

## Regular Meeting

October 25, 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, Chief Scott Heidt recognized the following officers for their recent promotions and years of service:

Lt. Anthony Chimera, Commander of 3<sup>rd</sup> Platoon, Patrol Division - 25 years of service  
Cpl. Matt Shollenberger, Specialized Traffic Division – 18 years of services

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 October 11, 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 \$407,620.19, and Sewer Revenue Fund bills totaling \$548,532.73.

Treasurer Mark Zaksheske presented the 2022 Third Quarter Financial Report, stating that revenue is slightly ahead of last year at this time and that the Township received a little extra state pension aid. 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 and noted that Public Safety is running favorable due to keeping overtime down. Mr. Zaksheske reported that the Multiuse Trail and a few other projects were not completed this year and will be moved to the 2023 Capital Budget. Regarding Sewer Revenue, Mr. Zaksheske reported that spending is down due to the need to move some capital projects to 2023. He closed his presentation by announcing that \$6,554,429 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 by Chief Scott Heidt, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to approve the purchase of a ballistic vest from Uniform Outfitters at a cost of \$1,479.00, to be reimbursed through the Pennsylvania Commission on Crime and Delinquency COAST grant. Ms. Clear announced that the Police Department is a recent recipient of this grant which will also provide for a Social Worker to be hired to accompany police officers on calls involving mental health issues.

On recommendation by Chief Scott Heidt, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to approve the purchase of one (1) Dell Optiplex 3000 Desktop Computer @ \$817.00, four (4) Apple iPads @ \$316.20 each, and four (4) Apple pencil stylus @ \$97.00 each for a total cost of \$2,469.80 from GovConnection Inc. under COSTARS Contract #003-025, to be reimbursed through the Pennsylvania Commission on Crime and Delinquency COAST grant.

On recommendation by Chief Scott Heidt, it was moved by Mr. Bock, seconded by Ms. Clear and carried by unanimous roll call vote to approve the purchase of three (3) desk chairs for Dispatch from CR Solutions Inc. under COSTARS Contract #4400016326 for a total cost of \$5,002.62.

On recommendation by Chief Scott Heidt, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to approve the purchase of seven (7) Wireless Access Points from GovConnection Inc. under COSTARS Contract #003-025, for a total cost of \$1,029.00.

Treasurer Mark Zaksheske reported that the Township's telephone carrier, Windstream, recently decided to discontinue service to the Township without notice, thus the Township needed to contract with another provider as soon as possible. On recommendation by Mr. Zaksheske, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to approve a 36-month contract with VNET for telephone service at a monthly cost of \$1,283.60, to include free long-distance service retroactive to October 21, 2022.

A Public Hearing was held on the following Land Development Plan:

**COLLEY'S POOLS & SPAS. Land Development Plan. A land development plan to show the construction of a 4,000 square foot building addition with required parking spaces along the north line of West 26<sup>th</sup> Street, east of Homer Avenue, in Tract 17. Index 309-097.**

Planning and Development Director Matthew Waldinger reported that at their October 4, 2022 regular meeting, the Planning Commission recommended approval with the following Requirements: A planting strip along West 26<sup>th</sup> Street – minimum requirement is 10'; Parking area needs to meet the requirements of Buffer C; Side yard buffer is needed on the east side of the property. Additionally, the Planning Commission strongly encouraged the owner to have green space in the rear of the property. Mr. Waldinger reported that the developer has submitted new drawings which address all requirements.

Adam Colley of Colley's Pools and Spas, 1557 W. 26<sup>th</sup> Street, asked if there were any questions from the Board. Mr. Ouellet asked if the developer has made any arrangements for adding greenspace at the rear of the property, to which Mr. Colley replied that he would need to look into this. Being there were no further comments either in favor of or opposed to the land develop plan, 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 approve the Colley's Pools & Spas Land Development Plan.

On recommendation by Mr. Waldinger, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to approve a Nonsubstantial Amendment to an Approved Land Development Plan for the David P. Hanlon Community Sports Complex – Millcreek Township School District, Developer, as the amendment to install a baseball field to the existing complex, remove an existing storage building and update the stormwater management system meets the requirements, was reviewed by GPI and certified by Township Engineer Anne Sokol.

On recommendation by Mr. Waldinger, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to approve a Nonsubstantial Amendment to an Approved Land Development Plan for NOMAR Erie, LLC – Nomar Erie, LLC, Developer as the request to move parking to the south in front of the building meets the requirements, was reviewed by GPI and certified by Township Engineer Anne Sokol.

Solicitor Mark Shaw reported that the Township is currently finalizing an ordinance to address the prompt removal of snow and debris and maintenance of sidewalks as a result of the recently resolved ADA lawsuit. 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 November 15, 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-47; A Resolution to authorize approval of Operational Support Activities for Volunteer Fire Departments in Millcreek Township, Erie County, Pennsylvania to be covered by the Township's Workers Compensation Insurance Carrier.

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 adopt Resolution 2022-R-48; A Resolution to Authorize Submission of a Grant Application to the Pennsylvania Department of Conservation and Natural Resources (DCNR) for the Peninsula Drive Multiuse Trail Project, Phase 1. Mr. Waldinger explained that the prospective \$1.1 million grant funds will be used to pay for the costliest component of the project, the retaining wall, with Millcreek Township having to pay \$1.5 million.

On recommendation by Mr. Waldinger, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to deny a request from Erie County Bureau of Revenue and Tax Claim to sell the following parcel from the Repository for Unsold Properties, as it is completely landlocked an undevelopable, and continued non-payment of property taxes would be likely to recur: Index 33-118-468.0-023.00 - GLENWOOD PARK AVE 305 X 150 X 372.

Treasurer Mark Zaksheske announced that the IRS has increased the limits for Flexible Spending Accounts (FSAs) to \$3,050 for 2023 from \$2,850 in 2022. On recommendation by Mr. Zaksheske, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to amend the Township's Flexible Spending Account Plan accordingly for 2023.

Planning and Development Director Matthew Waldinger notified the general public that there will be openings on both the Planning Commission and Zoning Hearing Board for 2023. Interested residents are encouraged to contact Mr. Waldinger for more information.

Solicitor Mark Shaw reported that as a result of the September 26, 2022 Joint Public Meeting between the Board of Supervisors and the Fire and EMS Commission, the Fire and EMS Commission voted unanimously at their October 20, 2022 meeting to submit three recommendations to the Board of Supervisors, as follows:

On recommendation of Mr. Shaw and on separate motions by Ms. Clear and seconded by Mr. Bock, it was carried by unanimous roll call vote to:

1. Proceed with the Suggested Staffing Concept;
2. Reduce Volunteer Service Tax Credit Participation from 150 points to 75 points and to authorize Mr. Shaw to draft the necessary Ordinance for the November 15, 2022 Supervisors meeting.
3. Approve an Agreement with Fast Attack and Chief Sohyda to provide assistance with Implementation of a Combination Fire System at the rate of \$85.00/hour, not to exceed \$7,500.00, for Fire Consulting Services.

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 up to eight (8) police officers to attend the 2022 SafeNet conference on Intimate Partner Violence at the Ambassador Conference Center on November 20, 2022, at a total cost of \$640.00 for registration.

Mr. Ouellet reported that the Supervisors met with Solicitor Mark Shaw in Executive Session on October 13 and 20, 2022 to discuss legal and personnel matters.

On recommendation of Solicitor Mark Shaw, it was moved by Ms. Clear, seconded by Mr. Bock and carried by unanimous roll call vote to accept the resignation of Robin Waldinger from the Millcreek Township General Authority Board, and to appoint Cheryl Mitchell as her replacement.

Patrick Martin, 4821 Woodbury Drive, asked for clarification on how to proceed to have Belle Valley Park renamed in honor of his late father, former Supervisor Paul Martin. Mr. Shaw and Ms. Clear replied that there is no set procedure, but the matter is under discussion and the goal is to do something in the spring of 2023.

Chuck Felix, 2744 McKee Road, reported that he assisted the Streets Department in blocking off West 28<sup>th</sup> Street during the recent flooding event to prevent cars from getting stuck. He requested that the Supervisors develop a plan for future flooding events.

Dennis McAndrew, 1547 High Street, expressed concern about residents blowing leaves into ditches in the streets and improperly bagging their leaves in black garbage bags, which are then mistakenly taken as garbage. Mr. Bock replied that he has asked the Public Services department to make a public service announcement to remind residents how to properly dispose of their leaves.

Gary Behr, 4045 Feidler Drive, reported that he too has witnessed leaves being picked up and taken as garbage. He then asked who will be responsible for maintaining the new multiuse trail once it is completed. Mr. Shaw replied that Millcreek Township will maintain the walkway, and DCNR will take care of day-to-day maintenance of the trail.

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 6:45 p.m.

Sheryl A. Williams  
Township Secretary

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APPROVED: November 15, 2022

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Daniel P. Ouellet

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James S. Bock

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Kim Clear