

Regular Meeting

October 26, 2021

The regular meeting of the Millcreek Township Board of Supervisors was called to order at 7:00 p.m. by Vice Chairman Daniel Ouellet in the Assembly Room of the Millcreek Township Municipal Building. Present were John Morgan – attending remotely, Daniel Ouellet, James Bock, Gary Snyder, Matthew Waldinger, Mark Shaw, Esq. and Sheryl Williams. Mark Zaksheske and Chief Scott Heidt were absent.

Following the Pledge to the Flag, Solicitor Mark Shaw requested that the Agenda be amended in accordance with the Pennsylvania Right-to-Know Law, Section 712.1(e), to consider two (2) Memoranda of Agreement (MOA) with AFSCME Local 3530 and the Code Enforcement Clerk to assign additional duties with compensation. Mr. Shaw stated that it is necessary to add these items to the agenda in order to enable the Township to fill these positions as soon as possible given their importance to the health, safety and welfare of the Township. On recommendation of Mr. Shaw, it was moved Mr. Bock, seconded by Mr. Morgan and carried by unanimous roll call vote to add the following items to the Agenda:

17. Memoranda of Agreement with AFSCME Local 3530 and Shalan Anderson

Incident Report Quality Control Coordinator
Emergency Management Coordinator

The Agenda was amended and will be posted on the Township website and in the Municipal Building within 24 hours.

Mr. Ouellet announced that the regular meetings of the Millcreek Township Board of Supervisors are 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. Ouellet called for Public Comment on agenda items other than development or rezoning applications. No comments were offered.

On motion by Mr. Bock, seconded by Mr. Morgan, it was carried by unanimous roll call vote to approve the minutes from the October 12, 2021 Regular Meeting.

On motion by Mr. Bock, seconded by Mr. Morgan, it was carried by unanimous roll call vote to approve payment of the General Fund bills in the amount of \$7,304,578.75, and Sewer Revenue Fund bills totaling 369,708.96.

A Public Hearing was held on a Land Development Plan.

MODWASH – WEST 26th Street, ERIE. A land development plan to show the construction of a car wash with associated parking and stormwater management facilities, located along the north line of West 26th Street, east of Peninsula Drive, in Tract 16. Index 314-065.

Planning and Development Director Matthew Waldinger reported that at their October 5, 2021 regular meeting, the Planning Commission recommended Approval with the following Requirements and Requests:

Requirements:

- Provide the owner and applicant information on the plan.
- Provide the Millcreek Index Number on the plan (314-065).
- Provide the nearest fire hydrant with distances on the plan.
- Provide end cap trees on the plan.
- Provide sight distances for the access point to West 26th Street.
- Provide the egress change on the map.

Requests:

- Make the Stormwater Detention Pond bigger.
- Right turn only sign for egress.

Mark Zimmerman, Civil Engineer, 443 Athena Drive, Belmont, PA, explained that the car wash will be located at 2824 W. 26th Street directly across from Legion Road. There will be three (3) regular lanes and one (1) VIP lane with a license plate reader. He said that the Planning Commission recommended a restriction on exiting via left turn onto W. 26th Street, and requested full access since the other businesses on either side of this parcel have full access. Mr. Waldinger explained that since 26th Street is a state highway, PennDOT has control of the street and it will be their decision whether the car wash may have full access to egress left and right.

Mr. Bock asked what the proposed size of the detention pond is and if it will alleviate neighboring property owner concerns of possible flooding. Mr. Waldinger replied by saying all water run off would be detained, relayed that flooding concerns were discussed at the Planning Commission meeting and noted that the developer is only responsible for stormwater management for the impervious area.

Mr. Bock asked if MODWASH is a chain, when construction will begin, and if there are other MODWASH car washes in the area. Cody Mora, Developer and Tenant, 736 Cherry Street, replied that a MODWASH will be built in Harborcreek in November, and that construction for this MODWASH on W. 26th Street is slated for March of 2022.

No one else spoke either in favor of or against the petition, and Mr. Ouellet closed the hearing. On recommendation of Mr. Waldinger, it was moved by Mr. Bock, seconded by Mr. Morgan and carried by unanimous roll call vote to approve the MODWASH Land Development Plan with all of the Requirements and Requests stated above.

Solicitor Mark Shaw announced that the Township has been working on revising the current Zoning Ordinance and Zoning Map, and that a draft is ready to be submitted to the Planning Commission and the County Planning Department, with a Public Hearing scheduled for the December 14, 2021 Supervisors meeting, at which time action is expected to be taken by the Board. He noted that the proposed Zoning Ordinance has been posted on the Township's website.

On recommendation by Mr. Shaw, it was moved by Mr. Bock, seconded by Mr. Morgan and carried by unanimous roll call vote to forward the proposed Zoning Ordinance and Zoning Map to the Millcreek Township Planning Commission and the Erie County Planning Department.

On recommendation of Chief Scott Heidt and IT Manager Kris Filson, it was moved by Mr. Bock, seconded by Mr. Morgan and carried by unanimous roll call vote to adopt Resolution 2021-R-56; A Resolution pursuant to Resolution 2015-R-20 and the Municipal Records Manual to approve proposed disposition of certain Township records. Mr. Ouellet noted that these records will reach the end of their retention periods between October 27, 2021 and November 9, 2021.

Solicitor Mark Shaw explained that the County periodically requests that local taxing bodies exonerate unpaid taxes on certain properties in order to sell them and hopefully return them to the tax roll, and that often the outstanding taxes exceed the value of the properties. The proposed resolution lists ten (10) mobile homes for tax exoneration and one cell tower. Mr. Shaw stated that upon researching the cell tower parcel, the easement holder was found and the Township would like to further investigate the possibility of pursuing the unpaid taxes on that parcel. On motion by Mr. Bock and seconded by Mr. Morgan, it was carried by unanimous roll call vote to adopt Resolution 2021-R-57; A Resolution to authorize exoneration of taxes assessed against mobile homes deemed by the Erie County Bureau of Assessment to have been removed or damaged to an extent rendering them worthless.

On recommendation of Solicitor Mark Shaw, it was moved by Mr. Bock, seconded by Mr. Morgan and carried by unanimous roll call vote to approve the following agreements regarding PennDOT's purchase of 1,195 sq. ft. of Township right-of-way property at 2804 Evanston Avenue in order to replace a culvert for its Zuck Road Project: Agreement for Sale in the amount of \$2,000.00; the Deed associated with the sale; the Temporary Easement Agreement in the amount of \$200.00; the Settlement Statement reflecting payments from both the sale and Temporary Easement in the total amount of \$2,200.00; any additional documents approved by the Solicitor that are incidental to the sale or Temporary Easement; and the authority for the Solicitor to execute the various agreements.

Planning and Development Director Matthew Waldinger explained that the sidewalks are the only thing left to complete in Whispering Woods Subdivisions 7A and 7B, and the current developer is assigning the sidewalk responsibilities to a new developer, Renaud-Peck. On recommendation of Mr. Waldinger, it was moved by Mr. Bock, seconded by Mr. Morgan and carried by unanimous roll call vote to approve a Sidewalk Agreement for Whispering Woods 7A and 7B – Speciale Properties, Inc. and Renaud-Peck, Developers, and to authorize any Supervisor to execute the agreement.

On recommendation of Mr. Waldinger and Township Engineer Anne Sokol, it was moved by Mr. Bock, seconded by Mr. Morgan and carried by unanimous roll call vote to approve the release of Northwest Bank Letter of Credit #8305004023 in the amount of \$29,450.00 for Whispering Woods Subdivision Phase 7A – Speciale Properties, Inc., Developer, as all requirements have been met.

On recommendation of Mr. Waldinger and Township Engineer Anne Sokol, it was moved by Mr. Bock, seconded by Mr. Morgan and carried by unanimous roll call vote to approve the release of Northwest Bank Letter of Credit #8305004031 in the amount of \$60,280.00 for Whispering Woods Subdivision Phase 7B – Speciale Properties, Inc., Developer.

Solicitor Mark Shaw explained that as part of the Township's MS4 permit requirements imposed by the PA DEP, Millcreek Township has proposed improvements to Wilkins Run that will reduce erosion, and that this portion of Wilkins Run is owned by the Lake Erie Regional Conservancy (LERC). On recommendation by Mr. Shaw, it was moved by Mr. Bock, seconded by Mr. Morgan

and carried by unanimous roll call vote to approve and execute the LERC Easement Agreement, which will grant a permanent easement to allow the Township to make the needed improvements.

Solicitor Mark Shaw reported that Edmonds GovTech, the Township's software provider for making credit card payments to the Township, has changed financial institutions to Citizens Bank. On recommendation by Mr. Shaw, it was moved by Mr. Bock, seconded by Mr. Morgan and carried by unanimous roll call vote to approve the Citizens Bank Card Processing Agreement.

Solicitor Mark Shaw stated that due to the retirement of the current Zoning Hearing Board (ZHB) Solicitor at the end of the year, the ZHB will be appointing a new solicitor at its next meeting. On recommendation of Mr. Shaw, it was moved by Mr. Bock, seconded by Mr. Morgan and carried by unanimous roll call vote to approve and execute a ZHB Solicitor Agreement with Knox Law Firm, subject to the ZHB approving the agreement and appointing a new solicitor.

On recommendation by Human Resource Manager Diane Lyons, it was moved by Mr. Bock, seconded by Mr. Morgan to approve the following Memoranda of Agreement (MOA) with AFSCME Local 3530 and Code Enforcement Clerk Shalan Anderson, an AFSCME employee, which will result in a \$1.00 per hour increase for Ms. Anderson with each MOA: Incident Report Quality Control Coordinator, Emergency Management Coordinator. There was no public comment. Motion carried by unanimous roll call vote.

On recommendation of Human Resource Manager Diane Lyons, it was moved by Mr. Bock, seconded by Mr. Morgan and carried by unanimous roll call vote to promote Engineering Inspector Robert Donikowski to Public Works Director at an annual salary of \$85,000, effective January 1, 2022 upon the retirement of current Public Works Director Gary Snyder.

On recommendation of Human Resource Manager Diane Lyons, it was moved by Mr. Bock, seconded by Mr. Morgan and carried by unanimous roll call vote to authorize Ms. Lyons to fill the upcoming Engineering Inspector vacancy.

On recommendation of Human Resource Coordinator Shawn McClelland, it was moved by Mr. Bock, seconded by Mr. Morgan and carried by unanimous roll call vote to hire Audra Shephard as a Public Safety/Public Works Dispatcher at an hourly rate of \$19.17, effective November 8, 2021.

On recommendation of Human Resource Manager Diane Lyons, it was moved by Mr. Bock, seconded by Mr. Morgan and carried by unanimous roll call vote to authorize Ms. Lyons to fill a Streets Maintenance Laborer vacancy.

Mr. Ouellet reported that the Board met with Solicitors Mark Shaw and Lydia Caparosa in Executive Session on October 21, 2021 to discuss legal and personnel matters.

Mr. Ouellet announced that Halloween Trick-or-Treat hours will be on Sunday, October 31, 2021 from 6:00 to 8:00 p.m.

Solicitor Mark Shaw reported that at the October 21, 2021 Fire Commission meeting, there were concerns that the 911 Center is not following proper protocol when dispatching fire and EMS services and several instances were cited. The Fire Commission requested that the Supervisors send a letter to the 911 Center to address this issue. It was moved by Mr. Bock and seconded by Mr. Morgan to direct Mr. Shaw to send a letter to the 911 Center. No public comment was offered. Motion carried by unanimous roll call vote.

Anthony Goedecker, 2604 Golf Club Road, had concerns about outstanding sewer liens against his property and other concerns regarding the accuracy of his recorded property at the County Courthouse. Solicitor Mark Shaw informed him that the sewer liens had been settled in 2004, and that the issue is regarding certain hookup or connection charges if his property is developed in the future.

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. Morgan to adjourn the meeting at 8:10 p.m.

Sheryl A. Williams
Township Secretary

APPROVED: November 9, 2021

John E. Morgan

Daniel P. Ouellet

James S. Bock