

**SUMMIT TOWNSHIP SEWER AUTHORITY  
MONTHLY BUSINESS MEETING  
JULY 25, 2019**

The regular monthly business meeting of the Summit Township Sewer Authority was called to order with the Pledge of Allegiance at 9:05 a.m. at the Sewer Authority Building, 8890 Old French Road, Erie, Pennsylvania. CALL TO ORDER

Present: Chris Fette, Chairman; Michael Rose, Vice Chairman; Laban Marsh, Secretary; Cloyd J. Rose, Ass't Secretary; Mark Welka, Treasurer; William C. Steff, P.E., Manager; George Joseph, The Quinn Law Firm; Chad Yuriscic, P.E., Greenman-Pedersen; Caitlyn Haener-Schwab, Administrative Supervisor. Visitor: Paul Steva, Real Estate Agent. ROLL CALL

Motion by Mr. C. Rose, seconded by Mr. Marsh, to approve the minutes of the June 27, 2019 Regular Business Meeting. 6/27/19 REGULAR MINUTES  
Vote 4/0 (CF,MR,CR,LM) MW was temporarily absent.

Motion by Mr. M. Rose, seconded by Mr. Marsh, to approve the Treasurer's Report as submitted to and reviewed by all Board members. TREASURER'S REPORT  
Vote 4/0 (CF,MR,CR,LM) MW was temporarily absent.

Motion by Mr. M. Rose, seconded by Mr. C. Rose, to approve the Expenditure Report as submitted to and reviewed by all Board members. EXPENDITURES  
Vote 4/0 (CF,MR,CR,LM) MW was temporarily absent.

**INTERESTED PARTY TO BE HEARD**

Mr. Paul Steva, Agent, Howard Hanna Real Estate Services is working with the owner of 360 Merle Ave to list and sell the vacant parcel. Mr. Steva reports that the parcel has been listed for sale for 3.5 years and that there has been much interest in the parcel, but the utility connection costs, particularly the sewer tap fee of \$10,121.45, are dissuading prospective buyers. Mr. Steva stated that it is in the best interest of the Authority to have more rate payers, but the exorbitant tap fees are stifling development. Chairman Fette disagreed with the characterization of the tap fees as "exorbitant" when compared to the cost of installing a new on-lot disposal system to develop a non-sewered lot. Chairman Fette explained that the fees vary depending on where the parcel is located in the township because the tap fees represent the Authority's hard costs incurred to provide sewer service to each parcel; Chairman Fette continued that the Authority has a responsibility to recoup these costs in order to remain solvent. Mr. Steva disapproves of the tap fee increases that have occurred since the parcel was first listed and added that the prospect of future tap fee increases was the reason a recent potential sale didn't materialize. Mr. Steva stated that the tap fee increases are essentially penalties for lack of activity and asked if the tap fees can be frozen. Solicitor Joseph responded that the tap fees cannot be adjusted more frequently than every twelve months. Manager Steff added that the tap fees haven't been adjusted since 2017. Mr. Marsh commended Mr. Steva for diligently representing the interest of his client. Mr. Marsh continued that setting the initial tap fee and approving annual tap fee increases are necessary for the Authority to keep the user rates reasonable; Mr. Marsh cited a neighboring municipality with very low tap fees, but a user rate more than three times the rate in Summit Township. Mr. Steva asked if the tap fee can be paid in installments. Chairman Fette responded that the

STEVA  
360 MERLE  
RE: TAP FEES

**Summit Township Sewer Authority  
Monthly Business Meeting  
July 25, 2019**

appropriate way to make installment payment arrangements is to finance the tap fees through a mortgage; the Authority should not function as a bank. Mr. Steva asked if the tap fee can be pre-paid. Mr. Steva proposed that it would be best for the Authority and for the seller to pay the tap fee now and pay the quarterly user fees until the lot is developed. Chairman Fette expressed concern that the Authority has a finite amount of capacity available, therefore accepting pre-payments may put the Authority at risk of committing capacity to a lot that never develops and in turn, having to deny a shovel-ready project due to lack of available capacity. Discussion ensued regarding pre-payment of tap fees. Chairman Fette concluded that the Board would need more time to discuss and consider the matter of whether to accept prepayment of tap fees.

STEVA  
360 MERLE  
RE: TAP FEES  
(Cont.)

Mr. Steva thanked the Board their consideration and left the meeting at 9:43 a.m.

**SOLICITOR'S REPORT**

Solicitor Joseph reported that the private easement agreement between Ascent Hospitality and the Goetz family regarding development on Downs Drive has been recorded. Manager Steff summarized that the Authority is included as a party in the agreement to regulate the discharge flow rate from the proposed hotel. The Goetz Family granted the easement to Ascent Hospitality on the condition that the hotel be limited to a 25GPM maximum flow so that capacity would be available for future development on the Goetz properties. There is currently 125GPM available on Downs Drive, including the proposed hotel. Solicitor Joseph reported that a copy of the fully executed agreement has been distributed to all parties.

ASCENT  
HOSPITALITY  
RECORDED

Solicitor Joseph reported that he has reviewed the Municipal Authorities Act regarding the issue of obligation for private rate payers to make private repairs for deficiencies found in the Route 97 corridor via the inflow and infiltration investigation. Solicitor Joseph reports that the Authority can require private property owners to make repairs to their laterals. Separately, the Authority can opt to require pre-sale inspections under the Municipal Authorities Act.

OBLIGATION TO  
MAKE PRIVATE  
REPAIRS

Solicitor Joseph reported that he distributed a memo to all Board members regarding future options in light of the unfavorable outcome of the Zoning Hearing Board Appeal case for the proposed Route 97 Surge Retention Project on Harold Road. Solicitor Joseph presented and explained five options: appeal to the Commonwealth Court, redesign and resubmit the site plan to the township zoning office, curative amendment, recommend zoning ordinance revisions, or do nothing. Solicitor Joseph detailed the process of appealing to the Commonwealth Court. Solicitor Joseph explained that for the decision to be overturned the Commonwealth Court would have to determine that there was an error of law or an abuse of discretion in the lower court. Therefore, Solicitor Joseph advised that success in Commonwealth Court is probably limited. Chairman Fette reiterated that the Commonwealth Court will not reconsider the original decision of the Zoning Hearing Board by taking a new look at the facts of the case; Solicitor Joseph confirmed. Solicitor Joseph stated that the Authority could redesign and reapply for a special exemption from the Zoning Hearing Board. Manager Steff explained that if the Authority were to redesign and resubmit with a covered tank, the design would require pillars that would catch debris and an onsite lift station would require that sewage would always be present in the

RT 97 SURGE  
DETENTION:  
ZONING APPEAL  
OUTCOME  
UNFAVORABLE  
TO STSA

**Summit Township Sewer Authority  
Monthly Business Meeting  
July 25, 2019**

wet well, so the covered design is more likely to be odorous than the current design; the current design allows for the benefits of sunlight penetration and would be used to detain 6X diluted effluent for brief periods on rare occasions. Solicitor Joseph explained that the Authority could submit a curative amendment to challenge the zoning ordinance, on the basis that it does not provide an appropriate category for the project to apply as a temporary detention site and it doesn't exempt any future sewer infrastructure except for pipe and manholes. Manager Steff added that the Authority did not need a special exemption under the former zoning ordinance to construct the Route 97 Lift Station because the former ordinance allowed for the improvement as an essential component of the sewer system. However, Solicitor Joseph cautioned that the curative amendment may put more pressure on the supervisors than they might be amenable to, especially considering that they are currently in the process of a comprehensive zoning ordinance review. Solicitor Joseph explained that the Authority Board could send a letter to the supervisors to suggest specific changes to the zoning ordinance and offer the STSA preferred new wording. Solicitor Joseph stated that the Authority could opt to do nothing. Manager Steff explained that if the Authority does nothing, there will be a moratorium on development in the Route 97 corridor. Manager Steff added that surge detention on Route 19 is also necessary and the site plan is very similar to the Route 97 application that was denied; if the Zoning Hearing Board denies the Route 19 Surge Detention Facility application, a moratorium on development on Route 19 is eminent. Manager Steff reiterated that the current design for the Route 97 Surge Detention Facility is the lowest odor and lowest visual impact. Mr. M. Rose proposed that the Authority should take a year to aggressively pursue repairs to mitigate inflow and infiltration in the Route 97 corridor and see if the political climate changes in that time. Chairman Fette responded that it is pertinent to start planning Route 19 surge detention now to avoid a moratorium. Mr. Marsh stated that he is in favor of sending a letter to the supervisors to recommend zoning changes while they are reviewing the ordinances; hopefully the ordinance will be changed in time that the Route 19 Surge Detention Facility application won't encounter the same problems and the project can move forward before the Authority has to start turning away developers. Mr. M. Rose stated the Authority should do everything in its power to responsibly manage the system, therefore the right thing to do is to move ahead with the Route 19 submittals, even if there is a risk of being denied by the Zoning Hearing Board. The Board agreed that there will be no further appeal and no redesign of the proposed Route 97 Surge Detention site on Harold Road.

Motion by Mr. Marsh, seconded by Mr. M. Rose, so direct the engineer to proceed with preparing the Route 19 Surge Detention Facility submittals.  
Vote 5/0.

The Board reviewed a drafted letter to the Supervisors. The letter explains the urgency of moving forward on the acquired surge detention sites, highlights the deficiencies in the current zoning ordinance and recommends specific changes. The Board agreed on some minor revisions to the draft regarding more emphasis on the eminent moratorium on development if the Authority is unable to proceed with surge detention in both the Route 97 and Route 19 corridors.

RT 97 SURGE  
DETENTION:  
ZONING APPEAL  
OUTCOME  
UNFAVORABLE  
TO STSA  
(Cont.)

AUTHORIZE  
ENGINEER TO  
PROCEED RT 19  
DETENTION  
PLANNING

LETTER TO THE  
SUPERVISORS TO  
REQUEST ZONING  
CHANGES  
REVIEWED

**Summit Township Sewer Authority  
Monthly Business Meeting  
July 25, 2019**

Motion by Mr. Marsh, seconded by Mr. M. Rose, to authorize Chairman Fette to send the letter to the Supervisors on behalf of the Board regarding recommended zoning changes, pending minor revisions. Vote 5/0.

AUTHORIZE  
LETTER TO THE  
SUPERVISORS TO  
REQUEST ZONING  
CHANGES

**ENGINEER'S REPORT**

Engineer Yurisc reported that Konzel Construction has submitted Payment Application #1 for progress on the Meadows Lift Station Upgrades Project. Engineer Yurisc has reviewed the application and recommends that the Authority approve the payment in the amount of \$8,280.00.

MEADOWS LIFT  
STATION  
UPGRADES

Motion by Mr. M. Rose, seconded by Mr. C. Rose, to approve Konzel Construction Payment Application #1 on the Meadows Lift Station Upgrades Contract in the amount of \$8,280.00

APPROVE KONZEL  
CONTRACT  
PAYMENT  
APPLICATION #1

Engineer Yurisc reported that he has researched the Penn Vest loan option for lateral repairs, regarding the Route 97 corridor lateral deficiency notice and call for repairs. The interest rate is 1.75% for 20 years and they provide a list of participating lenders.

PENNVEST FOR  
PRIVATE LATERAL  
REPAIRS

Engineer Yurisc acknowledged receipt of a request from Manager Steff to offer a position statement on the proposed Saddlewood Phase III and Hamot Village Expansion. Engineer Yurisc will need more time to review the available capacity prior to responding.

SADDLEWOOD /  
HAMOT VILLAGE  
EXPANSION  
OPINION PENDING

**MANAGER'S REPORT**

Manager Steff reported Orvil and Sandra Lamp (135 Fairfield Ave) have been township residents for 25 years. The Lamps were on a payment plan to avoid water shut-off for their delinquent sewer balance when their son and daughter-in-law, Jeff and Trina Kelly, purchased the home. Mrs. Kelly reports that they took over the property because the Lamps weren't able to keep up with the real estate tax payments. Additionally, the Lamps are recipients of LIHEAP benefits, which confirms their reported financial hardship. Mrs. Kelly has requested to settle the delinquent sewer balance for less than the amount due. The balance on the account is currently \$6,411.54. Manager Steff recommends that the Authority could settle the balance for \$4,048.01. Manager Steff explained that the calculation is based on a 50% reduction of the accumulated interest. Manager Steff recommends that the Authority should freeze future penalty and interest on the current past due balance for a fixed period of time, during which the Kellys would make regular monthly payments. Failure by the Kellys to meet the terms will result in reinstatement of the past interest charges and termination of water service at 135 Fairfield Ave until the delinquent balance is paid in full. The Board agreed that the terms recommended by Manager Steff could be offered to the Kellys, to be followed by a written agreement to be presented for Board approval at a future meeting after the Kellys have signed.

LAMP / KELLY  
135 FAIRFIELD

Motion by Mr. Marsh, seconded by Mr. M. Rose, to authorize Solicitor Joseph to draft an agreement to settle the delinquent balance for 135 Fairfield Ave. Vote 5/0.

AUTHORIZATION  
TO DRAFT  
SETTLEMENT  
135 FAIRFIELD

**Summit Township Sewer Authority  
Monthly Business Meeting  
July 25, 2019**

Manager Steff reported that a drafted Route 97 Deficiency Notice was distributed to the Board for review and comment at the prior meeting. Manager Steff reports that the letter would be mailed to approximately 40 homeowners that have been identified as having a faulty connection to the public sanitary sewer system. The letter notifies them that they are required to repair defects and/or sever any illegal connections. The letter explains that they will have 90 days to hire a contractor and get a permit from the Authority; the permit establishes a one-year timeline to complete the construction. Manager Steff recommends that the inspection fee should be waived for this group of private owners, to encourage compliance. Manager Steff requested Board authorization to proceed with notifications and calls for repairs. The estimated cost of the repairs will be \$1,500 to \$2,500 for each private owner. Some discussion of requiring pre-sale inspections ensued; the Board decided to table the topic for a future meeting.

RT 97  
DEFICIENCY  
NOTICES TO  
PRIVATE  
OWNERS

Motion by Mr. Marsh, seconded by Mr. C. Rose, to authorize the mailing of deficiency notices and required repairs in the Route 97 corridor. Vote 5/0.

RT 97 DEFICIENCY  
NOTICES  
AUTHORIZED FOR  
MAILING

Manager Steff reported that he's received a COSTARS quote to for a 2020 Chevrolet 2500 HH Silverado, 4W, double-cab pickup truck with service body for \$49,155. The 2019-2020 Approved Budget allowance is \$31,000. The additional funds will come from the sale of the 2013 GMC 2500 HD extended-cab service body 4x4 pickup truck with 73,000 miles; estimated resale value is between \$17,000 and \$22,000. Consecutively, Manager Steff requests authorization to offer the 2013 GMC for sale via Municibid.com with an \$18,000 reserve.

PURCHASE NEW  
TRUCK AND LIST  
OLD TRUCK FOR  
SALE

Motion Mr. Welka, seconded by Mr. Marsh, to authorize the purchase of the 2020 Chevrolet Silverado via COSTARS for \$49,155 AND to offer the 2013 GMC for sale via Municibid.com with an \$18,000 reserve. Vote 5/0.

AUTHORIZATION  
TO PRUCHASE 2020  
SILVERADO AND  
OFFER 2013 GMC  
FOR SALE

**ONGOING BUSINESS**

Mr. C. Rose led a discussion regarding his future planning concerns. Mr. C. Rose reiterated that someday Summit Township will have to choose between paying for repairs to the City of Erie system or going outside of it, such as Mr. C. Rose's proposed alternative transportation plan via the Millcreek Tube. Mr. C. Rose stated that the Authority should seek direction from the EPA on a long term solution to handle the effluent from Summit Township for the next 50 years and beyond. Mr. C. Rose stated that his alternative transportation plan would eliminate the need for retention and would not require any land acquisition; all the Authority needs is easements. Mr. C. Rose proposed that if the Authority can't run a pipe down the Millcreek Tube, then the Authority could ask to run a line down State Street. Mr. C. Rose estimates that the Millcreek Tube plan would cost approximately \$16M; if the State Street option is viable, Mr. C. Rose estimates that it would cost much more.

C. ROSE  
ALTERNATIVE  
TRANSPORTATION  
PLAN

**Summit Township Sewer Authority  
Monthly Business Meeting  
July 25, 2019**

With no further business to come before the Board, Mr. Marsh motioned to adjourn, seconded by Mr. Welka. Vote 5/0.

ADJOURNMENT

Chairman Fette adjourned the meeting at 11:32 a.m.

Respectfully submitted by,

Caitlyn Haener-Schwab  
Administrative Supervisor