

Regular Meeting

September 27, 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, Mark Shaw, Esq. and Sheryl Williams.

Following the Pledge to the Flag, Solicitor Mark Shaw recommended that the Agenda be amended to add one (1) item because PennDOT needs a resolution and an executed agreement before the Township's traffic signal grant will be accepted. 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 item to the Agenda:

18. Resolution 2022-R-43 – A Resolution to Adopt a Traffic Signal Maintenance Agreement and the accompanying PennDOT Agreement

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 September 13, 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 \$499,685.67, and Sewer Revenue Fund bills totaling \$1,031.91.

On recommendation of Chief Scott Heidt, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to purchase SWAT armor, plates and a helmet from Uniform Outfitters LLC for a total price of \$4,978.95.

On recommendation of Chief Scott Heidt, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to purchase 25 Portable Radio Batteries, 10 Microphones and 4 Mobile Radio Microphones for the Erie County radio system from Mobilcom for a total price of \$5,073.70.

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 purchase a new KEG Supernova Chain Cutter with a 24" Expansion kit for the jet truck from A&H Equipment for the price of \$14,820.00 under COSTARS Contract #016-E22-206.

Quotations for 200' of new fencing and repair of 50' of existing fencing on Township property were solicited and received by Mr. Donikowski as follows: Thomas Fence - \$12,880.00, Erie Fence - \$9,970.00, and Keystone Fence - \$10,505.00. On recommendation of Mr. Donikowski, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to award the fencing contract to Erie Fence for \$9,970.00.

On recommendation of Mr. Donikowski, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to purchase three (3) Traffic Control Cabinets for the intersections of SR 97 & East Gore Road, SR 97 and Arbuckle Road, and SR 97 and SR 505 from Path Master Inc. for a total price of \$74,948.00.

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

WEGMANS LOT C SUBDIVISION PLAN. Subdivision Plan. A subdivision plan to show the creation of three (3) lots, Lot No. 2 (a 1.786 acre lot), Lot No. 3 (a 1.729 acre lot), and Parcel A (a 0.847 acre lot) from the lot located on the north side of West Ridge Road, south of Wegmans Drive (tax parcel D 33-042-230.1-001.01) in Tract 313. **Index 463-011**

Planning and Development Director Matthew Waldinger reported that at their regular meeting on September 6, 2022, the Planning Commission recommended approval. Mr. Waldinger stated that the developer who was planning to testify this evening is stuck in traffic and unable to attend the meeting but is available by telephone if necessary. Mr. Waldinger explained that the plan shows three (3) lots east of PNC Bank which will contain a Starbucks restaurant and a stormwater management area. There were no questions or comments from the Board or the audience.

On recommendation by Mr. Waldinger, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to approve the Wegmans Lot C Subdivision Plan.

THOMAS & PATRICIA POTTER. Land Development Plan. A land development plan to show the construction of a 240 ± square foot building, a 2,071 ± square foot building, a 3,168 ± square foot building, and a 1,944 ± square foot concrete covered patio and pool with stormwater management facility along the south line of Zimmerly Road, east of Love Road, in Tract 351. **Index 613-006**

Planning and Development Director Matthew Waldinger reported that at their regular meeting on September 6, 2022, the Planning Commission recommended approval. Thomas Potter, 5930 Lakeview Drive, spoke on behalf of the land development plan reporting that he plans to construct three (3) buildings and a swimming pool on the land. He stated that the plan meets all requirements of the Subdivision Ordinance and David Laird Associates created the plans. There were no questions or comments from the Board or the audience.

On recommendation by Mr. Waldinger, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to approve the Thomas & Patricia Potter Land Development Plan.

LYONS ESTATE PLOTS. Sketch Plan. A sketch plan showing the creation of five (5) lots, Lot 1 (± 5.2 acres), Lot 2 (± 20 acres), Lot 3 (± 11 acres), Lot 4 (± 20 acres), and Lot 5 (± 16 acres) along the east line of Wattsburg Road, south of Schrimper Road (tax parcel ID 33-152-490.0-002.00 and tax parcel ID 33-152-490.0-002.01) and show replot of tax parcel ID 33-152-490.0-002.00 consisting of additions to nine properties that front along St. Andrew Drive, in Tracts 338 and 334. **Indices 920-010 and 921-025.**

Planning and Development Director Matthew Waldinger reported that at their regular meeting on September 6, 2022, the Planning Commission had no comments or suggestions regarding the Lyons Estate Plots Sketch Plan. He noted that no action is taken on Sketch Plans and that any future subdivision or development of the land would require formal submissions to the Township. Mr. Waldinger stated that the plan shows the creation of five (5) lots along the east line of Wattsburg Road. Realtor Seth Tuttle spoke on behalf of the plan stating that Phase I would offer adjoining portions of land to the residents along St. Andrews Drive with no change in Property Index Numbers. He stated the plan incorporates the Conservation Residential Act

named in the Zoning Ordinance and his plan for the balance of the property is to create 10-acre estate lots. There were no questions or comments from the Board.

Mr. Waldinger commented on the Sketch Plan by suggesting some modifications to Lots 1, 2 and 3, noting that the Township would prefer that Lots 3 and 5 not be accessed from Route 8 but rather from St. Andrew Drive and Delphos Drive, respectively. He advised that the property is subject to the Official Map ordinance and all vehicular access to Route 8 is governed by PennDOT's highway occupancy permit process, therefore a HOP permit would need to be obtained prior to development of any lots accessing Route 8. Mr. Waldinger stated that in general, the concept of creating five (5) large, estate-style lots for five (5) single family homes would be looked at favorably by the Township.

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 an Exclusion from Land Development for Gerlach's Power Equipment, 2457 West 26th Street – Mark Gerlach Developer, as the construction of a 4,062 square foot building on piers on existing impervious surface and removal of the storage trailers and return to grass meets code requirements.

Mr. Waldinger reported that an Exclusion from Land Development has been granted to Firebirds Restaurant – Cafaro Company/Bruce Sekanick, Developer, and that no action is required due to the addition being under 5,000 square feet.

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 Nonsubstantial Amendment to Wayside Subdivision #4 – Brent Sesler, Developer, for revision to monumentation along the Right of Way of South Wayside Drive.

Solicitor Mark Shaw reported that as a result of the Voices for Independence final settlement agreement, the Township will need to update its Sidewalk Ordinance, and the proposed Ordinance Amendments will be available for review on the website soon.

Solicitor Mark Shaw explained that the Township's new Zoning Ordinance, adopted this year, permits Limited Lodging use in certain zoning districts and in an overlay district within the Township, noting that the former Zoning Ordinance did not permit Airbnbs. He stated that the purpose of proposed Ordinance 2022-7 is to supplement the regulations for Limited Lodging and protect the peace, health and welfare of Township citizens and trade and commerce that may be impacted by Limited Lodging. Mr. Shaw noted that a permit will be required for each rental unit which is valid for one (1) year from issuance and must be renewed annually, and the ordinance also provides for penalties if a property owner or renter violates any provisions of the proposed ordinance, subject to a fine of up to \$1,000.

On recommendation of Solicitor Mark Shaw, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to enact Ordinance 2022-7; An Ordinance of the Township of Millcreek, Erie, County Pennsylvania Adding Chapter 70, Part VIII to the Millcreek Township Code to Regulate Limited Lodging within the Township, Establishing Application and Permit Standards and Procedures, and Providing for Administration and Enforcement.

On recommendation of Mr. Ouellet, it was moved by Mr. Bock, seconded by Ms. Clear and carried by unanimous roll call vote to adopt Resolution 2022-R-41; A Resolution of the Township of Millcreek, Erie County, Pennsylvania Proclaiming October 2022 as Fire Prevention Month. The 2022 Fire Prevention Month theme is "Fire won't wait. Plan your escape," and its purpose is to encourage households to develop and practice a home fire escape plan.

On recommendation of Treasurer Mark Zaksheske, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to adopt Resolution 2022-R-42; 2022 County Aid Application Requesting Liquid Fuels Funds for Road Salt. Mr. Zaksheske reported that this year the Township spent \$218,000 on road salt and will receive \$61,192 in assistance, down from \$24,000 from last year.

On recommendation of Planning and Development Director Matthew Waldinger, it was moved by Mr. Bock, seconded by Ms. Clear and carried by unanimous roll call vote to approve a Sidewalk Deferral Agreement for 3510 Stoughton Road – Scott and Bethany Kaufman, Developer, as there are no sidewalks in the immediate area.

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 three (3) Federal Public Grant Applications for non-matching grants through the Pennsylvania Commission on Crime and Delinquency totaling up to \$5 million dollars: Local Law Enforcement Support Grant, Gun Violence Investigation and Prosecution Grant, and Violence Intervention and Prevention Grant. Mr. Shaw noted that the grants are based on population.

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 PennDOT Traffic Signal Maintenance Agreement and adopt Resolution 2022-R-43: A Resolution to Approve a Traffic Signal Maintenance Agreement with the Pennsylvania Department of Transportation aka PennDOT.

On recommendation of Mr. Ouellet, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to approve the hiring of Dominic Quadri as a Streets Maintenance Laborer, effective October 6, 2022, at an hourly rate of \$20.38.

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 four (4) police officers to attend the 2022 National Tactical Officers Association 2022 training in Milwaukee, WI from September 25 – 30, 2022, with PEMA reimbursing the total cost of \$3,416.00. Travel will be by department vehicle.

It was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to authorize four (4) administrators to attend the annual ECATO Convention on October 27, 2022 at a total cost of \$120.00.

Mr. Ouellet reported that the Supervisors met with Solicitor Mark Shaw in Executive Session on September 15 and 22, 2022 to discuss legal and personnel matters.

Chuck Felix, 2744 McKee Road, reported that his neighborhood is flooding again and asked who owns the land where the potential retention pond will be constructed. He stated that the developer built the apartments but not a retention pond. Solicitor Mark Shaw responded that the developer retains ownership of the land and there is an agreement in the works for an easement for Township use; however, constructing a retention pond was not a condition of building the apartments. Planning and Development Director Matthew Waldinger added that the plan has been submitted to DEP, but they are requiring more conditions before granting a permit. Mr. Felix expressed appreciation for the Township's efforts to clean and maintain the pipes but opined that there should be a long-term plan to stop the flooding and believes the problem is on the north side of 26th Street.

Paul Wojcik, 3613 Anne Marie Drive, reported that the workers who mow the retention basin behind his home leave a mess and asked why it must be mowed every year. Mr. Waldinger explained that the basins are engineered with specific capacity requirements and if not maintained regularly, trees will root and create problems. Public Works Director Robert Donikowski added

that most of the Township's seventeen (17) basins are mowed twice annually.

Patrick Martin, 4821 Woodbury Drive, son of former Supervisor Paul Martin, requested that Belle Valley Park be renamed "Paul J. Martin Park" in honor of his late father. Ms. Clear replied that the request is being discussed, and Solicitor Mark Shaw added that the timing would be better in the spring.

There being no further business to come before the Board or any Citizens to be Heard, it was moved by Ms. Clear and seconded by Mr. Bock to adjourn the meeting at 10:18 a.m.

Sheryl A. Williams
Township Secretary

APPROVED: October 11, 2022

Daniel P. Ouellet

James S. Bock

Kim Clear