solicited and received by Assistant Engineer Anne Sokol as follows: Vavala Concrete - \$9,822.00, Amendola Development - \$10,842.00, Dailey's Concrete Services - \$11,500.00, Allied Landservices - No Quote. On recommendation of Ms. Sokol, it was moved by Mr. Morgan and seconded by Mr. Groh to award the contract to Vavala Concrete for \$9,822.00. Motion carried by unanimous roll call vote.

A public hearing was held on proposed Ordinance 2017-5; An Ordinance To Amend Certain Provisions of the Millcreek Township Zoning Code to Address the Recent Passage of the Medical Marijuana Law in Pennsylvania. Solicitor Mark Shaw explained that the Township's current zoning ordinance did not currently define and identify zoning districts where medical marijuana growing and processing facilities and dispensaries should belong, so the Board discussed and made recommendations through the draft ordinance to identify such locations. The recommendation is to allow medical marijuana use in C-3 Highway Commercial district for a medical marijuana dispensary, I-1 Light Industrial district for medical marijuana grower and processor, I-2 for medical marijuana grower and processor, and I-3 for medical marijuana grower and processor or dispensary, and to add additional parking requirements per the Medical Marijuana Act. Also, the Township created a map to show the required 1000 ft. buffer zones around schools and daycare centers to rule out any locations that cannot be used, looked at the ability of bus service at the Wager Road location in I-3 Belle Valley area, and also reviewed a Lehigh Valley Planning Commission memorandum, which was helpful. Mr. McGrath categorized the recommended zoning districts for Medical Marijuana Dispensaries as C-3 and I-3, and zoning districts for Medical Growers and Processors as I-1, I-2 or I-3 Zoning Districts.

Mr. McGrath then called for public comment. There being none, Mr. Groh stated that he feels that Pennsylvania has complicated the issue when it is simply a pharmaceutical issue. He would like to allow an opportunity for C-2 zoning districts to be included for dispensaries as well.

Mr. McGrath agreed that medical marijuana dispensaries should be classified as pharmacies, but the state has put additional restrictions, such as requiring "Sally ports," on the dispensaries, and we do not know how much traffic will be generated. He noted that C-2 zoning is permitted in many more districts throughout Millcreek, and if it creates added congestion, it could cause more traffic issues. However, if there are no traffic issues in the future related to the medical marijuana dispensaries, then perhaps the zoning could be changed at a later time. Mr. Groh wanted to clarify that he is not against medical marijuana, just some of the strict rules the state has imposed in the process. Mr. Morgan concurred.

It was moved by Mr. Morgan and seconded by Mr. Groh to enact Ordinance 2017-5. Motion carried by unanimous roll call vote.

Treasurer Mark Zaksheske explained that the Township had not updated its Chief Administrative Officer designation for the Auditor General's office since 1985, and this is needed for the Township's pension plan. It was moved by Mr. Groh and seconded by Mr. Morgan to adopt Resolution 2017-R-11; A Resolution Certifying the Millcreek Township Treasurer to be the Chief Administrative Officer for the Purpose of Certifying Information to the Department of the Auditor General. Motion carried by unanimous roll call vote.

Solicitor Mark Shaw reported that the Township received a letter from West Lake Fire Department on March 1, 2017 stating they are terminating their relationship with Millcreek Paramedic Service (MPS) within 90 days as per its agreement with the Township. The Township decided to further investigate the matter and realized it had not designated a primary emergency medical services provider. Under the Second Class Township Code, the Township has the authority to designate a primary provider of emergency services within its municipality. It was moved by Mr. Groh and seconded by Mr. Morgan to adopt Resolution 2017-R-12; A Resolution Designating Millcreek Paramedic Services as the Primary Provider of Emergency Medical Services in Millcreek Township. Motion carried by unanimous roll call vote.

It was moved by Mr. Morgan and seconded by Mr. Groh to adopt Resolution 2017-R-13; A Resolution to Authorize Submission of a Grant Application to DCED to Fund the Development of a Five Year Financial Plan for the Township and Evaluate and Recommend any Changes to the Township's Management Organizational Structure. Mr. Morgan explained that the Township is not in financial straits, but this is just to allocate up to \$50,000 of Embrace Millcreek funds to be combined with matched grant funds to be used for organizational and financial planning for the Township's future. Motion carried by unanimous roll call vote.

On recommendation of Human Resource Manager Diane Lyons, it was moved by Mr. Groh and seconded by Mr. Morgan to approve a Memorandum of Agreement between AFSCME LOCAL #3530 and the Millcreek Township Police Association regarding the donation of Vacation and Sick Days. Mr. Groh explained that in the past, only vacation days could be donated by one employee to another, but this policy amends the current policy to include sick days as well. Motion carried by unanimous roll call vote.

Engineer Richard Morris explained that a detour for approximately 2 weeks is needed during the Interchange Road Project, which will require the use of Spires Drive and Marmon Road. The Detour Agreement will allow use by cars and light trucks only, and PennDOT will improve the roadways with a 2" bituminous binder overlay and shoulder backup. On recommendation of Mr. Morris, it was moved by Mr. Morgan and seconded by Mr. Groh to approve the PennDOT Detour Agreement for Spires Drive and Marmon Road. Motion carried by unanimous roll call vote.



On recommendation by Treasurer Mark Zaksheske, it was moved by Mr. Groh and seconded by Mr. Morgan to approve the sale of 4065 West 26<sup>th</sup> Street Lot 5 Trailer from the County Repository for Unsold Properties for \$250.00, with 2003-2016 total tax forgiveness of \$249.84. Motion carried by unanimous roll call vote.

Mr. Morris reported that the Township received a Financial Security Reduction Request from Giant Eagle #4237 – Giant Eagle, Inc. Developer. On recommendation of Mr. Morris, it was moved by Mr. Groh and seconded by Mr. Morgan to approve a reduction of PNC Bank, NA. #18125994-00-000 from \$266,188.00 to \$26,619.00 (10% of original). Motion carried by unanimous roll call vote.

Mr. Groh announced that the Board is considering several applicants for vacancies on commissions. It was moved by Mr. Groh and seconded by Mr. Morgan to appoint Rob Shearer to the Property Maintenance/Fire Code Appeals Board, but withdrawn after there was a question on whether Mr. Shearer actually resides within the Township.

Mr. Groh gave the February Building Construction Report and noted that it is available both in the Zoning Office and on the Township website.

On recommendation of Chief Scott Heidt, it was moved by Mr. Groh and seconded by Mr. Morgan to approve Plmn. Gotham and Det. Henderson to attend the 2017 PA Tactical Officers Association Conference in Pittsburgh from March 28-30, 2017, at a total cost of \$1,027.00 and no overtime. Motion carried by unanimous roll call vote.

On recommendation of Chief Scott Heidt, the following actions were moved by Mr. Groh, seconded by Mr. Morgan and approved by unanimous roll call vote:

Permission for Lt. Sebulak and Lt. Kucenski to attend a “Seminar on Use of Force and Deadly Force, Search of Motor Vehicles and Homes” training on April 13, 2017 at Mercyhurst University, North East, at a total cost of \$180.00.

Permission for C. Comstock and Lt. Mitchell to attend PA mandated Terminal Agency Coordinator training in Monroeville on April 27, 2017 at an estimated cost of \$50.00 plus tolls, plus 1-2 hours each for overtime.

Purchase and installation of three Mobilcom battery backup systems for the MPD radio system at a total cost of \$6,687.30.

It was moved by Mr. Groh and seconded by Mr. Morgan to approve up to 7 people to attend the ECATO Firemen’s Conference Dinner on March 28, 2017, at a cost of \$30.00 per person. Those permitted to attend would be fire chiefs, MPS representative and EMA department. Motion carried by unanimous roll call vote.

It was moved by Mr. Groh and seconded by Mr. Morgan to approve the use of 4 Fire Police Officers from West Lake Fire Department on April 1, 2017 for the Parkinson’s 5K Race on Presque Isle – Beach 1. Motion carried by unanimous roll call vote.

Mr. Groh announced that despite his efforts otherwise, both Giant Eagle and GETGO at opposite corners of 26<sup>th</sup> Street and Peninsula Drive have both closed, and he does not like to see empty gasoline stations in the Township. He is hoping another business will move in there soon.

It was moved by Mr. McGrath and seconded by Mr. Groh to approve (retroactively) Dick Whitbread, Jeff Tenney and Joe Bizzarro to attend an LTAP Traffic Signs Training Class at the Green Township Municipal Building on March 9, 2017, at no cost to the Township. Motion carried by unanimous roll call vote.

It was moved by Mr. McGrath and seconded by Mr. Groh to approve Fleet Maintenance Bureau Chief Joe Yatzor, Brent Salhof and Mike Wunch to attend a class on Air Disc Brakes on March 14, 2017 at Hovis Technical Training Center at a total cost of \$60.00. Motion carried by unanimous roll call vote.

Mr. McGrath announced that two classes for both homeowners and floodplain managers regarding flood proofing and floodplain management will be offered at the Tom Ridge Environmental Center on April 6, 2017, free of charge. Please look for flyers or call US Army Corp of Engineers for more information. (412) 395-7327.

Student Ambassador Sydney Stitt reported that McDowell's Marching Band will be traveling to Washington, D.C. to march in the Fourth of July Parade. She also announced that many of the sports teams have advanced to state level competition.

Solicitor Mark Shaw reported that he had received communication from PNC Bank regarding a property foreclosure, asking for assistance regarding adding an additional 40 feet of frontage, and advised that the Board will probably need to take action at the next meeting.

Open Records Officer Sheryl Williams gave the February report, noting there were six Right-to-Know requests. Two requests were granted, one was denied, one was partially granted, and two required 30-day extensions due to the large volume of the requests. They will be completed by March 24, 2017.

Mr. McGrath announced that the Board met in Executive Session on March 1, 9 and 10, 2017 with Solicitor Mark Shaw to discuss legal matters.

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. Morgan to adjourn the meeting at 11:10 a.m.

Sheryl A. Williams  
Assistant Secretary

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Approved: March 28, 2017

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