

**SUMMIT TOWNSHIP SUPERVISORS**  
**Regular Business Meeting**  
**Tuesday, September 4, 2018**

Chairman Lee called the regular business meeting of the Board of Supervisors to order at 6:00 p.m. following salute to the flag. Supervisors Welka and Davis were present, as were Solicitor Christopher Sennett, Engineer Jonas, Zoning Administrator Miller, Recording Secretary Nesselhauf, and five interested persons.	CALL TO ORDER
Motion by Welka, seconded by Davis, to approve the minutes of the Public Hearing on August 14, 2018 and the minutes of the two (2) Public Hearings and the Regular Business Meeting on August 20, 2018, as presented and reviewed by the Board of Supervisors. Vote: 3/0	8/14/2018 & 8/20/18 MINUTES
Recording Secretary Nesselhauf reported receipt of the Erie County Association of Municipal Administrators (ECAMA) quarterly dinner meeting invitation scheduled for Thursday, September 13, 2018.	CORRESPONDENCE: • ECAMA Dinner Mtg
Motion by Welka, seconded by Davis, to approve expenses for attendance to the ECAMA dinner meeting on September 13, 2018. Vote: 3/0	
Motion by Welka, seconded by Davis, to approve the August 2018 expenses as presented and approved by the Board of Supervisors. Vote: 3/0	AUGUST 2018 EXPENSES
Motion by Lee, seconded by Davis, to approve Mark Welka and Matt Jonas to attend the PennDOT Local Technical Assistance Program (LTAP) 2018 Municipal Road Maintenance & Safety Symposium on October 15-17, 2018. Vote: 3/0	LTAP 2018 ROAD MAINTENTANCE & SAFETY SYMPOSIUM
Motion by Davis, seconded by Welka, to set Halloween Trick or Treat hours for Wednesday, October 31, 2018 from 6 p.m. to 8 p.m. Vote: 3/0	TRICK OR TREAT
Motion by Davis, seconded by Welka, to authorize advertisement for a public hearing to discuss the transfer of Liquor License #R-9411 from Edinboro Borough to Crosby's on Route 97 for Monday, October 15, 2018 at 6:00 p.m. immediately prior to the Regular Business Meeting. Vote: 3/0	LIQUOR LICENSE #R-9411 HEARING 10/15/18
Engineer Jonas explained Change Order #3 for the Dorn Road Project. He stated that when the road was milled down 2 inches there were some areas where the dirt subbase was exposed. As a result, thicker pavement was required in those areas than was originally anticipated. McCormick Construction was authorized to mill an extra 4 inches and place down 4 inches of base course to make the road stronger in those areas. Also, as a result of the Change Order, Summit received credit for the deduction of the under-drainage that was not intalled. The Change Order amount is \$16,396.00, which brings the total contract amount to \$265,059.50.	CHANGE ORDER #3 FOR DORN ROAD PROJECT
Motion by Welka, seconded by Lee, to approve Change Order #3 for the Dorn Road Project in the amount of \$16,396.00. Vote: 3/0	

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Zoning Administrator Miller reported that PLP X, LP has requested a deferral for construction of sidewalks at , Parcel ID No. 40-001-007.0-001.05, known as the Copperleaf Development. This request went before the Summit Township Planning Commission in April, 2018. The Planning Commission suggested approval with conditions; [Motion by McElderry, seconded by Green, to recommend approval of the Copperleaf final Land Development Plan Parcel ID No. 40-001-007.0-001.05 T1-transitional, conditioned upon sidewalk being shown on the plan financially secured and constructed along the public right of way of both Edinboro Road and Zuck Road abutting the subject property.]. Miller stated that the Planning Commission clearly indicated that they wanted sidewalks constructed along the entire right-of-way. The developers have since requested a deferral for sidewalk construction for sidewalks running from the western portion of the property along Edinboro Road to Zuck Road and then along Zuck Road to the secondary driveway of the development. PLP X, LP also requested a waiver of all sidewalk construction for the 1200 feet north to the end of the developer's property along Zuck Road. The developer is requesting deferral of both the bonding and construction requirements for said sidewalks until such time the Township Supervisors deem it necessary to install.

COPPERLEAF  
REQUEST FOR  
DEFERRAL OF  
SIDEWALK  
CONSTRUCTION

Joe Palermo, Developer of Copperleaf, added that with the deferral request they would also like 60 days from the time the Township Supervisors request them to install the sidewalks in order to complete the design work due to water lines on the property and then up to 90 days, weather permitting, to complete the sidewalks. Mr. Palermo also explained that there are no sidewalks anywhere else in that area nor have they seen any pedestrian traffic. He stated that he also checked with the bussing company for the kids in the area and stated that they told him they do not want the kids standing on Route 99 (Edinboro Road) and that their route takes them to Homeview Lane and Zuck Road where they pick the kids up. Supervisor Davis asked if the sidewalk in front of the whole complex was definitely going to be installed and Mr. Palermo said if the Supervisors want it to then it will. He said they would have to challenge Mike Sanford, their Engineer, to come up with a way to work around the water lines. He also stated that they were not asking for a waiver of sidewalk construction entirely, they were asking for a deferral. Zoning Administrator Miller asked Mr. Palermo if he was asking for a waiver of the requirement north of Homeview Lane and a deferral of the requirement of what they show on the Land Development Plan and Mr. Palermo responded yes. Miller also stated that the Developer putting in sidewalks does not have any effect on where the school bus is going to pick up kids and that it has no effect or bearing or relation on the sidewalk. Supervisor Welka asked if the deferral can be tied to an Occupancy Permit. Miller stated that the standard procedure is a developer would give the Township a Sidewalk Bond and then that developer could take their time installing but the Township would have the financial security to rely upon if the sidewalk construction is not completed. If you tie the deferral to an Occupancy Permit then the Township doesn't have any financial security guaranteeing construction or retention of the bond as financial security if the construction is not completed. Miller explained that with this deferral, the Township does not have the financial security and the guarantee that the work is going to be done. Attorney Sennett also agreed that bonding is ideal and that tying a deferral to an Occupancy Permit is unlikely to serve either party's interests. Mr. Palermo interrupted by stating that tying the deferral to an Occupancy Permit defeats the purpose of asking for the deferral. He said that if they were going to pay for the bond, then they would construct the sidewalks. Mr. Palermo also stated that this arrangement is common in Millcreek Township and when they have asked him to construct the sidewalks, he does so. Mr. Palermo stated that he would sign an agreement for the deferral enforcing that he would put the sidewalks in when the Supervisors request it as long as he has the 60 days for the design and then the 90 days to complete. He stated that at that time he would submit the bond after the design is approved. Attorney Sennett asked if it would be permissible to include the bonding and timeline in the official agreement and Mr. Palermo said yes. Supervisor Welka asked Mr. Palermo when he thought this deferral would end and Mr. Palermo stated that it was up to the Supervisors to

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decide when they wanted the sidewalks constructed. Mr. Palermo stated that if the Supervisors decided next summer that the sidewalk on Route 99 needed to be constructed right away but the sidewalk on Zuck Road didn't need to be constructed at that time, then PLP X, LP would design and construct the Route 99 sidewalk and table the construction of the Zuck Road section, or if the Supervisors decided next fall that all of the sidewalks needed to be constructed, then that's what they would do. Either way it was up to the Supervisors. Miller stated again that the Planning Commission has determined that sidewalks are needed at this development. Mr. Palermo again argued that he's never seen people walking in that area but Miller said that was due to the retail and restaurant parts of the development not being completed at this time. Mr. Palermo again stated that they are not looking for relief they are just looking for a deferral. Supervisor Lee added that he used to work construction and he does know that a lot of times the sidewalks are put in prematurely and then they usually get damaged because of that.

Downia Glass, 9242 Old French Road, asked if this was a housing project or a shopping center. Supervisor Welka responded that it is an apartment complex with a commercial development directly tied to it on the same property.

Zoning Administrator Miller explained that not granting Copperleaf the deferral does not mean that they will be required to construct the sidewalks tomorrow or even six months from now. They would follow the typical process where the developer wants to get a plan approved and the Township would require that plan to be bonded, which would financially secure it. Then PLP X, LP could construct the sidewalks whenever they felt the construction of the development was at a point where the sidewalks could be installed without being damaged prematurely. If the Board of Supervisors feel the developer is taking too long, then they would contact the developer and give them a specific date to complete and if they are not completed by that date the township would keep the total amount of the bond. Supervisor Davis stated that he felt the developer was looking for some financial assistance at this time and that if Attorney Sennett could write up an agreement that stated all of the requirements and both parties signed it then he would be comfortable with that. Attorney Sennett responded that a deferral agreement could be drafted. Supervisor Lee and Supervisor Welka both agreed.

Motion by Welka, seconded by Davis, to approve the request by PLP X, LP for deferral of construction of sidewalks at, Parcel ID No. 40-001-007.0-001.05, known as the Copperleaf Development. Zoning Administrator Miller clarified for the Board that the developer's original request was actually for a deferral for sidewalk construction for sidewalks running along Edinboro Road and a waiver for the construction for sidewalks along Zuck Road. Supervisor Welka said that he was not willing to do that at this time and that the Motion was for sidewalk deferral only. The waiver request was not included in the Motion.

Vote: 3/0

Solicitor Sennett reported that the Township was notified by their current Pension Provider, The Principal, that they will no longer support the plan document. Therefore, the Supervisors will be meeting at a later date with The Knox Law Firm to discuss any amendments regarding the Pension Plan and Summary description documents.

Solicitor Sennett reported that Charter Communications, who the Township signed a cable franchise agreement with in May 2017, have been late on their most recent quarterly payment under the agreement. A message was left for the Charter Communications contact Chris Thomas. If he doesn't respond in a timely fashion, then Solicitor will send a formal letter requesting payment as outlined in the cable franchise agreement.

## SOLICITOR

- Pension Plan Documents
- Charter Communications
- Wegman's Tax Settlement Agmt
- paper streets

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Solicitor Sennett reported that the Wegmans Tax Settlement Agreement decision has been finalized and a refund will be paid to Wegmans upon receipt of a court order from the Court of Common Pleas.

Solicitor Sennett reported the ongoing effort to vacate certain existing Township roads, known as “paper streets”. Communication has been received from all private parties in the area except First Energy. The Summit Township Sewer Authority and the Board of Supervisors will be meeting on this issue.

Engineer Jonas reported the structural details of the new salt storage building are being finalized for submission and building code approval. Jonas requested approval to advertise for bids based upon the date that final approval is received from Building Inspection Underwriters (BIU) with a special meeting to be held at a later date to award the bid.

ENGINEER:

- Salt Storage Bldg Bid Advertisement
- Penelec Sub Station stormwater system

Motion by Welka, seconded by Davis, to authorize advertisement for bids to install the concrete slab base floor for the new salt storage building conditioned upon receipt of final approval from BIU.

Vote: 3/0

Engineer Jonas reported that the Penelec Sub Station has submitted a new design for their stormwater system, which has been approved. A new agreement will need to be executed to reflect the new plan for the stormwater facility because it changed from an infiltration basin to an extended dry detention pond.

Supervisor Welka reported that tar and chipping has started on the roads and will be done in a few days. The garage remodel project is moving along well and will probably take at least another month to complete. The new plow truck has been delivered to Super City to have a new bed installed and then it will go to Walsh Equipment for approximately six more weeks. The township should hopefully have it finalized by the middle of November.

SUPERVISORS:

- Roads
- Garage Remodel
- New Plow Truck

There was no public input.

PUBLIC INPUT

With no further business to come before the Board, motion by Welka, seconded by Davis, to adjourn the meeting at 6:36 p.m.

ADJOURNMENT

Vote: 3/0

Respectfully submitted,

Michelle Nesselhauf  
Recording Secretary  
09/07/2018