

## Regular Meeting

August 23, 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, Mark Zaksheske, Robert Donikowski, Matthew Waldinger, Ashley Marsteller, Judy Zelina, Mark Shaw, Esq. and Sheryl Williams.

Following the Pledge to the Flag, Solicitor Mark Shaw recommended that the Agenda be amended to add five (5) items due to time constraints. On recommendation by Mr. Shaw, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote, per Section 712.1(e) of the Pennsylvania Right-to-Know Law, to add the following items to the Agenda:

- 6. Bids and Quotations - Billing Postcards and Postage for Past Due Waste Management Accounts**
- 9. Presentation and Recommendation of Amendment to 2018 Comprehensive Plan**
- 10. Presentation and Recommendation to Form a Municipal Authority**
- 17. Solicitor Communications – Barber “Beast on the Bay” Verification Letter to PennDOT – “Patriot Ride Tour” Verification Letter to PennDOT**

Mr. Ouellet called for Public Comment on agenda items other than development or rezoning applications. There was no public comment.

On motion by Ms. Clear, seconded by Mr. Bock, it was carried by unanimous roll call vote to approve the minutes from the August 9, 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 \$2,138,150.45.

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 Rockland Heavy Duty Fork attachment from Five Star Equipment, Inc. at a cost of \$5,890.41 for the recently purchased John Deere Front Loader at Millcreek Compost and Recycling Center. Ms. Zelina noted that this is a grant reimbursed purchase.

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 authorize the installation of guide rail by Green Acres Contracting in front of the property at 5571 Henderson Road at a cost of \$15,560.00. Penn Line Enterprises was also contacted for pricing but did not submit a quote. Ms. Clear thanked Mr. Donikowski for making this roadway safer again.

On recommendation of Planning and Development Director Matthew Waldinger, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to approve Change Order #1 for the Millcreek Township Sidewalk Replacement Project, Phase 1, Amendola Construction, contractor. The change order will include the addition of two handicap ramps with back walls and front curbs at a cost of \$14,000 to be paid by CDBG funding.

It was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to approve a proposal from JL Nick & Associates to provide Leadership Development Training at a cost of \$5,668.75.

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 approve the printing of 3,294 post cards by Printing Concepts for invoicing past due Waste Management accounts at a cost of \$671.00, and the cost of postage to mail them at \$0.22 per post card, \$724.68, for a total combined cost of \$1,395.68.

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

**ERIE WATER WORKS SUBDIVISION. Small Subdivision Plan. A subdivision plan to show replot of an unopened portion of West 4<sup>th</sup> Street located between Sommerheim Drive and Indiana Drive and consisting of additions to nine properties along the north line of the Northside Subdivision, leaving a residual 27,355 square foot Parcel "A", in Tracts 38 and 39. Index 209**

Planning and Development Director Matthew Waldinger reported that at their August 2, 2022 regular meeting, the Planning Commission recommended approval with the following Requirements:

- Parcel A, is to become an integral part of Erie County Tax Parcel 3-013-034.0-006.00.
- Parcel B10, is to become an integral part of Erie County Tax Parcel 33-014-036.0-001.19.
- Parcel C12, is to become an integral part of Erie County Tax Parcel 33-014-036.0-001.21.
- Parcel 013, is to become an integral part of Erie County Tax Parcel 33-014-036.0-001.22.
- Parcel E14, is to become an integral part of Erie County Tax Parcel 33-014-036.0-001.23.
- Parcel F15, is to become an integral part of Erie County Tax Parcel 33-014-036.0-001.24.
- Parcel G16, is to become an integral part of Erie County Tax Parcel 33-014-036.0-001.25.
- Parcel H17, is to become an integral part of Erie County Tax Parcel 33-014-036.0-001.26.
- Parcel 118, is to become an integral part of Erie County Tax Parcel 33-014-036.0-001.27.
- Parcel J19, is to become an integral part of Erie County Tax Parcel 33-014-036.0-001.28.

Atty. Tim Sennett, Knox McLaughlin law firm, 120 West 10<sup>th</sup> Street, representing the developer, stated that the Township has no intention of building a road on 4<sup>th</sup> Street, and relayed that the developers' heirs have deeded the property to Erie Water Works. He reported that EWW met with the adjacent property owners regarding what portion of the property they wanted to keep, the subdivision is a result of the meeting. There was no public comment. On recommendation of Mr. Waldinger, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll to approve the Erie Water Works Small Subdivision Plan.

**MILLCREEK COMMUNITY HOSPITAL ED AND ICU ADDITION. Land Development Plan. A land development plan to show construction of a 2-story ED and ICU addition with gross floor area of 34,315 square feet with required parking spaces and stormwater management facilities along the east line of Peach Street, south of West 55<sup>th</sup> Street, in Tract 346. Index 728-040**

Planning and Development Director Matthew Waldinger reported that at their August 2, 2022 regular meeting, the Planning Commission recommended approval.

Mike Sanford, 4721 Atlantic Avenue, stated that he is the surveyor who prepared the plan, and reported that Millcreek Community Hospital wants to build a two-story addition on the west side of the building to enlarge their Emergency and ICU departments. There was no public comment. On recommendation of Mr. Waldinger, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll to approve the Millcreek Community Hospital ED and ICU Land Development Plan.

**ERIE STARBUCKS. Land Development Plan. A land development plan to show construction of a 2,554 square foot 1-story eating and drinking establishment with required parking and stormwater management facilities along the south line of Wegmans Drive, east of the intersection of Wegman's Drive and West Ridge Road, in Tract 313. Index 463-011**

Planning and Development Director Matthew Waldinger reported that at their August 2, 2022 regular meeting, the Planning Commission recommended approval. David Weeber, 6388 Jackson St., Pittsburgh, PA, representing the developer, stated that the property is divided into several parcels, and one of those will be Starbucks, one will be for a stormwater management pond, and one will be used by another developer. Mr. Waldinger clarified that today's hearing is regarding only the land development plan. There was no public comment. On recommendation of Mr. Waldinger, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll to approve the Erie Starbucks Land Development Plan.

On recommendation of Mr. Waldinger, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to approve a Non-substantial Amendment of an Approved Land Development Plan for 1359 Marshall Drive – Benjamin D. Leopold, Developer. Mr. Waldinger noted that the 716 square foot addition is well below the 10,000 square foot threshold and meets all SALDO requirements.

Planning and Development Director Matthew Waldinger reviewed the timeline for the creation of the 2018 Comprehensive Plan, Embrace Millcreek, and presented updates regarding further development of the plan with respect to the Gateway to Presque Isle District. He stated that due to the revision of the Township's Zoning Ordinance in April 2022 and receiving a completed sub-area plan from Ingalls Planning and Design for the Gateway to Presque Isle District, it is necessary to amend the Comprehensive Plan and Future Land Use Map to move forward in developing the Gateway to Presque Isle design. **On recommendation of Mr. Waldinger, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to authorize the Planning and Development Department to begin the process to amend the Comprehensive Plan and Future Land Use Map. Mr. Waldinger reported that this information will be available on the Township website.**

**Solicitor Mark Shaw explained the benefits of the Township forming a municipal authority to assist the Board with the tasks contemplated under the Comprehensive Plan to develop the Gateway Plan. He outlined the steps needed to do so under Pennsylvania law, including legal advertising for a public hearing and the selection of a board of at least five (5) directors. On recommendation of Mr. Shaw, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to authorize Mr. Shaw to prepare the papers to form a Municipal Authority and to publish the legal notices necessary for the public hearing as required under the law.**

On recommendation of Chief Scott 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-37; 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 August 24, 2022 and September 13, 2022.

On recommendation of Solicitor Mark Shaw, it was moved by Mr. Bock, seconded by Ms. Clear and carried by unanimous roll call vote to adopt Resolution 2022-R-38; A Resolution to rescind the Millcreek Township Procedures for Probable or Confirmed COVID-19 Cases. Mr. Shaw noted that this decision was based upon the latest CDC recommendations.

On recommendation of Solicitor Mark Shaw, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to adopt Resolution 2022-R-39; A Resolution of the Township of Millcreek, Erie County Pennsylvania establishing an intermunicipal agreement with Summit Township for the purpose of submitting a joint application for a Traffic Signal Technologies Grant. Mr. Shaw noted that this grant will benefit signaling on upper Peach Street.

On recommendation of Planning and Development Director Matthew Waldinger, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to approve a Sidewalk Deferral Request for 6039 Schultz Road – Kevin P. and Carol A. Devine, Developer, as there are currently no sidewalks in the area and all requirements have been met.

On recommendation of Atty. Lydia Caparosa, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to approve an updated agreement with the Erie Humane Society (EHS) in the amount of \$6,000.00. The EHS will continue to provide the same services for stray animals as in the past.

On recommendation by Solicitor Mark Shaw, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to approve an Erie Golf Course Maintenance Agreement Amendment regarding the irrigation system, and to authorize the Chair to execute the agreement.

Treasurer Mark Zaksheske announced that the Township's auditing firm will be presenting the results of the 2021 Audit at the next meeting.

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 promotion of Frank Malena to Streets Maintenance Foreman, retroactive to August 22, 2022 at an hourly rate of \$33.00.

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 the promotion of Sergeant Anthony Chimera to Lieutenant, and Patrolman Matthew Shollenberger to Corporal.

On recommendation of Planning and Development Director Matthew Waldinger, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to approve the hiring of Gene Clemente as Environmental & Stormwater Programs Manager, effective September 12, 2022 at an annual salary of \$68,000.

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 Riley Guzowski as a Crossing Guard at Our Lady of Peace School, effective August 29, 2022, at an hourly rate of \$25.00. Ms. Guzowski will work daily one-half hour in the morning and one-half hour in the afternoon during the school year.

On separate motions by Ms. Clear and seconded by Mr. Bock, it was carried by unanimous roll call vote to approve a recommendation by Public Works Director Robert Donikowski to hire the following Streets Maintenance Laborers at \$20.38 per hour:

James Casselberry, effective August 24, 2022  
 Anthony Siciliano, effective August 29, 2022

On recommendation of Parks and Recreation Director Ashley Marsteller, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to approve the following Fall Season employees:

<b>NAME</b>	<b>POSITION</b>	<b>HOURLY RATE</b>
<b>ADULT FITNESS</b>		
Christa Haggerty	Supervisor Adult Dance	\$15.00
Charlotte Haggerty	Supervisor Adult Dance	\$15.00
Dave Wayman	Tai Chi/Qi Gong	\$15.00
Kathy Wayman	Tai Chi/Qi Gong	\$15.00
Amy Easley	Supervisor Tai Chi (sub)	\$15.00
Shannon Eggleston	Supervisor Piloslide	\$15.00
Nylene Baney	Supervisor Body Sculpt	\$15.00
Kathy Smith	Supervisor Yoga	\$15.00
Jeanne Espey	Supervisor Yoga	\$15.00
William Kuntz	Supervisor Yoga	\$15.00
<b>YOUTH DANCE</b>		
Christa Haggerty	Youth Dance Supervisor	\$15.00
Maria Finazzo	Youth Dance (Sub)	\$12.50
Breanna Bartlett	Youth Dance (Sub)	\$12.50
Samantha Howard	Youth Dance (Sub)	\$15.00
Alyssa Pamula	Youth Dance (Sub)	\$12.50
<b>BARN SUPERVISOR</b>		
Evelyn Bossar		\$ 11.50
Charles Elliott		\$ 11.50
Susan Shickler		\$ 11.50
Lauren Ertsgaard		\$ 11.50
<b>VOLUNTEERS</b>		
Carl Werner	Tai Chi/QiGong	
Mary Desmone	Tai Chi	
Carol Stitzinger	Tai Chi	
Lenore Zausen	Tai Chi/Qi Gong	

On recommendation of Planning and Development Director Matthew Waldinger, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to authorize Mr. Waldinger to attend the 2022 PA Chapter American Planning Association Conference in Lancaster, PA from October 2-4, 2022 at a total cost of \$1,469.01.

On recommendation of Mr. Waldinger, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to authorize John Sebesta to attend the PA 811 Fall Safety Day Conference on September 20, 2022 at the Bayfront Convention Center in Erie at no cost to the Township.

On recommendation of Mr. Waldinger, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to authorize John Sebesta to attend the PSATS Fall Engineers Virtual Seminar on October 27, 2022 at a cost of \$95.00.

On recommendation of Chief Scott Heidt, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to authorize one police officer to attend the 2022 Great Lakes Leadership Seminar in Niagra Falls, NY from October 2-7, 2022 at a total cost of \$426.75, with travel by department vehicle.

On recommendation of Chief Scott Heidt, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to authorize two (2) police officers to attend Emergency Vehicle

Operations Course Instructor Training from October 3-7, 2022 at the Indiana University of Pennsylvania, with tuition to paid by the Mercyhurst Police Academy and travel by department vehicle.

On motion by Mr. Bock, seconded by Ms. Clear, it was carried by unanimous roll call vote to send an additional representative to the annual ECATO Picnic at a total cost of \$17.50.

Solicitor Mark Shaw reported that the Township received a letter from Perry Highway Hose Company requesting payment for ambulance services during July each time they were called into Millcreek Township. He stated that the Township is not under contract with Perry Highway for this service, nor is compensation required under any state or federal law. On recommendation by Mr. Shaw, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to authorize Mr. Shaw to draft a letter to be sent to Perry Highway Hose Company declining to pay the invoice stating the reasons above.

On recommendation by Mr. Shaw, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to send a letter to PennDOT from the Supervisors verifying that the Township fire departments and Millcreek Paramedic Services will be assisting at the Barber "Beast on the Bay" event on September 10, 2022.

On recommendation by Mr. Shaw, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to send a letter to PennDOT from the Supervisors verifying that the Township is aware of and approves the "Patriot Tour Ride" event on September 17, 2022.

Mr. Ouellet read a statement to establish ground rules for the Citizens to be Heard portion of the meeting, stating that the comment period regarding a recent incident involving the Animal Enforcement Officer (AEO) would be limited to 20 minutes, with each person receiving 5 minutes to speak. He requested that public comment be limited to only residents and taxpayers of Millcreek Township and noted that the Township is taking the investigation very seriously, but that the AEO does have certain rights as a union member.

Gerald S., a Millcreek resident, stated that in 2013, according to statistics, cats killed more than one billion birds each year. He urged people not to interact with stray cats and suggested that a leash law for cats be enacted, urging residents to keep their cats inside.

Sandy T., a non-Millcreek resident and volunteer with Orphan Angels, asked the Board to "do the right thing."

Tyler N., a non-Millcreek Resident, thanked the Board for taking the investigation seriously, and demanded that the Township terminate its AEO and hire an AEO that is properly trained and compassionate toward animals.

MaryGrace L., Executive Director of Orphan Angels, reported that since the last meeting, her shelter is being inundated with multiple abandoned animals and concerns regarding stray animals. She asked what plans are in place to respond to stray animal calls, noting that the cat population is very large, and she stated that this should be a community issue. She urged people

to spay and neuter their pets to cut down on overpopulation and suggested trying to locate grant funding to help with this issue.

Jeff C., a non-Millcreek resident, opined that the only training needed to be an AEO is to be a good and decent human being.

Patty S., a Millcreek resident, asked what is being done in the absence of an AEO to pick up dead or stray animals. Solicitor Mark Shaw stated that it is his understanding that the police officers are still responding to these calls.

Chris B., a Millcreek resident and longtime animal advocate, stated that she has invested a lot of her own money to have stray cats spayed and neutered, and emphasized that there are many people like her who are trying very hard to help with the overpopulation problem, but they need financial assistance.

Holly S., a non-Millcreek resident, noted that seven (7) cats were recently removed from a house in the City of Erie by using nets, which did not traumatize the cats. She thanked the people who are taking care of stray cats and trying to prevent the cat population from increasing.

Erica K., a non-Millcreek resident and volunteer for Orphan Angels, stated that she is thankful for the animal shelters and for the many people who are working hard to save cats and get them spayed and neutered, but she emphasized that even more resources are needed.

Mr. Ouellet ended the public comment on the cat issue and excused anyone who wanted to leave.

Mary Ann M., a Millcreek resident, presented the Board with a statement and photos of an incident that she said occurred last summer at the Belle Valley Pool. She claimed that she was injured by a handicapped chair lift which was improperly installed and malfunctioned, that she has amassed considerable medical expenses, and opined that the Township has liability. She wants to know what has been or will be done to resolve her situation.

Erica M., a Millcreek resident, claimed that she is being discriminated against by the police department and that her neighbors are harassing her and her family.

Robert U., a Millcreek resident, expressed his frustration in not receiving a response directly from the Supervisors regarding his request for a refund of the \$1,000 Zoning Hearing Board fee for an appeal hearing. He pointed out that in June another homeowner requested a similar variance for an open porch which would encroach on the building line, but their variance was granted and no further litigation followed. Solicitor Mark Shaw responded that in this case the homeowner's association signed off on the matter, thereby adjusting the building line, and that Mr. U's subdivision does not have a homeowner's association.

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 7:08 p.m.

Sheryl A. Williams  
Township Secretary

---

APPROVED: September 13, 2022

---

Daniel P. Ouellet

---

James S. Bock

---

Kim Clear