

Regular Meeting

July 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, Anne Sokol, P.E., Chief Scott Heidt, Mark Shaw, Esq. and Lydia Caparosa, Esq., substituting as Secretary. Matthew Waldinger and Sheryl Williams were 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.

Chief Scott Heidt introduced five (5) new Millcreek Police Officers to be sworn in. They are all graduates of Mercyhurst Northeast Police Academy and have prior law enforcement experience. Supervisor Ouellet administered the Oath of Office to the following, after which they were excused for a reception in the lobby with their families: Kyle J. Maio, Ryan A. Adamaszek, James M. Chest, Nathan J. Regelmann and Alec N. Colosimo.

Mr. Morgan called for Public Comment on agenda items other than development or rezoning applications. Chuck Turner, 3269 W. 13th Street, raised concerns regarding a road being installed after it was approved by the Planning Commission. Solicitor Mark Shaw clarified that no road would be installed and that the Petition is to Vacate the Road. Mr. Turner asked about the water line and Atty. Shaw advised that it is a private matter with the property owners. Mr. Morgan stated there would be additional discussion concerning West 13th Street later in the meeting.

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

Mr. Morgan discussed concerns that were raised about statements made at the May 11, 2021 Regular Meeting and as a result of the concerns, the Meeting Minutes and YouTube recording were reviewed. Atty. Shaw relayed the issues raised, and stated that after further review the Secretary had concluded that an amendment was necessary to more accurately reflect statements made at the meeting. On motion by Mr. Ouellet, seconded by Mr. Bock, it was carried by unanimous roll call vote to amend 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 \$ 244,084.13, Sewer Revenue Fund bills totaling \$466,657.23, and a Performance and Surety Bond Account payment in the amount of \$108,300.00.

Treasurer Mark Zaksheske presented the Second Quarter Financial Performance report, comparing the status of the budget currently to the same time in 2020. He stated that General Fund revenue is ahead of last year at this time due to many businesses shutting down during the pandemic last year, but overtime levels were higher last year due to the pandemic. Mr. Zaksheske explained that most other expenses were favorable except for health insurance expenses in a few departments due to some serious illnesses. The Sewer Revenue Fund was generally favorable with an increase in wage expense due to increased overtime, and an increase in maintenance and repair expense for some of the pump stations. Mr. Zaksheske concluded by reporting that

\$3,772,759 of the 2021 Capital Budget's \$7,653,536 remains uncommitted. There were no questions.

Public Services Director Judy Zelina reported that bids were solicited and received, and opened on July 26, 2021 for a three-year contract for Collection of Waste and Recyclables from Township Facilities, and Waste Management was the only bid received. Mr. Morgan clarified that this contract is for waste and recycling collection from Township facilities only, and not from residents. On recommendation by Ms. Zelina, it was moved by Mr. Ouellet, seconded by Mr. Bock and carried by unanimous roll call vote to award the three-year contract to Waste Management for a Fixed Per Pick-up Fee of \$19.00 with a 3-month extension option of \$19.00 per pick-up; and an "As Needed" Pick-up fee of \$124.28 with a 3-month extension option of \$124.28 per pick-up. Dumpster rental fees of various sized dumpsters were quoted, if needed and will be available for review in the Public Services and Recycling Offices.

On recommendation by Recycling Coordinator Jessica Stutzman, it was moved by Mr. Ouellet, seconded by Mr. Bock and carried by unanimous roll call vote to contract Printing Concepts under COSTARS Contract #009-042 for the printing of the 2022 Residential Calendar at a cost of \$24,908.00.

Mr. Bock reported that quotations were solicited and received by Chief Scott Heidt for the purchase of two (2) Armorer's Kits as follows: Sully's - \$1,984.00 plus \$60.00 shipping, and Bushmaster - \$526.27, but Bushmaster's bid did not contain the required equipment to maintain or repair all types of weapons systems currently owned by the department. On recommendation of Chief Heidt, it was moved by Mr. Bock, seconded by Mr. Ouellet and carried by unanimous roll call vote to purchase the Armorer's Kits from Sully's for a total price of \$2,044.00.

Mr. Bock reported that quotations were solicited and received by Chief Scott Heidt for the purchase of two (2) Gun Safes by price per cubic foot: Sportman's Warehouse - \$35.84, Tractor Supply - \$39.41, and Cabela's - \$55.45. On recommendation of Chief Heidt, it was moved by Mr. Bock, seconded by Mr. Ouellet and carried by unanimous roll call vote to award the contract to Sportsman's Warehouse for a total price of \$1,684.00 or \$35.84 per cubic foot.

Solicitor Mark Shaw explained that a Petition was submitted to vacate a paper street, but the paper street was created in the 1920s when the subdivision was approved, and under Pennsylvania law, the Township had to open to paper street within 21 years or lose its rights to do so. Here, more than 21 years have passed. Since the Deeds for the surrounding properties describe them as being bounded by W. 13th Street, by law, the paper street property reverted to the property owners in the 1940's. Atty. Shaw consulted with the County Tax Assessment Office and Recorder of Deeds, and after discussion with the attorney for the property owners who filed the Petition, the Petition was withdrawn with the understanding that a Resolution will be adopted stating the above, and the Petition filing fee would be refunded.

On recommendation by Atty. Shaw, it was moved by Mr. Bock, seconded by Mr. Ouellet and carried by unanimous roll call vote to adopt Resolution 2021-R-39; A Resolution of the Township of Millcreek, Erie County, Pennsylvania recognizing the expiration of Millcreek Township's right to Open W. 13th Street West of Idaho Avenue per State Statute.

On recommendation by Atty. Shaw, it was moved by Mr. Bock and seconded by Mr. Ouellet to authorize the Planning and Development Department to refund the Petition fee to the property owners of W. 13th Street area. There was no public comment. Motion carried by unanimous roll call vote.

On recommendation of Solicitor Mark Shaw, it was moved by Mr. Bock, seconded by Mr. Ouellet and carried by unanimous roll call vote to enact Ordinance 2021-9; An Ordinance to amend the

Millcreek Township Zoning Ordinance, No. 2011-8, as amended, by changing the classification of certain parcels of land situate in the Township of Millcreek, Erie County, Pennsylvania, described as follows: 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 reclassified as RC Resort Commercial.

On recommendation of Solicitor Mark Shaw, it was moved by Mr. Bock, seconded by Mr. Ouellet and carried by unanimous roll call vote to enact Ordinance 2021-10; An Ordinance of the Township of Millcreek, Erie County, Pennsylvania Establishing Traffic Control Devices, i.e. No Parking Signs, on Arden Road from State Route 8 to the Western Terminus of Arden Road in Millcreek Township.

On recommendation of Chief Scott 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-38; A Resolution pursuant to Resolution 2015-R-20 and the Municipal Records Manual to approve proposed disposition of certain Township records. Mr. Morgan noted that these records will reach their retention dates between July 28, 2021 and August 10, 2021.

Solicitor Mark Shaw reported that at the Fire and EMS Commission meeting on July 15, 2021, per recently enacted Ordinance 2021-8, the Commission voted to make the following recommendations to the Board of Supervisors: To purchase the Silver Records Management System (RMS) package from Emergency Reporting at a cost of \$5,533.00 and to hire a part-time Quality Assurance/Quality Control employee to manage the Records Management System. Mr. Morgan asked if this will include the Township's 929 Team, to which Atty. Shaw replied that he will verify but believes the 929 Team could be included. Atty. Shaw explained that the Township will have authority and control over the software and the Fire Departments will be providing data. Mr. Morgan asked where the funding will come from, who the RMS employee will report to and the need for the Township to review all of the details before purchasing. It was suggested that the new employee would become part of the IT team, and Mr. Zaksheske recommended that American Recovery Program Funds could be utilized. Mr. Bock stated that some good points were raised and details should have been ironed out prior to bringing it to the Board.

On recommendation by Atty. Shaw, on separate motions by Mr. Ouellet, seconded by Mr. Bock, it was carried by unanimous roll call vote to approve the purchase of the Silver Package Records Management System from Emergency Reporting for \$5,533.00, and to authorize Human Resource Manager Diane Lyons to begin the search for a part-time Quality Assurance/Quality Control employee to oversee the RMS.

Recycling Coordinator Jessica Stutzman introduced Dave Washousky and Ryan Nageotte from Conservation Compost who gave a presentation regarding starting a pilot program for residential composting. He stated there would be no cost to the Township, but residents who participate would pay monthly fees and for composting bags. Discussion ensued regarding drop-off sites, costs for residents, and potential grant funding. Ms. Stutzman stated that these programs are very popular out west and there is one in Cleveland Heights, and made a formal recommendation to move forward with the Pilot program; however, Mr. Morgan and the Board felt it was premature at this time.

On recommendation of Township Engineer Anne Sokol, P.E., it was moved by Mr. Ouellet, seconded by Mr. Bock and carried by unanimous roll call vote to approve an Inspection Agreement with Urban Engineers regarding the relocation of a sewer line on Zuck Road due to a PennDOT project, at a cost not to exceed \$4,929.00, and to authorize Chairman Morgan to execute the agreement after the terms of the agreement have been finalized.

On recommendation of Solicitor Mark Shaw, and on separate motions by Mr. Bock, seconded by Mr. Ouellet, it was carried by unanimous roll call vote to approve the following:

Memorandum of Understanding (MOU) with MPD and PA Cyber Charter School,
an annual agreement regarding the Safe Schools Act

MOU with MPD and Montessori School

MOU with MPD and Erie County District Attorney's Office regarding a
Stop Domestic Violence Against Women grant application.

On recommendation by Human Resource Manager Diane Lyons, and on separate motions by Mr. Bock and seconded by Mr. Ouellet, it was carried by unanimous roll call vote to approve the following:

Hire Richard D. Lyall as Animal Control/Code Enforcement Officer at the hourly rate of \$17.38, effective August 9, 2021.

Retain Timothy Stevenson as Temporary Animal Control/Code Enforcement Officer to conduct on-the-job training with the new Animal Enforcement Officer at an hourly rate of \$18.00 for no more than 30 days, three (3) days per week.

Authorize Ms. Lyons to begin recruitment for the Director of Public Works position.

On recommendation by Parks and Recreation Director Ashley Marsteller, it was moved by Mr. Ouellet, seconded by Mr. Bock to hire Hannah Maciak as a Day Camp Counselor at the hourly rate of \$9.50, effective August 2, 2021. There was no public comment. Motion carried by unanimous roll call vote.

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 three (3) police officers to attend Applied Suicide Interventions Skills Training August 17 and 18, 2021, at no cost to the Township and with travel by department vehicle.

Mr. Morgan announced that the Board met with Solicitor Mark Shaw in Executive Session on July 15 and 22, 2021 to discuss legal and personnel matters.

Dennis McAndrew, 1547 High Street, expressed concern about the cost to residents if the Township begins a new drop-off food composting program. Mr. Morgan stated that it is the Township's intention that this pilot program would not be funded by the Township; therefore, there would be no cost to the taxpayers, but residents who wish to participate in the program would pay approximately \$10.00 per month to Conservation Compost.

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 8:32 p.m.

Sheryl A. Williams
Township Secretary

APPROVED: August 10, 2021

John E. Morgan

Daniel P. Ouellet

James S. Bock