

CENTER TOWNSHIP

419 Sunset Drive

Butler, PA 16001

Phone: (724) 282-7805

FAX: (724) 282-6550

Board of Supervisors:
Ronald Flatt, Chairman
Andrew Erie, Vice-Chairman
Brian Hortert, Supervisor
Edward Latuska, Supervisor
Thomas Schiebel, Supervisor

Michael D. Gallagher, Solicitor
Olsen & Assoc., Engineer
Martha Hufhand, Township Secretary

BOARD OF SUPERVISORS

Regular Meeting Minutes

March 8, 2006

6:30 p.m.

CALL TO ORDER: The Regular Meeting of the Center Township Board of Supervisors was called to order at 6:30 p.m. by Chairman Ronald Flatt at the Center Township Municipal Building, 419 Sunset Drive, Butler, Penna.

ROLL CALL: Present were Chairman Flatt, Vice-Chairman Andrew Erie; Supervisors Brian Hortert, Ed Latuska, and Tom Schiebel; Solicitor Michael Gallagher; Engineer Ron Olsen; Public Works Director Mark Lauer; and Township Secretary Martha Hufhand.

PRAYER & PLEDGE OF ALLEGIANCE

PUBLIC TO BE HEARD:

Beverly Schenck, 105 Iroquois Drive, complimented Anthony Amendolea on the web site he established for the township. She requested that Planning Commission and Board of Supervisors minutes be published on the web site. The Board had no problem with the minutes, after approval, being posted on the internet.

REGULAR MEETING MINUTES:

1. Hortert made a motion to approve the minutes of the Agenda Setting Meeting held February 6, 2006. Flatt seconded. Motion carried unanimously.
2. Schiebel made a motion to approve the Bandura Conditional Use Public Hearing held February 6, 2006. Hortert seconded. Motion carried unanimously.
3. Latuska made a motion to approve the minutes of the Regular Meeting held February 8, 2006. Hortert seconded. Motion carried unanimously.

4. Latuska made a motion to approve the minutes of the public hearing for the Pelusi Rezoning held March 1, 2006. Hortert seconded. Motion carried unanimously.

5. Latuska made a motion to approve the minutes of the public hearing for the Heist/Diehl rezoning held March 1, 2006. Schiebel seconded. Motion carried unanimously.

TREASURER'S REPORT:

1. Flatt made a motion to approve the February 2006 Treasurer's Report. Hortert seconded. Motion carried unanimously.

2. Hortert made a motion to approve Warrant List 06-02-05. Schiebel seconded. Motion carried unanimously.

3. Hortert made a motion to approve Warrant List 06-03-06. Schiebel seconded. Motion carried unanimously.

4. Flatt made a motion to authorize the Treasurer to receive 6 month rates for reinvesting \$350,000 from four CD's which mature March 29, 2006, and for the investment to be approved by any two supervisors. Erie seconded. Motion carried unanimously.

ZONING REPORT - February construction costs were \$12,860 and fees collected \$284.

SUBDIVISIONS & LAND DEVELOPMENTS:

Kuzora, 1640 N. Main St., Land Development #06-01-01: Flatt made a motion to grant the requested modification for the existing buffer zone to be approved due to the contour of the land. Erie seconded. Motion carried unanimously. Based on the recommendation of the Planning Commission, Flatt made a motion to grant preliminary approval contingent upon the traffic impact statement being on the drawing, the required second owner signature added to the mylar, and the structure marked as a "proposed accessory structure (garage) since it is to be used to store equipment. Hortert seconded. Motion carried unanimously.

OLD BUSINESS:

1. Heist/Diehl Rezoning Request: Latuska made a motion to disapprove the request to rezone the Heist/Diehl property. Hortert seconded. Motion carried unanimously. Richard Hein of Peters Lane requested reasons for the votes. Latuska said that it is spot zoning. Hortert said he would respond further on in the meeting.

2. Pelusi Rezoning Request: Flatt made a motion to ratify and clarify that the Board had accepted Pelusi's request for a 60-day extension for action by the Board. Flatt said the Board had the intent

to hold a public hearing but delayed it at the request of Pelusi, and the Board will plan to hold a public hearing in a timely manner. Hortert seconded. Motion carried unanimously.

3. PennTeleCom Telephone Proposal: Schiebel made a motion to change the telephone service to PennTeleCom per the proposal provided. Erie seconded. Motion carried unanimously.

4. Builder's Agreement re BASA's freeze on permits: Hortert made a motion to adopt the agreement prepared by the solicitor for use by the builder at the risk of the builder; and the builder must be aware that a house cannot be occupied without a sewage permit. Erie seconded. Motion carried unanimously.

5. Flatt amended the agenda to make a motion that the Chairman be authorized to write a letter, in coordination with the Township Engineer and Solicitor, to Dick Stevenson to discuss the curtailment of sewage permits. Erie seconded. Motion carried unanimously.

6. Roadway Sufficiency Analysis Agreement: Flatt made a motion to adopt the Roadway Sufficiency Analysis Agreement as prepared by HRG as part of the Impact Fee process. Erie seconded. Motion carried unanimously.

7. Noncompliant building permits: Flatt moved to authorize Schiebel and Round to include the solicitor in their deliberations to find out what the Township may legally do to obtain compliance with building permit requirements. Hortert seconded. Motion carried unanimously.

NEW BUSINESS:

1. Mercer Road/Unionville Signal Update: Erie made a motion to authorize updating the Unionville Traffic Signal by Bronder and Phillip Wulff, electrician, at a maximum cost of \$5,000. Hortert seconded. Motion carried unanimously. Flatt made a motion to ask Bronder to provide an estimate of the cost to update the traffic signal at Mercer Road/Rte 8. Erie seconded. Motion carried unanimously. Hortert made a motion to contact PennDot to see if changes could be made for a left turn off Mercer towards the South on Rte 8. Erie seconded. Motion carried unanimously.

2. Aubrey Rezoning Request: Because of the letters of withdrawal from Heist and Diehl and the Township code, Hortert made a motion to refer this request back to the Planning Commission for review and return to the board within 30 days. Erie seconded. Motion carried unanimously. Hortert said he believes the original Aubrey plan a year or year and a half ago was a good plan. He believes that any objective reading of the comprehensive plan for the long range does call for growth in that area. He still believes that this is an excellent area for growth in the township. We can debate whether rezoning is the best way; however, having said that, over the past few months there have been entirely too many attorneys, to my liking, and threats of litigation between land owners and developers. I think it would be wise and prudent for any one looking to rezone to take a couple of years to step back, work out differences before we have to revisit these issues again.

3. Zoning Hearing Board Appointment: Hortert made a motion to appoint Thomas Kuzora as a member of the Zoning Hearing Board, and Dan Cox as an alternate member for three year terms, 2006 through 2008. Flatt seconded. Motion carried unanimously.

4. Insurance change: Per recommendation of the solicitor, Hortert made a motion not to lower the uninsured/under insured motorist insurance coverage as recommended by the HA Thomson representative. Latuska seconded. Motion carried unanimously.

PUBLIC WORKS DIRECTOR:

1. PA Clean-up Day - April 22: Schiebel made a motion to join in the April 22nd Penna. Clean-up Day. Erie seconded. Motion carried unanimously. There will be two drop-off areas: 1161 Sunset Drive at the Township Maintenance property and the township property behind the mall on Henricks Road.

ENGINEER'S REPORT:

1. Glenwood Way Bridge

a. Supplemental: Latuska made a motion authorize the chairman to sign this Federal Aid program supplemental agreement #102449B. Erie seconded. Motion carried unanimously.

b. Turnout Agreement: Hortert made a motion to authorize the chairman to sign the agreement. Erie seconded. Motion carried unanimously.

c. CN RR Protective Services Agreement: This agreement covers flagging at the railroad crossing during construction of the Glenwood Way Bridge. Hortert made a motion to authorize the chairman to sign the agreement when it is returned by the railroad. Erie seconded. Motion carried unanimously.

d. Letter to Allegheny Power: Flatt made a motion to ratify the Board action March 6, 2006, to send a letter to Allegheny Power authorizing relocation of the electric pole at the Glenwood Way Bridge. Erie seconded. Motion carried unanimously.

2. S. Benbrook on TIP Program: Hortert made a motion to authorize the chairman to contact David Johnson at Butler County Planning and coordinate with the Township Engineer to get the intersection of S. Benbrook/Rte 8 on the Penna. TIP Program, and to prepare a formal letter and sign it if necessary. Erie seconded. Motion carried unanimously.

SOLICITOR'S REPORT:

1. Pheasant Ridge Drive adoption: Flatt moved to have the solicitor set up a meeting with Erie, Latuska, and Heaton and/or his attorney to solve the issue of the wall that is in the right-of-way on

this drive and for them to make recommendations to the Board. Hortert seconded. Motion carried unanimously

2. McCall Maintenance Agreement: Schiebel made a motion to authorize the Chairman to sign this agreement when it is received from McCall. Hortert seconded. Motion carried unanimously. Flatt further moved to authorize the solicitor to write a follow-up letter if the agreement has not been received by the next regular meeting. Erie seconded. Motion carried unanimously.

3. Proposed Holding Tank Ordinance: Flatt moved that the draft be submitted to the Township Engineer, the Sewage Enforcement Officer, and the Building Code Inspector for their review and comments to be provided by the next regular meeting. Erie seconded. Motion carried unanimously.

4. Schenck vs Center Township (Right-to-Know): Commonwealth Court held that the Township was right in not providing unredacted invoices to Schenck. Schenck will appeal to the Penna. Supreme Court. Flatt moved to authorize Attorney O'Connor to represent the township during this appeal. Erie seconded. Motion carried unanimously. Flatt moved to authorize Gallagher to work with O'Connor. Erie seconded. Motion carried unanimously.

5. Letter to PSATS for legal assistance: Flatt made a motion for the solicitor to send a letter to PSATS thanking it for being a 'friend of the court' in favor of the township in the Right-to-Know legal action of Schenck. This is something they do only about twice a year. Erie seconded. Motion carried unanimously.

MISCELLANEOUS: Beverly Schenck of 105 Iroquois Drive, provided her regular critique for the Board advising them on how they should act on several issues.

She chastised the Board for its choice of lawyers to use in defense of her lawsuits. (Currently there have been two cases brought by Schenck at a cost of \$46,167.89 to the taxpayers of the township, the one mill Center Township 2005 tax brought in \$55,643.01).

(1) The charge in Schenck vs. Erie, Cox, Flatt & Plaisted was that an advertisement of a meeting was not specific enough. This case went through the local court, the Commonwealth Court and was appealed to the Penna. Supreme Court which refused to hear it. (2) The charge in Schenck vs Center Township, the right to know case, was that she was denied invoices on litigation matters. This is the case she will appeal to the Supreme Court. (The Penna Commonwealth Court ruled that the description of services by the solicitor in his invoices for litigation is not subject to the right-to-know act, especially where the descriptions were sought to gain an advantage in litigation.)

Schenck said she will continue to the Supreme Court because when she started the case it was her determination to take it to the very end because it is important that she carry the fight against this Board's attempt to hide information from the residents. She noted that she is willing to pay for this process, and she finds the Board at fault for using her tax money to defend the Township. She said the courts are wrong so far, and she will continue the legal battle.

ADJOURNMENT: Erie made a motion to adjourn at 8:27 p.m. Hortert seconded. Motion carried unanimously.

MARTHA A. HUFHAND
Township Secretary

RONALD FLATT
Chairman

ANDREW ERIE
Vice-Chairman

EDWARD LATUSKA
Supervisor

BRIAN HORTERT
Supervisor

THOMAS SCHIEBEL
Supervisor