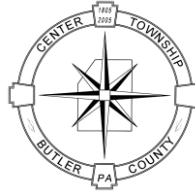


Board of Supervisors:  
 Thomas Schiebel, Chairman  
 Andrew Erie, Vice Chairman  
 Ronald Flatt, Supervisor  
 Kenneth Frenchak Jr, Supervisor  
 Edward Latuska, Supervisor



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

**BOARD OF SUPERVISORS**

Regular Meeting Minutes  
 June 8, 2011  
 6:30 p.m.

**CALL TO ORDER:** Chairman Thomas Schiebel called the Regular Meeting, of the Center Township Board of Supervisors, to order at 6:30 p.m. The meeting was held at the Center Township Municipal Building, 419 Sunset Drive, Butler, PA 16001.

**ROLL CALL:** In addition to Chairman Schiebel, present were Supervisors Andrew Erie; Ronald Flatt; Kenneth Frenchak; and Edward Latuska; Township Solicitor Michael Gallagher; Township Engineer Ron Olsen; and Township Secretary/Treasurer Anthony Amendolea. Public Works Director Mark Lauer was absent.

**PUBLIC TO BE HEARD (3 MINUTE LIMIT):**

1. Ms. Anna Gullickson, 5258 Elliott Road: Ms. Gullickson discussed the loss of wells/water due to Marcellus Shale drilling. She urged the supervisors consider attending a conference on Saturday, June 11, 2011 in Pittsburgh at no cost.
2. Ms. Helene del Elaite, 125 Connemara Lane: Ms. del Elaite supports the statement made by Ms. Gullickson.
3. Mr. Robert Gosselin, 125 Connemara Ln: Mr. Gosselin reported that 649 chemicals are used during Marcellus Shale drilling. Of those, 300 are harmful to health.
4. Mr. Robert Morris, 5258 Elliott Road: Mr. Morris is concerned with declining property values because of Marcellus Shale drilling.
5. Mr. John Sicilia, 450 Cherokee Drive: Mr. Sicilia complaint about Waste Management collecting trash at 3:00 a.m. on Saturday morning. He inquired about a noise ordinance. He asked the Board to consider contracting with a single hauler.
6. Ms. Sandra Gadzia, 102 North Maple Drive: Ms. Gadzia supported the previous comments about Marcellus Shale drilling. Her concern is having clean air and water.
7. Mr. Raymond Eifler, 123 Willow Run Drive: Mr. Eifler stated his concern with Marcellus Shale drilling is the noise, deterioration of the roads, and emergency service response.

**MINUTES:**

1. Agenda Setting Minutes – May 9, 2011: *Latuska motioned approving the minutes of the Agenda Setting Meeting held on May 9, 2011. Frenchak seconded. Motion carried unanimously.*
2. Regular Minutes – May 11, 2011: *Latuska motioned approving the minutes of the Regular Meeting held on May 11, 2011. Erie seconded. Motion carried unanimously.*

**TREASURER'S REPORT:**

1. May 2011: *Schiebel motioned approving the May 2011 Treasurer's Report. Latuska seconded. Motion carried unanimously.*
2. Warrant List 11-05-19: *Frenchak motioned approving Warrant 11-05-19. Erie seconded. Motion carried unanimously.*
3. Warrant List 11-05-20: *Flatt motioned approving Warrant List 11-05-20. Erie seconded. Motion carried unanimously.*
4. Warrant List 11-06-21: *Schiebel motioned approving Warrant List 11-06-21. Erie seconded. Motion carried unanimously.*
5. Warrant List 11-06-22: *Schiebel motioned approving Warrant List 11-06-22. Latuska seconded. Motion carried unanimously.*

**ZONING REPORT:** May 2011: Construction costs were \$150,510.00 fees collected were \$2,080.52.

**SUBDIVISION & LAND DEVELOPMENTS:**

1. Atkinson Lot Line Revision No. 11-04-03 – 475 W Sunbury Rd: Ms. Bonnie Atkinson presented a lot line revision for Mr. & Mrs. Robert C. Atkinson located at 475 West Sunbury Road (Map 2F61 Parcel 27BB) consisting of 1.04 acres (m/l). The property will be added to the adjoining properties of Mr. & Mrs. Atkinson (Map 2F61 Parcel 27B4) (.530 acres) and Mr. Quinn Hepler (Map 2F61 Parcel 27B) (.512 acres). The following motion was made at the Board of Supervisors meeting held on May 11, 2011:

*“Frenchak motioned tabling action for Atkinson Lot Line Revision No. 11-04-03 so Mr. William McGarvey, Engineer, can provide the deed to ensure all signers for Herold's property are listed on the mylar and label West Sunbury Road on the plan. Flatt seconded. Motion carried unanimously.”*

Based on the deed, property owners are Brian Herold, Glenn L. Herold, and Florence M. Herold. All property owners' signatures are on the mylar and are notarized. West Sunbury Road is labeled properly on the mylar. *Frenchak motioned granting final approval for Atkinson Lot Line Revision No. 11-04-03. Erie seconded. Motion carried unanimously.*

2. Elliott Major Subdivision No. 11-05-04 – 179 S Benbrook Rd: Mr. E. D. Elliott, represented by Mr. Leo Rosenbauer, S. D. Graff Professional Surveying, submitted an application to subdivide Map & Parcel 3F43 13CA, 179 S Benbrook Rd, consisting of 3.377 acres (m/l) into three (3) lots of 1.15 acres (m/l), 1.12 acres (m/l), and 1.11 acres (m/l). This subdivision is considered a major subdivision due to the extension of the public sewer line. The Butler County Planning Commission had no comments. Township Engineer Olsen comments are (*S.D. Graff's comments are italicized*):
- a. The vicinity map should be modified to designate the property site to be approximately 350 feet north of E. Brewster Intersection. (*The site arrow location on the vicinity map has been revised.*)
  - b. The plan states the applicants currently own Lot 1 of the William Bungar Plan. The adjoining Lot 2 and Lot 3 are mistakenly labeled as being from the William Bungar Plan. This should be corrected. (*The reference on lots 2 and 3 of the William Bungar Plan has been removed, as requested.*)
  - c. The lots currently are not served by public sewers but are shown to be served by a proposed public sewer line extension. In order to receive final major subdivision approval, the Township will require the submission of the following:
    - 1) Sanitary sewer plans, profiles, and details;
    - 2) Sewage Facilities Planning Modules; and
    - 3) An agreement with the Butler Area Sewer Authority with provisions for sewer line construction and bonding. (*Public sewers are being proposed and the submittal to the Butler Area Sewer Authority will be completed.*)
  - d. Information should be provided by the Applicant regarding sight distance for driveway access to each of the lots. We suggest that the Applicant meet with PennDOT to resolve this. (*Note number 8 acknowledges the requirement for a Highway Occupancy Permit needed for each lot. The local PennDOT representative indicated, via phone, that due to current budget restraints site visits without formal applications are limited. Each lot will be required to submit a formal PennDOT application for a driveway. At this time, an exact driveway location cannot be determined. Each access point for the lots will vary depending on the home size and design, etc. The driveways will be located with all factors considered and meeting PennDOT requirements.*)
  - e. The Solicitor should be consulted regarding whether the notice of impact fees can be deleted from the plan now that the Board has voted to repeal the impact fee ordinance.

The Planning Commission recommended preliminary approval, with contingencies, at their meeting held May 25, 2011 with the following motion:

*“Lynd motioned recommending preliminary approval of the E D Elliott Major Subdivision No. 11-05-04 with the contingency of correcting Note 5 to read, “Property Location – State Route 3007 (South Benbrook Road)”. Schaefer seconded. Motion carried unanimously.”*

***Frenchak motioned granting preliminary approval for the E D Elliott Major Subdivision No. 11-05-04. Schiebel seconded. Motion carried unanimously.***

#### **OLD BUSINESS:**

1. Mineral Extraction Overlay: ***Flatt motioned authorizing Township Secretary/Treasurer Amendolea to take the appropriate measures to prepare and advertise an amendment to the Mineral Extraction Overlay District in regard to Kiser property (Map & Parcel 2F61 13) consisting of 125Ac (m/l). Frenchak seconded. Motion carried unanimously.***

#### **NEW BUSINESS:**

1. Butler Area Transit Authority Resolution No. 2011-06-10: The Butler Area Transit Authority submitted their annual “Resolution Certifying the Local Match for State Operating Financial Assistance”. The quarterly payments, beginning July 1, 2011 and received from J. J. Gumberg (Clearview Mall), are \$1,250.00. ***Flatt motioned adopting Butler Area Transit Authority Resolution No. 2011-06-10 with the quarterly payments of \$1,250.00 to be paid by J. J. Gumberg. Latuska seconded. Motion carried unanimously.***
2. Impact Fee Transfer: Township Secretary/Treasurer Amendolea requests authorization to close the Impact Fees Fund by transferring \$69,165.46 from the Northern and Western Transportation Service Area Districts to the Capital Projects Fund to reimburse engineering fees incurred for the signalization State Route 8 and South Benbrook Road (SR3007) and the installation of the battery backup system for the same intersection. ***Flatt motioned authorizing Township Secretary/Treasurer Amendolea to close Impact Fee Fund in the amount of \$69,165.46 to the Capital Projects Fund to reimburse for a portion of the engineering fees incurred for the signalization of the State Route 8 and South Benbrook Road (SR 3007). Schiebel seconded. Motion carried unanimously.***

***Flatt motioned authorizing Township Secretary/Treasurer Amendolea to prepare and advertise an ordinance to repeal Ordinance No. 2006-06-03, dated June 26, 2006, which enacted a Transportation Capital Improvements Program. Frenchak seconded. Motion carried unanimously.***

3. Ghostriders II Noncompliance/Complaint: Ghostriders II, 1805 N Main St, applied and paid for their 2011 permit to operate as a BYOB Club. On January 27, 2011, Building Code Official/Zoning Officer Round performed an inspection but issued a temporary permit until the discrepancies are corrected. The building is being used for other events without approval. Schiebel discussed situation with Building Code Official/Zoning Officer Round. Round stated he had assurances that Mr. William Jesteadt would address the noise complaint. Mr. Jesteadt is proceeding to renew his 2011 B.Y.O.B license.
4. Center Township/Stevenson Highway Occupancy Permit: Mr. George Stevenson, 457 W

Sunbury Rd, connected to a PennDOT storm drain last year. PennDOT's policy requires a Highway Occupancy Permit with the Township as a co-applicant. At the Board of Supervisors meeting held on October 13, 2010, the following motion was made:

*"Flatt motioned applying for a Highway Occupancy Permit from PennDot, if the property owners submit the required documents and/or studies for review and recommendation of the Township Solicitor and Engineer. Frenchak seconded. Erie against. Motion carried 4 to 1."*

Schiebel states that Mr. Stevenson met the requirements and desires to apply for a Highway Occupancy Permit.

***Frenchak motioned authorizing Chairman Schiebel to sign the Hold Harmless Agreement and make application to PennDOT for a Highway Occupancy Permit. Latuska seconded. Erie voted no based on amount of water on the neighbor's property. Motion carried 4 to 1.***

#### **PUBLIC WORKS DIRECTOR:**

#### **ENGINEER'S REPORT:**

1. Butler Veterinary Associates Retention Pond: The Board of Supervisors, at their regular meeting held April 13, 2011 and May 9, 2011, granted Township Engineer Olsen authorization to investigate the Butler Veterinary Associates retention pond located at 1761 N. Main St. (Map S4 Parcel 22). Schiebel stated that, during the last rain event, he traveled to four (4) retention ponds and this one did not have water. He questioned whether the retention pond was actually designed properly. Township Engineer Olsen said the retention pond meets current requirements of the Township stormwater ordinance. Olsen noted that Butler Floor and Carpet and the auto sales have water runoff running into the retention pond. Olsen recommends the following:
  - a. negotiate a right-of-way with Butler Veterinary Associates to correct retention pond,
  - b. construct a retention pond,
  - c. obtain a right-of-way from Dr. Cypher to extend existing drain system to opposite side of drive,
  - d. Dr. Cypher to consider undertaking item b or c, and
  - e. Butler Veterinary Associates consider undertaking item a.

Township Solicitor Gallagher suggests a meeting between the property owners, township officials, Olsen. ***Schiebel motioned authorizing Township Engineer Olsen to notify all parties, as recommended by Township Solicitor Gallagher, of a date and time for the meeting. Latuska seconded. Motion carried unanimously.***

**SOLICITOR'S REPORT:**

1. Center Township vs. Morgan: Township Solicitor Gallagher will present a "Petition for Continuing Contempt" on June 9, 2011 at 9:00 a.m. Gallagher suggests to have a fail-safe plan in case Judge Yeager does not sign the "Petition for Continuing Contempt" order.

**MISCELLANEOUS:** None

**ADJOURNMENT:**

*Latuska motioned adjourning the Regular Meeting at 7:56 p.m. Erie seconded. Motion carried unanimously.*

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Anthony A. Amendolea  
Township Secretary/Treasurer

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Thomas G. Schiebel  
Chairman

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Andrew Erie  
Vice Chairman

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Ronald E. Flatt  
Supervisor

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Kenneth J. Frenchak Jr  
Supervisor

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Edward G. Latuska  
Supervisor