

Regular Meeting

June 28, 2022

The regular meeting of the Millcreek Township Board of Supervisors was called to order at 5:30 p.m. by Chairman Daniel Ouellet in the Assembly Room of the Millcreek Township Municipal Building. Present were Daniel Ouellet, James Bock, Kim Clear, Robert Donikowski, Matthew Puz, Mark Shaw, Esq. and Sheryl Williams. Mark Zaksheske and Matthew Waldinger were absent.

Following the Pledge to the Flag, Mr. Ouellet called for Public Comment on agenda items other than development or rezoning applications. There was no public comment.

Ms. Clear read a citation in memory of Darcie L. Moseley, former Assistant Superintendent of the Millcreek Township School District, who recently passed away. She presented the framed citation to Tim Moseley, and family, and asked that it be included in the permanent record of the Township.

WHEREAS, Darcie Moseley was born on May 11, 1969, in Pierpont, Ohio and is the beloved daughter of Karen Rang and the late Alan R. Sanford; and

WHEREAS, Darcie graduated from Jefferson High School, in Jefferson, Ohio, and she attended Edinboro and Gannon Universities where she earned her B.A., M.A., and Superintendent Certification. Her teaching days began in Maryland before moving to Erie to work in the Erie School District. It quickly became obvious that she was a special kind of educator, well beyond her years of experience; and

WHEREAS, Darcie began her career in administration as an assistant principal at East High School. She was the co-founder of a joint program, pairing the Erie School District with The Rock and Roll Hall of Fame to offer students an opportunity to take an accredited course, sparking student growth through relevant connections; and

WHEREAS, Darcie moved to the Millcreek Township School District in 2004, where she spent nine years in administration at Walnut Creek Middle School. During those years, she influenced many young people; her ripple effect will live on forever as she supported many student events including reading programs, Pie the Principal, Tape the Principal, and TRFCC Character Education Initiative ~ programs that were the students' favorites; and

WHEREAS, in 2013, Darcie began her position as Assistant Superintendent in the Millcreek Township School District. A multifaceted administrator and versatile teacher, she could be found anywhere in the district from the board room, the classroom, the athletic fields, the cafeteria, to the maintenance offices; and

WHEREAS, Darcie's purest joy came from time spent with her loving family, including her husband Tim, daughter Tessa, and son Ben. She and Tim were truly partners who walked side by side through life. Watching her daughter follow her footsteps into education and her son pursue his dreams of becoming an aerospace engineer filled her with immense pride. She also found tranquility in long walks with her canine pals, yoga, and reading; and

WHEREAS, In addition to her parents, Darcie is survived by her loving husband, Tim; daughter, Tessa, and son, Benjamin; brother, Raymond P. Sanford (Jennifer), of Jefferson; stepfather, Ronald Rang; mother-in-law, Sandra Moseley-Osterman, of Geneva; sister-in-law, Erika Sulin (Justus); Uncles, nieces, nephews, and many friends to whom she was both an inspiration and a guiding light.

NOW THEREFORE WE THE UNDERSIGNED Millcreek Township Supervisors celebrate the life and contributions of Darcie Moseley. Her lifetime as a mentor, a leader, a second mom, a welcomed voice of support, a fierce advocate, an ambassador for all, and a true friend to many will reverberate through all of our hearts. May Darcie rest in peace.

IN WITNESS WHEREOF, we have set our hands and the Seal of Millcreek Township this 28th day of June, 2022.

Daniel Ouellet, Chairman

James Bock

Kim Clear

On motion by Ms. Clear, seconded by Mr. Bock, it was carried by unanimous roll call vote to approve the minutes from the June 14, 2022 regular 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 \$552,800.39 and Sewer Revenue Fund bills totaling \$1,387,181.61.

Public Works Director Robert Donikowski reported that bids were solicited and received for twelve (12) of thirteen (13) vehicles that are no longer of use to the Township. Bids were opened on June 23, 2022 at 2:00 pm. On recommendation of Mr. Donikowski, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to sell the vehicles to the highest bidders. Bid results will be posted on the Township website.

On recommendation by Mr. Ouellet, it was moved by Mr. Bock, seconded by Ms. Clear and carried by unanimous roll call vote to purchase thirty-five (35) Stop the Bleed Kits from Millcreek Paramedic Service at a cost of \$1,400.00, to be deployed at strategic locations throughout various Millcreek Township owned buildings and fleet vehicles.

On recommendation of Zoning and Development Officer Matthew Puz, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to CEC Change Order #2 for the Wilkins Run Stream Restoration Project in the amount of \$8,000.00 for Floodplain Permit assistance (\$2,000) and bidding assistance (\$6,000.00).

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

SCHLOSS & RAHNER. Small Subdivision Plan. A subdivision plan to show the creation of Lot A, a 0.4276 acre lot, with a residual lot, Lot B, a 0.6689 acre lot, at 4020 Sterrettania Road (tax parcel ID 33-083-398.0-008.00), along the west line of Sterrettania Road, south of Caughey Road, in Tract 83. **Index 369-014**

Zoning and Development Officer Matthew Puz reported that at their June 7, 2022 meeting, the Planning Commission recommended approval 5-0, and there was no public comment. Jim Welka, 3200 West 32nd Street, representing the developer, reported that Drs. Schloss and Rahner wish to divide the property and sell half of it. There was no public comment. On recommendation of Mr. Puz, it was moved by Ms. Clear, seconded by Mr. Bock, and carried by unanimous roll call vote to approve the SCHLOSS & RAHNER Small Subdivision.

The following three (3) Land Development Plans were considered concurrently.

LOT 317 FIL-MORE SELF STORAGE, LLC. Land Development Plan. A land development plan showing the construction of a 1,200 square foot self-storage building with associated parking and infiltration trench, at 2713 West 21st Street (tax parcel ID 33-048-204.0-008.00), along the south line of West 21st Street, west of Lowell Avenue, in Tract 16. **Index 312-008**

LOT 318 FIL-MORE SELF STORAGE, LLC. Land Development Plan. A land development plan showing the construction of a 1,600 square foot self-storage building with associated parking and infiltration trench, at 2711 West 21st Street (tax parcel ID 33-048-204.0-009.00), along the south line of West 21st Street, west of Lowell Avenue, in Tract 16. **Index 312-008**

LOT 319 FIL-MORE SELF STORAGE, LLC. Land Development Plan. A land development plan showing the construction of an 800 square foot self-storage building with associated parking and infiltration trench, at 2709 West 21st Street (tax parcel ID 33-048-204.0-010.00), along the south line of West 21st Street, west of Lowell Avenue, in Tract 16. **Index 312-008**

Mr. Puz reported that at their June 7, 2022 meeting, the Planning Commission recommended approval 5-0, and that a question was asked about stormwater management and a pond. Jim Welka, 3200 West 32nd Street, representing the developer, stated that there will be three separate buildings with electricity only and no office, and that there will be no pond on the property, that there will be dry wells that tie into catch basins. There was no public comment. On recommendation of Mr. Puz, it was moved by Ms. Clear, seconded by Mr. Bock, and carried by unanimous roll call vote to approve the Lot 317, 318 and 319 FIL-MORE SELF STORAGE, LLC Land Development Plans.

NOMAR ERIE, LLC. Land Development Plan. A land development plan showing the construction of a 2,725 square foot, 1-story building with associated parking, at 2240 West 8th Street (tax parcel ID 33-014-043.0-030.00), along the north line of West 8th Street, east of Nevada Drive, in Tract 37. **Index 222-043**

Mr. Puz reported that at their June 7, 2022 meeting, the Planning Commission recommended approval 5-0, and that one resident had concerns regarding a buffer requirement and the property becoming commercial. Mike Sanford, 4721 Atlantic Ave., representing the developer, stated that the plan calls for a small office building and parking lot on West 8th Street, the rear portion of the parcel will remain residential. There was no public comment. On recommendation of Mr. Puz, it was moved by Ms. Clear, seconded by Mr. Bock, and carried by unanimous roll call vote to approve the NOMAR ERIE, LLC Land Development Plan.

On recommendation of Chief 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-31; 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 June 29, 2022 and July 12, 2022.

Solicitor Mark Shaw gave a PowerPoint presentation on the history of the Voices for Independence ADA litigation which began in 2011 when Millcreek Township and PennDOT were sued by Voices for Independence (VFI) under Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973. He reported that the lawsuit raised numerous issues, including curb ramps and transitions, sidewalks, roadway berms as Pedestrian Access

Routes, storm drain openings, public transit stops, access route at the Municipal Building from the sidewalk, and access Public Right of Way routes to other Municipal facilities. Mr. Shaw explained the legal requirements under the ADA for existing buildings prior to 1/26/1992, and for newly constructed buildings and altered buildings post 1/26/1992. He listed and explained prior consent decrees and settlements from 2011 to the present and outlined the remaining claims with respect to noncompliant sidewalks in Millcreek Township, noting that these claims are the last unresolved issue remaining in the lawsuit. He stated that these obligations are expected to be completed in approximately twenty (20) years. Mr. Shaw provided drawings of the areas of sidewalk segment and heaving work, and areas of vegetative obstruction, and closed by reviewing the Township's funding obligations for these projects included in the proposed settlement agreement.

On recommendation of Solicitor Mark Shaw, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to approve the Voices of Independence Settlement Agreement and payment of VFI's legal fees, and to authorize Mr. Shaw to execute the agreement.

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 the removal of the traffic light at Rt. 6/West Lake Road and Garloch Drive, as PennDOT traffic studies have shown it is not warranted by PennDOT specifications, and there have been no accidents at this intersection for the past 90 days.

On recommendation by Recycling Coordinator Jessica Stutzman, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to authorize Ms. Stutzman to apply for a PA DEP Household/Small Business Hazardous Waste Program Reimbursement Grant in the amount of \$1,773.26 to cover costs of the Millfair Special Collection Event held on May 21, 2022.

On recommendation of Human Resource Coordinator Shawn McClelland, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to approve the hiring of William Townsend as a Fleet Maintenance Mechanic at an hourly rate of \$20.38, effective June 29, 2022.

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 approve the hiring of five (5) Millcreek Police Officers at an hourly rate of \$28.78, effective the following dates: Christopher Larsen – 06/29/2022, Justin Mysnyk – 06/29/2022, Eli Peyronel – 06/29/2022, Brandon Miller – 07/13/2022, and Jordan Query – 07/13/2022.

On recommendation of Human Resource Manager Diane Lyons, it was moved by Mr. Bock, seconded by Ms. Clear and carried by unanimous roll call vote to approve the termination of a seasonal, part-time lifeguard, effective June 20, 2022.

It was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to authorize eight (8) employees to attend the PSATS Regional Forum on August 4, 2022 from 9:00 am – 4:00 pm at the Bayfront Sheraton, at a cost of \$99.00 per person.

Mr. Ouellet reported that the Board met with Mr. Shaw in Executive Session on June 16 and 22, 2022 to discuss legal and personnel matters.

Mr. Bock announced that the 55th annual Fourth of July Parade will be held on Monday, July 4th on West 12th Street between Marshall Drive and the American Legion, and noted that West 12th Street will be closed from 8:00 am – Noon.

Pamela Cornman, 3706 W. 14th Street presented a petition signed by 15 residents of her neighborhood protesting the loud music emanating from the Black Monk Brewery on Thursday, Friday and Saturday evenings, and claimed the noise level is above the allowable limit. Discussion ensued regarding the Noise Ordinance and acceptable noise levels. The Board will look into this issue.

Peggy Rodgers, 3670 W. 14th Street, stated she is Ms. Cornman's neighbor and echoed her neighbor's complaints, noting there are many elderly and sickly people living in the neighborhood and she would like the Board to address the situation.

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 6:30 p.m.

Sheryl A. Williams
Township Secretary

APPROVED: July 12, 2022

Daniel P. Ouellet

James S. Bock

Kim Clear