

Regular Meeting

April 11, 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, Sam Peterson, Mark Shaw, Esq., and Sheryl Williams.

Following the Pledge to the Flag, Solicitor Mark Shaw recommended that the Agenda be amended to add one (1) item under Bids and Quotations. He explained that the vendor originally approved in January quoted lockers that did not meet the correct specifications. On recommendation of Atty. Shaw, it was moved by Mr. Ouellet, seconded by Ms. Clear and carried by unanimous vote to add the following item to the Agenda:

7. Bids and Quotations - Men's Locker Replacement

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 March 28, 2023 Regular Meeting.

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 \$887,659.44, and Sewer Revenue Fund bills totaling \$1,440,302.85.

Solicitor Mark Shaw stated the rules for public hearings on Zoning Reclassification and noted that the Supervisors' decision is legislative and not subject to judicial discretion.

A Public Hearing was held on a Petition Requesting a Change in Zoning Classification:

TIMOTHY M. BIRKMIRE AND TAMMY LYNN BIRKMIRE for portions of properties located at 2055, 2103, 2155, and 2209 Edinboro Road, consisting of approximately 4.6 acres, R3 Moderate Density Residential, asking for the portions of the properties to be classified as C2 Regional Commercial. Indices 738-020, 040, 050, and 052; County Indices 33-187-584.0-009.00 & 010.00 and 33-188-584.0-013.00 & 013.01.

Planning and Development Director Matthew Waldinger reported that at their Regular Meeting on March 7, 2023, the Planning Commission recommended approval. Mike Sanford, Sanford Surveying, 4621 Atlantic Avenue, reported that he prepared the exhibit and reviewed the zoning history of the property. He stated that the developer is requesting that the zoning be returned to the same zoning classification as in 2022, C2 Regional Commercial. Mr. Bock asked Mr. Waldinger if any neighbors expressed opposition to the rezoning at the Planning Commission meeting, to which he replied no. There was no further public comment either in favor of or in opposition to the petition. Mr. Bock closed the hearing. On recommendation of Mr. Waldinger, it was moved by Mr. Ouellet, seconded by Ms. Clear and carried by unanimous roll call vote to grant the petition requesting a change in zoning classification for portions of properties located at 2055, 2103, 2155, and 2209 Edinboro Road.

Planning and Development Director Matthew Waldinger announced that bids for the 2023 Millcreek Township Sidewalk Replacement Project – Phase II were opened on April 3, 2023, as follows: Amendola Construction & Maintenance - \$276,900.00, Blue Rock Construction - \$317,800.00, Lindy Paving Inc. - \$236,925.00, Madcrete Construction LLC - \$262,625.00, M & B Services LLC - \$392,420.08, Presque Isle Concrete - \$273,375.00, Vavala Concrete Construction - \$322,874.00, Empire Snow Management, Inc. - \$218,905.00. Mr. Waldinger reported that the Planning Department will review the bids and make a recommendation for award at the April 27, 2023 meeting.

Mr. Waldinger reported that quotations were solicited for the 2023 Detention Basin Maintenance program, and one was received from Manzi Services for the price of \$17,151.00. On recommendation by Mr. Waldinger, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to award the contract to Manzi Services for \$17,151.00.

Communications Coordinator Sam Peterson reported that quotations were solicited and received for 250 matching Millcreek Township vinyl decals for the Township vehicles as follows: Signs Now - \$2,583.75, Signs 4 Less - \$1,987.50, Creative Imprints - \$1,974.00, Howard Industries - \$10,842.50. On recommendation of Mr. Peterson, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to award the contract to Creative Imprints for \$1,974.00.

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 AstroTurf Corporation to paint and designate two areas of the Asbury Park court space as one tennis court and two pickleball courts at a cost of \$24,465.00 under COSTARS contract #014-201.

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 AstroTurf Corporation to install six pickleball courts at the court site of Zuck Park at a cost of \$25,535.00 under COSTARS contract #014-201.

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 Scobell Company Inc. to remove and install three pumps and valves and one new flow meter at the Glenwood pump station at a cost of \$33,280.00 under COSTARS contract #008-E22-838.

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 the emergency demolition of a shed at 4828 Conway Street by Summit Disposal Services, LLC for \$2,500.00, retroactive to April 3, 2023, due to imminent danger of collapse. Mr. Waldinger stated that other contractors were contacted but declined, and noted that a lien will be placed against the property to recover the cost of demolition.

On recommendation by Chief Carter Mook, it was moved by Mr. Ouellet, seconded by Ms. Clear and carried by unanimous roll call vote to approve an upcharge of \$4,070.82 to the previously approved quotation from A.J. Grack Business Interiors to replace and install new wall partitions, desks and shelving in the police department that are police specific.

Solicitor Mark Shaw reported that there are three (3) upcoming ordinances currently under review. He relayed that a Sewer Ordinance Amendment is anticipated to be enacted at the April 27, 2023 meeting which will clarify that the Board will be adopting any future quarterly sewer rate changes by resolution rather than by ordinance. Atty. Shaw noted that Act 74 of 2022 allows municipalities to restrict the use of commercial fireworks between 10:00 p.m. and 10:00 a.m. except for certain holidays and dates, and a Fireworks Ordinance Amendment is being drafted

to reflect this. Atty. Shaw announced that as a result of the adoption of the Comprehensive Plan, the SALDO (Subdivision and Land Development Ordinance) will be updated later this year, and that it will first be presented to the public for comment.

On motion by Ms. Clear, seconded by Mr. Ouellet, it was carried by unanimous roll call vote to adopt Resolution 2023-R-13; A Resolution of Millcreek Township, Erie County, Pennsylvania to authorize the Exoneration of Taxes assessed against a parcel from which a mobile home was removed and deemed to have no value by the Erie County Bureau of Assessment. Treasurer Mark Zaksheske reported that the property is 546 Polito Drive, and tax exoneration for years 2018-2020 will be less than \$10.00.

On recommendation of Communications Coordinator Sam Peterson, it was moved Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to adopt Resolution 2023-R-14; A Resolution of Millcreek Township, Erie County, Pennsylvania to adopt a Style Guide for Millcreek Township Graphic Standards.

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 Sidewalk Deferral Request for 3721 Zimmerly Road – Thomas and Patricia A. Potter, Developer, as there are no sidewalks currently in the area.

On recommendation of Human Resources Manager Diane Lyons, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to rehire Judy Zelina part-time to assist in the Community Relations and Sustainability Department at the hourly rate of \$15.00, retroactive to April 4, 2023.

On recommendation by Parks and Recreation Director Ashley Marsteller, it was moved by Mr. Ouellet, seconded by Ms. Clear and carried by unanimous roll call vote to rehire Eric Baumbaugh for part-time seasonal maintenance, effective April 14, 2023 at an hourly rate of \$17.00.

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 the following Millcreek Police Department training requests:

Approval for one Officer to attend a “Traffic Crash Reconstruction – Level 2” course from August 14-18, 2023 at the Erie County 911 Center at a cost of \$895.00.

Approval for four SWAT Officers to attend “Tactical Building Entry and Room Clearing” training on April 11, 2023 at the PSP training facility in Polk, PA.

Approval for eleven Officers to attend “Incident Command System – level 300” training at the Kearsarge Fire Department from May 3-5, 2023.

Approval to send one Officer to a “PA Vehicle Inspection Regulations” training course from May 31 – June 1, 2023 in Edinboro.

On recommendation of Communications Coordinator Sam Peterson, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to authorize Mr. Peterson to attend seven Jefferson Civic Leadership Academy trainings at a total cost of \$1,500.00.

Mr. Bock reported that the Board met with Solicitor Mark Shaw in Executive Session on March 30, 2023 to discuss litigation matters relating to the Zoning Hearing Board, Orphans’ Court Petition and Opioid Settlement, Real Estate matters relating to Parks and Recreation facilities

and Utility Easements, and Public Safety matters relating to Township Facilities. Mr. Bock reported that the Board met with Atty. Shaw on April 5, 2023 in Executive Session to discuss litigation matters relating to Zoning Hearing Board, Ordinance Enforcement, Orphans' Court Petition and Opioid Settlement, and Real Estate matters relating to Parks and Recreation facilities and Utility Easements.

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 entering into an Opioid Settlement regarding two manufacturers of opioids, TEVA and Allergan, and three pharmacies, CVS, Walgreen's and Walmart, and to authorize the Chair to execute the forms.

Ms. Clear reported that she sent a letter to Gloeckler Refrigeration Remediation, 3950 W. 20th Street, requesting that Millcreek Township be granted community involvement in the remediation project.

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 10:13 a.m.

Sheryl A. Williams
Township Secretary

APPROVED: April 27, 2023

James S. Bock

Daniel P. Ouellet

Kim Clear