

Regular Meeting

May 25, 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, Anne Sokol, P.E., Mark Shaw, Esq. and Sheryl Williams. Chief Scott Heidt was absent.

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.com/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:

James Delaney, 5245 Grubb Road, (via telephone), stated that he received an email 4 days ago from Zoning and Development Officer Matthew Puz informing him that approximately 2 acres of his property is going to be put back on the Official Map and asked for reconsideration. Planning and Development Director Matthew Waldinger explained that the Township is concerned with the area around the stream on his property, and they want to see the area in proximity to Walnut Creek and other areas preserved for conservation purposes. Mr. Delaney asked if any of the other three private properties were also partially put back on the map, to which Mr. Waldinger replied that portions of each of the other (3) properties were also put back on the Official Map. Mr. Delaney was very upset that the Supervisors did not fully accept the Planning Commission's recommendation to completely remove these properties from the Official Map. Mr. Morgan and Mr. Waldinger informed him that the Planning Commission is a recommending body, but the Board makes the final decision.

Former Supervisor John Groh, 603 Montpelier Avenue, spoke in support of the Official Map, stating that it sets a good, strong plan for infrastructure planning and stormwater management by preserving properties for possible use.

Richard Koerner, President, St. Nicholas Greek Orthodox Church, stated that St. Nick's Grove is not undeveloped, as it has running water, bathrooms, a kitchen, closed and open pavilions, and a play area. He reported that the congregation has created a capital campaign to raise funds to build a new church, ideally in the grove. He also reported that his church has purchased a home in Millcreek to rent to their pastor. He asked for the Board to reconsider and remove St. Nick's Grove from the map.

Fr. Nicholas Mihaly, 1115 East Avenue, City of Erie, pastor of St. Nicholas Greek Orthodox Church, stated that his congregation wants to build a beautiful church in the grove while still preserving nature and the environment. He also asked the Board to reconsider and remove St. Nick's Grove from the map.

An unidentified man spoke in opposition to the proposed Official Map Ordinance, opining that resident who have not developed their properties are protecting their land, but that their properties will be devalued if put on the Official Map. He stated that undeveloped private properties should be designated as sanctuaries rather than for public use, because allowing people on the land is not good for wildlife and nature. The man also lobbied for residents to enter their properties into Clean and Green Program with Erie County, or to use their land for agricultural purposes. Mr. Morgan replied that this is the very reason that Township has pursued updating the Official Map, to preserve environmentally sensitive areas.

Kimberly Skibinski, 5571 Henderson Road, reported that she was told that a portion of her property will be left on the map, but she wants all of it to be removed and does not want to be a part of this process. She also asked that residents be better informed in the future.

On motion by Mr. Ouellet, seconded by Mr. Bock, it was carried by unanimous roll call vote to approve the minutes from the May 11, 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 \$807,586.15, and Sewer Revenue Fund bills totaling \$34,826.10.

Quotations were solicited and received by Township Engineer Anne Sokol for the 2021 Millcreek Township Sidewalk Accessibility Project Phase IX, as follows: Amendola Construction & Maintenance - \$191,458.00, Lindy Paving - \$171,555.00, Empire Snow Management and Construction, Inc. - \$143,020.00, Vavala Concrete - \$204,874.00, and MADcrete Construction - \$218,499.00. On recommendation by Ms. Sokol, it was moved by Mr. Ouellet, seconded by Mr. Bock and carried by unanimous roll call vote to award the contract to the lowest responsible bidder, Lindy Paving, for \$171,555.00, due to past poor performances by Empire Snow Management and Construction, Inc.

Quotations were solicited and received by Public Services Director Judy Zelina for a Copy Machine Lease for the first floor offices, as follows: Schwab RICOH - \$76.95/month for 60 months, Kubinski KONICA - \$82.82/month for 60 months, and Hagan TOSHIBA - \$115.00/month for 63 months. On recommendation of Ms. Zelina, it was moved by Mr. Ouellet, seconded by Mr. Bock and carried by unanimous roll call vote to award the contract to Schwab for a 60-month lease of a RICOH copier at a cost of \$76.95/month.

Quotations were solicited and received by Code Enforcement Officer Krista Arnold for the demolition and removal of a trailer at 544 Conti Drive, ruined by a fire in October of 2020, as follows: KC Demolition - \$2,400.00, Safford Services - \$6,500.00, and DRS of Erie County, Inc. - \$6,500.00. On recommendation of Ms. Arnold, it was moved Mr. Ouellet, seconded by Mr. Bock and carried by unanimous roll call vote to award the demolition contract to KC Demolition in the amount of \$2,400.00.

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 sell the 2008 Vogel paver, model #52032, serial #775026, to the City of Erie for \$28,000.00, as the Township now outsources its paving and no longer has use for its paving equipment.

Adoption of Millcreek Township Official Map

Planning and Development Director Matthew Waldinger stated that Embrace Millcreek recommended creating an Official Map to comprehensively examine the Township and identify properties that could be beneficial for future public use, focusing on preserving green space for future generations. He reported that the project began in March 2020 with the creation of a base map and gave a brief history of how it evolved into the final document to be approved today. Mr. Waldinger emphasized that every effort was made to make the process completely transparent, from sending letters to all affected property owners, creating a website, enlisting the aid of media, holding an Open House in March 2021, complying with a mandatory 45-day comment period to include two (2) public hearings at consecutive Planning Commission meetings and the public hearing at the May 11, 2021 Board of Supervisors meeting, and thoroughly documenting all comments and communication regarding the Official Map.

Mr. Waldinger reported that at their May 4th meeting, the Planning Commission voted 5-0 to recommend adoption of the plan to the Board of Supervisors, and voted 4-1 to recommend the removal of the following parcels to the Board: 5245 Grubb Road, 5571 Henderson Road, St. Nick's Grove, and all federal properties listed on the map.

After consideration of public comment and the Planning Commission's recommendations, the map was finalized and presented for adoption at today's meeting with the following proposed changes: All federal properties under the ownership of the Erie Municipal Airport Authority have been removed; there was no change to St. Nick's Grove; and portions of the following properties were removed from areas designated for public acquisition: 5245 Grubb Road, 5571 Henderson Road, Parcel along Henderson Road to the west of 5571, 4722 and 5141 West Lake Road, and a proposed public street extension through 5241 West Lake Road and parcel south of it on Wilkins Road was eliminated.

Solicitor Mark Shaw explained the mandated legal process to adopt an official map under the Municipalities Planning Code, stating that essentially, the Official Map is a planning tool to be used by the Township to preserve lands within the Township that is consistent with the Township's approved Comprehensive Plan. He then explained Proposed Ordinance 2021-5, which outlines the procedure for property owners to follow in the event they wish to build within an area designated on the Official Map.

On recommendation of Mr. Waldinger and Mr. Shaw, it was moved by Mr. Bock, seconded by Mr. Ouellet, and carried by unanimous roll call vote to enact Ordinance 2021-5; An Ordinance of the Township of Millcreek, Erie County, Pennsylvania Establishing and Adopting an Official Map of the Whole of The Township Pursuant to the Municipalities Planning Code and Amending the Township Code to Create a New Chapter 124 Entitled Official Map.

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 Land Development Plan for Whispering Woods 4A – Stonebridge Condominiums, which thereby memorializes the final layout of the development.

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 Consent to 5th Amendment to Stonebridge Condominiums and with authorization for Chairman Morgan to sign the official form.

Public Hearing on a Conditional Use Request

SYD'S PLACE (JOHN GIGLIOTTI) for a property located at 2992 West Lake Road to install new signage in the RC Resort Commercial District. **Index 230-003.**

Planning and Development Director Matthew Waldinger reported that at their May 4, 2021 regular meeting, the Planning Commission unanimously recommended approval of the Conditional Use Request, as it met all requirements. No public comment was offered. Mr. Morgan closed the Public Hearing. On recommendation of Mr. Waldinger, it was moved by Mr. Bock, seconded by Mr. Ouellet, and carried by unanimous roll call vote to approve the Conditional Request for Syd's Place.

After discussion regarding the petitioner being in violation of the Township Code concerning one of his other properties, and confirming that the Supervisors do have the option to not refer this petition to the Planning Commission, it was moved by Mr. Bock and seconded by Mr. Ouellet to refer to the Planning Commission the following Petition Requesting a Change in Zoning Classification:

FEDORKO FAMILY LP for portions of properties located at 2920 and 2942 West 12th Street, the portions which front West 11th Street, now zoned R-1 Single Family Residential, asking for the property to be classified as RC Resort Commercial. **Indices 252-003 and 252-004; County Indices 33-034-059.0-026.00 and 33-034-059.0-027.00.**

Motion carried 2-1 with Mr. Morgan voting no.

On recommendation of Chief Heidt and IT Manager Kris Filson, it was moved by Mr. Ouellet and seconded by Mr. Bock and carried by unanimous roll call vote to adopt the following: Resolution 2021-R-27; 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 May 26, 2021 and June 8, 2021.

On recommendation of Treasurer Mark Zaksheske, it was moved by Mr. Ouellet, seconded by Mr. Bock and carried by unanimous roll call vote to adopt the following: Resolution 2021-R-28; A Resolution to Request County Aid in the form of Liquid Fuels funds for the reimbursement of the cost of Road Salt.

On recommendation of Solicitor Mark Shaw, it was moved by Mr. Ouellet, seconded by Mr. Bock and carried by unanimous roll call vote to adopt the following: Resolution 2021-R-29; A Resolution to Extend the Disaster Emergency Declaration and Update and Modify Various Township COVID-19 Policies.

On recommendation of Solicitor Mark Shaw, it was moved by Mr. Bock, seconded by Mr. Ouellet and carried by unanimous roll call vote to adopt the following: Resolution 2021-R-30; A Resolution Amending Resolution 2021-R-15 to Amend the Township's Local Match Commitment for its 2021 Watershed Restoration and Protection Program Grant Application.

Planning and Development Director Matthew Waldinger officially notified the Board of Supervisors that the Planning and Development Department approved an Exclusion from Land Development request for Willowood Village Apartments for a Mail Center and Refuse Center, as it is under 5,000 square feet and qualifies for exemption.

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 the 2021 Highmark Cost-Sharing Waiver Program changes, extending a waiver of deductibles and copayments for Covid-related expenses through December 31, 2021, and extending free TeleHealth services through June 30, 2021.

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 the annual 2021 Safe Harbor Agreement for the management of mental health referrals from the Millcreek Police Department.

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 appoint Jacqueline Spry as Alternate Zoning Hearing Board Member for 2021.

On recommendation of Chief Scott Heidt, it was moved by Mr. Bock, seconded by Mr. Ouellet and carried by unanimous roll call vote to hire the following new police officers: Kyle Maio, Ryan Adamaszek, James Chest, Nathan Regelman and Alec Colosimo, at the hourly rate of \$28.08. Officers Maio, Adamaszek and Chest will begin employment June 1, 2021. Officers Regelman and Colosimo will begin employment on June 7, 2021.

On request of Human Resource Manager Diane Lyons, it was moved by Mr. Bock, seconded by Mr. Ouellet and carried by unanimous roll call vote to authorize Ms. Lyons to begin the process of filling the Animal Enforcement Officer vacancy due to a pending retirement.

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 authorize the hiring of the following Summer Season employees:

NAME	POSITION	HOURLY RATE
<i>BELLE VALLEY & CHESTNUT HILL POOL</i>		
Karen Link	Aquatic Safety Sup.	\$15.00
Emily Kehl	Pool Supervisor	\$12.25
Kathleen Magoon	Water Ex Instructor	\$11.00
Celia Fortebraccio	WSI	\$10.00
Jordan Nuzback	Asst.Supervisor/WSI	\$11.25
Alexandria Pierce	WSI	\$10.00
Chloe Heeter	WSI	\$10.00
Jadyn Danylko	Supervisor/WSI	\$12.25
Eve Wareham	WSI	\$10.00
Kayla Radu	WSI	\$10.00
Shelby Adams	Guard	\$ 9.75
Emily Consiglio	Guard	\$ 9.75
Evelyn Wilson	Guard	\$ 9.75
Nellie Fallon	Guard (sub)	\$ 9.75
Anthony Cuzzola	Guard	\$ 9.75
Megan Maholic	Guard	\$ 9.75
Samantha McIntyre	Guard	\$ 9.75
Brayden Carpinello	Guard	\$ 9.75
<i>CHILDREN'S PROGRAMS</i>		
Aaron Heinlein	Tennis Supervisor	\$11.00
Elise Heinlein	Tennis Instructor (sub)	\$ 9.50

NAME	POSITION	HOURLY RATE
Angela Chardeen	Tennis Instructor	\$ 9.50
Eric Cui	Tennis Instructor	\$ 9.50
Courtney Deiner	Day Camp Supervisor	\$12.00
Camryn Catalde	Day Camp Asst. Supv.	\$11.00
Alyssa Pamula	Day Camp	\$10.50
Keagan Yonkers	Day Camp	\$ 9.50
Nick Catalde	Day Camp	\$ 9.50
Samantha Mannion	Day Camp	\$ 9.50
Maria Finazzo	Day Camp	\$ 9.50
Caisee Catalde	Day Camp	\$ 9.50

ADULT FITNESS

Shannon Eggleston	Piloslide	\$11.00
Kathleen Wayman	Tai Chi	\$11.00
Dave Wayman	Qi Gong	\$11.00
Kathy Smith	Yoga	\$11.00
Nylene Baney	Body Sculpt	\$11.00
William Kuntz	Yoga	\$11.00
Charlotte Haggerty	Adult Dance	\$11.00
Jeanne Espey	Yoga	\$11.00

BARN SUPERVISOR

Evelyn Bossar		\$ 9.75
Charles Elliott		\$ 9.75
Susan Shickler		\$ 9.75
Lauren Ertsgaard		\$ 9.75

SUMMER MAINTENANCE

Jacob Mannion		\$ 9.50
Steve Tome		\$10.00

PART TIME OFFICE ASSISTANT

Grace Shaw		\$ 9.50
------------	--	---------

On recommendation of Treasurer Mark Zaksheske, it was moved by Mr. Morgan, seconded by Mr. Bock and carried by unanimous roll call vote to authorize Assistant Treasurer Melanne Page and Mr. Zaksheske to attend the GFOA-PA Annual Conference in State College, PA from September 26-29, 2021, at a total cost of \$2,508.00.

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 two (2) officers to attend a Defense Tactics Instructor Course at Mercyhurst University Municipal Police Training Academy from June 14-18, 2021 at a total cost of \$950.00, with travel by department vehicle.

Mr. Morgan reported that the Board met with Solicitor Mark Shaw on May 12 and 20, 2021 to discuss legal matters.

Mr. Ouellet announced that the Recycling Department was the recipient of three (3) PSATS Communications awards for Cable TV programs: 1) the Better Business Bureau's cautions on scams, 2) the Township's swimming pools and 3) Presque Isle State Park winter activities. Mr. Ouellet recognized Public Services Director Judy Zelina and Recycling Coordinator Jessica Stutzman for their efforts, and WQLN for its programming assistance.

Richard Koerner, President of St. Nicholas Greek Orthodox Church, asked for clarification regarding the Board's decision on the Official Map, to which Mr. Waldinger replied that St. Nick's Grove will remain on the map.

There being no further business to come before the Board or any other Citizens to be Heard, on motion by Mr. Bock, seconded by Mr. Ouellet, the meeting was adjourned at 8:31 p.m.

Sheryl A. Williams
Township Secretary

APPROVED: June 8, 2021

John E. Morgan

Daniel P. Ouellet

James S. Bock