

Regular Meeting

July 26, 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 (via telephone), Kim Clear, Mark Zaksheske, Robert Donikowski, Matthew Waldinger, Judy Zelina, Mark Shaw, Esq. and Sheryl Williams.

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.

Chief Scott Heidt introduced the Township's five (5) new police officers and Mr. Ouellet administered the Oath of Office to Brandon Miller, Jordan Query, Christopher Larsen, Justin Mysnyk and Eli Peyronel. The Board offered their congratulations and excused the new officers and their families for a reception.

On motion by Ms. Clear, seconded by Mr. Bock, it was carried by unanimous roll call vote to approve the minutes from the July 12, 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 \$218,869.28 and Sewer Revenue Fund bills totaling \$291,802.14.

Treasurer Mark Zaksheske presented the 2022 Second Quarter Financial Report, stating that revenue is slightly ahead of last year at this time and that the Township has received almost \$3,000,000 in American Rescue Plan Act funds. He reported that most department expenses are currently under budget, with the exception of a few health insurance claims that have been higher than usual. Regarding Sewer Revenue, Mr. Zaksheske stated that maintenance and repair expenses have improved since 2021, and that spending on machinery is down due to the difficulty in acquiring new equipment. He closed his presentation by announcing that \$7,176,409 of the Capital Budget's \$10,741,573 remains uncommitted. There were no questions and the Board thanked Mr. Zaksheske for his presentation.

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 sell a 2008 Ford Escape that is in poor condition to Rocco Zaccagnino for \$178.00.

On recommendation of Public Services Director Judy Zelina, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to purchase a John Deere 444 P front wheel loader for Millfair Compost Center from Five Star Equipment for \$158,445.24 under COSTARS Contract #4400019965. Ms. Zelina noted that this is a reimbursed grant purchase and that the Township is also trading in its 2006 CASE Front Loader for \$35,000.

On recommendation of Chief Scott Heidt, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to approve a server data migration and software upgrade from Tyler Tech/New World on all police used servers for \$21,624.00, and a 5-year contract extension for software support and licensing at nearly a 40% reduction from the current rate with incremental increases that average 3% annually.

A Sketch Plan was heard for comments and suggestions:

POPEYES. Sketch Land Development Plan. A sketch land development plan showing the construction of a drive-thru eating and drinking establishment with associated stormwater management and parking facilities at the northwest corner of Marmon Drive and Peach Street, in the Hilltop at Kearsarge Tract. **Indices 739-018, 739-020, and 739-022.**

Director of Planning and Development Matthew Waldinger reported that at their July 5, 2022 meeting, the Planning Commission made the following Comments and Suggestions, and noted that comments only will be received today and there will be no vote at this time:

- Popeyes would not have good access.
- It will increase traffic in the residential neighborhood. Individuals wanting to access the restaurant from the south must travel through the neighborhood.
- The residential roads would not withstand the wear and tear from the increased traffic. This was based on the traffic count performed by the Township and the developer's estimated business traffic count.
- The proposed site is a small area, and the developer did the best they could do with it.
- Concerns with more traffic accidents on Spires Drive due to increased traffic.

Sherry Bauer, 1315 Peninsula Drive, representing the developer, presented a letter of support from Paul Lorei, a neighboring business owner, and a vacancy report for inside the Millcreek Mall and the nearby Peach Street corridor.

Michele Corey, 1925 Marmon Road, speaking in opposition to the sketch plan, had concerns regarding increased traffic and accidents, and is worried that drivers will cut through her neighborhood.

Dean Moon, 6023 Spires Drive, also stated he is opposed to the sketch plan.

Mr. Waldinger offered the following comments and suggestions on behalf of the Planning and Development Department and recommended that they be communicated to the developer:

- Although the site is situated at the corner of two state routes, there is no direct access to those routes. Instead, the access is being proposed on two residential streets.
- There are medians on both Peach Street and Edinboro Road that prevent any cars approaching from the south to enter the site.
- The developer has proposed methods to direct traffic leaving the site straight to the state routes but has no control over the means used to arrive at the site.
- The most direct and likely route to arrive at the site from the south is utilizing Avon and Spires Drives, traversing through a residential neighborhood.
- Based on the estimated traffic counts provided by the developer and actual counts taken by Township staff, proposed traffic would more than double, and in some cases more than triple existing traffic volumes on these residential streets.
- Consequently, the proposed site does not have adequate means of ingress and egress to handle a drive-thru restaurant.

- A formal land development application for this use on this site would not meet the criteria for an access permit as required by Millcreek Code Section 152-54.
- The Township would welcome a Popeyes in this area and encourages the developer to explore other nearby sites which have access to roadways capable of handling the amount of traffic that would be generated.

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-33; 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 July 27, 2022 and August 9, 2022.

Solicitor Mark Shaw explained that when the Tax Assessment Board calculated the assessment on the individual property in question, they apparently used an incorrect common level ratio. This has since been corrected, and on recommendation of Atty. Shaw, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to approve the Hoffman Development Tax Assessment Appeal Settlement, thereby reducing the tax assessment from \$161,900 to \$122,018 (instead of \$142,450), effective January 1, 2022.

On recommendation of Treasurer Mark Zaksheske, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to approve the sale of a trailer at 569 Conti Drive from the Erie County Repository for Unsold Properties for \$250.00, subject to receipt of a signed agreement from the proposed owner that they will either demolish or renovate the trailer in accordance with the Township Code by a date to be determined by the Code Enforcement Department.

On recommendation by Planning and Development Director Matthew Waldinger, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to accept a Stormwater Management Plan and approve a Stormwater Management Maintenance Agreement for 2240 West 8th Street – NOMAR Erie, LLC, developer.

It was moved by Mr. Bock, seconded by Ms. Clear and carried by unanimous roll call vote to appoint Former Supervisor Brian P. McGrath to the Vacancy Board to fulfill the one-year term vacated by Rev. John Detitsch.

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 a proposal from Sammartino, Stout & Lo Presti to appraise a property on West 8th Street for the Presque Isle Gateway Project with two options: (a) Market Value “As Is” (real estate only) - \$2,950 and (b) Market Value “As Is” of the Going Concern (includes real estate, FF&E and business value) - \$3,950, the option to be determined by the Director of Planning and Development.

On recommendation by Public Services Director Judy Zelina, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to approve the hiring of a new Communications Coordinator, Samuel Peterson, effective August 1, 2022 with a starting salary of \$48,000. Ms. Clear announced that this is new position and expressed her approval.

Mr. Ouellet reported that the Board met with Mr. Shaw in Executive Session on July 14 and 21, 2022 to discuss legal and personnel matters.

Richard Griffith, 5020 Saybrook Place, requested the bid status of the stormwater retention project for his property, to which Mr. Waldinger replied that the Township Engineer is reviewing the

Solicitor's comments and preparing the bid package which should be advertised within the next few weeks. He added that the goal is to complete the project before the end of the year, and Mr. Ouellet added that he has already signed easement agreements with Mr. Griffith's neighbors.

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 6:17 p.m.

Sheryl A. Williams
Township Secretary

APPROVED: August 9, 2022

Daniel P. Ouellet

James S. Bock

Kim Clear