

SUPERVISORS OF FAIRVIEW TOWNSHIP  
7471 McCray Road  
Fairview, PA 16415

Regular Meeting  
*December 16, 2021*  
9:00 A.M.

The regular meeting of the Supervisors of Fairview Township was called to order at 9:00 A.M. on *December 16, 2021* by Chairman Mark Gennuso, followed with the Pledge of Allegiance.

Present: Supervisors Mark Gennuso, Ralph Heidler, and Peter Kraus; Secretary-Treasurer Michelle Barnes and Planning-Zoning Administrator James Cardman; Andrew Schmidt, Esquire, Quinn Law Firm

**Visitors:** Ken Traister, Tony Mithco, and Matt Terella

**CITIZEN'S CONCERNS/INQUIRIES:** Mr. Terella discussed having an agreement with the Township for the softball fields at Pleasant Ridge Park. The township had asked FLAG to compile a list of improvements by priority and cost for the park. Mr. Terella discussed the list of improvements and ideal dates to complete the work:

Fall of 2021:

1. Purchase ATV for Pleasant Ridge Park to groom fields during the season – FLAG
2. Purchase infield groomer from ABI Attachments (approx. cost - \$5000.00). – Fairview Township – The infield groomer time from purchase to delivery is close to 2 months.
3. Repair drainage at Field 2 at Pleasant Ridge Park – Fairview Township

Spring of 2022 – By end of March

4. Complete Renovation of Field 2 – new base, infield dirt, lips and baseline grass removed. Work completed by Duraedge – Approx. cost \$10,250.00 – FLAG
5. New Dirt for Field 1 and 3 at PRP – Approx. cost – unknown – Fairview Township
6. Labor and Equipment to spread and level dirt – Approx. cost unknown – FLAG

Future improvements (listed by priority) as budget and time allow (FLAG is working on a 3-5 year plan for improvements). It is expected this work would be done by a combination of FLAG and Township funds.

7. Fenced in dugouts for Field 1 – to keep parents and players better separated during games
8. New benches at Field 1 for the new fenced in dugouts
9. Waterline run to field 2 for field maintenance
10. Batting cages installed
11. Bleachers for fans at all fields
12. Outfield Fence at field 1

13. Duraedge work for Field 1
14. Backstop fence improvements at Field 2 and the other fields.
15. Possibly Relocate Field 3
16. New fenced in dugouts, benches, dirt for Field 3
17. Press Box for field 2

Mr. Schmidt will work on an agreement.

Beacon of Hope, Inc. Land use proposal. Mr. Traister, founder of Beacon of Hope, Inc. requested access to Flag Park on July 14 through the 18<sup>th</sup> for Gospel tent meetings. Meetings to be held 15-17 from 6:00 pm till 10 pm 14<sup>th</sup> and 18<sup>th</sup> designated as set up and tear down dates. They will provide liability insurance and portable potties. The fire departments, police and local EMT services will be contacted as well.

#### **MINUTES:**

Minutes of the December 2, 2021 Regular Meeting were approved on motion by Mr. Kraus, seconded by Mr. Gennuso. Mr. Heidler abstained.

#### **PAYMENT OF BILLS:**

Mr. Heidler made motion to approve Checks 18501-18531 in the amount of \$75,485.87 seconded by Mr. Kraus. Unanimous.

#### **SECRETARY'S REPORT:**

2022 Budget was unanimously approved on motion by Mr. Heidler, seconded by Mr. Kraus.

Mr. Heidler made motion to sign the Buseck, Barger, Bleil Engagement Letters for 2021 Audit for Fairview Fire and Rescue, Lake Shore Fire Department, Fairview Township, Mr. Kraus seconded. Unanimous.

Mr. Heidler made motion to have Mrs. Barnes Advertise 2022 Meetings 2022 Budget  
M\_\_\_\_2\_\_\_\_

Buseck, Barger, Bleil Engagement Letters for 2021 Audit for Fairview Fire and Rescue, Lake Shore Fire Department, Fairview Township. M\_\_\_\_2\_\_\_\_

Advertise 2022 Meetings in the Erie Times, Mr. Kraus seconded. Unanimous.

#### **SOLICITOR'S REPORT:**

The Supervisors unanimously approved Jansen Allocation Participation Agreement Opioid Settlement on motion by Mr. Kraus, seconded by Mr. Heidler.

The Supervisors unanimously approved the intrastate opioids trust order on motion by Mr. Kraus, seconded by Mr. Heidler.

The Supervisors unanimously approved Resolution 2021-22 on motion by Mr. Kraus, seconded by Mr. Heidler.

**WHEREAS**, the United States is facing an ongoing public health crisis of opioid abuse, addiction, overdose, and death. The Commonwealth of Pennsylvania and Pennsylvania local governments **spend billions of dollars each year** to address the direct consequences of this crisis.

**WHEREAS**, since at least 2017, state and local governments in Pennsylvania and around the United States have been pursuing investigations and litigation against certain manufacturers, distributors, and retailers of opioid pharmaceuticals (the “Opioid Defendants”) in an effort to hold the Opioid Defendants financially responsible for the impact on of the Opioid Epidemic on the **[POLITICAL SUBDIVISION]** (“/County/City/Township/etc,”) and resources necessary to combat the opioid epidemic;

**WHEREAS**, negotiations to settle claims against several of the Opioid Defendants, specifically McKesson Corporation, Cardinal Health, Inc., AmerisourceBergen Corporation, Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc. (the “Settling Defendants”) have been ongoing for several years;

**WHEREAS**, negotiations with the Settling Defendants have resulted in proposed nationwide settlements of state and local government claims to settle the Litigation;

**WHEREAS**, the proposed terms of those proposed nationwide settlements have been set forth in the Distributors Master Settlement Agreement and the J&J Master Settlement Agreement (collectively “Settlement Agreements”);

**WHEREAS**, copies of the Settlement Agreements as well as summaries of the main terms of the Settlement Agreements]have been provided to the (“/County/City/Township/etc,”) with this Resolution;

**WHEREAS**, the Settlement Agreements provide, among other things, for the payment of a certain sum to settling government entities in Pennsylvania including to the Commonwealth of Pennsylvania and Participating Subdivisions upon occurrence of certain events as defined in the Settlement Agreements (“Pennsylvania Opioid Funds”);

**WHEREAS**, Pennsylvania local governments as well as the attorneys representing those local governments have engaged in extensive discussions with the Commonwealth’s Office of Attorney General (“OAG”) as to how the Pennsylvania Opioid Funds will be allocated, which has resulted in the Proposed Pennsylvania Opioid Misuse and Addiction Abatement Trust (the “Trust”),);

**WHEREAS**, a copy of the Trust has been provided with this Resolution;

**WHEREAS**, the Trust proposes to allocate the Pennsylvania Opioid Funds 15% to a Commonwealth Account; 70% to local governments in a County Abatement Account; and 15% to a Litigating Subdivision Account. For the avoidance of doubt, all funds allocated to Pennsylvania from the Settlements will be combined pursuant to the Trust,

and 15% of that total shall be allocated to the Commonwealth of Pennsylvania (the "Commonwealth of Pennsylvania Account"), 70% to the County Abatement Account ("County Abatement Account Allocation"), and 15% to the Litigating Subdivision Account ("Litigating Subdivision Account");

WHEREAS, the Counties and Litigating Subdivisions, their Associations, such as the County Commissioners Association of Pennsylvania, [other] Association and Counsel for the Subdivisions have participated in a series of meetings to draft allocation formulas. Those meetings have resulted in allocation formulas for the County Abatement Account and the Litigating Subdivision Account and establish a Local Allocation Share under each Account for Eligible Local Subdivisions. The funds in the County Abatement Account have been allocated to each County as described in Exhibit 1 to the resolution. The funds in the Litigating Subdivision Account have been allocated to the Litigating Subdivision or described in Exhibit 2 to the Resolution.

**WHEREAS**, any **[POLITICAL SUBDIVISION]** that is an Eligible Local Government will receive its Local Allocation share only when it becomes a Participating Subdivision by signing the Participation Agreements to the Settlements.

**NOW, THEREFORE, BE IT RESOLVED:** the **[POLITICAL SUBDIVISION]** hereby approves and authorizes to settle and release the **[POLITICAL SUBDIVISION'S]** claims against the Settling Defendants in exchange for the consideration set forth in the Settlement Agreements and Trust Agreement including taking the following measures:

1. The execution of the Participation Agreement to the Distributors Settlement Agreement and any and all documents ancillary thereto.
2. The execution of the Participation Agreement to the Janssen Settlement Agreement and any and all documents ancillary thereto.
3. The execution of the Memorandum of Understanding agreeing to the allocations to the County Abatement and Litigating Subdivision Accounts and agreeing to be a beneficiary of the Trust under the terms set forth in the Trust. Proposed Pennsylvania Opioid Misuse and Addiction Abatement Trust by executing the signature pages to that Trust Agreement.

**BE IT FURTHER RESOLVED** that all actions heretofore taken by the Council and other appropriate public officers and agents of the **[POLITICAL SUBDIVISION]** with respect to the matters contemplated under this Resolution are hereby ratified, confirmed and approved.

Adopted by the [POLITICAL SUBDIVISION] Council on this \_\_\_\_ day of \_\_\_\_\_, 2021.

### **PLANNING/ZONGING REPORT:**

Mr. Kraus made motion to approve the Small Flow Sewage Treatment Facility (SFTF) for 6750 Millfair, seconded by Mr. Heidler. Unanimous.

Mr. Kraus made motion to approve the operations agreement for the Small Flow Sewage Treatment Facility (SFTF) for 6750 Millfair Rd seconded by Mr. Heidler. Unanimous.

Mr. Kraus made motion to approve Resolution 2021-21 for the Small Flow Sewage Treatment Facility (SFTF) for 6750 Millfair Rd seconded by Mr. Heidler. Unanimous.

### **NEW BUSINESS:**

Mr. Kraus made motion to accept resignation of Reilly Melin from Fairview Parks & Recreation Authority Board (Alternate). seconded by Mr. Heidler. Unanimous.

Mr. Kraus made motion to approve Resolution No. 2021-20 to approve the annual budget of the Erie Area Council of Governments for the calendar year ending December 31, 2022. seconded by Mr. Heidler. Unanimous

Mr. Heidler made motion to approve the Stephenson Equipment Sale and Security Agreement: Acquire 2021 JCB 3CX 15 Backhoe and Trade 2014 JCB 3CX 14 Backhoe at COSTARS price of \$77,650 after trade, Mr. Kraus seconded. Unanimous.

### **SUPERVISORS' REPORT:**

Mr. Kraus acknowledged this was Mr. Heidler's last meeting. He will be retiring in January. It was a privilege to work with him.

Mr. Gennuso Thanked Ralph for the last 12 years they worked together, and wishes the best in retirement.

The meeting was adjourned at 10:04 A.M. on motion by Mr. Heidler, seconded by Mr. Kraus. Unanimous.

Respectfully submitted,

Michelle Barnes  
Secretary-Treasurer