

Board of Supervisors:
Ronald Flatt, Chairman
Kenneth Frenchak Jr, Vice Chairman
Andrew Erie, Supervisor
Edward Latuska, Supervisor
Philip Wulff, Supervisor



Anthony Amendolea, Secretary/Treasurer
Mark Lauer, Public Works Director
Richard Round, BCO/Zoning Official
Michael Gallagher, Solicitor
Olsen & Associates, Engineer

CENTER TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting Minutes

February 13, 2013

6:30 p.m.

CALL TO ORDER:

Chairman Ronald Flatt called the Regular Meeting, of the Center Township Board of Supervisors, to order at 6:31 p.m. The meeting was held at the Center Township Municipal Building, 419 Sunset Drive, Butler PA 16001.

ROLL CALL:

In addition to Chairman Flatt, present were, Vice Chairman Kenneth Frenchak; Supervisors Andrew Erie, Edward Latuska, and Philip Wulff; Township Solicitor Gallagher; Township Engineer Olsen; and Township Secretary/Treasurer Anthony Amendolea. Public Works Director Mark Lauer was absent.

PUBLIC TO BE HEARD (3 MINUTE LIMIT): None

MINUTES:

1. Reorganization/Regular Agenda Setting Minutes – January 2, 2013: *Latuska motioned approving the minutes of the Reorganization/Regular Agenda Setting Meeting held on January 2, 2013. Frenchak seconded. Motion carried unanimously.*
2. Reorganization/Regular Meeting Minutes – January 7, 2013: *Latuska motioned approving the minutes of the Reorganization/Regular Meeting held on January 7, 2013. Frenchak seconded. Motion carried unanimously.*

TREASURER’S REPORT

1. January 2013: *Frenchak motioned approving the January 2013 Treasurer’s Report. Latuska seconded. Motion carried unanimously.*
2. Warrant List 13-01-02: *Latuska motioned approving Warrant 13-01-02. Erie seconded. Motion carried unanimously.*
3. Warrant List 13-02-03: *Frenchak motioned approving Warrant List 13-02-03. Latuska seconded. Motion carried unanimously.*

ZONING REPORT: January 2013: Construction costs were \$4,750.00 fees collected were \$155.00.

SUBDIVISION & LAND DEVELOPMENTS:

1. East Hilltop Drive Reconstruction Plan Approval: The East Hilltop Reconstruction Plan to install storm drains along East Hilltop Drive (T-700) was originally approved, contingent of receiving all of the affected property owners' signatures, at the Board of Supervisors meeting held on September 12, 2012. The contingencies were met on September 25, 2012. Since the plan was not recorded within the ninety (90) days due to possible changes during construction, the Board must reapprove the plan. ***Flatt motioned reapproving the East Hilltop Drive Reconstruction Plan. Latuska seconded. Motion carried unanimously.***

2. Rogers/Kiser Lot Line Revision No. 2013-01-01, Final, Expires 04/23/2013: Erin Pinto presented for Ms. Mary Rodgers, 311 Pine Tract Road, proposes to convey 3.66 acres (m/l) from Center Township Map 060-2F61-14BF to Center Township Map 060-2F61-13 currently owned by Ms. Judith Kiser, 204 Aggas Road. Butler County Planning had no comments per their letter dated January 24, 2013. Township Engineer Olsen's comments are as follows:
 - a. A note on the plan indicates a remnant of 27.7 acres belonging to Mary Rodgers following conveyance of the 3.6 acre Lot 1 to Judith Kiser. An intervening parcel owned by R. P. Raisley makes this a noncontiguous parcel, therefore not a remnant. This needs clarified.
 - b. Is there a well or septic system situated on existing Lot 1? (Section 14-404, Subsection H).
 - c. Existing nonconforming structures on Lot 1 will remain nonconforming.
 - d. Are electric, telephone, or gas lines located within the Aggas Road right-of-way? (Section 14-404, Subsection C-2).
 - e. Are deed restrictions or covenants attached to this conveyance? (Section 14-403, Subsection G2, Preliminary Plan Compliance).
 - f. Will mineral rights transfer to Kiser with the elimination of the abutting Lot 1 boundary line?
 - g. Butler County Planning Commission review and approval is required.

The Planning Commission recommended, contingent of (1) correcting the depiction of nonconforming buildings and (2) receipt of Butler County Planning Commission's review and approval, granting final approval at their meeting held on January 23, 2013. The contingencies were met.

Latuska motioned granting final approval to the Rogers/Kiser Lot Line Revision No. 2013-01-01. Frenchak seconded. Motion carried unanimously.

3. Isaacs Minor Subdivision No. 2013-02-02, Final, Expires 05/08/2013: Ms. Hoffman desires to purchase property owned by Scott J. Jr. and Kristy M. Isaacs at 119 Heinz Road (Center Township Map 060-3F43-36) consisting of 25.62 acres (m/l). Ms. Hoffman states the property must be subdivided to receive FHA loan approval. She proposes to subdivide 8.5 acres (m/l) in order to procure the loan. Butler County

Planning Commission has not submitted any comments. Township Engineer Olsen comments, dated Tuesday, February 12, 2013, are:

- a. Lot 1B is noted as a non-building lot (until such time that a sewage permit is issued) and therefore no Sewage Facilities Planning Modules are required for this submission.
- b. Although it is not the intent of the Applicant to develop Lot 1B, if it is developed as a residential lot, the driveway length will most likely result in it being subject to provisions of the Township's Act 167 Stormwater Management Ordinance.

The Planning Commission recommended, contingent on the receipt of Butler County Planning Commission's review and approval, granting final approval at their meeting held on February 6, 2013.

Flatt motioned, contingent on the receipt of Butler County Planning Commission's review and approval letter, granting final approval of the Isaacs Minor Subdivision No. 2013-02-02. Erie seconded. Motion carried unanimously.

OLD BUSINESS:

1. Acknowledgement of Portable Tank Donation: The Board of Supervisors donated the portable tank which was included in the purchase of the 1992 International Truck from Chicora Volunteer Fire Department to Petrolia Volunteer Fire Department. Charles Barnes, Fire Chief Petrolia Fire Department wrote *"On behalf of the Petrolia Volunteer Fire Department, I would like to take this opportunity to thank Center Township for donating the portable tank, that you acquired from the Chicora Volunteer Fire department, to our service. The continued support you are giving to emergency services is very commendable and appreciated by myself and our members. Your generosity will allow us to continue our dedication to emergency services in our community, our neighboring communities and fire departments. Once again, thank you for your support."*

NEW BUSINESS:

1. Adopt False Alarm Ordinance No. 2013-02-01: Upon request from the Unionville Volunteer Fire Company, the Board of Supervisors proposed a "False Alarm" ordinance which was advertised in the Butler Eagle edition dated Monday, February 4, 2013. ***Erie motioned adopting the False Alarm Ordinance No. 2013-02-01. Flatt seconded. Motion carried unanimously.***
2. Adopt Cable Franchise Ordinance No. 2013-02-02: Armstrong Cable suggested a "no fee" franchise agreement be signed between the two (2) parties. A "Cable Franchise" ordinance is required to be adopted for the Board of Supervisors to enter into such an agreement which was advertised in the Butler Eagle edition dated Thursday, January 31, 2013. ***Erie motioned (1) adopting the Cable Franchise Ordinance No. 2013-02-02 and (2) authorize Chairman Flatt to sign the agreement between Armstrong Cable and Center Township. Frenchak seconded. Motion carried unanimously.***
3. Records Destruction Resolution No. 2013-02-07: The Board of Supervisors adopted

- Resolution No. 2009-04-11, on April 8, 2009, declaring its intent to follow procedures for the disposition of records as set forth in the Municipal Records Manual approved December 16, 2008. ***Flatt motioned adopting Records Destruction No. 2013-02-07 authorizing destruction of records as set forth in the Municipal Records Manual. Erie seconded. Motion carried unanimously.***
4. Schedule Hearing & Authorize Ad for Club/Accessory Structures Ordinance (Zoning): A proposed ordinance amending Chapter 20, Zoning, Article II, Definitions, Article IV, General Conditions, Article IX, "C-1", Retail and Service Commercial District, and Article XIV, Conditional Uses, of the Center Township Codification of Ordinances, as amended from time to time, by (1) adding definitions for Club; Club, B.Y.O.B; Club, Health; Club, Night ; and Club, Social ; (2) revising Section 20-406, Accessory Structures, permitting a yard shed or garage on vacant parcels of property in absence of a principal structure; (3) revising Section 20-904, Conditional Uses, to include B.Y.O.B. clubs and night clubs; and (4) revise conditional use standards for clubs is required to be advertised two (2) times not more than thirty (30) days and not less than seven (7) days prior to adoption. A public hearing is required to be held prior to adoption of the Club/Accessory Structures Ordinance. ***Erie motioned (1) setting the public hearing for Monday, March 11, 2013 at 6:00 p.m. and (2) authorizing placement of ads in the Butler Eagle editions dated Sunday, February 24, 2013 and Sunday, March 3, 2013. Flatt seconded. Motion carried unanimously.***
 5. Authorize Ad for Club Ordinance (Business Regulations): A proposed ordinance amending Chapter 7, Business Regulations, Article IV, Clubs of the Center Township Codification of Ordinances, as amended from time to time, by (1) changing the title of Article IV from "B.Y.O.B. Club" to "Club"; (2) adding definitions for Club; Club, B.Y.O.B; Club, B.Y.O.B; Club, Night; and Club, Social; Person, Township, and Zoning/Code Enforcement Officer; and (3) revising operation and permitting of a club; and (4) add hours of operation and prohibited activities is required to be advertised not more than thirty (30) days or less than seven (7) days prior to adoption. ***Latuska motioned authorizing placement of an ad in the Butler Eagle edition dated Sunday, March 3, 2013. Erie seconded. Motion carried unanimously.***
 6. Authorize Upgrade to Acrobat 11.0, \$199.00: Township Secretary/Treasurer Amendolea recommends upgrading current Acrobat 8.0 to Acrobat 11.0. This program is used to create forms for the web site. ***Flatt motioned authorizing upgrading to Acrobat 11.0 at the cost of \$199.00. Erie seconded. Motion carried unanimously.***
 7. Authorize Purchase of Micro Cut Shredder, \$2,399.00: Township Secretary/Treasurer Amendolea recommends replacing the current sheet cut shredder. The shredder is over twenty (20) years old. ***Flatt motioned authorizing purchase of a micro cut shredder at a cost of \$2,399.00. Erie seconded. Motion carried unanimously.***
 8. Pennsylvania One Call Change to E-Mail Notification: Township Secretary/Treasurer Amendolea changed the Pennsylvania One Call notification from fax to e-mail. The change saves the Township \$.45 per notification. Pennsylvania One Call requires an agreement be signed between the parties. ***Erie motioned authorizing (1) the change from fax to e-mail notification and (2) authorize Chairman Flatt to sign the agreement***

- between Pennsylvania One Call and Center Township. Frenchak seconded. Motion carried unanimously.***
9. Home Occupation #69 Renewal: Building Code Official/Zoning Officer Round has been sending letters (certified mail) to a business owner to renew Home Occupation Permit #69. The letters are being returned “unclaimed”. He requests authorization to have the Butler County Sherriff’s Office hand deliver an Enforcement notice at a cost of \$75.00. ***Flatt motioned approving the actions of Building Code Official/Zoning Officer Round and endorse the steps necessary to remedy the renewal of Home Occupation #69 with the assistance of the Township Solicitor Gallagher, if necessary. Latuska seconded. Motion carried unanimously.***
 10. T&R Butler Limited Partnership Sewage Facilities Planning Module Resolution No. 2013-02-08: T&R Butler Limited Partnership proposes building additional apartment buildings in the Meadowbrook Apartment complex. They must receive approval from the Department of Environmental Protection prior to receiving sewage permits from the Butler Area Sewer Authority. ***Erie motioned approving the T&R Butler Limited Partnership Sewage Facilities Planning Module Resolution No. 2013-02-08. Frenchak seconded. Motion carried unanimously.***
 11. Planning Commission Appoint Resolution No. 2013-02-09: Mr. Brad J. Cavaliero submitted a letter of interest to be appointed to the Planning Commission to fulfill Mr. Robert J. Paroli, who resigned January 23, 2013, term through December 31, 2013. ***Frenchak motioned adopting Planning Commission Appointment Resolution No. 2013-02-09 appointing Brad J. Cavaliero to fulfill Robert J. Paroli’s term through December 31, 2013. Flatt seconded. Motion carried unanimously.***
 12. Butler County & Shale Gas, Butler County Community College, 3/5/2013, \$15: Flatt, Frenchak, Latuska and Wulff request authorization to attend the “Butler County and Shale Gas” on March 5, 2013 at the Butler County Community College. ***Flatt motioned authorizing the attendance of himself, Frenchak, Latuska and Wulff at the Butler County & Shale Gas” to be held at the Butler County Community College on March 5, 2013 at a cost of \$15.00 per attendee. Frenchak seconded. Motion carried unanimously.***

PUBLIC WORKS DIRECTOR:

1. 2013 – 2014 Salt Contract: Salt Contract Participation Agreement must be completed no later than March 15, 2013 for the Township to be included in the 2013 – 2014 Salt Contract. Last year, the Township contracted for three thousand (3,000) tons of which the Township was required to purchase at least sixty percent (60%) or one thousand eight hundred (1,800) tons. ***Frenchak motioned committing the Township requirement to two thousand (2,000) tons purchasing at least sixty percent (60%) or one thousand two hundred (1,200) tons for 2013 – 2014 season. Flatt seconded. Motion carried unanimously.***
2. Release Andy’s Sawmill Road Bond, Gallagher Rd/Rider Church Rd (T-642/T-569), \$13,750: Andy’s Sawmill has completed logging on Center Township Map 060-2F108 9

and requests road bond for Gallagher Road (T-642) and Rider Church Road (T-569) in the amount of \$13,750.00. *Flatt motioned, based on Public Works Director Lauer's recommendation, releasing Andy's Sawmill Road Bond for Gallagher Road (T-642) and Rider Church Road (T-569) in the amount of \$13,750.00. Latuska seconded. Motion carried unanimously.*

3. Release Dawson Geophysical Road Bond, Seismic Testing, \$98,300: Dawson Geophysical completed seismic testing on various Township roads and requests release of the road bond in the amount of \$98,300.00. *Erie motioned, based on Public Works Director Lauer's recommendation, releasing Dawson Geophysical Road Bond for various Township roads in the amount of \$98,300.00. Latuska seconded. Motion carried unanimously.*
4. SR 8/Glenwood Way Signal Repair and Emergency Battery Backup: The traffic signals located at State Route 8 and Glenwood Way was damaged December 20, 2012 by a boom truck. Bronder Technical Services submitted an estimate of \$3,459.07 to repair the signal. All costs will be forwarded to the truck company's insurance company once all repairs are made. *Flatt motioned authorizing (1) repairs to the State Route 8/Glenwood Way signal in the amount of \$3,459.07 and (2) Public Works Director Lauer to investigate the possibility of adding emergency battery backup system at this signal. Erie seconded. Motion carried unanimously.*

ENGINEER'S REPORT:

1. Hilltop Drive Reconstruction: Township Engineer Olsen met with Gregori Construction, Latuska and Public Works Director Lauer to discuss the deficiencies from the Hilltop Drive Reconstruction project. An inlet is not catching water from a private driveway. Gregori Construction will install a trench drain. Gregori Construction adjusted invoice so the Township is holding \$20,003.85 for all discrepancies to be repaired.
2. 164 South Benbrook Road Stormwater Management: After submitting a stormwater management plan to remove twenty (20) inches of soil over 1.3 acres (m/l) and replacing with 1,350 cubic yards of compost, Paraska is resubmitting another stormwater management plan to consider placing a retention pond on the property.
3. Marcellus Shale Companies: Township Engineer Olsen suggests the Board meet with the Marcellus Shale companies to discuss the possibility of extending waterlines and rebuilding damaged roads.
4. Gas Wells: Township Engineer Olsen stated that gas wells must be in compliance with Chapter 21, Stormwater Management.

SOLICITOR'S REPORT:

1. Center Township vs County of Butler and Board of Elections: Court ruled that Frenchak, Latuska, Wulff's terms could not be vacated. Ms. Schenck filed a Kings Bench Petition with the Supreme Court. Township Solicitor Gallagher must file Township's answer no later than Tuesday, February 19, 2013.

MISCELLANEOUS:

1. Pennsylvania Water Company Waterline Extension: Erie reported that Pennsylvania American Water Company will extend the current line from Virginia Lane north to Mahood Road, west to Larry Soose’s Property (Center Township Map 060-3F41-23). Mr. Larry Soose and Erie have contacted Sheetz Corporation to discuss possibility of placing a store on Soose’s property.

2. Interstate Gas: Interstate Gas will be drilling on property owned by Max J & Diane L Stadler (Center Township Map 060-2F61-15A). Mr. Dereume met with the Board of Supervisors at their Agenda Setting Meeting held on Monday, February 11, 2013 to seek relief from the (1) front yard setback of two hundred fifty feet (250’); (2) sixty (60) day notice requirement; and (3) \$3,000.00 fee per well in accordance with Chapter 20, Article V.I, Mineral Extraction Overlay District. ***Frenchak motioned permitting Flatt and Erie to meet with Mr. A. J. Dereume, Interstate Gas, Mr. Max J. Stadler, property owner, and Building Code Official/Zoning Officer Round to discuss permitting a modification to Chapter 20, Article V.I, Mineral Extraction Overlay District with assistance from Township Solicitor Gallagher and Township Engineer Olsen, if necessary. Latuska seconded. Motion carried unanimously.***

ADJOURNMENT:

Latuska motioned to adjourn at 7:49 p.m. Erie seconded. Motion carried unanimously.

Anthony A. Amendolea Township Secretary/Treasurer	Ronald E. Flatt Chairman
Kenneth J. Frenchak, Jr Vice Chairman	Andrew Erie Supervisor
Edward G. Latuska Supervisor	Philip B. Wulff Supervisor