

**SUMMIT TOWNSHIP SUPERVISORS**  
**Regular Business Meeting**  
**Monday, September 19, 2016**

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 Lee and Welka were present, as were, Solicitor Sennett, Engineer Jonas, Zoning Administrator Miller, Secretary Yeast, and twenty-six interested persons.

CALL TO ORDER

Motion by Lee, seconded by Welka, to approve the minutes of the Public Hearing and Regular Business Meeting on September 6, 2016, as presented and reviewed by the Board of Supervisors.  
Vote: 3/0

9/06/2016 MINUTES

Chairperson Agostine acknowledged receipt of a petition signed by (55) residents of the Saddlewood Development expressing support for waiving the fencing requirements for stormwater ponds. Agostine read the introduction to the petition.

CORRESPONDENCE:  
Saddlewood Petition

Motion by Lee, seconded by Welka, to approve the August Treasurer's Report, as presented and reviewed by the Board of Supervisors. (\$648,761.02 expensed)  
Vote: 3/0

AUGUST 2016  
TREASURER REPORT

Atty. Sennett explained that the Township Stormwater Management Ordinance references fencing requirements that the Board of Supervisors has discretion to waive. In order to ensure no liability in regard to waiving these fencing requirements, Atty. Sennett has drafted an Indemnification Agreement wherein the developer, homeowners association, or individual homeowners agree to indemnify and hold harmless the Township in the event a loss occurs as a result of any waiver. Atty. Sennett added that the Board of Supervisors will also require that a Resolution be adopted by the Homeowners Association approving the Indemnification Agreement.

SADDLEWOOD &  
VILLAGE AT  
VALLEY VIEW  
STMWTR. FENCING

Motion by Agostine, seconded by Welka, to grant the waiver request for both the Saddlewood Stormwater Pond and the Village at Valley View Stormwater Pond, pending receipt of the Indemnification Agreements. Agostine added that, while she understands the aesthetics and maintenance issues, the Board needs to protect the interests of Summit Township as a whole.

Tom Greene, 8553 Dundee Road, asked if this Agreement will be recorded at the Erie County Court House. Atty. Sennett responded that it can be, but would be hard to locate in a search for deed restrictions because it would be recorded under Summit Township. Mr. Greene expressed concern that financing may be restricted due to the liability imposed onto the residents.

Jim Chojnacki, 9481 Old French Road, asked who signs the agreement if there is no homeowners association. Atty. Sennett responded that the developer would sign, adding that this agreement cannot prevent law suits, it just adds a layer of protection for the Township.  
Vote: 3/0

Atty. Sennett explained that the Board of Supervisors is considering closing Footmill Road from Robison to Zwilling Road. The draft Ordinance and the change to the Transportation Plan will be submitted to the Planning Commission and Erie County Zoning for review. A public hearing must also be scheduled.

FOOTMILL ROAD  
CLOSING AD  
AUTHORIZED

Motion by Welka, seconded by Lee, to advertise a public hearing to receive comment regarding the proposed closing of Footmill Road from Robison to Zwilling. Hearing to be scheduled for November 21, 2016 at 6:00 p.m. immediately preceding the Regular Business Meeting.

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Mike Pace, 770 Townhall Road asked if Footmill Road is being closed due to liability issues and maintenance costs expressing concern for Perry Hi-Way Hose Company (PHHC). Supervisor Agostine responded that PHHC has assured the Board that this portion of Footmill Road would not be used for emergency response, Route 97 is a faster and safer route. Supervisor Welka added that PHHC will receive the entire right-of-way that fronts their property, and they have plans to eventually install fencing, and use the area for fire truck driving practice.

Vote: 3/0

Motion by Lee, seconded by Agostine, to authorize advertisement of proposed Ordinance #2016-05 vacating a portion of an unused right-of-way located on the NW corner of Hessinger and Laurie Drives. Atty. Sennett explained that an ordinance is required as part of the legal mechanics for the Township to abandon this section of right-of-way and sell it to Mr. Hoffman whose property abuts it. No amendment to the Transportation Plan is required in this instance.

ORD. #2016-05 AD  
AUTHORIZED  
VACATING R-O-W  
ON HESSINGER

Larry Jones, 2540 Laurie Dr., asked for the location of the right-of-way. Atty. Sennett complied.

Vote: 2/1

Agostine - Yes

Lee - Yes

Welka - Abstain, as his brother prepared the plans for this project.

Motion by Agostine, seconded by Welka, to set the Minimum Municipal Obligation (MMO) for the 2017 Pension at a 1% increase over 2016.

Vote: 3/0

2017 MMO

Supervisor Agostine reported that a request for refund of 2016 Real Estate Tax has been received per Exoneration Report #221785. This is due to a commercial property demolition in the amount of \$52.83.

R.E. REFUND  
APPROVED

Motion by Welka, seconded by Lee, to approve the Real Estate Tax refund per Erie County Exoneration Report #221785 for the M. Barbato Properties ID No. 40-014-086.0-066.02 in the amount of \$52.83

Vote: 3/0

Zoning Administrator Miller reported that the Scott's Development Company Subdivision divides an existing 7.179 acre lot into (3) parcels; a 4.3285 acre parcel, a 4.178 acre parcel and a 1.902 acre parcel. This subdivision has been reviewed and recommended for approval by both the Summit Township Planning Commission and Erie County Planning. Mr. Miller expressed concern that the 1.902 acre parcel exceeds the general lot depth to width ratio of two and a half to one. Discussion ensued regarding the wetlands, the sanitary sewer, and electric easements located on this parcel. Supervisor Agostine added that the depth to width ratio of five to one on the front portion of the lot would meet the Ordinance requirements and could still be developed.

SCOTT'S DEV. MINOR  
SUBDIVISION

Motion by Welka, seconded by Lee, to approve the Scott's Development Company Subdivision for Parcel ID No. 40-1-16-88.03 and 88.08.

Vote: 3/0

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Zoning Administrator Miller reported that he has received a request for the release of the Plastikos Stormwater Bond. Engineer Jonas has inspected the site, and discovered a sump pump discharge that will require monitoring, but was in place from an old stormwater management plan, and he would still recommend release of the bond.

PLASTIKOS STMWTR  
BOND RELEASED

Motion by Welka seconded by Lee, to approve the release of the Plastikos Stormwater Bond in the amount of \$61,666.

Vote: 3/0

Solicitor Sennett had nothing to report.

SOLICITOR

Engineer Jonas had nothing to report.

ENGINEER

There was no public input.

PUBLIC INPUT

With no further business to come before the Board, motion by Lee, seconded by Welka, to adjourn the meeting at 6:30 p.m.

Vote: 3/0

ADJOURNMENT

Respectfully submitted,

Christene S. Yeast  
Recording Secretary  
9/21/2016