

Regular Meeting

April 27, 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, Gary Snyder, Matthew Waldinger, Chief Scott Heidt, Mark Shaw, Esq. 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, 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. Morgan called for Public Comment on agenda items other than development or rezoning applications. Gerald Servidio, 1720 W. Gore Road, stated that he is opposed to proposed Resolution 2021-R-24 regarding a request for a contribution from the Township for the installation of a new park and playground at Grandview School. Mr. Servidio stated his concern for playground safety during evening hours, and opined that the project should be totally funded by the school district and that no Township funds should be utilized.

Catherine Amick, 3545 Julie Court, stated that she is in favor of Resolution 2021-R-24, and explained that she and a group of parents have worked collaboratively with the school district, Township and state for over four (4) years on this project to find a safe space for children to play. and confirmed that the park and playground will be safe with adequate lighting and will have security cameras.

On motion by Mr. Ouellet, seconded by Mr. Bock, it was carried by unanimous roll call vote to approve the minutes from the April 13, 2021 Regular Meeting.

On motion by Mr. Ouellet, seconded by Mr. Bock, it was carried by unanimous roll call vote to approve payment of the General Fund bills in the amount of \$197,061.86, and the Sewer Revenue Fund bills totaling \$1,615,451.03.

Treasurer Mark Zaksheske presented the 2021 First Quarter Financial Performance report, stating that revenue is slightly ahead of last year at this time due to real estate transfers, and the Township is \$500,000.00 ahead on real estate taxes that have been remitted. He said that most department expenses are on track with the exception of a few health insurance claims that have been higher than normal. Regarding Sewer Revenue, Mr. Zaksheske stated that pump maintenance expense at a few stations was higher than usual. He further stated that \$6,012,444 of the Capital Budget's \$6,149,982 still remains uncommitted.

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 authorize the purchase of a 2021 4x4 Chevrolet Pickup Truck for the Streets Department Garage from Hallman Chevrolet for a total cost of \$38,190.00 under COSTARS Contract #25-109.

Public Works Director Gary Snyder reported that quotations were solicited and received for Industrial Pump Station Driveway Paving, a project being carried over from 2020, as follows: Afton Trucking - \$19,200.00 and Waterford Paving - \$18,350.00. On recommendation by Mr. Snyder, it was moved by Mr. Ouellet, seconded by Mr. Bock and carried by unanimous roll call vote to

award the contract to Waterford Paving for the cost of \$18,350.00, to be paid from the Sewer Revenue Fund.

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 authorize the purchase of a Grinder Pump for the Sewer Department Pole Barn from Trombold Equipment Company at a cost of \$7,950.00, to be paid from the Sewer Revenue Fund. Mr. Snyder noted that this company is the sole distributor in Pennsylvania for the specified pump needed.

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 authorize the purchase of various numbers of Manhole Frames, Covers and Risers for the Sewer Department from LB Water, for a total cost of \$40,821.36 under COSTARS Contract #16026, to be paid from the Sewer Revenue Fund.

On recommendation by Chief Scott Heidt, on separate motions by Mr. Bock and seconded by Mr. Ouellet, it was carried by unanimous roll call vote to authorize the following:

Purchase approval for a License Plate Reader from SecureWatch24 for \$20,620.44, to be fully reimbursed by PennDOT via a grant from the Erie County District Attorney's Office;

Approval of an agreement with SecureWatch24 for the Terms of Service.

On recommendation by Chief Scott Heidt, it was recommended by Mr. Bock, seconded by Mr. Ouellet and carried by unanimous roll call vote to pay the annual fee of \$600.00 (dues and registration) for Chief Heidt to participate in the 2021 Defense Logistics Agency Equipment Acquisition Program.

On recommendation by Parks and Recreation Director Ashley Marsteller, it was moved by Mr. Ouellet, seconded by Mr. Bock and carried by unanimous roll call vote to authorize the purchase of an ExMark Laser Z Diesel 60" Zero Turn Mower and Sun Shade from Miller Brothers Company for a total cost of \$16,952.80 under COSTARS Contract #4400020097.

On recommendation by Parks and Recreation Director Ashley Marsteller, it was moved by Mr. Ouellet, seconded by Mr. Bock and carried by unanimous roll call vote to authorize the purchase of Security Lighting Fixtures for the Erie Golf Course from Weber Electric Supply for a total cost of \$4,326.25 under COSTARS Contract #008-501-19476. Mr. Ouellet noted that the Township's Electrical Department will install the security lighting.

On recommendation by Parks and Recreation Director Ashley Marsteller, it was moved by Mr. Ouellet, seconded by Mr. Bock and carried by unanimous roll call vote to authorize the purchase of a John Deere 5100M Utility Tractor with Loader and Backhoe from LandPro Equipment LLC for a total cost of \$85,855.09 under COSTARS Contract #4400020085.

On recommendation by IT Managers Kris Filson and John Fleming, it was recommended by Mr. Bock, seconded by Mr. Ouellet and carried by unanimous roll call vote to purchase a new Firewall for the Township and Police Department, and three (3) years of subscription from VNET at a cost of \$2,567.00.

Solicitor Mark Shaw reported that the Planning Commission will hold a second public hearing regarding the adoption of the Township's Official Map on May 4, 2021 at 7:00 p.m. followed by action on a recommendation to the Board of Supervisors. The Board of Supervisors will hold a

Public Hearing on the adoption of the Official Map and Map Ordinance to amend the Township Code, with possible action on the Planning Commission's recommendation at its May 11, 2021 meeting.

On recommendation of Chief Heidt and IT Manager Kris Filson, it was moved by Mr. Bock and seconded by Mr. Ouellet to adopt the following: Resolution 2021-R-23; 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 between April 28, 2021 and May 11, 2021.

On recommendation of Mr. Ouellet, seconded by Mr. Bock and carried by unanimous roll call vote to adopt Resolution 2021-R-24; A Resolution to Authorize a Reimbursement Agreement with the Millcreek Education Foundation for the "Community Access Recreational & Environmental Space" Project. This is the resolution which designates a \$5,000 grant for the park and playground at Grandview Elementary School.

On recommendation by Planning and Development Director Matthew Waldinger and Township Engineer Anne Sokol, it was moved by Mr. Ouellet, seconded by Mr. Bock and carried by unanimous roll call vote to approve a Nonsubstantial Amendment Land Development Plan for Whispering Woods Golf Club – Rockgolf Realty, LLC Developer, which will allow for the building of a clubhouse that is slightly different than the original land development plan, and which must comply with current stormwater regulations.

On recommendation of Solicitor Mark Shaw, it was moved by Mr. Ouellet, seconded by Mr. Bock and carried by unanimous roll call vote to approve an agreement with Zeller Property Services for mowing and snow removal services not to exceed \$6,000.00. This agreement is for Code Enforcement infractions with the property owner bearing responsibility for the cost, and if needed, a lien would be placed on the property if not paid.

On recommendation of Chief Scott Heidt and Solicitor Mark Shaw, it was moved by Mr. Bock, seconded by Mr. Ouellet, and carried by unanimous roll call vote to approve an Interconnect Agreement with SimpleSense, at no cost to the Township, to enable real data interoperability between Millcreek and surrounding municipalities to support emergency operations.

Treasurer Mark Zaksheske reported that a representative from the Auditor General's office arrived today to conduct the annual Liquid Fuels Audit.

Mr. Zaksheske also noted that, by law, property taxes paid under protest must be kept in a separate bank account. On recommendation of Mr. Zaksheske, it was moved by Mr. Bock and seconded by Mr. Ouellet to open a new bank account for property taxes paid under protest, per the real estate law. There was no public comment. Motion carried by unanimous roll call vote.

On recommendation of Chief Scott Heidt and Human Resources Manager Diane Lyons, it was moved by Mr. Bock, seconded by Mr. Ouellet and carried by unanimous roll call vote to begin the process of adding five (5) police officers to the force to fill vacancies due to officers who are retiring.

On recommendation of Human Resources Manager Diane Lyons, it was moved by Mr. Ouellet, seconded by Mr. Bock and carried by unanimous roll call vote to begin the process of filling one Streets Department vacancy due to a retiring employee.

On recommendation of Parks and Recreation Director Ashley Marsteller, it was moved by Mr. Ouellet, seconded by Mr. Bock and carried by unanimous roll call vote to approve the hiring of

Nicholas Angelo as a Seasonal Maintenance Employee in the Parks and Recreation Department at the hourly rate of \$9.50, effective April 30, 2021.

On recommendation by Chief Scott Heidt, it was moved by Mr. Bock, seconded by Mr. Ouellet and carried by unanimous roll call vote to authorize twenty-five (25) police officers to attend a PA Search and Seizure Seminar at the Blasco Library on June 28, 2021 at a total cost of \$3,850.00.

Attendance at the annual ECATO Yearbook Dinner on May 27, 2021 was discussed, but no action was taken.

Solicitor Mark Shaw reported that the Property Owners Association of Oak Hill, Inc. wish to amend their Declaration to permit residents to install pools on their properties. On recommendation of Mr. Shaw, it was moved by Mr. Morgan, seconded by Mr. Ouellet and carried by unanimous roll call vote to notify the Property Owners Association of Oak Hill, Inc. in writing that the Board approves their amendment to change the restriction in the Planned Community Declaration to allow all homeowners to have a pool.

Mr. Morgan announced that the bid opening for the annual street paving project will take place on April 30, 2021. It was moved by Mr. Morgan and seconded by Mr. Bock to approve an MOU (Memorandum of Understanding) with AFSCME Local 3530 regarding the outsourcing of Township paving. No public comment was offered. Motion carried by unanimous roll call vote.

Planning and Development Director Matthew Waldinger presented the March Building Construction Report as follows, which is available on the Township website and in the Zoning Office:

<u>March 2021:</u>	Total Residential Structures	\$ 1,132,135.00
	Total Non-residential Structures	<u>228,510.00</u>
		\$ 1,360,645.00
	Zoning Permits Issued	24
	Zoning Permit Fees	\$ 2,050.00

Mr. Waldinger also reported that the Planning and Development Department needs to consult with outside legal counsel on an enforcement matter due to a representation conflict with the Township Solicitor. It was recommended by Mr. Waldinger, moved by Mr. Bock and seconded by Mr. Ouellet to authorize hiring Attorney Patrick Carey of the Marshall Dennehey law firm for consulting at the following hourly rates: Attorney - \$225.00, Associate - \$200, Paralegal - \$125. No public comment was offered. Motion carried by unanimous roll call vote.

Solicitor Mark Shaw reported that at the last Fire Commission meeting, snow removal for the fire departments was discussed in case of an emergency when a snow removal provider is unable to remove the snow. On recommendation of Mr. Shaw, it was moved by Mr. Ouellet and seconded by Mr. Bock to direct Mr. Shaw to generate a policy, process and agreement for emergency snow removal for the Township's volunteer fire departments. No public comment was offered. Motion carried by unanimous roll call vote.

Mr. Morgan reported that the Board met with Solicitor Mark Shaw on March 24, 2021 and April 14 and 21, 2021 to discuss legal matters.

Gerald Servidio, 1720 West Gore Road, asked why paving is not being done by the Streets Department because he feels that this should be done by the Township's union workers. Mr. Morgan replied that the asphalt plant was closed three (3) years ago and the Streets Department

laborers work on storm sewer and other maintenance during the summer months. He explained that the MOU approved earlier in the meeting was approved by the union.

Jason Smock, 125 Kelso Drive, expressed his frustration with a neighbor who continually lets his dog run without a leash, despite complaints to law and animal enforcement. Chief Heidt offered to meet with him after the meeting to discuss the matter.

There being no further business to come before the Board or any other Citizens to be Heard, it was moved by Mr. Bock and seconded by Mr. Ouellet to adjourn the meeting at 8:20 p.m.

Sheryl A. Williams
Township Secretary

APPROVED: May 11, 2021

John E. Morgan

Daniel P. Ouellet

James S. Bock