

**SUMMIT TOWNSHIP SUPERVISORS**  
**Regular Business Meeting**  
**Monday, October 3, 2016**

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| Chairperson Agostine called the regular business meeting of the Board of Supervisors to order at 6:07 p.m., immediately following the public hearing.  | CALL TO ORDER                                     |
| Motion by Lee, seconded by Welka, to approve the minutes of the Regular Business Meeting on September 19, 2016 as presented and reviewed by the Board of Supervisors.<br>Vote: 3/0   | 9/19/16 MINUTES                                   |
| There was no correspondence.   | CORRESPONDENCE                                    |
| Motion by Lee, seconded by Welka, to approve the September 2016 Expenses as presented and reviewed by the Board of Supervisors.<br>Vote: 3/0   | SEPT. EXPENSES                                    |
| Motion by Lee, seconded by Agostine, to adopt Ordinance #2016-05 vacating a portion of unused R-O-W on the NW corner of Hessinger and Laurie Drives.<br>Vote: 2/1/0<br>Agostine - Yes<br>Lee - Yes<br>Welka - Abstain, as he is employed by the surveying firm               | ORD. #2016-05<br>VACATING R-O-W                   |
| Motion by Welka, seconded by Agostine, to approve expenses for Supervisor Lee to attend "Probable Cause Training for CDL Supervisory Personnel", PSATS sponsored training on October 7, 2016.<br>Vote: 3/0   | CDL TRAINING                                      |
| Motion by Lee, seconded by Welka, to approve expenses for attendance to the 2016 ECATO Convention on October 27, 2016.<br>Vote: 3/0  | ECATO<br>CONVENTION                               |
| Supervisor Agostine explained that the Summit Township Board of Supervisors had enacted promulgation in 2003 to adopt the Erie County Emergency Operations Plan (EOP). It has recently come to Board attention that this plan requires formal update.                        | ERIE COUNTY EOP                                   |
| Motion by Welka, seconded by Lee, to sign the Promulgation (Resolution 2016-15) adopting the Erie County EOP, contingent upon favorable review from the solicitor.<br>Vote: 3/0  |   |
| Engineer Jonas reported that he has inspected the stormwater system for 8270 Peach St. and it is functioning as designed. There is a catch basin located within a dumpster enclosure that needs to be addressed, which compels him to recommend withholding 10% of the bond. | 8270 PEACH ST.<br>PARTIAL STMWTR.<br>BOND RELEASE |
| Motion by Lee, seconded by Agostine, to release \$83,0991.61 of the 8270 Peach Street Plaza Stormwater Bond, retaining \$9,233.29.   |   |
| Agostine added that there can be no contaminants released into the stormwater system.<br>Vote: 2/0/1<br>Agostine - Yes<br>Lee - Yes<br>Welka - Abstain, as he is employed by the surveying firm  |   |

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Zoning Administrator Miller reported that the Sleep Inn & Suites LDP for 8066 Old Oliver Road has been sitting idle since 2014 awaiting financial security for the stormwater system. He has attempted to contact the developer and has received no response.

SLEEP INN & SUITES  
LDP DENIED

Motion by Welka, seconded by Lee, to deny the Sleep Inn & Suites LDP for 8066 Old Oliver road, Parcel ID No. 40-17-73-2.08.

Vote: 3/0

Zoning Administrator Miller described the existing conditions and Building Systems, Inc. (BSI) intention to add two storage buildings, demolish the existing house, and create one lot of record. This plan has been reviewed and recommended for approval by both Erie County Planning and the Summit Township Planning Commission.

BSI AMENDED LDP

Motion by Lee, seconded by Agostine, to approve the BSI Amended LDP for 7335 Old Perry Highway, Parcel ID No. 40-11-29-2, 3, 4, 5 & 6.

Vote: 2/0/1

Agostine - Yes

Lee - Yes

Welka - Abstain, as he is employed by the surveying firm

Zoning Administrator Miller reported that the Developer for Dollar General on Route 97 has requested Conditional Occupancy. Miller provided a time line from September 23, 2016 when the sidewalk was initially inspected, and he was informed by the contractor that the deadline for opening was September 27, 2016. During this time period multiple discussions were held with the developer who maintained that Dollar General would open on September 27th despite occupancy violations. Dollar General opened to the public on September 30, 2016. Notice of Violation was prepared and delivered. Miller further provided photos taken approximately at noon today (October 3, 2016) showing construction vehicles and equipment using multiple parking spaces and blocking access to the entrance on Route 97. A utility pole scheduled for removal; was instead, paved into the middle of a parking space. Earth moving equipment was still on site with greenspace unfinished. Metal storage containers were utilizing parking spaces. Concrete bumpers were placed but not secured. Nothing was seeded. Miller witnessed a delivery truck forced to park on Route 97 because access to Dollar General was not available.

DOLLAR GENERAL  
C.O. DENIED

Bob Gage, GBT Realty, Nashville, TN expressed his disappointment with the condition of the site during the opening, blaming rain and contractor delays. Mr. Gage added that the retailer will be assessed a \$10,000 fine for each day they stay closed, and the landscaping will be 100% complete by the end of the week. He is further prepared to provide a cash bond for any remaining items.

Zoning Administrator Miller responded that during the initial excavation of the site by the contractor, it was discovered that the old home that had been demolished was buried inside it's old foundation. The septic tank was never properly removed, and had leaked all of it's contents into the old foundation which created a sewage cesspool. This situation caused the DEP to get involved and the clean-up from this spill set back the construction (7) weeks. However, no accommodation to extend construction was allowed by the developer, GBT Realty.

Supervisor Agostine expressed concern that in 22 years as Director of Land Development, she has never seen a facility in this state of construction, want to open. As an elected Supervisor, the main concern is the health, safety, and welfare of Summit Township residents and the high standards we expect from our developers to ensure this safety will be upheld.

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Motion by Agostine, seconded by Lee, to deny Conditional Occupancy for Dollar General and to continue Notice of Violation until occupancy is approved.

Atty. Sennett added that sanctions have civil penalties and the potential for criminal penalties also exist.

Tom Greene, 8553 Dundee Road, expressed concern that the sidewalk is not ADA compliant, citing the severe slope. Engineer Jonas responded that the slope is compliant but the construction is not, due to the incompleteness.

Mr. Miller further added that the parking lot only has the initial asphalt binder laid down; the finish asphalt coat remains to be complete.

Bob Gage, GDT Realty confirmed that a guard rail around the stormwater pond is not required. Discussion ensued.

Supervisor Agostine and Solicitor Sennett encouraged Mr. Gage to delay the store opening until the issues addressed above have been completed and corrected.

Dorene Wilder, 8203 Glenmar Drive, expressed concern that the retaining wall will not contain her property. Mr. Gage responded that the back fill behind the retaining wall will prevent erosion once it is complete.

Vote: 3/0

Solicitor Sennett reported that the documents pertaining to the Hoffman Sale are ready for Board signature.

SOLICITOR

- Hoffman Sale
- Gaming Fees

Solicitor Sennett advised the Board that the recent PA Supreme Court Decision regarding PA Gaming fees held that one of the clauses was unconstitutional, that the (2) different standards are not appropriate. It was held that the fees charged are a tax, and must be uniform, so that section was severed from the law. The Court further declared the effective date as 120 days from the decision in order to give the legislature time to resolve this issue.

Chairperson Agostine requested an Executive Session immediately following the meeting to discuss how to proceed in regard to the Gaming Fees.

Engineer Jonas reported that he had met with PaDOT regarding the improvements for Hershey Road and Route 99. PaDOT plans to go out to bid mid winter, and construction should begin in 2017.

ENGINEER

- Rt. 99/Hershey
- MS4 mapping

Engineer Jonas reported that the weather has not recently cooperated, but he will continue to attempt to map and inspect stormwater facilities.

Supervisor Agostine announced that the Township will soon be receiving inquiries concerning Trick-or-Treat hours.

SUPERVISORS:

- Trick-or-Treat

Motion by Agostine, seconded by Lee, to set the Trick-or-Treat hours for Summit Township from 6-8 p.m. on October 31, 2016.

Vote: 3/0

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Tom Greene, 8553 Dundee Road, expressed his appreciation for the installation of stormsewer pipe along Old French Road. Roadmaster Lee added that it will be installed from the NFG property north to Robison this year.

With no further business to come before the Board, motion by Lee, seconded by Welka, to adjourn the meeting at 6:47 p.m.

Vote: 3/0

Respectfully submitted,

Christene S. Yeast  
Recording Secretary  
10/10/2016

PUBLIC INPUT

- Old French Road Stormsewer

ADJOURNMENT