

## Regular Meeting

June 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, Robert Donikowski, Matthew Waldinger, Jessica Stutzman, Samuel Peterson, Lydia Caparosa, Esq. and Sheryl Williams. Mark Zaksheske, Robert Rodemoyer, P.E., Ashley Marsteller, Chief Carter Mook, and Mark Shaw, Esq. were absent.

Following the Pledge to the Flag, on recommendation of Lydia Caparosa, Esq., It was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to amend the Agenda, per Section 712.1(e) of the Pennsylvania Right-to-Know Law, to add the following item under No. 9. Bids and Quotations as follows:

### Amendment to Agreement with Uniform Outfitters – Millcreek Fire Department Uniforms

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 June 13, 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 \$249,295.44.

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

**SUBDIVISION PLAN FOR THE DIETZ & MARTIN PROPERTY. Small Subdivision Plan. A subdivision plan to show the creation of a 2.464-acre parcel, Parcel "C", from tax parcel ID (33) 151-641-1, creating a 24.781-acre residual lot, along the east line of Henderson Road, south of the railroad tracks, in Tract 338. Index 913-086**

Planning and Development Director Matthew Waldinger reported that at their regular meeting on June 6, 2023, the Planning Commission recommended approval with two modifications: Request for depth to width ratio for Parcel C (4.21:1, 3:1 is the maximum ratio); Request for frontage for Parcel C (is 61.59', minimum frontage is 100'). Mike Sanford, 4621 Atlantic Ave., the surveyor who created the plan, spoke on behalf of the petition stating that this is a simple subdivision with modifications. There were no further questions or comments. 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 SMALL SUBDIVISION PLAN FOR THE DIETZ & MARTIN PROPERTY.

**SUBDIVISION PLAN FOR ROBERTSON ENTERPRISES. Small Subdivision Plan. A subdivision plan to show the creation of a 0.775-acre parcel, Lot A, from tax parcel (33) 35-171-17, with a residual lot of 0.437 acres. This 0.437-acre parcel is to become an integral part of 1224 Idaho Avenue (tax parcel (33) 35-171-22) creating a 0.608-acre lot, along the south line of West 12<sup>th</sup> Street, west of Idaho Avenue, in Tract 13. Indices 247-003 and 247-006**

Planning and Development Director Matthew Waldinger reported that at their regular meeting on June 6, 2023, the Planning Commission recommended

approval with the Requirement that the 0.437-acre parcel from tax parcel (33) 35-171-17 become an integral part of 1224 Idaho Avenue (tax parcel (33) 35-171-22). Mike Sanford, 4621 Atlantic Ave., the surveyor who created the plan, spoke on behalf of the petition, stating that this is a simple request for a rear lot addition. There were no further questions or comments, and Mr. Sanford is aware of the requirement. 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 SMALL SUBDIVISION PLAN FOR ROBERTSON ENTERPRISES.

**LAND DEVELOPMENT PLAN FOR DICK'S HOUSE OF SPORT. Land Development Plan. A land development plan to show the construction of a 20,655 square foot outdoor track and field facility located at the south portion of the Millcreek Mall (tax parcel ID 33-167-667.0-046.05), 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 June 6, 2023, the Planning Commission recommended approval with two requirements: Provide the square footage of the existing building on the Mylar; Provide the location and/or distance to the nearest fire hydrant on the Mylar. Michael Takacs of Bohler Engineering, representing the developer, spoke on behalf of the petition and noted that Brian Thomas of Dick's and Justin Summerville from the Cafaro Corporation of the Millcreek Mall were in attendance. Mr. Takacs stated that the developer plans to renovate the existing Bon Ton store and construct a 20,655 square foot outdoor turf field near A.C. Moore with a running track around the perimeter. He explained that this facility will be a scaled down version of a facility in Rochester, NY. Mr. Takacs provided drawings of the proposed facility to the Board showing the location of the outdoor field with landscaping around the outside edges, proposed sidewalk and lighting. Mr. Takacs explained that there are also plans for an outdoor skating rink on the field during the winter months and noted that access to the field will be through the store only. He explained that a variety of activities will be scheduled and hosted at this facility, and that these types of events have been well received at other Dick's facilities throughout the United States. Mr. Takacs affirmed that two fire hydrants will be shown on the Mylar. He reported that the total square footage of Dick's will encompass 119,814 square feet, although there are no plans to utilize the second floor of the building at this time. He added that they will be attending the Zoning Hearing Board meeting Wednesday evening to request a variance for the height of the fence. There were no further questions or comments. 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 LAND DEVELOPMENT PLAN FOR DICK'S HOUSE OF SPORTS.

A Public Hearing was held on a Request for Planning Waiver & Non-building Declaration:

**THE DIETZ & MARTIN PROPERTY. Planning Waiver & Non-Building Declaration. The applicant is requesting a planning waiver and non-building declaration for their subdivision plan on the east line of Henderson Road, south of the railroad tracks. Index 913-086**

Planning and Development Director Matthew Waldinger reported that at their regular meeting on June 6, 2023, the Planning Commission recommended approval. He noted that the property is not approved as a septic site; therefore, the site is not buildable until approved for septic. There were no questions or

comments. 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 DIETZ & MARTIN PROPERTY PLANNING WAIVER & NON-BUILDING DECLARATION.

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 Nonsubstantial Amendment of West Ridge Estates Land Development Plan, 4102 West Ridge Road – West Ridge Estates Realty, LLC, Developer, which meets the definition and requirements of Section 125-48 of the Code of the Township of Millcreek.

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 three-year contract for Gasoline and Diesel Fuel to Melzer’s Fuel Service, the sole bidder, per the EACOG Joint Purchasing program. Mr. Donikowski noted that the price is based on the average daily price per gallon at the Warren Refinery, plus delivery charge.

**2023 EACOG JOINT PURCHASING**

*Approximate Quantities*  
**MILLCREEK TOWNSHIP**

**2023 - 2026**

**GASOLINE and DIESEL FUEL AWARDS**

*(Contract Dates: July 1, 2023 – June 30, 2026)*

**Gasoline**

(adjustment to O.P.I.S. Pricing)\*

**Unleaded Gasoline (E10) Regular 87 Octane**  
**Township Building, 3608 W. 26<sup>th</sup> St.**

VENDOR	2023-2024	2024-2025	2025-2026
<b>Melzer's</b>	<b>-.025</b>	<b>-.025</b>	<b>-.025</b>
<b>Gallons (estimated)</b>	<b>104,366</b>	<b>104,366</b>	<b>104,366</b>

**Diesel (Small Volume Tanks)**

(adjustment to O.P.I.S. Pricing)\*

**Ultra-Low Sulfur Off Road Diesel Fuel**  
**Millfair Recycling Center (MRC), 2301 Millfair Rd.**  
**Millcreek Golf and Learning Center (MGLC), 3100 W. 17<sup>th</sup> St.**

VENDOR & Location	2023-2024	2024-2025	2025-2026
<b>Melzer's - MRC</b>	<b>+.05</b>	<b>+.05</b>	<b>+.05</b>
<b>Gallons (estimated)</b>	<b>8500</b>	<b>8500</b>	<b>8500</b>
<b>Melzer's - MGLC</b>	<b>+.05</b>	<b>+.05</b>	<b>+.05</b>
<b>Gallons (estimated)</b>	<b>1500</b>	<b>1500</b>	<b>1500</b>

**Diesel (Large Volume Tanks)**  
 (adjustment to O.P.I.S. Pricing)\*  
**Ultra-Low Sulfur B2 Diesel Fuel**  
**Township Building, 3608 W. 26<sup>th</sup> St.**

VENDOR	2023-2024		2024-2025		2025-2026	
	Summer	Winter	Summer	Winter	Summer	Winter
Melzer's	+ .00	+ .015	+ .00	+ .015	+ .00	+ .015
Gallons (estimated)	47,500		47,500		47,500	

**Diesel (Small Volume Tanks)**  
 (adjustment to O.P.I.S. Pricing)\*  
Ultra-Low Sulfur B2 Diesel Fuel  
 5192 Old French Rd.

VENDOR	2023-2024		2024-2025		2025-2026	
	Summer	Winter	Summer	Winter	Summer	Winter
Melzer's	+ .05	+ .065	+ .05	+ .065	+ .05	+ .065
Gallons (estimated)	13,154		13,154		13,154	

\*The adjustment to O.P.I.S. pricing is essentially a delivery charge.

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 new Robinair 34788NI A/C machine for Garage 2 from O'Reilly Auto Parts at a cost of \$4,675.00, which includes a free cover and filter drier. Mr. Donikowski noted that the list price of this machine is normally \$8,896.61, so the Township is saving over \$4,000 on this purchase.

On recommendation of CRS Director Jessica Stutzman, it was moved by Ms. Clear, seconded by Ms. Ouellet and carried by unanimous roll call vote to award the contract for printing of the 2024 Residential Calendar to Printing Concepts, under COSTARS Contract No. 0000547918, for a cost of \$34,000.00.

Quotations were solicited and received as follows by Communications Coordinator Sam Peterson for a specialized Canon Rf 15-35mm F2.8 L USM Lens as follows: Amazon.com - \$2,199.00, Canon.com - \$2,199.00, and BH Photo - \$2,199.00. On recommendation of Mr. Peterson, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to purchase the lens from Amazon.com for \$2,199.00.

On recommendation of Chief Carter Mook, It was moved by Mr. Bock, seconded by Mr. Ouellet and carried by unanimous roll call vote to authorize the purchase of ten (10) Taser batteries and Battery Dock from TASER at a cost of \$2,649.25.

On recommendation of Mr. Ouellet, It was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to approve an amendment to the agreement with Uniform Outfitters to supply Millcreek Fire Department uniforms in addition to Millcreek Police Department uniforms.

Lydia Caparosa, Esq. from the Solicitor Mark Shaw's office, reported that the SALDO ordinance has been sent to the Township Engineer for further review, and public comment opportunities will be announced soon.

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-28; A Resolution of the Township of Millcreek, Erie County, Pennsylvania to Approve the FY 2023-FY 2027 Consolidated Plan and the FY 2023 Action Plan for the Community Development Block Grant (CDBG) Program, to apply for the 2023 CDBG grant, and to authorize the Chair to sign and execute any grant documents. Mr. Waldinger noted that the 2023 CDBG grant will be \$238,033.00.

On recommendation of Mr. Waldinger, it was moved by Mr. Ouellet, seconded by Ms. Clear and carried by unanimous roll call vote to adopt Resolution 2023-R-29; A Resolution of the Township of Millcreek, Erie County, Pennsylvania Authorizing the Execution of a Contribution Agreement with the Pennsylvania Department of Transportation regarding the restoration project on State Route 4015 (Zuck Road), and to designate Township Engineer Robert Rodemoyer as the Point of Contact and the official authorized to sign and execute all documents related to this improvement. Mr. Waldinger explained that the Township requested accessible sidewalks and curb ramps to be ADA compliant, and the Township's contribution of the \$95,990.00 total cost for these additions will be \$19,198.00.

On recommendation of Atty. Lydia Caparosa, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to approve a Phase I Environmental Site Assessment of Lakewood Park by Environmental Remediation & Recovery, Inc. at a cost of \$2500.00. Atty. Caparosa explained that this is a part of the due diligence process for purchasing the park from Millcreek Township School District. Ms. Clear emphasized that the Township will not be developing the property, but rather purchased it to guarantee that it will remain a park for Township residents.

On recommendation of CRS Director Jessica Stutzman, it was moved by Mr. Ouellet, seconded by Ms. Clear and carried by unanimous roll call vote to authorize Ms. Stutzman to upcycle, donate to a nonprofit organization, or discard various used old and broken office furniture, projector screen, and an organ and accessories that are no longer functional and have a collective value of less than \$2,000.00.

On recommendation of Atty. Lydia Caparosa, it was moved by Mr. Ouellet, seconded by Ms. Clear and carried by unanimous roll call vote to authorize Solicitor Mark Shaw to file a Property Maintenance Code Enforcement Action in the Court of Common Pleas of Erie County regarding Property Maintenance Code Violations at 3634 Argyle Avenue, Erie, PA 16505. Atty. Caparosa stated that several attempts have been made to resolve the issues with the owner, but they have been unsuccessful.

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 grant a sidewalk deferral request for 5110 Emmaline Drive – Steve Lewis, Developer, conditional upon the submission of a grading plan which should show the impervious surface and the location of the deferred sidewalks. Mr. Waldinger reported that there are currently no sidewalks in the area.

On recommendation of Mr. Waldinger, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to approve a \$39,738.38 reduction of Erie Bank Letter of Credit #1640 from \$117,827.38 to \$78,089.00 for Whispering Woods Subdivision Phase 7C – Renaud-Peck Real Estate, LLC, Developer.

There were no Treasurer Communications.

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 authorize Sewer Department

employee Eric Pham to complete an online Commercial Plumbing Inspector Course at a cost of \$449.00.

Mr. Bock reported that the Board met in Executive Session with Solicitor Mark Shaw on June 15, 2023 to discuss real estate matters relating to a utility easement, parks and recreation facilities matters, and litigation matters relating to Right-to-Know appeals, Orphans' Court petition and Code Enforcement. He reported that the Board met with Atty. Shaw on June 21, 2023 to discuss real estate matters relating to a utility easement, parks and recreation facilities matters, and to discuss litigation matters relating to Right-to-Know appeals, Zoning Hearing Board appeals, a state court lawsuit, and code enforcement matters.

There were no further Solicitor Communications.

Glenn Ybanez, Millcreek Resident and owner of a bait and tackle shop in Springfield, requested a permit or permission to use the parking lot at 12<sup>th</sup> Street (former Tracey School) and Peninsula Drive and any other vacant areas, such as the former Sandbar Restaurant parking area at 8<sup>th</sup> Street and Peninsula Drive, to set up a mobile bait shop for fishermen. Mr. Bock informed him that since the Township does not own the former Tracey School property, it could not issue a permit for that property absent the property owner signing off on it. Mr. Waldinger volunteered to discuss other possible options with Mr. Ybanez after the meeting.

Dennis McAndrew, Millcreek Resident, asked what the status is for funding EMS services for county residents, to which Mr. Ouellet replied that he is part of the steering committee, and they have not met yet. Mr. McAndrew inquired about the status of a noise issue last summer, to which Mr. Bock stated that there has been one complaint this year and it was referred to MPD. He explained that the Noise Ordinance dictates the decibel allowances at certain hours, and Ms. Clear reported that to date there has been no violation of the Noise Ordinance regarding this matter. Mr. McAndrew also asked about the status of a plaque in Belle Valley Park to honor former Supervisor Paul Martin. Mr. Bock stated that he met with Mr. Martin's son and discussed possible options for a memorial and is awaiting a reply after the family has discussed the options.

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 6:03 p.m.

Sheryl A. Williams  
Township Secretary

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APPROVED: July 11, 2023

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James S. Bock

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Daniel P. Ouellet

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Kim Clear