

SUPERVISORS OF FAIRVIEW TOWNSHIP
7471 McCray Road
Fairview, PA 16415

Regular Meeting
December 17, 2015
9:00 A.M.

The regular meeting of the Supervisors of Fairview Township was called to order at 9:00 A.M. on December 17, 2015 by Chairman Mark Gennuso, followed with the Pledge of Allegiance.

Present: Supervisors Peter Kraus and Mark Gennuso; Secretary-Treasurer Michelle Barnes, Assistant Secretary Julie Lindvay; Zoning Administrator James Cardman, Assistant Zoning Officer Amanda Bair and Solicitor Paul Burroughs and Andrew Holland.

Visitors: Tony Mitcho – 8400 Beckman Road, Morgan Eberlin – 6824 Townsend Road, Maryann Mook – West County News Journal

MS4 Presentation:

Mr. Andrew Holland, P.E. Civil Engineer, Urban Engineers gave an MS4 Presentation. MS4 stands for Municipal Separate Storm Sewer System. Municipalities that meet certain standards must obtain NPDES permit coverage for discharges of stormwater from their municipal separate storm sewer systems (MS4s). MS4 is any system that is:

- owned by a municipality or other public body (created under state law) having jurisdiction over disposal of sewage, industrial wastes, stormwater or other wastes;
- designed or used for collecting or conveying stormwater;
- not a combined sewer (i.e., not intended for both sewage and stormwater); AND
- not part of a publicly owned treatment works (POTW).

The Township issued permit for MS4 is required to comply with six control measures:

- Public Education and Outreach on Stormwater Impacts
- Public Involvement/Participation
- Illicit Discharge Detection and Elimination
- Construction Site Stormwater Runoff Control
- Post-Construction Stormwater Management in New and Re-Development Activities
- Pollution Prevention/Good Housekeeping

Fairview Township has about 120-130 outfalls. In 2014 we screened about 40 outfalls, in 2015 approximately 52 outfalls were screened and we plan to complete the screening in 2016 to begin the process again. In the past two years there has only been one

discharge recorded and the Township is currently working with the resident to correct this.

Also in compliance with the MS4 permit there will be letters sent to each resident to make sure they are following the Best Management Practices.

Andrew informed everyone that there is a form online for any citizen concerns to notify the Township to take action.

Motion to close the Regular Meeting at 9:09 A.M. was motioned by Mr. Heidler and seconded by Mr. Kraus. Unanimous.

Motion to open the Rezoning Hearing at 9:09 A.M. was motioned by Mr. Heidler and seconded by Mr. Kraus. Unanimous.

Hearing to consider the rezoning request of Westminster Group for property located in Fairview Township, Erie County, Pennsylvania. The applicant seeks to rezone a portion of a certain parcel bearing Tax Index No. 21-58-82-5 from R-3 Suburban Multi Zoning District to B-2 Highway Commercial Zoning District. If granted, a change in the Official Zoning Map would also result.

Motion to close the Rezoning Hearing at 9:21 A.M. was motioned by Mr. Heidler and seconded by Mr. Kraus. Unanimous.

Motion to open the Regular Meeting at 9:21 A.M. was motioned by Mr. Heidler and seconded by Mr. Kraus. Unanimous.

Ordinance 2015-4 An Ordinance to amend the Fairview Township Zoning Ordinance, NO. 2015-3, by changing the classification of a certain parcel of land situate in the Township of Fairview, Erie County, Pennsylvania, described as follows, to-wit: A portion of property along West Ridge Road and Swanville Roads, bearing Index No. (21) 58-82-2, now zoned R-3 Suburban multi district to the B-2 Highway Commercial District and by supplementing "Zoning Ordinance/Zoning Map" was motioned by Mr. Kraus and seconded by Mr. Heidler. Unanimous.

Motion to close the Regular Meeting at 9:22 A.M. was motioned by Mr. Heidler and seconded by Mr. Kraus. Unanimous.

Motion to open the Rezoning Hearing at 9:22 A.M. was motioned by Mr. Heidler and seconded by Mr. Kraus. Unanimous.

Hearing to consider enacting the Ordinance of Fairview Township Authorizing execution of a Cable Franchise Agreement between the Township and Time Warner Cable Midwest LLC D/B/A Time Warner Cable.

Motion to close the Rezoning Hearing at 9:26 A.M. was motioned by Mr. Heidler and seconded by Mr. Kraus. Unanimous.

Motion to open the Regular Meeting at 9:26 A.M. was motioned by Mr. Heidler and seconded by Mr. Kraus. Unanimous.

Ordinance 2015-5 Authorizing Execution of a Cable Franchise Agreement between Fairview Township and Time Warner Cable Midwest LLC D/C/B Time Warner Cable was motioned by Mr. Kraus and seconded by Mr. Heidler. Unanimous.

Mr. Kraus motioned and was seconded by Mr. Heidler on the Cable Franchise Agreement with Time Warner Cable Midwest LLC D/B/A Time Warner Cable Granting the Right to Construct, Operate and Maintain a Cable System in the Township's Public Rights-of-Way. Unanimous.

Motion to close the Regular Meeting at 9:29 A.M. was motioned by Mr. Heidler and seconded by Mr. Kraus. Unanimous.

Motion to open the Rezoning Hearing at 9:29 A.M. was motioned by Mr. Heidler and seconded by Mr. Kraus. Unanimous.

Hearing to consider enacting the Ordinance of Fairview Township Authorizing inter-governmental cooperation with the County of Erie with respect to provision of fire, police, emergency and other dispatch communication services, including but not limited to use of the County's public safety radio system and of equipment of such system.

Motion to close the Rezoning Hearing at 9:32 A.M. was motioned by Mr. Heidler and seconded by Mr. Kraus. Unanimous.

Motion to open the Regular Meeting at 9:32 A.M. was motioned by Mr. Heidler and seconded by Mr. Kraus. Unanimous.

Ordinance 2015-6 Authorizing Inter-Governmental cooperation with the County of Erie with respect to provision of fire, police, emergency and other dispatch communication services, including but not limited to use of the County's public safety radio system and of equipment of such system was motioned by Mr. Kraus and seconded by Mr. Heidler. Unanimous.

MINUTES:

Minutes of the December 3, 2015 Regular Meeting were approved on motion by Mr. Kraus and Seconded by Mr. Gennuso.

The Minutes of the Workshop Meeting November 18, 2015 & December 9, 2015 were approved on motion by Mr. Heidler and seconded by Mr. Kraus. Unanimous.

PAYMENT OF BILLS:

Unanimous approval was given for the payment of bills, per the list attached to the agenda, on motion by Mr. Kraus, seconded by Mr. Heidler. Unanimous.

SOLICITOR'S REPORT:

Mr. Burroughs reported that they are working with the Township and School District on the application for the grant to install the Route 98 School and Pedestrian Access. He says that the School District is on board and after the \$250,000 grant is applied by Urban Engineer's calculations the School District will pay 30% and the Township will

pay 70% of the excess balance. Mr. Gennuso reported that Urban is working on the easements for this project and yes they will be needed.

PLANNING AND ZONING REPORT:

Mr. Cardman brought up Phase 4 of Evergreen Farms, he is working with Paul Burroughs on the easements to be added. He also reports they have sold one lot.

A Motion was made to accept the resignation of Michelle Daeschner from Planning Commission by Mr. Kraus and seconded by Mr. Heidler. Unanimous.

On Motion by Mr. Heidler to appoint Michel Fox to the Planning Commission for the balance of a 4 year term to expire on December 31, 2017, was seconded by Mr. Kraus. Unanimous.

SECRETARY'S REPORT:

Struchen Flats Soil Nail Stabilization Project, Payment Application 1 to Mar-Allen Concrete Products \$70,082.62 was on motion by Mr. Kraus and seconded by Mr. Heidler. Unanimous.

Resolution 2015-14 A Resolution fixing the Real Estate Tax for the year 2016 at .75 Mills was on motion by Mr. Kraus and seconded by Mr. Heidler. Unanimous.

FAIRVIEW TOWNSHIP

ERIE COUNTY, PENNSYLVANIA

RESOLUTION NO. 2015 -14

A RESOLUTION OF THE BOARD OF SUPERVISORS OF FAIRVIEW TOWNSHIP FIXING THE REAL ESTATE TAX RATE FOR THE YEAR 2016.

BE IT RESOLVED AND ENACTED by the Fairview Township Board of Supervisors that a tax be and the same is hereby levied on all real property within the Township of Fairview subject to taxation for the fiscal year 2016 as follows:

The Tax Rate for General Purposes shall be .75 mills on each dollar of assessed valuation.

BE IT FURTHER RESOLVED that any resolution, or part of resolution, conflicting with this resolution be and the same is hereby repealed insofar as the same affects this resolution.

I hereby certify the foregoing is a true copy of a resolution introduced and adopted by the Fairview Township Board of Supervisors at a meeting held on December 17, 2015.

FAIRVIEW TOWNSHIP

Attest:

By _____

Michelle Barnes, Secretary

Mark Gennuso, Chairman

On motion by Mr. Kraus and seconded by Mr. Heidler is the Advertising of

- The Annual Organization Meeting for Fairview Township will be held on Monday, January 4, 2016 at 9:00 AM, as required under Article V, Section 511 of the Second Class Township Code.
- The 1st Regular Meeting of the Supervisors of Fairview Township will be held Thursday, January 7, 2016 at 7:00 PM.
- The Annual Meeting of the Elected Auditors of Fairview Township will be held Tuesday, January 5, 2016 at 7:30 PM, as required under Article V, Section 545 of the Second Class Township Code.
- The regular meetings of the Fairview Township Planning Commission will be held on the second Monday of each month at 7:30 PM.
- The regular meetings of the Fairview Township Zoning Hearing Board will be held on the first Tuesday of each month at 7:00 PM.
- The regular meetings of the Fairview Township Parks & Recreation Authority will be held on the second Tuesday of each month at 7:00 PM, except the November meeting is moved to Wednesday, November 9th.

The Supervisors unanimously approved the 2016 Budget on motion by Mr. Heidler and seconded by Mr. Kraus.

Mrs. Barnes distributed correspondence to each Supervisor from SMBS Sterrett Mott Breski & Shimek, Attorneys at Law, regarding written Findings of Fact, Conclusions, and Decision of the Fairview School District, UCC Appeal No. 003-F-2015.

NEW BUSINESS:

Pending the approval of the revised language in the agreement for the Struchen Flats Easement with the Pennsylvania Fish and Boat Commission: Erie Public Access Improvement Program Option Agreement/Agreement of Sale to Acquire a Fishing Access and Conservation Agreement (Easement) was motioned by Mr. Kraus and seconded by Mr. Heidler. This agreement will not affect the Township residents from using the park.

SUPERVISORS' REPORT:

Mr. Kraus reported that he is working with Urban Engineers to get the pond dug out at Avonia Beach next summer. He also added that they are looking at replacing the boardwalk down there. Struchen Flats is going good and has passed inspections. The Sewer & Water Authority is taking a loan out to cover the water tank and treatment building at Pleasant Ridge Park. JR Freeman wants to step down from the Sewer & Water Authority, the replacement should be announced at the organization meeting in January. Mr. Kraus also mentioned that next year the possibility of keeping the recycling center open longer, weather permitting, it may be something for them to consider.

Mr. Heidler says that Mother Nature has been kind to us so far this year but as a reminder for when the plow trucks start running to follow the winter parking rules.

Mr. Gennuso is proud to announce the Township Calendar is going out next week and Merry Christmas to everyone!

The meeting was adjourned at 9:25 P.M. Motion by Mr. Kraus, seconded by Mr. Heidler. Unanimous.

Respectfully submitted,

Michelle A. Barnes

Secretary-Treasurer

