

Regular Meeting

June 9, 2020

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

Following the Pledge to the Flag, Mr. Bock announced that due to the current Coronavirus pandemic, the regular meetings of the Millcreek Township Board of Supervisors will be held in the Assembly of the Millcreek Township Municipal Building, but members of the public will not be able to attend in person. The meetings are being televised live online via the following web address: <https://www.facebook.com/MillcreekOEM>. The public will be able to participate in the public comment portions of the meeting by phoning in to 833-1111 ext. 380. The Board of Supervisors will keep the comment period open until it receives no further telephone calls.

Mr. Bock further noted that the meeting is being recorded by WQLN and will be broadcast on Spectrum Channel 1024 and on YouTube.com, with closed captioning available.

Mr. Bock called for Public Comment on Agenda items other than development or rezoning applications. None was offered.

On motion by Mr. Ouellet, seconded by Mr. Morgan, it was carried by unanimous roll call vote to approve the minutes from the May 26, 2020 Regular Meeting.

On motion by Mr. Ouellet, seconded by Mr. Morgan, it was carried by unanimous roll call vote to approve payment of General Fund bills in the amount of \$125,887.71 and Sewer Revenue Fund bills totaling \$991,870.68.

Treasurer Mark Zaksheske reviewed the 2020 Erie Area Council of Governments Joint Purchasing Gasoline and Diesel Bids for three-year contracts. Bidders included Petroleum Traders, Melzer’s Fuel Service and Harned Oil/Reed. Melzer’s Fuel Service was the low bidder in all categories; detailed bid results can be found at <https://www.erieareacog.org/joint-bidding>. On the recommendation of Mr. Zaksheske, it was moved by Mr. Morgan, seconded by Mr. Ouellet and carried by unanimous roll call vote to award the three-year Gasoline and Diesel Fuel contract to Melzer’s Fuel Service, Inc. with prices listed below.

MILLCREEK TOWNSHIP

2020 - 2023

GASOLINE and DIESEL FUEL AWARDS

(Contract Dates: July 1, 2020 – June 30, 2023)

Gasoline

(adjustment to O.P.I.S. Pricing)*

Unleaded Gasoline (E10) Regular 87 Octane

Township Building, 3608 W. 26th St.

VENDOR	2020-2021	2021-2022	2022-2023
Melzer’s	- .025	- .025	- .025
Gallons (estimated)	104,366	109,584	115,063

**Diesel (Small Volume Tanks)
(adjustment to O.P.I.S. Pricing)***

Ultra-Low Sulfur Off Road Diesel Fuel
Millfair Recycling Center (MRC), 2301 Millfair Rd.
Millcreek Golf and Learning Center (MGLC), 3100 W. 17th St.

VENDOR & Location	2020-2021	2021-2022	2022-2023
Melzer's – to MRC	+ .05	+ .05	+ .05
Gallons (estimated)	8500	8500	8500
Melzer's – to MGLC	+ .05	+ .05	+ .05
Gallons (estimated)	1500	1500	1500

**Diesel (Large Volume Tanks)
(adjustment to O.P.I.S. Pricing)***

Ultra-Low Sulfur B2 Diesel Fuel
Township Building, 3608 W. 26th St.

VENDOR	2020-2021		2021-2022		2022-2023	
	Summer	Winter	Summer	Winter	Summer	Winter
Melzer's	+ .00	+ .015	+ .00	+ .015	+ .00	+ .015
Gallons (estimated)	47,500		49,875		52,369	

**Diesel (Small Volume Tanks)
(adjustment to O.P.I.S. Pricing)***

Ultra-Low Sulfur B2 Diesel Fuel
5192 Old French Rd.

VENDOR	2020-2021		2021-2022		2022-2023	
	Summer	Winter	Summer	Winter	Summer	Winter
Melzer's	+ .05	+ .065	+ .05	+ .065	+ .05	+ .065
Gallons (estimated)	13,154		14,469		15,916	

*The adjustment to O.P.I.S. pricing is essentially a delivery charge
For example – Melzer's will supply Gasoline to Township tanks for 2.5 cents below O.P.I.S.

On recommendation of Planning and Development Director Matthew Waldinger, it was moved by Mr. Morgan, seconded by Mr. Ouellet and carried by unanimous roll call vote to approve the renewal of a message board software contract with All Traffic Solutions for the Code Enforcement/EMA Department in the amount of \$1,900.00.

Planning and Development Director Matthew Waldinger reported that bids were solicited and received for construction of the Shoreline Pump Station Project as follows: Chivers Construction Co., Inc. - \$155,000, Konzel Construction Co., Inc. - \$174,000, McLallen Construction, Inc. - \$175,000, Wm. T. Spaeder Co., Inc. - \$197,800, Citadel Services, Inc. - \$267,000. On recommendation of Mr. Waldinger, it was moved by Mr. Morgan, seconded by Mr. Ouellet and carried by unanimous roll call vote to award the contract to Chivers Construction Co., Inc. at a cost not to exceed \$155,000.

On recommendation of Planning and Development Director Matthew Waldinger, it was moved by Mr. Morgan, seconded by Mr. Ouellet and carried by unanimous roll call vote to approve a Change Order amending the contract with Rabell Surveying & Engineering for the Wolf Station Forcemain Replacement Project, to include wetlands delineation at a cost not to exceed \$5,200.00.

Treasurer Mark Zaksheske reported that proposals were solicited and received for financing of the \$440,000 Jetter-Vac truck for the Streets Department as follows: Erie Bank - 1.84% fixed interest rate, First National Bank – 1.62% fixed interest rate. On recommendation of Mr. Zaksheske, it was moved by Mr. Morgan, seconded by Mr. Ouellet and carried by unanimous roll call vote to award the contract to First National Bank for the Bank Qualified Tax-Free Interest Rate of 1.62%.

On recommendation of Planning and Development Director Matthew Waldinger, it was moved by Mr. Morgan, seconded by Mr. Ouellet and carried by unanimous roll call vote to authorize the installation of access control to the lobby elevator panel, to add a talk port and pass through to both sides of the reception desk, and to increase the not-to-exceed amount of modifications by \$1,000 to \$51,000.

Director of Public Works Gary Snyder reported that Traffic Engineer Jeff Tenney is requesting a copy of the Township Code for use in his department. Mr. Morgan offered to loan him his copy since each Supervisor has one.

Director of Public Works Gary Snyder reported that bids were solicited and received for line painting paint as follows: Sherwin-Williams - \$13,062.50, Enis-Flint Inc. - \$12,974.00. On recommendation by Mr. Snyder, it was moved by Mr. Morgan, seconded by Mr. Ouellet and carried by unanimous roll call vote to award the contract to Enis-flint Inc. for \$12,974.00.

On recommendation of Public Works Director Gary Sndyer, it was moved by Mr. Morgan, seconded by Mr. Ouellet and carried by unanimous roll call vote to purchase repair parts for the South Shore and Pittsburgh Avenue sewer meter from TECHsmith Inc. for \$13,942.00.

On recommendation of Chief Scott Heidt, it was moved by Mr. Bock, seconded by Mr. Ouellet and carried by 2-1, with Mr. Morgan voting no, to purchase various non-ballistic law enforcement training equipment from Pepperball for a total cost of \$4,321.95. Mr. Morgan explained that he voted against the purchase because he feels more information is needed about this equipment and its purpose, and suggested a procedural review. Mr. Bock and Mr. Ouellet stated they were in favor of the purchase, especially because a current shortage of supplies is predicted.

On recommendation of Chief Scott Heidt, it was moved by Mr. Bock, seconded by Mr. Ouellet and carried by 2-1, with Mr. Morgan voting no, to purchase various less lethal munitions and a launcher from Combined Tactical Systems at a total cost of \$11,650.00.

On recommendation of Chief Scott Heidt, it was moved by Mr. Bock, seconded by Mr. Ouellet and carried by unanimous roll call vote to purchase 15 non-ballistic shields for a price not to exceed \$3,750.00 from a vender yet to be determined.

On recommendation of Treasurer Mark Zaksheske, it was moved by Mr. Morgan and seconded by Mr. Ouellet to approve a Budget Amendment request to increase the supplies budget for the Traffic Department by \$12,974.00 to reflect the cost of the line painting paint approved earlier in the meeting. Mr. Zaksheske explained that the Traffic Maintenance and Repair line item will be reduced by \$6,974.00 and \$6,000.00 from the Capital Budget for Streets Department Major Equipment Purchases will be used for the paint purchase.

A Public Hearing was held on a petition requesting a change in zoning classification for SCOTT AND SUSAN GRIFFITH, for properties located at 3720 Zuck Road, now zoned R-1 Single Family Residential, asking to be reclassified to C-1 Local Commercial. Index 347-001; County Index 33-78-330-51.

Planning and Development Director Matthew Waldinger reported that at the May 5, 2020 Planning Commission meeting, the Planning Commission recommended approval.

Scott and Susan Griffith, owners of Griffith Eye Center, stated that they have operated their business at the Zuck Road location for 23 years. They stated that this site had been used previously as a medical office and for business offices for decades, and identified each of the business and residential properties on the corners of the intersection. They presented satellite pictures of the adjacent property that they plan to purchase and develop into a parking lot. Dr. and Mrs. Griffith explained that they plan to raze the building on the adjacent property, pave less than half of the property for 10 employee parking spaces, close the existing driveway to their business and add a new driveway, preserve the large trees on the property, add a new greenspace and install a landscape buffer between their adjacent property and the next property to the north. Dr. and Mrs. Griffith confirmed that they would have an ADA compliant entry and sidewalks, and that traffic would flow better into and out of their business. They concluded their presentation by stating there are no better options to address this issue, because elderly patients and those with vision issues need a safe option in which to enter the building.

Jeff Wolf, 3705 E. 38th Street, the architect for the proposed parking project, referred to the schematic drawing, and offered to answer any questions. There were none.

Cheryl Adams, 3714 Zuck Road, spoke in opposition to the rezoning, stating that she had sent an email to the Supervisors requesting they deny the rezoning because she feels that there are other vacant properties that could be used.

Kim Clear, 4855 Asbury Road, a patient of Dr. Griffith, spoke in favor of the rezoning, reporting that the existing parking lot is difficult for patients to access while arriving or leaving, and that there is a need for revised parking.

Alice Niebauer, 1526 High Street, spoke in opposition to the rezoning, stating that she had sent an email to the Supervisors requesting they deny the rezoning because the Township does not need any more commercial zoning, and feels that the property should be used as a home. She added that traffic at the intersection of Zuck Road and W. 38th Street is heavy, and did not feel that adding more parking would help.

Mr. Morgan mentioned that he received one more email from Jeffrey Lemaye, and asked if emails can be entered into the record, to which Solicitor Mark Shaw replied yes. Mr. Shaw explained that the Board's decision is legislative and not an appealable action, and ultimately the Board has a degree of flexibility in this decision.

Dr. and Mrs. Griffith addressed neighbor's concerns regarding commercial use on their property, stating that the property is not large enough for use as anything other than a small medical office, and that they cannot accommodate an increase in their patient roster.

Mr. Morgan stated that he could see the logic in the plan, but could not recommend rezoning the property and tearing down a viable structure, noting that it would not be in line with the Comprehensive Plan. He explained that the Zoning Hearing Board could grant a variance for a specific use, such as a parking lot, but the Board cannot do so. Mr. Morgan asked Mr. Waldinger what kind of buffer or setback is required between a commercial (C-1) district and a residential district, and Mr. Waldinger replied that a 20' buffer and planting strip would be required from the zoning line, and if a structure were to be built, a 40' foot setback would be required. A discussion ensued on the possibility of creating a split-zoned lot to allow for the parking lot or the option of the applicant

seeking a variance from the Zoning Hearing Board, which would not change the zoning, but would permit parking in the adjacent lot.

No one else spoke either in favor of or in opposition to the rezoning. It was moved by Mr. Morgan, seconded by Mr. Ouellet, and carried by unanimous roll call vote to deny the Griffith rezoning petition.

Planning and Development Director Matthew Waldinger reported that the developer for the proposed Chick-Fil-A restaurant in the Yorktown Plaza is requesting to widen the drive-thru to a double lane, which will result in the loss of one parking space. The Township Engineer has given written certification of her approval. On recommendation of Mr. Waldinger, it was moved by Mr. Morgan, seconded by Mr. Ouellet and carried by unanimous roll call vote to approve a Nonsubstantial Amendment to the Chick-Fil-A Land Development Plan - Chick-Fil-A, Developer.

Planning and Development Director Matthew Waldinger reported that the developer for the complete interior remodel of Dunkin' Donuts restaurant, 5624 Peach Street, is requesting an exclusion from land development as the request meets the definition and requirements for an exclusion. On recommendation of Township Engineer Anne Sokol and Mr. Waldinger, it was moved by Mr. Ouellet, seconded by Mr. Morgan and carried by unanimous roll call vote to approve an Exclusion from Land Development Plan for Dunkin' Donuts - DS Architecture, LLC, Developer.

On recommendation of Chief Heidt and IT Manager Kris Filson, it was moved by Mr. Morgan, seconded by Mr. Ouellet, and carried by unanimous roll call vote to adopt Resolution 2020-R-36; A Resolution pursuant to Resolution 2015-R-20 and the Municipal Records Manual to approve Proposed Disposition of certain Township records. This authorizes the disposal of MPD DashCam videos that have reached the end of their 180-day retention period from June 10, 2020 – June 23, 2020.

Solicitor Mark Shaw reported that the Township plans to reopen the Municipal Building to the public soon, and therefore several policies need to be amended, such as COVID-19, operations for the municipal building, summer programming, and also the addition of temporary outdoor seating guidelines for restaurants. On recommendation of Solicitor Mark Shaw, it was moved by Mr. Ouellet, seconded by Mr. Morgan, and carried by a 2-1 roll call vote, with Mr. Morgan voting no, to adopt Resolution 2020-R-37; A Resolution Amending Resolution 2020-R-27 to Extend the Disaster Emergency Declaration within Millcreek Township and to adopt and modify various policies and regulations of Millcreek Township regarding COVID-19. Mr. Morgan was opposed to reopening Park and Recreation classes, stating it would pose a risk to participants and employees, but applauded Mr. Shaw and Parks and Recreation Director Ashley Marsteller for creating a detailed plan.

On recommendation of Treasurer Mark Zaksheske, it was moved by Mr. Morgan, seconded by Mr. Ouellet, and carried by unanimous roll call vote to adopt Resolution 2020-R-38; A Resolution to amend the Township's Section 125 Cafeteria Plan to allow changes to annual elections to the health Flexible Spending Arrangements (FSA) at mid-year as authorized by Internal Revenue Service Notice 2020-29. Mr. Zaksheske noted the purpose of this amendment was to allow employees to adjust their Flex Spending allowance because of the COVID-19 pandemic, and the deadline to change their annual election is June 30, 2020.

On recommendation of Solicitor Mark Shaw, it was moved by Mr. Morgan, seconded by Mr. Ouellet, and carried by unanimous roll call vote to adopt Resolution 2020-R-39; A Resolution Seeking the Immediate Reopening of Erie County, Pennsylvania. Mr. Shaw explained that the purpose of this resolution is to encourage Governor Wolf to move Erie County to the green phase, and a similar resolution has been passed by other municipalities.

On recommendation of Solicitor Mark Shaw, it was moved by Mr. Morgan, seconded by Mr. Ouellet, and carried by unanimous roll call vote to approve an agreement with Safe Harbor for people in custody who are in need of behavioral health services.

On recommendation of Planning and Development Director Matthew Waldinger, it was moved by Mr. Morgan, seconded by Mr. Ouellet, and carried by unanimous roll call vote to approve a Developers Agreement for Sewer Extension for West Ridge Estates – West Ridge Estates Realty, LLC, Developer.

On recommendation of Solicitor Mark Shaw, it was moved by Mr. Morgan, seconded by Mr. Ouellet and carried by unanimous roll call vote to approve a tax assessment settlement with Erie Commerce LLC, 2424 W. 23rd Street, for the years 2015-2020, for which Millcreek Township will reimburse Erie Commerce \$14,183.50.

On recommendation of Solicitor Mark Shaw, it was moved by Mr. Morgan, seconded by Mr. Ouellet and carried by unanimous roll call vote to approve a tax assessment settlement with Granada Apartment Holdings, 1717 Kuntz Road for the years 2018-2020, for which Granada will reimburse Millcreek Township \$17,353.07.

On recommendation of Treasurer Mark Zaksheske, it was moved by Mr. Morgan, seconded by Mr. Ouellet and carried by unanimous roll call vote to authorize Erie Bank change the securities used to collateralize the public funds of the Township that are in excess of the FDIC limit of \$250,000 from US Treasury securities to Letters of Credit issued by the Federal Home Loan Bank of Pittsburgh.

On recommendation of Human Resources Manager Diane Lyons, it was moved by Mr. Morgan, seconded by Mr. Ouellet, and carried by unanimous roll call vote to hire Daniel Wingenbach as a Sewer Maintenance Laborer, effective June 15, 2020, at an hourly rate of \$20.20.

On recommendation of Human Resources Manager Diane Lyons, it was moved by Mr. Morgan, seconded by Mr. Ouellet, and carried by unanimous roll call vote to approve the filling of a vacancy in the Sewer Maintenance Department.

On recommendation of Parks and Recreation Director Ashley Marsteller, it was moved by Mr. Ouellet, seconded by Mr. Bock, and carried 2-1, with Mr. Morgan voting no, to approve the hiring of the following part-time staff for the Summer Season:

<u>NAME</u>	<u>POSITION</u>	<u>RATE</u>
BELLE VALLEY & CHESTNUT HILL POOL		
Leona Carlson	Aquatic Director	\$13.00
Karen Link	Aquatic Director	\$13.00
Emily Kehl	Pool Supervisor	\$10.50
Kathleen Magoon	Pool Supervisor	\$10.50
Abigail Kurczewski	Pool Supervisor	\$10.00
Olivia Sanders	WSI	\$ 9.50
Sydney McGarry	WSI	\$ 9.50
Emma Louie	WSI	\$ 9.50
Celia Fortebraccio	WSI	\$ 9.50
Annie DiFrank	WSI	\$ 9.50
Chloe Heeter	WSI	\$ 9.00
Jadyn Danylko	WSI	\$ 9.00
Eve Wareham	WSI	\$ 9.00
Kayla Radu	WSI	\$ 9.00
Nellie Fallon	Guard	\$ 8.45
Emily Moore	Guard	\$ 8.45
Erich Fuhrman	Guard	\$ 8.45
Anthony Cuzzola	Guard	\$ 8.45
Emma Sanders	Guard	\$ 8.45
Megan Maholic	Guard	\$ 7.45

NAME	POSITION	RATE
CHILDREN'S PROGRAMS		
Elise Heinlein	Tennis Supervisor	\$10.50
Abby Murray	Tennis Asst. Supv.	\$ 9.50
Courtney Deiner	Day Camp Supv.	\$10.50
Alyssa Pamula	Day Camp	\$10.50
Ava Fillak	Day Camp	\$ 9.50
Hannah Maciak	Day Camp	\$ 9.50
Camryn Catalde	Day Camp	\$ 9.50
Emma Sidorowicz	Day Camp	\$ 8.45
Quentin Santillian	Day Camp	\$ 8.45

ADULT FITNESS		
Shannon Eggleston	Piloslide	\$10.50
Kathleen Wayman	Tai Chi	\$10.50
Dave Wayman	Qi Gong	\$10.50
Kathy Smith	Yoga	\$10.50
Nylene Baney	Body Sculpt	\$10.50
Susan McCall	Zumba	\$10.50

BARN SUPERVISOR		
Evelyn Bossar		\$ 9.50
Charles Elliott		\$ 9.50
Susan Shickler		\$ 9.50
Lauren Ertsgard		\$ 9.50

SUMMER MAINTENANCE		
Matthew Hansen		\$10.00
Connor Rosenbaum		\$ 8.00

Mr. Bock reported that the Board met in Executive Session with Solicitor Mark Shaw on May 28, 2020 and June 8, 2020 to discuss legal matters.

With no further business to come before the Board or any citizens to be heard, on motion by Mr. Ouellet, seconded by Mr. Morgan, the meeting was adjourned at 11:32 a.m.

Sheryl A. Williams
Township Secretary

Approved: June 23, 2020

James S. Bock _____

John E. Morgan _____

Daniel P. Ouellet _____