

Regular Meeting

October 27, 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/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. Morgan, seconded by Mr. Ouellet, it was carried by unanimous roll call vote to approve the minutes from the October 13, 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 \$1,552,028.58, and a bill from the Performance and Surety Bond account for \$1,138.25.

On recommendation of Solicitor Mark Shaw and Public Works Director Gary Snyder, it was moved by Mr. Morgan, seconded by Mr. Ouellet and carried by unanimous roll call vote to remove the Salt Barn Roof Replacement item from the Agenda.

On recommendation of Planning and Development Director Matthew Waldinger and Sanitary Sewer Technical Manager David Wright, it was moved by Mr. Ouellet, seconded by Mr. Morgan and carried by unanimous roll call vote to approve Change Order #2 for the Shoreline Pump Station Project with Chivers Construction in the amount of \$10,297.00, to add fencing, additional steps and asphalt. This brings the total amount of the project to \$158,797.00.

Quotations for the purchase of two (2) Electric Chain Falls for the Sewer lift stations were solicited and received by Public Works Director Gary Snyder as follows: Amazon - \$14,073.26, Perry Mill Supply - \$7,265.38, and Ace Industries - \$6,519.29. 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 Ace Industries for \$6,519.29.

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 purchase a Manhole Raising System from the only manufacturer of this item, Critex LLC, for \$31,189.00.

A Public Hearing was held on the following Small Subdivision Plans:

COUNTY OF ERIE. Small Subdivision Plan. A small subdivision plan to show the creation of a 0.035 acre lot from tax parcel (33) 29-59-3 that is to become an integral part of tax parcel (33) 29-59-4, resulting in a 0.715 acre parcel of land and a residual parcel of 0.161 acres, located at the northwest corner of Peninsula Drive and Haas Avenue, in Tract 007. Index 233 and 244.

Planning and Development Director Matthew Waldinger reported that at their October 6, 2020 meeting, the Planning Commission recommended approval with one Modification, a language correction in accordance with Ordinance 125-89F; and with the Requirement that the 0.035 acre lot from tax parcel (33) 29-59-3 is to become an integral part of Erie County Tax Parcel (33) 29-59-4.

Mike Sanford, Sanford Surveying, 4721 Atlantic Avenue, stated that the owner, Mr. Panhwar, wishes to purchase a 5' x 300' strip of property adjacent to Erie Cemetery, owned by Erie County, but that he does not wish to purchase the entire 1402 ft. parcel, which will create a land lock residue. Mr. Sanford reported that Mr. Panhwar has met with Erie County and negotiated a price, and has also paid for the surveying of the parcel. Discussion ensued about the land locked residue.

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 County of Erie Small Subdivision Plan with the Modification to Ordinance 125-89F and the Requirement stated above.

THE RIEHL FAMILY LIMITED PARTNERSHIP. Small Subdivision Plan. A small subdivision plan to show the creation of a 9,528 square foot Lot "C-1" and the creation of a 0.167 acre lot which is to become an integral part of tax parcel (33) 15-49-30.03 from tax parcel (33) 15-49-30, resulting in a residual lot of 4.577 acres, located on the west line of Wyngate Road, south of West 6th Street, in Tract 0026. Index 275-030.

Planning and Development Director Matthew Waldinger reported that at their October 6, 2020 meeting, the Planning Commission recommended approval with the following Requirement: The creation of 0.167 acre parcel from Erie County Tax Parcel (33) 15-49-30 is to become an integral part of Erie County Tax Parcel (33) 15-49-30.03.

Mike Sanford, Sanford Surveying, 4721 Atlantic Avenue, stated that the owner, Mr. Riehl, wishes to create a lot encompassing one rental home on Wyngate Drive, and also to add side lot onto his sister's property on Wyngate Drive.

On recommendation of Mr. Waldinger, it was moved by Mr. Ouellet, seconded by Mr. Morgan, and carried by unanimous roll call vote to approve the Riehl Family Limited Partnership Small Subdivision Plan with the Requirement stated above.

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 Nonsubstantial Land Development Amendment for Chick-fil-A, 2519 W. 12th Street – Chick-fil-A, Developer, which will include widening the drive thru entrance and exit, adding a second lane, and enlarging the original trash enclosure 36 square feet.

Mr. Waldinger reported that an Exclusion from Land Development request was granted by the Planning and Development Department for Final Finish, 4934 West Ridge Road – Richard Wurst, Developer, to grant a roof extension over the threshold at the south side of their building, and the project is will not violate any provisions of the zoning ordinance, as presented.

On recommendation of Solicitor Mark Shaw, it was moved by Mr. Ouellet, seconded by Mr. Morgan and carried by unanimous roll call vote to enact Ordinance 2020-6; An Ordinance to Amend the Rules and Regulations for the Millcreek Township Fire and Emergency Medical Services Commission. Mr. Shaw explained that the ordinance will require that department spending over \$25,000 be approved by the Fire and EMS Commission.

On recommendation of Solicitor Mark Shaw, it was moved by Mr. Morgan, seconded by Mr. Ouellet and carried by unanimous roll call vote to enact Ordinance 2020-7; An Ordinance of the Township of Millcreek, Erie County, Pennsylvania Establishing a Statutory Maximum Speed Limit of 25 Miles Per Hour for Motor Vehicles Traveling on Certain Roadways within Millcreek Township. Mr. Shaw further explained that McKee and Koehler Roads are in residential districts, and this ordinance will make the speed limit on these roads consistent with the other residential roads within the Township.

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-61; 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 October 28, 2020 through November 10, 2020.

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 Amendment to the Stormwater Fee Study Grant Agreement with Erie County and the City of Erie, extending the termination date of the agreement from December 31, 2020 to June 30, 2021.

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 release of Widget Financial Check #20014689 in the amount of \$202,691.50, for Widget Financial, West Ridge and Millfair Roads – Widget Financial, Developer, as all requirements have been completed.

On recommendation of Human Resource Manager Diane Lyons, it was moved by Mr. Morgan, seconded by Mr. Ouellet, and carried by unanimous roll call vote to approve a Millcreek Police Association Memorandum of Understanding with Millcreek Township regarding a resolution of agreement.

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 Toth as a Streets Maintenance Laborer, effective November 2, 2020, at the hourly rate of \$20.02.

Mr. Bock reminded residents that Halloween Trick-or-Treat hours will be Saturday, October 31, 2020 from 6:00 to 8:00 p.m., as originally scheduled.

Mr. Bock reported that the Board met in Executive Session with Solicitor Mark Shaw on October 15 and 22, 2020 to discuss legal matters.

Mr. Bock reminded everyone to set their clocks back one hour this Sunday at 2:00 a.m. for Daylight Savings Time.

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 7:40 p.m.

Sheryl A. Williams
Township Secretary

Approved: November 10, 2020

James S. Bock _____

Daniel P. Ouellet _____

John E. Morgan _____