

Regular Meeting

May 10, 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 (via telephone), Kim Clear, Mark Zaksheske, Matthew Waldinger, Robert Donikowski, Ashley Marsteller, Mark Shaw, Esq. and Sheryl Williams.

Following the Pledge to the Flag, Solicitor Mark Shaw requested that the Agenda be amended to add one (1) item that needed 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. 17, Communications:

Authorization of Solicitor to appeal a decision of the Court of Common Pleas of Erie County regarding a zoning matter involving enforcement of the build-to line.

Mr. Ouellet 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. Bock, it was carried by unanimous roll call vote to approve the minutes from the April 19, 2022 regular meeting and the April 28, 2022 special public 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 \$275,786.54, and Sewer Revenue Fund bills totaling \$715,300.69.

Treasurer Mark Zaksheske presented the 2022 First Quarter Financial Performance report, stating that revenue is slightly behind last year at this time due to real estate tax payments that have yet to be remitted, but that the Township will receive almost \$3 million in American Recovery Act funds in June. He said that most department expenses are on track, with the exception of a few health insurance claims that have been higher than usual. Regarding Sewer Revenue, Mr. Zaksheske stated that operating expenses have been slightly higher, but that revenue has been slighter higher as well. He closed his presentation by announcing that \$10,405,633 of the Capital Budget's \$10,741,573 remains uncommitted, but the 2022 Milling and Paving Project will commence soon.

On recommendation of Public Services Director Judy Zelina and Recycling Coordinator Jessica Stutzman, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to authorize Wilkins Co. to install a security camera system at the Millfair Compost and Recycling Center at a cost of \$11,114.00.

On recommendation of Public Works Director Robert Donikowski, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to authorize South One Supply to replace all of the carpeting on the east side of the second floor of the Township Building under COSTARS contract #535729 for a total cost of \$61,773.00.

Mr. Donikowski reported that quotations were solicited and received for two (2) generators to be used in the Traffic department bucket trucks for power tools while on site: Forest Park Honda - \$6,118.00 delivered, Electric Generators Direct - \$6,118.00 plus S&H, Zoro - \$6,479.98 delivered. 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 for the generators to Forest Park Honda for a total cost of \$6,118.00.

On recommendation Mr. Donikowski, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to purchase three (3) Gridsmart traffic cameras from General Highway Products for the intersections of Peach Street and Interchange Road, Peach Street and Avon Road, and Peach Street and Kuntz Road for a total cost of \$75,225.00. Mr. Donikowski noted that due to the specific nature of the cameras, he was only able to find one supplier to provide a quotation.

On recommendation of Mr. Donikowski, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to authorize Sewer Specialty Services Company to test and seal mainline sewers, and to provide manhole grouting and pipe patch repair sleeves for the 2022 I & I Project under COSTARS contract #016-082, for a total cost of \$425,000.00.

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 twenty-four (24) Model 1975 Manhole castings with lids from LB Water under COSTARS contract #016-026 for a total cost of \$12,052.80.

Mr. Donikowski reported that quotations were solicited and two (2) were received for twenty-nine (29) each 1-1/4" manhole adjustment rings and 2" manhole adjustable rings as follows: Waterford Precast - \$12,499.00, LB Water - \$14,998.80. 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 29 each 1-1/4" and 2" manhole adjustment rings from Waterford Precast for a total cost of \$12,499.00.

Supervisor Clear reported that quotations for fifteen (15) Safariland communications headsets and auxiliary radio equipment were solicited and received by Chief Heidt as follows: Uniform Outfitters LLC - \$19,764.00, Strohmman enterprises - \$23,817.50, and 10-42 Tactical LLC - \$23,617.50. It was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to approve the purchase of 15 headsets and auxiliary radio equipment from Uniform Outfitters LLC for \$19,764.00. Ms. Clear reported that the Township received donations of \$5,000 each from Cafaro Foundation (owners of the Millcreek Mall), Wegmans, LECOM and an anonymous local corporation to cover the cost of the headsets and equipment and thanked them for their generosity.

On recommendation by Solicitor Mark Shaw, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to enact Ordinance 2022-5; An Ordinance of the Township of Millcreek, Erie, County Pennsylvania amending Chapter 8, Animals, Chapter 40, Conduct, Chapter 48, Enforcement and Collection Activities, and Chapter 137 Vehicles and Traffic, of the Millcreek Township Code. Mr. Shaw explained that this ordinance will clarify the scope of duties of the Animal Enforcement Officer including enforcement of parked car violations.

On recommendation by Solicitor Mark Shaw, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to enact Ordinance 2022-6; An Ordinance of the Township of Millcreek, Erie, County Pennsylvania Establishing Snow Emergency Routes on State and Local Roads in Millcreek Township. Mr. Shaw explained that the Township consulted with the Emergency Management Agency, MPD and the local fire departments to identify the emergency snow routes and advised that they should be posted.

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-20; 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 are police DashCam videos which will reach the end of their retention period between May 11 and 24, 2022.

On recommendation of Mr. Shaw, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to adopt Resolution 2022-R-21; A Resolution of the Township of Millcreek, Erie County Pennsylvania establishing an intermunicipal agreement with the School District of the City of Erie for the purposes of outlining the responsibilities, obligations, and interactions between the Township's police department and the School District's Police Department at School Events Occurring in Millcreek Township. Mr. Shaw explained that this will enable Erie School District police to operate within Millcreek Township for special school events, such as a prom.

On recommendation of Treasurer Mark Zaksheske, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to adopt Resolution 2022-R-22; 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 this year's street light bills will be mailed on June 1, 2022.

On recommendation of Mr. Shaw, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to adopt Resolution 2022-R-23; A Resolution of the Township of Millcreek recognizing the expiration of the Township's right to open McClelland Avenue from its present southern terminus. Mr. Shaw explained that this area was originally identified as a possible road, and ultimately the developer deeded the property to the Township with no limitations. One of the neighbors adjacent to this property has requested to purchase the property for the appraised amount of \$6,000, but the parcel needs to be subdivided first before any sale can occur.

Treasurer Mark Zaksheske reported that the County is requesting permission to sell two (2) trailers from the County's Repository for Unsold Properties List, but one of the trailers is currently involved in enforcement action by the Township. On recommendation of Mr. Zaksheske, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to table action on selling the trailer located at 569 Conti Drive, Index #33-016-019.1-258.1, until the Township's Code Enforcement Officer can meet with the County.

On recommendation by Mr. Zaksheske, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to approve the sale of the trailer located at 565 Adiutori Drive, Index no. 33-016-019.0-268.62, for \$250.00.

On recommendation of Public Works Director Robert Donikowski, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to approve a settlement agreement in the amount of \$1500.00 with the PA Fish and Boat Commission for a leak that occurred at the Shorehaven Pump Station between February 23, 2022 and March 1, 2022.

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 Act 13 Agreement with Erie County requesting funds to help replace the Cider Mill Road Bridge. Mr. Waldinger explained that the County will provide 60% of the replacement costs, up to \$250,000 and the project is expected to cost \$800,000. Mr. Waldinger said that the County will reimburse the Township \$250,000 and the agreement will expire on December 31, 2023.

Treasurer Mark Zaksheske reported that he received notice from the Township's actuarial service that both of the Township's pension funds are currently 100% funded.

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 hire Margaret Denial as a part-time Public Works/Public Safety Dispatcher, effective May 13, 2022 at an hourly rate of \$14.00.

Mr. Ouellet noted that the item requesting approval to hire a Project Engineer has been removed from the agenda due to the applicant's withdrawal.

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 hire the following Summer Season employees:

NAME	POSITION	HOURLY RATE	STARTING DATE
CHILDREN'S PROGRAMS			
DAY CAMP			
Olivia Jarmolowicz	Day Camp Counselor	\$13.00	6/10/22
Maggie Hess	Day Camp Counselor	\$13.00	6/10/22
Brady Kramer	Day Camp Counselor	\$13.00	6/10/22
Kamden Kramer	Day Camp Counselor	\$13.00	6/10/22
LIFEGUARDS			
Alexandra Pierce	WSI/Lifeguard	\$14.50	6/10/22
Sarah Meyer	Asst Sup/WSI	\$15.00	6/10/22
Emma McIntrye	Lifeguard	\$12.50	6/10/22
Kristine Vallimont	Lifeguard	\$13.50	6/10/22
Kendall Klapsinos	Lifeguard	\$12.50	6/10/22
Callum Snider-Mills	Lifeguard	\$12.50	6/10/22
MAINTENANCE			
Richard Iacobucci	Seasonal Laborer	\$14.00	6/06/22
Sean Marsden	Seasonal Laborer	\$14.00	5/16/22
Peter Russell	Part-time Laborer (Extended Seasonal Mtc.)	\$17.00	5/23/22
SEASONAL CLERICAL			
Grace Shaw	Seasonal Clerical	\$12.50	5/11/22

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 authorize the transfer of Jeffrey Birkmire from the Fleet Maintenance Department to the Streets Maintenance Department, effective May 11, 2022 with no change in salary.

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 authorize Ms. Lyons to fill a vacancy in the Fleet Maintenance Department.

It was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to authorize two (2) Supervisors to attend the annual ECATO (Erie County Association of Township Officials) Yearbook Dedication Dinner at a cost of \$33.00 per person.

Recycling Coordinator Jessica Stutzman reported that the Township received a PA DEP 902 Grant Award in the amount of \$350,000.00, which will be used toward the purchase of the Beast Grinder, a high lift loader with grapple bucket, 35-gallon totes, paving at the Millcreek Compost

and Recycling Center and recycling education. On recommendation of Ms. Stutzman, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to approve the PA DEP 902 Grant Award in the amount of \$350,000.00.

Mr. Ouellet reported that the Board met with Solicitor Mark Shaw in Executive Session on April 21 and 28, 2022 to discuss legal and personnel matters.

On recommendation of Solicitor Mark Shaw, it was moved by Mr. Bock, seconded by Mr. Ouellet and carried by a 2-1 vote, with Ms. Clear voting no, to authorize Mr. Shaw to file an appeal of the decision of the Court of Common Pleas of Erie County regarding a zoning matter involving enforcement of the build-to line.

Dennis McAndrew, 1547 High Street, expressed concern about safety due to riders of electric bicycles or “ebikes” not obeying speed limits and stop signs. He stated that the bikes are being altered to run faster and should be considered vehicles, not bicycles. Solicitor Mark Shaw responded by saying that electric bicycles do not require a license, but that he would research the matter.

There being no further business to come before the Board or any other Citizens to be Heard, it was moved by Ms. Clear and seconded by Mr. Bock to adjourn the meeting at 10:24 a.m.

Sheryl A. Williams
Township Secretary

APPROVED: May 24, 2022

Daniel P. Ouellet

James S. Bock

Kim Clear