

Regular Meeting

November 15, 2022

The regular meeting of the Millcreek Township Board of Supervisors was called to order at 9:30 a.m. by Vice Chairman James Bock in the Assembly Room of the Millcreek Township Municipal Building. Present were Daniel Ouellet (via telephone), James Bock, Kim Clear, Mark Zaksheske, Robert Donikowski, Matthew Waldinger, Mark Shaw, Esq. and Sheryl Williams.

Following the Pledge to the Flag, Ms. Clear announced that Chief Scott Heidt would be retiring at the end of January 2023, and Captain Carter Mook has been appointed as Deputy Chief until the Chief's retirement. On motion by Ms. Clear, seconded by Mr. Ouellet, it was carried by unanimous roll call vote to promote Captain Mook to Deputy Chief, retroactive to November 1, 2022.

On recommendation of Deputy Chief Carter Mook, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to promote Cpl. Michael Panighetti to the rank of Sergeant, and Detective Ryan Presnar to the rank of Corporal in the Patrol Division. The officers and their families were excused for a reception.

Mr. Bock 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. Ouellet, it was carried by unanimous roll call vote to approve the minutes from the October 25, 2022 regular meeting.

On motion by Ms. Clear, seconded by Mr. Ouellet, it was carried by unanimous roll call vote to approve payment of the General Fund bills in the amount of \$3,342,309.53, and Sewer Revenue Fund bills totaling \$84,921.96.

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 purchase a new Barnes pump for the Lake Pleasant Pump Station from Miller Pump Supply Inc. for \$7,667.65 under COSTARS contract #541212-2022-02-SB.

On recommendation of Mr. Donikowski, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to authorize National Gunitite to complete a pipe lining project along Mill Street and West 54th Street at a cost of \$141,345.00 under COSTARS Contract #41-006.

On recommendation of Mr. Donikowski, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to approve Change Order #1 and final payment of this year's paving project by Lindy Paving in the amount of \$48,355.51.

On recommendation of Mr. Donikowski, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to purchase a Lincoln 210MP Mig Welder with a water cooled torch and fume extractor for the Garage/Fleet Maintenance Department from Welders Supply for \$10,941.97.

Mr. Donikowski reported that quotes were solicited and received for a new 60'x25' concrete pad poured on the north side of Garage 2 as follows: Maya Brothers Inc. - \$17,200.00, Stoeger Concrete - \$17,200.00, and Amendola Construction - \$19,875.00. Mr. Donikowski noted that Stoeger Concrete is unable to complete the project this year, therefore on recommendation of Mr. Donikowski, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to award the contract to Maya Brothers Inc. for \$17,200.00.

Mr. Donikowski reported that quotes were solicited and one was received for a PCMT 8000 Conflict Monitor Tester from Athens Technical Specialists Inc. at a cost of \$12,572.00. Mr. Donikowski noted that Athens is a sole source provider for this equipment.

Mr. Donikowski reported that the Township advertised twice in October for bids for five (5) battery backup systems to operate traffic signals along the Peach Street Corridor, and one quote was received from Signal Service Inc. for \$24,500.00. On recommendation of Mr. Donikowski, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to purchase the battery backup units from Signal Service Inc. for \$24,500.00.

Planning and Development Director Matthew Waldinger reported that three (3) vendors were contacted for quotations for software to assist in the tracking of Limited Lodging Rentals in the Township, and only one responded. On recommendation of Mr. Waldinger, it was moved by Ms. Clear, second by Mr. Ouellet and carried by unanimous roll call vote to purchase three (3) tracking modules from Granicus Software at an annual cost of \$4,760.00, a portion of which will be offset by Limited Lodging permit fees.

Solicitor Mark Shaw explained that as a result of the Voices for Independence settlement, it is necessary to update the Township's Sidewalk Ordinance to be in compliance with ADA requirements, and sidewalk maintenance and timely snow removal are also addressed in this ordinance. On recommendation of Mr. Shaw, it was moved by Ms. Clear, second by Mr. Ouellet and carried by unanimous roll call vote to enact Ordinance 2022-8; An Ordinance of the Township of Millcreek, Erie, County Pennsylvania amending and restating Chapter 121, Streets and Sidewalks, Article I, Sidewalk Construction and Maintenance and amending and renumbering Article II, Excavations within Rights-of-Way, of the Millcreek Township Code.

Mr. Shaw explained that since the pandemic began in 2020, there has been a significantly lower number of emergency fire and medical calls and thus less opportunity for volunteer firefighters and medical personnel to earn volunteer service tax credit points. On recommendation of Mr. Shaw, it was moved by Ms. Clear, second by Mr. Ouellet and carried by unanimous roll call vote to enact Ordinance 2022-9; An Ordinance of the Township of Millcreek, Erie, County Pennsylvania temporarily amending Chapter 129, Taxation, Article VII, Volunteer Service Tax Credit, Section 125-50A of the Millcreek Township Code to reduce the participation points required for Qualifying Volunteers for the 2022 tax year. Mr. Shaw noted that the number of points to qualify in 2022 is again being temporarily reduced from 150 to 75 at the request of the Fire Chiefs.

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 adopt Resolution 2022-R-49; A Resolution to amend and restate regulations establishing amounts of fees and deposits required/allowed under state law and various Township Code provisions and to establish fee amounts related to administration of the Limited Lodging Ordinance. Mr. Waldinger noted that this resolution sets permit, application, renewal and inspection fees.

Ms. Clear reported it is important to support local, independently owned small businesses, especially over the Thanksgiving shopping weekend. It was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to adopt Resolution 2022-R-50; A Resolution of the Township of Millcreek Township, Erie County, Pennsylvania, to join a national effort to support local, independently owned small businesses in Millcreek Township on the Saturday after Thanksgiving, November 26, 2022.

On recommendation by Solicitor Mark Shaw, It was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to adopt Resolution 2022-R-51; A Resolution to Approve

Funding to the Millcreek Township General Authority for 2022. Mr. Shaw explained the Township would be giving a grant of \$1,000,000 to the Authority using proceeds from the sale of the Millcreek Township Water Authority.

It was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to adopt Resolution 2022-R-52; A Resolution to Approve the Annual budget of the Erie Area Council of Governments for the Calendar Year Ending December 31, 2023.

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 approve a PennDOT Green Light-Go reimbursement grant agreement for \$335,000 with a Township match of 20%, and to authorize the Traffic Department to purchase the equipment covered under this agreement.

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 send a letter of acceptance and statement of compliance to the PA Office of the Budget for the Presque Isle Gateway District II RACP Grant Award of \$3,000,000, and to authorize the Chair to sign the letter.

Solicitor Mark Shaw reported that a tax assessment settlement was reached between the Erie County Board of Assessment Appeals, LECOM, Millcreek Township School District and Millcreek Township regarding three (3) parcels - 4716 Peach Street (33) 100-139.0-004.00, 4740 Peach Street (33) 100-139.0-005.00, and Peach Street (33) 100-139.0-003.00, which are now deemed to have a combined assessed value of \$700,000.00. On recommendation of Mr. Shaw, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to authorize MacDonald, Illig, Jones & Britton LLP to execute the agreement.

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 approve the release of First National Bank Letter of Credit #3540 for Pacific Avenue Development – Supportive Living Services, Inc., Developer, in the amount of \$106,629.00, as all requirements have been satisfied.

Mr. Waldinger reported that the developer of a property in Millcreek has canceled their project and is requesting the return of their financial security. On recommendation of Mr. Waldinger, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to amend the AHN JIB, LLC Land Development agreements regarding demolition and removal of the existing structure, and to approve the release of Erie Bank Letter of Credit #1663 for AHN JIB, LLC – AHN JIB, LLC Developer, in the amount of \$140,976.00, and to authorize the Chair to sign the agreement.

On recommendation of Mr. Waldinger, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to approve a Stormwater Maintenance Agreement for 5817 Echo Hill Lane – Levi A. and Kimberly A. Marsh, Developer, and to accept the Stormwater Management Plan.

On recommendation of Mr. Waldinger, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to approve a Sidewalk Deferral Agreement for 5817 Echo Hill Lane – Levi A. and Kimberly A. Marsh, Developer, as there are no sidewalks in the immediate area.

Mr. Waldinger announced that there are openings on both the Planning Commission and Zoning Hearing Board for 2023 and interested residents should contact him.

On recommendation of the Human Resources Department, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to hire John Hickman as a full time Public Works/Public Safety Dispatcher, effective November 25, 2022 at an hourly rate of \$19.24.

On recommendation of Chief Scott Heidt, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to authorize two (2) officers to attend National Tactical Officers Association Police Response to Active Shooter Instructor training in New Castle from March 6-9, 2023 at a total estimated cost of \$2,480.50.

On recommendation of Chief Scott Heidt, it was moved by Ms. Clear, seconded by Mr. Ouellet and carried by unanimous roll call vote to authorize four (4) officers and Chief Heidt to Pittsfield, MA from November 15-17, 2022 for acceptance, training and delivery of the Armored Rescue vehicle.

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 two (2) Sewer Department employees to attend an Inflow & Infiltration Seminar on November 22, 2022 in Erie at a total cost of \$300.00.

Mr. Bock reported that the Supervisors met with Solicitor Mark Shaw in Executive Session on November 3 and 10, 2022 to discuss legal and personnel matters.

Mr. Ouellet announced that West Lake Volunteer Fire Department celebrated its 85th anniversary and West Ridge Volunteer Firefighter Gary Walters celebrated 50 years of service with the department in November. Both were presented proclamations from the Board of Supervisors.

Dennis McAndrew, 1547 High Street, expressed concern about the number of properties on Peach Street that are being purchased by LECOM and may become tax exempt due to LECOM's non-profit status. Solicitor Mark Shaw explained that just because LECOM is a non-profit entity, it does not mean that it is completely tax-exempt. He stated that smaller properties typically remain taxable at some level unless they are demolished, and that PILOT agreements are set for specific properties, such as hospitals. Mr. Shaw noted that municipalities must follow state law regarding non-profits and tax assessment, and the consent agreement that was approved at this meeting is a result of that.

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

APPROVED: November 29, 2022

Daniel P. Ouellet

James S. Bock

Kim Clear