

CENTER TOWNSHIP

419 Sunset Drive

Butler, PA 16001

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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

April 13, 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:

1. Beverly Schenck, 105 Iriquois Dr., responded to remarks made by the Chairman at the March Board Meeting. She stated that the lawsuits she has brought against the township were unavoidable; the cost of litigation could have been avoided, the Board hired two attorneys for the second case, she is using her own money to sue the township, the Board continues to advertise in the same way as before, she has served the township over 15 years and continues to attend the meetings, there are laws to be followed and the Board is required to follow them, the Board hired a Pittsburgh attorney for \$275 an hour and also continue to use Gallagher on the case.
2. Audie Dunbar, Heinz Road, asked about leaf pick-up. He was advised there would not be any more pick-up this Spring, and the Fall leaf program has not been established.
3. District Judge candidates: Linda Cranmer and Dale Cornetti introduced themselves as candidates for the position.
4. The Solicitor asked for the Schenck Right-to-Know litigation on the agenda be addressed at this time. Attorney O'Connor presented a brief statement. He said that he is the \$275 Pittsburgh attorney. The cases filed by Schenck were heard by Judge O'Brien. Schenck requested the attorney's invoices. These include date, time, charge per hour and description of what the lawyer did. If you piece together the descriptions you can find out what the attorney has done. The Board voted to cover that part of the invoice. With the description you can see the nature of the advice

given and also the fact that it dealt with litigation by Schenck against the township. She could see what the attorneys were doing. This is client-privilege information and Judge O'Brien ruled in favor of the township. Schenck has appealed that decision and in today's mail the court has required action by Schenck by May 23 and the Township 30 days after that. He said he has represented the township for many years, in fact he was first hired by Schenck and the Board at that time. The work he has done has not been duplicated by Attorney Gallagher, there has been no double charging. Gallagher asked if it is O'Connor's opinion that the Board has broken any laws, and he said no.

MINUTES:

1. Agenda Setting Meeting: Hortert made a motion to adopt the minutes of the Agenda Setting Meeting held March 7, 2005. Erie seconded. Motion carried unanimously.
2. Regular Meeting: Flatt made a motion to approve the minutes of the Regular Meeting held, March 9, 2005. Hortert seconded. Motion carried unanimously.
3. Special Meeting: Cox made a motion to approve the minutes of the Special Meeting held March 29, 2005. Hortert seconded. Motion carried unanimously.

TREASURER'S REPORT:

1. March 2005: Flatt made a motion to approve the March 2005 Treasurer's Report. Hortert seconded. Motion carried unanimously.
2. Warrant List 05-03-07: Flatt made a motion to approve Warrant List 05-03-07. Hortert seconded. Motion carried unanimously.
3. Warrant List 05-04-08: Flatt made a motion to approve Warrant List 05-04-08. Erieseconded. Motion carried unanimously.
4. CD #32318: Hortert made a motion to ratify the purchase of three \$100,000 CD's at 2.9% interest for 90 days at S&T Bank. Erie seconded. Motion carried unanimously.

ZONING REPORT: March construction costs were \$274,540 and fees collected \$1,844.

SUBDIVISIONS & LAND DEVELOPMENTS:

1. Beblo, D&D, Lot Line Revision #05-03-03, Final Approval: Jim Barnett of Gray-Warnick Engineering presenting. Per the recommendation of the Planning Commission and the Township Engineer, Flatt made a motion to grant final approval to the Beblo LLR #05-03-03 contingent upon a signature block for D.G. Beblo, or the current owner of Lot 16R, on the mylar. Cox seconded. Motion carried unanimously.

OLD BUSINESS:

1. Ratify newsletter mailing: Flatt made a motion to ratify an additional expenditure of \$47.51 for the cost of the newsletter for a total of \$1,079.51. Thirty more copies were printed and it cost more for postage than previously authorized. Flatt seconded. Motion carried unanimously.
2. Clarification of Mining Overlay: In order to make sure that the Planning Commission has adequate direction on the Board's intention, Flatt moved to clarify his motion of March 9, 2005, to specify that the "material" referred to is (1) the Mineral Extraction Overlay Map prepared at the direction of this Board by Township Engineer Olsen and (2) any additional information that the Township Engineer or Solicitor would desire to include with the Overlay Map. Cox seconded. Motion carried unanimously.
3. Public Hearing on overlay and professional consultant fees: Cox moved to hold a public hearing on June 1, 2005, at 6:30 p.m. for comment on amendments to the ordinance for the mining overlay and professional consultant fees. Erie seconded. Motion carried unanimously. Flatt moved to authorize advertising the amendments. Hortert seconded. Motion carried unanimously.
4. Sign Ordinance Amendment: Flatt moved to rescind his motion of March 9, 2005, regarding the sign ordinance amendment and for the Township Secretary to so advise the Planning Commission. Hortert seconded. Motion carried unanimously.

NEW BUSINESS:

1. County Convention - May 19: Flat made a motion to authorize Cox and Tax Collector Heichel to attend the County Convention at a cost of \$20 each. Erie seconded. Cox abstained. Motion carried.
2. COSTARS enrollment: Hortert made a motion to enroll in the COSTARS state program (which replaces the Piggy Back Program) and allows the township to purchase from the state contract without going through the bidding process. Flatt seconded. Motion carried unanimously.
3. Schneider Heating Contract: Erie made a motion to contract for three years with Schneider Heating at a rate of \$396 which covers the heating/air conditioning unit except for the conference room which is covered by contract with Cunningham Shanor. Hortert seconded. Motion carried unanimously.
4. Aubrey Rezoning request: Cox made a motion to schedule a Public Hearing at 6:30 p.m., May 23, 2005, for public comment on the request to rezone property on Duffy and Mercer Roads from R1A to R2. Flatt seconded. Motion carried unanimously. Flatt moved to advertise the Public Hearing. Erie seconded. Motion carried unanimously.

PUBLIC WORKS DIRECTOR:

1. PA Clean-Up Day will be held April 23 from 9 a.m. to 1 p.m.
2. Road Crew employee: Action was held until an Executive Session is conducted.
3. Seasonal employees: Flatt made a motion to hire Dave Evans of West Sunbury Road and Scott Loomis of Aggas Road as seasonal employees at a rate of \$7.50/hr. Erie seconded. Motion carried unanimously.
4. Sign storage building roof: Cox made a motion to authorize advertising for bids to replace the roof on the township sign storage building. Flatt seconded. Motion carried unanimously.
5. Vehicle sales: Flatt made a motion to authorize advertising to sell the Ford '81 tractor & the '86 Interstate Truck. Erie seconded. Motion carried unanimously.

ENGINEER'S REPORT:

1. Rte 308/Sunset Dr/Henricks Rd Signal: Hortert made a motion to authorize the Chairman to sign the mylar for the Sprint right-of-way for this project. Erie seconded. Motion carried unanimously. Cox made a motion to authorize the engineer to advertise for bids for this project contingent on the Sprint right-of-way mylars being approved by PennDot. Erie seconded. Motion carried unanimously.
2. Glenwood Way Bridge: Flatt moved to authorize the Chairman to sign the drawings for the acquisition of the T-831 right-of-way. Erie seconded. Motion carried unanimously.
3. Polygonized Digital Parcel-Level Base Map: Cox made a motion to table action until after the first meeting of the Impact Fees Committee. Flatt seconded. Motion carried unanimously. Cox moved for the engineer to provide a line map to HRG to use until action is taken on polygonized map. Flatt seconded. Motion carried unanimously.
4. Ratify signing of Municipal Consistency Form: Flatt made a motion to ratify the vote of April 11, 2005, authorizing the chairman to sign the Municipal Consistency Form for the Glenwood Way Bridge project. Erie seconded. Motion carried unanimously.

SOLICITOR'S REPORT:

1. Coyle Insurance claim: The Solicitor explained that insurance companies are required to notify those involved in a lawsuit that they are working in the interest of the insurance company and that the Township can opt to hire a different attorney than the one the insurance company provides. No action was taken.

2. Impact Fee addendums: Flatt made a motion to authorize the Chairman to sign the two addendums to the Land Use Assumptions Contract with HRG and Dan Santoro. Hortert seconded. Motion carried unanimously. This is an agreement to hold back \$8,800 from HRG and \$1,200 from Dan Santoro if the project is not completed on time.

EXECUTIVE SESSION: Flatt made a motion to go into executive session at 7:35 p.m. pertaining to a personnel matter and to vote when they return to the regular meeting. Erie seconded. Motion carried unanimously.

The Regular Meeting reconvened at 7:45 p.m. Flatt made a motion to offer employment to Greg Brewster of Holyoke Rd consistent with the Union Contract. Hortert seconded. Motion carried unanimously.

ADJOURNMENT: Hortert made a motion to adjourn at 7:47 p.m. Flatt seconded. Motion carried unanimously.

Martha A. Hufhand
MARTHA A. HUFHAND
Township Secretary

DANIEL COX
Chairman

ANDREW ERIE
Vice-Chairman

RONALD FLATT
Supervisor

BRIAN HORTERT
Supervisor

(Absent)
DANIEL PLAISTED
Supervisor