

**SUMMIT TOWNSHIP SEWER AUTHORITY
MONTHLY BUSINESS MEETING
JANUARY 30, 2014**

The regular monthly business meeting of the Summit Township Sewer Authority was called to order with the Pledge of Allegiance at 9:06 a.m. by Chairman Chris Fette at the Sewer Authority Building, 8890 Old French Road, Erie, Pennsylvania. CALL TO ORDER

Present: Chris Fette, Chairman; Michael Rose, Vice Chairman; Cloyd J. Rose, Secretary; Laban Marsh, Ass't Secretary; Mark Welka, Treasurer; William C. Steff, P.E., Manager; Douglas C. Sceiford, P.E., Hill Engineering; George Joseph, The Quinn Law Firm; and Caitlyn Haener, Administrative Secretary. Visitors: Martin McAtee, STSA Operations Foreman; Christopher Hodge, STSA Operations Technician; and John Willow, Resident (7221 Edinboro Road) & former STSA Board Member. ROLL CALL

Motion by Mr. C. Rose, seconded by Mr. Welka to approve the minutes of the December 19, 2013 Regular Business Meeting. Vote 5/0. 12/19/13 MINUTES

Motion by Mr. Marsh, seconded by Mr. C. Rose to approve the Treasurer's Report as submitted to and reviewed by all Board members. Vote 5/0. TREASURER'S REPORT

Motion by Mr. Welka, seconded by Mr. Marsh to approve the Expenditure Report as submitted to and reviewed by all Board members. Vote 5/0. EXPENDITURES

RESIDENT TO BE HEARD

John Willow, Resident (7221 Edinboro Road) & former STSA Board Member, distributed a Sanford Engineering exhibit labeled "Willow Property". The Willow Property exhibit is a map of the intersections of Edinboro Road (Route 99) with Zuck and Hershey Roads. Mr. Willow requested that the Authority consider extend the existing sewer line from Edinboro Road, 400ft to Zuck Road. The extension would accommodate Mr. Willow's vacant lots, which could then be developed. Mr. Willow and a local developer are negotiating the possible construction of 180 apartments on the lots (Exhibit: Lots 2, 3 & 4). Mr. Willow also owns a small triangular parcel at the Edinboro-Zuck intersection; the requested sewer line would cross the far south corner of Caplugs Erie property (7090 Edinboro Road), approximately 50ft north of Mr. Willow's property line. Mr. Willow proposed the line be constructed in this location for several reasons: Primarily, because if the line is constructed to cross Willow's corner property, it would either need a lift station or have to run very deep to achieve proper gravity; Additionally, Mr. Willow wants to preserve the buffer of dense trees on his lot between Caplugs and his home, and to preserve a structure on Willow's corner lot that has historical significance for his family. Mr. Willow asked that the STSA consider approaching Caplugs to negotiate an easement for the requested sewer line. Mr. Willow has not approached Caplugs yet because he believes a corporation will be more receptive to an easement request from an authority than from a private property owner or a developer, especially considering that the business is no longer locally owned. WILLOW (7221 EDINBORO RD): ROUTE 99, 400FT EXTENSION PROPOSAL

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WILLOW (7221
EDINBORO RD):
ROUTE 99, 400FT
EXTENSION
PROPOSAL
(CONT.)

Manager Steff stated that if the Authority does decide to undertake the project, it will be considered special service district, since it would only service Willows land, and the cost of the project could be recouped by the Authority in tapping fees. Mr. Willow said that securing sewer service is only one of a few items that would have to be settled before any deal with a developer would be final. Once a deal is finalized with the developer, Mr. Willow will return. Mr. Willow expects that he will not need a final decision from the Board until 2015. Mr. Willow is not requesting that the STSA extend sewer in anticipation of the project, only once a deal with the developer is final.

Mr. Willow considers the requested 400ft extension unfinished business from the Route 99 Extension Project. Discussion ensued regarding the history of the project (1997-1999): Niagara Plastics (now Caplugs) needed sewer service. Niagara Plastics gave the Authority \$100,000 toward a project to make sewer available to them. Initially, the recommended location of the new lift station was on Zuck Road near the Millcreek borderline; the proposed location would have required an easement from Ed Glass. STSA and Niagara Plastics were unable to reach an easement agreement with Mr. Glass. Rather than pursue the condemnation of Mr. Glass' property, the Authority redesigned the project to run sewer along Edinboro Road.

Mr. Willow noted that, as STSA Chairman, he abstained from voting on matters pertaining to the Route 99 Extension Project. At the time of the project, the engineers pointed out to Mr. Willow that relocating the line to Edinboro Road would mean that his lots on the other side of Zuck would be left without available sewer service. He didn't want to cause additional expense or political fallout for the Authority and he was concerned about a conflict of interest in the project, so he did not pursue the last bit of sewer line that would have extended sewer service to these parcels. Additionally, a portion of the property was encumbered with wetlands. Then, the Board at the time agreed that future sewer needs would be addressed if/when the property was ever developed. Mr. Willow reiterated that he hopes the Authority would take on the easement and construction project due to the size; that the pipe would be located on property owned by a big corporation; that the costs would be passed on through tapping fees; and that the pipe would ultimately be dedicated to the Authority.

Mr. Welka suggested that Mr. Willow offer to buy the 50ft sliver of Caplugs property adjacent to his own. Mr. M. Rose agreed with Mr. Welka's suggestion. Further, Mr. M. Rose is opposed to Board involvement in the matter, as it is a private matter and the Authority should not negotiate deals for developers; Mr. M. Rose cited the recent easement conflict at the Estates at Five Points, in which the Board decided not to get involved because it was a private dispute. Mr. Marsh elaborated on how acquiring the additional land from Caplugs would benefit Mr. Willow. Mr. Marsh continued that if Mr. Willow is unsuccessful after trying to obtain an easement or buy the land, he should reopen the topic for Board consideration at that time. Mr. Willow does not believe that acquiring the additional land would benefit him due to set-back requirements on Edinboro Road.

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Mr. Willow restated that his plans are first to try to get a Right-of-Way from Caplugs, second to research crossing deeper on his corner lot, and third to offer to buy the land from Caplugs. Mr. Willow will return with an easement exhibit when the deal is further along. Mr. Willow thanked the Board for their time and reiterated that he does not want a Board decision at this time. Mr. Willow departed the meeting at 10:11 a.m.

WILLOW (7221
EDINBORO RD):
ROUTE 99, 400FT
EXTENSION
PROPOSAL
(CONT.)

SOLICITOR'S REPORT

Solicitor Joseph reports that the sales closing of the proposed New Road Lift Station site took place on December 30, 2013. The farm credit was successfully released. Solicitor Joseph is currently working on the Application for Exemption from Erie County Real Property Taxes for the site.

NEW ROAD LIFT
STATION SITE

Solicitor Joseph reports that the purchase of the proposed Holiday Inn Lift Station Upgrade site from John Swenson is pending the subdivision survey by Henry T. Welka & Assoc. Solicitor Joseph is currently preparing easements and an Access & Utility Agreement needed in conjunction with the project.

HOLIDAY INN
LIFT STATION
UPGRADE SITE

Solicitor Joseph reports that he has been in communication with Attorney David Lindner regarding the Travaglini Easement Agreement. Solicitor Joseph is waiting to receive proposed changes to the agreement from Attorney Lindner.

TRAVAGLINI
EASEMENT

Solicitor Joseph reports that he has been working to prepare a second amendment to the Developer's Agreement with Universal Development Enterprise for the Cherry Hill Crossing development. This amendment will extend the standard warranty period from 1 year to 2 years. Engineer Sceiford and Manager Steff elaborated that extending the warranty would be appropriate due to concerns about portions of sewer line constructed in fill; additionally, the Authority has encountered problems with developments in the past when newly installed sewer lines were later cracked by heavy construction activity. Mr. Welka requested clarification on how extending the warranty impacts the inspection schedule. Engineer Sceiford responded that tests are typically scheduled just prior to the end of the warranty period.

CHERRY HILL
CROSSING
EXTENDED
WARRANTY

Solicitor Joseph reports that he is currently reviewing the new Employee Handbook / Personnel Code drafted by Dave Stephany of Infinity Resources. The draft includes parts of the FMLA. Solicitor Joseph advised the Board that, due to having fewer than 50 employees, the Authority is not required to comply with the FMLA; However, if the Board chooses to include FMLA language, the FMLA should be included in entirety. Solicitor Joseph also recommends adding a section regarding false accusations.

NEW PERSONNEL
CODE DRAFTED &
UNDER REVIEW

Solicitor Joseph reports that he has been researching penalty and interest provisions within the STSA rate resolution and subsequent amendments. In 2004, the Authority changed penalty and interest calculation due to statutory change, but the change was not recorded in the minutes. Solicitor Joseph believes the Authority may be enforcing penalty incorrectly. Solicitor Joseph is currently working on an amendment to the rate resolution.

DELINQUENT
CUSTOMER
PENALTY POLICY

CONSOLIDATED
RATE
RESOLUTION

Manager Steff has requested that Solicitor Joseph write a new rate resolution to consolidate all past rate resolutions and amendments.

ENGINEER'S REPORT

2010 SEWER
EXTENSION
PROJECT:
PROCTOR/MERLE/
MELVIN

2010 Sewer Extension Project: Engineer Sceiford reports that Contract 1 (Proctor/Merle/Melvin Roads) construction is complete, except for restoration. Engineer Sceiford recommends Payment #5 on Contract 1 to McLallen Construction in the amount of \$2,848.86

DORN ROAD

Engineer Sceiford reports that Contract 2 (Dorn Road) is progressing as weather permits. Engineer Sceiford recommends Payment #3 on Contract 2 to McLallen Construction in the amount of \$21,296.90.

NEW ROAD

Engineer Sceiford reports that Contract 3 (New Road) has not progressed much since the last meeting, due to weather and the contractor's planned winter shut-down. Amendola Development has now submitted their first bill for work to date. Engineer Sceiford recommends Payment #1 on Contract 3 to Amendola Development in the amount of \$66,083.40.

Motion by Mr. M. Rose, seconded by Mr. Welka, to authorize payments #5, Contract 1 to McLallen Construction in the amount of \$2,848.86; #3, Contract 2 to McLallen Construction in the amount of \$21,296.90; and # 1, Contract 3 to Amendola Development in the amount of \$66,083.40. Vote 5/0.

AUTHORIZE
PAYMENTS:
CONTRACTS 1, 2
AND 3

Engineer Sceiford reports that Contract 4 (New Road Pump Station) shop submittal process has been underway for the pump station. McLallen has ordered materials and is expected to begin clearing the site.

NEW ROAD PUMP
STATION

MANAGER'S REPORT

Manager Steff reports that he has obtained a signed Sanitary Sewer Right of Way Agreement from Craig and Lisa Troyer for the property located at 7620 Old Perry Highway. The easement is needed in connection with the Holiday Inn Lift Station Upgrade Project. Manager Steff recommends that the Board enter into the agreement with the Troyers.

TROYER
EASEMENT (7620
OLD PERRY HWY)

Motion by Mr. M. Rose, seconded by Mr. C. Rose, to enter into the Sanitary Sewer Right of Way Agreement with Craig and Lisa Troyer for the property located at 7620 Old Perry Highway. Vote 5/0.

ENTER TROYER
EASEMENT
AGREEMENT

Manager Steff presented a Connection Compliance Power-Point slideshow, with input from STSA Operations Foreman McAtee and STSA Operations Technician Hodge. The presentation proposes an interpretation of Township Ordinance 2011-01, an ordinance regarding mandatory connection to available sewer. Examples of implementation and the impact of a possible Compliance Project were discussed. Manager Steff suggested that

SUPERVISORS
ORDINANCE
2011-01
COMPLIANCE

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Ordinance 2011-01 enforcement be bundled into a clean-up project and Hill Engineering be requested to prepare estimates for approximately 18 minor extensions. Manager Steff. Discussion ensued. The Board agreed that the STSA should request clarification of the Summit Township Supervisors' intended definition of available sewer. Manager Steff will organize a work session with the Supervisors to be followed by an executive summary presentation at a regular Supervisors Meeting.

SUPERVISORS
ORDINANCE
2011-01
COMPLIANCE
(Cont.)

Manager Steff reports that David Stephany of Infinity Resources has submitted his final version of the STSA Employee Handbook/Personnel Code. Mr. Stephany has also offered to meet with employees to go over the changes, once the new code is final. Discussion ensued. The Board agreed to table the topic until all members have thoroughly reviewed the Employee Handbook/Personnel Code and supplemental materials provided by Mr. Stephany. In the meantime, the STSA wishes to retain Mr. Stephany for pending revisions.

NEW PERSONNEL
CODE DRAFTED

Motion by Mr. Welka, seconded by Mr. Marsh, to retain David Stephany of Infinity Resources, at a cost not to exceed \$500. Vote 5/0.

RETAIN INFINITY/
STEPHANY <\$500

NEW BUSINESS

None.

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

ADJOURNMENT

Chairman Fette adjourned the meeting at 11:36 a.m.

Respectfully submitted by,

Caitlyn Haener
Administrative Secretary