

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

<p>BOARD OF SUPERVISORS Regular Meeting Minutes November 9, 2011 6:30 p.m.</p>

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 Vice Chairman Andrew Erie; Supervisors Ronald Flatt, Kenneth Frenchak, and Edward Latuska; Township Solicitor Michael Gallagher; Township Engineer Ron Olsen; Public Works Director Mark Lauer; and Township Secretary/Treasurer Anthony Amendolea.

PUBLIC TO BE HEARD (3 MINUTE LIMIT):

1. Mr. Glenn Hundertmark, 5274 Elliott Road: Mr. Hundertmark thanked the Board and Public Works for sweeping Elliott Road since the last meeting. He commented on House Bill (HB) 1950. This bill may affect the proposed Mineral Extraction Overlay ordinance. He encourages the Board to ask the local legislators to vote against HB 1950. *Flatt motioned asking for authorization to speak for the Board on HB 1950 or any other bill that removes municipality control of land use activities for oil/gas extraction. Frenchak seconded. Motion carried unanimously.*
2. Ms. Helen De L'Etoile, 125 Connemara Lane: Ms. De L'Etoile stated oil/gas companies push legislators to make laws benefiting companies. Oil/gas companies sue townships that pass ordinances blocking their operations.
3. Mr. Robert Gosselin, 125 Connemara Lane: Mr. Gosselin stated banks are reluctant to issue loans for properties adjacent to wells due to the decrease property values.
4. Ms. Anna Gullickson, 5258 Elliott Road: Ms. Gullickson agrees with the previous comments. She suggests the Board considered adopting a "Community Bill of Rights" to prevent drilling in the Township.

MINUTES:

1. Public Hearing – Conditional Use – October 11, 2011: *Frenchak motioned approving the minutes of the Public Hearing-Conditional Use held on October 11, 2011. Latuska seconded. Motion carried unanimously.*
2. Agenda Setting Minutes – October 11, 2011: *Frenchak motioned approving the minutes of the Agenda Setting Meeting held on October 11, 2011. Latuska seconded. Motion carried unanimously.*
3. Regular Minutes – October 12, 2011: *Schiebel motioned approving the minutes of the Regular Meeting held on October 12, 2011. Frenchak seconded. Motion carried unanimously.*

TREASURER'S REPORT:

1. October 2011: *Schiebel motioned approving the October 2011 Treasurer's Report. Flatt seconded. Motion carried unanimously.*
2. Warrant List 11-10-31: *Schiebel motioned approving Warrant List 11-10-31. Latuska seconded. Motion carried unanimously.*
3. Warrant List 11-11-32: *Schiebel motioned approving Warrant List 11-11-32. Erie seconded. Motion carried unanimously.*
4. 2012 Proposed Budget: The Board reviewed the 2012 Proposed Budget at their Agenda Setting Meeting held on November 7, 2011. The proposed budget reflects a .64 mill tax increase for the Debt Service Fund. The debt owed is \$1,900,000. General Fund revenues total \$1,508,350 while expenditures total \$1,508,350 creating a balanced budget.
5. Authorize Ad for 2012 Budget: The Board must present the 2012 Proposed Budget for twenty (20) days prior to adoption for public review. *Frenchak motioned adverting the 2012 Budget for public review in the Butler Eagle edition for Wednesday, November 23, 2011. Flatt seconded. Motion carried unanimously.*

ZONING REPORT: October 2011: Construction costs were \$81,699.00 fees collected were \$2,963.66.

OLD BUINESS: None

SUBDIVISION & LAND DEVELOPMENTS:

1. Douthett Lot Line Revision No. 11-10-09, 104 Heritage Ln, Final Approval: Ms. Cheryl Hughes, Land Surveyors, presented a plan for Mr. and Mrs. Ronald E Douthett, 104 Heritage Lane, to convey 4.49 acres (m/l) from Center Township Map Parcel 060 2F106 19H to 060 2F106 19HB. Butler County Planning Commission had no comments per letter dated October 26, 2011. Township Engineer Olsen comments are (*Ms. Hughes comments are italicized*):
 - a. The plan appears to meet Township ordinances except ~~hat~~ *that* (corrected 12/14/2011) water service to Lot 2 Revised should be denoted. It is now at an unknown location. If one of the lots is to be sold, it may be important to reserve a water line easement. *Water line easement exists*

Frenchak motioned, based on the recommendation of Township Engineer Olsen, granting preliminary and final approval to the Douthett Lot Line Revision No. 11-10-09. Flatt seconded. Motion carried unanimously.

NEW BUSINESS:

1. 2011 Audit Engagement Letter: Mr. William D. Leicht, an associate of Kissling & Associates submitted the 2011 Audit Engagement letter. The fee to perform the 2011 Audit is \$15,500. ***Flatt motioned authorizing Chairman Schiebel to sign the 2011 Audit Engagement letter. Erie seconded. Motion carried unanimously.***
2. CPA Appointment Resolution No. 2011-11-15: ***Schiebel motioned adopting CPA Appointment Resolution No. 2011-11-15 appointing William D Leicht & Associates to perform the 2011 Audit. Erie seconded. Motion carried unanimously.***
3. McAndrew Rezoning Request: Mr. Michael McAndrew, 635 Glenwood Way, requests rezoning of three (3) parcels being Center Township Map Parcels 060 2F63 21A1A consisting of 1.37 acres (m/l), 060 2F63 21A1B consisting of 1.2 acres (m/l), and 060 2F63 21B consisting of 1.38 acres (m/l). The Planning Commission recommended approval at their meeting held on October 26, 2011. ***Frenchak motioned to establish a public hearing on Monday, December 12, 2011 at 6:00 p.m. with the necessary notifications and advertising by Township Secretary/Treasurer Amendolea. Flatt seconded. Motioned carried unanimously.***

PUBLIC WORKS DIRECTOR:

1. Award Bid for Weight Limit Study: The following proposals were received to complete a weight limit study for the Township roads:

Company		Amount
The Eads Group 15392 Route 322 Clarion, PA 16214		\$6,700
Senate Engineering Company U-PARC Pittsburgh, PA 15238-1330		\$28,900

Flatt motioned, based on the recommendation of Public Works Director Lauer, to reject all bids and re-advertise. Erie seconded. Motion carried unanimously.

2. Authorize Ad for Anti-Skid: *Frenchak motioned authorizing the advertisement for 3,000 tons of anti-skid in the Butler Eagle editions of Sunday, November 27, 2011 and Thursday, December 1, 2011. Erie seconded. Motion carried unanimously.*
3. PennDOT Winter Meeting – 11/10/2011 – South Butler Fire Hall - \$0: Public Works Director Lauer will attend the annual PennDOT Winter Meeting on November 10, 2011.
4. Sale of 1991 Massey Ferguson Boom Mower: The Township received an offer of \$20,000 from Benezette Township to purchase our 1991 Massey Ferguson Boom Mower. Public Works Director noted, other than replacing a couple of clutches and replacing hydraulic hoses, only regular maintenance was performed on the mower. There are 2,500 hours on the machine which is used four (4) to six (6) weeks a year. Public Works Director Lauer would exchange services with either Oakland or Franklin Townships for the use of their machine. There is no intention to purchase a replacement in the near future. *Frenchak motioned to sell, as is, the 1991 Massey Ferguson Boom Mower to Benezette Township in the amount of \$20,000. Schiebel seconded. Motion carried unanimously.*
5. JS Homaid Group LLC, Moore Road Damage: JS Homaid Group LLC is constructing a modular home at 105 Moore Road. Public Works Director Lauer noted damage to Moore Road. *Flatt motioned authorizing Public Works Director Lauer to notify JS Homaid, by letter, of the damage to Moore Road and options to repair the damage. Erie seconded. Motion carried unanimously.*

ENGINEER'S REPORT:

1. Justin Miller, 311 Glenwood Way. Stormwater: Township Engineer Olsen visited the site. He noted East Hilltop Drive runoff presents special concerns to the Millers and the Township, as follows:
 - a. Runoff along the western edge of the traveled portion of East Hilltop Drive is being obstructed by steep private driveways that force the ditch water to sheet flow over the roadway pavement surface to reach the east side of the road. This type of situation, where runoff crosses a public street, is a safety/liability issue that should be corrected.
 - b. The Township Road Department recently installed a storm inlet and approximately 70 linear feet of 12" diameter storm sewer pipe that receives stormwater from the eastern edge of East Hilltop and pipes this water to a point on the hillside above the Miller property. Mr. Miller is contending that this storm sewer discharge is creating runoff problems for him and that he was not asked to give a drainage easement for this pipe discharge.
 - c. The flattened area of the end of East Hilltop Drive is being used as a turn around and through, which the Township may have constructed its new storm sewer, appears to be on private property.

Township Engineer suggests involving all or a combination of the following for a possible solution:

- a. Repaving East Hilltop Drive with a 3" or 4" center-line crown,
- b. Slightly widening and installing asphalt wedge curbs along both sides of East Hilltop Drive,
- c. Either installing driveway culverts or installing a storm sewer with inlets upstream from driveway connections to the public road, or
- d. Rerouting the Township's recently installed storm sewer so that it flows to the north end of East Hilltop Drive where it would tie into a new storm-sewer installed through part of the Christy property to a point discharging below the Christy house. This would require a drainage easement from Christy. Mr. Rousseau, who owns property north of the Christy property has generously offered to allow any storm-sewer that, may be installed at the north end of East Hilltop Drive to be within a pipe centered on the Christy/Rousseau property line. Since this collected water would ultimately transverse the Miller property at a far northern location, a drainage easement for this solution would also require a right-of-way from Miller, Rousseau, and Christy.

Frenchak motioned to table action on the Justin Miller, 311 Glenwood Way, Stormwater until additional data is received from Public Works Director Lauer. Erie seconded. Motion carried unanimously.

SOLICITOR'S REPORT:

1. Harvey/Cypher Hold Harmless Agreement: Township Solicitor Gallagher had nothing to report.

2. Oliver's Oral Argument: Township Solicitor will be attending Oliver's Oral Argument on November 15, 2011.

MISCELLANEOUS: None

ADJOURNMENT:

The meeting was adjourned to an executive session to discuss possible litigation at 7:44 p.m. The meeting reconvened at 8:11 p.m. with no action being taken

Frenchak motioned adjourning the Regular Meeting at 8:12 p.m. Latuska seconded. Motion carried unanimously.

Anthony A. Amendolea
Township Secretary/Treasurer

Thomas G. Schiebel
Chairman

Andrew Erie
Vice Chairman

Ronald E. Flatt
Supervisor

Kenneth J. Frenchak Jr
Supervisor

Edward G. Latuska
Supervisor