

Regular Meeting

May 23, 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, Ashley Marsteller, Jessica Stutzman 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 May 9, 2023 Regular Meeting.

On motion by Mr. Ouellet, seconded by Ms. Clear, it was carried by unanimous roll call vote to approve payment of General Fund bills in the amount of \$598,664.68, and Sewer Revenue Fund bills totaling \$472,697.26.

Planning and Development Director Matthew Waldinger reported that the BJ's Restaurant and Brewhouse Land Development Plan will not be heard today because it must go to the Zoning Hearing Board of Supervisors first to request a variance, and then the plan may potentially be heard at the next Supervisors' Meeting on June 13, 2023.

A Public Hearing was held on the following Subdivision and Land Development Plans:

SUBDIVISION PLAN #2 FOR ROBERT W. & ELISE E. SESLER. Small Subdivision Plan. A subdivision plan to show the creation of a 0.356-acre, Parcel B, from 4058 W Ridge Road (tax parcel ID 33-044-229.0-38.00) to become an integral part of 4042 W Ridge Rd (tax parcel ID 33-044-229.0-039.00) creating a 0.805-acre lot with a residual lot of 0.236 acres, along the north line of West Ridge Road, west of Colonial Avenue, in Tract 309. Index 406-012 & 406-013

Planning and Development Director Matthew Waldinger reported that at their regular meeting on May 2, 2023, the Planning Commission recommended approval. Robert Sesler, Developer, recognized Paul Nelson's passing and praised him for keeping costs down for families visiting Waldameer Park. He noted Mr. Nelson's continuous reinvesting into Waldameer allowing for many improvements over the years. Mr. Sesler also shared recent statistics on the increase in home prices over the past 3 years, which he feels is moving our society into a "renter nation."

Mr. Sesler reported that Phase 2 of his Subdivision and Land Development Plans will allow for the construction of 2 buildings with 5 apartment units each and stated that he will follow all requirements.

LAND DEVELOPMENT PLAN FOR WEST RIDGE ESTATES - PHASE 2. Land Development Plan. A land development plan to show the construction of two five-unit apartment buildings at 4042 West Ridge Road (tax Parcel ID 33-044-229.0-039.00) with associated stormwater management facilities and off-street parking along the north line of West Ridge Road, west of Colonial Avenue, in Tract 309. Index 406-012 & 406-013

Planning and Development Director Matthew Waldinger reported that at their regular meeting on May 2, 2023, the Planning Commission recommended approval. No one spoke either in favor of or in opposition to the subdivision and land development plans. Solicitor Mark Shaw advised that both plans may be considered in one vote. On recommendation of Mr. Waldinger, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to approve the Subdivision Plan #2 for Robert W. & Elise E. Sesler and the Land Development Plan for West Ridge Estates – Phase 2.

LAND DEVELOPMENT PLAN FOR DOLLAR GENERAL. Land Development Plan. A land development plan to show the construction of a 10,640 square foot retail business establishment (tax Parcel ID 33-080-417.0-003.14) with associated stormwater management facilities and off-street parking along the south line of West 38th Street and the intersection of Atlantic Avenue, in Tract 76. Index 363-009

Planning and Development Director Matthew Waldinger reported that at their regular meeting on May 2, 2023, the Planning Commission recommended approval. Attorney Tim Zieziula spoke on behalf of Westminster Development's plan to build a Dollar General retail establishment in the Lake Erie Plaza on W. 38th Street near Our Lady of Peace Church. He noted that there were no comments at the Planning Commission meeting and no modifications are being requested. No one else spoke either in favor of or in opposition to the land development plan. On recommendation of Mr. Waldinger, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to approve the Land Development Plan for Dollar General.

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 an amendment to a Land Development Plan for Square on 26th St. LLC – Square on 26th St. LLC, Developer, which had been tabled on May 9, 2023 and has now been certified by the Township Engineer. Mr. Waldinger noted that this is the former Hoss's Restaurant, and a 1,181 square foot addition is being requested, which meets the qualifications for a Nonsubstantial Land Development Plan Amendment.

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 Firearms Membership with Gem City Outdoorsman's Club in McKean for the remainder of 2023, all of 2024 and the first quarter of 2025, at a cost of \$2,000.00.

On request of Chief Mook, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to approve the purchase of one Nikon D3500 digital camera and three Monarch M5 binoculars at a total cost of \$1,565.80.

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 proposal from Sammartino, Stout & Lo Presti at a cost of \$1,250.00 to update an appraisal of Lakewood Park for purposes of a grant application.

Quotations were solicited and received by Parks and Recreation Director Ashley Marsteller for eight (8) Pickleball Nets for Zuck and Asbury Parks as follows: Pickleball Central - C&D Championship Net - \$26,392.00, Pickleball Central – Douglas Premier PPS 22 SQ - \$18,392.00, and Spartan Athletics Co. – Pro Portable Pickleball Net - \$13,567.65. On recommendation of Ms. Marsteller, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to purchase the pickleball nets from Spartan Athletics Co. for \$13,567.65.

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 approve the purchase of a new Cat 262D3 Skid Steer for the Building Maintenance Department at a total cost of \$45,850.00, after trade-in of the current Bobcat machine valued at \$17,000, under COSTARS Contract #4400029950.

Solicitor Mark Shaw reported that the Fireworks Ordinance has been drafted and will be reviewed with the Code Enforcement and Police Departments before being presented to the Supervisors for consideration. Mr. Shaw noted that the proposed fireworks ordinance would restrict the use of consumer fireworks between 10 p.m. and 10 a.m. except: July 2, 3, 4 and Dec. 31 when they may be used until 1 am. If July 4 falls on a Tuesday, Wednesday or Thursday, they could be used until 1 a.m. on the day immediately preceding and following Friday and Saturday. The ordinance would also provide for penalties for violation of the Act or a municipality's restrictions.

Mr. Shaw also reported there is continued work on the SALDO. Input is being sought from the new Township Engineer and a public review process will follow in the coming weeks.

Originally tabled at the May 9, 2023 meeting, Planning and Development Director Matthew Waldinger reported that PennDOT had proposed that the Township take back ownership of W. Eighth Street between Pittsburgh Avenue and Peninsula Drive and would reimburse the Township \$5.4 million. He stated that the Township has received \$3.4 million in RACP funds for making improvements in this area, which would be more costly if the road remained under PennDOT's ownership. Improvements which will be made are a new storm sewer system, new curbing and ADA accessible ramps, and a new roadway surface. Mr. Waldinger explained that both the approval of the scope of work and authorization to sign the agreement and accompanying resolution to accept the transfer of the roadway are needed.

Ms. Clear clarified that PennDOT has calculated estimated engineering and construction costs to improve the roadway by using projected costs for 2025, and has assured Mr. Waldinger that they would cover any additional costs, if any. On recommendation by Mr. Waldinger, It was moved by Ms. Clear, seconded by Mr. Ouellet and carried 2-1, with Mr. Bock voting no, to approve the scope of work for the PennDOT Highway Transfer Program – West 8th Street, and to approve Resolution 2023-R-18: A Resolution of Millcreek Township, Erie County, Pennsylvania to Accept the Transfer of West 8th Street between Pittsburgh Avenue and Peninsula Drive to Millcreek Township ownership and control, and to authorize the signing of both documents. Mr. Bock opined that the long-term maintenance of this program raises concerns, and thus he voted no.

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-21; A Resolution of the Township of Millcreek, Erie County, Pennsylvania Acknowledging No Intention to Extend Four Seasons Trail and Releasing Restriction in Note 2 of the Shady Knoll Subdivision No. 2 with respect to Lot 13 of Subdivision. Atty. Shaw explained that this will allow the Land Bank to transfer Lot 13 back to the subdivision with the assurance that the trail will not be extended.

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-22; A Resolution amending the Style Guide for Millcreek Township Graphic Standards Style Guide. Communications Coordinator Sam Peterson noted that the police now have their new uniform patches, but they are still working on the Fire Department patch design.

Solicitor Mark Shaw reported that an analysis of the operations of the Erie Golf Course was performed and it was concluded that there is sufficient evidence to present a Petition to the

Orphans' Court of the Erie County Court of Common Pleas seeking permission to sell the golf course, if the Supervisors wish to do so. Atty. Shaw listed many reasons for selling the course, namely the lack of expertise to operate the course, significant operating losses and possible capital expenses in excess of \$1,250,000 in the next ten years, the lack of equipment necessary to operate and maintain the golf course and having to rely on third-party vendors to run the course. On motion by Mr. Ouellet, seconded by Ms. Clear, it was carried by unanimous roll call vote to adopt Resolution 2023-R-23; A Resolution to Finding that the Continued Use of the Erie Golf Course as a Public Facility is no Longer Practicable or Possible and Has Ceased to Serve the Public Interest, and Authorizing Filing of Petition.

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-24; A Resolution to Approve Additional Partial Funding to the Millcreek Township General Authority for 2023. Atty. Shaw noted that \$500,000 is needed for the Manor Motel closing in June.

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 adopt Resolution 2023-R-25; A Resolution to accept as a Public Street of the Township of Millcreek MYSTIC RIDGE - From west line of Whispering Woods Estates Subdivision No. 7A to the east line of Whispering Woods Estates Subdivision No. 7B. Mr. Waldinger noted that Renaud-Peck Real Estate, LLC, Developer, is ready to turn over the final section of the development to the Township.

Solicitor Mark Shaw explained that the following resolution would authorize the submission of an application for a grant for the maximum amount of \$250,000 to be used for the acquisition of Lakewood Park from the Millcreek Township School District for \$340,000. He stated that when the Township adopted its Official Map, Lakewood Park was identified to be used as a park. He noted that although there has never been a lease, the Township has been using and maintaining it as a park for several decades and has made many improvements over the years. When the Township expressed interest in having the park transferred to its ownership, the school district stated they wanted to sell the park. The purchase price of \$340,000 reflects the midpoint between the two entity's appraisals. Mr. Bock stated there have been references (not by the Township) that the park could possibly be developed, but he assured the public that the Township is committed to keeping it as Lakewood Park. Parks and Recreation Director Ashley Marsteller emphasized that it is a treasured and beloved park, that the Township wants to conserve and protect its parks, and that this resolution will preserve Lakewood Park as a park. Ms. Clear echoed Mr. Bock's comments and reiterated that the sale is contingent upon receiving the grant. Ms. Marsteller noted that over the years, various grant funding has been used to improve Lakewood Park, from playground equipment, new sidewalks, ramps and tree replacement. Mr. Bock added that this neighborhood is also on the list to be paved this year.

On recommendation of Atty. Shaw, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to adopt Resolution 2023-R-26; A Resolution of the Township of Millcreek, Erie County, Pennsylvania, Authorizing the Submission of An Application for a Greenways, Trails and Recreation Program Grant, Designating Officials to Execute Grant Documents and Agreements, and Authorizing Purchase of Lakewood Park, with the purchase of the park contingent upon receiving the grant, and to authorize the Chairman to execute the purchase agreement upon completion of negotiation of the terms of the purchase agreement as recommended by the Solicitor.

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 approve a Memorandum of Agreement with AFSCME Local #3530 authorizing summer overtime of up to 8 hours/week for Streets Department employees from June 1, 2023 through August 31, 2023.

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 4042 and 4058 West Ridge Road – Robert W. and Elise E. Sesler, Developer, as there are currently no sidewalks in the area.

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 1665 Biebel Avenue – Michael Sutton, Developer, as there are currently no sidewalks in the area.

On recommendation of Treasurer Mark Zaksheske, it was moved by Mr. Ouellet, seconded by Ms. Clear, and carried by unanimous roll call vote to authorize Mr. Zaksheske to open a new bank account at ERIEBANK to replace the former PNC Dental and Vision account.

On recommendation of Treasurer Mark Zaksheske, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to request that BAI amend the Police Short Term Disability Plan to raise the maximum weekly benefit to \$5,000 in order to be in compliance with the current Collective Bargaining Agreement.

Mr. Zaksheske reported that the PA Auditor General's office will be auditing the Township's Liquid Fuels funds records on Thursday.

On recommendation of Public Works Director Robert Donikowski, it was moved by Ms. Clear, seconded by Mr. Ouellet, and carried by unanimous roll call vote to hire Jon Jares as a Streets Department Maintenance Laborer at \$20.56/hour, effective May 30, 2023.

On recommendation of Community Relations and Sustainability Director Jessica Stutzman, it was moved by Mr. Ouellet, seconded by Ms. Clear and carried by unanimous roll call vote to promote Norm Lorei to On-Site Supervisor at the Millfair Compost Center at \$19.00/hour, effective May 30, 2023.

On recommendation of Parks and Recreation Director Ashley Marsteller, it was moved by Mr. Ouellet, seconded by Ms. Clear and carried by unanimous roll call vote to hire Zachary Johnson as a Parks and Recreation Laborer at \$20.56/hour, effective May 24, 2023.

On recommendation of Parks and Recreation Director Ashley Marsteller, it was moved by Mr. Ouellet, seconded by Ms. Clear and carried by unanimous roll call vote to hire the following Summer Season Employees:

NAME	POSITION	HOURLY RATE	START DATE
ADULT FITNESS			
Christa Haggerty	Supervisor Adult Dance	\$15.00	6/9/2023
Charlotte Haggerty	Supervisor Adult Dance	\$15.00	6/9/2023
Dave Wayman	Tai Chi/Qi Gong	\$15.00	6/9/2023
Kathy Wayman	Tai Chi/Qi Gong	\$15.00	6/9/2023
Amy Easley	Supervisor Tai Chi (sub)	\$15.00	6/9/2023
Shannon Eggleston	Supervisor Piloslide	\$15.00	6/9/2023
Nylene Baney	Supervisor Body Sculpt	\$15.00	6/9/2023
Kathy Smith	Supervisor Yoga	\$15.00	6/9/2023
Jeanne Espey	Supervisor Yoga	\$15.00	6/9/2023
Elena Arnold	Supervisor Pickleball	\$15.00	6/9/2023
Andre Francis	Supervisor Pickleball	\$15.00	6/9/2023
Tammy Crawford	Water Aerobics	\$13.50	6/9/2023
Kathleen Magoon	Water Aerobics	\$13.50	6/9/2023
William Kuntz	Supervisor Yoga	\$15.00	6/9/2023

NAME	POSITION	HOURLY RATE	START DATE
YOUTH DANCE			
Christa Haggerty	Supervisor Youth Dance	\$15.00	6/9/2023
Maria Finazzo	Youth Dance (Sub)	\$12.50	6/9/2023
LIFEGUARDS			
Anthony Cuzzola	Lifeguard	\$13.50	6/9/2023
Kyan Snider-Mills	WSI	\$14.50	6/9/2023
Eve Wareham	Pool Supervisor	\$16.00	6/9/2023
Samantha McIntyre	WSI	\$14.50	6/9/2023
Emily Kehl	Asst Pool Supervisor	\$15.00	6/9/2023
Jadyn Danylko	WSI	\$14.50	6/9/2023
Jillian Heinrich	Lifeguard	\$13.50	6/9/2023
Clara Gibson	WSI	\$14.50	6/9/2023
Kara Hoffman	WSI	\$14.50	6/9/2023
Chelsea Spiegel	WSI	\$14.50	6/9/2023
Erin Bright	Lifeguard	\$13.50	6/9/2023
Kendall Klapsinos	WSI	\$14.50	6/9/2023
Claire Gebhardt	WSI	\$14.50	6/9/2023
Emma McIntyre	WSI	\$14.50	6/9/2023
Callum Snider-Mills	Lifeguard	\$13.50	6/9/2023
Alexandra Pierce	Pool Supervisor	\$16.00	6/9/2023
Sarah Meyer	Ast. Pool Supervisor	\$15.00	6/9/2023
Brianne Ryan	Lifeguard	\$12.50	6/9/2023
Alexis Ferrare	Lifeguard	\$12.50	6/9/2023
Quinlan Cullen	Lifeguard	\$12.50	6/9/2023
Karen Link	Aquatics Safety Sup. (sub)	\$18.00	6/9/2023
Mike Kujawinski	Aquatics Safety Sup.	\$18.00	6/9/2023
CONCESSIONS			
Quentin Cuzzola	Attendant	\$10.50	6/9/2023
Jennine Thomas	Attendant	\$10.50	6/9/2023
Joshua Blöse	Attendant	\$10.50	6/9/2023
John Fleming	Attendant	\$10.50	7/5/2023
TENNIS			
Aaron Heinlein	Tennis Supervisor	\$13.50	6/9/2023
Angela Chardeen	Tennis Instructor	\$12.50	6/9/2023
Emma Heinlein	Tennis Instructor	\$12.50	6/9/2023
Brooke Lowry	Tennis Instructor	\$12.50	6/9/2023
DAY CAMP			
Braeden Martin	Counselor	\$13.00	6/9/2023
Nico Catalde	Counselor	\$13.00	6/9/2023
Maria Finazzo	Day Camp Sup.	\$15.00	6/9/2023
Anastasia Fleming	Counselor	\$13.00	6/9/2023
Olivia Jarmolowicz	Counselor	\$13.00	6/9/2023
Braya Kramer	Counselor	\$13.00	6/9/2023
Maggie Hess	Counselor	\$13.00	6/9/2023
Brady Kramer	Counselor	\$13.00	6/9/2023
Kamden Kramer	Counselor	\$13.00	6/9/2023
Joseph Maggio	Counselor	\$13.00	6/9/2023
DAY CAMP			
Rachel Maggio	Counselor	\$13.00	6/9/2023
Katelyn Stravinsky	Counselor	\$13.00	6/9/2023
Audrey Zimmerman	Counselor	\$13.00	6/9/2023
PARK MAINTENANCE			
Niko Fiorenzo	Seasonal Laborer	\$14.00	5/15/2023
Kyle Karnes	Seasonal Laborer	\$14.00	5/15/2023
Patrick Montgomery	Seasonal Laborer	\$14.00	5/24/2023
Benjamin Moore	Seasonal Laborer	\$14.00	6/12/2023
Richard Iacobucci	Seasonal Laborer	\$14.00	5/15/2023
Tyler Phillips	Seasonal Laborer	\$14.00	5/24/2023

NAME	POSITION	HOURLY RATE	START DATE
BARN SUPERVISOR			
Evelyn Bossar		\$ 11.50	6/9/2023
Charles Elliott		\$ 11.50	6/9/2023
Susan Shickler		\$ 11.50	6/9/2023
Lauren Ertsgaard		\$ 11.50	6/9/2023
VOLUNTEERS			
Carl Werner	Tai Chi/Qi Gong		6/9/2023
Mary Desmone	Tai Chi		6/9/2023
Carol Stitzinger	Tai Chi		6/9/2023
Lenore Zausen	Tai Chi/Qi Gong		6/9/2023
Lisa Schwab	Youth Art		6/9/2023

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 hire the following:

Samuel Yurkewicz, Seasonal Sewer Maintenance \$14.00/hr. retroactive to 5/22/2023
 Jacob Skolnik, Seasonal Building Maintenance \$14.00/hr. retroactive to 5/22/2023

On recommendation of Mr. Donikowski, it was moved by Mr. Ouellet, seconded by Ms. Clear and carried by unanimous roll call vote to authorize three (3) Streets Department employees to attend a Vactor 2100 training class in Harrisburg on May 23, 2023 at a total cost of \$891.19, with travel by department vehicle.

On recommendation of Chief Mook, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to authorize three (3) Peer Support Officers to attend Critical Incident Stress Management (CISM) Training in Erie from August 16-18, 2023, at no cost to the Township.

Mr. Bock reported that the Board met in Executive Session with Solicitor Mark Shaw on May 11, 2023 to discuss real estate matters relating to parks and recreation facilities, a utility easement, the 8th Street turn back and multipurpose trails, and to discuss litigation matters relating to Right-to-Know appeals and an Orphans' Court petition. Mr. Bock reported that the Board met with Solicitor Mark Shaw on May 17, 2023 to discuss real estate matters relating to parks and recs facilities, a utility easement, personnel matters, and to discuss litigation matters relating to Right-to-Know appeals, an Orphans' Court petition and Bluff Recession.

Kirk Daniels, Millcreek Resident, stated that he has spent the past eleven years trying to deal with excessive water pooling at the end of his driveway which is coming from the old Tracy School property across the street. He brought pictures to show the Board and relayed that he must bring his children through the water and down the middle of the road to get to the bus stop. His daughter stated that she feels unsafe and asked the Board to please install proper drainage pipes. Mr. Bock suggested that they meet with the new Township Engineer after he starts on June 1st to discuss possible options.

There being no further business to come before the Board or any other Citizens to be Heard, it was moved by Mr. Ouellet and seconded by Ms. Clear to adjourn the meeting at 6:15 p.m.

Sheryl A. Williams
 Township Secretary

APPROVED: June 13, 2023

James S. Bock

Daniel P. Ouellet

Kim Clear