

SUMMIT TOWNSHIP SUPERVISORS
Regular Business Meeting
Monday, June 2, 2014

Chairman Church called the regular business meeting of the Board of Supervisors to order at 6:03 p.m. following salute to the flag. Supervisors Agostine and Lee were present, as were, Zoning Administrator Hudak, Solicitor Sennett, Engineer Jonas, Administrative Assistant Nesselhauf, and seven interested persons.

CALL TO ORDER

Motion by Agostine, seconded by Lee, to approve the minutes of the Regular Business Meeting on May 19, 2014, as presented and reviewed by the Board of Supervisors.
Vote: 3/0

5/19/2014 MINUTES

Administrative Assistant Nesselhauf reported receipt of an Easement Agreement Letter submitted by J & E Interstate. The agreement would allow J & E Interstate to encroach on a small portion of the southwest corner of James and Annette Coccarelli's lot for the purposes of a retaining wall and some limited landscaping. Letter confirmed removal of said encroachment in the event the Coccarelli's property is sold. Board acknowledged receipt.

CORRESPONDENCE

- J & E Interstate Encroachment Easement
- EYSA Photo Day
- ECAMA Dinner Meeting
- STWA Board

Administrative Assistant Nesselhauf reported a request by the Erie Youth Soccer Association (ESYA) to use the Summit Township Municipal Building for their photo day on Monday, June 9, 2014 from 4:00 pm to 8:15 pm.

Motion by Agostine, seconded by Lee, to approve the use of the Summit Township Municipal Building by EYSA for their photo day on Monday, June 9, 2014 from 4:00 pm to 8:15 pm.
Vote: 3/0

Administrative Assistant Nesselhauf reported receipt of an invitation from the Erie County Association of Municipal Administrators (ECAMA) to attend the quarterly dinner meeting on Thursday, June 12, 2014.

Motion by Agostine, seconded by Lee, to approve attendance to the ECAMA quarterly dinner meeting on Thursday, June 12, 2014.
Vote: 3/0

Supervisor Agostine reported a vacancy on the Summit Township Water Authority Board and acknowledged receipt of an email from Ann Whipple to fill that vacancy.

Motion by Lee, seconded by Agostine, to appoint Ann Whipple to fill the vacancy on the STWA Board. Supervisor Agostine also indicated that Isaac White offered to serve as well as Bill Henderson who had served in the past.
Vote: 3/0

Motion by Lee, seconded by Agostine, to approve the May 2014 Expenditures as presented and reviewed by the Board of Supervisors.
Vote: 3/0

MAY 2014
EXPENSES

Supervisor Lee requested that Andy Pace be hired at minimum wage as seasonal staff.

ANDY PACE

Motion by Lee, seconded by Agostine, to hire Andy Pace at minimum wage as seasonal staff.
Vote: 3/0

Supervisor Church reported the request for Kip Hayford to participate as a member of the Northwestern PA Emergency Response Group Incident Management Team (IMT).

KIP HAYFORD
NPERG IMT

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Motion by Agostine, seconded by Lee, to approve Kip Hayford to participate as a member of the Northwestern PA Emergency Response Group IMT.

Vote: 3/0

Motion by Agostine, seconded by Lee, to approve a 2013 Real Estate Tax Refund of \$315.14 to Waste Management. Supervisor Church explained the reason for the refund was because Waste Management had some properties reassessed.

Vote: 3/0

WASTE MGMT
2013 Real Estate Tax
Refund

Motion by Agostine, seconded by Lee, to approve the Agreement for MacDonald, Illig, Jones & Britton LLP to conduct the Judicial Tax Sale in calendar years 2014, 2015 and 2016. Resolution #2014-11.

MACDONALD,
ILLIG, JONES &
BRITTON LLP
JUDICIAL TAX SALE

Patrick Glass, 9242 Old French Road, asked what a Judicial Tax Sale was.

Supervisor Church explained that it is the sale of properties that have neglected to pay their taxes (a lien free sale).

Vote: 3/0

Supervisor Church reported receiving several inquiries regarding Frank Avenue and whether Summit Township planned to reopen it or have it remain closed. He clarified that he was not looking for immediate Board action; just thoughts on how to proceed.

FRANK AVENUE

Larry Jones, 2540 Laurie Drive, stated it would be safer and easier to get out onto Rt. 97 from a light vs. not a light.

Tom Green. 8553 Dundee Road, suggested by opening Frank Avenue it would be better for the Fire Department.

Jim Chojnacki, 9481 Old French Road, stated he thought opening it was the original plan after the casino opened.

Discussion ensued regarding a possible fact finding investigation conducted by either the Township or by Urban Engineers with regards to either keeping it closed or possible alternatives.

Atty. Sennett suggested we delay seeking input from the residents until Urban Engineers evaluates it. Discussion ensued, resulting in a conclusion that Urban Engineers would conduct a fact finding investigation to determine the best course of action to resolve the situation.

Zoning Officer Hudak reported that Port Harbor Company has requested release of Sidewalk Bonds for 2818 Sienna Trail, 2839 and 2843 Dorn Road. All three have been inspected and recommended for release by the Township Road Foreman.

2818 SIENNA TRAIL
2839&2843 DORN
ROAD SIDEWALK
BONDS RELEASED

Motion by Agostine, seconded by Lee, to release the following sidewalk bonds to Port Harbor Company:

- 2818 Sienna Trail \$1200
- 2839 Dorn Road \$840
- 2843 Dorn Road \$840

Vote: 3/0

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Zoning Officer Hudak reported that Home 2 By Hilton has requested release of their Conditional Occupancy Financial Security posted for Greenspace completion at 8035 Oliver Road.

HOME 2 BY HILTON
CONDITIONAL
OCCUPANCY
FINANCIAL
SECURITY
RELEASED

Motion by Agostine, seconded by Lee, to release the Conditional Occupancy Financial Security for Home 2 By Hilton, 8035 Oliver Road, in the amount of \$8,144.

Vote: 3/0

Zoning Officer Hudak reported that the William J. Long, III Land Development Plan (LDP) for 8931 Peach Street depicts the conversion of the former single-family dwelling to a commercial use. Plan has been recommended for approval by both the Summit Township Planning Commission and Erie County Planning.

8931 PEACH STREET
LDP

Motion by Agostine, seconded by Lee, to approve the William J. Long LDP for 8931 Peach Street, Parcel ID No. (40) 21-101-1.

Vote: 3/0

Zoning Officer Hudak reported that the J & E Interstate, LLC Amended Land Development Plan (LDP) for 6969 Edinboro Road reflects existing conditions of the site as well as proposed additions. Plan has been recommended for approval by both the Summit Township Planning Commission and Erie County Planning.

J & E INTERSTATE
AMD. LDP

Motion by Agostine, seconded by Lee, to approve the J & E Interstate Amended LDP for 6969 Edinboro Road, Parcel ID No. (40) 1-9-2 & 2.0; with encroachment issue satisfied.

Vote: 3/0

Zoning Officer Hudak reported that Frontier General Contracting has requested release of their Operations Bond for 9030 Peach Street (the new Fiat dealership).

FRONTIER
GENERAL
CONTRACTING
OPERATIONS BOND
RELEASED

Motion by Agostine, seconded by Lee, to approve release of the Operations Bond to Frontier General Contracting for 9030 Peach Street, in the amount of \$2000.

Vote: 3/0

Solicitor Sennett reported that the recent decision by the Commonwealth Court in the Hessinger lawsuit was not in favor of the township. He advised that the township could appeal the decision to the PA Supreme Court. Supervisor Church requested an executive session be held after the meeting to bring Supervisor Lee up-to-date on the case so a decision could be made at the next meeting. Solicitor Sennett stated he would need a decision by June 16, 2014; the last date to file an appeal.

SOLICITOR

- Hessinger
Lawsuit

Engineer Jonas reported the results of the Intersection Investigation for Zwilling Road at Perry Highway-Route 97 and provided the board with a copy of those results which included low cost and higher cost recommended safety improvements.

ENGINEER

- Zwilling &
Perry Hwy-
Route 97
Intersection
Investigation
- MS-4 Progress
Report
- PIDI
Conservation
Easement

Engineer Jonas reported that the MS-4 progress report is due to the Department of Environmental Protection by June 17, 2014.

Engineer Jonas reported that the Presque Isle Downs Conservation Easement "walk-through" is scheduled for Wednesday, June 6, 2014.

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Supervisor Agostine stated that the Summit Township Sewer Authority (STSA) requested the use of Picnicana for a retirement party for Carol Gradler on Wednesday, September 10, 2014. Motion by Agostine, seconded by Lee to approve the use of Picnicana by the STSA for a retirement party for Carol Gradler on Wednesday, September 10, 2014.

Vote: 3/0

Supervisor Church expressed concern about the Summit Township Refuse Container Ordinance stating he did not agree with the fact that a dumpster is considered a structure. Supervisor Agostine asked Supervisor Church for recommendations on what he thinks would work in the ordinance due to the fact that Church has 2 dumpsters that are not in compliance. Agostine also added that the Zoning Department has a list of residents/businesses that are in violation of the current ordinance and the township cannot move forward with contacting them until a decision is made to either keep the ordinance as is or change it. Discussion ensued.

Patrick Glass, 9242 Old French Road, asked if the dumpster at Picnicana is on the list.

Zoning Officer Hudak responded that Picnicana's dumpster is not on the list because it existed prior to the ordinance dated (1992), not subject to the current regulations.

Jim Chojnacki, 9481 Old French Road, suggested titling the dumpsters differently.

Atty. Sennett suggested just changing the wording of the ordinance to remove the word structure which doesn't change the ordinance. Discussion ensued with Atty. Sennett offering to look at the ordinance to see what could be done.

Catherine Caufield, 695 W. Townhall Rd, and Downia Glass, 9242 Old French Road, presented a request to use the Township Building to teach an art drawing class once a week for 5 weeks starting sometime in July. Discussion ensued regarding the legality of the township allowing Ms. Caufield and Ms. Glass to charge a fee for their class with the use of the Township Building at no charge. Atty. Sennett stated that the township could just waive the rental fee to use the building.

Motion by Agostine, seconded by Lee, to approve the use of the Township Building for Ms. Caufield and Ms. Glass to teach an art drawing class once a week for 5 weeks starting sometime in July, with the rental fee for the use of the building waived.

Vote: 3/0

Jim Chojnacki, 9481 Old French Road, expressed concern about the sign for the Township Building. Mr. Chojnacki questioned why it was not in the original plans for the new building because now 3 parking spaces would be lost.

Supervisor Agostine responded with the fact that a final decision has not been made about the sign. The loss of the parking spaces was approved by the Zoning and Hearing Board, who recommended two extra spaces be removed to increase visibility.

SUPERVISORS

- STSA Retirement Party
- Dumpster Ordinance

PUBLIC INPUT:

- Drawing Class
- Township Building Sign

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With no further business to come before the Board, motion by Agostine, seconded by Lee, to adjourn the meeting at 7:35 p.m.

ADJOURNMENT

Vote: 3/0

Respectfully submitted,

Michelle Nesselhauf

Recording Secretary

06/02/2014