

## Regular Meeting

January 24, 2023

The regular meeting of the Millcreek Township Board of Supervisors was called to order at 5:00 p.m. by Chairman James Bock in the Assembly Room of the Millcreek Township Municipal Building. Present were James Bock, Daniel Bock, Kim Clear, Mark Zaksheske, Robert Donikowski, Matthew Waldinger, Deputy Chief Carter Mook, Ashley Marsteller, Judy Zelina, Jessica Stutzman, Mark Shaw, Esq. and Sheryl Williams.

Following the Pledge to the Flag, Mr. Bock called for Public Comment on agenda items other than development or rezoning applications. There was no public comment.

On motion by Mr. Ouellet, seconded by Ms. Clear, it was carried by unanimous roll call vote to approve the minutes from the January 3, 2023 Organization and Regular Meetings.

On motion by Mr. Ouellet, seconded by Ms. Clear, it was carried by unanimous roll call vote to approve payment of the General Fund bills in the amount of \$1,045,671.59 and Sewer Revenue Fund bills totaling \$37,115.27.

A Public Hearing was held on a Conditional Use Application:

**ASHLEY MESSENGER for property located at 2714 West 8<sup>th</sup> Street to install new signage in the PI Presque Isle Gateway District. Index 219-008.**

Planning and Development Director Matthew Waldinger reported that at their January 3, 2023 regular meeting, the Planning Commission recommended approval, and he explained the criteria for approving a conditional use. Attorney Bill Morton, representing Ms. Messenger and Underdog Barbecue, stated that his client is essentially using the same space and area as the former Perkins restaurant, and they believe that the sign is appropriate. He stated that the restaurant plans to open in early March. There were no other comments either in favor of or in opposition to the Conditional Use Application. On recommendation by Mr. Waldinger, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to approve the Conditional Use Application to install new signage at 2714 West 8<sup>th</sup> Street.

Treasurer Mark Zaksheske explained that one item was inadvertently left out of the 2023 budget, estimated \$90,000 purchase of a replacement tank for the Streets Department's Jetter truck, and it will be funded from the fund balance. On recommendation by Mr. Zaksheske, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to adopt Resolution 2023-R-3: A Resolution to Amend the Millcreek Township Capital Budget for 2023.

Deputy Police Chief Carter Mook reported that quotations were solicited and received for the replacement of lockers in the northern section of the men's locker room as follows: AJ Grack Co. - \$21,221.65, Tri-State Lockers - \$39,155.00, and Global Industrial - \$12,188.70 (no labor quote was offered). On recommendation by Deputy Police Chief Carter Mook, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to award the contract to AJ Grack Co. for the replacement of men's police lockers at a cost of \$21,221.65.

On recommendation by Public Works Director Robert Donikowski, and on motion by Ms. Clear, seconded by Mr. Ouellet, the following items were approved by unanimous roll call vote:

West Lake Lift Station Project Bid Results: Chivers Construction – \$345,000.00, Konzel Construction - \$352,000.00, XL Excavating - \$432,300.00. Contract was awarded to Chivers Construction for \$345,000.00.

Authorization to purchase 80 each 1975 Manhole Frames and Covers, and 20 each 1975 Low Profile Manhole Frames and Covers from LB Water for \$54,815.00 under COSTARS contract #016-026.

Authorization to purchase Manhole Adjusting Rings: 120 each 1 ¼" Grade Rings, 50 each 2" Grade Rings, 36 each 1" Composite Rings, 36 each 2" Composite Rings, and 24 each ¾" x 1 ¾" Composite Rings from LB Water for \$51,369.80 under COSTARS contract #016-026.

Authorization to purchase a new Jetter Truck Debris Body and rear door: One quotation received from and awarded to A & H Equipment for \$85,424.17 under COSTARS contract #025-E22-458.

Authorization to purchase a set of 60" Construction Forks for the Cat 926M Loader: One quotation received from and awarded to Cleveland Brothers Equipment for \$8,700.00 under COSTARS contract #4400019950.

Authorization for MGM General Construction to perform Steel Column Repair in Garage #3 for \$2,750.00.

Authorization to purchase a 12 ft. Snow Push Box for the CAT loader: One quotation received from Cleveland Brothers Equipment for \$10,000.00 under COSTARS contract #4400019950.

Authorization to purchase Three Pickup Trucks for the Streets Department: Chevrolet 1500 Crew Cab, Chevrolet 2500HD Crew Cab with 6.75' bed and a Chevrolet 2500HD with 8' bed from Hallman Chevrolet for \$145,630.00 under COSTARS contract #25-109, to include the trade-in of 3 vehicles valued at \$11,500.00 which have reached the end of their useful lives.

Authorization for Insight Pipe Contracting to install approximately 310 L.F. of 12" Storm Pipe Lining for Midland Avenue at a cost of \$18,367.50 under COSTARS contract #016, with additional incidental costs estimated at \$2,200.00.

On recommendation by Planning and Development Director Matthew Waldinger, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to approve payment of the third Chivers Construction invoice for the Saybrook Ravine Repair Project at a cost of \$113,364.76, but retaining \$12,450.00 to ensure proper completion of the remaining items, and to approve a Change Order for materials in the amount of \$24,102.76.

On recommendation of Solicitor Mark Shaw, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to approve an Assignment and Assumption agreement with Altair Real Estate Services and Millcreek Township General Authority (MTGA), which will allow MTGA to now oversee redevelopment efforts in the Presque Isle Gateway District under the terms of the original contract with Millcreek Township, executed in November 2022.

On recommendation by Parks and Recreation Director Ashley Marsteller, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to purchase a 2023 Chevrolet Silverado 3500HD 4WD Double Cab 162" Work Truck with a plow package, ladder rack and 8' reading service body and hitch for \$65,000.00 from Hallman Chevrolet under COSTARS contract #2500.

On recommendation by Treasurer Mark Zaksheske, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to approve a 60-month lease of a new postage meter machine from Pitney Bowes at a monthly cost of \$149.87, and will meet USPS compliance requirements.

On recommendation by Solicitor Mark Shaw, it was moved by Mr. Ouellet, seconded by Ms. Clear and carried by unanimous roll call vote to enact Ordinance 2023-1; An Ordinance of the Township of Millcreek, Erie County, Pennsylvania to Create the Millcreek Township Fire Department, Providing for a Fire Chief Position and the Authority and Duties of the Fire Chief. Mr. Shaw reported that the Ordinance will become effective January 30, 2023. Mr. Ouellet stated that the Millcreek Township Fire Department will not replace the volunteer fire departments, but rather that it will supplement the emergency services that the volunteer fire departments provide. He encouraged residents to continue donating to their local volunteer fire departments, and explained that it will take several months to get the fire department up and running. A new fire chief will need to be hired, as well as 8 full-time and a few part-time firefighters to staff the fire department and enable 6 firefighters to work Monday through Friday in 10-hour daytime shifts. Ms. Clear noted that the new fire department is being formed to benefit the health, safety and welfare of Millcreek residents.

On motion by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote, Dan Ouellet was appointed Supervisor Liaison to the Millcreek Township Fire Department and was commended for his many years of service as a volunteer firefighter for West Ridge Fire Department.

On recommendation by Deputy Chief Carter Mook, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to adopt Resolution 2023-R-4; A Resolution pursuant to Resolution 2015-R-20 and the Municipal Records Manual to approve proposed disposition of certain Township records. Ms. Clear explained that the police records to be disposed are from 1992-2019 and have reached the end of their retention periods.

On recommendation by Planning and Development Director Matthew Waldinger, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to table action until the February 14, 2023 meeting on a Non-substantial Amendment to a Land Development Plan: Modwash LDP – Hutton Erie Filmore PA St, LLC, Developer.

On recommendation by Mr. Waldinger, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to approve a Sidewalk Deferral request for 2975 Laird Avenue – Michael Higinbotham, Developer, as there are currently no sidewalks in the area.

On recommendation by Mr. Waldinger, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to approve a Stormwater Management Maintenance Agreement and to accept the Stormwater Management Plan for Erie International Airport Realignment and Rehabilitation of Taxiway A LDP – Erie Regional Airport Authority, Developer, on the condition that there are no changes to the NPDES plan and permit.

On recommendation by Solicitor Mark Shaw, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to approve a proposal from Cohen Law Group to perform Charter Cable Franchise Renewal Services and to send an engagement letter to Cohen Law Firm agreeing to a sliding scale fee of no more than \$11,250.00, based on the number of participating municipalities.

On recommendation of Atty. Shaw, it was moved by Mr. Ouellet, seconded by Ms. Clear and carried by unanimous roll call vote to allow Atty. Patrick Carey of Marshall Dennehey Law Firm to

represent not only the Township, but also the two MPD officers identified in a recent lawsuit by Thomas Sebastian against the Township.

On motion by Ms. Clear, seconded by Mr. Ouellet, it was carried by unanimous roll call vote to accept and authorize the execution of an MPD Gun Violence Grant for \$560,387.00, which will fund the salary and benefits for an additional detective for two years, and provide for \$291,000.00 in overtime for additional patrols. Ms. Clear thanked Cpl. Graeme Perkins for writing the grants.

On recommendation by Treasurer and Pension Benefit Administrator Mark Zaksheske, it was moved by Mr. Ouellet, seconded by Ms. Clear and carried by unanimous roll call vote to accept Mr. Zaksheske's determination regarding the proper designated beneficiary of a pension distribution.

On recommendation by Mr. Zaksheske, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to authorize Mr. Zaksheske to open two new accounts with ERIEBANK. One account will be designated for Fire Tax funds and the other is a Merchant Bank Account.

Planning and Development Director Matthew Waldinger presented the 2022 Annual Report of the Planning Commission, which recommended updating the SALDO ordinance.

On recommendation of Human Resource Manager Diane Lyons, it was moved by Mr. Ouellet, seconded by Ms. Clear and carried by unanimous roll call vote to promote Recycling Coordinator Jessica Stutzman to Director of Community Relations & Sustainability, effective March 1, 2023, with an annual salary of \$72,724.32. Public Services Director Judy Zelina commended Ms. Stutzman for her achievements as Recycling Coordinator.

On recommendation of Ms. Zelina, it was moved by Mr. Ouellet, seconded by Ms. Clear and carried by unanimous roll call vote to hire Monica Zeigler as Receptionist, effective February 8, 2023, at the hourly rate of \$16.46.

On recommendation of Planning and Development Director Matthew Waldinger, it was moved by Mr. Ouellet, seconded by Ms. Clear and carried by unanimous roll call vote to authorize Mr. Waldinger to attend 2023 National Planning Conference in Philadelphia from March 31, 2023 to April 5, 2023 at a cost of \$3,200.33.

On recommendation of Mr. Waldinger, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to authorize John Sebesta, P.E. to attend the free PennDOT D-1 Winter Conference in New Castle on February 14 and 15, 2023, with use of a Township vehicle.

On recommendation of Public Works Director Robert Donikowski, it was moved by Mr. Ouellet, seconded by Ms. Clear and carried by unanimous roll call vote to authorize five (5) Sewer Department employees to attend the 2023 Water and Wastewater Equipment, Treatment and Transport Show in Indianapolis, IN from February 20-23, 2023, at a total cost of \$5,952.08, with use of a Township vehicle.

On motion by Ms. Clear and seconded by Mr. Ouellet, the following recommendations by Deputy Chief Carter Mook were approved by unanimous roll call vote:

Permission for 3 Detectives to attend a free "Child Abuse Investigations" course at PSP Northwest Training Center in Meadville on February 14 and 15, 2023, with travel by Department vehicle.

Permission for 9 officers to attend a free “Domestic Violence – Strangulation” course at PSP Northwest Training Center in Meadville on March 7, 2023, with travel by Department vehicles.

Permission for 5 officers from the MPD SWAT Team to attend a free “Tactical Medicine” course at PSP Northwest Training Center in Meadville on February 14 and 15, 2023, with travel by Department vehicle.

Permission for 17 officers to attend a free “Drug Interdiction and Conducting the Complete Traffic Stop Course” at the Hirt Auditorium in Erie on March 29 and 30, 2023.

Permission 3 officers to attend “New Peer Support Officer Training” from January 23 – 25, 2023 at Northshore Neuroscience in Erie at a cost of \$4,200.00.

Permission for 3 officers to attend the International Symposium on Child Abuse in Huntsville, AL from March 20-24, 2023 with travel costs of \$4,051.50, and course costs of \$2,100.00 to be paid by the Erie County District Attorney’s office.

Mr. Bock reported that the Board met with Solicitor Mark Shaw in Executive Session on January 12 and 19, 2023 to discuss legal and personnel matters.

Kirk Daniels, 2920 W. 11<sup>th</sup> Street, reported that for over 10 years, excess water from the school across the street has been coming into his basement because there is inadequate stormwater drainage in his neighborhood. He cannot install a sump pump because there is nowhere to pump the water. He said that he was told by the Township Engineer that it would be at least 10 years until the Township could fix the problem by extending the storm sewer, and he cannot afford to spend \$10,000 - \$15,000 to fix it himself. Ms. Clear said the project is not in the budget for this year, but Mr. Ouellet said he will take another look at the situation.

There being no further business to come before the Board or any other Citizens to be Heard, it was moved by Mr. Ouellet and seconded by Ms. Clear to adjourn the meeting at 6:11 p.m.

Sheryl A. Williams  
Township Secretary

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APPROVED: February 14, 2023

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James S. Bock

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Kim Clear

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Daniel P. Ouellet