

Regular Meeting

September 14, 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.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 recommendation by Chief Scott Heidt, it was moved by Mr. Bock, seconded by Mr. Ouellet and carried by unanimous roll call vote to approve the following Millcreek Police Department promotion of officers to replace vacancies created due to previous retirements:

1. Lieutenant Donald Kucenski to Captain; he will continue as the Investigative Services Commander.
2. Sergeant Timothy Fallon to Lieutenant; he will remain in the Investigative Services Division.
3. Sergeant Christopher Hauber to Lieutenant; he will remain in the Special Services Division.
4. Corporal David Parmeter to Sergeant; he will remain in the Investigative Services Division.
5. Corporal Adam Hardner to Sergeant; he will remain in the Investigative Services Division.

On motion by Mr. Ouellet, seconded by Mr. Bock, it was carried by unanimous roll call vote to approve the minutes from the August 24, 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 \$377,880.63, and Sewer Revenue Fund bills totaling \$80,128.31.

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 the purchase of an MPD range membership for Gem City Outdoorsmen's Club at a cost of \$1,500.00.

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 approve Change Order #3 for the ADA Sidewalk Accessibility Project, Phase IX in the amount of \$18,400.00 to install eight (8) additional ramps which are needed because extra paving projects were added this year. The ramps will be installed by Lindy Paving, the contractor, and the new contract amount will be \$231,355.00, which is funded by Community Development Block Grants.

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 authorize Urban

Engineers to perform a wetland determination/delineation of the area that will impact the 28th Street Overflow Basin, in an not to exceed \$2,775.00. This is required as part of the DEP permitting process.

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 one (1) new pump for Whispering Woods #4 from Miller Pump Supply at a cost of \$5,076.78 under COSTARS contract #0000541212.

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 authorize the purchase and installation of two (2) man doors in Garage #2 from Corporate Glass in the amount of \$7,180.00.

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 approve a contract with National Gunite to rehabilitate 250 linear feet of 48" diameter corrugated metal pipe on Amherst Road at a cost of \$42,220.00 under COSTARS contract #41-006.

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 adopt Resolution 2021-R-45; A Resolution Awarding the Amherst Road Storm Sewer Rehabilitation to National Gunite, Inc. in the Amount of \$42,220.00 and Authorizing the Use of Funds Provided to Millcreek Township under the American Rescue Plan Act of 2021 for this Eligible Storm Sewer Project.

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-46; 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 September 15 and 28, 2021.

On motion by Mr. Bock and seconded by Mr. Ouellet, it was carried by unanimous roll call vote to adopt Resolution 2021-R-47; A Resolution to amend Resolution 2008-R-46 and Resolution 2016-R-5 pertaining to the administration of the Right-to-Know Law, 65 P.S. § 67.101, et seq., to officially appoint certain individuals as Open-Records Officers for Millcreek Township and the Millcreek Township Police Department.

Solicitor Mark Shaw reported that PennDOT has made federal highway aid program funding in the amount of \$250,000 available to improve Arbuckle Road between Lake Pleasant and Old French Road, Agreement R21010009, and separate funding in the amount of \$159,884.13 to improve West 32nd Street between Sterrettania Road and Zuck Road, Agreement R21010010. The following resolution approves the agreements for this aid and authorizes the Township Engineer and Township Solicitor to execute any documents necessary for the completion of the projects. On motion by Mr. Ouellet and seconded by Mr. Bock, it was carried by unanimous roll call vote to adopt Resolution 2021-R-48; A Resolution to Approve PennDOT General Grant Agreements for Federal-Aid Highway Projects.

On recommendation of Recycling Coordinator Jessica Stutzman, it was moved by Mr. Ouellet, seconded by Mr. Bock and carried by 2-1 roll call vote to authorize Ms. Stutzman to apply for PA DEP Section 902 Grant Funding for up to \$350,000.00 in reimbursement for the remainder of the Beast grinder, a high lift loader with grapple bucket, recycle bins and toters, paving at Millfair Compost Center, and recycling education. Mr. Morgan voted no.

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 an Amendment to the Tobacco Agreement between MPD and the Erie County Department of Health, increasing the contract funding amount

to \$3,780.00 over the life of the contract, and the amount of Act 112 compliance checks to a maximum of 44.

Planning and Development Director Matthew Waldinger reported that All Seasons Placement, developer of 4166 West Ridge Road, requested an exclusion from a Land Development Plan since their proposed 134 square foot addition is well below the 5,000 square foot threshold, and the Township Engineer and Zoning and Development Officer have recommended approval of the request.

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 Non-substantial Amended Land Development Plan for Sinai Sports – Sinai Sports, Developer, who is proposing an 8,500 square foot building addition on top of an existing impervious area.

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 an Erie County Court of Common Pleas Tax Appeal Settlement for Erie Real Estate Investments MG, LLC for property located at 1711 Kuntz Road, and to authorize Mr. Shaw to execute the agreement on the Township's behalf. Mr. Shaw reported that based on obtained appraisals, the parties agreed to Fair Market Value of \$3,111,820 for 2020 and \$2,938,540 for 2021.

On recommendation of Solicitor Mark Shaw, it was moved by Mr. Ouellet, seconded by Mr. Bock and carried by unanimous roll call vote to authorize Solicitor Shaw and MacDonald, Illig, Jones & Britton LLP to intervene on the Township's behalf in a Zoning Hearing Board appeal by the property owners of 2916 Broadlawn Drive.

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 an easement with Erie Water Works (EWW) for property on Roxbury Road allowing EWW to extend a waterline in an area. The area was originally designated as a street to be opened, but it was never constructed or opened and is known as a paper street. Mr. Shaw explained that if a paper street is not opened before a period of 21 years, the property generally reverts to the abutting property owners and the municipality loses all rights to open the street. In this case, the Township owns the adjoining property, and is taking the position that it now owns up to 1/2 the width of the paper street. The Township offered to provide EWW with an agreement to the easement that conveys whatever right the Township has to convey the easement (i.e. a Quitclaim Easement) and EWW agreed.

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 the sale of the former asphalt plant and associated materials, to be removed by the winning bidder. Treasurer Mark Zaksheske noted that the 2500 tons of stone must be dedicated to road projects because it was purchased with Liquid Fuel funds.

On recommendation of Human Resource Coordinator Shawn McClelland, it was moved by Mr. Ouellet, seconded by Mr. Bock and carried by unanimous roll call vote to approve the hiring of Melinda Fleming as Receptionist, effective September 20, 2021, at an hourly rate of \$16.18.

On recommendation of Human Resource Manager Diane Lyons, it was moved by Mr. Bock, seconded by Mr. Ouellet and carried by unanimous roll call vote to approve the hiring of part-time Dispatcher Victoria Young, retroactive to September 7, 2021, at an hourly rate of \$12.00.

On recommendation of Human Resource Manager Diane Lyons, it was moved by Mr. Ouellet, seconded by Mr. Bock and carried by 2-1 roll call vote to authorize Ms. Lyons to begin the process of filling a full-time Dispatch Department vacancy. Mr. Morgan voted no due to his belief that the Township should begin the transition process to using Erie County dispatch services.

On recommendation of Human Resource Manager Diane Lyons, it was moved by Mr. Bock, seconded by Mr. Ouellet and carried by 2-1 roll call vote to continue retention of Timothy Stevenson as part-time temporary Animal Enforcement Officer for twelve (12) days of weekend training of the new Animal Enforcement Officer at the hourly rate of \$18.00. Mr. Morgan voted no.

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

<u>NAME</u>	<u>POSITION</u>	<u>HOURLY RATE</u>
ADULT FITNESS		
Haley Haggerty	Supervisor Adult Dance	\$11.00
Charlotte Haggerty	Supervisor Adult Dance	\$11.00
Dave Wayman	Supervisor Tai Chi	\$11.00
Kathy Wayman	Supervisor Qi Gong	\$11.00
Shannon Eggleston	Supervisor Piloslide	\$11.00
Nylene Baney	Supervisor Body Sculpt	\$11.00
Kathy Smith	Supervisor Yoga	\$11.00
Jeanne Espey	Supervisor Yoga	\$11.00
William Kuntz	Supervsior Yoga	\$11.00
ADULT LIESURE		
Darlene Bennett	Supervisor Art	\$11.00
Lauren Ertsgaard	Supervisor Knitting	\$11.00
CHILDREN'S PROGRAMS		
Maria Finazzo	Youth Dance Supervisor	\$11.00
Breanna Bartlett	Youth Dance (Sub)	\$11.00
Samantha Howard	Youth Dance (Sub)	\$10.50
Alyssa Pamula	Youth Dance (Sub)	\$10.50
BARN SUPERVISOR		
Evelyn Bossar		\$ 9.75
Charles Elliott		\$ 9.75
Susan Shickler		\$ 9.75
Lauren Ertsgaard		\$ 9.75
VOLUNTEERS		
Carl Werner	Tai Chi/QiGong	
Amy Easley	Tai Chi/QiGong	
Mary Desmone	Tai Chi	
Carol Stitzinger	Tai Chi	
Lenore Zausen	Tai Chi/Qi Gong	

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 National Tactical Officer Association Basic Swat Operations training in Virginia from October 4-8, 2021 at an estimated cost of \$2,870.50, and with travel by department vehicle.

On recommendation of Public Works Director Gary Snyder, it was moved by Mr. Ouellet, seconded by Mr. Bock and carried by 2-1 roll call vote to retroactively authorize Public Works

Coordinator Anita Rea to attend Notary training in Erie on September 14, 2021 at a cost of \$120.00. Mr. Morgan voted no.

Mr. Morgan reported that the Board met with Solicitors Mark Shaw and Lydia Caparosa in Executive Session on September 2 and 9, 2021 to discuss legal and personnel matters.

Mr. Morgan announced his resignation as full-time Administrator, stating that his last day will be October 1, 2021. He reported that he will continue as an unpaid elected Supervisor until December 31, 2021 and will attend Supervisor Meetings, but will no longer have regular office hours.

John Kendziora, 2646 Kimberly Drive, stated that he filed a property maintenance complaint on August 30, 2021 and presented the Board with photos of a neighbor's pollinator garden. He expressed his frustration with the Code Enforcement Department and the Property Maintenance Code policy concerning pollinator gardens. Mr. Morgan said the Board will review the complaint.

Gerald Servidio, 1720 West Gore Road, explained that years ago the Township "tubed" Beaver Run because the water was washing out the bank behind one of the last houses on West 55th Street. He informed the Board that stormwater is now washing out the catch basins at the end of Perkins Road and is worried that one of the homes will be affected. He asked the Board to address the stormwater situation and to clean out the brush and trees in that area because there are actually people living there.

Mr. Servidio also complained about a resident on Zuck Road who is displaying a sign in his yard with obscene language on it. Mr. Morgan and Solicitor Mark Shaw replied and explained that unfortunately nothing can be done because the Township cannot violate anyone's First Amendment rights per the U.S. Supreme Court.

There being no further business to come before the Board nor any other Citizens to be Heard, it was moved by Mr. Bock and seconded by Mr. Ouellet to adjourn the meeting at 10:35 a.m.

Sheryl A. Williams
Township Secretary

APPROVED: September 28, 2021

John E. Morgan

Daniel P. Ouellet

James S. Bock