

## Regular Meeting

March 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, Jessica Stutzman, Mark Shaw, Esq. and Sheryl Williams.

Following the Pledge to the Flag, on recommendation by Chief Mook, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to promote Lieutenant Chris Hauber to the rank of Captain, Commander of the Special Services Division. Chairman James Bock administered the Oath of Office to Probationary Police Officer Philip Munro, and the Board offered congratulations to both officers and their families, who were then 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 Ms. Clear, seconded by Mr. Ouellet, it was carried by unanimous roll call vote to approve the minutes from the February 28, 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 \$2,331,129.71, and Sewer Revenue Fund bills totaling \$183,021.90.

On recommendation by Public Works Director Robert Donikowski, it was moved by Mr. Ouellet, seconded by Ms. Clear and carried by unanimous roll call vote to purchase a new Chevy 3500HD 4x4 Diesel service truck for the Fleet Maintenance Department from Hallman Chevrolet at a cost after trade-in of \$69,435.00, under COSTARS contract #25-109. The existing 1-ton service truck has reached the end of its useful life and its trade-in value is \$7500.00.

On recommendation of Solicitor Mark Shaw, it was moved by Mr. Ouellet, seconded by Ms. Clear and carried by unanimous roll call vote to purchase a 2017 Ford F-550 chassis fire truck with a 2005 Marion Rescue Body for the Millcreek Fire Department fleet at a cost of \$75,000.00. The fire truck has 8700 miles on it and will be leased to the West Ridge Fire Department.

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 purchase a new 2023 Chevrolet Equinox for the Zoning Office at a cost after trade-in of \$25,285.00, under COSTARS contract #25-109. A 2013 Ford Taurus Police Interceptor that is reaching its end of life is being traded in with a value of \$2,000.00.

On recommendation of Mr. Waldinger, it was moved by Mr. Ouellet, seconded by Ms. Clear and carried by unanimous roll call vote to approve Change Order #3 for the Wilkins Run Stream Restoration Project for \$48,000.00 for additional services and design costs provided by Civil & Environmental Consultant, Inc. (CEC), and the additional cost of the FEMA CLOMR submittal fee of \$6,500.00. Mr. Waldinger explained that the CLOMR (Conditional Letter of Map Revision) is required per Section 70-81 of the Millcreek Township Ordinance.

On recommendation by Public Works Director Robert Donikowski, it was moved by Mr. Ouellet, seconded by Ms. Clear and carried by unanimous roll call vote to purchase a new generator for the Glenwood Pump Station from Cleveland Brothers for a total price after trade in of \$87,880.00 under COSTARS contract #4400019950. The existing generator has reached the end of its useful life and its trade in value is \$8,000.00.

Quotations for the Asbury Park Restroom and Utility Closet Door and Replacement Project were solicited and received by Parks and Recreation Director Ashley Marsteller as follows: Builder's Hardware: \$9,756.00, Corporate Glass: \$15,835.00, and Schaal Glass Company: Declined to quote. On recommendation of Ms. Marsteller, it was moved by Mr. Ouellet, seconded by Ms. Clear and carried by unanimous roll call vote to authorize Builder's Hardware to replace the doors, frames and locks of three doors for the Asbury Park Restroom and Utility Closet Door and Replacement Project, with timed locks on the restroom doors, at a total cost of \$9,756.00.

On recommendation of Treasurer Mark Zaksheske, it was moved by Mr. Ouellet, seconded by Ms. Clear and carried by unanimous roll call vote to adopt Resolution 2023-R-8; A Resolution of Millcreek Township, Erie County, Pennsylvania to authorize the Township to use Remote Image Capture for Pennsylvania Local Government Investment Trust (PLGIT) Deposits for Liquid Fuels and Performance Bond Funds and to Approve and Execute the PLGIT Participant Agreement.

On recommendation of Solicitor Mark Shaw, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried 2-1, with Mr. Bock voting no, to adopt Resolution 2023-R-9; A Resolution to Approve Partial Funding to the Millcreek Township General Authority for 2023. Mr. Zaksheske reported that \$4,000,000.00 will be transferred to the Authority for the closing of the Bel-Aire Hotel.

On recommendation of Solicitor Mark Shaw, it was moved by Mr. Ouellet, seconded by Ms. Clear and carried by unanimous roll call vote to approve an agreement with Zeller's Property Services for mowing and snow removal regarding Code Enforcement issues, with the total annual cost not to exceed \$6,000.00.

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 approve a Stormwater Management Maintenance Agreement and the acceptance of a Stormwater Management Plan for 3721 Zimmerly Road – Thomas and Patricia Potter, developer.

On recommendation of Mr. Waldinger, it was moved by Mr. Ouellet, seconded by Ms. Clear and carried by unanimous roll call vote to approve the following sidewalk deferral requests, as there are no sidewalks in the areas near the properties:

4625 Millfair Road – Harold and Renee Schweitzer, Developer  
4810 Pittsburgh Avenue – Westminster Development, LLC, Developer

On recommendation of Solicitor Mark Shaw, it was moved by Mr. Ouellet, seconded by Ms. Clear and carried by unanimous roll call vote to approve the following Easement Agreements for the Cider Mill Road Bridge Replacement Project:

Parcel ID 33114494102718 – 0 Apple Tree Lane  
Parcel ID 33114494002717 – 0 Cider Mill Road

On recommendation of Attorney Shaw, it was moved by Mr. Ouellet, seconded by Ms. Clear and carried by unanimous roll call vote to approve an Access Agreement from PennDOT to use a portion of the Erie Golf Course for 15 months in order to meet pollution reduction requirements to reduce sedimentation in Walnut Creek.

On recommendation of Attorney Shaw, it was moved by Mr. Ouellet, seconded by Ms. Clear and carried by unanimous roll call vote to approve the following Tax Assessment Appeal Settlement Agreements between Erie County, Millcreek Township School District and Millcreek Township, and to authorize Solicitor Shaw to execute the necessary documents:

Office Depot, Inc., 1980 Edinboro Road – Total assessed value for tax years 2023 (School Year 2023-24) and going forward shall be \$1,000,000.00.

National Church Residences - Kearsarge Place – Attorney Shaw explained that this is a HUD property and the property owner does not make any money; therefore, the traditional income approach based method of assessment cannot be used. The current assessment is \$1,205,200.00, and the proposed assessment is a reduction to \$732,600.00 for tax years 2020 – 2022.

On recommendation of Solicitor Mark Shaw, it was moved by Mr. Ouellet, seconded by Ms. Clear and carried by unanimous roll call vote to adopt Resolution 2023-R-10; A Resolution to Provide Funding to the Millcreek Paramedic Service. Attorney Shaw explained that the Township is responsible for ensuring that fire and emergency medical services are provided for residents, and the Board of Supervisors has expressed desire to provide financial aid assistance in the amount of \$296,662.00 for the acquisition of two (2) ambulances purchased by MPS, which will then be leased to MPS. He noted that LST funds will cover the cost of the purchase.

On recommendation of Attorney Shaw, it was moved by Mr. Ouellet, seconded by Ms. Clear and carried by unanimous roll call vote to approve a Purchase and Sale Agreement for the ambulances, a Bill of Sale for the ambulances, and a seven year lease agreement for the ambulances.

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 appoint David Skellie to the Planning Commission to fill the unexpired term of Linda McCabe, who recently passed away. Mr. Skellie's term will expire January 15, 2024.

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 hire John Abel as a Fleet Maintenance Mechanic, effective March 20, 2023 at an hourly rate of \$20.56.

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 hire twenty-five (25) Spring Season part-time employees at hourly rates ranging from \$11.50 to \$15.00.

On recommendation of Community Relations and Sustainability Director Jessica Stutzman, it was moved by Mr. Bock, seconded by Ms. Clear and carried by unanimous roll call vote to authorize Communications Coordinator Sam Peterson to pursue APR (Accredited in Public Relations) Certification at a total cost of \$1,040.00.

On recommendation of Chief Carter Mook, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to authorize three (3) new SWAT Officers to the NTOA Course "Basic SWAT" in Atlantic City, NJ from April 17-21, 2023, at a total estimated cost of \$2,900.75, noting that the course registration cost of \$2457.00 was paid in 2022.

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) employees to attend Utility System Management training on May 9, 2023 at the Summit Township Authority Building at a total cost of \$675.00.

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 two (2) employees to attend Pesticide Applicator Training in Erie for a total cost of \$150.00.

On recommendation of Supervisor Dan Ouellet, it was moved by Mr. Bock, seconded by Ms. Clear and carried by unanimous roll call vote to authorize Mr. Ouellet, Ms. Clear and Treasurer Mark Zaksheske to attend the 2023 Municipal Law Symposium in Erie on March 29, 2023 at no cost to the Township.

Lou Aliota, Millcreek resident, thanked the Supervisors for alerting residents of an upcoming forum with the Millcreek Township General Authority on March 21, 2023. He expressed concerns regarding the President of Knox Law Firm serving on the Board of Trustees for Perry Construction, and the legality of the establishment of the Millcreek Township General Authority.

Jerry Servidio, Millcreek resident, stated that more parking is needed at the Township for residents to attend meetings, but it was explained that the neighboring church often has a food drive on Tuesdays. He opined that the Authority should have had more public discussion of the W. 8<sup>th</sup> Street property purchases.

Mary Ellen Magoc, Millcreek resident, asked if the upcoming March 21 and 22 meetings will be televised, to which Ms. Clear answered yes. She read a letter from twenty-two (22) residents who are in support of preserving the former Grasshopper building, stating that it is a historic schoolhouse. She reported that an online petition to save the building has been signed by almost 2500 people and requested that the petition be forwarded to the Authority board. Ms. Magoc also proposed that a “charette” or planning meeting for the former Grasshopper building be scheduled, guided by architects in collaboration with the Township.

Dennis McAndrew, Millcreek resident, reported that he received his property tax bill, but that there was no separate line item for the Fire Tax, which made it appear as if the millage rate had been increased. Mr. Bock stated that he was also surprised when he received his bill, but affirmed that the general tax millage was not increased. Treasurer Mark Zaksheske explained that the County issues the tax bills, and that they have new software which apparently does not designate line item charges. He will look into this issue for next year but cannot guarantee that it can be fixed.

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 10:51 a.m.

Sheryl A. Williams  
Township Secretary

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APPROVED: March 28, 2023

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James S. Bock

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Daniel P. Ouellet

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Kim Clear