

Regular Meeting

January 26, 2021

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 John Morgan, James Bock, Daniel Ouellet, Mark Zaksheske, Mark Shaw, Esq., Matthew Waldinger, Gary Snyder and Sheryl Williams.

Following the Pledge to the Flag, Mr. Morgan announced that the regular meetings of the Millcreek Township Board of Supervisors are being televised live online via Go Live via YouTube.com, www.millcreektownship/meetings, with closed captioning available. Members of the public may attend in person in the General Assembly Room; however, total occupancy is limited to 25 persons and masks are required. Persons who wish to offer testimony at any hearing or to offer comments during the Public Comment portion of the meeting, but who do not wish to attend in person must contact the Township Secretary, Sheryl Williams, (814) 833-1111 or at swilliams@millcreektownship.com no later than 24 hours before the scheduled meeting to make arrangements to participate via telephone.

Mr. Morgan called for Public Comment on agenda items other than development or rezoning applications. No comments were offered.

On motion by Mr. Ouellet, seconded by Mr. Bock, it was carried by unanimous roll call vote to approve the minutes from the January 4, 2021 Organizational Meeting.

On motion by Mr. Ouellet, seconded by Mr. Bock, it was carried by unanimous roll call vote to approve the minutes from the January 4, 2021 Regular Meeting.

On motion by Mr. Ouellet, seconded by Mr. Bock, it was carried by unanimous roll call vote to approve payment of General Fund bills in the amount of \$684,293.49, a PLGIT Performance and Surety Bond Account bill in the amount of \$18,544.00, and Sewer Revenue Fund bills totaling \$484,067.78.

On recommendation by Planning and Development Director Matthew Waldinger, it was moved by Mr. Ouellet, seconded by Mr. Bock and carried by unanimous roll call vote to approve Change Order #3 for the Shoreline Pump Station Project, Chivers Construction, contractor, in the amount of \$12,647.07. Mr. Waldinger noted that the change order was for two (2) expenses incurred due to unforeseen circumstances, but the project remains underbudget.

On recommendation by Public Works Director Gary Snyder, it was moved by Mr. Ouellet, seconded by Mr. Bock and carried by unanimous roll call vote to purchase a Caterpillar 420 Backhoe from Cleveland Brothers Caterpillar for the Streets Department for \$108,700.00 under COSTARS contract #4400019950.

On recommendation by Public Works Director Gary Snyder, it was moved by Mr. Bock, seconded by Mr. Ouellet and carried by unanimous roll call vote to purchase a 2021 Ford F350 Pickup with utility body from Laurel Auto Group Inc. for the Traffic/Electrical Department for \$57,635.00 under COSTARS contract #025-043. Mr. Snyder noted that the truck came in \$1,610.00 over budget, so \$1,610.00 will be transferred from the traffic shelving budget to the truck budget, leaving \$18,390.00 in the shelving budget.

Bids were solicited and received by Public Works Director Gary Snyder for an enclosed trailer for the Traffic/Electrical Department with a GVW of 9,990 pounds, as follows: J&J Trailer & Equipment - \$9,239.09, Boyer R.V. Center, Inc. - \$10,019.00, and McCandless Trailer Sales – no quote. On recommendation by Mr. Snyder, it was moved by Mr. Bock, seconded by Mr. Ouellet

and carried by unanimous roll call vote to purchase the trailer from J&J Trailer & Equipment for \$9,239.09.

On recommendation by Public Works Director Gary Snyder, it was moved by Mr. Bock, seconded by Mr. Ouellet and carried by unanimous roll call vote to purchase a new pump for the Sun Valley sewer station from Miller Pump Supply under COSTARS Contract #0000541212 for \$8,282.65, to be paid from the Sewer Revenue Fund.

On recommendation by Public Works Director Gary Snyder, it was moved by Mr. Ouellet, seconded by Mr. Bock and carried by unanimous roll call vote to authorize the sale of 25 various used equipment items and vehicles from the Fleet Maintenance Department.

On recommendation Chief Scott Heidt, it was moved by Mr. Bock, seconded by Mr. Ouellet and carried by unanimous roll call vote to authorize the purchase of ammunition and supplies from Witmer Public Safety Group for the PA Contract price of \$14,119.10.

Planning and Development Director Matthew Waldinger announced that a letter was received from the developer of Westlake Village requesting that his application for a Conditional Use be indefinitely tabled. Solicitor Mark Shaw recommended that the Public Hearing be held as scheduled to allow for public comment. None was given. On recommendation of Mr. Shaw, it was moved by Mr. Bock, seconded by Mr. Ouellet and carried by unanimous roll call vote to recess the hearing indefinitely and table the developer's request.

On recommendation by Chief Scott Heidt and IT Manager Kris Filson, it was moved by Mr. Bock, seconded by Mr. Ouellet, and carried by unanimous roll call vote to adopt Resolution 2021-R-4; A Resolution pursuant to Resolution 2015-R-20 and the Municipal Records Manual to approve proposed disposition of certain Township records. Mr. Morgan explained that this resolution pertains to the routine disposition of MPD DashCam video records which will reach maturity dates from January 27, 2021 through February 9, 2021.

On recommendation by Solicitor Mark Shaw, it was moved by Mr. Ouellet, seconded by Mr. Bock, and carried by unanimous roll call vote to adopt Resolution 2021-R-5; A Resolution of the Board of Supervisors of Millcreek Township to implement provisions of Act 15 of 2020 relating to 2021 property tax relief. Mr. Shaw further explained that Erie County Council adopted a similar resolution in early January and is asking other municipalities to follow suit, thereby waiving any penalties if property taxes are paid by December 31, 2021.

On recommendation by Planning and Development Director Matt Waldinger, it was moved by Mr. Ouellet, seconded by Mr. Bock, and carried by unanimous roll call vote to adopt Resolution 2021-R-6; A Resolution to "Substantially" Amend Millcreek Township's Fiscal Year 2020 CDBG Annual Action Plan to Incorporate CDBG-COVID Round II Funding. Mr. Waldinger further explained that \$375,862.00 in available COVID CARES funds will go to GECAC to undertake the "Emergency Mortgage, Rent and Utility Assistance Project" to assist approximately 56 low to moderate-income homeowners who are behind on their mortgage or rent payments up to a maximum of \$5,000 per household, and up to \$1,000 in utility assistance. The remaining \$17,681 will be allocated for program administration to be provided by Erie County Department of Planning and Community Development.

On recommendation of Solicitor Mark Shaw, it was moved by Mr. Bock and seconded by Mr. Ouellet to approve a conflict waiver request to allow MacDonald Illig Jones and Britton, the Township's Solicitor, to assist the Township in developing a loan program with the Erie County Redevelopment Authority, whom MIJB also represents. No public comment was offered. Motion carried by unanimous roll call vote.

Mr. Morgan explained that after the sale of the Millcreek Township Water Authority (MTWA) in 2016, the Supervisors invested the proceeds from the sale, which have generated approximately \$1.7 million in interest to date. He stated that the Board wishes to establish two (2) loan programs to assist small business owners in Millcreek. The Small Business Relief Loan Program would offer interest-free loans of up to \$25,000 for monthly mortgage, rental or utility payments. The Business Development Revolving Loan Fund would offer 50% of the total project cost or \$500,000, whichever is less. The loan programs would be administered through the Erie County Redevelopment Authority (ECRDA). Applications will be accepted from February 1-12, 2021, and notices of award will be sent by February 19, 2021.

Mr. Ouellet commented that this is a great program to reach out to small businesses in the Township. Mr. Bock stated that small businesses have been hit with many restrictions. He said that the Township will carefully vet the applicants, and enough safeguards are in place to protect the funds, which are staying in Millcreek.

On motion by Mr. Ouellet, seconded by Mr. Bock, it was carried by unanimous roll call vote to adopt Resolution 2021-R-7; A Resolution to Create the Millcreek Township Small Business Relief Loan Program and the Millcreek Township Business Development Loan Program, Appropriate an Amount not to Exceed Two Million Dollars for These Programs and to Enter into an Agreement with the Erie County Redevelopment Authority to Operate and Manage these Loans Programs on behalf of Millcreek Township, and to authorize Chairman Morgan to sign the agreement.

On recommendation by Solicitor Shaw, it was moved by Mr. Ouellet, seconded by Mr. Bock and carried by unanimous roll call vote to adopt Resolution 2021-R-8; A Resolution Amending Resolutions 2020-R-37, 2020-R-42, 2020-R-54, 2020-R-67 and 2020-R-71 to Update and Modify Various Township COVID-19 Policies. Mr. Shaw explained that this resolution will make the Township's COVID-19 policies consistent with Pennsylvania's policies.

On recommendation of Planning and Development Director Matthew Waldinger, it was moved by Mr. Bock, seconded by Mr. Ouellet and carried by unanimous roll call vote to renew the annual contract with Building Inspection Underwriters (BIU) to assist with building inspections on an "as needed" basis.

On recommendation of Mr. Waldinger, it was moved by Mr. Ouellet, seconded by Mr. Bock and carried by unanimous roll call vote to approve a "Right to Enter" Agreement with the property owners of 2706 Loveland Avenue to allow a temporary construction easement in order to access and replace a large storm drainage culvert which spans through the parcel and under Loveland Road.

On recommendation of Matthew Waldinger, it was moved by Mr. Bock, seconded by Mr. Ouellet and carried by unanimous roll call vote to approve the West 17th Street Detention Basin Emergency Action Plan, a requirement of the PA DEP regarding a dam near the far eastern end of the airport, and to authorize Chairman Morgan to sign it.

On recommendation of Mr. Waldinger, it was moved by Mr. Bock, seconded by Mr. Ouellet and carried by unanimous roll call vote to approve a reduction in financial security of Erie Bank Letter of Credit #1623 from \$138,271.00 to \$31,916.00 for the Premier Surgery Center – Project 2020, LLC, Developer, as the reduced security is sufficient to defray any costs of completing the remaining required public improvements.

On recommendation of Treasurer Mark Zaksheske, it was moved by Mr. Bock, seconded by Mr. Ouellet and carried by unanimous roll call vote to approve an option to pay the cost of administering the COVID-19 vaccine to retired employees who are grandfathered into the health

care agreement. Mr. Zaksheske noted that current employees and their families are already covered for this service.

On recommendation of Solicitor Mark Shaw, it was moved by Mr. Bock, seconded by Mr. Ouellet and carried by unanimous roll call vote to approve an interagency agreement between the Children's Advocacy Center (CAC), MPD and various other agencies and medical facilities for assistance with child abuse situations.

Planning and Development Director Matthew Waldinger presented the annual Planning Commission report from 2020, which they approved on January 5, 2021. The report acknowledged Commissioner John Pulice, who passed away in December, for serving over 18 years on the commission, and made the following recommendations to the Board of Supervisors: to continue updating the following to be consistent with the new comprehensive plan: Zoning Ordinance, Subdivision and Land Development Ordinance, Zoning Map and Official Map for Millcreek Township.

On motion by Mr. Bock, seconded by Mr. Ouellet, it was carried by unanimous roll call vote to appoint Ray Reade as Planning Commission Alternate Member for a 1-year term.

On motion by Mr. Bock, seconded by Mr. Ouellet, it was carried by unanimous roll call vote to reappoint Brian McGrath as Erie County Signing Region Trustee for a 3-year term.

On recommendation by Treasurer Mark Zaksheske, it was moved by Mr. Bock, seconded by Mr. Morgan and carried by unanimous roll call vote to authorize Mr. Ouellet and Engineer John Sebesta to attend the annual PSATS Conference in Hershey from April 18-21, 2021, at an estimated cost \$3,196.38.

On separate motions by Mr. Bock, seconded by Mr. Ouellet, the following recommendations by Chief Scott Heidt were approved by unanimous roll call vote:

Retain Officer Benjamin Steiner as a regular employee, Class D Patrol Officer, after his successful completion of a 1-year probationary period, retroactive to December 21, 2020.

Approval for eight (8) officers to attend the Ohio Tactical Officers Training Conference June 6-11, 2021 in Sandusky, Ohio, with use of department vehicles and expenses totaling approximately \$8,104.00, with total reimbursement by PEMA.

On recommendation by Human Resource Coordinator Shawn McClelland, it was moved by Mr. Ouellet, seconded by Mr. Bock, and carried by unanimous roll call vote to fill the vacancy of Parks and Recreation Programs Coordinator.

Mr. Morgan reported that the Board met in Executive Session with Solicitor Mark Shaw on January 7, 14, and 21, 2021 to discuss legal matters.

Solicitor Mark Shaw reported that the Fire Commission voted to recommend that the Board of Supervisors send a letter to Erie County Dispatch to ensure that Township fire departments are being dispatched appropriately to certain types of calls. Mr. Ouellet explained the types of calls and when it is appropriate to dispatch a fire department as a first responder on a medical emergency call. Discussion ensued regarding possibly scheduling a meeting. On recommendation of Mr. Shaw, it was moved by Mr. Bock and seconded by Mr. Ouellet to approve

sending a letter to Erie County Dispatch, subject to further modification of the draft copy. No public comment was offered. Motion carried by unanimous roll call vote.

Joe Swanson, 3218 Timber Lane, requested that Timber Lane be put on the paving schedule for 2021. Mr. Ouellet replied that the Supervisors will look at the neighborhood and make a decision soon. Mr. Morgan added that more paving is being added each year, and this year an additional \$750,000.00 has been budgeted.

Sharon Aiken, 3225 Timber Lane, asked when the paving list will be finished, and requested a list of roads that have been paved in the last 10 years. Mr. Morgan said he will email her the paving lists for the last 10 years, and said that this year's paving list should be finished by late April.

Kimberley Mackowski, 4606 Asbury Road, had questions regarding her new sewer hook-up location, and why her property was included in the Lester-Lawndale Sewer Project. Mr. Morgan stated that he will look into the matter and contact her.

There being no further business to come before the Board or any other Citizens to be Heard, it was moved by Mr. Bock and seconded by Mr. Ouellet to adjourn the meeting at 8:22 p.m.

Sheryl A. Williams
Township Secretary

APPROVED: February 9, 2021

John E. Morgan

Daniel P. Ouellet

James S. Bock