

Regular Meeting

October 24, 2023

The regular meeting of the Millcreek Township Board of Supervisors was called to order at 5:02 p.m. by Chairman James Bock in the Assembly Room of the Millcreek Township Municipal Building. Present were James Bock, Daniel Ouellet, Kim Clear, Mark Zaksheske, Matthew Waldinger, Robert Donikowski, Fire Chief Michael Cliff, Mark Shaw, Esq., and Sheryl Williams. Robert Rodemoyer, P.E. and Police Chief Carter Mook were absent.

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

On motion by Mr. Ouellet, seconded by Ms. Clear, it was carried by unanimous roll call vote to approve the minutes from the October 10, 2023 Regular Meeting.

On motion by Mr. Ouellet, seconded by Ms. Clear, it was carried by unanimous roll call vote to approve payment of General Fund bills in the amount of \$2,428,896.38.

Treasurer Mark Zaksheske gave the Third Quarter Financial Presentation, stating that revenue is on track and that state aid is ahead of last year. Also ahead of last year at this time are Property, Income and Real Estate Transfer Taxes, and Expenses are less than last year at this time. Mr. Zaksheske reported that most department budgets are favorable, except health insurance is over budget for a few employees who reached the stop loss level this year. He explained that the Fire Tax Fund is doing well except for capital purchases which are \$7,000 over budget, but was to be expected with the creation of a new fire department. Snow removal costs for Public Works are currently \$49,000 over budget for the year. Mr. Zaksheske noted that the Sewer Revenue Fund overall is favorable, and some projects are running slower than expected. He closed by reporting that \$9,858,083 of the 2023 Capital Budget of \$19,206,265 remains uncommitted. Ms. Clear asked if the surplus will be spent by the end of the year, to which Mr. Zaksheske answered no. Mr. Bock stated that some residents have concerns about a future deficit, to which Mr. Zaksheske replied that there were some stock losses at the end of the year and that actuaries use "smoothing" to soften the blow of pension loss. He also noted that last year the Township entered into several leases, and lease expense and revenue must be listed. Ms. Clear stated that the Township had gains in last year's pensions, to which Mr. Zaksheske agreed, explaining that both general employee and police pensions are fully funded at 112% and 102% respectively. The Board thanked Mr. Zaksheske for his presentation.

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

REPLOT OF LANDS FOR ANTHONY SMITH. Small Subdivision Plan. A subdivision plan to show the creation of two 4,560 square foot lots from tax parcel ID 33-073-299.0-020.00. One lot is to become an integral part of 3031 Westline Street (tax parcel 33-073-299.0-020-01) creating a 0.210-acre lot. The other lot is to become an integral part of 3017 Westline Street (tax parcel 33-073-299.0-021.00) to create a 0.419-acre lot, along the east line of Westline Street, north of West 32nd Street, in Tract 25. Index 335

Planning and Development Director Matthew Waldinger reported that at their October 3, 2023 meeting, the Planning Commission recommended approval with the following requirements: 4,560 square foot lot from tax parcel ID 33-073-299.0-020.00 is to become an integral part of 3031 Westline Street (tax parcel 33-073-299.0-020-01) and 4,560 square foot lot from tax parcel ID 33-073-299.0-021.00 is to become an integral part of 3017 Westline Street (tax parcel 33-073-299.0-021.00).

Don Thompson, representing one of the integral parts, asked what the procedure is once the plan is approved. Mr. Waldinger explained that the documents must be signed, then recorded at the Court House, and advised Mr. Thompson to call the Planning and Development Office to find out the timeline. On recommendation of Mr. Waldinger, it was moved by Mr. Ouellet, seconded by Ms. Clear and carried by unanimous roll call vote to approve the Replot of Lands for Anthony Smith Small Subdivision Plan with the stated requirements.

LAND DEVELOPMENT PLAN FOR KOZIK CLARK OFFICE BUILDING. Land Development Plan. A land development plan to show the construction of 2,198 square foot office building (tax parcel ID 33-123-418.0-031.03) with associated stormwater management facilities and parking lot located along the north line of Village Common Drive, east of Zuck Road, in Tract 348. Index 745-010

Planning and Development Director Matthew Waldinger reported that at their October 3, 2023 meeting, the Planning Commission recommended approval. Mike Sanford, 4721 Atlantic Avenue, the surveyor who created the plan, stated that this plan is for a small office building. He reported that he spoke to GPI today and they expect to issue their approval letter plan today or tomorrow. Mr. Waldinger noted that one final approval is needed from BIU regarding a signature approval that the building meets the Fire Code. On recommendation of Mr. Waldinger, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to approve the Land Development Plan for Kozik Clark Office Building, conditional upon receipt of the signed Fire Code approval from BIU.

On recommendation of Solicitor Mark Shaw, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to approve a Revised Declaration of Easement for Dick's Sporting Goods – Cafaro Peachcreek Joint Venture Partnership, Developer. Mr. Shaw explained that the easement would allow the Township to inspect certain stormwater improvements for BJ's Restaurant at the Millcreek Mall and to maintain the improvements if the developer fails to do so.

On recommendation of CRS Director Jessica Stutzman, it was moved by Mr. Ouellet, seconded by Ms. Clear and carried by unanimous roll call vote to purchase 112 35-gallon recycle toters from Rehrig Pacific at a total cost, including freight, of \$6,114.28, and is eligible for PA DEP 902 Grant reimbursement.

On recommendation of Planning and Development Director Matthew Waldinger, it was moved by Mr. Ouellet, seconded by Ms. Clear and carried by unanimous roll call vote to approve Change Order #2 for the West Lake Sewer Project in the amount of \$2,500 payable to the contractor, Chivers Construction, for relocation of the gate and fence, bringing the new contract amount to \$351,050.00.

On recommendation of Public Works Director Robert Donikowski, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to authorize replacement of an air conditioning unit in the MPD Equipment room by Admiral Heating at a cost of \$6,200.00.

Solicitor Mark Shaw explained that the Township has re-evaluated the Animal Enforcement position and has determined it to be in the best interests of the Township to reclassify the position as an Animal Resource/Code Enforcement Officer, who will be authorized to enforce all Codes that are currently enforced by the Code Enforcement Department. On recommendation of Solicitor Mark Shaw, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to enact Ordinance 2023-7; An Ordinance of the Township of Millcreek, Erie, County Pennsylvania amending Chapter 8, Animals, Chapter 40, Conduct, Chapter 48,

Enforcement and Collection Activities, and Chapter 137 Vehicles and Traffic, of the Millcreek Township Code.

Atty. Shaw reported there are two proposed ordinances under review. The SALDO is currently being reviewed by the Engineering Department. The other proposed ordinance would amend Chapter 129, Taxation, Article VII, Volunteer Service Tax Credit. Atty. Shaw stated that this ordinance would permanently reduce Volunteer Service Tax Credit points from 150 to 75 starting in 2023. Tax Credit points were previously reduced to 75 from 2020-2022 at the request of the Fire Chiefs as a result of the impact of COVID-19.

Atty. Shaw informed the Board that certain federal funding is available if a Language Access Plan (LAP) is adopted to ensure that people with limited English proficiency have meaningful access to the recipient's programs. Resolution 2023-R-39 would approve the LAP, appoint the Community Relations and Sustainability (CRS) Director as Language Access Coordinator, and approve an agreement with the Multicultural Community Resource Center (MCRC) to provide interpretation services at the hourly rate of \$50.00 for scheduled non-emergency appointments Monday - Friday, and \$65.00 per hour for appointments after 5:30 pm weekdays, for emergencies and for weekends, subject to the Solicitor's approval of the terms of that Agreement. On recommendation of Solicitor Shaw, it was moved by Ms. Clear, seconded by Mr. Ouellet, and carried by unanimous roll call vote to adopt Resolution 2023-R-39; A Resolution Establishing a Language Access Plan for Millcreek Township and Approval of Agreement with Multicultural Community Resource Center (MCRC) for Interpretation Services, and to authorize the Chairman to Execute the agreement with MCRC, subject to the Solicitor's review of the rates.

Solicitor Shaw explained that the property owner of 1808 Clifford Drive approached the Township about waiving a portion of the interest that has accrued on a sewer lien that was filed by the Township in 2011. The property owner purchased the home at a Tax Upset Sale on 9/30/2017, and the value of the lien at the time was \$3,197.04. The property owner never received notice of the lien because the address was never changed in the Township's system to reflect the new owner. On recommendation of Atty. Shaw, it was moved by Mr. Ouellet, seconded by Ms. Clear and carried by unanimous roll call vote to forgive the accrued interest of \$1,419.17 from 9/30/2017 to the present, providing that the remaining amount of \$3,197.04 is paid by the owner on or before December 8, 2023.

On recommendation of Solicitor Mark Shaw, it was moved by Mr. Ouellet, seconded by Ms. Clear, and carried by unanimous roll call vote to approve a Fire Protection, Ambulance and Emergency Services Agreement with West Ridge Fire Department. Atty. Shaw noted that no other fire departments have signed the agreement yet, but West Ridge will be staffed by November and will be using West Ridge apparatus, which is provided for in the agreement.

On recommendation of Planning and Development Director Matthew Waldinger, it was moved by Mr. Ouellet, seconded by Ms. Clear and carried by unanimous roll call vote to approve a Sidewalk Deferral Agreement for 5913 Hillhaven Drive – Ryan & Jennifer Butters, Developer, because there are no sidewalks located in the area.

There were no Treasurer communications.

On recommendation of Public Works Director Robert Donikowski, it was moved by Mr. Ouellet, seconded by Ms. Clear and carried by unanimous roll call vote to approve the lateral transfer of Zachary Johnson from the Parks and Recreation Department to the Streets Department as a Laborer.

On recommendation of Public Works Director Robert Donikowski, it was moved by Mr. Ouellet, seconded by Ms. Clear and carried by unanimous roll call vote to hire Sean Zimmerman as a Building Maintenance Laborer at the hourly rate of \$20.56, effective November 6, 2023.

On recommendation of Public Works Director Robert Donikowski, it was moved by Mr. Ouellet, seconded by Ms. Clear and carried by unanimous roll call vote to hire Kelvin Eddy as a Sewer Maintenance Laborer at the hourly rate of \$20.56, effective October 30, 2023.

On recommendation of Human Resource Manager Diane Lyons, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to approve an increase in part-time hourly Police Dispatch wages as follows, effective October 24, 2023: Training - \$15.00, After Training: \$16.00, After Three (3) Years: \$18.00.

On recommendation of Planning and Development Director Matthew Waldinger, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to authorize Gene Clement to attend a Virtual PSATS Stormwater Conference on November 8-9, 2023, at a cost of \$250.00.

On recommendation of CRS Director Jessica Stutzman, it was moved by Mr. Bock, seconded by Mr. Ouellet, and carried by unanimous roll call vote to authorize Monica Zeigler to take a Notary License Education Course for \$445.00, and to purchase the necessary Notary Supplies for \$110.75.

Mr. Bock reported that the Board met with Solicitor Mark Shaw on October 12, 2023 to discuss litigation matters related to an Orphan's Court Petition, a change order and a sewer lien, and real estate matters related to Parks and Recreation facilities and lease of Township property. Mr. Bock reported that they met again on October 19, 2023 to discuss litigation matters related to an Orphan's Court Petition, Ordinance Enforcement, a change order and right-of-way construction, and real estate matters related to Parks and Recreation facilities and lease of Township property.

Mr. Bock announced that Halloween Trick-or-Treat Hours will be on Tuesday, October 31, 2023 from 6:00 – 8:00 p.m. Ms. Clear reported that Millcreek Police and Fire Departments will be in various neighborhoods handing out candy.

Solicitor Mark Shaw reported that the Orphans Court Petition has been filed for selling the Erie Golf Course, as the Attorney General's office did not object. A hearing is scheduled for December 8, 2023 at 1:30 pm before Judge Marshall J. Piccinini and is required to be advertised on three (3) consecutive Fridays.

Student Ambassador Andrew Madurski relayed that he is a senior at McDowell High School, a member of the Math Club, President of the Astronomy Club, and hopes to attend the U.S. Air Force Academy to study Physics.

There being no further business to come before the Board and no Citizens to be Heard, it was moved by Mr. Ouellet and seconded by Ms. Clear to adjourn the meeting at 5:53 p.m.

Respectfully submitted,

Sheryl A. Williams
Township Secretary

APPROVED: November 14, 2023

James S. Bock

Daniel P. Ouellet

Kim Clear