

Regular Meeting

September 22, 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 John Morgan, James Bock, Daniel Ouellet, Mark Zaksheske, Mark Shaw, Esq., Gary Snyder, Matthew Waldinger and Sheryl Williams.

Following the Pledge to the Flag, Mr. Bock 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.com/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. Bock 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. Morgan, it was carried by unanimous roll call vote to approve the minutes from the September 8, 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 \$116,858.29, and Sewer Revenue bills totaling \$1,355,366.92.

A Public Hearing was held on the following Subdivision Plans:

JOHN M. & TAMARA J. HALL. Small Subdivision Plan. A small subdivision plan to show the creation of "parcel A," a 0.246 acre parcel that is to become an integral part of tax parcel (33)146-466-47, resulting in a 0.643 acre parcel of land and a residue parcel of 0.428 acres, located along the west line of Niemeyer Road, north of Dumar Road, in Tract 343. Index 829-011

Planning and Development Director Matthew Waldinger reported that at their regular meeting on September 1, 2020, the Planning Commission recommended approval with the following requirements: Parcel A is to become an integral part of Erie County Tax Parcel (33) 146-466-47, and the Dimensions of the existing structures are to be shown on the mylar. Mr. Waldinger stated that since the meeting, the surveyor corrected the drawing. Michael Lydick, owner of Parcel A, stated that his property is to become a part of Erie County Tax Parcel (33) 146-466-47. No one else spoke 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 John M. & Tamara J. Hall Small Subdivision Plan, conditional upon the remaining requirement above.

ALPHONSO A. NARDUCCI. Small Subdivision Plan. A small subdivision plan to show the consolidation of the 0.200 acre tax parcel (33)121-665-37.02 to become an integral part of tax parcel (33)121-665-40, resulting in a 0.929 acre parcel, located north of West 51st Street, west of West Street, in Tract 348. Index 718-030.

Planning and Development Director Matthew Waldinger reported that at their regular

meeting on September 1, 2020, the Planning Commission recommended approval with the following requirements: Erie County Tax Parcel (33)121-665-37.02 is to become an integral part of Erie County Tax Parcel (33) 121-665-40, and the Dimensions of the existing structures are to be shown on the mylar. No one else spoke 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 Alphonso A. Narducci Small Subdivision Plan, conditional upon the requirements stated above.

Mr. Waldinger reported that the Planning and Development Department granted the following requests, which meet the criteria for Exclusion from Land Development:

2650 West 26th Street – Bonnell Collision, for a 288 sq. ft. accessory structure.
2549 West 8th Street – Montessori Regional Charter School, for an 800 sq. ft. accessory structure (pavilion).

On request of Recycling Coordinator Jessica Stutzman, it was moved by Mr. Ouellet, seconded by Mr. Morgan and carried by unanimous roll call vote to purchase a Model 3680X Beast Recycler (grinder) from Stephenson Equipment Inc. for \$564,745.80, under COSTARS Bandit Parent ID #4400020042. Treasurer Mark Zaksheske further explained that the purchase installments will be funded by PA DEP Grants from 2018, 2020 and 2022.

Public Works Director Gary Snyder reported that quotations were solicited and received from the following vendors for the installation of fencing and a gate on the east side of the Chestnut Hill Retention Basin, as follows: Keystone Fence - \$9,500.00, Erie Fence - \$9,190.00. On recommendation of Mr. Snyder, it was moved by Mr. Morgan, seconded by Mr. Ouellet, and carried by unanimous roll call vote to award the contract to Erie Fence for \$9,190.00.

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 for the Millcreek Township Sidewalk Accessibility Project Phase VIII in the amount of \$12,800.00 for the construction of eight (8) additional sidewalk ramps, to be funded by remaining CDBG grant money and the Planning and Development budget for ramps from 2020. This brings the total of the contract with Amendola Construction & Maintenance Corporation to \$257,649.00.

On recommendation of Public Works Director Gary Snyder, it was moved by Mr. Ouellet, seconded by Mr. Morgan, and carried by unanimous roll call vote to authorize the purchase of twenty-two (22) LED light fixtures and bulbs for the police garage from Hite Electric under COSTARS contract #4400018985 at a cost of \$2,915.00, with installation to be completed by the Electrical Department.

Public Works Director Gary Snyder reported that the radio antenna tower at Lancaster Road is in disrepair and the school district would like it to be removed from its property. On recommendation of Mr. Snyder, it was moved by Mr. Ouellet, seconded by Mr. Morgan, and carried by unanimous roll call vote to authorize Freedom Communications to remove the Streets Department antenna from the tower on Lancaster Road and install it on the tower at the Erie Golf Course, at a cost of \$5,020.27. The tower on Lancaster Road will be removed at a later date.

On recommendation of Public Works Director Gary Snyder, it was moved by Mr. Ouellet, seconded by Mr. Morgan, and carried by unanimous roll call vote to authorize the installation of security cameras in the Municipal Building and parking lot at a cost of \$18,196.00.

Planning and Development Director Matthew Waldinger explained that the Township is looking to purchase a parcel on Wilkins Road to complete a stormwater improvement project, and it is first

necessary to have the parcel appraised and surveyed. On recommendation of Mr. Waldinger, it was moved by Mr. Ouellet, seconded by Mr. Morgan, and carried by unanimous roll call vote to approve an appraisal for Tax Parcel (33) 022-117.0-003.01, by Sammartino, Stout & Lo Presti at a cost of \$1,950.00.

Mr. Waldinger reported that quotes were solicited and received by Township Engineer Anne Sokol for a boundary survey of the Wilkins Road Tax Parcel (33) 022-117.0-003.01, as follows: Sanford Surveying and Engineering - \$895.00, David Laird & Associates - \$1,465.00, Henry T. Welka & Associates - \$1,350.00. On recommendation of Ms. Sokol and Mr. Waldinger, it was moved by Mr. Morgan, seconded by Mr. Ouellet, and carried by unanimous roll call vote to award the surveying contract to Sanford Surveying and Engineering for \$895.00.

Solicitor Mark Shaw explained that the Second Class Township Code requires that an ordinance be enacted when the Township pursues financing for non-electoral debt, in this case a 2020 Mack Tandem Axle Chassis and Vactor 2100 Plus Jet-Vac equipment package for a 5-year term with 1.5% interest. On recommendation of Mr. Shaw, it was moved by Mr. Ouellet, seconded by Mr. Morgan, and carried by unanimous roll call vote to enact Ordinance 2020-5; An Ordinance of the Township of Millcreek, Erie County, Pennsylvania ("Township") authorizing the incurrence of non-electoral debt by the Township pursuant to the Local Government Unit Debt Act, as amended, through the issuance of the Township's general obligation note, Series A of 2020 in the principal amount not to exceed \$440,000.00.

On recommendation of Chief 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 2020-R-57; 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 will reach the end of the 180-day retention period from September 23, 2020 – October 13, 2020.

Solicitor Mark Shaw explained that the current issuer of the letter of credit for Shady Knoll #11 has chosen not to renew the letter of credit for this project, and the developer, Redinger Builders, Inc., have defaulted on their developer's agreement due to the death of Mr. Redinger. On recommendation of Mr. Shaw, it was moved by Mr. Morgan, seconded by Mr. Ouellet, and carried by unanimous roll call vote to adopt Resolution 2020-R-58; A resolution to authorize the exercise of rights by Millcreek Township against Citizens Bank of Pennsylvania Letter of Credit No. S865216 issued to ensure completion of improvements required in Shady Knoll #11 development due to the failure by the developer to complete all required improvements and notice by the issuer that said letter of credit will not be extended upon its stated expiry date of October 1, 2020; authorizing actions by the Township's Administrators, Treasurer, Engineer, and Solicitor to effect such exercise of right, deposit of funds collected and as necessary to effect completion of those improvements required in the development.

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 CDBG CARES Act Administration Agreement with the County of Erie, which allocates \$7,827.00 of the Township's portion to Erie County to administer the Township's 2020 HUD CDBG-COVID program.

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 a Sidewalk Deferral Agreement for 3104 W. 38th Street – Nicholas Euliano, Proposed Developer, as there are no sidewalks currently in the area.

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 Stormwater Maintenance Agreement and Stormwater Management Plan for Dollar Tree on West Ridge Road –

FIDC 106, LLC, Developer, as all requirements have been satisfied.

On recommendation of Treasurer Mark Zaksheske, it was moved by Mr. Morgan, seconded by Mr. Ouellet and carried by unanimous roll call vote to approve an agreement with BAI to prepare and file Form 1095-C for the 2020 tax year, regarding health insurance for employees and their dependents, at a cost of \$250 + \$5.50 per form.

On recommendation of Recycling Coordinator Jessica Stutzman, it was moved by Mr. Ouellet, seconded by Mr. Morgan and carried by unanimous roll call vote to authorize Ms. Stutzman to apply for a \$128,566.40 PA DEP Section 904 Performance Grant, to be used for programming, education, and events that will benefit Millcreek Township residents and businesses.

Treasurer Mark Zaksheske reported that the Township received a \$310,853.75 grant from the PA Fireman's Relief Fund, which will be distributed equally among the Township's four (4) volunteer fire departments.

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 transfer Nick Langford from the Sewer Department Seasonal Maintenance to Parks and Recreation Seasonal Maintenance at his current hourly rate of \$10.00.

On recommendation of Human Resource Manager Diane Lyons, it was moved by Mr. Ouellet, seconded by Mr. Bock, and carried 2-1 to authorize Ms. Lyons to fill a vacancy in Police Dispatch. Mr. Morgan voted no, reiterating his opposition to the Township continuing to operate its own Dispatch Department separate from the Erie County 911 Center.

On recommendation of Human Resource Manager Diane Lyons, it was moved by Mr. Ouellet, seconded by Mr. Morgan, and carried by unanimous roll call vote to hire Eric Pham as a Sewer Maintenance Laborer, effective October 13, 2020 at an hourly rate of \$20.02.

Mr. Bock reported that the Board met in Executive Session with Solicitor Mark Shaw on September 10 and 17, 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 7:56 p.m.

Sheryl A. Williams
Township Secretary

Approved: October 13, 2020

James S. Bock _____

Daniel P. Ouellet _____

John E. Morgan _____