

SUMMIT TOWNSHIP SUPERVISORS
Regular Business Meeting
Tuesday, July 7, 2015

Chairperson Agostine called the regular business meeting of the Board of Supervisors to order at 6:00 p.m. following salute to the flag. Supervisors Church and Lee were present, as were, Solicitor Sennett, Engineer Jonas, Zoning Administrator Miller, Secretary Yeast, and seven interested persons.

CALL TO ORDER

Motion by Lee, seconded by Church, to approve the minutes of the Special Meeting on June 5, 2015 and the Public Hearings and Regular Business Meeting on June 15, 2015 as presented and reviewed by the Board of Supervisors.

6/5/15 & 6/15/15
MINUTES

Vote: 3/0

There was no correspondence.

CORRESPONDENCE:

Motion by Lee, seconded by Church, to approve the June 2015 Expenditures as presented and reviewed by the Board of Supervisors.

JUNE 2015
EXPENSES

Vote: 3/0

Solicitor Sennett explained that the Department of Environmental Protection (DEP) has cited Summit Township for violations regarding vehicle signage and a fire extinguisher. Solicitor Sennett has reviewed the documentation, confirmed that the violations have been cured, and determined that the fine of \$300 is consistent with their authority. Chairperson Agostine further explained this violation occurred during the Township Spring Clean-up. Specific information is required on a placard that is supposed to be displayed on the truck hauling waste. Fire extinguishers had just recently been inspected, and this particular one had not yet been replaced.

DEP VIOLATION
FINE APPROVED
RES. 2015-13

Motion by Church, seconded by Lee, to adopt Resolution #2015-13 confirming and authorizing payment of violation assessment to the DEP.

Supervisor Lee verified that the Township was properly licensed to haul the waste, a new sign for the truck has been received and the fire extinguisher replaced.

Vote: 3/0

Motion by Agostine, seconded by Lee to sign the agreement between Erie County and Summit Township to evenly share the 50% funding match (25% each) required by the Green Light/Go Grant for the signal timing on Route 97.

GREEN LIGHT/GO
GRANT 50% MATCH
AGREEMENT

Vote: 3/0

Motion by Lee, seconded by Church, to demolish the house at 9220 Old French Road authorizing Perry Hi-Way Hose Company (PHHC) to utilize the facility for fire control practice. Supervisor Lee explained the permit costs approximately \$500.

DEMOLITION OF
HOUSE AT 9220 OLD
FRENCH ROAD

Supervisor Church expressed his reservations of demolishing a viable building that could be utilized for a purpose, further suggesting the Rec. Program.

Agostine responded that Labor and Industry (L&I) requirements, and the condition of the house itself do not warrant the expense to maintain it for the 7-week Rec.Program. Initially, an option to subdivide the house off the majority of the property was proposed, but Supervisor Church also opposed this option. Discussion ensued regarding the condition of the current facility used for the Rec. Program and a possible replacement for it.

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Supervisor Lee explained that this house has a nice appearance, but there are multiple problems. It needs a new roof, the subfloor may need replaced due to pet damage, L&I would require ramps (front and back), and it would have to be ADA compliant inside. The septic system may cost \$20,000 to replace. In his opinion, it is not worth saving.

Jim Chojnacki, 9481 Old French Road, expressed his opposition to the original purchase of this property for \$147,000.

Vote: 2/1
Agostine - Yes
Lee - Yes
Church - No

Engineer Jonas explained that we received (3) bids to install curb ramps at intersections on Dorn Road. He has reviewed the bid documents and all (3) contractors have complied with bid requirements. The results are as follows:

ADA RAMP BID FOR
DORN ROAD

- Vavala Concrete Construction - \$48,822
- Mayer Brothers Construction - \$54,790
- Russell Standard Corp. - \$72,158

Engineer Jonas added that, based on his review, Urban Engineers recommend that Summit Township award the contract to Vavala Concrete Construction.

Motion by Lee, seconded by Church, to award the 2015 ADA Curb Ramp Project for Dorn Road to Vavala Concrete Construction, LLC, in the amount of \$48,822. Supervisor Agostine estimated that the 2015 budget for ADA ramps is \$50,000.

Vote: 3/0

Motion by Lee, seconded by Church, to approve expenses for Christene Yeast to attend the PA Association of Municipal Administrators 2015 Conference in Bethlehem, PA.

PAMA
CONFERENCE

Vote: 3/0

Atty. Bauer explained that he has provided a document for the Board to consider that concludes efforts to remedy the Time Warner Franchise violation. The document recites the official steps taken from 2010 to the present and notes the Board's objection of Time Warner's failure to provide service to residents along Route 97. The document further objects to any pending transfer of the cable system or the cable television franchise agreement, and assesses a \$100 per day monetary remedy against Time Warner from the date of notice of breach.

TIME WARNER
VIOLATION
DECISION

Motion by Lee, seconded by Agostine, to approve the decision referenced above regarding the Time Warner Franchise Agreement violation.

Supervisor Church expressed his disagreement with Counsel's determination and advice.

Supervisor Agostine expressed confidence in the legal advice and determination that it is a viable path to assist the residents on Route 97.

Discussion ensued with Atty. Bauer explaining that this Document does not compel Time Warner to proceed with court action, and there is still flexibility to negotiate with Time Warner. Atty. Bauer added that Board action is the only avenue available to remedy and assist the residents who are helpless to negotiate.

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Atty. Sennett added that all contracts are subject to interpretation and the role of Elected Supervisors is to use their position for the benefit of residents.

Vote: 2/1

Agostine - Yes

Lee - Yes

Church - No

Chairperson Agostine noted that a representative from Developers Diversified Realty Corporation (DDR) is present and would like the Board to address a sidewalk installation issue.

Engineer Jonas explained that the original concept for sidewalks on Commons Drive along the Lowe's storage and garden area was determined to not be ascetically or functionally practical. After a site view and meeting with DDR, the best resolution is to install full height curbs and sidewalks on the eastern side on Commons Drive.

Supervisor Agostine further explained that originally the Zoning Office thought DDR was requesting relief from the Sidewalk Ordinance; the amended plan meets the specifications of the Ordinance, and saves some fully matured trees from destruction. DDR is simply asking the Board for confirmation that this new plan is acceptable.

Motion by Agostine, seconded by Lee, to approve the revised sidewalk plan from DDR, as presented and reviewed by Engineer Jonas.

Supervisor Church expressed concern that he was unaware of any revisions or concerns about sidewalk installation in this area.

Vote: 2/1

Agostine - Yes

Lee - Yes

Church - No

Solicitor Sennett reported that he has forwarded to the Board information and a sample agreement in regard to the Perry Hi-Way Company issue, and is awaiting Board directive on how to proceed.

Chairperson Agostine responded that she needs more time to review the information but a directive will be forthcoming. Atty. Sennett added that some items in the sample agreement are not relevant, but much will apply.

Engineer Jonas reported that speed studies have been completed on various roads within the Township and he is in the process of review and finalizing reports. He anticipates authorization to advertise will be at the first regular business meeting in August.

Engineer Jonas presented the Board with a summary report of Form U reviews through June 2015.

Engineer Jonas reported that the New Road Stormsewer Project and Picnicana Parking Lot Expansion surveys are complete and plans are being prepared for Board review.

Supervisor Church expressed concern that DDR was present at tonight's meeting without being on the Agenda. Supervisor Agostine responded that no Board action was required and Zoning Administrator Miller, Supervisor Lee, and herself, while aware of the situation, did not expect DDR's presence. DDR is simply trying to formalize approval of a revised sidewalk plan.

DDR SIDEWALK
PLAN REVISIONS

SOLICITOR:

- PHHC Issue

ENGINEER:

- Speed Studies
- Form U's
- New Road
- Picnicana

SUPERVISORS

- Agenda items

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Connie Goodwill, 2580 Laurie Drive, expressed concern that Palermo Development is changing the established stormwater system located behind the houses on Laurie Drive. She added that catch basins are being covered up causing flooding and sump pump problems. Engineer Jonas responded that Palermo cannot move the swale behind the houses on Laurie without approval, and that Mr. Palermo has been notified of the problem. Discussion ensued regarding the process of correcting a stormwater violation and accelerating the correction due to the excessive amount of rain recently. Engineer Jonas and Zoning Administrator Miller verified that they will contact Mr. Palermo tomorrow. Discussion ensued regarding Palermo's original intent, and the actual activity.

PUBLIC INPUT

- Laurie Drive/Palermo Dispute
- Sign Ordinance

Jim Chojnacki, 9481 Old French Road, expressed concern that the Code Enforcement Officer is not enforcing the Sign Ordinance fairly. Mr. Chojnacki specifically indicated a Tressler Construction sign that he reported and the sign still remains, while a friend of Mr. Chojnacki's had to immediately remove a sign located in the friend's yard. Agostine responded that we have one Code Enforcement Officer, who addresses all complaints. Agostine added that Zoning Administrator Miller will contact Tressler Construction tomorrow to either remove the sign in question, or add "For Sale", as real estate signs are allowed.

With no further business to come before the Board, motion by Lee, seconded by Church, to adjourn 6:03 p.m.

Vote: 3/0

ADJOURNMENT

Respectfully submitted,

Christene S. Yeast
Municipal Secretary
07/09/2015