

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*  
*Gateway Engineers, Engineer*  
*Patrick Gauselmann, BCO/Zoning Officer*

Center Township Board of Supervisors  
 Regular Meeting Minutes  
 September 9, 2020  
 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. Ms. Mary Angert, 108 Fairlawn Drive: Ms. Angert asked for the status of the noise ordinance.
- B. Mr. Jim Jolley, 140 Lakeshore Drive: Mr. Jolley stated the repair to Lakeshore Drive (T-760) was completed but is not happy with the process. He stated his neighbor, Ms. Bonnie Kondos, has a crack in her driveway which she requests to be sealed.
- C. Mr. Dale Herold: Mr. Herold contacted Cambridge Healthcare concerning stormwater damage to his property in the amount of \$15,000.00. He requests assistance from the Township.

**MINUTES:**

- A. Agenda Setting Meeting - August 10, 2020: *Latuska motioned approving the minutes of the Agenda Setting Meeting held on Monday, August 10, 2020. Sloan seconded. Motion carried.*
- B. Regular Meeting – August 12, 2020: *Latuska motioned approving the minutes of Regular Meeting held on Wednesday, August 12, 2020. Smallwood seconded. Motion carried.*

**TREASURER'S REPORT:**

- A. August 2020: *Flatt motioned approving the August 2020 Treasurer's Report. Latuska seconded. Motion carried.*
- B. Warrant List 20-08-16: *Flatt motioned approving Warrant List 20-08-16. Latuska seconded. Motion carried.*

- C. Warrant List 20-09-17: *Flatt motioned approving Warrant List 20-09-17. Latuska seconded. Motion carried.*
- D. Authorize Ad for Budget Workshops: *Latuska motioned authorizing placement of an ad for the budget workshops for Tuesday, October 13, 2020 and Monday, November 9, 2020 at 6:00 p.m. in the Butler Eagle edition for Sunday, October 4, 2020. Wulff seconded. Motion carried.*
- E. Authorize Ad for CPA for 2020 Audit: *Latuska motioned authorizing placement of an ad to appoint a CPA for the 2020 Audit in the Butler Eagle editions for Sunday, October 4, 2020 and Sunday, October 11, 2020. Sloan seconded. Motion carried.*

**ZONING REPORT:**

- A. August 2020: Construction costs were \$488,934.94.00 fees collected were \$3,700.00.

**SUBDIVISION & LAND DEVELOPMENTS:** None**OLD BUSINESS:** None**NEW BUSINESS:**

- A. 2021 Minimum Municipal Obligation: *Flatt motioned (1) approving the 2021 Minimum Municipal Obligation in the amount \$51,580.00 and (2) authorizing Township Secretary/Treasurer Amendolea to sign as the Chief Administrative Officer. Smallwood seconded. Motion carried.*
- B. PennDot Winter Maintenance Agreement Resolution No. 2020-09-17: The Township maintains Henricks Road (T-830) from Palmer Road (T-511) to Oneida Valley Road (SR0038) for the winter season (October 15 to April 30). PennDot reimburses the Township. The agreement is from 2020 through 2025 and total reimbursement is \$4,109.93. *Latuska motioned (1) adopting the PennDot Winter Maintenance Agreement resolution No. 2020-09-17 and (2) authorizing Flatt to sign the PennDot Winter Maintenance Agreement. Smallwood seconded. Motion carried.*
- C. Leaf Collection: Flatt reported that Mr. Robert Stirling would take our leaves at an annual cost of \$500.00, delivered to his site at 840 Mercer Road. He requests a written agreement. *Flatt motioned accepting Mr. Robert Stirling offer to take our leaves at an annual cost of \$500.00. Latuska seconded. Smallwood abstained. Motion carried 4 to 0.*
- D. Elected Auditors: The Center Township Elected Auditors met on Tuesday, August 18, 2020 to set working supervisors wages. However, Latuska participated in the meeting which is prohibited per the Second Class Township Code Section 402 (a) which reads "Except as provided in subsection (b), the electors of each township shall elect three supervisors, three auditors and one tax collector. No person shall at the same time hold more than one elective township office." Latuska resigned from the Elected Auditors due to the conflict of interest.. *Flatt motioned (1) accepting Latuska's resignation from the elected auditors due to the conflict of interest and (2) ratifying the advertisement for the elector auditors meeting on Wednesday, September 9, 2020 at 10:00 a.m. in the Butler Eagle edition for Sunday, September 6, 2020. Wulff seconded. Motion carried.*
- E. Set Trick or Treat Night: *Flatt motioned establishing Trick or Treat Night to coincide with Butler City and Butler Township. Latuska seconded. Motion carried.*

- F. GIS Mapping Renewal: The ArcGis Online Creator, in the amount of \$489.00, and ArcGis Online Viewer, in the amount of \$98.00, licenses expire December 4, 2020. **Flatt motioned authorizing the renewal the ArcGis Online Creator for \$489.00 and ArcGis Online Viewer for \$98.00 totaling \$587.00. Latuska seconded. Motion carried.**

**PUBLIC WORKS:**

- A. 2007 Bobcat Excavator Replacement: Smallwood contacted Mr. Chris Grimes, Murphy Tractor and Equipment, to purchase a 2020 John Deere 60G Compact Excavator for \$70,000.00 through Sourcwell Contract Number 032119-JDC. **Flatt motioned ratifying the purchase of the 2020 John Deere 60G Compact Excavator for \$70,000.00 through Sourcwell Contract Number 032119-JDC. Latuska seconded. Motion carried.**
- B. Notice of Completion for 2020 Paving Project #2: Shields Paving completed the paving scheduled under the 2020 Paving Project #2. **Latuska motioned authorizing Flatt to the sign the Notice of Completion for the 2020 Paving Project #2. Smallwood seconded. Motion carried.**
- C. Ratify Lakeshore Drive (T-760) Milling: Due to a complaint about stormwater on Lakeshore Drive (T-760), the road was milled from Grosvenor Avenue (T-711) for 660 feet by 20 feet and re-sloped. The following quotes were received:

Company	Total
Shields Asphalt Paving PO Box 672 Valencia, PA 16059-0672	\$71,347.25
Wiest Asphalt Products & Paving Inc 310 Mitchell Hill Rd Butler, PA 16001-9182	\$67,118.00

Based on Township Solicitor Gallagher's recommendation, Township Engineer Heath submitted a letter of emergency to the Board on August 27, 2020. **Flatt motioned awarding the Lakeshore Drive (T-760) milling to Wiest Asphalt Products and Paving Inc in the amount of \$67,118.00. Latuska seconded. Motion carried.**

- D. Cherokee Drive (T-712) Stormwater Project: Public Works Interim Operations Manager Gauselmann requests approval of a project on Cherokee Drive (T-712). He will be replacing 200 feet of fifteen (15) inch pipe, two (2) catchbasins and ten (10) couplings for an approximate cost of \$2,790.50. Smallwood will contact Gauselmann to review the project. **Flatt motioned tabling the Cherokee Drive (T-712) Stormwater Project. Latuska seconded. Motion carried.**
- E. Placement of Rip-Rap: Due to a court ordered judgment from Thursday, September 3, 2020, the Board of Supervisors has thirty (30) days to correct the situation. **Smallwood motioned authorizing Township Engineer Heath to evaluate and recommend the placement of Rip Rap on the affected property. Latuska seconded. Motion carried.**

**Sloan motioned requesting quotes for an excavator with operator and Rip Rap with the approval of two (2) supervisors to be ratified at the next regular scheduled meeting on Wednesday, October 14, 2020. Latuska seconded. Motion carried.**

**ENGINEER'S REPORT:**

- A. Veterans Administration/Cambridge Stormwater: Township Engineer Heath reported the underground storage tanks in the, MRC 1A & MRC 1B, were installed. The underground storage tank, MRC 3, on the south side will be installed. The structures for North Duffy Road (T-509) are delayed. Topsoil is stockpiled on the north side of the property. The Pennsylvania Department of Environmental Protection had a concern of the topsoil on August 24, 2020 which was replied to on September 1, 2020.
- B. Stormwater Ordinance Review: Flatt reported that all concerns were address. Township Engineer Heath will verify if Butler County Planning Commission needs to review prior to advertising for a public hearing and adoption.
- C. Columbia Gas Paving of Sunset Drive (T-442): Township Engineer Heath met with Columbia Gas. A meeting will be scheduled once their current project is completed.
- D. Brown Road (T-412) Repair: Township Engineer Heath stated that the Public Works Department has continued to fill in the crack on Brown Road (T-412). He reviewed the report from 2018 which stated using (1) solidier beams, (2) lag wall and (3) soil mills with an estimated cost in the six (6) figures.
- E. Pinchurst Road (T-603) Bridge Repair: Township Engineer Heath stated the north abutment needs extensive repairs. The beams are in good shape and decking will need replaced periodically. The permitting process could take a year or more.

**SOLICITOR'S REPORT:**

- A. Re-Enact Curative Amendment - Alternative Energy Resolution No. 2020-02-09: Due to the Coronavirus (Covid-19), the curative amendment for alternative energy has expired. Flatt made the following statement:

*"On January 16, 2020, the Center Township Supervisors made a Motion to declare the Center Township Zoning Ordinance substantially invalid because it excludes alternative energy sources as a use in the Township. On February 12, 2020, the Board voted to approve Resolution 2020-02-09 to declare the Ordinance invalid and direct the Planning Commission to prepare a curative amendment.*

*On March 6, 2020, the Governor of Pennsylvania signed an unprecedented emergency Disaster Declaration due to the COVID-19/Coronavirus pandemic. The Governor renewed the Declaration on June 3, 2020, and again on September 3, 2020. Center Township also adopted an Emergency Declaration, renewed weekly which ran from March 23, 2020 to May 18, 2020.*

*As a result of the shifting of priorities, limitations placed by the Governor and CDC, Center Township was unable to complete the curative amendment process within the 180 days set forth in the Curative Amendment Motion of January 16, 2020."*

***Flatt motioned that Center Township begin the process again, from "scratch" by: (1) declare the Center Township Zoning Ordinance, to the extent that it excludes alternative energy sources as a use in the Township, to be substantively invalid; (2) authorize and ratify the Township Solicitor preparing a Resolution making specific findings setting forth the declared invalidity of the Zoning Ordinance, to be enacted by the Township immediately following this Motion; and (3) authorize and direct the Township Planning Commission, with the input of the Code Officer and the Solicitor, to prepare and submit a curative amendment to the Board of Supervisors, so that the curative amendment is adopted by the Board of Supervisors within 180 days of this Motion. Latuska seconded. Motion carried.***

**Flatt motioned, correcting which reads “Ordinance, to” should read “Ordinance to be invalid, to”, adopting the Curative Amendment - Alternative Energy Extension Resolution No. 2020-09-18. Latuska seconded. Motion carried.**

**MISCELLANEOUS:** None

**ADJOURNMENT:**

*The meeting adjourned at 7:29 p.m. to discuss personnel. The meeting reconvened at 8:15 p.m. with the following action taken:*

**Flatt motioned for the clarification of action taken at the Center Township Board of Supervisors February Meeting held on February 12, 2020, regarding the submitted and approved Plan of Martin Sales and Service;**

**By its action to approve the Plan of Martin as submitted, and by its vote approve modifications verbally requested in February and memorialized in writing as of an August 25, 2020 note from Ashlar, the Board does recognize that it has approved in its entirety the request by Ashlar for modification relief from Township ordinances including but not limited to Chapter 20 of the Center Township Codified Ordinances. Latuska seconded. Motion carried.**

**Smallwood made a motion to adjourn at 8:30 p.m. Wulff seconded. Motion carried.**

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Anthony A. Amendolea  
Township Secretary/Treasurer

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Ronald E. Flatt  
Chairman

*Absent*

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Phillip B. Wulff  
Vice Chairman

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Edward G. Latuska  
Supervisor

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Robert M. Sloan  
Supervisor

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Alan H. Smallwood  
Supervisor