

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



Anthony Amendolea, Secretary/Treasurer
Michael Gallagher, Solicitor
Olsen & Associates, Engineer

Center Township Board of Supervisors
Regular Meeting Minutes
July 8, 2015
6:30 p.m.

CALL TO ORDER:

Chairman Edward Latuska 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 Latuska , present were Vice Chairman Alan Smallwood; Supervisors Andrew Erie, Kenneth Frenchak and Philip Wulff; Township Solicitor Gallagher; Township Engineer Olsen; and Township Secretary/Treasurer Anthony Amendolea.

The meeting adjourned to an executive session to discuss personnel at 6:32 p.m. Meeting reconvened at 6:47 p.m. with no action taken.

PUBLIC TO BE HEARD:

1. Chairman Latuska read the following:

"Over the last several months Center Township and the surrounding areas have received unusually heavy amount of rain, record setting amount, in fact. As a result, destructive stormwater runoff has caused clogged catch basins, flooding, property & road damage. The Center Township office is receiving an average of three (3) to five (5) calls per day related to stormwater damage. The majority of our Center Township residents who register complaints, feel that their complaint demands immediate attention and correction. While I realize that we live in an instant gratification society with fast food, fast internet . . . fast this, fast that. It does not apply in this case. Center Township simply does not have the resources, manpower or equipment to satisfy our residents' demands. I feel that under the circumstances, our road crew has done a great job.

When our office receives a complaint, either myself, another Board member or someone from the road crew make every effort to visit the site in a timely manner, assess the damage and develop a corrective plan of action and prioritization. In many cases, however, the Center Township representative is greeted with verbal assaults, threats of litigation or threats to contact the local news media. These types of responses by Center Township residents are uncalled for and will not be tolerated.

In dealing with this problem over the last several months it has become apparent that many of our residents refuse to accept responsibility for their own actions. When a homeowner chooses not to remove leaves or debris from their yard and stormwater runoff clogs the nearby catchbasin, don't blame the Township. When a resident either builds or purchases a home in a housing plan with a drainage swale and decides to fill the swale in with dirt and plant shrubs, don't blame the Township for flooding in your yard. When a homeowner decides to tie into a Township pipe with a pipe that is not the correct size and flooding occurs in their yard, don't blame the Township. Center Township will not go onto private property to correct problems created by the homeowner.

It has become clear to this Board that there can only be one (1) solution to this problem. In order to address

the public outcry for faster response time and immediate corrective action, this Board will give strong consideration next year to a tax increase. The increased revenues will allow Center Township to hire additional road crew and purchase the equipment and resources necessary to satisfy our residents' demands.

2. Ms. Barbara Gerstner, 444 Holyoke Road: Township Engineer Olsen sent a letter to Ms. Gerstner and her neighbor that the water runoff problem was a neighbor dispute.
3. Ms. Amy Knauer, 105 Elise Drive: Ms. Knauer is waiting patiently for the Township to repair their drainage problem. ***Latuska motioned authorizing Township Solicitor Gallagher to prepare a temporary easement between the Knauer's and the Township. Frenchak seconded. Motion carried.***
4. Nathan Wulff, 5168 McCandless Road: Fire Chief Wulff presented the June 2015 report:

Type of Calls	Number of Calls
Motor vehicle accidents	5
Automatic fire alarms	5
Service calls	21
Structure fires	2
Medicals	0
Brush fires	0
Dive calls	0
Vehicle fires	0
Landing Zone	0
Technical Rescue	0
CO Alarm	0
Haz-Mat	0
Stand By	0

As a resident, Mr. Wulff does not think that a bad year for weather should affect a tax increase.

5. Mr. Tim Tyler, 107 Shanahan Road: Mr. Tyler presented an additional signature to the petition he presented at Monday's meeting.
6. Mr. George White, 315 Palmer Road: Mr. White has received calls concerning water runoff issues.

MINUTES:

1. Compadres Liquor License Hearing - June 8, 2015: ***Latuska motioned approving the minutes of the Compadres Liquor License Hearing held on Monday, June 8, 2015. Frenchak seconded. Motion carried.***
2. Agenda Setting Meeting – June 8, 2015: ***Latuska motioned approving the minutes of the Agenda Setting Meeting held on Monday, June 8, 2015. Erie seconded. Motion carried.***
3. Regular Meeting – June 10, 2015: ***Latuska motioned approving the minutes of the Regular Meeting held on Wednesday, June 10, 2015. Frenchak seconded. Motion carried.***

TREASURER'S REPORT:

1. June 2015: *Frenchak motioned approving the June 2015 Treasurer's Report. Wulff seconded. Motion carried.*
2. Warrant List 15-06-12: *Erie motioned approving Warrant List 15-06-12. Frenchak seconded. Motion carried.*
3. Warrant List 15-07-13: *Erie motioned approving Warrant List 15-07-13. Wulff seconded. Motion carried.*

ZONING REPORT: June 2015**SUBDIVISION & LAND DEVELOPMENTS:**

1. ***Douthett Minor Subdivision No. 2015-05-10, Final, Expires 08/24/2015:*** Ms. Cheryl Hughes presented. Ms Douthett proposes subdividing .70 acres (m/l) from Center Township Map (060-2F104-8D) creating a new lot with an existing single family dwelling and garage. Butler County Planning Commission had no comments per letter dated May 12, 2015. Township Engineer Olsen had the following comments
 - a. The purpose of the plan is stated to be the creation of a separate lot around the existing home.
 - b. Zoning Ordinance Section 20-406.C. Accessory Structures was amended in 2013 to allow an accessory structure on a lot in absence of a principal structure provided that its use is consistent with the Zoning District, its size is a maximum of 600 square feet, its maximum height is 15 feet, and the structure is totally enclosed. The accessory structure to be within Remnant Lot 2 does not meet these provisions. The Applicant could request a variance from the Zoning Hearing Board, issuance of which would necessarily be based on a proven hardship. Other possible solutions include: (a) the lot be deleted, (b) the accessory structure could be razed, or (c) a principal permitted use could be constructed on Remnant Lot 2 within a specified time limit. The Applicant may wish to discuss these alternatives with the Planning Commission.
 - c. Lot areas must be computed excluding public rights-of-way (Subdivision and Land Development Ordinance section 14-202.51)

The Board, at their meeting held on Wednesday, June 10, 2015, authorized Ms. Douthett to present a letter declaring the building as an agricultural use and if property is sold, building will be razed. Ms. Douthett submitted a letter agreeing to the Board's terms.

The Planning Commission recommended approval of the Douthett Minor Subdivision No. 2015-05-10 at their meeting held on Wednesday, June 24, 2015.

Frenchak motioned granting final approval to the Douthett Minor Subdivision No. 2015-05-10. Latuska seconded. Motion carried.

2. Starcher Minor Subdivision No. 2015-05-11, Final, Expires 08/24/2015: Mr. Jonathan Garczewski presented. Mr. and Mrs. David Starcher proposes subdividing 2.23 acres (m/l) from Butler Township Map 056-5-D19 conveying to Butler Township Map 056-5-4.

Subdivision is entirely in Butler Township but property extends into Center Township. Butler County Planning Commission had no comments per letter dated May 12, 2015. Township Engineer Olsen had the following comments:

- a. David and Heather Starcher are subdividing their 139.39 acre property to create a 2.23 acre parcel, which is to be conveyed by deed and become a part of lands of Foothold LP. It appears from the submission that part of parking lots of Foothold LP are currently built on the Starcher property.
- b. The parcel to be conveyed is within Butler Township but about 1A of the Starcher remnant will remain in Center Township but continue to be assessed in Butler Township (where the Starcher house is located). It does not appear that the Starcher parcel has frontage on a public street, but has access to Mercer Road via what appears to be two private rights-of-way (Bradmoor Lane and Shenck Lane).
- c. In the future, if the Starcher property is further subdivided or developed, public road access to the Starcher remnant may become an important issue. We suggest that this issue be recommended to be addressed by Butler Township as part of Butler Township's review, perhaps by investigating the feasibility of the Starcher's being given the legal ability to convert one or both of the private lanes to public roads. We are uncertain if Foothold LP has any rights to these lanes that are transferable.
- d. Since the Starcher home is within Butler Township, Center Township does not have jurisdictional concern for any sewage issues regarding existing on-lot sewage treatment for the Starcher home.

The Planning Commission recommended, based on Township Engineer Olsen's recommendation, granting final approval of the Starcher Minor Subdivision No. 2015-05-11.

Latuska motioned, based on Township Engineer Olsen's recommendation, granting final approval to the Starcher Minor Subdivision No. 2015-05-11. Erie seconded. Motion carried.

3. Renick Minor Subdivision No. 2015-06-12, Final, Expires 09/22/2015: Mr. Thomas Smit, Keystone Consultants Inc, presented. Mr. and Mrs. Ronald Renick proposes subdividing 25.18 acres (m/l) from Center Township Map 060-2F59-2. The subdivided property will be located in Clay Township. Butler County Planning Commission had no comments per letter dated May 21, 2015. Township Engineer Olsen had the following comments (*Mr. Thomas Smit's comments are italicized*):

- a. The purpose of the plan appears to be to subdivide an existing Tax Map Parcel 60-2F59-2, which is partially in Center Township into two lots with proposed Lot 1 to be in Clay Township and a majority of proposed Lot 2 to be in Center Township. (No comment)
- b. Proposed Lot 2 in Center Township is also labeled as "residual" and this lot has not been shown in its entirety except in a small map near the title block, which does not meet SALDO 14-403 G.1.a requirements of it being 6" x 6" size and scale of 1" = 2000' (scale corresponding to USGS 7.5 minute quadrangle). The Applicant may wish to request in writing a modification or waiver from this requirement.
 - 1) With reference to the entire property being shown on the plan, the Deed of record for this tract is bounded and the only possible way the limits of the tract could be shown is from the Butler County GIS and this is not accurate.
 - 2) The Plan was prepared to Clay Township regulations. Clay Township Board of Supervisors and Planning Commission have approved this plan "conditionally" (being presented in a

Mylar form).

- c. The remnant parcel labeled Lot 2, which is shown to be almost totally in Center Township, does not meet provisions of SALDO section 14-403.G.1.b that requires the boundaries of the parcel to scale with names of owners of all abutting subdivisions and land developments. The Applicant may wish to request in writing a modification or waiver from this requirement.
- 1) With reference to the entire property being shown on the plan, the Deed of record for this tract is bounded and cannot be shown to scale, the only possible way the limits of the tract could be shown is from the Butler County GIS and this is not accurate.
 - 2) Showing Lot 2 in its entirety would require a complete modification and/or revision to the existing plan requiring additional plan sheets. Clay Township Board of Supervisors and Planning Commission have approved this plan "conditionally" (being presented in a Mylar form). To modify and/or revise the plan as presented would mean resubmittal of the plan to Clay Township for their approval.
- d. The remnant parcel labeled Lot 2 does not show any existing rights-of-way and easements, adjacent underground utility lines, percolation test sites, survey monuments, existing structures, proposed water wells, septic systems, driveways and existing natural gas or oil wells as required by SALDO Section 14-403.G.1.C. If none of these listed items exist, the Applicant may wish to request in writing a modification or waiver from the requirements of this SALDO section.
- 1) The only Easement record for the original tract is shown on the plan and only affects the proposed Lot 1.
 - 2) There are no existing utilities elevated or underground along Byers Road portion of Lot 1 or Lot 2.
 - 3) As the main objective of this subdivision was to separate a 25.18 Acre parcel from the original 66 +/- Acre (by deed of record) tract for the purpose of a natural gas compressor station all matters of interest were shown relative to the proposed Lot 1. The remainder of the original tract (40.82 +/- Acres) is to remain in the possession of Ronald P. and Linda I. Renick. Future development of Lot 2 would need to meet the approvals of the various Boards, Commissions and Agencies of Center Township, Butler County and the Commonwealth of Pennsylvania.
- e. The Applicant has affixed a note to the plan that the proposed residual tract (Lot 2) is dedicated for the express purpose of private use and has not been issued a sewage permit from Center Township. The Applicant should complete and submit to the Township a PaDEP Request for Planning Waiver & Non-Building Declaration form as attached. We do not believe that purpose of "Private Use" is acceptable and suggest that the Applicant describe the use more closely to what the PaDEP has described as acceptable future uses not requiring a sewage permit. The blank forms are also available from the Center Township website.

The Planning Commission recommended, based on Township Engineer Olsen's recommendation, granting (1) modification of (a) Chapter 14, Article XIV, Section 403, Subsection G. Paragraph 1.a; (b) Chapter 14, Article XIV, Section 403, Subsection G. Paragraph 1.b and (c) Chapter 14, Article XIV, Section 403, Subsection G. Paragraph 1.c and (2) final approval, contingent on amending non-building declaration by changing "natural gas compressor station" to "agricultural", of the Renick Minor Subdivision No. 2015-05-12.

Mr. Smit stated a proposed gas line right-of-way on the Renick property does not exist at this time.

Latuska motioned, based on Township Engineer Olsen's recommendation, granting modification of (1) Chapter 14, Article XIV, Section 403, Subsection G. Paragraph 1.a; (2) Chapter 14, Article

XIV, Section 403, Subsection G. Paragraph 1.b and (3) Chapter 14, Article XIV, Section 403, Subsection G. Paragraph 1.c Frenchak seconded.

Latuska motioned, based on Township Engineer Olsen's recommendation, granting final approval to the Renick Minor Subdivision No. 2015-06-12. Frenchak seconded. Motion carried.

4. Rite Aid Land Development No. 2015-06-14, Final, Expires 10/05/2015: Due to lack of representation, **Latuska motioned tabling the Rite Aid Land Development No. 2015-06-14. Frenchak seconded. Motion carried.**

OLD BUSINESS:

1. Westwood Manor III Drainage: Township Engineer Olsen review the drainage in Westwood Manor III. Based on his recommendation, several inlets require attention. The drainage pipe could last another ten (10) years. Eighty (80) percent of the water runoff will be eliminated after Cambridge begins construction.
2. Bob's Farm Market: Township Solicitor Gallagher notified the owner of Bob's Farm Market to cease placing signs in Center Township. Since there was no representation, **Latuska motioned authorizing Paul Snyder, Zoning Officer, to institute enforcement action. Frenchak seconded. Motion carried.**

NEW BUSINESS:

1. Willow Run Speed Limit Signs: A request was received to place speed limit signs in Willow Run. The consensus of the Board is to send a letter stating the Township will not install speed limit signs.
2. Employee Drug Testing: Latuska took an employee for a drug test at MedExpress. The results were delayed. The consensus of the Board is to use Quest Laboratories.
3. Speed Bump Resolution No. 2015-07-11: The Township received a petition requesting speed bumps be installed on Shanahan Road (T-692). **Latuska motioned to adopt the Speed Bump Resolution No. 2015-07-11.**

Frenchak stated this would create a perpetuating issue. This plan meets the requirement.

Wulff agreed with Frenchak and noted emergency vehicles would be impeded in responding to emergency calls.

Erie stated more residents will be contacting the Township for speed bumps.

Smallwood stated the traffic will be diverted to other roads.

Motion died due to lack of a second.

4. No Parking Request: A request was received from Blossom Ridge Condominium Association to place a "No Parking" sign at the entrance. On the advice of Township Solicitor Gallagher, the consensus of the Board is to send a letter denying the request.
5. Temporary Office Staff: Township Secretary/Treasurer Amendolea contacted Unlimited Staffing, Inc for a temporary clerk to handle phone calls and take messages during his vacation. The cost is \$13.52 for a pay rate of \$8.50 per hour. This fee covers all federal, state, and local withholding, unemployment and workers' compensation. ***Latuska motioned hiring Unlimited Staffing, Inc on a temporary basis to answer the phones and take messages at the rate of \$13.52 per hour during the week of July 13, 2015 through July 17, 2015. Frenchak seconded. Motion carried.***
Smallwood will contact Vo Tech in the fall for a student to fill in when Township Secretary/Treasurer is absent.

PUBLIC WORKS:

1. Hiring of Full Time/Part Time Employee: Latuska, Smallwood and Step Up Foreman Brewster conducted interviews with fifteen (15) applicants. ***Latuska motioned, contingent on pre-employment physical and review of driving record, hiring Joseph Miller as a full time employee at the rate of \$16.01 with benefits after the ninety (90) day probationary period. Smallwood seconded. Motion carried.***

Latuska motioned, contingent on pre-employment and review of driving record, hiring (1) Randall Brown as a part time employee to mow grass at the rate of \$13.50 per hour with no benefits and (2) Douglas Brown and Jesse Foreback as part time employees at the rate of \$13.50 per hour with no benefits. Frenchak seconded. Motion carried.
2. Ratify Summer Employee Hire: A summer employee terminated employment with the Township. On June 29, 2015, Ryan Hannon was hired as a replacement. ***Latuska motioned ratifying the hiring of Ryan Hannon as a summer hire at the rate of \$8.50 per hour with no benefits. Smallwood seconded. Motion carried.***

ENGINEER'S REPORT:

1. Mennor Stormwater Easement: Township Engineer Olsen stated that J T Butler desires the Township to take over the Mennor Stormwater Easement once completed. The consensus of the Board does not want to enter into agreement.
2. Clearview Mall Signal Plan: Township Engineer Olsen presented the Highway Occupancy Plan for the traffic signal at the north entrance of the Clearview Mall. ***Frenchak motioned authorizing Chairman Latuska to sign the Highway Occupancy Plan. Smallwood seconded. Motion carried.***

SOLICITOR’S REPORT:

- 1. PEMA Pass Through Grant: Mr. Lawrence Vicario, 707 Oneida Valley Road, purchased the property in a floodplain. He has filed a claim with PEMA. PEMA stated that he does not qualify for the pass through grant. Therefore, the Township will not participate in the voluntary buy-out program.

MISCELLANEOUS:

- 1. Cell Phone Policy: Several employees want to continue using their personal phone instead being issued a Township phone. *Wulff motioned authorizing employees to use their personal phone at their risk and receive a stipend of \$25.00 per month upon presentation of their monthly statement. Latuska seconded. Motion carried.*
- 2. Office Relocation: Wulff stated the office will be relocated to 150 Henricks Road on July 24, 2015. DBS Communication and Armstrong Cable will move the phone lines on that day.
- 3. Traffic Signals at State Route 8 and State Route 308: Frenchak asked if Bronder Technical Services reported any problems with the signals due to the lights have been in "Flash Mode".
- 4. Signal Loop and Pedestrian Push Button Replacement: Frenchak questioned if Bronder Technical Services started replacing the signal loop and pedestrian push buttons.
- 5. Sale of Municipal Building: The Township is required to advertise before the selling of the Municipal Building property.

ADJOURNMENT:

Latuska made a motion to adjourn at 8:46 p.m. Erie seconded. Motion carried.

Anthony A. Amendolea
Township Secretary/Treasurer

Edward G. Latuska
Chairman

Alan H. Smallwood
Vice Chairman

Andrew Erie
Supervisor

Kenneth J. Frenchak Jr
Supervisor

Phillip B. Wulff
Supervisor