

**SUMMIT TOWNSHIP SUPERVISORS**  
**Regular Business Meeting**  
**Wednesday, December 3, 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. Supervisors Agostine and Lee were present, as were, Zoning Administrator Hudak, Solicitor Sennett, Engineer Jonas, Secretary Yeast, and four interested persons.

CALL TO ORDER

Motion by Agostine, seconded by Lee, to approve the minutes of the Regular Business Meeting on November 17, 2014, and the Budget Work Session on November 12, 2014 as presented and reviewed by the Board of Supervisors.

11/17/14 and  
11/12/2014 MINUTES

Vote: 3/0

There was no correspondence.

CORRESPONDENCE

Motion by Lee, seconded by Church, to approve the November 2014 Expenditures as presented and reviewed by the Board of Supervisors.

NOV. 2014  
EXPENSES

Vote: 3/0

Motion by Agostine, seconded by Lee, to adopt Resolution #2014-18 approving the Erie Area Council of Governments (EACOG) 2015 Annual Budget.

EACOG 2015  
BUDGET  
RES. #2014-18

Vote: 3/0

Motion by Agostine, seconded by Lee, to authorize advertisement of Board intent to amend the Sidewalk Ordinance #2013-01 at the Regular Business Meeting on December 15, 2014.

SIDEWALK ORD.  
AMD. AD  
AUTHORIZED

Vote: 3/0

Motion by Lee, seconded by Agostine, to authorize advertisement to adopt Ordinance #2014-07 reaffirming Summit Township participation in the PSATS UC Group Trust at the December 15, 2014 Regular Business Meeting.

PSATS UC GROUP  
TRUST ORD. #2014-  
07 ADVERTISEMENT

The Board confirmed that this Trust Agreement pertains to unemployment insurance.

Vote: 3/0

Motion by Agostine, seconded by Lee, to approve expenses for attendance to the Erie County Association of Municipal Administrators (ECAMA) Christmas Dinner Meeting on December 11, 2014.

ECAMA DINNER  
MTG. 12-11-14

Vote: 3/0

Motion by Lee, seconded by Agostine, to terminate the Lease Agreement with the National Oceanic and Atmospheric Administration (NOAA) for space on the antennae tower located at 8900 Old French Road. Supervisor Agostine explained that the Summit Township Water Authority (STWA) was interested in locating some equipment on this tower, but Agostine is suggesting it may be more appropriate for the STWA to locate on the 911 tower. Agostine is currently looking into this possibility. Solicitor Sennett quickly reviewed the termination agreement.

NOAA TOWER  
LEASE  
TERMINATED

Vote: 3/0

Zoning Administrator Hudak reported that Port Harbor Homes has requested release of the Sidewalk Bond for 2790 Cardinal Drive.

SIDEWALK BOND  
2790 CARDINAL DR.

Motion by Agostine, seconded by Lee, to release the Sidewalk Bond for 2790 Cardinal Drive to Port Harbor Homes in the amount of \$1,452.

Vote: 3/0

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Zoning Administrator Hudak reported that the J & E Interstate, LLC Amended Land Development Plan (LDP) adds a second drive for service vehicles, expands the showroom and adds a carport and revises the landscape and parking plans. This Amended LDP has been reviewed and recommended for approval by both the Summit Township Planning Commission and Erie County Planning. Engineer Jonas confirmed that the plans accurately reflect the as-built and easements.

J & E INTERSTATE  
AMD. LDP  
APPROVED

Motion by Agostine, seconded by Lee, to approve the J & E Interstate, LLC Amended LDP for 6969 Edinboro Road Parcel ID (40) 1-9-2.01.

Vote: 3/0

Zoning Administrator Hudak requested Board consideration to release the remaining 10% of the Stormwater Financial Security for 6801 Peach St. Plaza in the amount of \$7,620 to Baldwin Brother, Inc. The (2) outstanding items have been completed and inspected by Engineer Jonas.

BALDWIN BROTHER  
STMWTR. BOND  
6801 PEACH ST.  
PLAZA RELEASED

Motion by Agostine, seconded by Lee, to release the remaining Baldwin Brother, Inc. Stormwater Financial Security for 6801 Peach Street Plaza in the amount of \$7,620.

Vote: 3/0

Solicitor Sennett reported that he has forwarded, for Board review, an initial draft amendment to the Sewer Connection Ordinance listing inspector alternatives from the State Certified Sewage Enforcement Officer. Solicitor Sennett further explained that he was unable to locate a list of Inspectors used by realtors or bankers. Supervisor Agostine suggested striking the use of an architect as an alternate inspector. Engineer Jonas concurred. Solicitor Sennett added that he will wait for Board directive on the draft prior to submitting it to the Summit Township Sewer Authority (STSA) Solicitor.

SOLICITOR:

- Sewer Connection Ord.
- Attorney/Client privilege waived
- PIDI Tax Assessment Appeal Petition
- Montessori Property closing

Solicitor Sennett reported that he has received a request from the attorney representing the Elderkin Law Firm and Joseph Messina arising from a law suit filed against them by Bianchi Motors. It relates to Joe Messina's representation of Summit Township. They are requesting the Board of Supervisors to waive the attorney/client privilege in order to obtain the necessary information. Atty. Sennett advised that he would have no problem with the Board waiving attorney/client privilege, suspecting that Joe Messina did not represent Summit Township during this period.

Motion by Agostine, seconded by Lee, to waive the attorney/client privilege as it relates to the representation of Summit Township by Joseph Messina, during the time period requested.

Vote: 3/0

Solicitor Sennett reported that he has presented, for Board review, a copy of the Petition for Appeal for the Presque Isle Downs Tax Assessment Appeal.

Solicitor Sennett reported that the Montessori Property Sale Closing has been scheduled for December 15, 2015.

Engineer Jonas reported that he has completed his analysis of the Township stormwater systems. They appear to be functioning properly. Recommendations for function and maintenance will be addressed in the report, which will be forwarded for Board review next week.

ENGINEER:

- Stormwater System inspection
- MS-4 Permits

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Engineer Jonas reported that the DEP is proposing changes to the MS-4 permitting process. Urban Engineers will keep apprised of these changes through a series of webinars, to which the Board or any Township personnel will be invited.

Supervisor Lee requested Board consideration to approve expenses for him to attend CDL Drug and Alcohol training.

SUPERVISORS

- CDL Training

Motion by Agostine, seconded by Church to approve expenses for Supervisor Lee to attend the PSATS CDL Drug and Alcohol training on December 17, 2014.

Vote: 3/0

Jim Chojnecki, 9481 Old French Road, requested information regarding a newspaper article wherein Summit Township has applied for grant funding for traffic signals along Route 97. Mr. Chojnecki was confused as Route 97 is a PaDOT road. Supervisor Agostine responded that Erie County requested Summit Township participate with them to obtain this funding to coordinate traffic signal timing along Route 97. Agostine added that all local municipalities are responsible for maintenance of traffic signals whether located on a State road or not. Atty. Sennett further explained that government is not immune for liability in regard to traffic control. Agostine noted that Summit does not typically apply for grant funding, but this particular one will be 50% from the State, 25% from the County, and Summit Township will be responsible for 25% which is estimated not to exceed \$15,000. Supervisor Lee added that, while Summit Township is extremely fortunate to have the different funding sources available, it comes with many more responsibilities, and the maintenance of 14 traffic signals is one example.

PUBLIC INPUT

- Crosses along I-90
- Rt. 97 Drainage Pipe
- Picnicana
- Stormwater Systems
- STSA Pump Station funding

Discussion ensued regarding Waterford Township's one traffic signal and the possibility for another round-about, or traffic signal at the intersection of Route 97 and Route 19. Supervisor Church commented that the new round-about south of Waterford is working very well.

With no further business to come before the Board, motion by Agostine, seconded by Lee, to adjourn the meeting at 6:22 p.m.

ADJOURNMENT

Vote: 3/0

Respectfully submitted,

Christene S. Yeast  
Recording Secretary  
12/5/2014