

Regular Meeting

June 23, 2020

The regular meeting of the Millcreek Township Board of Supervisors was called to order at 7:00 p.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 and Sheryl Williams. Gary Snyder was absent.

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. Morgan, seconded by Mr. Ouellet, it was carried by unanimous roll call vote to approve the minutes from the June 9, 2020 Regular Meeting.

On motion by Mr. Morgan, seconded by Mr. Ouellet, it was carried by unanimous roll call vote to approve payment of General Fund bills in the amount of \$248,502.37.

Planning and Development Director Matthew Waldinger reported that proposals were solicited and nine (9) were received for Professional Design and Engineering Services for the Peninsula Drive Multimodal Trail – Phase I Project, and a contract is currently under review. 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 Stantec for the proposed amount of \$233,780.00, subject to final review by Solicitor Mark Shaw, and to authorize Chairman Bock to sign the contract.

On recommendation of Planning and Development Director Matthew Waldinger, it was moved by Mr. Ouellet, seconded by Mr. Morgan and carried by unanimous roll call vote to approve Change Order #1 in the amount of \$880.00 to install a proper transition to the sidewalk edge for the 2020 Colonial Avenue Pipe Replacement Project, amending the total amount of the contract with McLallen Construction Inc. to \$35,304.80.

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 sixteen (16) ballistic vests from Uniform Outfitters for a total price of \$15,984.00.

On recommendation of Chief Scott Heidt, it was moved by Mr. Bock, seconded by Mr. Ouellet and carried by unanimous roll call vote to approve a yearly contract with LEXIPOL, doing business as Praetorian Digital, to provide officer access to Municipal Police Officers' Education and Training Commission (MPOETC) approved web-based training.

On recommendation of Parks and Recreation Director Ashley Marsteller, it was moved by Mr. Ouellet, seconded by Mr. Morgan and carried by unanimous roll call vote to approve the repair of the Erie Golf Course irrigation communication system by Irrigation Technical Service Company at a cost of \$15,805.75.

On recommendation of Public Works Director Gary Snyder, it was moved by Mr. Morgan and seconded by Mr. Ouellet to approve Paving Contract Amendments with Lindy Paving, Inc. as follows: Millcreek Township East, in the amount of \$68,828.00, and Millcreek Township West, in the amount of \$27,585.90. No public comment was offered. Motion carried by unanimous roll call vote.

A Public Hearing was held on the following Subdivision and Land Development Plans:

MILLCREEK COMMUNITY HOSPITAL. Small Subdivision Plan. A small subdivision plan to show the creation of a 2.586-acre parcel from tax parcel (33) 143-600-44. The new lot will become an integral part of tax parcel (33) 143-600.50.01, located on the east line of Peach Street, north of Biebel Avenue, in Tract 346. Index 729-020.

Planning and Development Director Matthew Waldinger reported that at their June 2, 2020 regular meeting, the Planning Commission recommended Approval with one Requirement: The 2.586-acre parcel is to become an integral part of the neighboring parcel, Erie County Tax Parcel (33)143-600-50.01. Mike Sanford, Sanford Surveying and Engineering, 4721 Atlantic Avenue, representing MCH, stated that the 2.586 parcel will become an integral part of tax parcel (33)143-600-50.01 that will be a side lot addition. Mr. Morgan asked if the requirement “to become an integral part” is stated in the Ordinance, to which Mr. Waldinger replied yes. Mr. Sanford explained that it is shown in the drawing and is a reminder to the applicant and others at the time of recording. No one else spoke either in favor of or in opposition to the plan.

On recommendation of Mr. Waldinger, it was moved by Mr. Morgan, seconded by Mr. Ouellet and carried by unanimous roll call vote to approve the Millcreek Community Hospital Small Subdivision Plan with the Requirement that the 2.586-acre lot becomes an integral part of Erie County Tax Parcel (33)143-600-50.01.

SKILLED NURSING FACILITY. Land Development Plan. A land development plan to show the construction of a 75’ high skilled nursing facility with associated stormwater facilities and parking spaces on parcel (33) 143-600.50.01, located on the east line of Peach Street, north of Biebel Avenue, in Tract 346. Index 729-021.

Planning and Development Director Matthew Waldinger reported that at their June 2, 2020 regular meeting, the Planning Commission recommended Approval with no conditions. Mike Sanford, Sanford Surveying and Engineering, 4721 Atlantic Avenue, representing MCH, stated that the property is located at 5535 Peach Street and the proposed building would be developed on the east side of Peach Street, east of the existing LECOM Senior Living Center. The applicant is seeking approval to construct a five-story building with associated parking, stormwater management and landscaping. Mr. Sanford reported that a variance was granted by the Zoning Hearing Board in March of 2020 for the building height and for off-lot and off-street parking, and stated that a facility this size is will be a significant improvement to the property and is needed in the community. This project will occur mostly in the existing parking lot, and will include planting strips, buffer yards, parking cap, end caps, planting islands, and green strips. Forty (40) letters were sent to neighbors offering to discuss the project and only four (4) calls were received, and Mr. Sanford noted that Erie County Planning Department has also recommended approval.

Mike Redlawsk, Developer, 2601 W. 26th Street, clarified that the four (4) calls were all positive in nature. Mr. Waldinger added that part of the variance included off-lot parking. Mr. Morgan expressed concern that the buffer overlaps in the corners, and Mr. Sanford explained that a notation is on the plan that the encroachment into the

current buffer plan is pre-existing, and the parking spaces were built in conjunction with prior development and the ordinance at that time. Mr. Waldinger echoed that the ordinance grandfathered it in. No one else spoke either in favor of or in opposition to the plan.

On recommendation of Mr. Waldinger, it was moved by Mr. Morgan, seconded by Mr. Ouellet and carried by unanimous roll call vote to approve the Skilled Nursing Facility Land Development Plan.

A Public Hearing was held on the following Conditional Use Request:

SERGEY KHODZHAYAN for property located at 35 Peninsula Drive to install new signage in the RC Resort Commercial District.

Planning and Development Director Matthew Waldinger reported that at their June 2, 2020 regular meeting, the Planning Commission recommended Approval. Sergey Khodzhayan, 35 Peninsula Drive, stated that he is requesting to install new signage at his restaurant in the RC Resort Commercial District. Solicitor Mark Shaw explained that there are certain criteria for Conditional Use in the Zoning Ordinance and the applicant bears the burden to prove that his sign complies with the ordinance. He asked Mr. Waldinger if the sign is equipped with an automatic dimmer device, to which Mr. Waldinger replied that no information was supplied. Mr. Shaw noted that this is one of the conditions. Mr. Bock asked the applicant if the sign has an automatic dimmer device, to which Mr. Khodzhayan replied that the sign can be dimmed. Mr. Waldinger reiterated that it must be an automatically dimmed device.

It was moved by Mr. Ouellet, seconded by Mr. Bock, and carried 2-1, with Mr. Morgan voting no, to approve the Conditional Use Request for Mr. Khodzhayan, for property located at 35 Peninsula Drive.

On recommendation of Chief Heidt and IT Manager Kris Filson, it was moved by Mr. Ouellet, seconded by Mr. Morgan, and carried by unanimous roll call vote to adopt Resolution 2020-R-40; 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 24, 2020 – July 14, 2020.

Solicitor Mark Shaw explained that due to the CARES Act, the Township received additional unexpected CDBG funds totaling \$153,527.00, which were proposed to be used as follows: \$87,748 to Second Harvest Food Bank Assistance Project, \$38,182 to Meals on Wheels, \$20,070 for the Certified Nurse Aide Training Project for scholarships, and \$7,527 for General Administration provided by Erie County Planning. On recommendation of Mr. Shaw and Mr. Waldinger, it was moved by Mr. Morgan, seconded by Mr. Ouellet, and carried by unanimous roll call vote to adopt Resolution 2020-R-41; A Resolution to “substantially” Amend Millcreek Township’s Fiscal Year 2020 CDBG Action Plan.

Solicitor Mark Shaw reported that the Township plans to reopen the Municipal Building to the public soon, and therefore the COVID-19 Operations Policy needs to be amended to state that the public may not enter employee areas, and to recommend that residents make an appointment if they need to meet with an employee. Mr. Morgan added that Park and Recreation facilities will open on Friday, June 26th with an additional \$100.00 security deposit required to accommodate Township COVID regulations, and that playgrounds are open but are not being sanitized. On recommendation of Solicitor Mark Shaw, it was moved by Mr. Ouellet, seconded by Mr. Morgan, and carried by unanimous roll call vote to adopt Resolution 2020-R-40; A Resolution Amending Resolution 2020-R-27 to Update and Modify the Township Operations Policy regarding COVID-19 plan.

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 an Indemnification Agreement with Norfolk Southern Railway Company for the Wolf Road Sewer Replacement Project from June 29, 2020 – July 31, 2020.

On recommendation of Solicitor Mark Shaw, it was moved by Mr. Ouellet, seconded by Mr. Morgan and carried by unanimous roll call vote to approve a Memorandum of Understanding with Sheetz, an agreement between various municipalities and Sheetz for provision of breakfast for First Responders who may be quarantined with the COVID-19 virus.

On recommendation of Interim Emergency Management Manager Shalan Anderson, it was moved by Mr. Bock, seconded by Mr. Ouellet and carried by unanimous roll call vote to appoint Kaelin O’Leary as a volunteer to the Emergency Operations Center Staff.

Mr. Bock reported that the Board met in Executive Session with Solicitor Mark Shaw on June 11 and 18, 2020 to discuss legal matters.

On recommendation of Chief Heidt, it was moved by Mr. Bock, seconded by Mr. Ouellet and carried by unanimous roll call vote to authorize one police officer to attend TASER Instructor re-certification training in Girard on July 15, 2020 at a cost of \$495.00.

On recommendation of Chief Heidt, it was moved by Mr. Bock, seconded by Mr. Ouellet and carried by unanimous roll call vote to authorize West Ridge FD Fire Police to conduct traffic control at Westminster Church on June 23, July 7 and July 21, 2020 for food distribution.

Gerald Servidio, 720 W. Gore Road, stated that the speed enforcement on W. Gore Road is not effective, and would like the Board to estimate the cost of a traffic study and electronic sign to determine if stop signs are warranted. Mr. Bock replied that he has reached out to the MPD patrol unit and was told that an electronic sign is coming, but noted there is a low frequency of intersection accidents. Mr. Waldinger added that the Engineering Department is working with law enforcement to collect traffic count data.

With no further business to come before the Board or any other citizens to be heard, on motion by Mr. Morgan, seconded by Mr. Ouellet, the meeting was adjourned at 8:02 p.m.

Sheryl A. Williams
Township Secretary

Approved: July 14, 2020

James S. Bock _____

John E. Morgan _____

Daniel P. Ouellet _____