

Regular Meeting

July 13, 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, Daniel Ouellet, James Bock, 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. 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. Ms. Williams confirmed that no requests were received.

Mr. Morgan called for Public Comment on agenda items other than development or rezoning applications.

Debbie Binney, 1750 Wilkins Road, expressed her disappointment in the Board's vote to approve the Wilkins Road rezoning and opined that residential housing does not belong on that parcel.

Annette Mossburg, 1838 Wilkins Road, spoke in opposition to the Wilkins Road rezoning. She relayed that years ago there was a mobile home park there which had plans to expand, but the FAA then relocated the residents and mobile homes. She opined that the Wilkins Road parcel should not be designated for residential use again, but rather should be maintained by the airport or used for agricultural or solar purposes.

Scott Swift, 1748 Wilkins Road, spoke in opposition to the Wilkins Road rezoning and is concerned about increased traffic, especially because the entrance to the parcel will be directly across the street from his home and there is no other exit planned for the development. He wants the entrance and exit to be relocated, and added that the road has never been repaired since the mobile home park was removed. Mr. Morgan conferred with Planning and Development Director Matthew Waldinger who confirmed that at this time there is only a concept plan for the access points to the development. Mr. Morgan explained that once a formal Land Development Plan is submitted, neighboring residents will be notified and there will be a Planning Commission hearing to discuss access points and alignments.

On motion by Mr. Ouellet, seconded by Mr. Bock, it was carried by unanimous roll call vote to approve the minutes from the June 22, 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 \$303,506.51, and Sewer Revenue Fund bills totaling \$98,153.71.

On recommendation of Planning and Development Director Matthew Waldinger and Township Engineer Anne Sokol, it was moved by Mr. Ouellet, seconded by Mr. Bock and carried 2-1, with Mr. Morgan voting no, to approve Change Order #1 for the contract with Lindy Paving for the Scott Park Rehabilitation and Development Project in the amount of \$12,480.00 for the addition of 260

linear feet of sidewalk which will connect the southernmost ballfield to the park and allow accessibility to all areas of the park.

On recommendation of 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 Change Order #1 for the contract with Lindy Paving for the Sidewalk Accessibility Project – Phase IX in the amount of \$36,800.00 for the addition of 16 ramps, which is within the amount of CDBG funding allotted to the Township.

On recommendation of Public Works Director Gary Snyder, it was moved by Mr. Ouellet, seconded by Mr. Bock and carried by unanimous roll call vote to purchase materials to repair the Salt Barn roof from Clear Span, original installer, at a cost of \$10,145.25. Mr. Snyder noted that that this is a warranty repair, and stated there will be an additional cost for the installation, which has not yet been determined.

On recommendation of Police Chief Scott Heidt, it was moved Mr. Bock, seconded by Mr. Ouellet, and carried by unanimous roll call vote to authorize the purchase and equipping of a 2021 Ford F-150 Police Interceptor from Laurel Ford under COSTARS Contract #013-056, with accessories from Team Force, for a total cost of \$61,109.76.

On recommendation of Solicitor Mark Shaw, it was moved by Mr. Ouellet, seconded by Mr. Morgan and carried 2-1, with Mr. Bock voting no, to enact Ordinance 2021-7; 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 Wilkins Road, Erie, PA, now zoned R-3 Medium Density Residential District, requesting to be classified as R-4 High Density Residential District.

Mr. Shaw explained that the next ordinance adopts new rules and regulations applicable to the Township's fire departments that will require them to use a uniform records management system, to provide the data needed for the system and to cooperate in its management. In addition, the Township will fund the purchase of the system, its annual maintenance, and hire a person to oversee management of the system. The ordinance also provides for penalties to the fire departments if they violate the ordinance. This ordinance stems from a recommendation by the Fire and EMS Commission following the conclusion of the Standard of Cover Report. On recommendation of Solicitor Mark Shaw, it was moved by Mr. Ouellet, seconded by Mr. Bock and carried by unanimous roll call vote to enact Ordinance 2021-8; An Ordinance to Amend the Rules and Regulations for the Millcreek Township Fire and Emergency Medical Services Commission: Records Management Systems.

On recommendation of Chief Heidt and IT Manager Kris Filson, it was moved by Mr. Bock, seconded by Mr. Ouellet and carried by unanimous roll call vote to adopt Resolution 2021-R-36; A Resolution pursuant to Resolution 2015-R-20 and the Municipal Records Manual to approve proposed disposition of certain Township records. Mr. Bock explained that this resolution pertains to the routine disposition of MPD DashCam video records which will reach maturity dates between July 14, 2021 and July 27, 2021.

Solicitor Mark Shaw explained that the next resolution is being recommended due to the improvement in the condition of the pandemic and recent changes in the state and CDC rules. Thus, the Township needs to formally amend its COVID Operations Policy and Procedures for Possible Exposure or Confirmed Cases, and he noted that the mask policy has been rescinded in its entirety. Additionally, Mr. Shaw reported that the security measures which were installed during the pandemic will remain in effect. On recommendation by Mr. Shaw, it was moved by

Mr. Ouellet, seconded by Mr. Bock and carried by unanimous roll call vote to adopt Resolution 2021-R-37; A Resolution to Update and Modify Various Township COVID-19 Policies.

Public Hearing on a 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 33-034-059.0-26.00 and 33-034-059.0-27.00

Planning and Development Director Matt Waldinger reported that the Planning Commission recommended approval at its June 1, 2021 regular meeting. He reported that one resident questioned potential traffic and how it would affect her property value. Attorney Tim Zieziula, 120 W. 10th Street, representing the Fedorko Family LLP, stated that they are seeking to rezone portions of two (2) parcels at the northwest corner at 12th Street and Peninsula Drive which are zoned Resort Commercial. He stated there are two small portions of the parcels along W. 11th Street that are still zoned R-1 Single Family, and they are trying to bring all of the zoning into conformity. Mr. Zieziula stated that this rezoning is consistent with the Comprehensive Plan and Future Land Uses Plan. No one else spoke in favor of or in opposition to the petition. Mr. Morgan asked if the Future Land Uses Map indicates that additional property extending to the west would become a Mixed-Use District, to which Mr. Waldinger confirmed that it would also cover commercial property as well as residential. Mr. Morgan then closed the Public Hearing. On recommendation of Mr. Waldinger, it was moved by Mr. Bock and seconded by Mr. Ouellet and carried by unanimous roll call vote to approve the rezoning of 2920 and 2942 West 12th Street.

On recommendation of Planning and Development Director Matthew Waldinger and Zoning and Planning Officer Matthew Puz, it was moved by Mr. Ouellet, seconded by Mr. Bock and carried by unanimous roll call vote to approve an Exclusion from Land Development Request for a 346.36 square foot addition to house a new freezer and cooler for Country Fair Store #14, 38th Street and Caughey Road – Prime Realty II, Inc., Developer.

On recommendation of Planning and Development Director Matthew Waldinger, it was moved by Mr. Bock, seconded by Mr. Ouellet and carried by unanimous roll call vote to approve the release of RABOBANK Letter of Credit No. SBLC 51273 in the amount of \$84,524.00 for Arby's West 12th Street – Arby's Funding, LLC, Developer, as all requirements have been satisfied.

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 the release of Citizen's Bank Check #501485159-5 in the amount of \$108,300.00 for Larson Texts Office Building – Norcross Land Management, Developer, as all requirements have been satisfied.

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 Maintenance Agreement and Stormwater Management Plan for Whispering Woods 7C Subdivision – Renaud-Peck Real Estate, LLC, Developer, as all requirements have been satisfied.

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 two (2) Knox Law Firm agreements with fee

schedules for General Legal Services regarding the Right-to-Know Law, and Legal Services for the P. Hinerman Open Records Appeal in the Erie County Court of Common Pleas.

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 the Purdue Pharma Settlement, a bankruptcy case stemming from Purdue Pharma's involvement in the opioid crisis. Mr. Shaw explained that settlement funds will be distributed to the states, who will then distribute to the municipalities that filed a proof of claim in this lawsuit, for which Millcreek did file.

On recommendation of Mr. Morgan, it was moved by Mr. Bock, seconded by Mr. Ouellet and carried by unanimous roll call vote to approve Amended Guidelines for the Millcreek Township Business Development Revolving Loan Fund (BDRLF), which will increase the maximum award from \$500 K to \$1 Million, and the Term of a New Machinery and Equipment Loan will increase from 7 to 10 years.

On recommendation of Treasurer Mark Zaksheske, it was moved by Mr. Bock, seconded by Mr. Ouellet and carried by unanimous roll call vote to approve submitting an application for an Erie County Property Tax Exemption for County Parcel No. 33-024-117.0-035.33 – West Lake Road Lot A, which the Township purchased for a stormwater project.

On recommendation of Chief Heidt and Human Resource 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 filling a Police Clerical vacancy.

On recommendation of Public Services Director Judy Zelina, it was moved by Mr. Ouellet, seconded by Mr. Bock and carried by unanimous roll call vote to begin the process of filling the full-time Receptionist position.

On recommendation of Public Services Director Judy Zelina, it was moved by Mr. Ouellet, seconded by Mr. Bock and carried by unanimous roll call vote to hire Michael Hertner as a part-time Laborer at the Millfair Compost Center at an hourly wage of \$12.00, retroactive to June 30, 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 authorize two (2) officers to attend a PSP Technical Collision Investigation Course from September 13-24, 2021, with total travel costs of \$3,462.00.

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 twelve (12) officers to attend a Medical Marijuana Workshop on August 26, 2021, at no cost to the department and with travel by department vehicle.

Mr. Ouellet reported that the Board met with Solicitor Mark Shaw on July 1 and 8, 2021 to discuss legal and personnel matters.

Mr. Ouellet announced that SWANA (Solid Waste Association of North America) will be hosting a mini-tech education session at the Millfair Compost Center on Tuesday, August 24, 2021 at 10:00 a.m., with a presentation and tour followed by a networking lunch. Online registration is required: <http://www.keystoneswana.org/Upcoming-Mini-Techs>.

Dennis McAndrew, 1547 High Street, suggesting using funds to hire more police officers rather than dispatchers, and disbanding the Dispatch Department and using the County's 911 Dispatch System. Chief Heidt responded that the Township is bound by certain software contracts, and therefore, it is not possible to make the switch to using County 911 services for 2-3 more years.

He explained that the Township's Dispatch Center also handles after-hour complaints, and that it was two (2) part-time Dispatchers who were hired to be trained and available in the event a substitute is needed. Chief Heidt added that MPD is working with the County, and the Township has substantially reduced its radio costs by migrating into the County's system.

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 10:21 a.m.

Sheryl A. Williams
Township Secretary

APPROVED: July 27, 2021

John E. Morgan

Daniel P. Ouellet

James S. Bock