

SUPERVISORS OF FAIRVIEW TOWNSHIP

7471 McCray Road
Fairview, PA 16415

Regular Meeting
May 15, 2014
9:00 A.M.

The regular meeting of the Supervisors of Fairview Township was called to order at 9:00 A.M. on May 15, 2014 by Chairman Peter D. Kraus, followed with the Pledge of Allegiance.

Present: Supervisors Ralph Heidler, Peter Kraus and Mark Gennuso;
Secretary Pamela Rhoades; Zoning Administrator James Cardman;
Solicitor Paul Burroughs

Visitors: Paul Bacik Jr., Lauren Steele, Shannon Rieger and J.R. Freeman

CITIZENS CONCERNS/INQUIRIES:

Mrs. Lauren Steele, 1381 Dutch Road, is concerned about the activities going on at Peppino's Wine Bar and Chop House, 6590 West Lake Road. Mainly outside dining, outside lights on all night long and destroying the private road located behind the restaurant. The Zoning Officer and BIU are aware of what is going on and at this time, they are not in violation.

MINUTES: Minutes of the May 1, 2014 regular meeting and April 30 & May 7, 2014 workshop meeting were approved on motion by Mr. Gennuso 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. Heidler, seconded by Mr. Gennuso.

General Fund: \$ 9,284.20 Payroll 5/8/14 Checks #46082-46099
4,349.52 Payables 5/8/14 Checks #12053-12056
9,576.02 Payroll 5/15/14 Checks #46100-46116
42,655.67 Payables 5/15/14 Checks #12057-12091

Street Light Fund: \$ 2,122.83

TREASURER'S REPORT: Approved, as presented on motion by Heidler, seconded by Mr. Gennuso. Unanimous

SOLICITOR:

The Supervisors and Attorney Burroughs discussed the Scobey Property on West Ridge Road and whether the house can be considered an unsafe structure. Mr. Cardman will ask Urban Engineers to inspect the property.

PLANNING & ZONING:

The Supervisors unanimously approved Resolution No. 10-2014 Amending the Agricultural Security Area within Fairview Township on motion by Mr. Gennuso, seconded by Mr. Kraus. Mr. Heidler abstained due to the fact that he was the surveyor for the project.

FAIRVIEW TOWNSHIP

RESOLUTION NO. 10-2014

AMENDING AN AGRICULTURAL SECURITY AREA WITHIN THE TOWNSHIP OF FAIRVIEW,
ERIE COUNTY, PENNSYLVANIA.

WHEREAS, pursuant to Act 43 of 1981, as amended, known as the Agricultural Area Security Law, J. Robert Taylor and Thomas L. Taylor, owners of certain real property situated in Fairview Township, Erie County, Pennsylvania that was enrolled in the Fairview Township Agricultural Security Area within Fairview Township; and

WHEREAS, J. Robert Taylor and Thomas L. Taylor have proposed a modification of the above-referenced Fairview Township Agricultural Security Area with Fairview Township; and

WHEREAS, the original parcel numbers that were enrolled on February 2, 1994, included Parcel ID No. 21-1-1-30, as recorded on June 2, 1994, at Erie County Record Book 0337, page 2232; and

WHEREAS, the original parcel was misidentified and should have been Parcel ID No. 21-2-1-30; and

WHEREAS, the Fairview Township Board of Supervisors duly notified the public of said proposal, and referred the said proposal to the Fairview Township Planning Commission and to the Agricultural Security Area Advisory Committee for review; and

WHEREAS, the Fairview Township Planning Commission and the Agricultural Security Area Advisor Committee submitted recommendations to the Fairview Township Board of Supervisors with respect to the proposed Agricultural Security Area; and

WHEREAS, pursuant to Act 43 of 1981, as amended, on May 15, 2014, the Fairview Township Board of Supervisors conducted a duly advertised public hearing relative to the proposed Agricultural Security Area and the recommendations thereto from the Fairview Township Planning Commission and the Agricultural Security Area Advisory Committee; and

WHEREAS, all procedures and requirements of Act 43 of 1981, as amended, have been met and satisfied; and

WHEREAS, Act 43 of 1981, as amended, grants to the Fairview Township Board of Supervisors the authority to adopt, modify or reject the said proposal or any modifications thereto that they deem appropriate; and

WHEREAS, the enrolled parcels have been subdivided and assigned new index numbers; and

WHEREAS, the property owners have submitted a proposal for modification of the Agricultural Security Area to state the proper index numbers.

NOW, THEREFORE, BE IT RESOLVED AND ENACTED by the Board of Supervisors of Fairview Township, Erie County, Pennsylvania, and to the extent set forth below, the said proposal is hereby adopted as subsequently modified; and

BE IT FURTHER RESOLVED AND ENACTED, and it is hereby resolved and enacted that the said Agricultural Security Area shall include an aggregate total of 201.647 acres comprised only of designated properties listed and described on the attached document entitled "Description of Fairview Township Agricultural Security Area," which, by this reference, is incorporated herein and made a part of this Resolution as if fully set forth; and

BE IT FURTHER RESOLVED AND ENACTED, and it is hereby resolved and enacted that, in addition to the periodic review of the said Agricultural Security Area set forth in Act 43 of 1981, as amended, the said Agricultural Security Area will be reviewed the seventh year hereafter in accordance with the terms of Act 43 of 1981, as amended.

DESCRIPTION OF FAIRVIEW TOWNSHIP AGRICULTURAL SECURITY AREA

J. Robert Taylor and Thomas L. Taylor, Property Owners

<u>Index Number(s)</u>	<u>Acreage</u>
21-1-1-49.02	134.68
21-4-1-38.01	10.187
21-48-63-3	56.78

SECRETARY:

The Supervisors unanimously rejected the bid for the Storage Building Addition received from Considine Biebel & Company at the bid price of \$89,000.00 and alternate #1 bid price of \$111,000.00, due to the fact that the bid price was over the budgeted amount on motion by Mr. Heidler, seconded by Mr. Gennuso. The dollars budgeted for this project will now go into the paving budget.

UNFINISHED BUSINESS:

Mr. Burroughs reported that he is updating the Zoning Ordinance with the new information given to him by Jim Cardman.

NEW BUSINESS:

The Supervisors are working on an "Agreement for Use" for the Township Building.

SUPERVISORS' REPORT:

Mr. Heidler reported that he attended an MPO Meeting and PennDOT agreed to restrip Route 5 in front of White Hall Subdivision.

The Supervisors unanimously approved going out for bids for road materials on motion by Mr. Gennuso, seconded by Mr. Heidler.

Mr. Gennuso reported that the Township received 3 proposals for IT Support and have agreed to accept the proposal dated May 12, 2014 from JDL Computers on motion by Mr. Gennuso, seconded by Mr. Heidler. Unanimous. The contract will be for 1 year and will include \$699 to bring all the computers up to par and then an hourly rate for needed service.

Mr. Gennuso reminded residents of the tire collection and paper shredding on May 17 & 18 from 9am to noon at the Millfair Recycling Center.

Mr. Gennuso reported that the Township has received several calls and emails concerning the reported KKK neighborhood watch on Ridge Road in Fairview Township. This Fairview Township is in York County not Erie County, Pennsylvania.

Mr. Kraus reported that he has received preliminary drawing from Gary Matczak for Avonia Beach remodeling for handicap accessibility.

Mr. Kraus reported that the new ceiling is being installed at Pleasant Ridge Park and should be done on May 17, 2014.

EXECUTIVE SESSION:

The meeting was closed at 10:04 A.M. on motion by Mr. Heidler, seconded by Mr. Gennuso to go to executive session for legal issues.

The meeting was reopened at 10:42 A.M. on motion by Mr. Heidler, seconded by Mr. Gennuso.

The Supervisors discussed litigation and have directed Atty Burroughs to respond to the complaint from DEP concerning the tardiness of the Storm Water Ordinance being mailed to them and continue to persue for a settlement if possible on motion by Mr. Heidler, seconded by Mr. Gennuso. Mr. Kraus voted against the motion. Unanimous.

The meeting was adjourned at 10:43 A.M. Motion by Mr. Gennuso, seconded by Mr. Heidler.

Respectfully submitted,

Pamela S. Rhoades
Secretary