

BOARD OF SUPERVISORS
CENTER TOWNSHIP
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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
June 8, 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, Daniel Plaisted, and Ronald Flatt; Township Solicitor Michael Gallagher; Township Engineer Ron Olsen; and Township Secretary Martha Hufhand.

PRAYER & PLEDGE OF ALLEGIANCE

PUBLIC TO BE HEARD:

Beverly Schenck, 105 Iroquois Drive, had several questions for the Board: 1. How did we conclude there was no coal in other areas? Amerikohl provided information which was verified by Olsen Engineering. 2. Has there been discussion between Stilley's attorney and any member of the Board? Gallagher said he was contacted. He looked at the ordinance and made his report to the Board. 3. Was an agreement made with Stilley and his Attorney? No. 4. Prior to drafting the ordinance, did Stilley present the Township with signed leases of the 8 properties? No. 5. The MPC says the Board must study the impact on the residents as to health, safety and welfare. Gallagher said they are charged with that at all times. 6. Was this drafted because of the fear of a lawsuit. That is not the way the government works. 7. The Township can do a curative amendment. The Board should not be intimidated.

Dunbar, 201 Heinz Road, reference Aubrey Rezoning. He is against what Aubrey wants to do. He said that none of the reasons put forth are good reasons. He noted that the Planning Commission had voted against this rezoning. He is also concerned about schools, police, fire protection. He is of the opinion the Comprehensive Plan should be followed. He said do not go and vote against the adverse report given by the Planning Commission and leave it up to the citizens to engage in another law suit.

Joe Peluse, Sunset Drive, asked that the Board backtrack and approve the cell tower on his property.

Charles Keemer, 326 N. Duffy Road: Keemer said that he lives near the Heist property and enjoys walking there. The Aubrey development will be beside him. He noted that this is not a rural community when you consider the Butler Commons and the Clearview Mall. He thinks the development is ideal for this area.

Campbell, 354 N. Duffy Road, encouraged the board to follow the Comprehensive Plan.

Richard Hein, Peters Lane, feels that a precedent would be set if the Aubrey zoning is approved. He said the mineral rights overlay would severely impact a lot of landowners. He wants further study before taking action.

George Aubrey spoke in defense of his request to rezone.

Mark Lauer, 384 Mahood Road, said that the proposed mining would be in his area, and that he too is concerned about loss of water. However, if there is a problem, he believes that DEP and the Federal government has laws that will take care of fixing any problem. He said who was it that zoned so that mining would be permitted in M-1 and M-2? The Solicitor said that when it was done nobody knew where the reserves were, and they just put it there.

Charles Pedley, Duffy Road, expressed concern about whether the developer would stick with this project.

MINUTES:

1. Agenda Setting Meeting: Hortert made a motion to approve the minutes of the Agenda Setting Meeting held May 9, 2005. Flatt seconded. Motion carried unanimously.
2. Regular Meeting: Hortert made a motion to approve the minutes of the Regular Meeting held, May 11, 2005.. Flatt seconded. Motion carried unanimously.
3. Public Hearing - Aubrey Rezoning - May 23, 2005: Flatt made a motion to approve the minutes of the Aubrey Rezoning. Hortert seconded. Plaisted abstained because he did not attend the meeting. Motion carried.
4. Public Hearing - Ordinance Amendments - June 1, 2005: Flatt made a motion to approve the Ordinance Amendments Hearing. Hortert seconded. Motion carried unanimously.

TREASURER'S REPORT:

1. May 2005: Plaisted made a motion to approve the May 2005 Treasurer's Report but abstained voting on #8799, Lou Negley's Bottled water, a client of his. Hortert seconded. Motion carried unanimously.
2. Warrant List 05-05-11: Plaisted made a motion to approve Warrant List 05-05-11. Flatt seconded. Motion carried unanimously.

3. Warrant List 05-06-12: Plaisted made a motion to approve Warrant List 05-06-12, while abstaining voting on #8855, Lou Negley's Bottled water, a client of his. Flatt seconded. Motion carried unanimously.

4. CD's 5000981547-13, 14, & 15: Plaisted made a motion to authorize the Treasurer to get quotes for 90 day CD's and to reinvest the funds following the review of two supervisors. Flatt seconded. Motion carried unanimously.

ZONING REPORT - May construction costs were \$2,168,126, and fees collected \$10,619.

SUBDIVISIONS & LAND DEVELOPMENTS: None

OLD BUSINESS:

1. Mineral Overlay Extraction Ordinance 2005-06-02:

Cox read the following letter from the Township Solicitor:

This letter is to confirm my prior opinion that Center Township's zoning ordinance and map are exclusionary as to surface coal mining. As the Supervisors are aware, mineral extraction is a permitted use in the Township in the M-1 and M-2 industrial districts. The Township is advised that there exists little, if any, mineable coal in these three areas. The Board will recall the prior statement of Ron Olsen, the Township Engineer, who advised the Board that during a zoning map revision some years ago, the then Board of Supervisors was unsure of the location of mineral reserves in the township and merely designated mining as a permitted use in the M-1 and M-2 districts.

Townships are permitted in certain circumstances to regulate the extraction of minerals pursuant to a zoning ordinance. For example, Section 20-1308 of the Center Township Zoning Ordinance provides certain mineral extraction regulations pertaining to items such as grading, drainage and bonding requirements. Another way that townships are permitted to limit the extraction of minerals is to create a use zone excluding mining altogether. Center Township does not permit mineral extraction in any zoning district except the M-1 and M-2 districts.

Under Pennsylvania law, townships and township supervisors cannot exclude a legal use from the Township. According to the Pennsylvania Courts, an ordinance is de facto exclusionary where the ordinance on its face permits a proposed use, but does so under conditions that the use cannot be obtained. In the case of Center Township, the zoning ordinance purports to permit coal mining but only in a small zone in which mining cannot be accomplished because there exists no coal reserves in those zones.

The Pennsylvania Courts have held: "If the effect of a zoning law is to deprive a landowner of their lawful use of their property, then a taking has occurred for which the owners must be justly compensated." The Pennsylvania Appeals Court has already held in a case prior involving Amerikohl and nearby Shenanago Township in Lawrence County that if a company is forced to

institute litigation because of exclusionary zoning, then the Township will be required to pay damages for both (1) a temporary taking caused by the delay in mining, and (2) just compensation for a taking of the coal reserves.

If Center Township does not take steps to address the de facto exclusionary zoning, and litigation ensues, then the Center Township residents will be at a very real risk for exposure to pay both temporary and permanent damages to Amerikohl or any other mining company for a taking of their coal estate. The Board of Supervisors, by enacting legislation to appropriately zone a fair share of the Township can potentially avoid that very real risk to exposure. How that appropriate rezoning occurs, by overlay district or otherwise, is within the legislative judgment of the elected supervisors.

Some residents opine that the Township should litigate with the coal company. Certainly, the Township Supervisors can direct me to litigate with the coal company, and I will zealously assert every available defense. Doing so does not diminish the very real risk of exposure to liability because this situation does not involve the imposition of regulations on mining, but instead deals with the de facto exclusion of mining.

It has also been suggested that the Board should take action by forcing the coal company to file a curative amendment to the zoning ordinance. This opinion fails on two fronts. First, the Municipalities Planning Code and the Center Township Zoning Ordinance are quite clear that it is within the legislative authority of the elected Board of Supervisors to prepare, recommend and introduce zoning legislation for the benefit of the residents of the Township.. Th curative amendment process exists to ensure due process for those landowners whose request for rezoning, in certain circumstances, is rejected by the Supervisors.

Second, because the curative amendment process is enacted for the benefit of the landowner and not the Township, the curative amendment process begins the process of litigation, as opposed to resolution. It is precisely at that point that the surface mining company asserts its demand that a taking, both temporary and permanent, has occurred. Appropriate legislation by the Board of Supervisors avoids the cost and expense of litigation, litigation which ha a very real probability that taxpayers of the Township will find themselves both the owner of coal reserves and paying the coal company for damages for a temporary taking.

Therefore, I confirm my prior opinion to the Supervisors that they enact appropriate legislation to address the de facto exclusionary zoning as to mineral extraction. (Signed Michael D. Gallagher, Township Solicitor.)

Flatt made the following statement:

1. The landowner curative amendment option will not work because:
 - a. It places the financial burden on the landowner, taxpayer, or resident who can least afford to pay.
 - b. It is a piecemeal solution to a potential township-wide problem where there is no guarantee of contiguous landowner demand for an amendment.
 - c. It would enmesh the residents and township government in a potentially tangled and endless

process. (Eight owners of coal rights, two letters requesting inclusion, five spoke at the hearing - all wanting inclusion in the overlay district).

d. If successful in any significant numbers, it could create a "spot zoning" appearance where adjacent properties would have a range of permitted uses.

2. I agree with the concerns of the residents as expressed at the June 1 public hearing. In my opinion, we have a better chance to achieve public health, safety, and welfare by engagement with those who would extract minerals rather than as adversaries.

3. I think it unwise and wasteful of taxpayer dollars to fight a legal battle that our solicitor advises we would likely lose, and the results of which would potentially leave the township with little or no leverage to control mineral extraction.

4. The township lacks the expertise to regulate mineral extraction, so even if we could write laws to control mineral extraction we would be "reinventing the wheel" in enforcement.

5. I understand the concerns of those who think themselves excluded by this ordinance. I support reasonable extensions of these provisions to a broader area of the township.

Plaisted made a motion to adopt the Mineral Overlay Extraction Ordinance. Erie seconded the motion. Plaisted abstained because he has a client in that area. All others voted to adopt. Motion carried.

Cox made a motion to refer the possibility of including other areas of the Township in the Mineral Overlay Extraction zoning to the Planning Commission for study with a written recommendation by August 8, 2005. Erie seconded. Motion carried unanimously.

2. Aubrey Rezoning Ordinance 2005-06-03:

Cox read the following letter from the Township Solicitor:

This letter is in follow-up to my Memorandum regarding the issue of whether granting the proposed rezoning request of Mr. Aubrey constitutes spot zoning. In the Memorandum, I outlined the status of the law of spot zoning by means of reviewing the development of reported appellate cases. I think the Board will agree that those recent appellate cases do not present an entirely clear roadmap to resolving the Aubrey rezoning issue and, in some instances, even appear contradictory. The Board can certainly appreciate that the issue of spot zoning is not a clear cut, black and white matter as some would want you to believe.

Before rendering an opinion there are two preliminary matters I need to address. First, the ultimate decision of whether or not to rezone a parcel of land is a legislative matter to be determined by a majority vote of the Board of Supervisors based upon your judgment as elected officials. This letter does not offer an opinion one way or other as to that ultimate determination. Second, it is my

intent that the legal opinion offered herein is not “mine” per se but instead serves as guidance to the extent possible, as to whether the opinion will withstand a challenge at the common please level and, ultimately, at the appellate court level.

As a beginning point of the analysis, the cases I reviewed in my Memorandum generally set forth a three-prong test as to when rezoning constitutes a “spot”: (1) the size and shape of the zone; (2) whether the zone is inconsistent with the surrounding area; and (3) whether the zone comports with the comprehensive plan.

As to the first prong, there is no doubt that the proposed R-2 zone creates an island in the midst of an R-1 zone and an irregularly-shaped island at that. Those two factors in and of themselves are certainly indicative of spot zoning. On the other hand, the sheer size of the proposed zone mitigates in favor of rezoning because it is as large as any other R-2 zone in the Township. In addition, the other Center Township R-2 zones are basically similar-type spots. The Board is aware that Butler County Common Pleas Judge O’Brien in his opinion in the Dunbar case does not subscribe to the theory that the larger the tract of land, the less likely it is to be a spot. I also reported to you in my Memorandum that Judge O’Brien does not appear to subscribe to the generally accepted theory that there is little inconsistency between different types of residential zones being clustered together, including islands and peninsulas and that a spot only arises from islands or peninsulas created by inconsistent zones, such as a commercial island in a residential zone or an industrial island in a commercial zone.

Therefore, as to the second prong, the Board cannot automatically presume that an R-2 district is compatible within an R-1A district. There must be justifiable reasons for treating the parcel of land differently from its neighbors; case law directs that the “picture” of the entire Center Township must be kept in mind. The proposed zone is located within a portion of the Township that is poised for growth. The Township Comprehensive Plan identifies this specific area as a growth area. For better or worse, the Duffy Road dogleg has become a major artery for residents accessing the nearby Butler Township commercial area. It is unlikely that area of the rezoning will ever be able to once again support farming. It is probably not in the best interest of the Township to encourage primarily rural uses, such as mobile home parks and the like in the area. (The Board may recall that the Township engaged in an initially unsuccessful battle to keep a campground out of the nearby Benbrook Road area, which was won only because the time period for the developer to begin development after court ordered approval expired.) There already exists, a “stone’s throw” away from the western portion, an existing R-1 island, Westwood III. Westwood III contains many typical subdivision tract single family dwellings on lot sizes less than one-half acre. Moreover, I find nothing that differentiates the R-2 zoning of Blossom Ridge, a nearby mix of duplex condominiums and single family residential houses. Although no one knows for certain what Mr. Aubrey and his partners may ultimately build, the individual condominium units in Blossom Ridge sell for prices similar to single family and duplex units, as is the trend nationwide.

So, although the rezoning creates a physical “island”, in viewing the total character of the entire area (a “picture” of the community); the golf course, the nearby R-1 and R-2 districts, the Duffy Road dogleg, and the general bedroom character of the area, I do not believe that the proposed zoning constitutes a spot. There are certainly legitimate reasons asserted by Township residents that

can be argued for the contrary position that the area is a spot; the fact that the area would be under the commonality of one developer, the increased traffic concerns, the irregular shape, and the like. From a legal standpoint; however, case law dictates that if the validity of the ordinance as to spot zoning is debatable, then it must be permitted to stand. There is no doubt that the ordinance is debatable, and therefore legally valid.

Finally, I turn to the third prong, compatibility with the Comprehensive Plan. The Board is well aware of the Comprehensive Plan conclusion which reads:

PRESERVE CENTER TOWNSHIP'S RURAL CHARACTER, FARMLAND STREAMS AND OPEN SPACES BY DIRECTING DEVELOPMENT TO GROWTH AREAS AND LIMITING DEVELOPMENT IN RURAL, LOW-GROWTH AREAS.

The Comprehensive Plan seeks to preserve the agricultural character of northern Center Township by funneling growth into the south of the Township, which the Comprehensive Plan recognizes as having a bedroom community character. The Comprehensive Plan specifically establishes the Mercer Road corridor as a growth area which includes or is immediately adjacent to the proposed rezoning. The proposed rezoning area is also identified as a 0-10 year growth area. The plan also refers to the need for multifamily residential development and alternative housing for senior citizens, both of which are encompassed by R-2.

I also believe that the policies enunciated by the Comprehensive Plan distinguish the Aubrey proposed rezoning from the Court's decision in the Dunbar case. In the Dunbar matter, the proposed property was not situate for easy sewage line extension, it was not situate near an artery to a commercial area, it was not proximate to an existing growth center, nor was it in an area designated as growth. The proposed Aubrey rezoning encompasses all of these items.

Therefore, for the reasons stated above, it is my opinion that the proposed rezoning does not constitute illegal spot zoning, and that the Supervisors should move forward to debate and vote on whether they believe the Aubrey rezoning request is appropriate. (Signed Michael D. Gallagher.)

Flatt made the following statement:

Pennsylvania Municipalities Planning Code (MPC)

1. Article III Comprehensive Plan:

a. Section 301(a) (5) addresses the relationship of township development to that of contiguous municipalities (which is encouraged throughout the MPC).

b. Section 303(c): Notwithstanding any other provision of this act, no action by the governing body of a municipality shall be invalid nor shall the same be subject to challenge or appeal on the basis that such action is inconsistent with, or fails to comply with, the provision of the comprehensive plan.

At the public hearing on this issue, it was stated that we will write and enforce our own ordinances and policies, and I fully agree. We do enforce them now, and we have. But we should not ignore

the growth patters of our neighbors, which is why the previous board commissioned a traffic study at the Mercer and Duffy Road intersection after the relocation of Wal-Mart nearer our border, to determine its impact on us.

Comprehensive Plan Land Use

Development Patterns:

1. "Development will be encouraged in existing "growth areas" in order to provide some protection for agricultural land uses" as per Future Development Map 0-10 years or Short Term Development.

Regional Impact:

1. The Comprehensive Plan did not foresee the relocation of Wal-Mart et al to within ½ mile of our border. Were we to update our Comprehensive Plan now this would be the largest single change to affect us, and it does help define where our traffic increase and growth will be.

Future Land Use:

1. "Center Township officials understand that lands located in the path of growth and development - along major transportation corridors or adjacent to already established residential and commercial areas, and that lands planned for sewage and water service expansion, are areas appropriate for growth." p. 78

2. "Growth areas in Center include those lands which are determined to be the most suitable to accommodate future development and anticipated population growth in the township. Increased

needs for a variety of services and facilities will follow the anticipated growth and must be accommodated in these areas. p. 78

3. -labels the "Future Land Use" map a "Generalized description." p. 79

4. Growth Area South "multifamily residential development should be encouraged in this Growth Area." p. 79

Recommendations:

1. "Center Township should focus its efforts on providing for growth, primarily residential, in the most appropriate areas... Lands which are appropriate for growth are those served by, or planned to be served by, public facilities and utilities (sewer, water, roads) and those near existing commercial developments that may be easily serviced by community facilities." p. 80

Comprehensive Plan Recommendations:

Land Use Plan:

1. "Multifamily residential development will also become a priority within the Township during the next two decades." p.85

Recommendations:

1. "Preserve Center Township's rural character, farm lands, streams, and open spaces by directing development to growth areas and limiting development in rural, low growth areas." p.85

Objectives:

1. "Encourage high density development in Growth Area South, only." p.85

Comprehensive Plan
Action Plan
1998-2002

2003-2007 "Review Comprehensive Plan" which process we began in 2004 but were advised to await completion of our Traffic Impact Fee Program.

Spot Zoning:

In addition to the items listed in the solicitor's memo, I think the following three points are pertinent:

1. In the Comprehensive Plan Existing Land Use section, page 76, final sentence, it states: "and watershed boundaries, which limits the extension of public utilities/facilities and housing construction."

2. At the Planning Commission meeting with BASA Authority Engineer James Tomazich, he stated: "any property that falls within the designated service area and that can be served by gravity sewers must be served by the Authority." A watershed boundary exists at near the Wick-Herold property line with the Herold property watershed draining to the northwest and the Wick to the

southeast, placing the Wick property within the area as described by Mr. Tomazich as within the BASA service area and qualifying as reasonably being treated differently than its adjoining land which cannot be served by gravity sewers at present or into the foreseeable future.

3. Our R-2 zone aligns itself in density specifications between R-1 and R-2 in the adjoining Butler Township developed land; therefore, the uses and densities are similar:

Butler Twp. R-1	4.8 units per acre	Center R-1	2 units per acre
R-2	10.89 units per acre	R-2	8 units per acre

Proposed Aubrey plan just under 3 units per acre, but even at double the current plan, to 800 units total, the plan would contain just over 7 units per acre.

I do not believe that this is spot zoning.

It is unlikely that I would support a large scale development of these parcels as currently zoned with on-lot sewage systems. I met with and discussed this area and its soil types with Township SEO John Columbo. My opinion is that the development of up to 100 single family homes on the properties in question is against the public health, safety and welfare due to the potential of pollution of the soil and ground water.

Due to the potential density restrictions placed by this sewage problem, it is not economically feasible to develop these parcels due to the high costs of the infrastructure requirements we as a municipality place on development (roads, sewers, stormwater), which requirements I support. Any potential developer will seek a zoning change to at least R-1, and we have before us a legitimate request with a reasonable plan, which, if built as proposed, would not be a detriment to the area.

I think that this change will be an asset to the entire Township, although I am personally sorry for the affect it will have on Mr. Pedley.

Plaisted made a motion to authorize rezoning R1-A property on Duffy and Mercer Roads to R-2. Hortert seconded. Plaisted abstained because he did not attend the Public Hearing. All others voted to rezone. Motion carried.

3. Professional Consultant Fees Ordinance 2005-06-01: Plaisted made a motion to adopt the Professional Consultant Fees Ordinance. Hortert seconded. the motion. Motion carried unanimously.

4. Professional Consultant Fees Resolution 2005-06-10: Plaisted made a motion to adopt the Professional Consultant Fees Resolution, Erie seconded the motion. Motion carried unanimously.

NEW BUSINESS:

1. GIS Conference - State College - 10/17-18 - \$175: Flatt made a motion to authorize Anthony Amendolea to attend the GIS Conference with the cost of tuition, \$175, and room \$115 per night, use of the credit card for gasoline and food authorized. Plaisted seconded. Motion carried unanimously.

2. Stuckie waterline assessment lien: Erie made a motion to authorize collecting \$1680.85 and \$8 filing fee and excuse the 6% interest on the lien. Plaisted seconded. Motion carried unanimously.

3. M.D.I.A.: Cox moved to authorize the solicitor to notify M.D.I.A. that the Township plans to terminate its contract December 31, 2005. Hortert seconded. Motion carried unanimously.

4. Work Camps: Plaisted made a motion to authorize Work Camps to repair a roof and forfeit the fee for the permit. Erie seconded. Motion carried unanimously.

PUBLIC WORKS DIRECTOR:

1. Diesel/gasoline: Plaisted made a motion to grant the 2005 contract for Diesel/gasoline to Orris Fuel of Creighton for a bid of \$8,085 for diesel fuel and \$7,945 for gasoline. Flatt seconded. Motion carried unanimously.

2. Aggregate: Cox moved to award the 2005 contract for Aggregate as follows: Glacial Sand & Gravel 500 ton #8 gavel for \$18.50 a ton, and Allegheny Mineral Corp. 500 Ton #9 at \$13.50 a ton,

1000 ton #3 at \$11.30 a ton, 2000 ton #2A modified at \$11.30 a ton, and 250 ton of Rip Rap at \$12.25 a ton. Flatt seconded. Motion carried unanimously.

3. Emulsion: Plaisted made a motion to award the 2005 contract for Emulsion to Glenn O. Hawbaker, Inc. For the low bid of MC-70 \$17,880 and E-3 \$19,800. Flatt seconded. Motion carried unanimously.

4. 2005 Paving Program: Flatt made a motion to award the 2005 Paving Contract to Wiest Asphalt Products for the low bid of \$236,949.02. Hortert seconded. Motion carried unanimously.

5. Line painting: Erie moved to rebid since only one bid was received. Flatt seconded. Motion carried unanimously.

6 Matson Road Bond: On the recommendation of the Public Works Director, Plaisted made a motion to release the Matson Road Bond on Palmer Road. Hortert seconded. Motion carried unanimously.

ENGINEER'S REPORT:

1. Rt. 308/Sunset/Henricks Signal: Olsen said that Richard Gill from PennDot notified him that there are deeds of easement with no monetary considerations that need to be recorded. The following motions were made to take the action to convey these easements: Flatt moved to approve Resolution 05-06-11 for the property of Jerome Oliver. Plaisted seconded. Motion carried unanimously. Flatt moved to approve Resolution 05-06-12 for the property of Trinity Lutheran Church. Plaisted seconded. Motion carried unanimously. Plaisted moved to approve Resolution 05-06-13 for the property of the Presbyterian Senior Housing, Inc. Flatt seconded. Motion carried unanimously. As soon as these are notarized and given to Gill, he will have them recorded and notify Olsen, at which time the bid for the project can be advertised. Olsen previously given authorization to advertise.

2. Glenwood Way Bridge: Olsen said that the bid for core drilling came in at \$16,291 and the contract calls for no more than \$8,100. There are several ways to handle this at this time. Due to amount of time it would take to readvertise and get approval for the higher bid, Olsen offered to pay \$2,000 if the Township will pay \$6,291. Flatt moved to accept the Olsen offer of \$2,000 with the balance of \$6,291 being paid by the Township. This action to be taken only after confirmation in writing from PennDot approving the suspension of the bid amount. Plaisted seconded. Motion carried unanimously.

SOLICITOR'S REPORT:

1. C-1 amendment per Planning Commission: The Solicitor said that there is a conflict in the ordinance concerning the number of buildings on a C-1 lot. Paraska has requested putting several professional offices on one property. Paraska is to be notified that he can request a conditional use for more than one building for professional services.

2. Schenck Right-to-Know Litigation: She has appealed her case to the Penna. Supreme Court and has been denied. In her other suit she has appealed to Commonwealth Court. PSATS, in a very unusual move, has written that they will be a friend of the court in support of Center Township.

3. No building permit: Cox authorized the Zoning Officer to send a letter to a resident who has built a home without getting a building permit requesting a response within 7 days, and if a response is not received in that time, authorize the solicitor to take legal action. Plaisted seconded. Motion carried unanimously.

MISCELLANEOUS: Flatt moved to authorize the Public Works Director to check with DEP or the Fire School to ascertain if the Oliver house has been inspected. Cox seconded. Motion carried unanimously.

ADJOURNMENT: Plaisted made a motion to adjourn at 8:10 p.m. Flatt 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