

SUPERVISORS OF FAIRVIEW TOWNSHIP

7471 McCray Road
Fairview, PA 16415

Regular Meeting
June 5, 2014
9:00 A.M.

The regular meeting of the Supervisors of Fairview Township was called to order at 9:00 A.M. on June 5, 2014 by Chairman Peter D. Kraus, followed with the Pledge of Allegiance.

Present: Supervisors Ralph Heidler, Peter Kraus and Mark Gennuso;
Assistant Secretary Michelle Zirkle; Zoning Administrator James
Cardman; Engineer Andrew Holland

Visitors: Tony Mitcho, Lauren Steele and Art Kuhulski

CITIZENS CONCERNS/INQUIRIES: Miss Steele is concerned with zoning issues at Peppino's Chop House, located at 6590 W Lake Road. These issues include: outdoor dining, parking lot lighting, parking in the rear of the business and accessing her private road to get to parking lot. Mr. Cardman and the Supervisors discussed each concern she had with her:

Outdoor Dining- Mr. Calao, owner of Peppino's, has told the Building Inspector, William Baker, there will be no outdoor dining.

Parking Lot Lighting-Mr. Cardman went to the restaurant and agreed that the lighting is bright and will have Urban Engineers do some research on it, to see if they can angle the lights more.

Parking- Mr. Calao could have parking in the rear providing he has access to do so, however, he has not submitted any plans for parking at this time.

Private Road Access-Would be proved by what is written in their deed and their property boundaries, which is a civil matter.

Mr. Cardman informed Miss. Steele that BIU just performed an inspection and in order to receive their Occupancy Permit, there are 13 items that require Mr. Calao's attention.

MINUTES: Minutes of the May 15, 2014 regular meeting and, was approved on motion by Mr. Heidler seconded by Mr. Gennuso. Unanimous.

PAYMENT OF BILLS: Unanimous approval was given for the payment of bills, per the list attached to the agenda, on motion by Mr. Heidler, seconded by Mr. Gennuso.

General Fund:

2,652.02	Payables	5/16/14	Checks # 12092-12093
9,220.97	Payroll	5/22/14	Checks # 46117-46133
4,163.35	Payables	5/22/14	Checks # 12094-12095
7,869.86	Payroll	5/29/14	Checks # 46134-46150
13,983.35	Payables	5/29/14	Checks #12096-12097
8,087.70	Payroll	6/5/14	Checks # 46151-46167
100,467.51	TBP	6/5/14	Checks # 12098-12139

Fuel Surcharge:

517.00

ENGINEER: The Supervisors unanimously voted to table the inspection of 7352 West Ridge Road, to determine if the building is an unsafe structure, on motion by Mr Heidler, seconded by Mr. Gennuso. The Supervisors would like to send a letter to Miss. Gimber requesting her to advise the Township of her intentions with the future of the structure by July 1, 2014 on motion by Mr. Heidler, seconded by Mr. Gennuso. Unanimous.

PLANNING & ZONING: Brandy Run Estates, Phase 4: Urban Engineers has reviewed the plans and they are consistent with the requirements of the Fairview Township Stormwater Management Ordinance (SWMO). Urban recommends approval of the stormwater plan. The Supervisors expressed their concerns about how approval of the plans will adversely affect the existing property owners. The Supervisors sought advice from the Township Solicitor and per his recommendation motion was made to approve the preliminary plans for Brandy Run Estates, Phase 4 by Mr. Heidler, seconded by Mr. Gennuso. Unanimous.

Mr. Kuhulski, a resident of Brandy Run, has many concerns with their plans. He believes that the NPDES permit will be appealed. He also questions the Supervisors for approving a fence that will be taking the residents backyards from them and they have not seen the fence. The Supervisors gave him a picture of the black chainlink fence that was e-mailed to them from David Laird Associates.

Mr. Mitcho recommends the Supervisors be more careful when approving plans. What is implied and what is written are two different things and the Supervisors need to be aware of this.

The Supervisors requested Urban Engineers to look into moving the fence location back to the 75 year flood zone and to ask David Laird Associates to mark the approximate fence line in the field at the 100 year flood zone. Place a stake at each property line crossing and include additional stakes at the northern most lot where the fence turns from East-West to North-South. Mr. Holland will mail a copy of the consistency letter, that was given to the Township, to David Laird Associates.

The Supervisors received a rezoning request from Gregory Kiddo, Sr. for their property at the corner of Sterrettania and Route 98, from B1 Neighborhood Business District to B-2 Highway Commercial District. A motion was made by Mr. Heidler, seconded by Mr. Gennuso to ask the Fairview Township Planning Commission to review and make recommendation on this rezoning. Unanimous. Mr. Cardman explained to the Supervisors he would present this letter as correspondence at the next Planning Commission meeting since the agenda deadline was not met.

The Supervisors approved the request to reschedule the Nelson/Hrinda property rezoning hearing from June 19, 2014 to July 17, 2014 since residents within 200 feet of the property were not notified within 30 days of hearing, motion made by Mr. Heidler and noted that the Supervisor's Secretary will be issuing the letter, seconded by Mr. Gennuso. Unanimous.

SECRETARY: The Supervisors unanimously approved Resolution No. 11-2014 with the correction of the spelling of the word *county* on the first line, on motion by Mr. Heidler, seconded by Mr. Gennuso.

**FAIRVIEW TOWNSHIP
RESOLUTION NO. 11-2014**

**A RESOLUTION OF THE TAXING DISTRICT TO APPROVE AN AGREEMENT AMONG THE COUNTY OF ERIE, ERIE COUNTY
TAX CLAIM BUREAU AND THE LAW FIRM OF
MacDONALD, ILLIG, JONES & BRITTON, LLP**

WHEREAS, the County of Erie and the Erie County Tax Claim Bureau (collectively the "County") have entered into an Agreement (the "Agreement") with MacDonald, Illig, Jones & Britton LLP (hereinafter "MIJB") with respect to conduct of judicial, "lien free", tax sales during the years 2014, 2015, and 2016 (hereinafter the "Judicial Tax Sales") of properties against which delinquent taxes are due and owing; and

WHEREAS, the Board of the Taxing District (the "Board") has been requested to approve the Agreement and agree that properties located in the Taxing District can be exposed to the Judicial Tax Sales; and **WHEREAS**, the Board has determined that such resolution, approving the proposed Agreement, is in the best interest of all the Taxing District and the Tax Claim Bureau, as it will further the general objective of collecting delinquent property taxes and realizing the greatest amount of revenue possible on certain delinquent real estate taxes in accordance with 72 P.S. § 5860.010, *et seq.*

NOW THEREFORE, IT IS HEREBY RESOLVED by the Board of the Taxing District as follows:

1. The proposed Agreement, a copy of which is attached to this Resolution is approved.
2. The Chair of the Board is authorized to execute on behalf of the Taxing District all signature copies of such Agreement and the Secretary and/or Assistant Secretary are authorized to witness or attest the same.
3. The Solicitor and other officials of the Taxing District are authorized to take such actions as are necessary to conclude the Agreement, including but not limited to periodic reviews of and responses to information supplied by MIJB to the Tax Claim Bureau as called for in the Agreement.
4. This Resolution is intended to put in place an ongoing agreement and process for the conduct of the Judicial Tax Sales as is outlined in the Agreement.

ADOPTED this 5th day of June, 2014.

The Supervisors unanimously approved Resolution No. 11-2014 on motion by Mr. Gennuso, seconded by Mr. Heidler.

**FAIRVIEW TOWNSHIP
RESOLUTION NO. 12-2014**

**A RESOLUTION OF THE TOWNSHIP OF FAIRVIEW, ERIE COUNTY, PENNSYLVANIA,
ADOPTING WRITTEN PROCEDURES IN HOW PROFESSIONAL SERVICES ARE CHOSEN FOR ITS PENSION PLANS IN ORDER TO COMPLY
WITH ACT 44 OF 2009 AND THE AUDITOR GENERAL'S RECOMMENDATION**

WHEREAS, with the passage of Act 44, Municipalities are now required to prepare written procedures in how professional services are chosen for its pension plan; and,

WHEREAS, the Department of the Auditor General began issuing verbal observations recommending that Municipalities implement a written policy; and,

WHEREAS, Municipalities must provide the Department of the Auditor General with a copy of their written procedures during their next scheduled audit;

NOW, THEREFORE, BE IT RESOLVED that the Fairview Township Board of Supervisors hereby adopt the attached document entitled, "Fairview Township Procedures for Compliance with the Professional Services Contract Provisions of Act 44 of 2009".

ENACTED this 5th Day of June, 2014.

**FAIRVIEW TOWNSHIP
PROCEDURES FOR COMPLIANCE WITH THE PROFESSIONAL SERVICES
CONTRACT PROVISIONS OF ACT 44 OF 2009**

Below are the procedures for the purchase or provision of professional services, including investment, legal, actuarial and other consulting services this Municipality has adopted to comply with Act 44:

1. Request for Proposal Application(s) including disclosures:

Applications will be drafted at the time services are needed. The application provisions will address the applicants' qualifications, experience, expertise and compensation to be charged. An Act 44 – Complaint Disclosure Form will be included as part of the application. This RFP is not subject to a requirement that the lowest bid be accepted.

2. Advertisement:

The Municipality shall advertise the availability of a Request for Proposal for professional services contract to potential participants or candidates in a timely and efficient manner. An advertisement of such will include the following:

- The services that are the subject of the proposed contract
- Specifications relating to the services
- Procedures to compete for the contracts
- Required disclosures
- Additional information desired

3. Review:

The evaluation process will involve several steps. The initial responses to the Request for Proposal will be evaluated by the Municipality. The Municipality will determine a list of finalists, interview finalists if applicable and make a final decision. The criteria to be used in the evaluation process can differ depending on the professional services requested but all will include the following:

- The applicant's qualifications, experience, and expertise related to Pennsylvania Municipal Pensions and the amount of compensation to be charged;
- The applicant's approach to managing risk and research capabilities;
- The applicant's knowledge of Act 205 and Act 600;
- The quoted fee(s) associated with the desired service(s) sought;
- The applicant's availability to meet with convened Board of Supervisors and the Chief Administrative Officer for periodic review;
- The response of the references provided by the applicant; and
- The ultimate confidence of Fairview Township as represented by the vote to accept the applicant in the contract.

4. Personnel:

Prior to entering into a professional services contract, the contractor shall disclose the names and titles of each individual who will be providing professional services to Fairview Township's pension plan including advisors or subcontractors of the contractor. In addition, disclosures will include all of the following:

- Whether the individual is a current or former official or employee of Fairview Township;
- Whether the individual is a current or former registered Federal or State lobbyist;
- A description of the responsibilities of each individual with regard to the services provisions of the contract;
- The resume of an individual listed in the aforementioned disclosure shall be provided to Fairview Township upon request.

5. Conflict of Interest:

All applicants submitting RFP's shall include a minimum one-year restriction on the following:

- Participation by a former employee of a contractor or potential contractor in the review of a proposal or negotiation of a contract with that contractor;
- Participation by a former employee of the municipal pension system in the submission of a proposal or the performance of a contract.

Additionally, all submitting RFP's shall include a permanent disqualification for the following:

- Any applicant that currently holds a professional services contract, responds to, applies for, or otherwise solicits, a professional services contract that has made a political contribution to any parties, candidates or current office holders of or for Fairview Township since December 17, 2009.

6. Public Information:

Following the award of a professional services contract, all applications and disclosure forms shall be made public except for proprietary information or other information protected by law.

7. Notification and Posting of Proceedings:

Following the decision by the Fairview Township Board of Supervisors of a finalist, the relevant factors that resulted in the selection for the award of the professional services contract must be summarized in a written statement to be included in or attached to the documents awarding the contract. Within 10 days of the award of the professional services contract, the original application, a summary of the basis for the award and all required disclosure forms must be transmitted to all unsuccessful applications and posted on Fairview Township's website at least seven (7) days prior to the execution of the professional services contract.

8. Increase:

A professional services contract shall not be amended to increase the cost of the contract by more than 10% or \$10,000, whichever is greater, unless the increase and a written justification for the increase are public and posted on Fairview Township's website at least seven (7) days prior to the effective date of the amendment.

UNFINISHED BUSINESS: Ordinance Amendments: Mr. Burroughs has sent a draft of the Zoning Ordinance to the Zoning Office and will review at workshop meetings.

NEW BUSINESS: Mr. Cardman presented the enforcement issues with the current grass mowing ordinance. Mr. Cardman explained that there are 35 addresses currently in the Township that are in violation of the ordinance. The current enforcement procedure takes a minimum of 15 days to enforce. The Supervisors agree this is too long and unanimously approved to have Mr. Burroughs review the notification requirements of the ordinance and make suggestions for an amendment, on motion by Mr. Heidler, seconded by Mr. Gennuso.

SUPERVISORS' REPORT: Mr. Heidler informed the residents that the Township has started preparing roads for paving such as berming and patching holes.

Mr. Gennuso discussed hiring an intern or Brandon Pratt as an Assistant Zoning Officer with the other Supervisors and Mr. Cardman. After discussion a motion by Mr. Gennuso was made to allow him to modify the current job description and to advertise for a fulltime position as an Assistant Zoning Officer in the Erie Times News, seconded by Mr. Heidler with the recommendation to ask for the job description of an Erie County Planner I for guidance. Unanimous.

Mr. Kraus has received preliminary plans for the handicap ramp, railings and porch at the Avonia Beach House. He will meet with Mr. Matzak at the Avonia Beach House to finalize the plans.

Mr. Kraus informed the residents the Township has been hard at work putting 1,000 feet of storm pipe in Central Drive. This project has taken 3 weeks and he recommends subcontracting any projects this large in the future.

The meeting was adjourned at 11:40 A.M. Motion by Mr. Heidler, seconded by Mr. Gennuso.

Respectfully submitted,

Michelle A. Zirkle
Assistant Secretary