

Regular Meeting

June 8, 2021

The regular meeting of the Millcreek Township Board of Supervisors was called to order at 9:30 a.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, 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/meetings, with closed captioning available. Members of the public may attend in person in the General Assembly Room. 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, explaining that the public hearing for the Wilkins Road rezoning was closed at the May 11th meeting, and the vote on the rezoning will be at this meeting.

Debbie Binney, 1758 Wilkins Road, spoke in opposition to the Wilkins Road rezoning, opining that there will be increased traffic which should be exiting onto a main corridor, such as West Lake Road, rather than onto Wilkins Road. She stated that this is not following the Comprehensive Plan and asked the Board to vote no.

Peter Kubeja, Township Planning Commissioner, spoke in favor of the rezoning, opining that the Wilkins Road rezoning will enhance everyone's property value. He said that he showed the detailed plans to the other commissioners, who had not seen those plans at the Planning Commission meeting in May.

Barbara Lamb, 1810 Woodside Drive, spoke in opposition to the rezoning and stated she is not in favor of high-density zoning. She noted there is already green space there now and opined that the Township does not need to buy homes on Henderson Road to acquire more green space. She asked the Board to vote no on the rezoning. Mr. Morgan replied in reference to the Official Map that the Township is not looking to buy green space, but rather is identifying areas to preserve.

Jake Binney, 1758 Wilkins Road, spoke in opposition to the rezoning and asked the Board to consider facts versus opinion. He opined that the traffic engineer should do a traffic study on Wilkins Road.

Annette Mossburg, 1838 Wilkins Road, spoke in opposition to the rezoning and opined that 114 units will cause traffic issues. She is concerned that her grandchildren will not be able to ride their bicycles there anymore, and that more wildlife will come onto their properties. She would rather see the land used for agricultural or solar purposes.

Guy Euliano, Developer, 5739 West Ridge Road, representing NLA, stated that he is requesting that the 20-acre property be rezoned from R-3 to R-4, which would reduce the ratio of units per acre from 8.5 to 7.0, resulting in 18% less density, traffic, and other factors as well. He stated that he is not trying to lower property values, and that constructing duplexes on the east side of Wilkins Road will allow for more privacy, leave 2.4 acres of undisturbed green space, and will also allow

for an open green space area for picnics and recreation. He reminded residents that the property will be sold, regardless of the zoning, and everyone needs to look at the options. He asked the Board to approve the rezoning request.

Scott Swift, 1748 Wilkins Road, spoke in opposition of the rezoning regarding increased traffic.

Jeff Woodel, 1729 Cole Drive, spoke in opposition to the rezoning, stating traffic concerns and his opposition to apartments being built there.

Tom Henry, 1566 Wilkins Road, stated that the area was originally designated recreational, that traffic is an issue, and asked who will pay for widening the streets and installing a traffic light. He asked the Board to leave the green space alone and vote no on the rezoning.

On motion by Mr. Ouellet, seconded by Mr. Bock, it was carried by unanimous roll call vote to approve the minutes from the May 25, 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 \$391,405.57, and Sewer Revenue Fund bills totaling \$49,863.36.

2020 Financial Audit Presentation

Daniel Sefick, Engagement Principal, Zelenkofske Axelrod LLC, presented the 2020 Financial Audit findings, explaining that the audit was performed in accordance with Government Auditing Standards and his firm expressed an unmodified opinion on the financial statements. He reported there were no difficulties encountered in performing the audit, and there were no disagreements with management, and found all information provided by the Township to be accurate and true. He added that the new GASB standards were postponed due to the COVID-19 pandemic and will take effect regarding next year's financial statements.

Mr. Sefick reported that according to the Management Discussion and Analysis portion of the audit, from 2019 to 2020, overall assets increased by \$7.6 million, and liabilities decreased by \$1.4 million, which can be most likely attributed to 2020 above average investment performance. He noted that the increase in overall assets led to a net pension asset this year, which is very good. Mr. Sefick stated that the Sewer Revenue Fund assets increased by 2.2%, with a liability increase of 12.9%.

Regarding the General Fund, there was a decrease of \$800,000 or 2.5% in revenues, and an increase of \$2.8 million or 10% in expenditures, due to intergovernmental changes and Capital Projects, respectively, which were likely affected by COVID. Mr. Sefick noted that the General Fund had a net income of \$750,000, with a fund balance of \$36 million, leaving \$11.4 million unassigned. This led to a Budgetary Cushion Ratio of 37%, which is very strong.

Mr. Sefick concluded his report by stating that the Township's Pension Plan is 108% funded, which is very good, and he noted that the Township will also be able to receive reimbursement for some losses under the American Recovery Plan. There were no questions.

On recommendation of Police Chief Scott Heidt, it was moved Mr. Bock, seconded by Mr. Ouellet, and carried by unanimous roll call vote to approve entering into a 5-year purchase as a service contract with Motorola Solutions to obtain 32 WatchGuard Body Cameras and essential hardware and software, including unlimited cloud storage for both the body cameras and patrol car cameras, at a total cost of \$115,245.00, under COSTARS Contract #012-073. MPD is also eligible for up to \$21,462.50 in matching funds from the US Department of Justice through a grant obtained by the PA Commission on Crime and Delinquency.

Quotations were solicited and received by Parks and Recreation Director Ashley Marsteller for the Asbury Park and Belle Valley Park Athletic Court Resurfacing, and one bid was received from Lindy Paving for \$71,159.50. The bid includes resurfacing the tennis court at Asbury Park for future pickleball courts, and resurfacing and rebuilding the basketball court at Belle Valley Park. On recommendation of Ms. Marsteller, it was moved by Mr. Ouellet, seconded by Mr. Bock and carried by unanimous roll call vote to award the resurfacing contract to Lindy Paving for \$71,159.50.

Petition Requesting a Change in Zoning Classification - (*Tabled from May 11, 2021 Meeting*)

Mr. Morgan summarized the Public Hearing on this rezoning, held on May 11, 2021, and previously reviewed by the Planning Commission, which conducted two (2) Public Hearings and received public comments during the mandatory 45-day public comment period as well. He stated that he understands the residents' concerns, but noted that the developer's plans include the allowance of 2.5 acres of green space and a recreational area, and that adding duplexes and increased setbacks along Wilkins Road is a compromise. He addressed the residents' traffic concerns by saying that there would be less than 1000 cars per day, which would not be considered severe. Mr. Morgan explained that Millcreek Township does not have any high density areas and does not see any reason why this rezoning request would not be following the comprehensive plan. He concluded by stating that it would be prejudicial to keep lower income people out of this area.

On motion by Mr. Ouellet, seconded by Mr. Morgan, it was carried 2-1, with Mr. Bock voting no, to a **Petition Requesting a Change in Zoning Classification for **NLA IV REAL ESTATE HOLDINGS LLC for property located at Wilkins Road, now zoned R-3 Medium Density Residential, asking for the property to be classified as R-4 High Density Residential.****

On recommendation by Planning and Development Director Matthew Waldinger and Township Engineer Anne Sokol, and on separate motions by Mr. Ouellet, seconded by Mr. Bock, the following Nonsubstantial Land Development Plan Amendments were approved by unanimous roll vote:

IHOP, 2933 West 12th Street – Scott's Apple Meadville, Inc., Developer

Whipple-Allen Realty, 2651 West 16th Street – Whipple-Allen Realty Co., Developer

Walmart Supercenter #2561-02, 5350 West Ridge Road – Walmart Real Estate Business Trust, Developer

Country Fair Store #40, 2617 West 26th Street – Prime Realty, Inc., Developer

On recommendation by Solicitor Mark Shaw, it was moved by Mr. Bock, seconded by Mr. Ouellet and carried by unanimous roll call vote to enact Ordinance 2021-6; An Ordinance of the Township of Millcreek, Erie County, Pennsylvania Amending Section 137-17A of the Millcreek Township

Code to Establish Vehicle Weight and Axle Limitations on Homer Avenue and Shenk Avenue in Millcreek Township.

On recommendation of Chief Heidt and IT Manager Kris Filson, it was moved by Mr. Bock and seconded by Mr. Ouellet to adopt Resolution 2021-R-31: 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 June 9 and June 22, 2021.

On recommendation by 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 2021-R-32: A Resolution Amending Resolution 2021-R-20 Relating to Modifications to Millcreek Township's Sanitary Sewer System Triggered by a PennDOT Road Project on State Route 4015 (also known as Zuck Road). Mr. Waldinger explained that PennDOT agreed to provide some of the materials and only one agreement was needed instead of two, so Resolution 2021-R-20 from March 23, 2021 needed to be amended.

On recommendation by Solicitor Mark Shaw, it was moved by Mr. Ouellet, seconded by Mr. Bock and carried by unanimous roll call vote to authorize Engineer John Sebesta of the Planning and Development Department to compose, sign and send revised letters to PennDOT indicating the changes from the original resolution.

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 approve the PA DEP 902 Grant Award for the 2020 Round and to authorize Mr. Morgan to sign the award for \$350,000.00, to be used toward the purchase of the Horizontal Bandit Beast Grinder.

On recommendation of Solicitor Mark Shaw, it was moved by Mr. Bock, seconded by Mr. Ouellet, and carried by unanimous roll call vote to approve a PILOT Settlement Agreement between National Church Residences (NCR), known as Apple Blossom Place, located at 5928 Crabapple Drive, and the County of Erie, Millcreek Township School District (MTSD) and Millcreek Township regarding a tax appeal for the years 2019-2020. Under the agreement, for 2019, the parties agreed to a PILOT (Payment in Lieu of Taxes) of 50% in exchange for withdrawing its 2019 Appeal, and for the tax year 2020 and thereafter, the property is declared fully taxable unless otherwise agreed by the taxing bodies or NCR is successful in a future appeal.

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 agreement with the U.S. Department of the Treasury for the receipt of Coronavirus Local Fiscal Recovery Funds in an estimated amount of \$6.5 - \$6.8 million dollars under the American Rescue Plan.

On recommendation of Solicitor Mark Shaw, it was moved by Mr. Bock, seconded by Mr. Ouellet, and carried by unanimous roll call vote to approve a Renewal Agreement between Millcreek Township School District and Millcreek Township Police Department under the Safe Schools Act, and to authorize Chief Scott Heidt to sign the agreement.

Mr. Shaw reported that on July 28, 2020, the Fire and EMS Commission authorized hiring Fast Attack Fire Service Training and Consulting to prepare a Standard of Cover report, which has been completed. On May 27, 2021, the Commission voted to approve several recommendations to the Board of Supervisors, which range from recordkeeping improvements to call response, operational improvements to expanding the Incident Response Teams, and recruiting improvements to the hiring of a Fire Chief. On recommendation of Mr. Shaw, it was moved by Mr. Ouellet and seconded by Mr. to authorize Mr. Shaw to develop an ordinance to accept two (2) of the five (5)

recommendations from the Fire and EMS Commission regarding the adoption of a common Records Management System (RMS), via the passage of an Ordinance requiring the Fire Departments of Millcreek Township to provide the data needed for the RMS on a timely basis, and requiring cooperation with the QA/QC process for the data submitted. The funding of the recommendations will be decided at a later date. No public comment was offered. Motion carried by unanimous roll call vote.

On recommendation of Street Light Assessment Clerk Gail Jares, it was moved by Mr. Ouellet, seconded by Mr. Bock and carried by unanimous roll call vote to install ten (10) 100-Watt High Pressure Sodium Vapor Lights on 16' Fabricated Colonial Style Poles in Whispering Woods Phase 7C, Mystic Ridge – Renaud Peck Real Estate LLC, Majority Owner, signed by Michael Peck.

Mr. Zaksheske announced that the 2021 Street Light Assessments have been mailed and the new online payment system is going well.

On recommendation of Parks and Recreation Director Ashley Marsteller, it was moved by Ouellet, seconded by Mr. Bock and carried by unanimous roll call vote to approve the following Summer Season Employees and Reclassifications:

NAME	POSITION	HOURLY RATE
BELLE VALLEY & CHESTNUT HILL POOL		
Sarah Meyers	Supervisor/WSI	\$12.25
Jadyn Danylko	Asst. Sup/WSI	\$11.25 (reclassification)
Grace Teed	Lifeguard	\$ 9.75
Mason Cizmek	Lifeguard	\$ 9.75
Machaela Yurchak	Lifeguard	\$ 9.75
Kyan Snider-Mills	Lifeguard	\$ 9.75
CHILDREN'S PROGRAMS		
Braeden Martin	Day Camp	\$ 9.50
MAINTENANCE		
Nick Angelo	Part Time Laborer	\$12.00 (reclassification)
VOLUNTEERS		
Carl Werner	Tai Chi/QiGong (sub)	
Amy Easley	Tai Chi/QiGong (sub)	
Mary Desmone	Tai Chi(sub)	
Carol Stitzinger	Tai Chi(sub)	
Lenore Zausen	Tai Chi/Qi Gong (sub)	

On recommendation of Public Services Director Judy Zelina, it was moved by Ouellet, seconded by Mr. Bock and carried by unanimous roll call vote to approve hiring Alexander Miraldi as a part-time laborer at the Millfair Compost Center at an hourly rate of \$12.00, effective June 9, 2021, and to reclassify Jonathan Jares as the Onsite Supervisor at an hourly wage of \$15.00. Mr. Morgan recommended that only one Onsite Supervisor be employed in 2022.

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 permission for Ms. Stutzman to attend a virtual PROP (Professional Recyclers of Pennsylvania) Conference July 12-15, 2021 in order to maintain PROP Certification at a total cost of \$717.00. Mr. Ouellet also announced that Ms. Stutzman will be a virtual instructor for the class “Best Practices in Recycling Education.”

Mr. Morgan reported that the Board met with Solicitor Mark Shaw on May 27, 2021 and June 3, 2021 to discuss legal matters.

Mr. Morgan asked Planning and Development Director Matthew Waldinger to explain the status of Dominic and Jason Drives as they pertain to the new Official Map, adopted on May 25, 2021. Mr. Waldinger noted that the Official Map is a tool from the state that gives the Township power to reserve land and identify future use of property, including the preservation of environmentally sensitive areas, flood control areas, future potential parks and road extensions, and to allow current property owners to know that the Township has an interest in their property in the future.

Mr. Waldinger stated that it makes sense from a transportation and public safety standpoint for the road network in Love Farms to continue east and eventually connect with Lancaster Road, which is indicated on the Official Map by a line extending toward Lancaster Road. He said it does not mean that the Township intends to buy their property or develop any roads, but instead offers the opportunity to discuss development with the property owners sometime in the future. He noted that if a developer would want to develop the land, they would have to discuss this with the Township first, and then the exploration of how to extend the road would be discussed. In this case, a direct connection with Lancaster Road could not occur, as it would run through an already established property that is zoned Rural Residential. Additionally, the 40 acres in question would have to be subdivided and contain homes larger than in Love Farms.

Mr. Morgan added that the Board has no intention of building a road or acquiring property there, but the Official Map gives the Township the power to negotiate with future developers in the event they have interest in this property.

Kathy Polaski, 5123 S. Jarrod Court, noted that there seems to be a correlation between the former Pastore property for sale and a possible tentative road at the end of Dominic Drive. She also stated that Love Farm residents were never told that this area could possibly be a road, but instead were told it was green space, and if developed, are concerned that many trees would be lost. Mr. Morgan replied that he has not been approached about the Pastore property, and Mr. Waldinger added if a future developer was interested in developing the land, that the intent would be that the developer must build the road, not the Township, but the Township would inspect it. Mr. Waldinger then explained that it was intended that a temporary cul-de-sac be built at the end of Dominic Drive, so that could be opened at sometime in the future. Mr. Morgan then reviewed the process of public notification that was used for the adoption of the Official Map, which included holding several public hearings, media coverage, newspaper and magazine advertisements, open house, a 45-day public comment period, and sending letters to parcel owners who would be affected.

Fred Adams, 5211 Jason Drive, noted that a house was built on a designated wetlands area on Jason Drive, and neighbors are worried about the future of wetlands in the area, and also the increasing speed on Jason and Dominic Drives, and the safety of their children if the road is extended. He informed the Board that a number of neighbors plan to attend future meetings with their concerns. Mr. Morgan said the Board would be glad to meet with them before the next meeting to discuss their concerns, and noted that the purpose of the map is to slow down future development by allowing up to a year for discussion. Mr. Waldinger identified the lot with former designated wetlands that was built upon, explaining that wetland delineation can change over time, especially with the building of roads and changing water flow. That land was identified as no longer having any existing wetlands.

Rick Stuller, 5186 Jason Drive, stated that he moved there in 2009 and was told by his realtor that the cul-de-sac would not be extended. He relayed that his son plays in the wooded area,

which is very wet, and he has drainage concerns about the area, saying that he sometimes forbids his son to play there because it is so wet. He also noted that the cul-de-sac is often used as a turn-around for large trucks and street plows. He requested that the neighbors be informed of and be given input and public comment regarding any future development.

Dennis McAndrew, 1514 High Street, stated his approval of the way the Township has been managing its finances, and feels that citizens will benefit in the future. He asked who reviews and approves of the disposal of MPD DashCam videos. Mr. Shaw noted that they are destroyed after two (2) years, so are available in the event that a citizen, attorney or insurance company would need to review a video for legal purposes. Mr. Bock added that MPD currently reviews the videos internally and for training purposes. He reported that MPD is in the process of becoming an accredited police department, so there will be routine supervisor analysis of the footage in the future. He added that storage space is an issue, so it will be an advantage being able to store future videos on the cloud.

There being no further business to come before the Board or any other Citizens to be Heard, it was moved by Mr. Ouellet and seconded by Mr. Bock to adjourn the meeting at 11:08 a.m.

Sheryl A. Williams
Township Secretary

APPROVED: June 22, 2021

John E. Morgan

Daniel P. Ouellet

James S. Bock
