

Regular Meeting

May 26, 2020

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

Following the Pledge to the Flag, Mr. Morgan announced that due to the current Coronavirus pandemic, until further notice, the regular meetings of the Millcreek Township Board of Supervisors will be held in the Assembly of the Millcreek Township Municipal Building, but members of the public will not be able to attend in person. The meetings are being 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. Morgan further 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. Morgan called for Public Comment on Agenda items other than development or rezoning applications. None was offered.

On motion by Mr. Ouellet, seconded by Mr. Bock, it was carried by unanimous roll call vote to approve the minutes from the May 12, 2020 Regular Meeting and the May 12, 2020 Emergency Meeting. Solicitor Mark Shaw explained the purpose for the emergency meeting, which was to discuss improvements needed to reopen the Municipal Building to the public at a cost not to exceed \$50,000.00, with funds to come from the Multi-use Trail line item in the Capital Budget.

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 \$257,583.25, a Sinking Fund Account bill for \$6,921.47, and Sewer Revenue Fund bills totaling \$ 73,939.12.

Treasurer Mark Zaksheske presented the First Quarter Financial Report, stating that Property Tax revenue is \$85,000 below budget, which could be due to the building presently being closed to the public. He also stated that the extension for paying property taxes will most likely cause a loss of revenue of \$65,000 - \$75,000. Mr. Zaksheske explained that department salaries are mostly favorable, except for the Supervisor salaries, which are set by the Auditors and are slightly over budget. The Capital Budget for 2020 is \$8,618,508, of which \$570,145 currently is committed and \$8,048,363 is uncommitted.

Public Works Director Gary Snyder reviewed the 2020 Millcreek Township Paving Bid Results, previously tabled from the May 12, 2020 meeting, as follows: WEST Paving Project: Lindy Paving Inc. - \$1,349,592.40, McCormick - \$1,429,482.00. EAST Paving Project: Lindy Paving Inc. - \$1,079,941.140, McCormick - \$1,119,215.20. On motion by Mr. Ouellet, seconded by Mr. Bock, it was carried by unanimous roll call vote to award the contract for the WEST Paving Project to Lindy Paving Inc. for \$1,349,592.40. On motion by Mr. Ouellet, seconded by Mr. Bock, it was carried by unanimous roll call vote to award the contract for the EAST Paving Project to Lindy Paving Inc. for \$1,079,941.140. Because both projects are in excess of the Liquid Fuels budget, it was recommended by Treasurer Mark Zaksheske, moved by Mr. Ouellet, seconded by Mr. Bock and carried by unanimous roll call vote to reallocate \$500,000.00 from the Capital Budget line item designated for the Multi-use Trail to the Paving Project.

Planning and Development Director Matthew Waldinger reported that quotations were solicited and received for Flood Detention Basin Mowing for 2020 as follows: Gerlach's Property Maintenance, LLC - \$20,850.00, and Manzi Services - \$18,900.00. On motion by Mr. Ouellet, seconded by Mr. Bock, it was carried by unanimous roll call vote to award the contract to Manzi Services, the amount not to exceed \$18,900.00.

Treasurer Mark Zaksheske reported that the existing maintenance services agreement for the Township's payroll and timekeeping system will expire on August 30, 2020. On recommendation of Mr. Zaksheske, it was moved by Mr. Ouellet, seconded by Mr. Bock, and carried by unanimous roll call vote to renew the annual Kronos maintenance agreement at a cost of \$973.86.

Public Works Director Gary Snyder reported that quotations were solicited and received for a pickup tailgate lift for the Sewer Department as follows: Erie Truck & Trailer - \$2,864.00, Tommy Gate - \$2,679.00, and Ommy Gate - \$2,679.00. Mr. Snyder explained that the tailgate lift from Erie Truck & Trailer can be transferred to any kind of truck, whereas the other two vendor tailgate lifts are truck specific. He added that Erie Truck & Trailer does not charge for freight delivery; however, there will be an installation charge of \$1386.00, bringing the total to \$4,250.00. On recommendation of Mr. Snyder, it was moved by Mr. Ouellet, seconded by Mr. Bock, and carried by unanimous roll call vote to award the contract to Erie Truck & Trailer for \$4,250.00.

On recommendation of Mr. Snyder, it was moved Mr. Ouellet, seconded by Mr. Bock, and carried by unanimous roll call vote to purchase various manhole frames, coves and risers for the Sewer Department from LB Water, under COSTARS contract #016026, for \$26,280.00.

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 a Capital Budget amendment for the pickup tailgate lift, which was \$1,750.00 under budget, to transfer said amount to Reserve.

A Public Hearing was held on the following Land Development Plans:

GREENLEAF CORPORATION AIRPORT HANGAR. Land Development Plan. A land development plan to show the construction of a 12,000 square foot hangar with associated stormwater facilities and parking spaces, located at the southeast corner of the intersection of Asbury Road and West 12th Street, at the Erie Municipal Airport Tract.
Index 147-004.

Planning and Development Director Matthew Waldinger reported that at their May 5, 2020 meeting, the Planning Commission recommended approval with the conditions that the Millcreek index number and the distance location of the nearest fire hydrant be added to the plan. Mr. Waldinger noted that since the meeting, the engineer for the plan has made those additions to the plan.

Steve Halmi, the engineer representing Greenleaf Corporation, stated that the proposed hangar will be 100' x 120', with the entrance at the southeast corner of the airport, on property leased from the airport. It will house aircraft, have a small parking area, and the stormwater management plan is currently under review. Mr. Waldinger stated that a modification to the stormwater management plan is required to approve the plan as designed per the Township's Stormwater Management Ordinance, because the flood detention basin is too close to the property line, a structure and the property line setback. He noted that there is no other appropriate location on the property for the basin. Mr. Waldinger explained that the plan was reviewed by engineers from all parties and did not present any issues, but the Supervisors need to authorize a modification to the ordinance. No one else spoke in favor of or in opposition to the plan. 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 Greenleaf Corporation Airport

Hangar Land Development Plan with the conditions and modification stated above.

MCH CORPORATION OFF-SITE PARKING. Land Development Plan. A land development plan to show the construction of a 163-space parking lot with associated stormwater facilities, located at the corner of Dudley Street, Peach Street, and Zimmerly Road, in Tract 346. **Indices 725-046, 725-048, and 725-060.**

Planning and Development Director Matthew Waldinger reported that at their May 5, 2020 meeting, the Planning Commission recommended approval. Mike Sanford, Sanford Surveying and Engineering, speaking on behalf of the applicant, stated that this project is a parking lot with 163 spaces for offsite use, and a variance for this was granted by the Zoning Hearing Board in March of 2020. Mr. Sanford explained that driveway access to the parking lot will be available on both Dudley and Zimmerly Roads, and the applicant proposes to extend the sidewalks within the development. He also stated that end caps, planting islands, tree plantings and a buffer strip will be provided, and both Erie County Planning and the Township Planning Commission have stated their approval.

Mr. Morgan expressed safety concerns for pedestrians who cross Peach Street, to which Mr. Sanford replied that there are existing crosswalks; however, the applicant has contracted HRG from Cranberry to make recommendations on enhancing pedestrian crossing in combination with possible overhead signal changes with a countdown crossing, but PennDOT would have to approve the signal changes. He explained that normally, intersection improvements must be permitted by PennDOT and the Township would have to maintain the intersection. In this case MCH would have to pay for the improvements; however, Mr. Morgan noted that MCH is currently not obligated to make the improvements. Mr. Sanford replied that although no plan is currently in place, Millcreek Community Hospital is committed to making the necessary improvements and will share HRG recommendations with the engineers as soon as they are received. Mr. Waldinger clarified that a portion of the property was first rezoned, and then the variance was granted for the stand-alone portion.

Mike Renlawsk, Real Estate Developer, stated the property's current use is for a parking lot, and they are currently working with PennDOT to enhance the intersection, anticipating a successful result.

No one else spoke either in favor of or in opposition to the plan. Mr. Morgan asked Mr. Waldinger if the land development plan meets all ordinance requirements and if there was any reason to deny the plan, to which Mr. Waldinger replied yes to meeting ordinance requirements, and that there was no reason to deny the plan. 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 MCH Corporation Off-site Parking Development Plan. Mr. Morgan commented that he voted yes because the plan met all requirements, but is opposed to the variance having been granted by the Zoning Hearing Board, and is concerned about the trend of allowing off-site parking lots, especially when pedestrians would have to cross busy thoroughfares such as Peach Street.

On recommendation by Mr. Shaw, it was moved by Mr. Ouellet, seconded by Mr. Bock and carried by unanimous roll call vote to enact Ordinance 2020-2; An Ordinance to amend the Millcreek Township Zoning Ordinance, No. 2011-8, as amended, by changing the classification of a certain parcel of land situate in the Township of Millcreek, Erie County, Pennsylvania, described as follows, to-wit: 1661 Dudley Street, 1655 Dudley Street and 5312 Peach Street, Erie, Pennsylvania, 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.

On recommendation by Mr. Shaw, it was moved by Mr. Ouellet, seconded by Mr. Bock and carried by unanimous roll call vote to enact Ordinance 2020-3; An Ordinance to amend the Millcreek Township Zoning Ordinance, No. 2011-8, as amended, by changing the classification of a certain parcel of land situate in the Township of Millcreek, Erie County, Pennsylvania, described as follows, to-wit: a portion of a property located at 5615 Peach Street, Erie, PA, now zoned C-3 Highway Commercial District, requesting that approximately 2.7 acres of the property be classified as C-2 General Commercial District.

On recommendation by Mr. Shaw, it was moved by Mr. Ouellet, seconded by Mr. Bock and carried by unanimous roll call vote to enact Ordinance 2020-4; An Ordinance to amend the Millcreek Township Zoning Ordinance, No. 2011-8, as amended, by changing the classification of a certain parcel of land situate in the Township of Millcreek, Erie County, Pennsylvania, described as follows, to-wit: property located at 4659 West 12th Street and 4411 West 12th Street, Erie, PA, now zoned C-2 General Commercial, requesting a change in classification to I-1 Light Industrial.

On motion by Mr. Ouellet, seconded by Mr. Bock, it was carried by unanimous roll call vote to adopt Resolution 2020-R-31; A Resolution to approve Application for County Aid from the County Liquid Fuels Fund for 2020 for Bridge Inspections. Mr. Morgan clarified the purpose of this resolution, stating that there is a new procedure for the required federal inspection of bridges over 20 feet in length, and that the county will reimburse the Township for its 20% portion of the inspection.

On recommendation of Chief Heidt and IT Manager Kris Filson, it was moved by Mr. Ouellet, seconded by Mr. Bock, and carried by unanimous roll call vote to adopt Resolution 2020-R-32; 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 May 27, 2020 – June 9, 2020.

On recommendation of Chief Heidt and IT Manager Kris Filson, it was moved by Mr. Ouellet, seconded by Mr. Bock, and carried by unanimous roll call vote to adopt Resolution 2020-R-33; A Resolution of the Township of Millcreek, Erie County Pennsylvania establishing an intermunicipal agreement with the Townships of Harborcreek, Fairview, Summit, and Greene, and the Borough of Wesleyville for the provision of building code official, construction code official, inspection, plan review and related services for administration of the uniform construction code. Mr. Shaw stated that BIU (Building Inspection Underwriters) was the sole bidder.

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 adopt Resolution 2020-R-34; A Resolution Granting an Extension to the Expiration Date of Each Mobile Home License Currently Set to Expire on June 30, 2020. Mr. Waldinger noted that the license expiration date will be extended until August 21, 2020.

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 adopt Resolution 2020-R-35; A Resolution to amend Resolution 2018-R-8 to include fees associated with licensing and inspection of Mobile Home Parks. Mr. Waldinger clarified that the annual license fee per Mobile Home Park will now be \$50.00, and the annual inspection fee per lot will be \$5.00.

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 approve a Stormwater Management Plan and Maintenance Agreement Request for West Ridge Estates – Robert W. and Elise E. Sesler, Developer.

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 Exclusion from Development Request for Kearsarge Plaza – 5130 Peach Street, LLC. Mr. Waldinger noted that this

is for an 8,960 square foot addition to replace the portion of the plaza destroyed by fire on May 14, 2019.

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 hire Matthew Puda as a Planner-GIS Specialist, effective May 26, 2020, at an annual salary of \$42,732.00.

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 hire Ian Steff for Seasonal Building Maintenance, effective May 27, 2020, at an hourly rate of \$9.00.

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 hire Nicholas Langford for Seasonal Sewer Maintenance, effective May 27, 2020, at an hourly rate of \$10.00.

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 authorize Zoning and Planning Officer Matthew Puz, Jr. to attend the Association of State Floodplain Managers (ASFPM) Annual National Virtual Conference at a cost of \$300.00, in order to maintain his Floodplain Manager certification.

Mr. Morgan reported that the Board met in Executive Session with Solicitor Mark Shaw on May 13-15, and 21, 2020 to discuss legal matters.

On recommendation of Chief Heidt, it was moved by Mr. Bock, seconded by Mr. Ouellet and carried by unanimous roll call vote to approve two fire police requests from Westminster Church for traffic control by West Ridge Fire Department on May 26, 2020 and June 9, 2020.

Mr. Ouellet recognized Student Ambassadors Nina DiPlacido and Evelyn Moore, thanking them for serving on the Board this year, and wished them well in their futures. Nina will be attending Mercyhurst University, majoring in Hospitality Management with a concentration in Event Planning. Evelyn will be attending Penn State University's Schreyer's Honors College with an intended major of mathematics.

Mr. Ouellet announced the passing of Sewer Department employee Terry Craker and extend condolences to his family.

With no further business to come before the Board or any citizens to be heard, on motion by Mr. Ouellet, seconded by Mr. Morgan, the meeting was adjourned at 8:28 p.m.

Sheryl A. Williams
Township Secretary

Approved: June 9, 2020

James S. Bock _____

John E. Morgan _____

Daniel P. Ouellet _____