

Regular Meeting

August 24, 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, Daniel Ouellet, James Bock, 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.com/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. No comments were offered.

On motion by Mr. Ouellet, seconded by Mr. Bock, it was carried by unanimous roll call vote to approve the minutes from the August 10, 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 \$293,967.37, and Sewer Revenue Fund bills totaling \$75,392.78.

Public Hearing on Subdivision and Land Development Plans:

MARTIN-TAN SUBDIVISION #2. Small Subdivision. A subdivision plan to show the creation of Parcel 3, a 2.04 acre parcel from tax parcel 33-194-634.0-017.02 resulting in a residual lot of 13.15 acres. The residual lot is to become an integral part of tax parcel 33-194-634.0-017.06 creating a 21.70 acre lot along the east line of Schultz Road, south of Hunter Willis Road, in Tract 341. Indices 847-052 and 847-055.

Planning and Development Director Matthew Waldinger reported that at the August 3, 2021 regular meeting, the Planning Commission recommended approval with the following: Requirement – The residual lot of 13.15 from tax parcel 33-194-634.0-017.02 is to become an integral part of Erie County Tax Parcel 33-194-634.0-017.06; and Modification – Depth to width ratio for Parcel 3.

Kevin Farr of David Laird Associates, 1557 W. 26th Street, spoke on behalf of this petition, stating that there are no concerns with the requirement and modification. No one else spoke in favor of or in opposition to the petition. On recommendation by Mr. Waldinger, it was moved by Mr. Ouellet, seconded by Mr. Bock and carried by unanimous roll call vote to approve the Martin-Tan Subdivision #2 Plan with the above-stated Requirement and Modification.

SAINT MARY'S AT ASBURY RIDGE. Land Development Plan. A land development plan to show the construction of eight new buildings, Units 27 through 34, with associated private road improvement and stormwater facilities, located along the south line of West Ridge Road, west of Asbury Road, in Tract 313. Index 411-065.

Planning and Development Director Matthew Waldinger reported that at the August 3, 2021 regular meeting, the Planning Commission recommended approval with the following Requirement: Provide the dimensions/square footage for existing and proposed buildings on the parcel.

Tim Polaski, Urban Engineers, 1319 Sassafras Street, spoke on behalf of the petition. He requested to delay modification of the drawing until after the meeting so that all of the carriage homes can be listed on a key code on the drawing. Mr. Waldinger ensured that the required dimensions will be listed on the drawing before it is recorded. On recommendation by Mr. Waldinger, it was moved by Mr. Ouellet, seconded by Mr. Bock and carried by unanimous roll call vote to approve the Saint Mary's at Asbury Ridge Land Development with the above-stated requirement.

Mr. Waldinger reported that the City of Erie Water Works (EWW) is proposing to construct two (2) stair towers along the Rotunda Building of the Wasielewski Water Plant, and also renovate the building and parking area, which qualifies for an Exclusion from Land Development Plan. Mr. Waldinger noted that EWW is working with Engineering regarding stormwater management related to the project.

On recommendation by Mr. Waldinger, it was moved by Mr. Ouellet, seconded by Mr. Bock and carried by unanimous roll call vote to approve Revised Change Order #1 from CEC in the amount of \$11,500.00 for the Wilkins Run Stream Restoration Project Design. Mr. Waldinger noted that the change order is due to changes in DEP requirements and the wetlands delineation indicating there were previously unidentified wetlands. With the Coastal Zone Management grant of \$50,000, the Township's financial responsibility will now be \$73,335.00.

Planning and Development Director Matthew Waldinger explained that since the ADA accessible sidewalk ramps have been completed as required by the Voices for Independence Consent Decree, the Township decided to advertise a pilot sidewalk project to determine the cost and scope of future ADA sidewalk projects, also required by the Voices for Independence Consent Decree. He reported that bids were solicited and received for the Chelsea Avenue Sidewalk Project as follows: Amendola Construction & Maintenance - \$264,470.00, Empire Snow Management Inc. - No Bid, Lindy Paving Inc. - \$142,025.00, M & B Services LLC - \$237,932.47, Madcrete - \$151,850.00. On recommendation by Mr. Waldinger, it was moved by Mr. Ouellet, seconded by Mr. Bock and carried 2-1, with Mr. Morgan voting no, to award the contract to Lindy Paving for \$142,025.00. Mr. Morgan did not agree with using General Fund monies for this project, and would prefer to wait until CDBG funds are allocated to the Township.

Mr. Waldinger reported that bids were solicited and only one was received for the Zuck Road Sanitary Sewer Relocation Project Construction Contract as follows: Chivers Construction - \$147,227.00, with an anticipated start date of September 6, 2021. He noted that PennDOT will be reimbursing the Township for 75% of the project cost. On recommendation of Mr. Waldinger, it was moved by Mr. Ouellet, seconded by Mr. Bock and carried by unanimous roll call vote to award the contract to Chivers Construction for \$147,227.00.

Public Works Director Gary Snyder reported that the pond at LaRae and Zimmerly Roads has become severely overgrown and has some large trees in it. Mr. Snyder explained that a former resident who has since moved had voluntarily maintained the pond; however, the Township is not equipped to maintain the pond and address the trees. 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 Manzi Services for \$5,500.00, the Township's current mowing contractor, and this project will be added to subsequent years' mowing contracts.

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-43; 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 the end of their retention periods between August 25, 2021 and September 14, 2021.

On motion by Mr. Bock and seconded by Mr. Ouellet, it was carried by unanimous roll call vote to adopt Resolution 2021-R-44; A Resolution to approve the Financial Statements and Independent Auditor's Report of the Erie Area Council of Governments for the Calendar Year Ending December 31, 2020.

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 US Department of Justice Federal Fiscal Year 2020 Emergency Federal Law Enforcement Assistance Grant Program Agreement between the U.S. Department of Justice, PEMA and Millcreek Township for reimbursement in the amount of \$10,949.66 for MPD response to various incidents in 2020.

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 Memorandum of Understanding between the County of Erie, City of Erie and Millcreek Township for a Justice Assistance Grant in the amount of \$52,961.00, with Millcreek's allocation being \$15,835.97.

On recommendation of Treasurer Mark Zaksheske, it was moved by Mr. Bock, seconded by Mr. Ouellet and carried by unanimous roll call vote to authorize Mr. Morgan, Mr. Ouellet, Mr. Zaksheske and Human Resource Manager Diane Lyons to attend the Knox Law Symposium in Erie on September 30, 2021, and at no cost to the Township.

On request 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 authorize Mr. Waldinger to attend the 2021 Pennsylvania Chapter of the American Planning Association conference in Pittsburgh from October 17-19, 2021, at an estimated cost of \$998.00, with travel using Mr. Waldinger's personal vehicle.

Mr. Morgan reported that the Board met with Solicitors Mark Shaw and Lydia Caparosa in Executive Session on August 12 and 19, 2021 to discuss legal and personnel matters.

Mr. Morgan reported that for over a decade, US News and World Report has named Solicitor Mark Shaw "Best Lawyer" in Environmental Law and Environmental Litigation, and this year further named Mr. Shaw "Lawyer of the Year for Western Pennsylvania in the area of Environmental Law." The Board offered congratulations and the audience responded with applause.

It was moved by Mr. Morgan and seconded by Mr. Ouellet to hire JL Nick & Associates, Inc. to present two Leadership Workshops for Millcreek Township administrative staff at a total cost of \$7,500.00. No public comment was offered. Motion carried by unanimous roll call vote.

On recommendation of Human Resource Manager Diane Lyons, it was moved by Mr. Bock and seconded by Mr. Ouellet to approve hiring Sally Ricketts as a Police Records Clerk at an hourly rate of \$17.97, effective September 7, 2021. No public comment was offered. Motion carried by unanimous roll call vote.

There being no further business to come before the Board nor any Citizens to be Heard, it was moved by Mr. Bock and seconded by Mr. Ouellet to adjourn the meeting at 7:32 p.m.

Sheryl A. Williams
Township Secretary

APPROVED: September 14, 2021

John E. Morgan

Daniel P. Ouellet

James S. Bock