

## Regular Meeting

February 14, 2023

The regular meeting of the Millcreek Township Board of Supervisors was called to order at 9:30 a.m. by Chairman James Bock in the Assembly Room of the Millcreek Township Municipal Building. Present were James Bock, Daniel Ouellet, Kim Clear, Mark Zaksheske, Robert Donikowski, Matthew Waldinger, Chief Carter Mook, Ashley Marsteller, Mark Shaw, Esq. and Sheryl Williams.

Following the Pledge to the Flag, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to promote Deputy Chief Carter Mook to Chief of Police, retroactive to January 31, 2023. Ms. Clear administered the Oath of Office to Chief Carter Mook, and the Board offered congratulations.

On recommendation of Chief Mook, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to promote Lt. Scott Sebulak to Captain of the Patrol Division, and to promote Sgt. Brandon Heynes to Lieutenant, 1<sup>st</sup> Commander of the Patrol Division. The Board offered congratulations and the officers and their families were excused for a reception.

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 24, 2023 Regular Meeting.

On motion by Ms. Clear, seconded by Mr. Ouellet, it was carried by unanimous roll call vote to approve payment of the General Fund bills in the amount of \$1,476,737.11.

On recommendation by Mr. Zaksheske, it was moved by Mr. Ouellet, seconded by Ms. Clear and carried by unanimous roll call vote to authorize Velocity Net to install a new file server, including server licensing, for a total cost of \$18,024.00.

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

Paint Truck overhaul and rebuilding by MB Companies for \$30,000.00.

Purchase of two new StatTrak Data Collector Traffic Counters from All Traffic Solutions for \$5,576.60 under COSTARS Contract No. 012-E22-305.

Purchase of three Battery Back-up Systems with LED indicators, and five Bypass Panels with LED Indicators for Traffic Department from Signal Service Inc. for the Peach Street Corridor at a total cost of \$16,897.00.

Purchase and Installation of new Garage #2 Overhead Door by Miller Overhead Door for \$14,456.00.

Parks and Recreation Director Ashley Marsteller reported that bids were solicited and received for four new automated pool chemical controllers, as follows: B&R Pools & Swim Shop - \$13,600.00, E Z Clean Pools - \$14,400.00, and Horizon Pool Supply 7 - \$15,780.00. On recommendation of Ms. Marsteller, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to purchase the new Chemtrol CH250 ORP Controllers from B&R Pools & Swim Shop for \$13,600.00.

On recommendation of Chief Mook, and on separate motions by Ms. Clear, seconded by Mr. Ouellet, the following requests were approved by unanimous roll call vote:

Purchase of four (4) 2023 Ford Interceptor SUV 4-door AWD 3.0L V6 EcoBoost police vehicles from Laurel Auto Group, COSTARS Contract No. 013-056, for \$41,420.00 each, with Emergency and Computer Equipment by Team Force for \$18,722.98 each, and Graphics by Octane Custom Graphics at a cost of \$625.00 each, bringing the total vehicle cost to \$72,267.98 each, and the total overall cost of the four vehicles to \$289,071.92.

Purchase of Ammunition from Witmer Public Safety Group, Inc. in the amount of \$21,826.80.

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

Purchase of a new sewer inspection camera truck from Golden Equipment Company for \$411,936.00 under COSTARS Contract No. 25-E22-402.

Purchase of a new Chevrolet 2500HD Double Cab pickup truck for the Sewer Department from Hallman Chevrolet for \$40,935.00, after trade-in of current vehicle valued at \$6,000.00, under COSTARS Contract No. 25-109.

On recommendation by Mr. Donikowski, it was moved by Mr. Ouellet, seconded by Ms. Clear and carried by unanimous roll call vote to hire Sewer Specialty Services Company for testing and sealing mainline sewers, manhole grouting and pipe patch repair sleeves for \$375,000.00 under COSTARS Contract No. 413-418.

On recommendation of Solicitor Mark Shaw, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to adopt Resolution 2023-R-5; A Resolution of the Township of Millcreek, Erie County, Pennsylvania acknowledging that the unopened portion of Niemeyer Road (f/k/a Bauer Road) is a private road and that the Township does not have any interest or rights in the unopened portion of Niemeyer Road.

On recommendation of Treasurer Mark Zaksheske, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried 2-1, with Mr. Bock voting no, to adopt Resolution 2023-R-6; A Resolution to Approve Partial Funding to the Millcreek Township General Authority for 2023. Mr. Zaksheske reported that \$1,500,000.00 has been budgeted for 2023.

Originally tabled from the January 24, 2023 regular meeting, on recommendation of 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 a Nonsubstantial Amendment to the Land Development Plan for Modwash LDP – Hutton Erie Filmore PA St, LLC, Developer. Mr. Waldinger explained that this would allow for moving two Bug Prep Parking Stalls north of the proposed parking spaces along the west line of the driveway, which would amount in a net reduction of 1,930 square feet of impervious area.

Mr. Waldinger reported that Millcreek Township School District (MTSD) is proposing three (3) additions to McDowell High School and McDowell Intermediate High School totaling 2,186 square feet. Since the total square footage of additions is under 5,000 square feet, the project is exempt from the land development process and no action is required.

On recommendation of Solicitor Mark Shaw, it was moved by Mr. Ouellet, seconded by Ms. Clear and carried by unanimous roll call vote to extend the lease from MTSD for the use of the Belle Valley Pool from December 31, 2023 until December 31, 2038 for the sum of \$1.00, with the Township paying for all utility, water and sewer costs and public liability insurance.

On recommendation of Atty. Shaw, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to approve a Bill of Sale for a police vehicle that is out of service and in "as is" condition to MTSD for \$1.00, and to authorize the Chair to execute the agreement. Atty. Shaw noted that MTSD will be responsible for title transfer fees and tax.

Solicitor Mark Shaw reported that tax appeal settlement agreements have been reached between Erie County Assessment, MTSD and Millcreek Township for the following:

**Erie Reserve Realty, LLC (formerly Granada Apartments) – 171 Kuntz Road**

Tax Year 2022: i. (33) 166-595.0-002.06 Aggregate Assessed Value - \$116,809  
ii. (33) 189-593.0-200.00 Aggregate Assessed Value - \$ 28,373.91.00

Tax Year 2023: i. (33) 166-595.0-002.06 Aggregate Assessed Value - \$102,028.50  
ii. (33) 189-593.0-200.00 Aggregate Assessed Value - \$ 24,782,971.50

**Royal Villa RP, LLC – 2660 W. 38<sup>th</sup> Street**

Tax Year 2022: (33) 078-330.0-053.00 Aggregate Assessed Value - \$3,378,100  
Tax Year 2023: (33) 078-330.0-053.00 Aggregate Assessed Value - \$3,378,100

On recommendation of Atty. Shaw, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to approve the Tax Settlement Agreements and authorize the MacDonald Illig Law Firm to execute the agreements.

On recommendation Treasurer Mark Zaksheske, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to approve the purchase of their duty weapons by the following retired police officers, effective on the date of each officer's retirement, at a cost prorated on the basis of the age of the weapon, per Resolution 2021-R-16, as follows: Animal Enforcement Officer Tim Stevenson, R. Scott Herman, Chris Petsch, Wayne Forcier, Richard Skonieczka, Mike Fitzgerald and Scott Heidt.

On recommendation of Chief Mook, on motion by Ms. Clear and seconded by Mr. Ouellet, the following requests were approved by unanimous roll call vote:

Authorization for three (3) Detectives to attend the Reid Interview and Interrogation Course at the Erie County 911 Center from April 3-6, 2023, at a total cost of \$1,740.00.

Authorization for Cpl. Perkins to attend a 5-day Basic Sniper course in Hoko from April 24-28, 2023 at a total cost of \$814.50, and with travel by department vehicle.

On recommendation of Planning and Development Director Matthew Waldinger, on motion by Ms. Clear and seconded by Mr. Ouellet, the following requests were approved by unanimous roll call vote:

Authorization for John Sebesta, P.E. to attend the Urban Engineers annual 8-hour OSHA Hazardous Waste Operations and Emergency Response refresher class in Erie on Friday, February 24, 2023 at a cost of \$140.00.

Authorization for Township Inspector Chris Brenner to participate in an eight-hour on-demand virtual seminar on Construction Site Grading and Drainage at a cost of \$319.00.

On recommendation of Parks and Recreation Director Ashley Marsteller, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to authorize Ms. Marsteller to attend the PA Park and Recreation Society Annual Conference in Hershey at a total cost of \$1,244.76.

On recommendation of Public Works Director Robert Donikowski, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to authorize three (3) Streets Department employees to attend Flagger Training at the Greene Township Building on March 23, 2023 at a cost of \$75.00 per person.

Mr. Bock reported that the Board met with Solicitor Mark Shaw in Executive Session on January 26, 2023 and February 9, 2023 to discuss legal and personnel matters.

Barbara Rounds, Millcreek resident, reported that the buyer of her home backed out of the sale because of the easement on her property. She stated that the closing has been postponed four (4) times and asked the Township to please settle the issue so that she can sell her home. Planning and Development Director Matthew Waldinger explained that Resolution 2023-R-5, adopted at this meeting, will release any claim to her property and reiterated that the road was never dedicated to the Township. He advised Ms. Rounds to have her attorney clear the title. Solicitor Mark Shaw further explained that this was considered a "paper street," that a street never existed and that the property never belonged to the Township, adding that there are a number of these types of streets within the Township.

Mary Ellen Magoc, Millcreek resident, expressed concerns with the process regarding the Authority's purchase of the W. 8<sup>th</sup> Street properties and planned demolishing, and opined that the properties do not meet the requirements to be classified as "blighted." She questioned the Township's transparency throughout the process and opined that this project will not help residents. She also expressed concern regarding environmental stability and the disposal of demolition waste from the properties and emphasized the need for updating the Township's stormwater system. Ms. Magoc asked the Supervisors to slow down the process, hold public hearings and use social media to be more transparent regarding Township projects.

Gerald Servidio, Millcreek resident, stated that the purchase of the W. 8<sup>th</sup> Street properties was done very quietly, that he would like more information, and wondered what kind of return the Township will receive on its investment.

Dennis McAndrew, Millcreek resident, stated that he has attended most of the Township and Authority meetings and that everything was public knowledge.

Lou Aliota, Millcreek resident, complimented Ms. Magoc on her presentation, and stated that it is up to the citizens to make sure each public official honors his/her oath of office. He asked the Supervisors to be honest, transparent and accountable.

Mr. Bock moved to schedule two (2) special public meetings to receive comments on the W. 8<sup>th</sup> Street Gateway District purchases. Ms. Clear seconded the motion. Public comment was offered by the following residents:

Lou Aliota questioned the legality of having public hearings after the Authority has already been established and funded.

Mary Ellen Magoc repeated her prior concerns regarding the Sunshine Act of PA and encouraged more transparency via social media and newspaper postings.

Nancy Shea asked if the Authority meetings had been posted, to which Ms. Clear replied yes, and Mr. Shaw explained that the Authority has entered into the sales agreements, but the closings will occur at a later date. Ms. Shea asked why the Board wants to have public hearings now, to which Ms. Clear responded that the process is still in the early stages, and that it has actually been in the works for eight (8) years, beginning with the updating of the Comprehensive Plan, "Embrace Millcreek." She will create a timeline to show when the various events transpired, adding that she has heard many positive comments on the W. 8<sup>th</sup> Street project and purchases.

Solicitor Mark Shaw advised that the motion cannot be acted upon because it was not added to the agenda at the beginning of the meeting, per the PA Sunshine Law, so it will be on the agenda for the February 28, 2023 regular meeting.

There being no further business to come before the Board or any other Citizens to be Heard, it was moved by Ms. Clear and seconded by Mr. Ouellet to adjourn the meeting at 10:56 a.m.

Sheryl A. Williams  
Township Secretary

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APPROVED: February 28, 2023

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James S. Bock

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Kim Clear

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Daniel P. Ouellet