

Regular Meeting

April 5, 2022

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

Following the Pledge to the Flag, Solicitor Mark Shaw requested that the Agenda be amended to add one (1) item that needs to be addressed due to time constraints. On recommendation by Solicitor Shaw, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote, per Section 712.1(e) of the Pennsylvania Right-to-Know Law, to add the following item to the Agenda under **No. 6. Bids and Quotations:**

Property Appraisals in Gateway District – Planning and Development Department

Mr. Ouellet called for Public Comment on agenda items other than development or rezoning applications. Marlene Mosco, 3825 Lakefront Drive, stated her objections to the Zoning Hearing Board's recent decision to allow multi-family zoning near her property. She opined that it will endanger children playing in the area. Planning and Development Director Matthew Waldinger explained that the property owner applied for a permit, was denied by the Township but the appeal was granted by the Zoning Hearing Board, thus overriding the Township's decision. Mrs. Clear explained that there are differences between the Planning Commission and the Zoning Hearing Board and Mr. Waldinger clarified that the Planning Commission is a recommending body, and the Supervisors can choose to follow their recommendation or not. The Zoning Hearing Board is a judicial body that decides disputes between the Township and applicants. The only recourse to a Zoning Hearing Board decision would be to appeal it through the Courts.

On motion by Ms. Clear, seconded by Mr. Bock, it was carried by unanimous roll call vote to approve the minutes from the March 22, 2022 regular meeting.

On motion by Ms. Clear, seconded by Mr. Bock, it was carried by unanimous roll call vote to approve payment of the General Fund bills in the amount of \$ 40,249.32, payment of Sewer Revenue Fund bills totaling \$1,367,832.50.

Quotations were solicited and received by Public Works Director Robert Donikowski for mowing and tree cutting in the Township's Flood Detention Basins as follows: Oregia Landscape – No Quote, Gerlach's Property Maintenance – No Quote, Manzi Services - \$21,595.00. On recommendation of Mr. Donikowski, it was moved by Ms. Clear, seconded by Mr. Bock, and carried by unanimous roll call vote to award the contract to Manzi Services for \$21,595.00.

On recommendation of Mr. Donikowski, it was moved by Ms. Clear, seconded by Mr. Bock, and carried by unanimous roll call vote to renew the Johnson Controls HVAC service agreement for three (3) years, as follows: Year 1 - \$19,330.00, Year 2 - \$20,887.00, and Year 3 - \$22,558.00, under COSTARS Contract #008-145.

Quotations were solicited and received by Public Works Director Robert Donikowski for six (6) Honda generators (two different models) to replace Township owned generators for the Traffic and Building Maintenance Departments that have reached the end of their useful lives: Forest Park Honda – 3 each Model #EU2200ITAN - \$3,267.00, and 3 each Model #EU3000IS1AN - \$6,867.00; Lake City Power systems, LLC – 3 each Model #EU2200ITAN - \$3,537.00, 3 each Model #EU3000IS1AN – No Quote; Ohio Power Tool - 3 each Model #EU2200ITAN - \$3,597.00, 3 each Model #EU3000IS1AN – No Quote. On recommendation of Mr. Donikowski, it was moved by Ms. Clear, seconded by Mr. Bock, and carried by unanimous roll call vote to

approve the purchase of six (6) Honda Generators from Forest Park Honda for a total cost of \$10,134.00.

On recommendation of Mr. Donikowski, it was moved by Ms. Clear, seconded by Mr. Bock, and carried by unanimous roll call vote to approve the purchase of a Paint Buggy Line Driver for the Traffic Department from Sherwin Williams for \$6,000.50 under COSTARS Contract #008-100.

On recommendation of Planning and Development Director Matthew Waldinger, it was moved by Ms. Clear, seconded by Mr. Bock, and carried by unanimous roll call vote to approve an agreement with Zeller Property Services for mowing and snow removal, not to exceed a total cost of \$6,000.00 for one year. Mr. Waldinger explained that these services are needed when there is a code enforcement violation that has not been rectified by the resident. The resident is billed for these services and then the Township is reimbursed.

Mr. Waldinger reported that bids were solicited and received for the Federal Aid Route Paving Projects on Arbuckle Road and West 32nd Street as follows: Joseph McCormick Construction Co., Inc. - \$417,303.75, Glenn O. Hawbaker, Inc. - \$510,333.00, and Lindy Paving, Inc. - \$539,708.00. On recommendation of Mr. Waldinger, it was moved by Ms. Clear, seconded by Mr. Bock, and carried by unanimous roll call vote to award the paving contract to Joseph McCormick Construction for \$417,303.75, to authorize Township Engineer Anne Sokol to electronically approve the bid on behalf of the Township, and to authorize Solicitor Mark Shaw to review the documents. Mr. Waldinger also emphasized that \$409,884.13 will be paid by Federal Aid Funds and any remaining funds will be paid by the Township. He reported that the anticipated project start date is July 18, 2022.

On recommendation of Human Resource Manager Diane Lyons, it was moved by Ms. Clear, seconded by Mr. Bock, and carried by unanimous roll call vote to approve a supplemental order of 110 Safety T-shirts in various sizes from Creative Imprints for \$637.50, until the large order is purchased next year.

On recommendation of Chief Heidt, it was moved by Ms. Clear, seconded by Mr. Bock, and carried by unanimous roll call vote to authorize the purchase of 25 Intrepid Activate and Intrepid Locate one-year subscriptions from Intrepid Networks for a total of \$2,425.00, to be used for Staff and SWAT recall notifications.

On recommendation of Solicitor Mark Shaw, it was moved by Ms. Clear, seconded by Mr. Bock, and carried by unanimous roll call vote to authorize Sammartino, Stout & Lo Presti to appraise six (6) properties along the north side of West 8th Street for the 8th Street Gateway Project at a cost of \$17,000.

On recommendation of Solicitor Mark Shaw, it was moved by Ms. Clear, seconded by Mr. Bock, and carried by unanimous roll call vote to enact Ordinance 2022-3; An Ordinance of the Township of Millcreek, Erie County Pennsylvania amending Chapter 110, Solid Waste and Recycling, of the Millcreek Township Code. Mr. Shaw explained that the purpose of this ordinance is to update the Waste Ordinance to reflect the new contract and other miscellaneous changes, such as removing recyclable cartons from the list of recyclable materials, clarifying that "one-pass vehicles" are not acceptable, clarifying provisions regarding leaf waste and brush materials collections, and addressing how delinquent accounts will be handled by Waste Management and the Township.

Mr. Shaw reported that the Township has continued to review public comment on the proposed Zoning Ordinance amendments, and the draft ordinance and Township map are available on the Township website for public review and comment. Mr. Shaw stated that the proposed

Zoning Ordinance Amendments were forwarded to the Millcreek Township Planning Commission and Erie County Planning Department on March 4, 2022, and these entities will make their recommendations to the Board for consideration at the Supervisors' regular meeting on April 19, 2022, when the Board will consider Proposed Ordinance 2022-4; An Ordinance of the Township of Millcreek, Erie County Pennsylvania Amending and Restating the Zoning Ordinance and Zoning Map in its Entirety. Mr. Shaw noted that the Planning Commission meeting will hear public comment on the proposed Zoning Ordinance this evening at their regular meeting at 5:30 p.m.

On recommendation of Chief Scott Heidt and IT Manager Kris Filson, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to adopt Resolution 2022-R-16; 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 of are police DashCam videos which will reach the end of their retention period between April 13 and 19, 2022.

Recycling Coordinator Jessica Stutzman announced that National Arbor Day is April 29, 2022 and this year marks the 150th anniversary of the holiday. She reported that in celebration of the holiday, the Parks and Recreation Department will hold its Nature Day and Arbor Day Observance Event on Sunday, April 24, 2022 at Asbury Barn. Supervisor Kim Clear read Resolution 2022-R-17, the Township's Arbor Day Proclamation, and on motion by Ms. Clear seconded by Mr. Bock, the resolution was adopted by unanimous roll call vote.

It was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to adopt Resolution 2022-R-18; A Resolution of the Township of Millcreek, Erie County Pennsylvania, supporting the Pennsylvania Commission for the United States Semiquincentennial. Ms. Clear explained that this resolution is regarding the upcoming celebration of our nation's 250th birthday in 2026.

Public Services Director Judy Zelina reported that the Township was recently awarded \$112,200.30 from its 2020 PA DEP 904 Recycling Performance Grant, based on 7,007.3 total tons recycled in Millcreek Township. Ms. Clear pointed out that the more Township residents recycle, the more grant money the Township will receive.

On recommendation of Ms. Zelina, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to authorize application for the PA DEP HHW (Household and Hazardous Waste) Grant for reimbursement of approximately \$1,425.00 to help offset costs for the upcoming Millfair Recycling and Compost Center Special Collection Event on May 21, 2022.

Planning and Development Director Matthew Waldinger notified the Supervisors that the property owner of 1313 Harper Drive is constructing a 625 square foot rear deck on the existing building, and since it is an addition under 5,000 square feet, the project is exempt from the land development process.

Solicitor Mark Shaw explained that in order to complete the Wolf Road Forcemain Project, access is needed beneath the railroad tracks. On recommendation of Mr. Shaw, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to approve a Facility Encroachment Agreement with CSX Transportation, Inc. and the Township, to include a total fee of \$7,000.00 for licensing (\$5100) and inspection (\$1900).

On separate motions by Ms. Clear, seconded by Mr. Bock, the following recommendations from Human Resource Manager Diane Lyons were approved by unanimous roll call vote:

Permission to hire Patrick Wagner as a Streets Maintenance Laborer at an hourly rate of \$20.38, effective April 11, 2022.

Permission to hire Zachary Criscione as a full time Public Works/Public Safety Dispatcher at an hourly rate of \$19.34, effective April 11, 2022.

Permission to hire Norman Lorei as an Equipment Operator at Millcreek Compost and Recycling Center at an hourly rate of \$18.00, effective April 6, 2022.

Permission for Joe Talarico to transfer from Streets Department Laborer to Parks and Recreation Laborer with no change in salary, effective April 11, 2022.

On recommendation of Parks and Recreation Director Ashley Marsteller, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to approve the following Millcreek Golf and Learning Center Seasonal Maintenance Employees from April 15, 2022 – October 15, 2022 at an hourly rate of \$17.00: Tim Ferguson, Eric Baumbaugh, Lawrence (Joe) Sanders, and Richard Johannesmeyer.

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

On recommendation of Chief Scott Heidt, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to authorize two (2) detectives to attend an Interview and Interrogation Techniques training at the Mount Lebanon Police Department on April 27 and 28, 2022 at a total cost of \$650.00.

On recommendation of Chief Scott Heidt, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to authorize three (3) detectives to attend Physical Surveillance training in Eighty Four, PA from May 23 -27, 2022 at a total cost of approximately \$2,055.75.

On recommendation of Planning and Development Director Matthew Waldinger, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to authorize the following staff to attend educational conferences related to their job duties:

Chief Code Enforcement Officer Krista Arnold to attend the National Fire Protection Association conference in Boston, MA from June 5-9, 2022 at a total cost of \$2,943.71.

Zoning and Development Officer Matthew Puz to attend the Association of State Floodplain Managers virtual conference from May 15-19, 2022 at a total cost of \$650.00.

It was moved by Mr. Ouellet, seconded by Ms. Clear and carried by unanimous roll call vote to authorize the temporary closing of Wilkins Road from West Lake Road to Middle Drive on Saturday, June 4, 2022 from 9:00 am – 5:00 pm for the Lake Shore Fire Department Open House/Community Day, and LSFD will provide all necessary signage and traffic cones for the road.

Mr. Ouellet reported that the Board met with Solicitor Mark Shaw in Executive Session on March 21 and 31, 2022 to discuss legal and personnel matters.

There were no citizens to be heard.

Ms. Clear stated that the Board of Supervisors want to address residents regarding the recent Waste and Recycling contract with Waste Management. She explained that the Township sent bid packages to several waste haulers but Waste Management was the lone bidder. She reported that the Township did negotiate the contract to include gradual increases rather than the same quarterly rate for all five years. Ms. Clear said the Supervisors are very sensitive to the needs of the residents, especially those on a fixed income, and suggested some alternatives: 1. Pay-per-Bag program: Residents who do not have a lot of trash can purchase trash bags at the Township building for \$7.00 each and only put them out for collection when they are full. Additionally, unlimited amounts of recycling will still be picked up at no additional charge. 2. Residents over age 65 can apply for a PACE card through Rep. Ryan Bizzarro's office, and they will receive a 10% discount on the quarterly trash hauling rate in addition to other local discounts. Ms. Clear stressed that the Township has done its due diligence in trying to contract the best services for the Township, and while other municipalities have been paying more for less services, Millcreek will still be able to offer glass and other recycling collection, a free toter and unlimited curbside pickup, including large items by appointment.

There being no further business to come before the Board, it was moved by Mr. Bock and seconded by Ms. Clear to adjourn the meeting at 10:26 a.m.

Sheryl A. Williams
Township Secretary

APPROVED: April 19, 2022

Daniel P. Ouellet

James S. Bock

Kim Clear