

Regular Meeting

March 24, 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 East Conference Room of the Millcreek Township Municipal Building. Present were Mark Zaksheske, John Morgan (via telephone), James Bock, Daniel Ouellet, Mark Shaw, Esq., Matthew Waldinger, Gary Snyder and Sheryl Williams.

Following the Pledge to the Flag, Mr. Bock announced that due to the current Coronavirus pandemic, beginning Tuesday, March 24, 2020 at 7:00 p.m. and until further notice, the regular meetings of the Millcreek Township Board of Supervisors will be held in the East Conference Room of the Millcreek Township Municipal Building and members of the public will not be able to attend in person. The meetings will be 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 also 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 application hearings. No public comment was offered. Mr. Bock stated that Mr. Morgan was participating via telephone.

On motion by Mr. Ouellet, seconded by Mr. Morgan, it was carried by unanimous roll call vote to approve the minutes from the March 10, 2020 Regular Meeting and the March 18, 2020 Special Public 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 \$401,477.30 and Sewer Revenue Fund bills totaling \$24,953.96.

A Public Hearing was held on the ALBERICO AND LINDA J. MELARAGNO Small Subdivision Plan. A small subdivision plan creating two new lots, Parcel 'E' being 146' x 135' and Parcel F being 146' x 140'. Parcel 'E' has frontage along West Arlington Road and Parcel 'F' has frontage along Hilltop Road east of Tremont Parkway, in South Gore Tract. Index 807-006

Planning and Development Director Matthew Waldinger reported that at the March 3, 2020 regular meeting of the Planning Commission, approval was recommended with no conditions. Via telephone, Linda Melaragno stated that in order to sell her house at 843 W. Arlington Street on July 11, 2018, she requested a subdivision waiver to subdivide her property from Erie County. Since this subdivision includes only a portion of some original lots, the County said a waiver was not possible and she must go through the Township subdivision process. The proposed subdivision consists of 2.5 original lots facing Arlington Street, and 2.5 lots facing Hilltop Road. She relayed that years ago, the property next door at 816 Hilltop Road was subdivided in similar fashion. Mrs. Malaragno said she has an interested buyer who wants to build a ranch home on approximately ½ acre, and feels this would benefit all parties. Mr. Bock commented that this will enhance the neighborhood.

No one else spoke either in favor of or in opposition to the small subdivision plan. On motion by Mr. Ouellet, seconded by Mr. Morgan, it was carried by unanimous roll call vote to approve the Alberico and Linda J. Melaragno Small Subdivision Plan.

Planning and Development Director Matthew Waldinger reported that the developer for the Sheetz on West Ridge Road is proposing to amend the recorded land development plan to add an additional 342

square feet to the restaurant area of the store, as well as relocate an ADA parking stall and line striping. Mr. Waldinger stated that the plan was reviewed by the Township's Engineer and Zoning and Development Officer, is consistent with the Township's zoning and SALDO ordinances, and no change to stormwater management is required. 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 Amended Land Development Plan for West Ridge Sheetz – BTDD, LLC, Developer.

Treasurer Mark Zaksheske reported that the Township wishes to submit its annual application for County Aid Liquid Fuels Allocation for road salt in the amount of \$84,163.00. On recommendation of Mr. Zaksheske, it was moved by Mr. Ouellet, seconded by Mr. Morgan and carried by unanimous roll call vote to adopt Resolution 2020-R-15: A Resolution to approve Application for County Aid from the County Liquid Fuels Fund for 2020 for Road Salt.

On recommendation of Mr. Zaksheske and Street Light Assessment Clerk Gail Jares, it was moved by Mr. Ouellet, seconded by Mr. Morgan and carried by unanimous roll call vote to adopt Resolution 2020-R-16; A Resolution to assess the cost of street lighting upon various properties abutting on streets in various subdivisions within the Township of Millcreek. Mr. Zaksheske added that there was a slight decrease in electricity rates for 2020.

On recommendation of 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-17; 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 March 25, 2020 – April 7, 2020.

Solicitor Mark. Shaw explained that a residence in McKean Township which is directly adjacent to Millcreek's sewer line can no longer sustain its septic system and the only option is to connect to an existing sewer line. On recommendation of Mr. Shaw, it was moved by Mr. Ouellet, seconded by Mr. Morgan and carried by unanimous roll call vote to adopt Resolution 2020-R-18; A Resolution to Amend the Intermunicipal Millcreek/McKean Border Area Sewer Agreement authorized by Ordinance 2019-5.

Solicitor Mark Shaw explained that the current Disaster Emergency Declaration needs to be extended to the next meeting on April 7, 2020, and a policy adopted for addressing Open Records requests while the Township is on reduced operations. On Mr. Shaw's, recommendation it was moved by Mr. Ouellet, seconded by Mr. Morgan and carried by unanimous roll call vote to adopt Resolution 2020-R-19; A Resolution Amending Resolution 2020-R-14 to Extend the Disaster Emergency Declaration within Millcreek Township, and Adopting a Policy Regarding Right-To-Know Requests in Accordance with Guidance from the Office of Open Records, and to direct the Township Secretary to publish a notice on the Township website regarding Right-to-Know processing during reduced operations.

On recommendation of Treasurer Mark Zaksheske, it was moved by Mr. Ouellet, seconded by Mr. Morgan and carried by unanimous roll call vote to authorize Chairman Bock to sign a Proxy for the annual MRM Trust (Worker's Compensation Insurance) meeting in Seven Springs, which has been rescheduled for April 30, 2020, as he is unable to attend the meeting in person.

On recommendation of Treasurer Mark Zaksheske, it was moved by Mr. Ouellet, seconded by Mr. Morgan and carried by unanimous roll call vote to authorize the sale of a mobile home at 3548 West 22nd Street from the Erie County Repository for Unsold Properties, for \$250.00, and to forgive approximately \$100.00 in unpaid property taxes.

On motion by Mr. Ouellet, seconded by Mr. Morgan, the 2020 Paving List was approved by unanimous roll call vote. It was moved by Mr. Morgan and seconded by Mr. Ouellet to approve a Memorandum of Understanding (MOU) between Millcreek Township and AFSCME Union regarding the outsourcing of paving. No public comment was received. Motion carried by unanimous roll call vote. Mr. Ouellet noted that 12 miles of Township roads will be milled and paved this year.

Solicitor Mark Shaw reported that Fairfield Inn/Homewood Suites challenged the state realty transfer tax imposed upon it in 2017, and PA Department of Revenue agreed to issue a refund. On recommendation of Mr. Shaw, it was moved by Mr. Ouellet, seconded by Mr. Morgan and carried by unanimous roll call vote to refund the Millcreek Township portion of the tax claim to Fairfield Inn/Homewood Suites in the amount of \$51,169.66.

On recommendation by Planning and Development Director Matthew Waldinger, it was moved by Mr. Ouellet, seconded by Mr. Morgan and carried by unanimous roll call vote to designate Mark Zaksheske and Mr. Waldinger as signatories for the Strategic Management Planning Program STMP/EIP Phase 3 Grant from DCED. Mr. Morgan added that this would maintain continuity with the same signatories on each phase of the STMP/EIP grants.

Mr. Bock reported that the Board met in Executive Session with Solicitor Mark Shaw on March 12 - 20, 2020 to discuss legal matters.

On recommendation by Chief Heidt, it was moved by Mr. Bock, seconded by Mr. Ouellet and carried by unanimous roll call vote to approve the purchase of ammunition and ordinance from Witmer Public Safety Group at the COSTARS price of \$18,001.49.

Solicitor Mark Shaw reported that Chick-fil-A is planning to build a restaurant in Yorktown Center and wishes to change its mode of security for stormwater indemnity from a letter of credit to cash, which will require an amendment to the agreement, signature, notarization and recording. On recommendation of Mr. Shaw, it was moved by Mr. Ouellet and seconded by Mr. Morgan to approve the Amended and Restated Indemnity Agreement for Application for Highway Occupancy Permit Concerning Subsurface Stormwater Facilities. No public comment was offered. Motion carried by unanimous roll call vote

Fred Amendola, 2911 Marcella Drive, asked if his road and Calico Drive are on the paving list and if the list is final, to which Mr. Ouellet replied yes to both questions, and stated that paving will hopefully begin in mid-April, depending on the contractor's schedule.

Mr. Morgan mentioned that a question was asked on live feed whether the local earned income tax filing deadline has been extended, to which the Board replied that the filing date has been extended to July 15, 2020.

With no further business to come before the Board or any other citizens to be heard, on motion by Mr. Ouellet, seconded by Mr. Morgan, the meeting was adjourned at 7:46 p.m.

Sheryl A. Williams
Township Secretary

Approved: April 7, 2020

James S. Bock _____

John E. Morgan _____

Daniel P. Ouellet _____