

## Regular Meeting

May 9, 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, Captain Christopher Hauber, Ashley Marsteller, Samuel Peterson, 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 27, 2023 Regular Meeting.

On motion by Ms. Clear, seconded by Mr. Ouellet, it was carried by unanimous roll call vote to approve payment of General Fund bills in the amount of \$1,427,096.37, and Sewer Revenue Fund bills totaling \$87,658.95.

On recommendation of Treasurer Mark Zaksheske, it was moved by Mr. Ouellet, seconded by Ms. Clear and carried by unanimous roll call vote to renew the Township's Electricity Contract with Constellation for 18 months at the price of 7.002¢ per kWh.

On recommendation of Mr. Zaksheske, it was moved by Mr. Ouellet, seconded by Ms. Clear and carried by unanimous roll call vote to contract Tri-County Letter/Parcel Presort Service to sort and mail the 2023 Streetlighting Assessment Bills by June 1, 2023 at a cost of \$4,076.50.

Public Works Director Robert Donikowski reported that bids for the 2023 Millcreek Township Milling and Paving Project were opened on April 27, 2023 as follows: Lindy Paving Inc. - \$5,176,023.10, and McCormick Construction - \$5,700,026.80. 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 \$5,176,023.10. The paving map and list of roads to be paved will be available on the Township website tomorrow and will encompass 20 miles or approximately 300,000 square yards of paving.

On recommendation of Captain Christopher Hauber, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to purchase a headset for \$1,382.99 and gas mask adapter for \$99.99 from Uniform Outfitters. Ms. Clear noted that other gas masks were donated to the Township by various vendors and are much appreciated.

On recommendation of Captain Christopher Hauber, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to accept a PCCD Grant Award for a project titled "Millcreek Township Police Department LE Support" in the amount of \$152,161.00, and to approve the purchase of various Motorola body cameras, hardware and software between January 1, 2023 and December 31, 2024, which will be funded by the grant.

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 enter into a Professional Service Agreement with Altair Real Estate Services in the amount of \$42,000.00 for a Parks and Recreation Strategic Plan which is recommended by the Embrace Millcreek Comprehensive Plan.

On motion by Ms. Clear, seconded by Mr. Ouellet, it was carried by unanimous roll call vote to table action on the PennDOT Highway Transfer Program for West 8<sup>th</sup> Street until the next meeting on May 23, 2023 in order to gather more information about the project.

It was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to table action on Resolution 2023-R-18 regarding the PennDOT Highway Transfer Program for West 8<sup>th</sup> Street until the next meeting on May 23, 2023.

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-19; A Resolution to assess the cost of street lighting upon various properties abutting on streets in various subdivisions within the Township of Millcreek. Mr. Zaksheske noted that it is Penelec who sets the billing rates.

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-20; A Resolution of the Township of Millcreek, Erie County Pennsylvania establishing an intermunicipal agreement with the Millcreek Township School District to assist with the enforcement of violations of 75 Pa.C.S.A. § 3345 through the use of an automated stop signal arm enforcement system. Atty. Shaw noted that the stop signal alarm arm cameras have a 360-degree range and owners of the vehicles passing a school bus when the stop signal arm is engaged will be fined up to \$300.00.

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 table action on an Amendment to a Land Development Plan for Square on 26<sup>th</sup> St. LLC – Square on 26<sup>th</sup> St. LLC, Developer, until the May 23, 2023 meeting.

Parks and Recreation Director Ashley Marsteller reported that the Township is not equipped to run an 18-hole golf course and clubhouse from a manpower standpoint, an equipment standpoint and a cost standpoint. She stated that the Township has historically relied on third parties to operate the course since it was acquired, and the current operator's contract will expire in 2025. Ms. Marsteller raised concern that the golf course has consistently cost the Township funds without being a very useful location for parks and recreation programming. She suggested one option would be to sell the golf course but noted that 3 of the 4 parcels on the golf course property have deed restrictions. She requested that the Supervisors consider the option of filing a petition to seek permission to sell the Erie Golf Course with the existing deed restrictions in place.

Solicitor Mark Shaw noted that if the Township would sell the golf course, the sale would be significantly different than when the City of Erie attempted to lift the deed restrictions on the property years ago. He stated that Millcreek would not seek to lift deed restrictions but would simply seek to sell the property as a golf course with the deed restrictions remaining in place, and then explained the legal process to accomplish this. On recommendation of Atty. Shaw, it was moved by Mr. Ouellet, seconded by Ms. Clear, and carried by unanimous roll call vote to authorize Atty. Shaw to present an analysis at the next meeting to evaluate whether there is evidence to support such a petition, and if so, he would seek authorization at the next meeting to file such a petition to sell the Erie Golf Course.

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 agreement for 2319 West 38<sup>th</sup> Street – Westminster Development, LLC, Developer. Mr. Waldinger reported that there are no sidewalks in the area.

It was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to approve a Stormwater Management Maintenance Plan and accept a Stormwater Management Plan for Gexpro, 4810 Pittsburgh Avenue – Westminster Development, LLC, Developer.

On recommendation of Captain Christopher Hauber, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to authorize Cpl. Mays to attend Explosive Breaching training in Gettysburg from June 20-22, 2023, with tuition and lodging reimbursement provided by the NW PA Emergency Response Group, and total travel costs to the Township of \$433.00 with use of a department vehicle.

It was moved by Mr. Bock, seconded by Mr. Ouellet and carried by unanimous roll call vote to authorize Mr. Bock, Mr. Ouellet and Solicitor Mark Shaw to attend the annual ECATO Yearbook Dinner on May 25, 2023 for a total cost of \$90.00.

Communications Coordinator Sam Peterson announced that the Township received two 3<sup>rd</sup> place awards for entries in the PSATS Annual Communication Contest, one for Cable TV programming, and one in the Other Publications category.

Mr. Bock reported that the Board met in Executive Session with Solicitor Mark Shaw on May 4, 2023 to discuss real estate of parks and recreation facilities and utility easements, litigation matters, Orphans' Court petition, ordinance enforcement matters, and a Right-to-Know Appeal.

Millcreek Resident Gerald Servidio reported that many potholes are not being filled, and asked whose responsibility it is to repair road cuts. Mr. Ouellet replied that it is the utility company's responsibility to restore the road to its original condition. Mr. Servidio also expressed concern that the hillside behind his daughter's house is caving in. He relayed that trees were recently cut down in that area and the tree company did not clean up afterward, so the limbs are falling into the creek below. Solicitor Mark Shaw offered to check the easement document to see who is responsible for cleanup.

There being no further business to come before the Board or any Citizens to be Heard, it was moved by Mr. Ouellet and seconded by Ms. Clear to adjourn the meeting at 10:14 a.m.

Sheryl A. Williams  
Township Secretary

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APPROVED: May 23, 2023

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James S. Bock

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Daniel P. Ouellet

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Kim Clear