

## Regular Meeting

June 13, 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, Robert Rodemoyer, P.E., Chief Carter Mook, Ashley Marsteller, Jessica Stutzman, Samuel Peterson, Mark Shaw, Esq., and Sheryl Williams.

Following the Pledge to the Flag, 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 promotions:

Corporal Keller to Sergeant in Patrol  
Patrolman Sorokes to Corporal in Patrol  
Corporal Mays to Sergeant in Investigative Services Division (ISD)  
Detectives Henderson, Bolash, Schupp and Green to Corporal in ISD

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 23, 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 \$1,354,698.19, and Sewer Revenue Fund bills totaling \$87,899.11.

A Public Hearing was held on the following Land Development Plan:

**BJ'S RESTAURANT AND BREWHOUSE. Land Development Plan. A land development plan to show the construction of a 7,662 square foot eating and drinking establishment located at the Millcreek Mall (tax parcel ID 33-167-667.0-046.03) with associated stormwater management facilities and off-street parking along the west line of Peach Street, south of Kuntz Road, in Tract 347. Index 750-020.**

Planning and Development Director Matthew Waldinger reported that at their regular meeting on May 2, 2023, the Planning Commission recommended approval with the following Condition – Provide the 7% requirement for green space within the parking lot. The Planning Commission also asked if the Supervisors would consider sidewalks along Peach Street for the Millcreek Mall property. Mr. Waldinger stated that the developer has met the condition with more than 7% of green space. He explained that the lease line for this parcel does not extend all the way to Peach Street, so this development would not be required to install sidewalks. He noted that because there is a bridge immediately to the north of the parcel, there is no way for sidewalks to continue there along Peach Street. He relayed that the Planning Commission would like the Board of Supervisors to discuss the possibility of installing sidewalks there if the bridge ever needs repair or replacement. Mr. Bock asked if there are sidewalks along the south side of the entrance, to which Mr. Waldinger replied no.

Michael Takacs, Bohler Engineering, speaking on behalf of this petition, distributed a packet of information and drawings to the Board of Supervisors. He stated that

this plan is a redevelopment of the former Sear’s Automotive store. The developer plans to remove the remaining asphalt and foundation and build a restaurant. They will redo the parking configuration, keep the current trees and add new landscaping, which will decrease overall impervious area. He explained that the developer will install a significant underground water detention system to meet all stormwater requirements and stated that there will be one shared access point with Sonic. Mr. Bock noted that this is a change from the current entrance, to which Mr. Takacs agreed. Mr. Takacs then referred to the drawings, emphasizing that significant landscaping is planned and that the building will have high quality architecture on all four sides. Mr. Bock asked what the timetable is for opening the restaurant, to which BJ’s Restaurant representative Joan Leguay replied that construction will begin soon and is estimated to take about 6 months to complete. Mr. Waldinger noted that this hearing was postponed from the May meeting so that BJ’s could be granted variances by the Zoning Hearing Board of Supervisors for additional parking and changes in landscaping.

On recommendation of Mr. Waldinger, it was moved by Mr. Ouellet, seconded by Ms. Clear and carried by unanimous roll call vote to approve the BJ’S RESTAURANT AND BREWHOUSE Land Development Plan.

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 award the following contracts per the EACOG Joint Purchasing program:

**2023 EACOG JOINT PURCHASING**  
*Approximate Quantities*

**Aggregates**

**100 Ton Type C #57 Stone:** Girts Sand & Gravel - \$23.70/t Delivered - \$2,370.00  
**100 Ton 2A Stone:** Girts Sand & Gravel - \$19.58/t Delivered - \$1,958.00  
**\$4,328.00**

**Catch Basins w/frame & Bike Grate: (Delivery Included)**

**10 each - 2’x2’x2’** Waterford Precast - \$700.00 ea. - \$ 7,000.00  
**10 each - 2’x2’x3’** Waterford Precast - \$940.00 ea. - \$ 9,400.00  
**\$16,400.00**

**Risers: (Delivery Included)**

**10 each - 2’x3’x3’’** Waterford Precast - \$150.00 ea. - \$1,500.00  
**10 each - 2’x3’x6’’** Waterford Precast - \$160.00 ea. - \$1,600.00  
**10 each - 2’x3’x12’’** Waterford Precast - \$185.00 ea. - \$1,850.00  
**10 each - 2’x2’x3’’** Waterford Precast - \$140.00 ea. - \$1,400.00  
**10 each - 2’x2’x6’’** Waterford Precast - \$150.00 ea. - \$1,500.00  
**10 each - 2’x2’x12’’** Waterford Precast - \$160.00 ea. - \$1,600.00  
**\$9,450.00**

**Integral Drainage Pipe: (Delivery Included)**

<b>200 LF - 12”</b>	Green Distributors - \$8.53 LF - \$1,706.00
<b>200 LF - 15”</b>	Green Distributors - \$11.99 LF - \$2,398.00
<b>200 LF - 18”</b>	Green Distributors - \$15.46 LF - <u>\$3,092.00</u>
	<b>\$7,196.00</b>

**GRAND TOTAL \$37,374.00**

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 Letter of Engagement for Appraisal Services by Sammartino, Stout & Lo Presti at a cost of \$3,250.00 to appraise a small parcel on Old Glenwood Park Avenue. Mr. Waldinger explained that the Township needs to expand the road right of way for a turnaround and must purchase the parcel in order to do so.

Quotations were solicited and received by Public Works Director Robert Donikowski for spray foam insulation for the Garage #1 air compressor room, as follows: Green Insulation Services LLC - \$1,800.00, Bauer Specialty - \$2,383.00, and Erie Spray Foam – no quote. On recommendation by Mr. Donikowski, it was moved by Mr. Ouellet, seconded by Ms. Clear and carried by unanimous roll call vote to award the contract to Green Insulation Services LLC for \$1,800.00.

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 two new IT Pipes software systems for the old and new Sewer Department camera trucks at a total cost of \$25,500.00 plus \$10,500.00 annual subscription fee per truck.

Solicitor Mark Shaw pointed out the highlights of the proposed fireworks ordinance. Ms. Clear expressed concern regarding the allowance of fireworks to be used on certain days until 1:00 a.m. and opined that the distance allowance from structures did not seem sufficient. It was moved by Ms. Clear to table action on Ordinance 2023-5 until the next meeting to allow for more discussion. The motion died for a lack of a second. Lydia Caparosa, Esq. from the Solicitor’s office, explained that the language of the proposed ordinance matches that of the state statute, and the language of the statute does not permit the Township to regulate the time limitation for fireworks set off on specific days of the year that are identified in the statute and the ordinance (4th of July, Labor Day, Memorial Day, and New Year’s Eve). Atty. Caparosa said that the Township will be putting a map on the website to further clarify the fireworks ordinance.

On recommendation of Atty. Shaw, it was moved by Mr. Ouellet, seconded by Mr. Bock and carried 2-1, with Ms. Clear voting no, to enact Ordinance 2023-5; An Ordinance adding Chapter 40, Article IX to the Millcreek Township Code to regulate the Use and Sale of Consumer Fireworks and Display Fireworks within the Township.

Atty. Shaw reported that review of the proposed new SALDO ordinance continues, and it will be given to the Township Engineer to finalize, followed by public review.

Solicitor Mark Shaw reported that \$900,000 is needed for the closing of the Sandbar purchase and noted that closing funds for the Manor Motel were approved at the May 23, 2023 meeting. On recommendation of Atty. Shaw, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried 2-1, with Mr. Bock voting no, to adopt Resolution 2023-R-27; A Resolution to Approve Additional Partial Funding to the Millcreek Township General Authority for 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 Penelec easement for Wander Park, and to authorize the Chair to sign the agreement. Mr. Waldinger explained that in return for approving the easement, Penelec will pay the Township \$3,000.00.

Atty. Shaw reported that Millcreek Police Department would like to use the former Bel-Aire Hotel for training exercises. On recommendation of Atty. Shaw, it was moved by Mr. Ouellet, seconded by Ms. Clear and carried by unanimous roll call vote to approve a Law Enforcement Training Access Agreement with Millcreek Township General Authority, and will cover any insurance issues that may arise.

Atty. Shaw reported that Township needs access to the location of water lines and facilities for future engineering projects. Because this information is usually confidential, it is necessary to enter into an agreement with Erie Water Works to access the needed information. 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 the Erie Water Works (EWW) Geographic Information System (GIS) Database Release Agreement.

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 approve a reduction in security from \$149,370.10 to \$110,827.38 for Erie Bank Letter of Credit #1640, Whispering Woods Subdivision Phase 7C – Renaud-Peck Real Estate, LLC, Developer. Mr. Waldinger explained that all requirements have been met, and that the pavement was inspected and approved at the May 23, 2023 meeting.

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 request for 5029 Conrad Road – Karen Heubel, Developer, as there are no sidewalks in the area.

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 Stormwater Management Maintenance Agreement and to accept the Stormwater Management Plan for Dollar General, West 38<sup>th</sup> Street – Westminster Development, LLC, Developer.

Treasurer Mark Zaksheske reported that the Township's current insurance carrier, Hartford, is seeking a 26% increase on Life, AD&D and Long-Term Disability Insurance. On recommendation of Mr. Zaksheske, it was moved by Mr. Ouellet, seconded by Ms. Clear and carried by unanimous roll call vote to change carriers for Life, AD&D and Long-Term Disability Insurance to Mutual of Omaha for an estimated cost of \$82,600 annually, guaranteed for 2 years.

Planning and Development Director Matthew Waldinger announced that Chief Code Enforcement Officer Krista Arnold has resigned to become Director of Operations for the Erie County Land Bank and wished her well. He explained that Ms. Arnold has agreed to attend code violation hearings with the District Magistrate, when necessary, for her open cases. On recommendation of Mr. Waldinger, it was moved by Mr. Ouellet, seconded by Ms. Clear and carried by unanimous roll call vote to approve an agreement with Ms. Arnold to compensate her at her current hourly rate of \$27.07 on an as-needed basis.

On recommendation of Human Resources Manager Diane Lyons and Mr. Waldinger, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to promote

Shalan Anderson to Chief Code Enforcement Officer, effective June 13, 2023, at an annual salary of \$56,302.69, with \$2,080 each for IRQCC and EMC duties that she also performs.

On recommendation of Chief Carter Mook, it was moved by Mr. Ouellet, seconded by Ms. Clear and carried by unanimous roll call vote to authorize the transfer of Dispatcher Randy Houle to Evidence/Property Custodian, a lateral move with no change in salary.

On recommendation of Human Resources Manager Diane Lyons and Mr. Waldinger, it was moved by Mr. Ouellet, seconded by Ms. Clear and carried by unanimous roll call vote to hire Chad McConnell as Project Engineer, effective June 19, 2023 at an annual salary of \$67,500 and an additional \$2,500 upon successful completion of his Professional Engineer Certification.

On recommendation of CRS Director Jessica Stutzman, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to hire John Burger as a Heavy Equipment Operation at the Millfair Compost and Recycling Center, effective June 12, 2023 at an hourly rate of \$18.00. Ms. Stutzman noted that Mr. Burger has worked on the Fairview side for four years, is very skilled and has his CDL license.

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 hire the following lifeguards for the summer season, effective June 17, 2023 at an hourly rate of \$12.50, and to adjust the rates of four returning employees, as follows:

<b>NAME</b>	<b>POSITION</b>	<b>HOURLY RATE</b>	<b>START DATE</b>
<b>Lifeguards</b>			
Camden Pierce	Lifeguard	\$12.50	6/17/2023
Alex Fickenworth	Lifeguard	\$12.50	6/17/2023
Grace McCormick	Lifeguard	\$12.50	6/17/2023
Alexander Sebulak	Lifeguard	\$12.50	6/17/2023
Allyson Smialowski	Lifeguard	\$12.50	6/17/2023
<b>Rate Changes:</b>			
Emily Kehl	WSI	\$14.50	
Claire Gebhart	Asst. Pool Supv.	\$15.00	
Nico Catalde	Asst. Day Camp Supv.	\$14.00	
Braeden Martin	Asst. Day Camp Supv.	\$14.00	

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 MPD Crisis Negotiator Team (CNT) to attend training with Erie Police Department on June 16, 2023 at EPD 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 a utility easement and parks and recreation facilities, litigation matters relating to Right-to-Know appeals, Orphans' Court petition and Zoning Hearing Board appeals, and personnel matters. He reported that the Board met with Solicitor Mark Shaw on June 8, 2023 to discuss real estate matters relating to parks and recs facilities, a utility easement, and a right-of-way expansion, and to discuss litigation matters relating to Right-to-Know appeals, Orphans' Court petition, Zoning Hearing Board of Supervisors appeals, and personnel matters.

David Conde, Millcreek Resident, stated that he and his neighbors have had an ongoing 13-year issue with a storm "ditch" next to his property and across the street. He presented photos to the Board of the water both during the flooding and after the rain had stopped, and the water still remained in the ditch. Mr. Conde pointed out erosion where the water has carved out a stream

and noted that cars drive into the ditch in both winter and summer and it is causing a road hazard. He suggested tubing it as a possible solution.

Gerald Servidio, Millcreek Resident, thanked the Board for having the cuts in the road fixed in his neighborhood, and then asked if the former Grasshopper building is really a historical building. Mr. Bock replied that it is being researched and definitely has a historical component. Ms. Clear said there is no definite evidence, but she is in contact with Erie historical organizations. Mr. Servidio expressed concern about EMS funding and if taxpayers will be charged two fees. Mr. Ouellet replied that it is too early to surmise what will happen, but that this is a county issue. Mr. Servidio stated that Harborcreek has the lowest millage and they do not ask taxpayers to contribute, to which Ms. Clear responded that the Township is still in the research phase of this issue.

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. Ouellet to adjourn the meeting at 10:41 a.m.

Sheryl A. Williams  
Township Secretary

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APPROVED: June 27, 2023

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James S. Bock

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Daniel P. Ouellet

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Kim Clear