

## Regular Meeting

February 22, 2022

The regular meeting of the Millcreek Township Board of Supervisors was called to order at 5:30 p.m. by Chairman Daniel Ouellet in the Assembly Room of the Millcreek Township Municipal Building. Present were Melanne Page, Daniel Ouellet, Kim Clear, Matthew Waldinger, Mark Shaw, Esq. and Sheryl Williams. James Bock, Mark Zaksheske, Robert Donikowski and Chief Scott Heidt were absent.

Following the Pledge to the Flag, Solicitor Mark Shaw requested that the Agenda be amended to add two (2) items that need to be addressed due to time constraints for submission. On recommendation by Solicitor Shaw, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote, per Section 712.1(e) of the Pennsylvania Right-to-Know Law, to add the following items to the Agenda:

**18. Request from CDBG Administrator for Confirmation Letter of Intent to Utilize CDBG Funding to Install ADA Compliant Sidewalks**

**19. Training Request for Project Engineer John Sebesta on February 25, 2022**

Mr. Ouellet called for Public Comment on agenda items other than development or rezoning applications. None were offered.

On motion by Ms. Clear, seconded by Mr. Ouellet, it was carried by unanimous roll call vote to approve the minutes from the February 8, 2022 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 \$281,696.45 and Sewer Revenue Fund bills totaling \$261,054.25.

On recommendation of Chief Heidt, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to approve the purchase of four (4) Mobile Data Terminals for the new patrol cars from Velocity Net at a cost of \$10,396.00 under COSTARS contract #003-445.

On recommendation of Parks and Recreation Director Ashley Marsteller, it was moved by Mr. Ouellet, seconded by Ms. Clear, and carried by unanimous roll call vote to approve the purchase and installation of new carpet for the lower level of Asbury Barn by South One Supply & Home Center at a cost of \$5,509.00 under PA Contract License PA016377 and Procurement Vendor #0000535729.

A Public Hearing was held on the following Subdivision Plan, Replot and Conditional Use Request:

**CRYSTAL COURT LIMITED PARTNERSHIP & BRIAN PAUL MARTIN AND PATRICK J. MARTIN. Small Subdivision Plan. A subdivision plan to show the creation of Lot 3, a 1.918-acre parcel, from tax parcel 33-113-640.0-002.00, and the replot of tax parcel 33-113-640.0-001.00 from 0.918 acres to 0.803 acres and tax parcel 33-113-640.0-002.02 from 1.257 acres to 1.466 acres from the right-of-way with a residual lot of 27.03 acres along the east line of Henderson Road, south of Wattsburg Road, Tract 338. Indices 913-085 and 913-086.**

Planning and Development Director Matthew Waldinger reported that at their meeting on February 1, 2022, the Planning Commission recommended approval.

Mike Sanford, Surveyor, 4721 Atlantic Avenue, stated that the developer is requesting to subdivide the parcel into one (1) new lot with two (2) side additions. Mr. Waldinger reported there were no concerns at the Planning Commission meeting. No one spoke in favor of or in opposition to the subdivision plan. On recommendation of Mr. Waldinger, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to approve the Crystal Court Limited Partnership & Brian Paul Martin and Patrick J. Martin Small Subdivision Plan.

**WESTMINSTER PLACE. Replot. A subdivision plan to show the replot of four lots to create three lots, a 1.925-acre lot, Lot 1, a 1.745-acre lot, Lot 2, and a 0.724-acre lot, Lot 3, along the north line of West 26<sup>th</sup> Street, east of Peninsula Drive, in Tracts 16 and 17. Indices 314-065, 314-075, 314-077 and 314-078.**

Planning and Development Director Matthew Waldinger reported that at their meeting on February 1, 2022, the Planning Commission recommended approval with two (2) requirements: Provide the Millcreek Index Numbers on the plan and provide the square footage of the building on the plan. Mr. Waldinger noted that subsequent to the Planning Commission meeting, the developer submitted a new drawing with the required corrections. Mark Zimmerman, 443 Athena Drive, Delmont, PA explained that the developer is requesting to reposition the lot lines of four (4) existing parcels to create three (3) parcels to accommodate a planned car wash on Lot 2. No one spoke in favor of or in opposition to the replot. On recommendation of Mr. Waldinger, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to approve the Westminster Place Replot.

**CONDITIONAL USE REQUEST - BARTLETT SIGNS for property located at 2968 and 2978 West 12<sup>th</sup> Street to install new signage in the RC Resort Commercial District. Indices 250-001 and 250-003.**

Planning and Development Director Matthew Waldinger reported that at their meeting on February 1, 2022, the Planning Commission recommended approval. He clarified the criteria for approval of a Conditional Use Request: 1. It must be a legal use, and a variance was granted for this use in 2010. 2. The applicant must meet all sections of the sign code. The maximum square footage permitted for the sign is 75.2 sq. ft. The applicant corrected the initial application before the Planning Commission to propose the sign will be 69 sq. ft. 3. No sign may contain an electronic message center, which it does not, and 4. Any conditions that the Board deemed reasonable may be placed on the application.

Kent Bartlett, Bartlett Signs, 7628 Klimer Drive, Fairview, PA, stated that they reduced the size of the original proposed sign to be compliant with the sign code. No one spoke in favor of or in opposition to the subdivision plan. On recommendation of Mr. Waldinger, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to approve the Conditional Use Request for Bartlett Signs for property located at 2968 and 2978 West 12<sup>th</sup> Street.

Solicitor Mark Shaw reported that the Township has been reviewing public comment on the proposed Zoning Ordinance amendments and changes have been made to streamline the draft ordinance. He explained that under the Municipalities Planning Code, the draft ordinance must

be submitted to the Planning Commission and Erie County Planning to review for 30 days prior to the Supervisors' hearing on the ordinance. Mr. Shaw reported that the intent of the Township is to forward the current draft of the ordinance to the Planning Commission and County Planning no later than March 4, 2022, and the target date for the ordinance hearing is April 19, 2022, at which time the Supervisors will take action on the ordinance following the hearing. He added that the current version of the draft, along with a redline version from 12/1/2021, is available on the Township website.

On recommendation by Mr. Shaw, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to forward the draft version of the Zoning Ordinance to the Planning Commission and Erie County Planning Department.

On recommendation of Chief Scott Heidt and IT Manager Kris Filson, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to adopt Resolution 2022-R-8: 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 the records to be disposed are police DashCam videos which will reach the end of their retention period between February 23, 2022 and March 8, 2022.

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 amend an appraisal agreement with Sammartino, Stout & Lo Presti for additional appraisal services for properties identified on the Official Map, to adjust the appraisal fee from \$12,500.00 to \$19,500.00.

Solicitor Mark Shaw reported that the owners of property located at 509 Arbuckle Road filed an appeal of the Zoning Hearing Board's (ZHB) decision from the February 10, 2022 meeting. The Township is not currently a party to the matter, but if the Township wishes to defend its position in the ZHB matter or if an appeal is made to the Commonwealth Court, the Township needs to intervene in the action, which Mr. Shaw recommended. It was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to authorize Solicitor Mark Shaw to intervene in the ZHB appeal.

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 the sale of parcel #33-117-497.1-020.00 from the Erie County Repository of Unsold Properties for \$250.00, with exoneration of County, Township and School property taxes in the amount of \$5,507.37. The Township portion of the taxes are \$535.87. Mr. Shaw explained that the buyer/applicant indicated that he wants to put a small sign on the property and has been advised of the sign restrictions applicable to that property.

Solicitor Mark Shaw reported that the Township purchased property located at 5161 Evans Road, but for the property to be exempt from county property taxes, the Township needs to file for an exemption with the Erie County Tax Assessment Office. On recommendation of Mr. Shaw, it was moved by Ms. Clear, seconded by Mr. Ouellet, and carried by unanimous roll call vote to authorize the filing of the Application for Exemption from Erie County Real Property Taxes.

On recommendation of Human Resource Manager Diane Lyons, it was moved by Ms. Clear, seconded by Mr. Ouellet, and carried by unanimous roll call vote to approve a Memorandum of Agreement with AFSCME Local 3530, moving the Animal-Code Enforcement Officer to the Dispatch pay scale.

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 approve the 2022 Part Time and Seasonal Wage Schedule, with hourly wages ranging from \$10.50 to \$19.00.

On recommendation of Solicitor Mark Shaw, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to authorize the draft and sending of a letter to the County CDBG Administrator confirming the Township's intent to utilize CDBG funding to install ADA compliant sidewalks in 2022 and 2023.

On recommendation of Chief Heidt, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to authorize one officer to attend a Digital Evidence Investigations Course in Alabama from February 28-March 4, 2022, with all costs funded by the United States Secret Service, sponsor of the training.

On recommendation of Parks and Recreation Director Ashley Marsteller, it was moved by Mr. Ouellet, seconded by Ms. Clear and carried by unanimous roll call vote to authorize Ms. Marsteller to attend the PA Park and Recreation Society Annual Conference in Poconos Manor, PA from March 29-April 1, 2022, at a total cost of \$1,242.24.

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 authorize Project Engineer John Sebesta to attend a Hazardous Waste Operations and Emergency Response training on February 25, 2022 in Erie at a cost of \$140.00.

Mr. Ouellet reported that the Board met with Solicitors Mark Shaw and Lydia Caparosa in Executive Session on February 10 and 17, 2022 to discuss legal and personnel matters.

There being no further business to come before the Board or any Citizens to be Heard, it was moved by Ms. Clear and seconded by Mr. Ouellet to adjourn the meeting at 6:05 p.m.

Sheryl A. Williams  
Township Secretary

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APPROVED: March 8, 2022

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Daniel P. Ouellet

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James S. Bock

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Kim Clear