

## Regular Meeting

February 23, 2021

The regular meeting of the Millcreek Township Board of Supervisors was called to order at 7:00 p.m. by Chairman John Morgan in the Assembly Room of the Millcreek Township Municipal Building. Present were John Morgan, James Bock, Daniel Ouellet, Mark Zaksheske, Mark Shaw, Esq., Matthew Waldinger, Gary Snyder and Sheryl Williams.

Following the Pledge to the Flag, Mr. Morgan 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](http://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](mailto:swilliams@millcreektownship.com) no later than 24 hours before the scheduled meeting to make arrangements to participate via telephone.

Mr. Morgan 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. Bock, it was carried by unanimous roll call vote to approve the minutes from the February 9, 2021 Regular Meeting.

On motion by Mr. Ouellet, seconded by Mr. Bock, it was carried by unanimous roll call vote to approve payment of General Fund bills in the amount of \$365,408.31, and Sewer Revenue Fund bills totaling \$293,630.92.

On recommendation by Public Works Director Gary Snyder, it was moved by Mr. Ouellet, seconded by Mr. Bock and carried by unanimous roll call vote to purchase new LED Bay Lights for the Eastside Garage from Mayer Electric at a cost of \$4,788.00 under COSTARS contract #008-033.

On recommendation by Public Works Director Gary Snyder, it was moved by Mr. Ouellet, seconded by Mr. Bock and carried by unanimous roll call vote to purchase two (2) 4x4 Chevrolet Silverado Pickup Trucks from Hallman Chevrolet for the Streets Department at a total cost of \$76,380.00 under COSTARS contract #25-109.

On recommendation by Public Works Director Gary Snyder, it was moved by Mr. Ouellet, seconded by Mr. Bock and carried by unanimous roll call vote to purchase two (2) pumps from Miller Pump Supply for the Lancaster Sewer Station at a total cost of \$16,839.44 under COSTARS contract #0000541212.

Quotations were solicited and received by Public Works Director Gary Snyder for Trench Drains and an Oil Separator for the Sewer Department Pole Barn as follows: Trumbull Supply - \$19,184.45, Ditrich Construction - \$17,120.53, and Green Distributors - \$15,979.00. On motion by Mr. Ouellet, seconded by Mr. Bock, it was carried by unanimous roll call vote to award the contract to Green Distributors for \$15,979.00.

On recommendation by Public Works Director Gary Snyder, it was moved by Mr. Ouellet, seconded by Mr. Bock and carried by unanimous roll call vote to enter into a contract with Sewer Specialty Services for grouting services for the 2021 season under COSTARS contract #016-082 at an amount not to exceed \$250,000.00.

On recommendation of Planning and Development Director Matthew Waldinger, it was moved by Mr. Ouellet, seconded by Mr. Bock and carried by unanimous roll call vote to upgrade the Township's SentryFile Document Management Software at a cost of \$1,250.00 with a one-time cost of \$1,200.00 for migration assistance to ensure all data is transferred to the new version without error, for a total cost of \$2,450.00.

Quotations were solicited and received by Police Chief Scott Heidt for SWAT Armor and 15 Ballistic Helmets as follows: Uniform Outfitters - \$60,779.55, and Pittsburgh Public Safety Supply - \$65,780.36. It was moved by Mr. Bock, seconded by Mr. Ouellet, and carried by unanimous roll call vote to award the contract to Uniform Outfitters for \$60,779.55.

A Public Hearing was held on the following Subdivision Plans:

**EDGEMEER PLACE SUBDIVISION. Small Subdivision. A subdivision plan to show the creation of Parcel "1B-A", a 20' x 213.90' lot, from tax parcel 33-14-43-29 with a residual lot of 0.71 acres. Parcel "1B-A" is to become an integral part of tax parcel 33-14-43-30 creating a 0.49 acre parcel located along the north line of West 8<sup>th</sup> Street, east of Nevada Drive, in Tract 37. Indices 222-043 and 222-044**

Planning and Development Director Matthew Waldinger reported that at their February 2, 2021 regular meeting, the Planning Commission recommended approval with one requirement: Lot 1B-A, a 20'x213'x90' lot, from tax parcel 33-14-43-29, is to become an integral part of Erie County Tax Parcel 33-14-43-30.

John Bongiovanni, 417 Frontier Drive, stated that he is the interested buyer of the parcel, owns a neighboring parcel and would like to purchase and combine a 20' strip from Lighthouse Jewelers to make the new parcel 100' wide. No one else spoke in favor of or in opposition to the small subdivision. On recommendation of Mr. Waldinger, it was moved by Mr. Ouellet, seconded by Mr. Bock, and carried by unanimous roll call vote to approve the Edgemeer Place Small Subdivision plan.

**SUBDIVISION PLAN FOR WHISPERING WOODS ESTATES PHASE 7C. Major Subdivision. A major subdivision plan to show the creation of lots 217 through 234 and lot 236A, nineteen lots in total, with associated stormwater, utilities, easements, and street improvements. The lots will have frontage along Mystic Ridge which connects to Stone Creek Drive and Forest Crossing, in Tract 354. Index 506-002**

Planning and Development Director Matthew Waldinger reported that at their February 2, 2021 regular meeting, the Planning Commission recommended approval. Mike Sanford, 4721 Atlantic Avenue, representing the applicant, stated that this is a major subdivision containing 19 lots and creating a roadway. On recommendation of Mr. Waldinger, it was moved by Mr. Ouellet, seconded by Mr. Bock, and carried by unanimous roll call vote to approve the Subdivision Plan for Whispering Woods Estates Phase 7C.

A Public Hearing was held on a Request for an Intermunicipal Restaurant Liquor License Transfer into Millcreek Township:

Solicitor Mark Shaw reported that the Township received a request for a Public Hearing for the purpose of a liquor license transfer into Millcreek from Scott's Cup of Joe, 150 E. Front Street, City of Erie to Scott's Harbor Place, LLC, 2933 W. 12<sup>th</sup> Street, and that the request has been properly advertised.

Elliott Ehrenreich, Esq., Knox Law Firm, 120 W. 10<sup>th</sup> Street spoke on behalf of the applicant, stating that the applicant would like to serve alcohol at his restaurant on 2933 W. 12<sup>th</sup> Street, which will be undergoing renovations for the summer.

Nick Scott, Sr., 1552 South Shore Drive, President of Scott Enterprises, reported that he has plans to close the IHOP Restaurant at 2933 W. 12<sup>th</sup> Street on March 31, 2021, and renovate the restaurant to include outdoor patio seating and a new menu, and would like to be able to serve alcohol at this location. No one else spoke in favor of or in opposition to the liquor license transfer. It was moved by Mr. Ouellet, seconded by Mr. Bock and carried by unanimous roll call vote to close the Public Hearing.

On recommendation of Mr. Shaw, it was moved by Mr. Ouellet, seconded by Mr. Bock and carried by unanimous roll call vote to adopt Resolution 2021-R-12; A Resolution of the Township of Millcreek, County of Erie, Commonwealth of Pennsylvania, Approving the Intermunicipal Transfer of Pennsylvania Liquor License No. R-1261 into the Township of Millcreek from the City of Erie.

On recommendation of Planning and Development Director Matthew Waldinger, it was moved by Mr. Ouellet, seconded by Mr. Bock and carried by unanimous roll call vote to approve an Amended Developer's Agreement Land Development with MCH Corporation. Mr. Waldinger explained that this amends Section 5 E of the agreement, which now states that the developer will construct all improvements to the proposed off-site parking lot.

On recommendation of Solicitor Mark Shaw, it was moved by Mr. Ouellet and seconded by Mr. Bock to adopt the following resolution, tabled from the February 9, 2021 meeting: Resolution 2021-R-11; A Resolution to authorize the Chairman of the Millcreek Township Board of Supervisors to sign the PennDOT Application on behalf of Millcreek Township for Traffic signal Approval at Peach and 54<sup>th</sup> Streets in Erie, Pennsylvania.

On recommendation of Solicitor Mark Shaw, it was moved by Mr. Bock and seconded by Mr. Ouellet to enact the following: Ordinance 2021-4; An Ordinance of the Township of Millcreek, Erie County, Pennsylvania, Establishing Traffic Control Devices, i.e. Stop Signs, at the Intersection of Bryant Street and Fairlawn Street in Millcreek Township.

On recommendation of Solicitor Mark Shaw, it was moved by Mr. Bock and seconded by Mr. Ouellet to adopt the following: Resolution 2021-R-13; A Resolution pursuant to Resolution 2015-R-20 and the Municipal Records Manual to approve proposed disposition of certain Township records. Mr. Morgan explained that this resolution pertains to the routine disposition of MPD DashCam video records which will reach maturity dates from February 24, 2021 through March 9, 2021, and also disposition of a variety of Human Resource Records that have reached their expiration dates.

On recommendation by Solicitor Mark Shaw, it was moved by Mr. Ouellet, seconded by Mr. Morgan, and carried by a 2-1 roll call vote, with Mr. Bock voting no, to adopt Resolution 2021-R-

14; A Resolution Amending Resolution 2020-R-71 to Extend the Disaster Emergency Declaration within Millcreek Township regarding COVID-19. Mr. Shaw noted that the Governor has extended the state's Disaster Emergency Declaration until May 25, 2021.

On recommendation of Planning and Development Director Matthew Waldinger, it was moved by Mr. Bock, seconded by Mr. Ouellet and carried by unanimous roll call vote to adopt Resolution 2021-R-15; A Resolution of the Township of Millcreek, Erie County, Pennsylvania, Authorizing the Submission of an Application for a Watershed Restoration and Protection Program Grant, Authorizing a Local Match Commitment and Designating Officials to Execute Grant Documents and Agreements. Mr. Waldinger stated that if awarded, the maximum amount of the 15% matching grant would be up to \$300,000 to cover the construction costs of the Wilkins Run Stream Restoration, and Township Engineers Anne Sokol and Emma George are also authorized to execute any documents and agreements.

It was moved by Mr. Bock, seconded by Mr. Ouellet and carried by unanimous roll call vote to adopt Resolution 2021-R-16; A Resolution of the Millcreek Township Board of Supervisors Amending Resolution 2019-R-36 to Update the procedures governing the sale or disposal of Township-owned personal property. Solicitor Mark Shaw noted that this resolution will permit Millcreek police officers to purchase their duty weapons upon retirement.

On recommendation of Planning and Development Director Matthew Waldinger, it was moved by Mr. Ouellet, seconded by Mr. Bock and carried by unanimous roll call vote to approve Change Order #1 to the Mackin Engineering Corporation Professional Services Agreement by reducing the total cost not to exceed \$94,554.00. Mr. Waldinger explained that Mackin Engineering is updating the Township Zoning Map, and the Subdivision and Land Development and Zoning Ordinances, and there has been a reduction in needed services.

On recommendation of Solicitor Mark Shaw, it was moved by Mr. Bock, seconded by Mr. Ouellet and carried by unanimous roll call vote to table action on the Elk County Memorandum of Understanding until the next regular Supervisors meeting on March 9, 2021.

On recommendation of Planning and Development Director Matthew Waldinger, it was moved by Mr. Ouellet, seconded by Mr. Bock and carried by unanimous roll call vote to approve the Whispering Woods Sewer Extension Agreement for Whispering Woods Subdivision Phase 7C, Mystic Ridge – Renaud-Peck Real Estate, LLC.

On recommendation of Solicitor Mark Shaw, it was moved by Mr. Bock, seconded by Mr. Ouellet and carried by unanimous roll call vote to table action on the Dunkin' Agreement until the next regular Supervisors meeting on March 9, 2021. This agreement would allow for the provision of breakfast meals for first responders under quarantine who are staying in Edinboro.

It was moved by Mr. Ouellet, seconded by Mr. Bock and carried by unanimous roll call vote to appoint Guy Santone, former City of Erie Fire Chief, as a citizen representative to the Millcreek Township Fire Commission for a 3-year term, expiring January 15, 2024. Mr. Ouellet thanked Rebecca Kessler for her service on the Fire Commission.

On recommendation of Planning and Development Director Matthew Waldinger, it was moved by Mr. Ouellet, seconded by Mr. Bock and carried by unanimous roll call vote to authorize the firm of Sammartino, Stout and Lo Presti to appraise a vacant property on Hartley Lane in order for the Township to gain access for the Wilkins Run Stream Restoration Project, at a cost not to exceed \$1,750.00.

On recommendation of Treasurer Mark Zaksheske, it was moved by Mr. Ouellet, seconded by Mr. Bock and carried by unanimous roll call vote to approve an Engagement Letter from Zelenkofske Axelrod, LLC to audit the Township's 2020 financial statements, at a cost not to exceed \$18,945.00.

On recommendation of Treasurer Mark Zaksheske, it was moved by Mr. Ouellet, seconded by Mr. Bock and carried by unanimous roll call vote to authorize new BAI signatories on the Township's PNC Dental account, as a former signatory had passed away.

On recommendation of Recycling Coordinator Jessica Stutzman, it was moved by Mr. Ouellet, seconded by Mr. Bock and carried by unanimous roll call vote to authorize an application for reimbursement from the Act 101 PA DEP Section 902 Grant in the amount of \$184,490.00, to be used for partial payment of the Horizontal Beast Grinder for the Millcreek Township Recycling Center.

On recommendation of Human Resource Manager Diane Lyons, it was moved by Mr. Ouellet, seconded by Mr. Bock and carried by unanimous roll call vote to approve the hiring of Shelby Urbine as Parks and Recreation Coordinator, effective March 1, 2021, at an hourly wage of \$17.97.

On request of Public Works Director Gary Snyder, it was moved by Mr. Ouellet, seconded by Mr. Bock and carried by unanimous roll call vote to authorize eight (8) Sewer Department employees to attend Flagger Certification Training on March 2, 2021 at a total cost of \$400.00.

Mr. Morgan reported that the Board met in Executive Session with Solicitor Mark Shaw on February 11 and 18, 2021 to discuss legal and personnel matters.

Mr. Morgan reported that eleven (11) small businesses were granted zero interest loans of up to \$25,000 for a total of \$207,800.11 through the Millcreek Township Small Business Loan Program, managed by the Erie County Redevelopment Authority. Mr. Morgan then proposed amendments to both programs as follows:

On recommendation of Mr. Morgan, it was moved by Mr. Bock and seconded by Mr. Ouellet to amend loan program guidelines to extend the Millcreek Township Small Business Relief Loan (SBRL) Program rolling application period as funds are available until December 31, 2021, and to reallocate \$600,000.00 to the amended SBRL Program, which may also be used for working capital. No public comment was offered. Motion carried by unanimous roll call vote.

On recommendation of Mr. Morgan, it was moved by Mr. Bock and seconded by Mr. Ouellet to amend loan program guidelines to extend the Millcreek Township Business Development Revolving Loan (BDRL) Program rolling application period as funds are available until December 31, 2021, and to reallocate \$692,200.00 to the amended BDRL Program, which may also be used for working capital. No public comment was offered. Motion carried by unanimous roll call vote.

Interested businesses may apply online at [www.ecrda.net](http://www.ecrda.net).

Planning and Development Director Matthew Waldinger announced that there will be no Planning Commission meeting in March, as no land development plan applications or subdivision plan applications were submitted by the deadline. He stated that the next Planning Commission meeting is scheduled for April 6, 2021.

There being no further business to come before the Board or any Citizens to be Heard, it was moved by Mr. Bock and seconded by Mr. Morgan to adjourn the meeting at 8:02 p.m.

Sheryl A. Williams  
Township Secretary

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APPROVED: March 9, 2021

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John E. Morgan

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Daniel P. Ouellet

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James S. Bock