

Board of Supervisors:
 Ronald Flatt, *Chairman*
 Philip Wulff, *Vice Chairman*
 Edward Latuska, *Supervisor*
 Robert Sloan, *Supervisor*
 Alan Smallwood, *Supervisor*



Anthony Amendolea, Secretary/Treasurer
Michael Gallagher, Solicitor
David Heath, Engineer
John Nath, Building Code Official
Randall Brown, Zoning Officer

Center Township Board of Supervisors
 Regular Meeting Minutes
 September 8, 2021
 6:30 p.m.

CALL TO ORDER:

Chairman Ronald Flatt called the Regular Meeting, of the Center Township Board of Supervisors, to order at 6:30 p.m. The meeting was held at the Unionville Volunteer Fire Company Firehall, 102 Mahood Road, Butler PA 16001.

ROLL CALL:

In addition to Chairman Flatt, present were Vice Chairman Philip Wulff; Supervisors Edward Latuska, Robert Sloan and Alan Smallwood; Township Solicitor Michael Gallagher; Township Engineer David Heath; and Township Secretary/Treasurer Anthony Amendolea.

PUBLIC TO BE HEARD:

- A. Mr. Nathan Wulff, Assistant Fire Chief: Mr. Wulff presented the report for August 2021.

Type of Calls	Number of Calls
Motor vehicle accidents	9
Automatic fire alarms	14
Service calls	24
Structure fires	5
Medicals	4
Brush fires	1
Dive calls	3
Vehicle fires	0
Total	60

- B. Mr. Thomas Schiebel, 118 Willow Run Drive: Mr. Schiebel stated there is blight killing Blue Spruce trees. The trees along Holyoke Road (T-496) at Willow Run will be removed. He asked if the Township would install guide rail. Mr. Schiebel asked who is responsible for the maintenance of stormwater retention areas. This will be placed on the agenda for Wednesday, October 13, 2021.

MINUTES:

- A. "C-1" Retail and Service Commercial District Amendment Hearing - August 9, 2021: ***Latuska motioned approving the minutes of the "C-1" Retail and Service Commercial District Amendment Hearing held on Monday, August 9, 2021. Smallwood seconded. Motion carried.***
- B. Agenda Setting Meeting – August 9, 2021: ***Latuska motioned approving the minutes of the Agenda Setting Meeting held on Monday, August 9, 2021. Sloan seconded. Motion carried.***

- C. Regular Meeting – August 11, 2021: *Latuska motioned approving the minutes of the Regular Meeting held on Wednesday, August 11, 2021. Sloan seconded. Motion carried.*
- D. Special Meeting - Dakotah Drive Stormwater - August 23, 2021: *Latuska motioned approving the minutes of the Special Meeting - Dakotah Drive Stormwater held on Monday, August 23, 2021. Wulff seconded. Motion carried.*
- E. 110 Sunburst Court Hearing - August 23, 2021: *Latuska motioned approving the minutes of the 110 Sunburst Court Hearing held on Monday, August 23, 2021. Smallwood seconded. Motion carried.*

TREASURER'S REPORT:

- A. August 2021: *Flatt motioned approving the August 2021 Treasurer's Report. Latuska seconded. Motion carried.*
- B. Warrant List 21-08-16: *Latuska motioned approving Warrant List 21-08-16. Sloan seconded. Motion carried.*
- C. Warrant List 21-09-17: *Latuska motioned approving Warrant List 21-09-17. Flatt seconded. Motion carried.*
- D. Authorize Ad for Budget Workshops: *Flatt motioned authorizing placement of an ad for the budget workshops for Wednesday, October 13, 2021 and Monday, November 8, 2021 at 6:00 p.m. in the Butler Eagle edition for Sunday, October 3, 2021. Latuska seconded. Motion carried.*
- E. Authorize Ad for CPA for 2021 Audit: *Flatt motioned authorizing placement of an ad to appoint a CPA for the 2021 Audit in the Butler Eagle editions for Sunday, October 3, 2021 and Sunday, October 10, 2021. Latuska seconded. Motion carried.*

ZONING REPORT: August 2021: Construction costs were \$1,246,979.00 fees collected were \$1,804.25. Year to date fees collected \$13,862.84.

SUBDIVISION & LAND DEVELOPMENTS:

- A. Duffy Highlands Phase II Major Subdivision No. 2021-08-07, Preliminary and Final, Expires 11/22/2021: Mr. Brad Simmons, Sheffler and Company, Inc, presented. Duffy Highlands Phase II (Center Township Map 060-S7-BAB) consisting of twenty-six and sixty-two hundredths (26.62) acres (m/l) He stated four and six tenths (4.6) acres (m/l) will be developed and a remnant of twenty-one and six hundredths (21.06) acres (m/l). There will be ten (10) lots for single family dwellings and ten (10) lots for duplexes. The Butler County Planning Commission had no comments per review letter dated August 19, 2021. Township Engineer Heath's comments, per review letter dated August 20, 2021, are as follows (*Mr. Brad Simmons's comments are italicized*):
 1. Subdivision and Land Development Comments
 - a. Section 14-403.B.3.o Shown known or suspected surface/ subsurface mining areas on plans. (*An exhibit showing the site location in reference to W.P.A mine map retrieved from Pennsylvania Mine Map Atlas.*)
 - b. Section 14-404.B.4.f Label watercourses and floodplains on the land development plans. (*Watercourses and wetlands labels have been added to the plan set.*)
 - c. Section 14-404.C.4 A final erosion and sedimentation control plan must be provided, as well as reviewed and approved by the PA Department of Environmental Protection. Copies of all approval letters and permits should be provided upon receipt. (*Completed, approved, and signed E&S Plans have been included in the supporting documents submitted as well as the NPDES Permit Authorization letter.*)

- d. Section 14-404.C.8 Posting financial security in an amount and form acceptable to the Township Solicitor. *(Financial security documentation will be compiled and provided to the township solicitor for review prior to the start of construction)*
2. Recorded Plan Comments
- a. Modification shall be requested to Chapter 14, Article IV, 14-403.B.3.e which requires subdivision plan to show existing and proposed contours. *(A modification request has been included in the supporting documents submitted.)*
 - b. Show all utilities for each lot including any existing easements. *(All utility easements have been included in the recording and subdivision plans.)*

Township Engineer Heath's comments, review letter dated August 25, 2021, are as follows:

3. Subdivision and Land Development Comments
- a. Section 14-403.B.3.o Shown known or suspected surface/ subsurface mining areas on plans. *(An exhibit showing the site location in reference to W.P.A mine map retrieved from Pennsylvania Mine Map Atlas.)*
 - b. Section 14-404.C.8 Posting financial security in an amount and form acceptable to the Township Solicitor. *(Financial security documentation will be compiled and provided to the township solicitor for review prior to the start of construction)*

The Planning Commission recommended granting the modification to Chapter 14, Article IV Section 14-403.B.3.e requiring existing and proposed contours. ***Flatt motioned granting modification to Chapter 14, Article IV, Section 14-403.B.3.e requiring existing and proposed contours. Sloan seconded. Motion carried***

The Planning Commission, contingent on (1) add note to recorded plan for underground mines: (2) change font for degree symbol and (3) posting of performance bond, recommended preliminary and final approval of the Duffy Highlands Phase II Major Subdivision No. 2021-08-07. ***Flatt motioned, contingent on posting of performance bond, granting preliminary and final approval of the Duffy Highlands Phase II Major Subdivision No. 2021-08-07. Sloan seconded. Smallwood abstained. Motion carried 4 to 0.***

OLD BUSINESS:

- A. Adopt Multi-Municipal Intergovernmental Ordinance No. 2021-09-05: The board signed an Intermunicipal Development Agreement with Butler Township and Weaver Homes for the Villas at Forest Oaks development located on Mercer Road. ***Latuska motioned adopting the Multi-Municipal Intergovernmental Ordinance No. 2021-09-05. Sloan seconded. Motion carried.***
- B. Adopt Outdoor Entertainment Ordinance No. 2021-09-06: ***Latuska motion adopting the Outdoor Entertainment Ordinance No. 2021-09-06. Sloan seconded.*** Flatt is not opposed to the existing activities as a drive-in and flea market. He feels that the concerts are inconsistent with the zoning district. ***Flatt opposed. Motion carried 4 to 1.***
- C. Set Selling Price of Donated Gas Well Stone: Smallwood suggested not to sell the stone. It can be used to fill in washed out areas from the recent storms.
- D. 110 Sunburst Court Enforcement: Zoning Officer Brown reported that the property has been mowed. He is concerned with the items on the porch. He discussed the situation with the Pastor Benson from Trinity Lutheran Church. He requests the Board set a time limit for the items to be removed. Township Solicitor Gallagher suggested a Consent Order which would eliminate the process of notifications.
- E. Adopt Adamosky Ag Security Resolution No. 2021-09-14: Mr. Frank R. and Betsy R. Adamosky requested on March 1, 2021 to add thirty-seven and ninety-eight hundredths (37.98) acres (m/l) located at 236 South Benbrook Road (Center Township Map & Parcel 060-3F43-28A) to the Center Township Agricultural Security Area. The one hundred eighty

(180) days have expired. ***Flatt motion adopting the Adamosky Ag Security Resolution No. 2021-09-15. Wulff second. Motion carried.***

NEW BUSINESS:

- A. 2022 Minimum Municipal Obligation: ***Flatt motioned (1) approving the 2022 Pension Plan Minimum Municipal Obligation in the amount \$50,793.60 and (2) authorizing Township Secretary/Treasurer Amendolea to sign as the Chief Administrative Officer. Smallwood seconded. Motion carried.***
- B. Leaf Collection: The following will be placed on the web site and published in the Butler Eagle:

CENTER TOWNSHIP RESIDENTS

The Township will begin curbside collection of leaves on Monday, October 18, 2021. The leave pick up will continue through Wednesday, November 24, 2021. Only leaves in biodegradable paper bags will be collected.

Biodegradable paper bags are available at the Township office, Monday through Friday (closed Holidays), from 8:00 a.m. to 4:00 p.m. The bags must be purchased in bundles of 10 at a cost of \$5.00 per bundle. Bags must contain **only leaves** and weigh no more than 50 pounds. **LEAVES PLACED IN OTHER THAN PAPER BIODEGRADABLE BAGS WILL NOT BE COLLECTED.**

You may drop off leaves at the Maintenance Facility located at 150 Henricks Road between the hours of 8:30 a.m. and 3:00 p.m.

Contact the office at (724) 282-7805, if you have any questions.

BURNING OF LEAVES IS NOT PERMITTED PER CENTER TOWNSHIP ORDINANCE CHAPTER 6, ARTICLE I, PARAGRAPH 6-103C.

- C. Set Trick or Treat Night: ***Flatt motioned establishing Trick or Treat Night to coincide with Butler City and Butler Township. Sloan seconded. Motion carried.***
- D. Butler Floor Placement of Concrete: Mr. Tim Croft attended the Agenda Setting Meeting on Tuesday, September 7, 2021 requesting an extension of the two (2) year requirement to pave the truck loading area approximately 15,000 square feet. Flatt stated if agreement is not enforced, how good is the Township reputation. The concern is not to close the business. He wants to confer with Township Solicitor Gallagher and Township Engineer Heath. Flatt would consider a contract to complete when feasible. Wulff stated area is compacted limestone and no concerns of any harm being done. He asked what the advantage to pave the area. Latuska thought the cost of \$170,000.00 was exaggerated. He stated they had ample opportunity to pave the area prior to the deadline. The terms were violated. Latuska stated that the owner was opposed to the noise from the Starlight Drive-In and asked the Board to shut business down. He stated now they are asking for leniency. Latuska stated they had two (2) years to complete and have no intention to complete. Sloan asked Township Solicitor Gallagher and Township Engineer Heath if the Township has right to grant leniency. He asked if current compacted limestone meet dust free surface. Smallwood stated if they had approached the Township with alternate solution the Township may have considered. ***Flatt motioned authorizing (1) Zoning Officer Brown to continue enforcement and speak for the Township, (2) Flatt to coordinate with Brown and Heath and (3) subject to Butler Flooring to present an alternate plan to the Township for review. Latuska seconded. Motion carried.***

E. Schedule Hearing for Aubrey Rezoning Request: Mr. George Aubrey requests to rezone the following properties:

1. property located south of North Duffy Road (T-509) and west of Peters Lane, being Center Township Parcel 060-2F104-13E (26.79 AC m/l);
2. property located south of North Duffy Road (T-509), being Center Township Parcel 060-2F104-13EA (1.88 AC m/l);
3. property located south of North Duffy Road (T-509), being Center Township Parcel 060-2F104-13EB (2.16 AC m/l);
4. property located south of North Duffy Road (T-509), being Center Township Parcel 060-2F104-13EC (4.02 AC m/l);
5. property located south of North Duffy Road (T-509), being Center Township Parcel 060-2F104-13ED (4.5 AC m/l);
6. property located south of North Duffy Road (T-509), being Center Township Parcel 060-2F104-13EE (2.14 AC m/l) and
7. property located south of North Duffy Road (T-509), being Center Township Parcel 060-2F104-13EF (1.54 AC m/l);

Flatt motioned establishing a hearing for Tuesday, October 12, 2021 at 6:00 p.m. and authorize placement of an ad in the Butler Eagle editions for Sunday, September 26, 2021 and Sunday, October 3, 2021. Smallwood seconded. Motion carried.

PUBLIC WORKS:

A. Release Romeo Forestry LLC Road Bond: Romeo Forestry LLC request release of bond for Mahood Road (T-860), Jamisonville Road (T-833) and Minich Road (T-410) in the amount of \$17,750.00. ***Flatt motioned, based on Public Works Foreman Blakeley's recommendation, authoring the release of the bond for Mahood Road (T-860), Jamisonville Road (T-833) and Minich Road (T-410) in the amount of \$17,750.00. Smallwood seconded. Motion carried.***

B. Award Guide Rail Contract: The following bids were received:

Company	Bid Bond	Price	Total Bid
Chemung Supply Corporation PO Box 527 Elmira, NY 14902-0527	Yes	12'6" Straight Panels - \$31,245.50 W-6 Posts - \$14,148.20 Radium Panels 30 - \$348.00 Blockes w/Bolts - \$2,065.00 Wraps - \$384.00 Splice and Wraps - \$3,312.00 16x16 Yellow Sticker - \$128.00 Labor - \$11,952.00	\$63,582.70
Green Acres Contracting PO Box 463 Sscottsdale, PA 15683-0463	Yes	12'6" Straight Panels - \$28,750.00 W-6 Posts - \$17,700.00 Radium Panels 30 - \$600.00 Blockes w/Bolts - \$2,360.00 Wraps - \$1,200.00 Splice and Wraps - \$1,380.00 16x16 Yellow Sticker - \$160.00 Labor - \$24,700.00	\$76,850.00

Smallwood motioned awarding the Guide Rail Contract to Chemung Supply Corporation in the amount of \$63,582.70. Latuska seconded. Motion carried.

ENGINEER’S REPORT:

- A. The Villas at Forest Oaks Compliance: Township Engineer Heath reported that he has visited the site frequently to inspect stormwater. He attended meeting with Butler County Conservation District which determine that Forest Oaks was in compliance with the previous violations. Storm sewer system is being installed.
- B. Mercer Road (T-494) Flooding: Forest Oaks redirected stormwater to the retention area. No additional flooding has been noted.
- C. Vogt Stormwater, 431 Cherokee Drive: Township Engineer Heath inspected the site and determined best option is a curb from his drive to upstream property. Heath stated he should be on site when curb is placed.
- D. 134 Lakeshore Drive (T-760) Stormwater: Township Engineer Heath met with the road crew which dumped water for ponding. Wiest Asphalt and Paving fixed a patch but created a small lip. He contacted Wiest Asphalt and Paving but has not had a response

SOLICITOR'S REPORT: None

MISCELLANEOUS: None

ADJOURNMENT:

Latuska made a motion to adjourn at 8:04 p.m. Smallwood seconded. Motion carried.

Anthony A. Amendolea
Township Secretary/Treasurer

Ronald E. Flatt
Chairman

Phillip B. Wulff
Vice Chairman

Edward G. Latuska
Supervisor

Robert M. Sloan
Supervisor

Alan H. Smallwood
Supervisor