

Regular Meeting

April 27, 2023

The regular meeting of the Millcreek Township Board of Supervisors was called to order at 5:00 p.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, Shalan Anderson, Mark Shaw, Esq., and Sheryl Williams.

Following the Pledge to the Flag, 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 April 11, 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 \$507,715.78, and Sewer Revenue Fund bills totaling \$455,142.03.

Treasurer Mark Zaksheske presented the 2023 First Quarter Financial Performance report, stating that overall revenue is slightly behind last year at this time, due to real estate and other tax payments that have yet to be remitted. He reported that most department expenses are on track or below budget, with the exception of a few health insurance claims that have been higher than usual due to the severe illness of some employees. He also explained that the Township purchased two ambulances for MPS, which was a one-time occurrence. Regarding Sewer Revenue, Mr. Zaksheske reported that revenue is slightly ahead of last year, with expenses being slightly lower than in 2022. He closed his presentation by announcing that \$13,332,247 of the Capital Budget's \$19,206,265 remains uncommitted. There were no questions from the Board of Supervisors or the public.

A Public Hearing was held on a Small Subdivision Plan:

REPLOT OF LANDS FOR TAMMY & WILLIAM BAUMANN. Small Subdivision Plan. A subdivision plan to show the creation of a 3,238 square foot lot, Parcel "A", resulting in a 1.85-acre residual lot for 3828 Edgebrook Drive (tax parcel ID 33-085-376.0-021.00), Parcel "A" is to become an integral part of 3846 Edgebrook Way (tax parcel ID 33-085-376.0-021.09) resulting in a new acreage of 0.69 acres, along the west line of Edgebrook Way, south of West 38th Street, in Tract 309. Index 460-009

Planning and Development Director Matthew Waldinger reported that at their Regular Meeting on April 4, 2023, the Planning Commission recommended approval. Wade Brink, 3846 Edgebrook Way, was present to speak on behalf of the subdivision. There were no other comments either in favor of or in opposition to the plan. Mr. Bock closed the hearing. 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 the Replot of Lands for Tammy & William Baumann Small Subdivision Plan.

A Public Hearing was held on a Conditional Use Request:

ERIE HUMANE SOCIETY for property located at 2433 Zimmerly Road to install a Crematory as an Accessory Use in the MU-2 Corridor Mixed Use District. Index 614-006

Solicitor Mark Shaw explained the procedure for hearing Conditional Use Requests, and Mr. Waldinger read the section of the Zoning Ordinance pertaining to the use requirements for acceptance of crematories. Mr. Waldinger reported that at their Regular Meeting on April 4, 2023, the Planning Commission recommended approval. Genna Druzak, Principal Architect for the crematory project, stated that the Humane Society currently operates a crematory and thus they are familiar with the requirements, that secure funding has been established, that the smoke emitted is nearly transparent, they are fully in compliance with the Zoning Ordinance, and that they plan to operate between 8:00 am and 4:00 pm. Mr. Shaw suggested that they allow themselves some flexibility and officially state that their hours will be the same as the ordinance allows, from 7:00 am – 7:00 pm.

Nicole Leone, Executive Director of the Erie Humane Society, reported that they have been operating a crematory for 20 years, and that Waterford and Burton Funeral Homes operated pet crematories until 2021-2022, when they stopped providing pet cremation services. She said having a second crematory will benefit the community as well as the Humane Society, instead of having to travel to Ohio for pet cremation services.

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 grant the conditional use request for Erie Humane Society, with the condition that all Ordinance requirements are met.

Public Works Director Robert Donikowski reported 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. Donikowski relayed that Empire Snow Management has withdrawn their bid. On recommendation of Mr. Donikowski, it was moved by Mr. Ouellet, seconded by Ms. Clear and carried by unanimous roll call vote to award the contract to the lowest responsible bidder, Lindy Paving, for \$236,925.00.

On recommendation of Chief Carter Mook, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to purchase a one-year subscription to PowerDMS PowerTime for digital police scheduling software at a cost of \$4,158.00, with a one-time set up fee of \$2,300.00. Treasurer Mark Zaksheske noted that this software can also be integrated into the Township's payroll system.

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 purchase a 1-Ton Capacity Electric Chain Hoist for the Garage from Northern Tool for \$3,299.99.

On recommendation of Mr. Donikowski, it was moved by Mr. Ouellet, seconded by Ms. Clear and carried by unanimous roll call vote to purchase a Chevy 3500HD 4x4 Dually Pickup Truck from Hallman Chevrolet for \$64,433.00 after trade in of the old 4x4 3500HD Streets Department truck for \$1,500.00, under COSTARS Contract #25-109.

On recommendation of Mr. Donikowski, It was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to authorize entering into an agreement with Erie Metropolitan Planning Organization (MPO) for the preservation treatment of the Zimmerly Road, Garries Road and Evans Road bridges at a cost of \$14,475.00, a 5% match of the \$294,900 grant being provided to the Township.

On recommendation of Solicitor Mark Shaw, it was moved by Mr. Ouellet, seconded by Ms. Clear and carried by unanimous roll call vote to enact Ordinance 2023-3; An Ordinance of the Township of Millcreek, Erie, County Pennsylvania amending Chapter 102, Sewers and Water, Article III, Sewer Rentals, of the Millcreek Township. Atty. Shaw further explained that this will allow the Supervisors to adopt quarterly sewer rates in the future by Resolution rather than amending the Ordinance each time the rates change, and this process is permitted by the State.

On recommendation of Atty. Shaw, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to enact Ordinance 2023-4; An Ordinance to amend Millcreek Township Zoning Ordinance 2022-4, as amended, by changing the classification of certain parcels of land situate in the Township of Millcreek, Erie, County, Pennsylvania, described as follows: portions of properties located at 2055, 2103, 2155, and 2209 Edinboro Road, consisting of approximately 4.6 acres, now zoned R3 Moderate Density Residential, asking for portions of the properties to be classified as C2 Regional Commercial. Atty. Shaw noted that this formerly amends the Zoning Code and that the petition was approved at the April 11, 2023 Supervisors meeting.

Atty. Shaw reported Chief Carter Mook has recommended that the Fireworks Ordinance Amendment be amended to restrict consumer fireworks between the hours of 10:00 pm and 10:00 am, and anticipates it being enacted at the May 9, 2023 meeting.

Atty. Shaw stated as part of the Comprehensive Plan requires an update of the SALDO Ordinance, and noted that the Planning and Development Department will hold at least two open houses for public comment.

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-15; A Resolution of Millcreek Township, Erie County, Pennsylvania to adopt the Erie County 2023 Hazard Vulnerability Assessment and Mitigation Plan. Emergency Management Director Shalan Anderson noted that this has also been approved by FEMA and PEMA. Atty. Shaw reported that adoption of the plan is also required to receive state and federal funding.

On recommendation of Chief Carter Mook, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to adopt Resolution 2023-R-16; A Resolution pursuant to Resolution 2015-R-20 and the Municipal Records Manual to approve proposed disposition of certain Township records. Chief Mook explained that the records being expunged are Animal Complaints from 2013 - 2020 and have reached the end of their retention periods.

On recommendation of Community Relations and Sustainability Director Jessica Stutzman, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to adopt Resolution 2023-R-17; 2023 Arbor Day Proclamation proclaiming April 28, 2023 as Arbor Day in Millcreek Township.

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 a one-year extension of the Premier Turf Agreement with Dan Olson for maintenance of the Millcreek Golf and Learning Center Golf Course at a cost of \$13,100.00.

On recommendation of Mr. Shaw, it was moved by Mr. Ouellet, seconded by Ms. Clear and carried by unanimous roll call vote to approve a two-year extension of an agreement with David Smith, Operator of the Millcreek Golf and Learning Center Golf Course until October 15, 2024.

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 a Tax Assessment Appeal Settlement

Agreement with National Church Residences – Apple Blossom Place, a HUD property located at 5298 Crabapple Drive as follows, and to authorize Atty. Shaw to settle the agreements between all parties.

Year 2020 Assessed Value - \$495,550	Year 2022 Assessed Value - \$520,960
Year 2021 Assessed Value - \$517,200	Year 2023 Assessed Value - \$520,960

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 Robert Rodemoyer as Township Engineer, effective May 1, 2023. Mr. Waldinger thanked Burgess and Niple for serving as Township Engineer in the interim.

On recommendation of Mr. Waldinger, it was moved by Mr. Ouellet, seconded by Ms. Clear and carried by unanimous roll call vote to approve a Sidewalk Deferral Agreement for 5308 Old French Road – Jason and Rachel Wettekin, Developer, as there are no existing sidewalks in the area.

On motion by Mr. Ouellet, seconded by Ms. Clear, it was carried by unanimous roll call vote to appoint former Chief Scott Heidt as a Citizen Representative to the Fire and Emergency Medical Services Commission to fill the unexpired term of Randolph Lachowski, which will expire January 15, 2025.

On recommendation of Treasurer Mark Zaksheske, It was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to approve an agreement with ERIEBANK for credit card processing services, which are provided by their contractor Synovus Bank, and subject to any final terms as reviewed by the Solicitor.

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:

Approval for six (6) Detectives to attend a “Commercial Sexual Exploitation of Children” course on May 24, 2023 at the Sheraton Erie Bayfront Hotel.

Approval for two (2) Detectives to attend a “Firearms Trafficking Investigation” course May 4-5, 2023 at the Allegheny County Police Training Academy, at a total cost of \$392.00.

On recommendation of Ms. Clear, it was moved by Mr. Ouellet, seconded by Mr. Bock and carried by unanimous roll call vote to authorize Ms. Clear to attend a legislative and business leader cohort in Harrisburg, sponsored by the Erie Chamber and Growth Partnership on May 4-5, 2023, at a total cost of \$500.00. Ms. Clear stated that this will be an excellent opportunity to advocate for Millcreek Township.

Mr. Bock reported that the Board met in Executive Session with Solicitor Mark Shaw as follows:

April 14, 2023 – to discuss real estate matters relating to parks and recreation Facilities and utilities, and litigation relating to Orphans’ Court petition, a state court lawsuit, and ordinance enforcement matters.

April 20, 2023 - to discuss real estate matters relating to parks and recreation facilities and utility easements, and litigation relating to contract dispute, federal lawsuit, Right-to-Know Appeal, Orphans’ Court petition, and ordinance enforcement matters.

April 27, 2023 - to discuss real estate matters relating to parks and recreation facilities and utility easements, and litigation relating to ordinance enforcement matters, Orphans' Court petition, and Right-to-Know Appeal.

There were no other Solicitor Communications.

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 6:02 p.m.

Sheryl A. Williams
Township Secretary

APPROVED: May 9, 2023

James S. Bock

Daniel P. Ouellet

Kim Clear