

CENTER TOWNSHIP

419 Sunset Drive

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Board of Supervisors:
Daniel Cox, Chairman
Andrew Erie, Vice-Chairman
Ronald Flatt, Supervisor
Brian Hortert, Supervisor
Daniel Plaisted, Supervisor

Michael D. Gallagher, Solicitor
Olsen & Assoc., Engineer
Martha Hufhand, Township Secretary

BOARD OF SUPERVISORS

Regular Meeting Minutes

March 9, 2005

6:30 p.m.

CALL TO ORDER: The Regular Meeting of the Center Township Board of Supervisors was called to order at 6:30 p.m. by Chairman Dan Cox at the Center Township Municipal Building, 419 Sunset Drive, Butler, Penna.

ROLL CALL: Present were Chairman Cox; Vice-Chairman Andrew Erie; Supervisors Brian Hortert and Ronald Flatt; Township Solicitor Michael Gallagher; Township Engineer Ron Olsen; and Township Secretary Martha Hufhand. Daniel Plaisted was absent.

PRAYER & PLEDGE OF ALLEGIANCE:

PUBLIC TO BE HEARD: Linda Heasley Cranmer introduced herself as a candidate for the Magistrate for the local office.

MINUTES:

1. Agenda Setting Meeting: Flatt made a motion to adopt the minutes of the Agenda Setting Meeting held February 7, 2005. Hortert seconded. Motion carried unanimously.
2. Regular Meeting: Hortert made a motion to approve the minutes of the Regular Meeting held, February 9, 2005. Flatt seconded. Motion carried unanimously.
3. Special Meeting: Flatt made a motion to approve the minutes of the Special Meeting held February 24, 2005, contingent upon the addition on page 2, line 4, of: "Cox seconded. Motion carried unanimously," and the spelling of "Santoro" on page 1, line 14, corrected. Cox seconded. Hortert abstained as he was absent from the meeting. Motion carried.

TREASURER'S REPORT:

1. February 2005: Hortert made a motion to approve the February 2005 Treasurer's Report. Flatt seconded. Motion carried unanimously.
2. Warrant List 05-02-05: Flatt made a motion to approve Warrant List 05-02-05. Hortert seconded. Motion carried unanimously.
3. Warrant List 05-0-06: Cox made a motion to approve Warrant List 05-03-06. Flatt seconded. Motion carried unanimously.

4. CD Matures 3/16: Cox moved to authorize the Treasurer to request rates to reinvest this \$300,000 CD and for two supervisors, Hortert and Flatt, to review and approve the rates to invest the money for 90 days. Erie seconded. Motion carried unanimously.

ZONING REPORT: February: Construction costs were \$160,000 and fees collected \$716.

SUBDIVISIONS & LAND DEVELOPMENTS:

Baxter/Oesterling, Minor Subdivision #05-02-02, Jamisonville Rd., Final Approval: Jay Baxter presenting. Flatt made a motion to adopt Resolution # 2005-03-07 for new land development and to authorize the secretary to sign the forms. Erie seconded. Motion carried unanimously. Based on request of the petitioner, Flatt moved to grant a modification to Chapter 14, Article 4, para. 14-402 giving relief from depicting topographical contours on the plan. Cox seconded. Motion carried unanimously. Flatt moved to approve the Baxter/Oesterling Minor Subdivision #05-02-02 contingent upon the township receiving a copy of the recorded easement agreement and the necessary documentation being placed on the mylar (as approved by the solicitor and as worked out with the engineer and the Planning Commission) for the potential provisions for sewage on this lot. Signatures to be withheld contingent on those two items - recorded easement agreement and appropriate notice on the mylar. Erie seconded. Motion carried unanimously.

OLD BUSINESS:

1. Vision Benefit change: The union is in agreement with this change. Flatt moved to authorize the Treasurer to process an application to change vision benefits to be effective no later than July. Erie seconded. Motion carried unanimously.

2. Impact Fees Committee: Flatt moved to appoint the following seven people to the Impact Fees Committee and for the secretary to notify HRG of the names: Kevin Shaffer, Gary Rauschenberger, A.J. Lynd, John Link, Jeff Olen, Monica Perry, and Alan Smallwood. Erie seconded. Motion carried unanimously.

NEW BUSINESS:

1. Reimbursable expenses for Planning Commission: Motion called for. No motion made.

2. PCCA Seminar: Cox moved for him to attend a seminar in Cranberry Township on May 10 which will address UCC Appeals Board administration at a cost of \$95. Flatt seconded. Motion carried.

3. Sign Ordinance Amendment: Flatt moved to forward this amendment as recommended by the zoning officer to the Planning Commission for review and recommendations. Erie seconded. Motion carried unanimously.

4. Township Newsletter: Flatt made a motion to prepare and mail a newsletter to Township residents that will include the required distribution of recycle information. The cost for printing and mailing will be \$1,032. Hortert seconded. Motion carried unanimously.

5. Carpet: Two bids were received for replacing the carpet and tile in the Township building. Flatt made a motion to authorize the purchase of carpet and tile from Kerr's furniture at a cost of \$4,531 for the carpet and \$375 for the tile. The second bid was for \$6,475. Cox seconded. Motion carried unanimously.

6. Parks & Recreation Grant: Cox moved to adopt Resolution 05-03-05 in which the Township agrees to comply with the requirements of the Butler County Parks Renovation Program for the purpose of obtaining grant funds for the renovation of Mercer Road ball fields and directs the Chairman to complete and execute all necessary documents to apply for and obtain the grant. Twenty-five percent of the grant will be paid by the Baseball Association. Erie seconded. Motion carried unanimously.

7. Amendment to Impact Fee Resolution 2005-01-02: Flatt moved to adopt Resolution 2005-03-06 which permits up to 15 members on the Impact Fee Committee. Hortert seconded. Motion carried unanimously.

PUBLIC WORKS DIRECTOR:

Release Barrett Lumber Road Bond: At the recommendation of the Public Works Director, Flatt made a motion to release the Barrett Lumber Road Bond of \$6,250. Erie seconded. Motion carried unanimously.

ENGINEER'S REPORT:

1. Rte 308/Sunset/Henricks Signal: Olsen outlined the actions that must be taken concerning the Sprint fiberoptic line that is located in the Rte. 308 right-of-way. A 3-way agreement with the Township, PennDot and Sprint must be entered into. Flatt made a motion authorizing the solicitor to prepare whatever documentation is needed to meet the requirements of the 3- way agreement. Erie seconded. Motion carried unanimously.

2. Glenwood Way Bridge: Olsen said that he is working diligently on this project. He has attended a meeting in Indiana on the rights-of-way and will attend another March 21. PennDot said that the Township needs an order from PUC ratifying the agreement with the Township and the Railroad. The engineer will work with the solicitor on this. It appears a PUC number is needed. If things continue on as they are, the bid should go out December 15, 2005.

AGENDA MODIFICATION: Flatt made a motion to modify the agenda to include the following two items. Hortert seconded. Motion carried unanimously.

3. Stream Debris: Flatt moved to authorize the engineer to explore funding options, with no township money expended, to clear the debris in the stream by the Glenwood Way Bridge and authorize the chairman to sign any papers involved with this process. Erie seconded. Motion carried unanimously.

4. Sewage Facilities Planning Modules: Flatt suggested that a more efficient method could be developed for signing these modules. He made a motion to authorize the solicitor and the engineer to study this issue to see what would be feasible and make recommendations back to the Board. Erie seconded. Motion carried unanimously.

SOLICITOR'S REPORT:

1. Review fees for professional consultants: Per solicitor's recommendation, Flatt made a motion to refer this resolution to the Planning Commission for review and recommendations. Hortert seconded. Flatt moved to authorize the secretary to pass the solicitor's memo to the PC. Hortert seconded. Motion carried unanimously.

2. Schenck Litigation - Cox announced that the Butler County Common Pleas Court issued a decision in the second lawsuit brought by Beverly Schenck against the Township Supervisors and found in favor of Center Township.

In this second lawsuit, Schenck filed a right-to-know request to obtain the invoices of the solicitor for the period of time he performed work on her first lawsuit. The Board of Supervisors provided Schenck with the solicitor's bills, but redacted (which means blacked out) the itemization of services portion of the solicitor's bill.

Schenck filed the second lawsuit to force the Township to tell her what the solicitor did to defend the Township, but Judge O'Brien held that the communications of the solicitor on the description of services portion of the bills was privileged. The judge stated that the description of services portion of the solicitor's invoices is particularly sensitive and worthy of protection from Plaintiff's request.

This is the second lawsuit filed and lost by Schenck. Perhaps it is her right to file these lawsuits, but they are not without substantial cost to the Township. The Township has expended substantial legal fees and costs in defending these two cases. These fees could have been utilized for other projects for the benefit of the Township, such as roads or improvements.

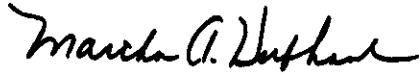
In the middle of the second lawsuit, Schenck ran up additional fees because, instead of waiting for the Judge's decision, she made yet another request to obtain additional invoices from Attorney Gallagher and special counsel, Attorney O'Connor, which required even more attorney work.

Cox made a motion, in the event of an appeal filed by Schenck, that the solicitor and special counsel are to continue defending the Township. Erie seconded. Motion carried unanimously.

3. Unrecorded Subdivisions: There are two unrecorded properties which have been built on in the Township. Flatt moved to authorize the solicitor to contact the petitioners of the two unrecorded subdivisions to spur action to record the subdivisions. Cox seconded. Motion carried unanimously.

4. Mineral Extraction Overlay: Flatt made a motion to forward this material to the Planning Commission for review and recommendations. Erie seconded. Motion carried unanimously.

ADJOURNMENT: Hortert made a motion to adjourn at 7:45 p.m. Erie seconded. Motion carried unanimously.



MARTHA A. HUFHAND
Township Secretary

DANIEL COX
Chairman

ANDREW ERIE
Vice-Chairman

RONALD FLATT
Supervisor

BRIAN HORTERT
Supervisor

DANIEL PLAISTED
Supervisor
(Absent)