

SUMMIT TOWNSHIP SUPERVISORS
Regular Business Meeting
Monday, July 7, 2014

Chairman Church called the regular business meeting of the Board of Supervisors to order at 6:00 p.m. following salute to the flag. Supervisor Lee was present, as were, Zoning Administrator Hudak, Solicitor Wachter, Engineer Jonas, Secretary Yeast and seventeen interested persons. Supervisor Agostine was absent.

CALL TO ORDER

Motion by Lee, seconded by Church, to approve the minutes of the Regular Business Meeting on June 16, 2014, as presented and reviewed by the Board of Supervisors.
Vote: 2/0

6/16/2014 MINUTES

Secretary Yeast reported receipt of an e-mail from Christine Artman requesting permission to close Carson Drive for a block party on August 16, 2014.

CORRESPONDENCE

Motion by Lee, seconded by Church, to close Carson Drive for a 2014 Block Party on August 16, 2014.
Vote: 2/0

- Carson Dr. closing for block party
- Process to Amend Trans. Plan approved

Zoning Administrator Hudak reported receipt of an e-mail from Laban Marsh requesting Board consideration to amend the Summit Township Transportation Plan/Official Map. Mr. Marsh intends to develop property located on the north side of Dorn Road and has requested relocation of the "internal collector" on the east end of his property to the center of his property as well as reclassification from an "internal collector" to "local/residential" street.

Motion by Lee, seconded by Church, to authorize Zoning Administrator Hudak to begin the process to amend the Summit Township Transportation Plan/Official Map.
Vote: 2/0

Motion by Lee, seconded by Church, to approve the June 2014 Expenditures as presented and reviewed by the Board of Supervisors.
Vote: 2/0

JUNE 2014
EXPENSES

Motion by Lee, seconded by Church, to approve expenses for Christene Yeast to attend the PA Association of Municipal Administrators (PAMA) Annual Conference.
Vote: 2/0

PAMA
CONFERENCE

Motion by Lee, seconded by Church, to authorize an advertisement of Board intent to consider adoption of an ordinance establishing speed limits on Cherry St. Ext. and Johnson Road (west of Old French Road) at the Regular Business Meeting on July 21, 2014
Vote: 2/0

AD AUTHORIZED
FOR SPEED LIMIT
ORD.

Atty. Wachter explained the purpose and some history in regard to cable television franchise agreements for local municipalities. Summit Township's Franchise Agreement is currently in negotiation and delayed due to recent cable company mergers. Supervisor Church further explained that the local Council of Governments (COG) group is also in negotiations and has requested Summit Township join them. But, Church added that Summit Township has some unique issues and is confident Atty. Bauer of the Knox Law Firm can represent our interests in a more individualized manner. No action is required.

CABLE FRANCHISE
LEGAL
REPRESENTATION

Zoning Administrator Hudak reported that the Peach St. Square Phase I Amended Land Development Plan (LDP) is an addition to the south side of the Burlington Store for an Old Navy Store. This plan has been reviewed and recommended for approval by both the Erie County Planning Department and Summit Township Planning Commission.

PEACH ST. SQ. PH I
AMD. LDP

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Motion by Church, seconded by Lee, to approve the Peach St. Square Phase I Amended LDP.

Thomas Greene, 8553 Dundee Road, expressed concern that the Summit Township Planning Commission June 9, 2014 meeting had violated the Sunshine Act and recommended approval of this plan prior to the 7:30 p.m. advertised meeting.

Zoning Administrator Hudak responded and apologized for the Planning Commission meeting having started early that night due to the disruption caused by the Little League Photograph Session. There was only one item on the agenda, and the meeting ended before 7:30 p.m. Atty. Wachter requested the Board delay a vote on the Peach St. Square Phase I Amended LDP until he researches the issue.

Zoning Administrator Hudak reported that Port Harbor Company has requested the release of Sidewalk Bonds for 2819 Sienna Trail and 2820 Sienna Trail. 2819 Sienna Trail has been inspected by Mike Hanas, and 2820 Sienna Trail was inspected by Engineer Jonas. Both were found to be completed properly.

PORT HARBOR
SIDEWALK BONDS
RELEASED FOR
2819, 2820 SIENNA
TRAIL

Motion by Lee, seconded by Church, to release the Port Harbor Company Sidewalk Bonds for 2819 Sienna Trail in the amount of \$1,200; and 2820 Sienna Trail in the amount of \$9,140.

Vote: 2/0

Zoning Administrator Hudak reported that Michael Coon has requested release of the Sidewalk Bond for 8830 Marlee Way. It has also been inspected by Mike Hanas and found to be completed properly.

COON SIDEWALK
BOND FOR 8830
MARLEE WAY
RELEASED

Motion by Lee, seconded by Church, to release the Sidewalk Bond for 8830 Marlee Way to Michael Coon in the amount of \$1,979.

Vote: 2/0

Zoning Administrator Hudak reported that Nellie Huber c/o Lois Ross has submitted a petition for rezoning of Parcel ID No. 40-4-16-63 addressed as 2103, 2105, and 2107 Hershey Road from I-1 (Industrial) to B-1 (Business). Petition will be included as an agenda item at the 7/14/2014 Planning Commission meeting.

No action is required.

REZONING
PETITION
2103,2105,2107
HERSHEY RD.

In regards to the Peach St. Sq. Ph. I, LDP, Atty. Wachter reported that he does not have the information available to fully research whether the Board can act without a recommendation from the Planning Commission. Atty. Wachter suggested the Board amend the motion contingent on research completed by him tomorrow.

PEACH ST. SQ. PH II
AMD. LDP
APPROVED WITH
CONTIGENCY

Sandy Zawistoski, 8214 Willow Glen, speaking as a member of the Planning Commission, asked if the amended LDP can be re-addressed at their next meeting. Supervisor Church added that he does not want to delay the developer.

Supervisor Church amended his motion with Lee as second, to approve the Peach Street Square Phase II Amended LDP, contingent upon favorable advice from Atty. Wachter after his research is complete.

Vote: 2/0

Atty. Wachter reported that Atty. Sennett had forwarded a draft Dumpster Ordinance for Board review, and is awaiting comment. Supervisor Church responded that he will forward his comments to Atty. Sennett.

SOLICITOR
• Dumpster Ord.

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Engineer Jonas reported that he has reviewed the speed studies performed for Cherry Street Extension and Johnson Road. The Cherry Street Extension recommendation is based on the speed study 85th percentile determination of 45 mph, the analysis by HRG, and Gary Haupt's site distance research. There are (2) crest areas limiting site distance, and with the increase in residential development, Engineer Jonas recommended a 35 mph speed limit.

The Johnson Road (West of Old French Road) speed study has calculated a 85th percentile speed limit at 45-50 mph. The vertical geometry with several crests and sags that restrict site distance justifies a 40 mph speed limit.

Supervisor Lee reported that the Picnicana Trails are nearing completion. The Park boundaries are clearly marked, and the trails will be ready for use in a couple weeks. Supervisor Lee further reported that the old Municipal Building has been demolished. The Road Crew is currently patching roads in preparation for seal coat.

Supervisor Church expressed concern that prior to the Presque Isle Downs development, the majority of Frank Avenue residents did not want Frank Avenue extended to Route 97. Church will present some options after discussion with Engineer Jonas.

Supervisor Church explained that last year the Elected Auditors (in their official capacity) had hired an attorney to discuss concerns. Two of the three sitting Supervisors at that time disagreed that the Auditors had the authority to incur that bill, so the cost was forwarded to the Auditor for payment.

Motion by Church, seconded by Lee, to relieve this invoice from private payment, as it was not intentionally incurred to cause confusion. Supervisor Lee added that he does not want to add any more expense with collection costs, suggesting a possible meeting with the Board and the Auditors. Church responded that counsel would be required at a meeting, incurring expense.

Joe Kuzma, 8550 Old French Road, Chairman of the Summit Township Board of Auditors, explained that the intention in obtaining advice from a solicitor was to prevent an error in decision making and inviting a possible lawsuit.

Jim Chojnacki, 9481 Old French Road, stated that the only responsibility of the elected Board of Auditors is to set the pay rate for elected Supervisors who are employees of the Township, and according to previous discussions and attorney opinions, the Board of Auditors overstepped their bounds. Mr. Chojnacki stressed his opinion that Mr. Kuzma should reimburse the Township.

Chairman Church called for a vote:

Vote: 2/0

Marilyn Wells, 1485 Lee Road, expressed concern that the speed limit on Cherry St. Ext. changes within short distances. Supervisor Church responded that she is referring to the portion of Cherry St. Extension that is located in Millcreek Township, and this Board has no jurisdiction.

Larry Jones, 2540 Laurie Drive, recently found out his property pin marker is located underneath the sidewalk in front of his house, adding that he will be obtaining a petition from the residents of Laurie Drive to have the sidewalk corrected by the Township.

ENGINEER

- Cherry St. Ext. and Johnson Road Speed Limits

SUPERVISORS

- Picnicana Trails
- 8900 Old French Rd. Bldg. demolished
- Road patching
- Frank Avenue
- Auditor invoice

PUBLIC INPUT:

- Cherry St. Ext. Speed Limit
- Laurie Dr. Sidewalks
- Frank Avenue

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Discussion ensued, Engineer Jonas explained that if the pin is in the correct spot the sidewalk should have been constructed on the outer side of it. Engineer Jonas added that if the sidewalk were replaced it would need to comply with the current specifications per the existing Sidewalk Ordinance. Supervisor Church admitted that Marlin Coon was generally responsible to inspect sidewalks. The Township has just recently been more diligent with compliance and utilizing the Engineer with the complicated construction.

Downia Glass, 9242 Old French Road, alluded that the sidewalk construction company should have been aware of the pin marker location.

Mike Donovan, 134 Joel Avenue, expressed concern with Supervisor Church's previous suggestion in regard to Frank Avenue, and moving barriers to the west side. That may cause a problem with the snowplows. Mr. Donovan added that he would support directing Frank Avenue traffic in a one-way easterly flow.

Supervisor Church explained that a variety of options will be evaluated and the residents living in the area will be kept informed with public input encouraged.

With no further business to come before the Board, motion by Church, seconded by Lee, to adjourn the meeting at 6:55 p.m.

Vote: 2/0

ADJOURNMENT

Respectfully submitted,

Christene Yeast
Secretary
07/10/2014