

## Regular Meeting

October 11, 2022

The regular meeting of the Millcreek Township Board of Supervisors was called to order at 9:30 a.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, Agreement with Building Inspection Underwriters (BIU), due to the need to include the inspection of short-term rentals in the agreement. 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:

### 17. Agreement with Building Inspection Underwriters (BIU)

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 26, 2022 Special Joint Meeting with the Fire and EMS Commission, and the September 27, 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 \$3,320,241.33, and Sewer Revenue Fund bills totaling \$193,087.89.

Public Works Director Robert Donikowski reported that bids were solicited and received for the Wolf Road Forcemain Replacement Project as follows: Chivers Construction - \$1,597,999.00, Pollard Land Services - \$2,094,490.00, and Konzel Construction - \$2,440,000.00. 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 contract to Chivers Construction for \$1,597,999.00.

Mr. Donikowski reported that quotes were solicited and one was received for a Lift Station Engineering and Hardware Upgrade for the Glenwood Pump Station as follows: Process and Data Automation - \$27,480.00. On recommendation of Mr. Donikowski, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to authorize Process and Data Automation to perform the engineering and hardware upgrade for a total cost of \$27,480.00.

Mr. Donikowski reported that quotes were solicited and one was received for Storage Shelving for the Traffic Department as follows: Gene Davis Sales - \$10,623.00. On recommendation of Mr. Donikowski, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to authorize the Traffic Shelving purchase from Gene Davis Sales for \$10,623.00.

Mr. Donikowski reported that quotes were solicited and received for a Vertical Band Saw for the Streets Department as follows: Superior Auto Supply - \$16,255.49, Global Industries - \$16,798.00, and Amazon - \$17,888.64. On recommendation of Mr. Donikowski, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to purchase the Vertical Band Saw from Superior Auto Supply for \$16,255.49.

A Public Hearing was held on Amendment to the Millcreek Township Comprehensive Plan, Embrace Millcreek:

Planning and Development Director Matthew Waldinger explained that the proposed amendment consists of two (2) parts: The inclusion of the newly developed Presque Isle Gateway District Plan, and an update of the Future Land Use Map, which is in the Appendix section of the 2018 Comprehensive Plan.

Mr. Waldinger summarized the timeline of the Presque Isle Gateway District Plan from 2018 to the present, noting that it was recommended by the Comprehensive Plan. He concluded by reporting that in May 2022, Ingalls Planning & Design delivered the final version of the plan to the Township with new streetscape plans which will bring safety and walkability to residential neighborhoods in the District, increase pedestrian activity through the construction of sidewalks, bike paths, and multi-use trails, and will also improve the West 8<sup>th</sup> Street business district.

Mr. Waldinger stated that the Future Land Use Plan Map is intended to be a guidance document for future land-use decisions. He reported that the Planning Commission has recommended approval of the Amendment, and that the Amendment is consistent with Erie County Planning's Future Use Plan.

Karl Ebert, 10784 Mohawk Road, Cranesville, PA reported that his family has owned the land which is adjacent to Headwaters Park for over 100 years, and that it is designated Clean and Green, is sustainable land used for income from timbering and logging, and is a haven for wildlife, plants and birds. He stated there have been no changes in his property over the years and wanted to know why it was decided to zone his property Preservation District instead of Conservation District, and if an environmental study was done. He requested that the Future Use Map be changed so that his property remains zoned as Conservation District.

Mr. Waldinger responded by explaining that the Amendment proposes no changes to what currently exists for his property and stated that no environmental study was done, but assured Mr. Ebert that everything he proposes to do with his land would be allowed, such as building a home on the parcel. Mr. Ebert asked if the Future Use Map will become the basis for future zoning law, to which Mr. Waldinger replied yes, emphasizing that each property was and will continue to be carefully analyzed.

Being there were no further questions or comments, Mr. Ouellet closed the hearing. On recommendation of Mr. Waldinger, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to adopt Resolution 2022-R-44; A Resolution pursuant to Section 302(C) of the Pennsylvania Municipalities Planning Code amending the 2018 Millcreek Township Comprehensive Plan, by which Millcreek Township will adopt and include the Presque Isle Gateway District Plan, including all of its component parts, and the updated Future Land Use Map.

A Public Hearing was held on the Formation of Millcreek Township General Authority:

Solicitor Mark Shaw explained that the purpose for forming the Millcreek Township General Authority is to assist with the implementation and execution of the Presque Isle Gateway District Plan, and the Authority will have the power to condemn which is broader than the power to condemn held by the Township. Mr. Shaw added that the General Authority will have full authorities permitted under the Municipalities Authority Act, meaning it can also be a tool used for redeveloping other portions of the Township, and can also serve to assist with the management and funding of

the Township's stormwater system. Mr. Shaw explained that the Board of Directors of this new authority is recommended to consist of five (5) members, with the three current Supervisors appointed to the board along with 2 other Millcreek Citizens: David Zimmer, President of Erie Bank, and Robin Waldinger, CFO for Erie Western Pennsylvania Port Authority. In closing, Mr. Shaw reported that the necessary paperwork will be filed with the state on October 18, 2022, which will officially form the Authority, and a public meeting of the Authority will then be scheduled to begin operations and any other business that comes before the Authority at that time. Being there were no further questions or comments, Mr. Ouellet closed the hearing.

On recommendation of Mr. Shaw, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to adopt Resolution 2022-R-45; A Resolution of the Township of Millcreek organizing a Municipal Authority under the Provisions of the Municipality Authorities Act for the purpose of Undertaking All Activities Authorized under the Act, such Authority to be known as the "Millcreek Township General Authority"; and Appointing a Governing Body and Authorizing the Execution and Filing of the Articles of Incorporation.

Mr. Shaw reported that the Township is currently looking at amending the snow removal section of the Sidewalk Ordinance. Subsequently, Proposed Ordinance 2022-8; An Ordinance of the Township of Millcreek, Erie County, Pennsylvania to Amend Ordinance 2010-10 regarding Sidewalks will be advertised with action to be taken at the October 25, 2022 regular meeting.

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-46; A Resolution of the township of Millcreek, Erie County, Pennsylvania to implement Act 57 of 2022 Property Tax Penalty Waiver Provisions. Mr. Zaksheske explained that Act 57 allows the Tax Collector to waive penalties for late payment of Property Taxes. Ms. Clear asked how much financial impact this will have on the Township's finances, to which Mr. Zaksheske responded probably very little.

Planning and Development Director Matthew Waldinger reported that a Notification of Exclusion from Land Development for Waldameer Park was granted to owner and developer Paul Nelson for the addition of a building and water slide ride within the confines of the amusement park, thus is exempt from the Land Development requirement.

Solicitor Mark Shaw reported that the four (4) homeowners on Indigo Run, a small private road within Whispering Woods Subdivision, have paid the Township fees for plowing Indigo Road for many years, but the Township has decided to waive any fees contingent on being held harmless by the property owners, who must continue to maintain the road. On recommendation of Mr. Shaw, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to approve the Indigo Road Snow Maintenance Agreement.

On recommendation of Mr. Shaw, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to approve an MOU between Millcreek Police Department and the Erie Catholic School System in accordance with the Safe Schools Act, and outlines the investigative processes to be followed by both entities at schools and events within Millcreek 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 a Stormwater Management Maintenance Agreement and Stormwater Management Plan for MCH ED and ICU Addition – Millcreek Community Hospital, Developer.

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 an agreement with Building Inspection Underwriters (BIU) for occasional Property Maintenance and Fire Code inspection services through December 31, 2023, and to amend the agreement to include inspection fees pertaining to the new Limited Lodging Rental Ordinance. Mr. Shaw noted that there is no change in the other fees from the last agreement.

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 West Ridge Fire Department to conduct traffic control at Brown's Farm on October 15, 2022 from 11:00 a.m. to 3:00 p.m. for an MYAA Cross Country meet.

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 Captain Kucenski to attend FBI Law Enforcement Seminar in Wexford, PA from November 14-18, 2022 for a total cost of \$1,738.00.

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 officer to attend the PA Crash Accident Reconstruction Seminar at the Bayfront Convention Center from October 24-28, 2022 for a total cost of \$ 99.00.

Ms. Clear announced that Operation Green Light for Veterans will take place the week of November 7-13, 2022. In an effort to support our nation's veterans, municipalities, residents and business are encouraged to light their buildings in green during this week.

Mr. Ouellet reported that the Supervisors met with Solicitor Mark Shaw in Executive Session on September 29, 2022 and October 6, 2022 to discuss legal and personnel matters.

Dennis McAndrew, 1547 High Street, thanked the Supervisors for using the Township's American Rescue Plan Act funds for road improvements for the benefit of Township residents, rather than forwarding it to the County government.

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 10:30 a.m.

Sheryl A. Williams  
Township Secretary

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APPROVED: October 25, 2022

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Daniel P. Ouellet

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James S. Bock

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Kim Clear