

Regular Meeting

February 11, 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 Mark Zaksheske, John Morgan, James Bock, Daniel Ouellet, Mark Shaw, Esq., Matthew Waldinger, Gary Snyder, Matthew Puz, Evelyn Moore and Sheryl Williams.

Following the Pledge to the Flag, Mr. Bock announced that the meeting is being recorded by WQLN and will be broadcast on Spectrum Channel 1024 and YouTube.com with closed captioning available.

Mr. Bock called for public comment on agenda items other than development or rezoning application hearings. No public comment 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 January 28, 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 \$393,666.21, Sewer Revenue Fund bills in the amount of \$337,678.73, Sinking Fund Account bills totaling \$12,781.02, and a Performance and Surety Bond Account bill in the amount of \$27,357.00.

A Public Hearing was held on a Petition Requesting a Change in Zoning Classification for the following:

MCH CORPORATION, for properties located at 5312 Peach Street, 1661 Dudley Street, and 1655 Dudley Street, now zoned C-3 Highway Commercial District and R-1 Single Family Residential District, requesting a change in classification to C-2 General Commercial District. Township Indices 725-046, 725-048, and 725-060; County Indices 33-121-536-12, 33-121-536-13, and 33-121-536-14.

Zoning and Development Officer Matthew Puz, Jr. reported that at the January 7, 2020 regular meeting, the Planning Commission unanimously recommended approval with the caveat that the Future Land Use Map be amended to designate the properties on Dudley Street as Corridor Commercial from Single Family Residential so that it is consistent with the Zoning Ordinance. Mr. Morgan asked if the Future Land Use Map currently shows these properties as Corridor Commercial, to which Mr. Puz replied no; the property lines are in the Single Family Residential zone. He also noted that there was one public comment at the Planning Commission meeting, when someone asked what was planned for these properties.

Michael Redlawsk of The Westminster Group, 2601 West 26th Street, representing Millcreek Community Hospital, opined that this zoning request is consistent with the Township's Comprehensive Plan, but declined to reveal what is planned for the properties, other than consistent zoning for all of the properties. No one else spoke either in favor of or in opposition to the rezoning petition.

On recommendation of Mr. Puz, it was moved by Mr. Morgan and seconded by Mr. Ouellet, to approve the rezoning request for MCH Corporation, for properties located at 5312 Peach Street, 1661 Dudley Street, and 1655 Dudley Street, now zoned C-3 Highway Commercial District and R-1 Single Family Residential District, to be rezoned to C-2 General Commercial District, conditional up the Future Land Use Map being amended to be consistent with the Zoning Ordinance. Motion carried by unanimous roll call vote.

It was further moved by Mr. Morgan, seconded by Mr. Ouellet and carried by unanimous roll call vote to amend the Embrace Millcreek Comprehensive Plan Future Land Use Map to reflect the zoning changes.

MILLCREEK COMMUNITY HOSPITAL, for portion of a property located at 5615 Peach Street, now zoned C-3 Highway Commercial District, requesting that approximately 2.7 acres of the property be classified as C-2 General Commercial District. Township Index 729-020; County Index 33-143-600-44.

Zoning and Development Officer Matthew Puz, Jr. reported that at the January 7, 2020 regular meeting, the Planning Commission unanimously recommended approval. Mr. Puz stated that the petition is consistent with the Future Land Use Map. He noted there was one person at the Planning Commission who inquired if the property tax would increase or decrease.

Michael Redlawsk of The Westminster Group, 2601 West 26th Street, representing Millcreek Community Hospital, opined that this zoning request is consistent with the Township's Comprehensive Plan. He noted the difference from the first petition is that the zoning on the Toyota property is currently C-3, and they would like the zoning to be C-2 for hospital use so as to be consistent with the other properties. No one else spoke either in favor of or in opposition to the rezoning petition.

On recommendation of Mr. Puz, it was moved by Mr. Morgan and seconded by Mr. Ouellet, to approve the rezoning request for Millcreek Community Hospital, for portion of a property located at 5615 Peach Street, now zoned C-3 Highway Commercial District, to be rezoned to C-2 General Commercial District. Motion carried by unanimous roll call vote.

Zoning and Development Officer Matthew Puz presented the 2019 Planning Commission Annual Report, citing the following recommendations for 2020: Continue updating the Zoning and Subdivision and Land Development Ordinances to be consistent with the new comprehensive plan, and review and update the Official Map for Millcreek Township.

On recommendation of Mr. Puz, it was moved by Mr. Morgan, seconded by Mr. Ouellet, and carried by unanimous roll call vote to approve a non-substantial amendment to the Millcreek Township Planning Commission Bylaws, adding a new item: "8. Consideration of conditional use applications."

Quotations for Various Traffic Light Parts were solicited and received by Public Works Director Gary Snyder as follows: Path Master - \$4,260.00, Signal Service Inc. - \$3,850.00, and Traffic Products - \$3,576.00. On recommendation by Mr. Snyder, it was moved by Mr. Ouellet, seconded by Mr. Morgan and carried by unanimous roll call vote to award the contract to Traffic Products for \$3,576.00, and this is a budgeted purchase.

Quotations for 25,000 feet of various types of Traffic Light Wire were solicited and received by Public Works Director Gary Snyder as follows: Rainbow Distributors USA Inc. - \$9,765.75, American Wire Group - \$9,075.00, and Power & Tel - \$8,597.50. On recommendation of Mr. Snyder, it was moved by Mr. Ouellet, seconded by Mr. Morgan and carried by unanimous roll call vote to award the contract to Power Tel for \$8,597.50, and this is a budgeted purchase.

On recommendation of Public Works Director Gary Snyder, it was moved by Mr. Morgan, seconded by Mr. Ouellet and carried by unanimous roll call vote to enter into the 2020-2021 Road Salt COSTARS Contract with the State of PA, and to order 7,000 tons of road salt at the contract awarded price, to be determined after the bid letting.

Quotations for 40 feet of Trench Drain for Garage 4 were solicited and received by Public Works Director Gary Snyder as follows: Green Distributors - \$5,849.49, J. Curtiss - \$5,367.71, and Ditrich Construction Supply - \$5,247.55. On recommendation by Mr. Snyder, it was moved by Mr. Ouellet, seconded by Mr. Morgan and carried by unanimous roll call vote to award the contract to Ditrich Construction Supply for \$5,257.55, and this is a budgeted purchase.

Solicitor Mark Shaw reported that the bid opening for Industrial Laundry Rental Services was on February 10, 2020, and three bids were received. Treasurer Mark Zaksheske read the bid results and contract options as follows:

3-Year Contract: UniFirst - \$11,815.11, ITU AbsorbTech - \$16,362.58, CINTAS - \$9,768.46
5-Year Contract: UniFirst - \$13,230.15, ITU AbsorbTech - \$16,352.58, CINTAS - \$9,758.06

Mr. Shaw recommended not awarding a contract until a few more questions can be answered.

Solicitor Mark Shaw reported that the draft of the proposed Zoning Ordinance Amendment regarding the regulation of small wireless facilities was discussed at the Planning Commission, at which time various companies which install small wireless facilities made presentations. Mr. Shaw noted that the proposed ordinance is available on the Township website and has been sent to the County Planning Commission, and action on the ordinance is anticipated at the March 10, 2020 Board of Supervisors Meeting.

On recommendation of IT Manager Kris Filson and Human Resource Manager Diane Lyons, it was moved by Mr. Morgan, seconded by Mr. Ouellet, and carried by unanimous roll call vote to adopt Resolution 2020-R-8; 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 February 12 -25, 2020, and various Human Resource records that have reached the end of their respective expiration dates of 2, 4, 5 and 6 years.

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 the Millcreek Police Association Collective Bargaining Agreement. Mr. Morgan commended Mr. Bock and Human Resource Manager Diane Lyons for their efforts in negotiating the contract without need of state arbitration. Mr. Morgan suggested that a policy be written to further define the clothing allowance portion of the agreement to clarify that reimbursement is for issued items only.

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 Tobacco Grant Agreement with Erie County Department of Health, not to exceed \$1,395.00, for the purpose of monitoring underage tobacco purchases.

On recommendation of Chief Scott Heidt, it was moved by Mr. Morgan, seconded by Mr. Ouellet and carried by unanimous roll call vote to approve an annual Equitable Sharing Agreement with the U.S. Department of Justice in order to be eligible for forfeiture funds obtained as a result of any joint investigation with various Federal Agencies.

Solicitor Mark Shaw reported that the Fire and EMS Commission has recommended that the Board of Supervisors pass an ordinance that would impose limitations on the ability of fire departments to make capital purchases of apparatus; the specifics of such ordinance to be left to the discretion of the Supervisors. Mr. Morgan said he is hesitant to pass an ordinance that would impose restrictions on volunteer fire departments. It was moved by Mr. Ouellet, seconded by Mr. Morgan and carried by unanimous roll call vote to direct Mr. Shaw to work with the Fire and EMS Commission to develop specific recommendations for the purchase of apparatus to then present to the Board for consideration.

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 table action on the 28th Street Overflow Basin Contract with GPI until the next meeting on February 25, 2020.

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 Mr. Zaksheske to attend the Pennsylvania Government Finance Officials Association (GFOA-PA) conference in State College from April 19-22, 2020 at a total cost of \$1,366.75.

Mr. Zaksheske announced that the Township's auditing firm, Zelenkofske Axelrod LLC, will begin the 2019 Township Audit the week of February 24, 2020.

On request of Human Resource Manager Diane Lyons, it was moved by Mr. Ouellet, seconded by Mr. Morgan and carried by unanimous roll call vote to authorize Ms. Lyons to fill a vacancy in the Fleet Maintenance Department.

It was moved by Dan Ouellet, seconded by Mr. Morgan and carried by unanimous roll call vote to authorize three participants to attend the Erie County Regional Chamber and Growth Partnership "State of the Community Seminar" in Erie on February 26, 2020 at an estimated total cost of \$75.00.

On recommendation of Chief Scott Heidt, it was moved by Mr. Bock, seconded by Mr. Ouellet and carried by unanimous roll call vote to authorize Corporals Bucko and Caldwell to attend a Tactical Carbine Course at the PSP Northwest Training Center from June 3-4, 2020, at no cost to the Township and with use of a department vehicle.

Mr. Bock reported that the Board met in Executive Session with Solicitor Mark Shaw on January 30, 2020 and February 6, 2020 to discuss legal matters.

Student Ambassador Evelyn Moore reported that the McDowell Center for the Performing Arts dinner theater production "Peeved" will take place February 13-15, 2020. She noted that the DECA TEAM is traveling to Hershey for state competition, and the Academic Sports League placed 3rd at Regional Competition and will advance to state competition. Ms. Moore relayed that the McDowell cheer team placed 3rd in state competition and advanced to national competition. Finally, the Speech and Debate Team recently competed at the University of Pennsylvania, and this weekend they are competing at Harvard University.

On recommendation of Solicitor Mark Shaw, it was moved by Mr. Morgan and seconded by Mr. Ouellet to direct Mr. Shaw to respond to a proposal letter from Erie Water Works stating that the Township has no interest in purchasing the West 4th Street property in question. No public comment was offered. Motion carried by unanimous roll call vote.

On recommendation of Solicitor Mark Shaw, it was moved by Mr. Ouellet and seconded by Mr. Morgan to adopt Resolution 2020-R-9; A Resolution Amending Resolution 2019-R-54 Which Approved the Recommendation of the Millcreek Township Fire and Emergency Medical Services Commission to Reduce the Call Volume for Millcreek Township Fire Departments. Mr. Shaw explained that this specifically states that Kearsarge Fire Department is to be auto dispatched to Vertical Jump Park for all Priority 1 Basic Life Support Calls due to the manpower that is needed to effect patient extrication at that location. Mr. Morgan suggested that all similar requests in the future should go through the Fire and EMS Commission.

With no further business to come before the Board or citizens to be heard, on motion by Mr. Ouellet, seconded by Mr. Morgan, the meeting was adjourned at 10:18 a.m.

Sheryl A. Williams
Township Secretary

Approved: February 25, 2020

James S. Bock _____

John E. Morgan _____

Daniel P. Ouellet _____